

Scrutiny in a Commissioning Council Task Group

March 2016



1. Recommendations

1.1 The Task Group asks the Corporate Services Scrutiny Committee and Cabinet to endorse and action the recommendations below and to receive a progress update in 6 months' time. These recommendations apply to the Scrutiny of County Council services only. Health Scrutiny's relationship with health commissioners and providers is determined by separate legislation, and this is referred to later on in this report.

1.2 The Task Group recognises past examples of good practice in terms of Scrutiny and Commissioning, however the recommendations below set out to provide a new consistent approach for the scrutiny of commissioning processes and commissioned services, across the Council and its Scrutiny Committees, reflecting the changing face of the Council and how it delivers services.

	Recommendation	How?	Who?	By When?
1	Strengthen communication and collaboration between Cabinet Members and Heads of Service and Scrutiny Committees, in relation to commissioned services.	Each Scrutiny Committee to select one of its Members to be 'Commissioning Liaison' for that group of services (role description attached at appendix A), initially implemented on a trial basis, and if deemed successful by the Committee, continued, with a re-selection of the Commissioning Liaison Member on an annual basis.	Devon County Council Scrutiny Chairman and Committees	July 2016
2	For Scrutiny to engage with and contribute to the development of the re-commissioning of services, and the new commissioning of services, at the earliest possible stage.	Through the adoption and implementation of the Scrutiny and Commissioning Protocol (Appendix B).	All Devon County Council Heads of Service and Commissioners	July 2016
3	Ensure that the Council's 'joint venture partners' and external providers of large contracts, may be held to account and be subject to Scrutiny.	The inclusion of a clause (Appendix C) in new contracts with joint venture partners and large external providers. The contracts/services to which this clause will be applied will be agreed by the relevant Cabinet Member, Scrutiny Chairman and Commissioning Liaison Member, taking into account the contract value and the role of the provider in the strategic planning of the	Devon County Council Legal, Procurement, relevant Heads of Service, Cabinet Members, Scrutiny Chairman and Commissioning Liaison Members	Sept 2016

		delivery of the service.		
4	All Scrutiny Members to receive assurance and have the opportunity to scrutinise the performance of joint venture partners and large providers.	All Scrutiny Committees to receive performance reports by exception, and as requested by the Committee, setting out the performance of services provided by joint venture partners and large providers, including relevant written commentary on the performance data, with the relevant Head of Service in attendance at Committee to respond to Members' questions.	Scrutiny Officers, Head of Services for Communities and other relevant Heads of Service	Dec 2016

2. Introduction

2.1 Local authorities across the country are making a shift from delivering services in-house, to commissioning a large number of their services out to external providers. While the reasons for this shift are multi-faceted, reduced government funding has played a part and has meant that local authorities are having to reevaluate the way that they deliver services and support communities.

2.2 Scrutiny Committee Chairmen and Vice Chairmen have previously questioned the role of Scrutiny in a 'Commissioning Council' and the Leader of the Council has welcomed the involvement of Scrutiny Committees in monitoring those services which are commissioned by the Council and delivered by external providers.

2.3 At its meeting on 17 September 2015, the Corporate Services Scrutiny Committee resolved to establish a Task Group to review the role of Scrutiny in the Council's commissioning arrangements, utilising available support from the Centre for Public Scrutiny.

2.4 Since the summer of 2014, the Centre for Public Scrutiny have been working with a number of local authorities across England and Wales to consider how robust governance can help deliver major change, and address the governance and accountability challenges that transformation, and the move towards commissioning in particular, can present for Scrutiny¹.

Scope of the Review

2.5 The Task Group set out to explore the following questions during its investigation:

- How does the Council ensure that the Scrutiny function stays relevant and meaningful?
- In a Council which no longer directly delivers most of its services, how can Scrutiny continue to hold those responsible for delivering services to account?
- At what point in the Commissioning process can Scrutiny add the most value?
- How can commissioners engage Scrutiny in a meaningful way?

¹ The Change Game: How councils are using good governance as a way to navigate challenging times
http://www.cfps.org.uk/domains/cfps.org.uk/local/media/downloads/CfPS_Change_Game_WEB.pdf

3. Background

Devon County Council's Commissioning Approach

3.1 Devon County Council provides a large range of services using a number of different delivery models. This includes commissioning services, both at the level of the individual (e.g. a care package) and at population level (e.g. highways maintenance). Examples of the different types of services provided and the range of delivery models used, are shown in Figure 1.

Figure 1: Service Delivery Models

Type of service procurement model	Example Contract
Contract for one off Service	Archaeological survey for highway scheme Alternative Rail Route (Dawlish) Legal support for specific project (Libraries, BDUK)
Spot Purchase	Personal care and enabling Residential nursing Children's Placements
Block Contract (Term Contract for set volume)	Supported Accommodation Extra Care Housing Children's Short Breaks
Term contract for variable volume	ICT support for specific technical and strategic work Employee assistance programme
DCC Framework Contract	Communications framework servicing fire extinguishers Economic Evidence
National Framework Contract	School management information system Cash Collection Global Custody Services
Dynamic Purchasing system	Public Transport Children and young peoples peninsula placements
Collaborative multi authority contract	Public Analyst Child Death overview panel
Virtual Joint Venture	South west Highways - highway maintenance
Joint Venture	Facilities Management - Devon Norse Building maintenance management - NPS Children's Services - Virgin care Learning Development Partnership - Babcock
Community (Not for profit Organisation)	Youth Services (Planned)
Staff Mutual	Libraries (planned)
Mixed Market	Agency Staff (In House [Temp Solutions] supported by commercial framework)
Shared Services	Trading Standards Devon Audit Partnership Peninsula pensions service
Direct Provision	Scomis HR Traffic enforcement officers

3.2 The Devon Commissioning Model (Figure 2) is based on the traditional Commissioning Cycle of Analysing, Planning, Securing Services ('doing') and Reviewing. However the Council is currently exploring other approaches such as 'outcome based commissioning' which focuses on outcomes rather than process type performance measures, and 'co-production' where commissioners and providers work in partnership with service users, to design the services they receive. The Public Health team in Devon has led the way in using these alternative approaches to commission Drug and Alcohol Services and Domestic Abuse Services².

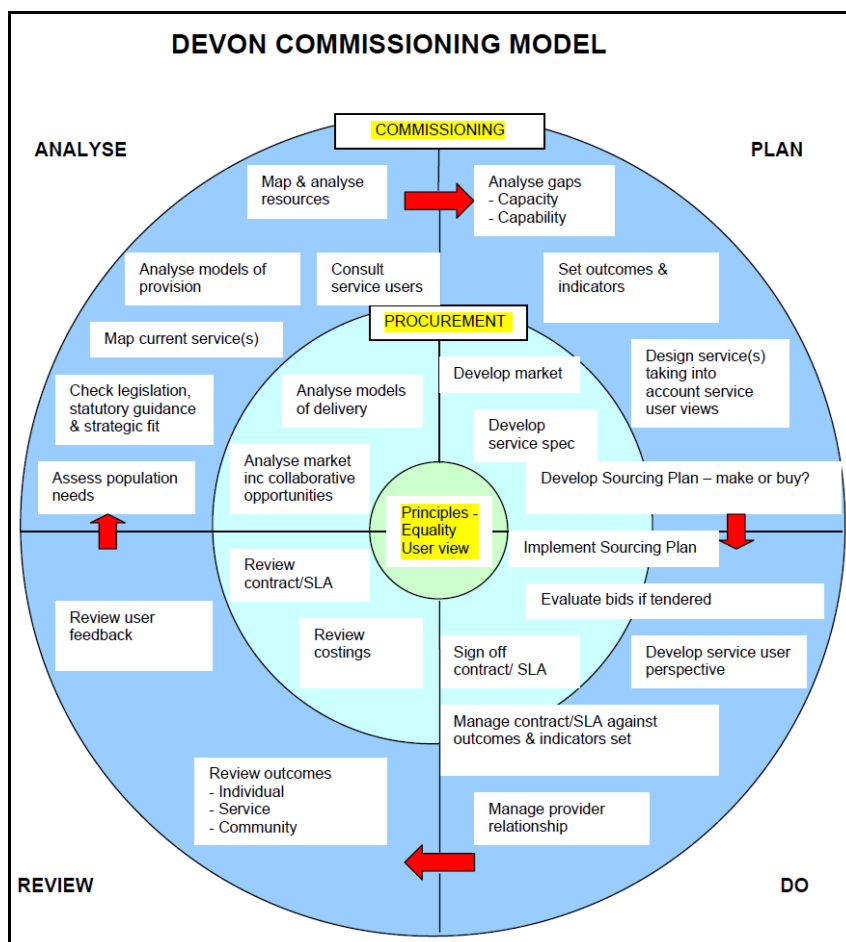
3.3 The Council has also been working with partners (including the Cabinet Office, other local authorities, Devon CCGs and the Police) to develop the Far South West Commissioning Academy, which aims to develop commissioning skills in the workforce and improve commissioning practice and outcomes for communities³.

² New Approaches to Commissioning

<http://www.devon.gov.uk/loadtrimdocument?url=&filename=CX/15/1.CMR&rn=15/WD218&dg=Public>

³ Devon County Council Peer Challenge: Managing the Business <https://new.devon.gov.uk/peerchallenge/managing-the-business/>

Figure 2



The Scrutiny Function in Devon

3.4 Devon County Council has four Scrutiny Committees, which independently monitor how the Council goes about its business and the decisions it makes. Three of these Committees are aligned to the Council’s organisational structure, namely ‘Corporate Services’, ‘People’ and ‘Place’. These Committees have powers to review the decisions and actions of Cabinet, review Council policy and practice, make recommendations to Cabinet, and to that end, require Cabinet Members and Officers to attend Committee and answer questions⁴. In 2012, the Council wrote to the Secretary of State for Local Government and Communities, urging the Government to legislate for more organisations to become subject to Scrutiny. However, to date, there remains no provision in law which allows Scrutiny Committees to require external providers of Council services to attend Committee.

3.5 The fourth Scrutiny Committee, Health & Wellbeing, has additional powers⁵ which allow it to require NHS, private and voluntary sector providers, as well as NHS Clinical Commissioning Groups, to attend before committee to answer questions. The Committee regularly receives reports and attendances from NHS providers, reporting on a number of issues including service updates, performance and consultations. However, despite having powers to request it, the attendance of smaller, non-NHS providers at Health & Wellbeing Scrutiny Committee is quite unusual. Healthcare providers in Devon also have a legal duty to send their Quality Account to the

⁴ Local Government Act 2000, Section 21
<http://www.legislation.gov.uk/ukpga/2000/22/section/21>

⁵ The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013
<http://www.legislation.gov.uk/uksi/2013/218/contents/made>

Health & Wellbeing Scrutiny Committee, allowing Members to review the information contained in the report and provide a statement on the Committee's view of what is reported⁶.

4. Findings

4.1 One of the key questions the Task Group set out to address was 'at what point in the commissioning process can Scrutiny add the most value?' In doing so the Task Group considered the opportunities for Scrutiny at all stages of the commissioning process, and the role of Scrutiny after a service has been commissioned, in performance monitoring and quality assurance.

Scrutiny Engagement with the Process of Commissioning

4.2 Members of the Council's Scrutiny Committees were invited to attend a workshop on Scrutiny and Commissioning on 3 December 2015. Twelve Members attended, representing the Council's four Scrutiny Committees, and drew on their own experiences of Scrutiny's involvement in the commissioning process.

4.3 At this session, Highways Maintenance was cited by Members as a positive example of the early engagement of Scrutiny in the recommissioning of a service. In this case, Scrutiny Members had the opportunity, early on in the recommissioning process, to contribute to the selection of a new delivery model by focussing on their priorities and desired outcomes for the service, through a Scrutiny Spotlight Review. However some Members felt less informed about the progress of their recommendations and the consequential decision making process by Cabinet, following the Spotlight Review. A timetable of Place Scrutiny's involvement in the recommissioning process (as of February 2016) is shown below.

The Recommissioning of the Highways Maintenance Service Timetable of Scrutiny Engagement

Autumn 2014	Head of Highways, Capital Development & Waste contacts the Chairman of Place Scrutiny Committee to advise that the service is due to be recommissioned
November 2014	At the request of the Chairman, a Member Briefing session on the recommissioning process is held, to which all Members are invited
December 2014	A Spotlight Review is held, to inform decision making on the future delivery model, to which all Members are invited
January 2015	Spotlight Review Report and recommendations are considered at Place Scrutiny Committee, and recommended to Cabinet
February 2015	Spotlight Review Report and recommendations are considered at Cabinet
May 2015	Cabinet agree the future delivery model for Highways Maintenance
January 2016	Place Scrutiny Committee receive a Highways Maintenance Term Contract Update, at the request of the Chairman

4.4 Scrutiny Members also discussed the role of Scrutiny in the creation of a staff mutual to deliver the Council's Library Service. In this case Members felt that the regular updates to Place Scrutiny Committee had kept them informed of progress in this area, although conversely in this

⁶ Department of Health, Quality Accounts: a guide for Overview and Scrutiny Committees
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/215688/dh_133408.pdf

case they had not been involved early enough to be able to influence the decision to commission the service out, or to inform the focus and set the outcomes for the service.

4.5 Some Members also expressed a feeling of being disengaged from the work of the Council, impacting on Scrutiny's ability to act as a 'critical friend' in relation to commissioning processes.

4.6 On 3 December, the Task Group also met with a number of the Council's Heads of Service and other key officers responsible for commissioning. Other examples of Scrutiny's involvement in the commissioning and recommissioning of services were discussed, but few examples were offered where Scrutiny had been engaged with the commissioning of a service at the analysis or planning stage. Examples of contract extension reviews for Integrated Children's Services and Property Services were described, where Cabinet Members had been heavily involved, but Scrutiny Members had had little chance to directly influence the process, except the option of 'calling in' the final Cabinet decision, which it was recognised was not generally a constructive approach or reflective of a co-operative style of working.

4.7 Officers and Members of the Task Group agreed that the early engagement of Scrutiny in new commissioning and recommissioning was fundamental, and could be improved in Devon, recognising the value that Scrutiny could bring to the process by representing the needs and views of communities and by influencing the setting of outcomes for the service being commissioned.

Scrutinising Commissioned Services and External Providers

4.8 The Task Group also undertook to review the impact of commissioning services to external providers on accountability, and on the role of Scrutiny. As described (Paragraph 3.4), Scrutiny Committees have no powers to call external providers of Council services to stand before them and answer questions. As part of their investigation, the Task Group sought the views of Heads of Service and Cabinet Members on this aspect, and also met with four of the Council's largest providers and joint venture partners (South West Highways, Virgin Care, Babcock LDP and NPS), to gauge how they viewed their responsibility towards and relationship with Scrutiny.

4.9 The Task Group acknowledges that the County Council remains the responsible and accountable body for the services it commissions to external providers, and that the case could therefore be made, that the relevant Head of Service and Cabinet Member should continue to attend Scrutiny Committee and report on the delivery and performance of their service, irrelevant of whether this service is provided in house or by an external organisation. However, many Scrutiny Members found this argument to be unconvincing, considering that providers of Council services should have some direct accountability towards Scrutiny and the people of Devon, and that their performance should be scrutinised in the public domain.

4.10 The Task Group found that providers had varying experiences of Scrutiny in Devon. Virgin Care and Babcock LDP both cited examples of their attendance at Scrutiny Committee. South West Highways acknowledged that closer working with Members had increased over recent years, and that the organisation gave regular updates to the Council's Highways and Traffic Order Committees. NPS advised that there had been little interface with Scrutiny in the past. Overall there are far more examples of provider/partner attendance at Committee and involvement in Task Group investigations at People's Scrutiny Committee than at either Place or Corporate Services Scrutiny Committees. This could in part be due to the proportionally higher number of commissioned services in the People's service area, and the high profile nature of social care and education services.

4.11 The Task Group discussed the use of a contract clause with the providers present, which would require providers to attend Scrutiny Committees and answer questions, in much the same way as Cabinet Members and officers of the local authority are required. An example of a clause used by Leeds City Council in one of their major contracts is provided below.

Leeds City Council

D7.1 It is a condition of the Contract that if required by the Council to do so the Contractor shall throughout the Term and for a period of six (6) years after expiry of the Contract give all reasonable assistance to the Council including attending the Council's Scrutiny and/or Executive Board in order to answer questions pertaining to the Contract should the need arise.

D7.2 In the event that the Council requires the Contractor's assistance after the expiry of the Contract as referred to in clause D7.1 the Terms and Conditions, the Council shall pay the reasonable expenses of the Contractor arising as a result of providing such assistance.

4.12 The Task Group felt that the use of a similar clause in Devon would ensure that the performance of providers was subject to Scrutiny and could be used to hold providers to account. However Members considered that the requirement for providers to attend Scrutiny (or Cabinet) to answer questions for a period of six years after the expiry of the contract was excessive, and although this may align with audit practices, they did not feel that that such a long period was necessary for Scrutiny.

4.13 All four providers said that they would be willing to attend Scrutiny and offer all reasonable assistance where requested by the Committee, and that they would be unlikely to object to the inclusion of such a clause in a contract with the Council. However, caution was raised around the work of Scrutiny duplicating the role of contract managers. One provider also raised the issue of commercial confidentiality of some provider information, but considered that this could be overcome by utilising private meetings with Members where necessary. Providers also suggested that the relationship between Scrutiny and themselves would need to be managed carefully, and that it would be beneficial if Cabinet Members were to facilitate this relationship.

4.14 Through discussions with Providers and Cabinet Members, the Task Group acknowledged that there was a distinction between joint venture partners such as Babcock LDP, and small providers such as an independent care home, and that the Council's expectations around provider engagement with Scrutiny should reflect this. Joint venture partners, and providers of large contracts (such as South West Highways) will tend to have a prominent role in the strategic planning of service delivery, and therefore there should be more of an expectation upon these organisations to attend and/or report directly to Scrutiny Committees. Concerns were also raised about the potential impact on the market place if small providers were required to attend Scrutiny Committee on a regular basis.

Performance Reporting

4.15 Performance reporting also differs across Scrutiny Committees. Performance reporting at People's Scrutiny Committee is being developed on an ongoing basis, partly in recognition of recommendations made by Ofsted in their review of Children's Services in April 2013. Reports are prepared by the Strategic Director of People's Services and contain extensive commentary on the performance information provided, covering both in house services and external provision. Usual practice is for the relevant Heads of Service and Cabinet Members to speak to the reports and respond to questions on their service's performance. The People's Scrutiny Committee has also established Children's and Adults' Standing Overview Groups, which meet bi-monthly to monitor the performance of these services.

4.16 Performance reports provided to Corporate Services and Place Scrutiny Committees are also currently being redeveloped, however current practice is that the report is prepared and presented by the Head of Services for Communities (the responsible officer for corporate

performance). The performance reports tend to be much briefer in style, and presented by the Head of Service for Communities and Cabinet Member for Performance and Engagement, without attendance from the relevant services Cabinet Member or Head of Service. This often means that those presenting the report do not have to specialist service knowledge to answer questions raised by Members at Committee.

Learning from Health Scrutiny

4.17 Though the Health and Social Care Act 2001, principal local authorities have powers to review and scrutinise matters relating to the health service in their authority's area, to make reports and recommendations to NHS bodies or other relevant authorities on these matters, and to require any officer of a local NHS body to attend before the committee to answer questions.

4.18 The Health and Social Care Act 2012 dramatically reorganised the NHS, abolishing Primary Care Trusts and Strategic Health Authorities and creating Clinical Commissioning Groups (CCGs). CCGs are now responsible for commissioning most hospital and community NHS services from a competitive market place, made up of NHS, private and voluntary sector providers. Specialist Services and Primary Care Services are commissioned by NHS England, and Public Health Services are commissioned by Public Health England and principle local authorities⁷.

4.19 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 extended local authorities' Health Scrutiny powers, to allow Health Scrutiny Committees to require private and voluntary sector providers to attend before committee to answer questions.

4.20 The 'new' NHS has a strong commissioning structure, with clear direction from central government on how this commissioning should be carried out. Although the Health Scrutiny's powers to require information and attendance from providers may appear enviable to those engaging in Council Scrutiny of commissioned services, local government commissioning operates in a much more fluid and varied environment, where council's decide locally how each service should be delivered. Consequently Council Scrutiny of commissioned services will need to reflect this, and take a flexible approach.

Learning from other Local Authorities

4.21 Across the country, a number of other local authorities have been reviewing how their Scrutiny function is contributing to overall governance, in light of local government transformation and commissioning. Both Worcestershire and Buckinghamshire County Councils have worked with the Centre for Public Scrutiny on this topic, and brief summaries of their reviews and relevant proposals are provided below.

4.22 Buckinghamshire's review focussed mainly on Scrutiny's role in the early stages of the commissioning process⁸, whereas Worcestershire considered the role of Scrutiny in the quality assurance of commissioned services⁹.

⁷ The Kings Fund: NHS at 65

<http://www.kingsfund.org.uk/projects/nhs-65>

⁸ Buckinghamshire County Council, Developing the role of scrutiny within a commissioning authority, May 2015

⁹ Worcestershire County Council, Scrutiny Development Area in Commissioning, Spring 2015

Buckinghamshire County Council

Buckinghamshire's review considered how Scrutiny could contribute to the identification of service user need and add value at the 'analysis' stage of the commissioning cycle. The review identified missed opportunities for Scrutiny to influence the recommissioning of services due to the timing of Scrutiny involvement, the understanding of the role of Scrutiny by senior officers and gaps in knowledge and the strategic information provided to Scrutiny Members.

A number of practical ways to improve practice were proposed, including producing Member guidance and an e-learning package for Scrutiny Members on how and when to engage effectively with the commissioning process, improved use of strategic information to inform Scrutiny work programmes, the production of clear guidance for Member/officer interface in the commissioning cycle, and improving Scrutiny's overview of performance monitoring against outcomes, for both in house and external providers.

In January 2016, Buckinghamshire County Council's Cabinet approved the Council's Commissioning Framework, which set out the role of Members in the commissioning process.
<https://democracy.buckscc.gov.uk/ieListDocuments.aspx?CId=124&MId=6778&Ver=4>

Worcestershire County Council

The review considered how Scrutiny Members could play a more active role in challenging the quality assurance of commissioned services. Facilitated workshops were held involving Scrutiny and Cabinet Members, group leaders, senior officers and the Scrutiny Manager to explore the concept and practice of quality assurance and consider where scrutiny could add the most value.

The proposed approach involved the introduction of Quality Assurance Scrutiny meetings, which would be held at the request of Scrutiny Members when they consider that further quality assurance work was required. These meetings would be held in private to overcome any issues around commercial confidentiality. Recommendations from this meeting would be dealt with immediately by officers, rather than going to Cabinet.

4.23 Many of the challenges identified by both of these authorities were comparable to those encountered by Scrutiny Members in Devon, and likewise Members of the Task Group considered the approaches taken by Buckinghamshire and Worcestershire to inform their own recommendations, particularly recognising the need for clearer guidance for Member involvement in commissioning processes, and how Members can best scrutinise the performance and quality of services delivered by external bodies.

5. Conclusion

5.1 During the course of this review, the Task Group has drawn on the experiences and views of County Council Commissioners, Cabinet Members, Scrutiny Members and Providers. Members have also considered the role of Health Scrutiny, and taken learning from the experiences of fellow County Councils on the role of Scrutiny in a Commissioning Council.

5.2 In conclusion, the Task Group considers that direct control over the output and therefore the accountability of Councils for the services they deliver may be being reduced, to varying

degrees, as a result of the multiplicity of joint ventures and contracts through which Councils commission services. However, through collaboration with Cabinet Members and senior officers, Devon County Council Scrutiny can improve democratic accountability in two ways. Firstly, by influencing the planning and design of a service and the setting of outcomes, and secondly by the proactive monitoring of the adequacy and standard of commissioned services, with a view to improving service provision and public satisfaction.

5.3 During this review, the Task Group found examples of Scrutiny being involved in the commissioning and recommissioning of services, but this was inconsistent, with there being no set process for when Scrutiny should be involved or a consensus on how Scrutiny can best add value during the process.

5.4 Inconsistencies were also found across Scrutiny Committees and service areas around performance reporting and provider attendance at Committee, however there was a willingness from the joint venture partners and large providers consulted, to have a closer working relationship with Scrutiny.

5.5 It is clear that the County Council remains the accountable body for the services it commissions, even when these services are delivered by external providers. However, joint venture partners and providers with a role in the strategic planning of services should also have some degree of accountability towards the people of Devon and towards Scrutiny.

5.6 The Task Group considers that the recommendations set out at the beginning of this report will ensure that Scrutiny is given the opportunity to influence and add value to the commissioning process, and to support the Council in holding its external providers to account.

6. Sources of evidence

Witnesses

6.1 The task group heard testimony and received contributions from a number of sources and would like to express sincere thanks to the following for their involvement and the information that they have shared, as well as to express a desire of continuation of joint work towards the fulfilment of the recommendations in this document.

Name	Organisation
Kristian Tomblin	Devon County Council, Public Health
Ian Hobbs	Devon County Council, Social Care Commissioning
David Whitton	Devon County Council, Highways, Capital Development & Waste
Marian Martin	Devon County Council, Children's Social Work & Child Protection
Fiona Fleming	Devon County Council, Children's Social Work & Child Protection
Sue Clarke	Devon County Council, Education & Learning
John Smith	Devon County Council, Services for Communities
Rob Parkhouse	Devon County Council, Business Strategy & Support
Justin Bennetts	Devon County Council, Business Strategy & Support
Carl Hedger	Devon County Council, Legal Services
Frank O'Friel	Virgin Care

Glen Robinson	South West Highways
Will Mumford	NPS
Shirley Swinbank	Babcock LDP
Councillor Stuart Barker	Devon County Council, Cabinet Member for Adult Social Care and Health Services
Councillor John Clatworthy	Devon County Council, Cabinet Member for Resources and Asset Management
Councillor Stuart Hughes	Devon County Council, Cabinet Member for Highway Management & Flood Prevention
Councillor James McInnes	Devon County Council, Cabinet Member for Children, Schools & Skills
Peter Marrington	Leeds City Council
Suzanne O’Leary	Worcestershire County Council
Sara Turnbull	Buckinghamshire County Council

6.2 In addition, the Task Group would also like to express thanks to Ann Reader and Tim Young (Frontline Consulting), for their delivery of the ‘Scrutiny in a Commissioning Council’ workshop on 3 December 2015, and to the County Councillors who attended this session, whose shared experiences of Scrutiny and Commissioning contributed to the findings and outcome of this review.

6.3 The Task Group would also like to express special thanks to Ed Hammond (Centre for Public Scrutiny) for his guidance and support throughout this Task Group investigation.

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<https://new.devon.gov.uk/peerchallenge/managing-the-business/>

Health and Social Care Act 2001
<http://www.legislation.gov.uk/ukpga/2001/15/contents>

The Kings Fund: NHS at 65
<http://www.kingsfund.org.uk/projects/nhs-65>

Local Authority Health Scrutiny: Guidance to support Local Authorities and their partners to deliver effective health scrutiny
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/324965/Local_authority_health_scrutiny.pdf

The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013
<http://www.legislation.gov.uk/uksi/2013/218/contents/made>

Local Government Act 2000
<http://www.legislation.gov.uk/ukpga/2000/22/contents>

NHS Clinical Commissioners
<http://www.nhscc.org/ccgs/>

Worcestershire County Council, Scrutiny Development Area in Commissioning, Spring 2015

7. Task Group Membership

Membership of the Task Group was as follows:

Councillors Julian Brazil (Chair), Kevin Ball, Mike Edmunds, Richard Hosking and Jim Knight

8. Contact

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Scrutiny Committee Member 'Commissioning Liaison' Role and Responsibilities

1. To develop a fuller understanding of the Council's commissioning processes and priorities
2. To build good working relationships with relevant Officers and Cabinet Members responsible for Commissioning, within the Scrutiny Committee's remit
3. To act as an intermediary / link between Cabinet and their Scrutiny Committee and bring to the attention of the Scrutiny Chairman and Committee, any issues which could benefit from Scrutiny
4. In conjunction with the Scrutiny Committee Chairman and relevant Cabinet Member, agree the contracts or services which will be subject to the Scrutiny / Cabinet Attendance clause.

Scrutiny and Commissioning Protocol

This document sets out the agreed protocol for the involvement of Scrutiny Committees in the Council's Commissioning processes.

1. Commissioning of Council Services

In order to inform the Scrutiny Work Programme, each Head of Service will provide the relevant Scrutiny Committee, biannually (at the March/April and November meetings), with a list of all services which are due to begin the process of commissioning or recommissioning within the next year.

2. New Commissioning and Service Change

When the Council is considering changing the way it delivers a service, the relevant Cabinet Member and / or Head of Service will inform the Chairman and Commissioning Liaison Member of the relevant Scrutiny Committee at the earliest stage, who may then require the issue to be reported to a Scrutiny Committee.

3. Scrutiny's Role

3.1 In line with the Council's Scrutiny Procedure Rules, and being fully briefed on upcoming changes through paragraphs 1 and 2 of this protocol, Scrutiny Committees will prioritise and set their own work programme for commissioned services.

3.2 Recognising the value of pre-decision Scrutiny, Committees will primarily focus their work at the 'analysis' and 'planning' stages of the commissioning process, allowing Scrutiny Members to contribute to the shaping of services and the setting of outcomes, by making recommendations to Cabinet.

3.3 To facilitate paragraphs 3.1 and 3.2, Scrutiny Committee Members will be provided with all relevant information, reflecting that which is shared with Cabinet.

Scrutiny / Cabinet Attendance clauses:

During the Term and for a period of one (1) year after termination or expiry of the Contract, the Provider shall provide all reasonable assistance for the purposes of answering questions pertaining to the operation of the Contract (including but not limited to the Provider's performance of the Contract) and, should the need arise, attend the Council's Scrutiny Committee and/or Cabinet as and when required by the Council. Wherever possible, the Authority will aim to give the Provider reasonable notice where the Provider's attendance is required.

If, pursuant to clause [xx.x] the Council requires the Provider to attend the Council's Scrutiny Committee and/or Cabinet [following termination or expiry of the Contract,] the Council shall reimburse the Provider for reasonable travel costs incurred.