

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Thursday, 13th June, 2019
at 5.30 pm

PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor Fitzhenry
Councillor Galton (Chair)
Councillor Harwood
Councillor Whitbread
Councillor Bell
Councillor Bunday
Councillor Cooper
Councillor Windle
Councillor Fuller

Appointed Members

Rob Sanders, Church of England
Catherine Hobbs, Roman Catholic Church
Vacancies

- Primary Parent Governor Representative;
and
- Secondary Parent Governor Representative

Contacts

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PUBLIC INFORMATION

Overview and Scrutiny Management Committee

The Overview and Scrutiny Management Committee holds the Executive to account, exercises the call-in process, and sets and monitors standards for scrutiny. It formulates a programme of scrutiny inquiries and appoints Scrutiny Panels to undertake them. Members of the Executive cannot serve on this Committee.

Role of Overview and Scrutiny

Overview and Scrutiny includes the following three functions:

- Holding the Executive to account by questioning and evaluating the Executive's actions, both before and after decisions taken.
- Developing and reviewing Council policies, including the Policy Framework and Budget Strategy.
- Making reports and recommendations on any aspect of Council business and other matters that affect the City and its citizens.

Overview and Scrutiny can ask the Executive to reconsider a decision, but they do not have the power to change the decision themselves.

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Smoking Policy:- The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Fire Procedure:-

In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

Dates of Meetings: Municipal Year 2019/20

2019	2020
13 June	16 January
11 July	13 February
15 August	12 March
12 September	16 April
10 October	
14 November	
12 December	

CONDUCT OF MEETING

TERMS OF REFERENCE

The general role and terms of reference for the Overview and Scrutiny Management Committee, together with those for all Scrutiny Panels, are set out in Part 2 (Article 6) of the Council's Constitution, and their particular roles are set out in Part 4 (Overview and Scrutiny Procedure Rules – paragraph 5) of the Constitution.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules and the Overview and Scrutiny Procedure Rules as set out in Part 4 of the Constitution.

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 4.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

- (iv) Any beneficial interest in land which is within the area of Southampton.

- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

3 ELECTION OF A VICE-CHAIR

To elect a Vice-Chair to the Overview and Scrutiny Management Committee for the 2019-2020 municipal year.

4 DECLARATIONS OF SCRUTINY INTEREST

Members are invited to declare any prior participation in any decision taken by a Committee, Sub-Committee, or Panel of the Council on the agenda and being scrutinised at this meeting.

5 DECLARATION OF PARTY POLITICAL WHIP

Members are invited to declare the application of any party political whip on any matter on the agenda and being scrutinised at this meeting.

6 STATEMENT FROM THE CHAIR

7 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 8)

To approve and sign as a correct record the Minutes of:

- the Committee meeting held on 4 April 2019; and
- the Scrutiny Inquiry Panel: Domestic Abuse on the 18 April 2019

and deal with any matters arising, attached.

8 FORWARD PLAN (Pages 9 - 24)

Report of the Director, Legal and Governance enabling the Overview and Scrutiny Management Committee to examine the content of the Forward Plan and to discuss issues of interest or concern with the Executive.

**9 SCRUTINY INQUIRY PANEL - REDUCING AND PREVENTING DOMESTIC ABUSE
IN SOUTHAMPTON FINAL REPORT**

(Pages 25 - 72)

Report of the Chair of the Scrutiny Inquiry Panel recommending that the Committee consider and approve the final report of the Scrutiny Inquiry Panel and forward it to the Executive for consideration and further action.

**10 STATUTORY GUIDANCE ON OVERVIEW AND SCRUTINY IN LOCAL AND
COMBINED AUTHORITIES**

(Pages 73 - 134)

Report of the Director - Legal and Governance, requesting that the Committee considers the statutory guidance on overview and scrutiny in local and combined authorities, reflects on the approach to scrutiny in Southampton, and, if required, recommends changes to ensure that overview and scrutiny in Southampton is in accordance with the published guidance.

11 MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE

(Pages 135 - 140)

Report of the Director of Legal and Governance enabling the Overview and Scrutiny Management Committee to monitor and track progress on recommendations made to the Executive at previous meetings.

Wednesday, 5 June 2019

Director of Legal and Governance

Agenda Item 7

Documents attached

- Minutes of the OSMC committee 4 April 2019
- Minutes of the Scrutiny Inquiry Panel - Reducing Domestic Abuse 18 April 2019

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SOUTHAMPTON CITY COUNCIL
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
MINUTES OF THE MEETING HELD ON 4 APRIL 2019

Present: Councillors P Baillie (Chair) (except items 51-53), Fitzhenry, Furnell, Galton (Vice-Chair), Harwood, Whitbread, Bell, Kataria and Mitchell

Apologies: Appointed Members Rob Sanders and Catherine Hobbs

Also in attendance: Councillor Leggett – Cabinet Member for Green City

48. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

The Committee noted the apologies of Appointed Members Catherine Hobbs and Rob Sanders.

49. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the 15th March, 2019 Overview and Scrutiny Management Committee be approved and signed as a correct record.

50. **CALL-IN OF EXECUTIVE DECISION CAB 18/19 23514 – A GREEN CITY CHARTER FOR SOUTHAMPTON**

The Committee considered the report of the Service Director, Legal and Governance detailing the call-in of Executive Decision CAB 18/19 23514 – A Green City Charter for Southampton.

Liz Batten (The Green Resistance), Christel Blunden (Extension Rebellion), Catherine Barber (Green Party), Lindsie Bluemell (Transport) and the Cabinet Member for Green City and other interested parties were present and with the consent of the Chair addressed the meeting.

RESOLVED that Cabinet reconsider the called in decision at the next decision meeting.

The following points were made to be addressed by Cabinet if, at the meeting on 16th April 2019, Cabinet confirm the decision taken on 19th March, 2019:

- 1) That Cabinet agree to delay the approval and launch of the Green City Charter to enable the fostering of a cross party consensus on the strategic objectives within the Charter.
- 2) That, if Cabinet does not agree to recommendation 1, the following amendments to the draft Green City Charter are considered by Cabinet:
 - a) Commitment one is amended to read as follows – We want to be carbon neutral by 2030 at the latest; and will therefore promote and encourage the use of energy from renewable sources that do not compromise local air quality.
 - b) Commitment two is amended to read as follows – We will take actions that will improve the quality of life in our city. We want the Healthy Life

- Expectancy Indicator to be the best amongst our peers and to significantly reduce our City's deaths that are attributable to air pollution.
- c) Commitment seven is amended to read as follows – We will reduce harmful emissions and, at an absolute minimum, ensure we do all we can to satisfy all World Health Organisation air quality guideline values immediately.
 - d) Commitment eight is deleted.
- 3) That, if Cabinet agree to approve a Green City Charter at the 16 April 2019 meeting, the Executive immediately identifies the internal resources that will be committed to deliver the Charter.
 - 4) That Cabinet writes to Government to request the full amount of funding asked for in January 2019 to support the nitrogen NO2 business case.
 - 5) That, if Government does not agree to the request for additional funding outlined in recommendation 4, Cabinet approaches partners to help fund the shore side power initiative or looks to fund the proposal from Council resources.
 - 6) That the Executive clarifies the current position with regards to whether the use of Southampton's District Energy Scheme is a planning condition for new developments in the city centre.
 - 7) The Committee are aware that all current heat generated from the Southampton's District Energy Scheme is supplied by gas. The Committee would like Cabinet to inform the Committee when the geothermal well will be brought back into operation.
 - 8) That Cabinet investigate establishing a Citizens' Assembly and provide an update on progress related to these considerations to the 13 June 2019 meeting of the Overview and Scrutiny Management Committee.
 - 9) That Cabinet give consideration to the proposals contained within the alternative Green Charters developed by Green Resistance and Extinction Rebellion.

COUNCILLOR GALTON IN THE CHAIR

51. SCRUTINY INQUIRY PANEL - THE FUTURE OF WORK IN SOUTHAMPTON FINAL REPORT

The Committee considered the report of the Chair of the Future of Work in Southampton Final Report, detailing the findings of the Scrutiny Inquiry.

RESOLVED:

- (i) To approve the final report of the Scrutiny Inquiry Panel, attached as Appendix 1 to the report, and forward it to the Executive for consideration and further action.
- (ii) To delegate authority to the Chair of the Committee to approve any minor amendments arising from considerations at today's meeting.

52. EXCLUSION OF THE PRESS AND PUBLIC - CONFIDENTIAL PAPERS INCLUDED IN THE FOLLOWING ITEM

RESOLVED to move that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and

public be excluded from the meeting in respect of any consideration of the confidential report and appendix to the following Item.

Confidential report and appendix contain information deemed to be exempt from general publication based on Category 3, 5 and 7A of paragraph 10.4 of the Council's Access to Information Procedure Rules. If the content of this report were to be treated as a public document it would reveal information that is both commercially sensitive and detrimental to the business affairs of the Council.

53. **STRATEGIC SERVICES PARTNERSHIP UPDATE**

The Committee considered the confidential report of the Service Director, Digital and Business Operation updating the Committee on the Strategic Services Partnership.

RESOLVED to note the progress made with regards to the Strategic Services Partnership as detailed in the report and discussed at the meeting.

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SCRUTINY INQUIRY PANEL - REDUCING DOMESTIC ABUSE

MINUTES OF THE MEETING HELD ON 18 APRIL 2019

Present: Councillors McEwing (Chair), Harwood (Vice-Chair), Galton, Coombs, Mitchell and Payne

Apologies: Councillors Laurent

8. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

COUNCILLOR HARWOOD IN THE CHAIR

The apologies of Councillor Laurent were noted.

9. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meetings held on 21 February 2019 and 7 March 2019 be approved and signed as a correct record.

COUNCILLOR MCEWING IN THE CHAIR

10. **REDUCING AND PREVENTING DOMESTIC ABUSE IN SOUTHAMPTON - DRAFT FINAL REPORT**

The Panel considered the report of the Director, Legal and Governance, which requested that the Panel discuss, amend and agree a final version of the draft inquiry report.

Southampton City Council officers, Dr Jason Horsley, Director of Public Health; Grace Grove, Public Health Registrar; Charlotte Matthews, Public Health Consultant; Sandy Jerrim, Senior Commissioner - Integrated Commissioning Unit; and Karen Marsh, Independent Domestic Violence Advisor (IDVA) Service Manager; were in attendance and with the consent of the Chair addressed the Panel.

Following discussions with invited representatives the Panel recommended the approval of the report with modified recommendations. The Panel noted that the following should also be included in the final report:

- Reference to the issues of gender inequality, adverse childhood experiences (ACE's) and funding opportunities to be included in the Chair's introduction.
- Reference to engagement with local media outlets and the adoption of new reporting guidelines, developed by Level Up and adopted by the press regulators, on the way that domestic abuse was reported in the media.
- Reference to LINX as an example of a perpetrator service.
- Reference to the evaluation of the outcomes of the Hampton Trust initiative.

- Reference to the formation of early and positive links with the proposed Domestic Abuse Commissioner, if and when they are appointed.
- An amendment to recommendation 13 of the draft report to include “new funding arrangement and mandate”.

RESOLVED

- (i) That the Director, Legal and Governance amend the final report, following consultation with the Chair of the Panel, so that the comments made by Panel members at the meeting could be incorporated into the final report;
- (ii) That the Chair of the Scrutiny Inquiry Panel present the final report to the Overview and Scrutiny Management Committee on 13 June 2019.

DECISION-MAKER:		OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
SUBJECT:		FORWARD PLAN		
DATE OF DECISION:		13 JUNE 2019		
REPORT OF:		DIRECTOR - LEGAL AND GOVERNANCE		
CONTACT DETAILS				
AUTHOR:	Name:	Mark Pirnie	Tel:	023 8083 3886
	E-mail:	Mark.pirnie@southampton.gov.uk		
Director	Name:	Richard Ivory	Tel:	023 8083 2794
	E-mail:	Richard.ivory@southampton.gov.uk		
STATEMENT OF CONFIDENTIALITY				
BRIEF SUMMARY				
This item enables the Overview and Scrutiny Management Committee (OSMC) to examine the content of the Forward Plan and to discuss issues of interest or concern with the Executive to ensure that forthcoming decisions made by the Executive benefit local residents.				
RECOMMENDATIONS:				
	(i)	That the Committee discuss the items listed in paragraph 3 of the report to highlight any matters which Members feel should be taken into account by the Executive when reaching a decision.		
REASONS FOR REPORT RECOMMENDATIONS				
1.	To enable Members to identify any matters which they feel Cabinet should take into account when reaching a decision.			
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED				
2.	None.			
DETAIL (Including consultation carried out)				
3.	The Council's Forward Plan for Executive Decisions from 18 June 2019 has been published. The following issues were identified for discussion with the Decision Maker:			
	Portfolio	Decision	Requested By	
	Adult Care	Kentish Road Respite Service	Cllr Galton	
	Place & Transport	Household Waste and Recycling Centre Permitting Scheme	Cllr Galton	
4.	Briefing papers responding to the items identified by members of the Committee are appended to this report. Members are invited to use the papers to explore the issues with the decision maker.			

RESOURCE IMPLICATIONS		
<u>Capital/Revenue</u>		
5.	The details for the items identified in paragraphs 3 are set out in the Executive decision making report issued prior to the decision being taken.	
<u>Property/Other</u>		
6.	The details for the items identified in paragraphs 3 are set out in the Executive decision making report issued prior to the decision being taken.	
LEGAL IMPLICATIONS		
<u>Statutory power to undertake proposals in the report:</u>		
7.	The details for the items identified in paragraphs 3 are set out in the Executive decision making report issued prior to the decision being taken.	
8.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.	
<u>Other Legal Implications:</u>		
9.	None	
RISK MANAGEMENT IMPLICATIONS		
10.	The details for the items identified in paragraphs 3 are set out in the Executive decision making report issued prior to the decision being taken.	
POLICY FRAMEWORK IMPLICATIONS		
11.	The details for the items identified in paragraphs 3 are set out in the Executive decision making report issued prior to the decision being taken.	
KEY DECISION		No
WARDS/COMMUNITIES AFFECTED:		None directly as a result of this report
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	Briefing Paper – Kentish Road Respite Service	
2.	Briefing Paper – Household Waste and Recycling Centre Permitting Scheme	
Documents In Members' Rooms		
1.	None	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?		Identified in Executive report
Data Protection Impact Assessment		
Data Protection Impact Assessment Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?		Identified in Executive report

**Other Background Documents - Equality Impact Assessment and Other
Background documents available for inspection at:**

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None

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BRIEFING PAPER

Appendix 1

SUBJECT:	KENTISH ROAD RESPITE SERVICE – EXTENDING HOURS OF OPERATION
DATE:	13 JUNE 2019
RECIPIENT:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

THIS IS NOT A DECISION PAPER**SUMMARY:**

At its meeting on 18 June 2019, Cabinet will consider a proposal to extend the hours of operation of the Learning Disability Respite Service at Kentish Road, in order to:

- (i) Meet the preferences of carers and individuals living with a learning disability who would prefer their assessed needs for replacement care to be met at Kentish Road;
- (ii) Offer additional choice for learning disability replacement care in Southampton; and
- (iii) Complement the future vision for the redevelopment and wider use of the Kentish Road site, which is being developed with carers and other stakeholders and for which Cabinet approval will be sought in due course.

An alternative would be to continue with the current weekend opening, from Friday to Monday.

BACKGROUND and BRIEFING DETAILS:

1. The former eight bed respite service at Kentish Road closed in November 2017. At the time of the closure, the service was rated as 'requires improvement' by the Care Quality Commission (CQC) and was not being used to its full capacity. The scheme re-opened in July 2018 as a four bed respite service following refurbishment and re-registration with the CQC. It currently operates three nights a week, from lunchtime on Fridays to lunchtime on Mondays. The current service was inspected by the CQC in February 2019 and is now rated 'good' in each category – safe, effective, caring, responsive and well led – and overall.
2. The purpose of respite care, defined in the Care Act 2014 as replacement care, is to give carers (typically family members) a break from their caring responsibilities, in order to help meet their own needs and to sustain the caring arrangements for the person being cared for. Kentish Road provides respite care during the day and overnight, and complements day services provided or commissioned by the Council, which provide respite during the day. Although the primary purpose of respite care is to provide a break for carers, the respite provider has a duty to ensure that the care and support needs of the person staying at the service are met and, wherever possible and appropriate, their preferences are taken into account in terms of location and activities.

BRIEFING PAPER

- There is currently a surplus of bed-based respite care, either commissioned or directly provided by the Council, to meet the needs of people living with a learning disability and their carers in Southampton. The Council has given a public commitment to continue to provide bed-based respite at Weston Court, as it is also a service that is valued by individuals living with a learning disability and their carers, and it provides additional choice in the East of the city. Figure 1 below sets out how Learning Disability respite care is currently split across three main providers, based on the current weekend opening of Kentish Road. This includes the provision of emergency respite. Weston Court is currently accessed by 17 clients and Kentish Road by 10 clients.

Provider	Available bed nights per year	Current forecast utilisation per year	Forecast surplus per year
Rose Road	1,400	1,400	0
Weston Court	900	629	271
Kentish Road*	624	468	156
Total	2,924	2,497	427

*Based on a full year opening 3 nights per week

Figure 1: Current forecast surplus in learning disability bed-based respite (based on weekend opening of Kentish Road)

- More people may want to use Kentish Road if it opens all week, as proposed, and some carers have expressed an interest in returning. There is also an opportunity, supported by the provider, to reduce the amount of replacement care for adults commissioned from Rose Road by 200 nights, with the freed up capacity being used to provide care for children there instead. Carers and individuals will continue to have a choice about where to receive replacement care, but some of those who were previously supported by Kentish Road are expected to want to return once its opening hours are extended. Current users of the scheme have consistently expressed their desire for it to be opened for seven days a week.
- Figure 2 sets out the net increase in capacity, taking into account the potential of additional provision at Kentish Road and the reduction in provision at Rose Road, and the forecast surplus based on current use and forecasts.

Provider	Available bed nights per year	Forecast utilisation per year	Forecast surplus per year
Rose Road	1,200	1,200	0
Weston Court	900*	629	271
Kentish Road	1,460	668	992
Total	3,560	2,497	1,063

*Subject to review from January 2020

Figure 2: Forecast surplus in learning disability bed-based respite (based on seven day a week opening of Kentish Road and a reduction in adult commissioned beds from Rose Road)

These figures represent a 'worst-case' scenario in respect of the number of people who may choose to use Kentish Road in the future to receive their respite care.

BRIEFING PAPER

6. It is anticipated that some of the additional capacity at Kentish Road will be used by carers who currently receive respite elsewhere but the extent of this is difficult to forecast until the extended opening hours take effect. Evidence from previous years is that the number of people no longer needing to receive replacement care (for example, as they move into supported living, Shared Lives or a permanent residential placement) is broadly matched each year by the number of people with a new requirement for replacement care. Children who are transitioning to adulthood are increasingly using the flexibility that Direct Payments give, but both Kentish Road and Weston Court will be options for them and their carers to consider.
7. Subject to consultation with affected staff and Trade Unions, it is proposed to employ staff for Kentish Road in a way that enables more flexible working across all care and day services provided by the Council, so that should the scheme not be booked for respite at any time, staff would be allocated work appropriate to their role in another Council care setting. Establishing a bank of care staff for these roles would also provide cover for sickness and holiday absence, bring flexibility for the wider service and would align with proposals under separate consideration for Holcroft House residential care home to ensure continuity of service for users.
8. Any service vacancies at Kentish Road will also be offered at a commercial rate to clients of other local authorities, Continuing Healthcare and to self-funders, in order to generate income. However, current intelligence suggests that there would be limited demand for this service from others and market research has not been carried out. In accordance with statutory guidance, it would not generally be possible to offer the service to people in receipt of a Direct Payment.
9. The Council is working with carers, their representatives, other care providers and stakeholders to develop a vision for the entire site at Kentish Road. This will include the continued provision of bed-based respite care and, in addition, is likely to offer supported living, other housing and opportunities to help prepare people for supported or independent living, and a flexible space that can be used as a community resource and support alternatives to traditional day services. An architect has prepared various options and drawings for how these might be delivered on the site and the views of carers and other stakeholders have been sought. Cabinet will be asked to approve the vision for the site later in the year. It is anticipated that staff employed to deliver the respite service will also be able to work flexibly across other elements of the broader scheme in due course.
10. The service at Kentish Road will contact carers to make bookings for the expanded service and will use a combination of the current staff and regular agency staff while the bookings build up. Some staff potentially impacted by the proposed closure of Glen Lee residential care home have indicated that they would prefer to work at Kentish Road should this be approved. These staff will receive training and an induction as part of the implementation plan.

BRIEFING PAPER

11. The current contract for provision of respite care at Weston Court expires in January 2020. The specification for the future contract will take account of the forecast surplus and consideration will be given as to whether it will be beneficial to give the provider additional flexibility to offer vacancies at a commercial rate to individuals whose care is funded by neighbouring local authorities, clients with Direct Payments, Continuing Healthcare and to self-funders. There is also scope for the service at Weston Court to be commissioned in a way that permits greater coordination with the expanded provision at Kentish Road.
12. Any additional revenue costs associated with providing care and support at any supported housing developed on the wider site at Kentish Road is anticipated to be offset by a reduction in private provider costs elsewhere. This would form part of the financial business case for any future development.
13. Various options for the staff structure were considered by the Council's Organisational Design Board and the final structure was agreed on the basis of its ability to deliver a safe, high quality respite service in full accordance with the Care Quality Commission and the Council's own quality requirements, as efficiently as possible. The structure includes a new role of Carers' Link Worker, who will be tasked with coordinating bookings, liaising with carers and making sure that they are kept up to date on the service and the latest developments.

RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:

Financial

14. The current budget for provision of bed-based respite for people living with a learning disability is £796k per year, which includes provision of the respite service at Kentish Road.
15. The provision of respite at Weston Court is currently funded by the Improved Better Care Fund, which ceases in March 2020. The current payment of £70k to commission 200 nights of respite from Rose Road would no longer be needed.
16. The staffing cost of an expanded service at Kentish Road operating at full capacity based on the structure approved by the Council's Organisational Design Board is £529k a year.
17. Other revenue costs of running an expanded service at Kentish Road are estimated to be £69k per year, including utilities, repair and maintenance, food and provision of a minibus.
18. The total revenue cost of the expanded Kentish Road scheme is therefore estimated at £598k per year. If all beds at the scheme were fully utilised, this works out at a unit cost of £410 per night per bed. As a comparison, the unit cost of the commissioned service at Weston Court, assuming full occupancy is £250 per night per bed.
19. The expanded service at Kentish Road can therefore be funded within the approved budget for 2019/20 (estimated full year cost of £598k against a budget of £796k).
20. The remainder of the budget will be used to fund other commissioned services to keep choice in the market.
21. The budget is summarised in figure 3 below:

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Figure 3: Budget summary – 2019/20, and 2020/21 and future years

	2019/20	2020/21 and ongoing
	£000s	£000s
<u>Budget</u>		
Respite Provision total Budget - General Fund	796	796
Respite Provision total Budget - Improved Better Care Fund	220	0
	1,016	796
<u>Planned Expenditure</u>		
Kentish Road revised respite service - full year	598	598
Externally provided respite provision at Weston Court and Rose Road	290	198
	888	796
Variance - Expenditure vs budget	-128	0

22. It may also be possible to reduce staff costs at Kentish Road, through flexible working, as outlined in paragraph 11 and to generate income at Kentish Road by selling unused capacity, as outlined in paragraph 12. Further work will be carried out during 2019/20 to review utilisation and costs of the schemes at Kentish Road and Weston Court in order to inform the 2020/21 budget setting process, taking into account the future use of the entire site at Kentish Road, which is being developed with carers and other stakeholders as part of a task and finish group.

Property / Other

23. Kentish Road was redecorated and essential safety improvements were made at a cost of £36k prior to the scheme re-opening in July 2018. No further capital investment is required to facilitate seven day a week opening.

Legal

24. The Council has a duty under the Care Act 2014 to assess and meet an adult's needs for care and support and to assess a carer's needs for support. Assessment and care and support planning must be person-centred, having regard to individual preferences. The Care Act 2014, Regulations and associated statutory guidance require local authorities to encourage a variety of different providers and different types of services, in order to facilitate an effective open market, driving quality and cost-effectiveness so as to provide genuine choice to meet the range of needs and reasonable preferences of local people who need care and support services, including for people who choose to take direct payments. Local authorities must also have regard to ensuring a sufficiency of provision – in terms of both capacity and capability – to meet anticipated needs for all people in their area needing care and support. The Council has a power to directly provide residential care, subject to registration with the regulator, the Care Quality Commission (CQC).

BRIEFING PAPER

25. The proposals are compliant with the requirements of the Equalities Act 2010 and a full Equality and Safety Impact Assessment (ESIA) has been carried out to support the proposals in the report and assess the impact on individuals. The Act requires the Council to deliver its functions having regard to the need to eliminate discrimination and harassment of individuals sharing protected characteristics and improve equality of opportunity through proactive design and delivery of services. An ESIA will be included with the background papers to the Cabinet report.

Risk Management

26. The respite service at Kentish Road is managed by a Registered Manager who is accountable for the safe operation of the scheme and compliance with Care Quality Commission (CQC) standards. The CQC will be notified of the extended opening hours, if approved by Cabinet. The service is currently rated by the CQC as 'good'. The quality of care and support services directly provided by the Council is also overseen at monthly meetings of the Quality Improvement Assurance Board, which is chaired by the Associate Director of Quality/Deputy Chief Nurse at the Integrated Commissioning Unit.

Policy

27. The proposals set out in this report are consistent with the Council's approved Policy Framework and in particular the outcome of supporting people to live safe, healthy, independent lives.

Appendices/Supporting Information:

None

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BRIEFING PAPER

Appendix 2

SUBJECT:	HOUSEHOLD WASTE RECYCLING CENTRE CROSS BORDER CHARGING AND PERMIT SYSTEM
DATE:	13 JUNE 2019
RECIPIENT:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

THIS IS NOT A DECISION PAPER

SUMMARY:

In January 2020, Hampshire County Council (HCC) will introduce a charge of £5 per visit to its Household Waste and Recycling Centres (HWRCs) for people who live outside of the Hampshire Districts and who wish to use the facilities. In order to administer this, Hampshire County Council are introducing a permit scheme which will require all residents to register online from January 2020. Southampton residents will be eligible to register online and therefore avoid the charge; if they do not, they will have to pay £5 per visit. There is now a need to consider whether Southampton City Council should adopt a similar scheme for the HWRC at City Depot in Millbrook, or retain the current free-of-charge arrangements.

Hampshire has also introduced an administration fee of £15 for the existing provision of a waste permit for commercial vehicles and trailers from 1 June 2019 at HWRCs. This charge applies to everyone who requires a waste permit, including Hampshire (and Southampton) residents. A link to this scheme is provided on the council's website and Cabinet are being asked to note that Hampshire are now applying an annual admin fee for the permit.

BACKGROUND and BRIEFING DETAILS:

1. Southampton's HWRC is located at City Depot on First Avenue. This site is managed by Veolia Environmental Services under the HCC HWRC contract. Residents are able to take a wide variety of items to the HWRC including recyclables, garden waste, furniture and clothes, for no charge. Residents are also able to take soil, rubble, plasterboard and asbestos to the HWRC and dispose of these for a small charge.
2. Other Hampshire HWRCs are available at:
 - Grange Road, Netley, SO31 5FF
 - Normandy Way, Marchwood, SO40 4UD
 - Shamblehurst Lane South, Hedge End, SO30 2AD
 - Stoney Croft Rise, Chandlers Ford, Eastleigh, SO53 3YU.
3. HCC takes overall responsibility for managing the procurement and terms of the countywide HWRC contract but Southampton, as a Unitary Authority, has authority to make minor changes to the operations at the City Depot HWRC. It is recognised that some Southampton residents may use other sites close to our border and they will need to comply with the requirements to register with HCC to continue to use these free of charge.

BRIEFING PAPER

4. HCC has proposed a number of changes to HWRC operations in the last 3 years. These have included reviewing opening hours and charges, as well as introducing a cross border charging scheme. The cross border charging scheme would levy a charge of £5 per visit on non-Hampshire residents when using Hampshire HWRCs as a contribution towards the disposal costs associated with the material they bring in.
5. In October 2018, a decision report presented to Hampshire County Council resulted in approval to introduce cross border charges from January 2020 onwards, as well as to implement an electronic residents' permit scheme to manage the cross border usage of HCC HWRCs.
6. HCC considered two broad options for the cross border system: a manual one and a digital one, and evaluated each in terms of its cost, management and effectiveness. The manual option involved either:
 - making it a requirement that all site users brought with them a suitable piece of identification to prove they are a Hampshire resident (e.g. a council tax bill or driver's licence), or
 - Issuing a physical permit or sticker to all Hampshire addresses so that these could be presented when entering the HWRC.

These options were discounted due to the costs associated with staff checking documents of each user, and of producing and distributing permits.

7. The digital option will require all Hampshire residents to register for an electronic permit (e-permit) that would be used by vehicles entering the sites via an Automatic Number Plate Recognition (ANPR) system. ANPRs are already installed on site. Therefore the proposal would be to ask residents to register with HCC, entering their name, address, contact details and up to three vehicle registrations. An e-permit record would then be created and used to populate a database shared with the ANPR system. When a vehicle not registered on the database enters a HCC site, it will be flagged to staff who could then approach the customer and manage the customer journey.
8. Having considered all the factors associated with the manual and digital solutions, HCC has determined that the flexibility, reduced impact on Hampshire residents, minimal administration, and low delivery cost means that the digital solution is their preferred approach.
9. HCC have further noted that, whilst sign up will be primarily a 'self-service' activity, they will make provision for those residents that are not able to access the internet to support them in signing up for a permit. They are intending to develop a detailed communications plan to encourage residents to sign up for a permit.
10. HCC will be going ahead with work to implement the cross border charging scheme throughout 2019, so it has become necessary for Southampton City Council to determine its position.

BRIEFING PAPER

11. There are three main options available to Southampton City Council in terms of charging schemes at City Depot:
 - i. Adopting a consistent approach with HCC, introducing a £5 charge per visit for non-Hampshire residents, and a residents permit scheme to manage cross border usage
 - ii. Remaining 'as is', so that the HWRC at City Depot remains free of charge for everyone, in contrast to other HWRCs across Hampshire
 - iii. Introducing a different scheme, either in terms of the charges it levies, or the way the permit scheme is administered.
12. The first option to adopt a consistent approach with HCC, meaning non Hampshire residents would be charged £5 per visit to City Depot:
 - Would maintain a consistent operation for residents and recognises that Southampton residents use different HWRCs depending on the area of the city they live in.
 - A consistent approach enables delivery of simple, effective and consistent communication to the public and traders regarding use of these sites.
 - The existence of different systems would have the potential to cause confusion, dissatisfaction and complaints, particularly when using HCC sites.
 - This option would ensure that residents from outside the county who use Southampton's HWRC pay a contribution towards the operational and disposal costs of the site.
 - This option would also mitigate the risk that traffic to the City Depot site increases significantly (as could happen if it remains free of charge).

This would increase site management and disposal costs, and could lead to poorer customer experiences and increased traffic congestion/disruption.
13. If the first option was adopted, the service has reviewed the options around the type of permit scheme which could be introduced, in the same way HCC did. A manual checking scheme would significantly slow down the throughput at the site and lead to increased queuing. The option of a physical permit or sticker is also not recommended due to the significant cost for producing and distributing these to approximately 130,000 households in Southampton, as well as the ongoing cost of replacing damaged and lost permits. There would also be enforcement costs associated with the potential for misuse. A digital solution of the same type as that which will be introduced in HCC would therefore be preferred. Veolia already have an ANPR camera at City Depot and it would be possible to link with HCC, so this will be a low cost solution.
14. However it is not apparent that the HWRC at City Depot currently suffers in the same way from cross border (out of County usage) when compared with other HWRC's across Hampshire. This calls into question the proportionality of asking all Southampton residents to register to use the HWRC in Southampton, particularly when the likely impact is not currently known.

BRIEFING PAPER

15. The second preferred option is to remain 'as is', so that the HWRC at City Depot remains free of charge for everyone, including non-Hampshire residents and keep the impact under review:
- This option would mitigate the risk that charging reduces or removes the incentive for residents to recycle, encourages residents to drive further to dispose of their waste, and/or increases fly tipping
 - Encouraging recycling and responsible disposal of waste is in line with strategic ambitions around green city; this option would also likely prove most popular with those residents that live close to City Depot and currently use this site
 - However, this option may increase traffic to the City Depot site. At peak times, the site is already very busy; on a Saturday, we can see over 800 vehicles visit the site. If this site was the only one in Hampshire that remained free of charge for non-residents, throughput may increase.
 - It may also have a direct cost to SCC, as disposal costs are paid per tonne.
 - There is a risk that residents living close to one of the other HCC sites might express dissatisfaction, or be confused by the changes.
 - SCC would need to direct residents to HCC information regarding permits, and provision of support to residents who need it to complete the forms.
16. The impact of the decision not to follow HCC by introducing a charge for cross border (out of county) use in terms of a potential increase in throughput, congestion and disposal costs will be kept under review following implementation by HCC proposed in January 2020.

RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:

Financial

17. There is a risk that as the only HWRC in Hampshire not to monitor or charge for cross border (out of county) usage there may be an increase in throughput and therefore disposal costs. It is estimated that a 10% increase of waste would cost an additional circa £50K pa.
18. There will be no additional costs associated with communicating the changes to residents. We will link with HCC in terms of their broader communications plan, and will utilise free channels such as social media wherever possible.

Property / Other

19. None

Legal

BRIEFING PAPER

20. S.51 of the Environmental Protection Act 1990 places a duty on waste disposal authorities (including SCC) to provide a site / facility at which residents of the Waste Disposal Authorities area can bring and dispose of their normal household waste and recyclables free of charge. Charges may be introduced for certain classes of waste as prescribed by legislation, such as commercial, hazardous, garden or bulky waste etc but the principle remains that normal household waste must be collected, received and disposed of free of charge. Access and entry controls to a site can be introduced, along with a reasonable administration fee, in order to prevent unauthorised disposal by commercial type vehicles.

Risk Management

21. As detailed previously there is a risk that as the only HWRC in Hampshire that will not monitor or levee a charge for cross border (out of county) usage there may be an increase in throughput which could lead to congestion, a poorer customer experience and increased disposal costs. On the other hand the imposition of a charge or registration by Southampton residents to use the HWRC at City Depot could be seen as disproportionate and an unnecessary administrative burden leading to potential reputational damage. It may also discourage recycling and the proper disposal of waste. Once HCC have implemented their scheme SCC will be in a better position to quantify the impact.

Appendices/Supporting Information:

None

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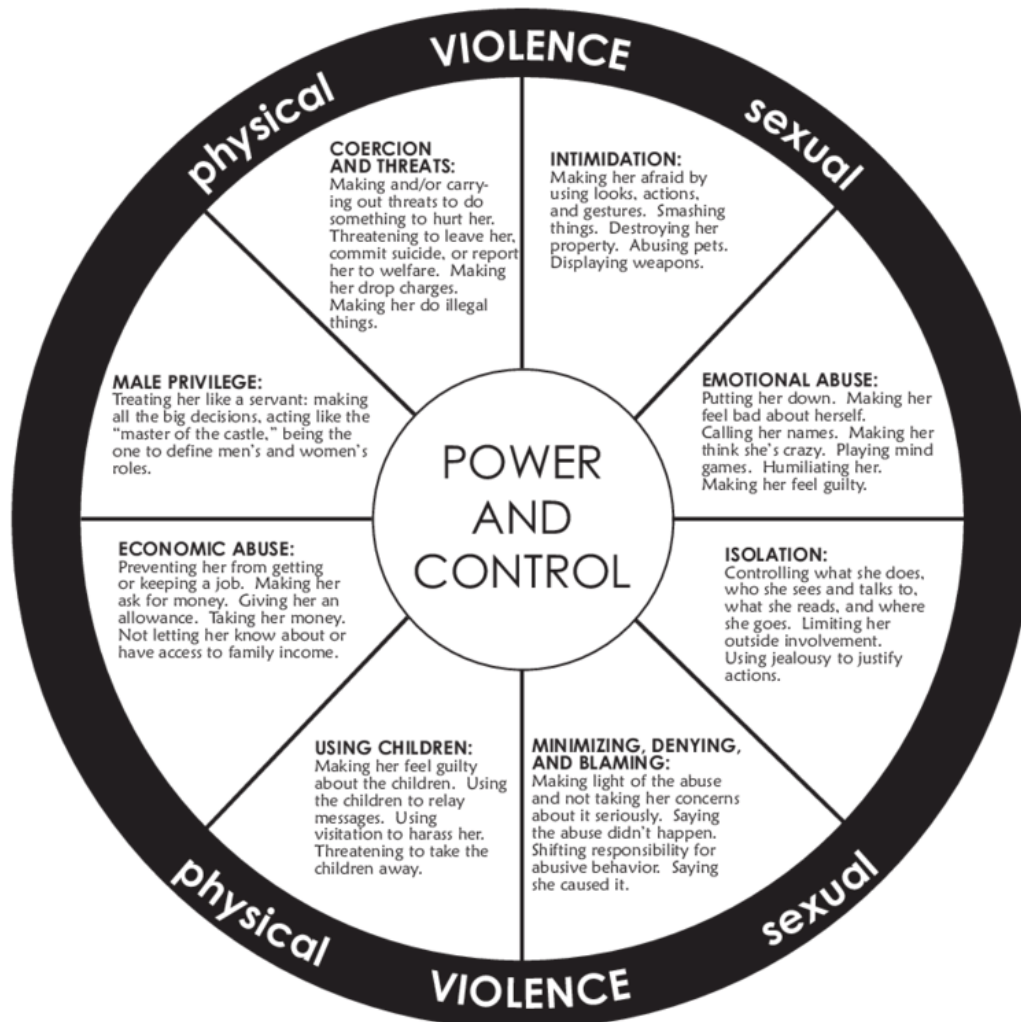
DECISION-MAKER:		OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE	
SUBJECT:		SCRUTINY INQUIRY PANEL – REDUCING AND PREVENTING DOMESTIC ABUSE IN SOUTHAMPTON FINAL REPORT	
DATE OF DECISION:		13 JUNE 2019	
REPORT OF:		CHAIR OF THE SCRUTINY INQUIRY PANEL	
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Mark Pirnie	Tel: 023 8083 3886
	E-mail:	Mark.pirnie@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
From January 2019 to April 2019 the Scrutiny Inquiry Panel undertook an inquiry looking at opportunities to reduce and prevent incidents of domestic abuse in Southampton. The final report of the Panel is attached as Appendix 1 for consideration and approval by the Overview and Scrutiny Management Committee (OSMC).			
RECOMMENDATIONS:			
	(i)	To consider and approve the final report of the Scrutiny Inquiry Panel, attached as Appendix 1, and forward it to the Executive for consideration and further action.	
	(ii)	To delegate authority to the Chair of the Committee to approve any minor amendments arising from considerations raised at the Committee's meeting on 13 June 2019.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	In accordance with the Council's constitution, this Committee must approve the final report of a scrutiny inquiry and refer it to the Executive for consideration and further action.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	None		
DETAIL (Including consultation carried out)			
3.	The OSMC, at its meeting on 15 November 2018, requested that the Scrutiny Inquiry Panel undertake an inquiry looking at reducing and preventing domestic abuse in Southampton.		
4.	The set objectives of the inquiry were: <ul style="list-style-type: none"> a. To develop understanding from a national and local level of domestic abuse, patterns of offending, and risk factors associated with perpetrators of domestic abuse. b. To consider the prevalence of perpetrating domestic abuse in Southampton; the services that are currently available across the life 		

	<p>course in Southampton to reduce the likelihood of people becoming perpetrators of domestic abuse; the effectiveness of the services and gaps in provision.</p> <p>c. To identify what is being done elsewhere in preventing people from being perpetrators of domestic abuse and identify if these principals or initiatives could be introduced in Southampton.</p>
5.	The Scrutiny Inquiry Panel undertook the inquiry over 3 evidence gathering meetings and received information from a wide variety of organisations. This included Respect - the leading UK membership organisation that works with domestic abuse perpetrators and young and make victims, domestic abuse service providers, charitable and voluntary organisations including Hampton Trust and Yellow Door, Hampshire Constabulary, Hampshire & IOW Community Rehabilitation Company, commissioners, and Council Officers.
6.	The final report contains 16 recommendations in total, summarised in Appendix 2, which, if implemented, the Panel believe will help to reduce and prevent domestic abuse through changing the culture and community response to perpetrator behaviour; increasing awareness of and pathways to perpetrator services; and using evidence to improve decision making in Southampton.
7.	A final report of the inquiry is attached as Appendix 1. This Committee needs to consider whether the report adequately responds to the inquiry objectives outlined in the terms of reference shown within the attached report.
8.	The Overview and Scrutiny Management Committee procedure rules within the constitution require that within two months of the date of this Committee approving a final inquiry report, the Executive will consider the report and submit a formal response to the recommendations contained within them. If this Committee is therefore minded to accept the final version of the report, then the document will be forwarded to the Executive on 18 June 2019 for further action.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue/Property/Other</u>	
9.	In practice any future resource implications arising from this review will be dependent upon whether, and how, each individual recommendations within the Inquiry report are progressed by the Executive. More detailed work will need to be undertaken by the Executive in considering its response to each of the recommendations set out in the Inquiry report.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
10.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.
<u>Other Legal Implications:</u>	
11.	None
RISK MANAGEMENT IMPLICATIONS	
12.	None

POLICY FRAMEWORK IMPLICATIONS		
13.	None.	
KEY DECISION		No
WARDS/COMMUNITIES AFFECTED:		None directly as a result of this report
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	Reducing and Preventing Domestic Abuse in Southampton – Final Report	
2.	Reducing and Preventing Domestic Abuse in Southampton – Conclusions and Recommendations	
Documents In Members' Rooms		
1.	None	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?		No
Data Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?		No
Other Background Documents: Equality Impact Assessment and Other Background documents available for inspection at:		
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)	
1.	None	

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Reducing and Preventing Domestic Abuse in Southampton



Power & Control Wheel, Duluth Model (Ellen Pence et al, 1981; 2006)

PANEL MEMBERSHIP

Councillor McEwing (Chair)
 Councillor Harwood (Vice-Chair)
 Councillor Coombs
 Councillor Mitchell
 Councillor Payne
 Councillor Galton
 Councillor Laurent

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Glossary

ACE	Adverse Childhood Experiences - Stressful or traumatic events, including abuse and neglect, which are experienced during childhood and can have negative, lasting effects on health and well-being across a person's lifespan.
BBR	Building Better Relationships - An accredited group work programme, delivered by the HIOW CRC, aimed to reduce re-offending and promote the safety of current and future partners and children whilst working collaboratively with other agencies.
CAFCASS	Children And Family Court Advisory And Support Service - A non-departmental public body in England set up to promote the welfare of children and families involved in family court.
CSR	Creating Safer Relationships - A 1:1 healthy relationship intervention for male Service Users with identified relationship difficulties, delivered by the HIOW CRC.
DAPP	Domestic Abuse Prevention Partnership - A multi-agency complex intervention based in Hampshire, coordinated by Hampton Trust, Aurora New Dawn, and BaseLine Consultancy.
DVPP	Domestic Violence Perpetrator Programme – Behaviour change programmes that aims to help people who have been abusive towards their partners or ex-partners to change their behaviour and develop respectful, non-abusive relationships.
HRDA	High Risk Domestic Abuse – Daily meeting of professionals from a variety of agencies to evaluate the safety and risk of those identified in High Risk Domestic Abuse cases within the MASH/SCC setting.
HIOW CRC	Hampshire & Isle of Wight Community Rehabilitation Company manages all offenders given Community Orders, Suspended Sentence Orders or who are subject to prison sentences or licenses to ensure they complete them successfully and stop committing crime.
IDVA	Independent Domestic Violence Advocate – They are the primary point of contact for victims and survivors and address and secure the safety of victims at high risk of harm from intimate partners, ex-partners or family members.
MARAC	Multi-Agency Risk Assessment Conferences - Meetings where agencies talk about the risk of future harm to people experiencing domestic abuse, and if necessary their children, and draw up an action plan to help manage that risk.
MASH	The Multi-Agency Safeguarding Hub - The Single Point Of Contact for all safeguarding concerns regarding children and young people in Southampton.
MATAC	The Multi-Agency Tasking & Coordination - A strategic and Integrated partnership approach that identifies and responds to high-risk and serial perpetrators of domestic abuse.
ONS	Office for National Statistics
Operation Encompass	Police & education early information sharing partnership enabling schools to offer immediate support for children experiencing domestic abuse.
PIPPA	Prevention, Intervention & Public Protection Alliance - An alliance group of specialist sexual and domestic abuse services in Southampton, working to end domestic abuse and sexual violence. Pippa Helpline: 02380 917 917
Project CARA	Cautioning and Relationship Abuse - A DVPP for first-time offenders of domestic abuse who have received conditional cautioning by Hampshire Constabulary to reduce re-offending rates.
RSE	Relationship & Sexual Education
STAR	Yellow Door's preventative and educational outreach programme for young people
SCC	Southampton City Council
VAWG	Violence Against Women & Girls
YPVA	Young Person's Domestic Violence Advocate

Chair's Introduction



Councillor McEwing - Chair of the Southampton Inquiry Panel (2018/19)

Domestic abuse has a destructive impact on individuals, families, and communities. Southampton has a high recorded domestic abuse rate that continues to rise. In 2017/18 3,000 domestic violence crimes were recorded by Hampshire Constabulary for Southampton.

Whilst, as a Panel, we are keen to applaud the good practice of our victim and survivor services, more must be done to tackle the root causes of domestic abuse in the city and stimulate long-term solutions.

Findings from the inquiry have shown that there are a number of underlying risk factors for perpetrating domestic abuse. These include gender inequality and adverse childhood experiences, which the report recognises needs a co-ordinated, city wide approach to tackle reflecting the detrimental impact this has on numerous outcomes across the city.

Domestic abuse is both a cause and consequence of gender inequality, henceforth, the biggest factor which increases propensity to use abusive behaviour or continue to use abusive behaviour is the social acceptance of 'low level' abusive or oppressive behaviour.

It is not possible to reduce domestic abuse without reducing the number of people who are abusive. Key to reducing incidence of domestic abuse is to work at a whole population level to change the culture in society away from unhealthy and abusive values, attitudes and behaviours; addressing adverse childhood experiences; and, to directly engage with perpetrators.

Reflecting this the Panel have developed a number of recommendations that will, if implemented, help to address these risk factors and reduce incidence of domestic abuse, thereby resulting in fewer victims and children living in families affected by domestic abuse in Southampton.

In recognition of the benefits that reducing levels of domestic abuse would have on the city and our partners, the Panel encourages our partners, including the Office of the Police and Crime Commissioner, to identify additional resources to support perpetrator services in the city and ensure their sustainability moving forward.

I would like to thank all those who provided evidence to the inquiry and ensured that the Panel were well informed. I would also like to thank members of the Panel for their contribution and their willingness to discuss difficult and emotive issues with an open mind.

The Aim of the Inquiry

1. On 15 November 2018 the Overview and Scrutiny Management Committee (OSMC) were informed that Southampton has a high reporting rate of domestic abuse that continues to rise.
2. Over 3,000 domestic violence crimes were recorded by Hampshire Constabulary for Southampton in 2017/18. Figures rose 7% from 2016/17 levels, the fourth consecutive year it has increased in Southampton.
3. Reflecting the information above, and the Committee's awareness, through scrutiny of Council strategies, of the destructive impact of domestic abuse on individuals, families, communities and key outcomes across the City, the OSMC recommended that a scrutiny inquiry is undertaken on the issue of domestic abuse in 2018/19.
4. The Committee agreed that the focus of the inquiry should be to consider what more may be done in Southampton to reduce domestic abuse with a focus on preventing people from abusing their intimate partner.
5. The set objectives for the inquiry were:
 - a) To develop understanding from a national and local level of domestic abuse, patterns of offending, and risk factors associated with perpetrators of domestic abuse.
 - b) To consider the prevalence of perpetrating domestic abuse in Southampton; the services that are currently available across the life course in Southampton to reduce the likelihood of people becoming perpetrators of domestic abuse; the effectiveness of the services and gaps in provision.
 - c) To identify what is being done elsewhere in preventing people from being perpetrators of domestic abuse and identify if these principals or initiatives could be introduced in Southampton.
6. The full terms of reference for the inquiry, agreed by the Overview and Scrutiny Management Committee, are shown in Appendix 1.

How the inquiry was conducted

7. The Scrutiny Inquiry Panel undertook the inquiry over 3 evidence gathering meetings between January 2019 and April 2019 and received information from a wide variety of organisations. This included Respect - the leading UK membership organisation that works with domestic abuse perpetrators and young and make victims, domestic abuse service providers, charitable and voluntary organisations including Hampton Trust and Yellow Door, Hampshire Constabulary, Hampshire & IOW Community Rehabilitation Company, commissioners, and Council Officers. A list of witnesses that provided evidence to the inquiry is detailed in Appendix 2.
8. The key findings, conclusions and recommendations from the inquiry are detailed succinctly later in this report.

9. Members of the Panel would like to thank all those who have assisted with the development of this review, in particular the following who have provided the Panel with invaluable advice throughout the inquiry:

- Sandra Jerrim, Senior Commissioner from the Integrated Commissioning Unit (ICU)
- Charlotte Matthews, Public Health Consultant
- Grace Grove, Public Health Registrar
- Karen Marsh, IDVA Service Manager

Introduction and background

What is Domestic Abuse?

10. In the draft Domestic Abuse Bill, domestic abuse is defined as:

‘Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexual orientation. The abuse can encompass, but is not limited to: psychological, physical, sexual, economic and emotional forms of abuse.

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape, and regulating their everyday behaviour.

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten a person.’¹

Domestic Abuse: National Context

11. In March 2018, the Crime Survey for England and Wales (CSEW) identified that an estimated 2 million adults aged 16 to 59 years experienced domestic abuse in the last year and 599,549 domestic-abuse related crimes were reported to the police². The CSEW estimates that less than 1 in 5 (17%) victims of partner abuse report it to the Police.
12. Whilst there has been very little change in CSEW estimated incidence, the number of recorded crimes has been increasing; 23% in the last year. This in part reflects police forces improving their identification and recording of domestic abuse and an increased willingness by victims to come forward.
13. Nationally, women were approximately twice as likely to have experienced domestic abuse compared to men (7.9% compared with 4.2%)³. This equates to an estimated 1.3 million female victims and 695,000 male victims.

Domestic Abuse: Southampton

14. In Southampton, over 3,000 domestic violence cases were recorded by Hampshire Constabulary in 2017/18 and, overall, domestic violence accounted for 30% of all recorded violent crime in the city. The levels of reported domestic violence have risen for four consecutive years, with a 7% rise recorded in 2017/18.⁴

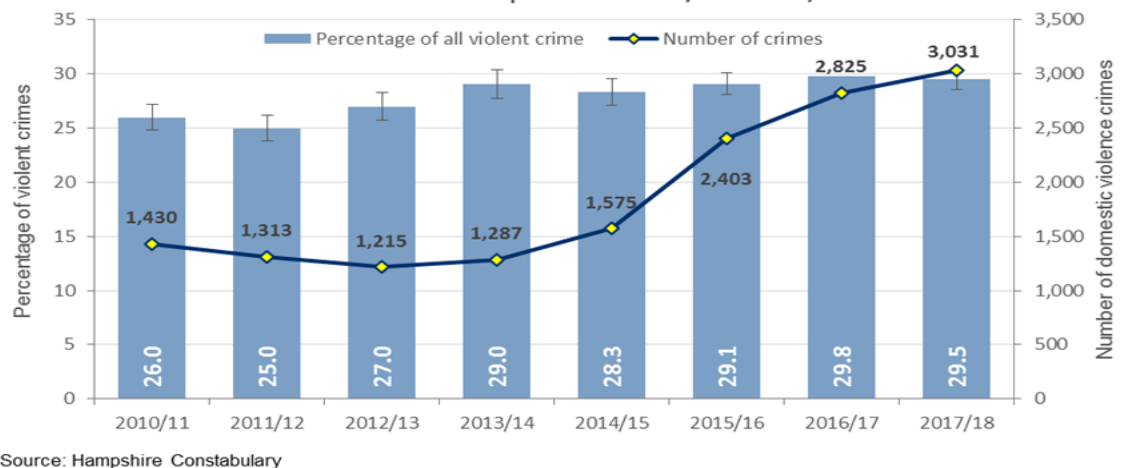
¹ HM Government (2019). Transforming the Response to Domestic Abuse. London: Home Office, p.5.

² Office for National Statistics (2018). Domestic abuse in England and Wales: year ending March 2018. Domestic Abuse in England and Wales. Office for National Statistics, pg. 2.

³ Office for National Statistics (2018). Domestic abuse in England and Wales: year ending March 2018. Domestic Abuse in England and Wales. Office for National Statistics, pg. 8.

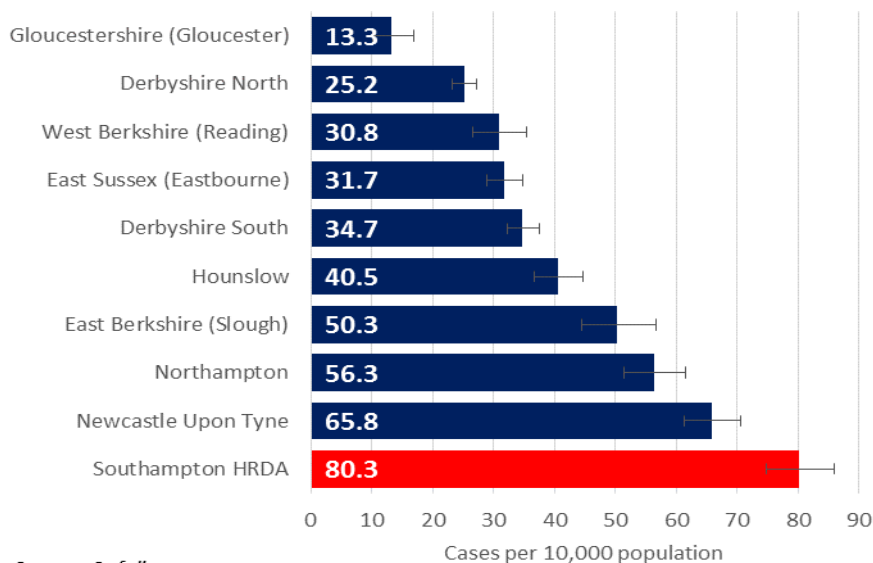
⁴ King, D. and Marsh, K. (2019). Domestic Abuse in Southampton & IDVA, pg. 6. Available at: <https://www.southampton.gov.uk/modernGov/documents/s39388/Domestic%20Violence%20-%20Southampton.pdf>

Figure 1 Number of domestic violence crimes, with and without injury, as a percentage of all violent crime: Southampton trend: 2010/11 to 2017/18



15. Furthermore, the number of high risk cases continues to increase in the city. Southampton has a rate of 80.3 High Risk Domestic Abuse (HRDA) cases per 10,000 population. This is the highest rate for areas that we have data for, as shown in Figure 2.

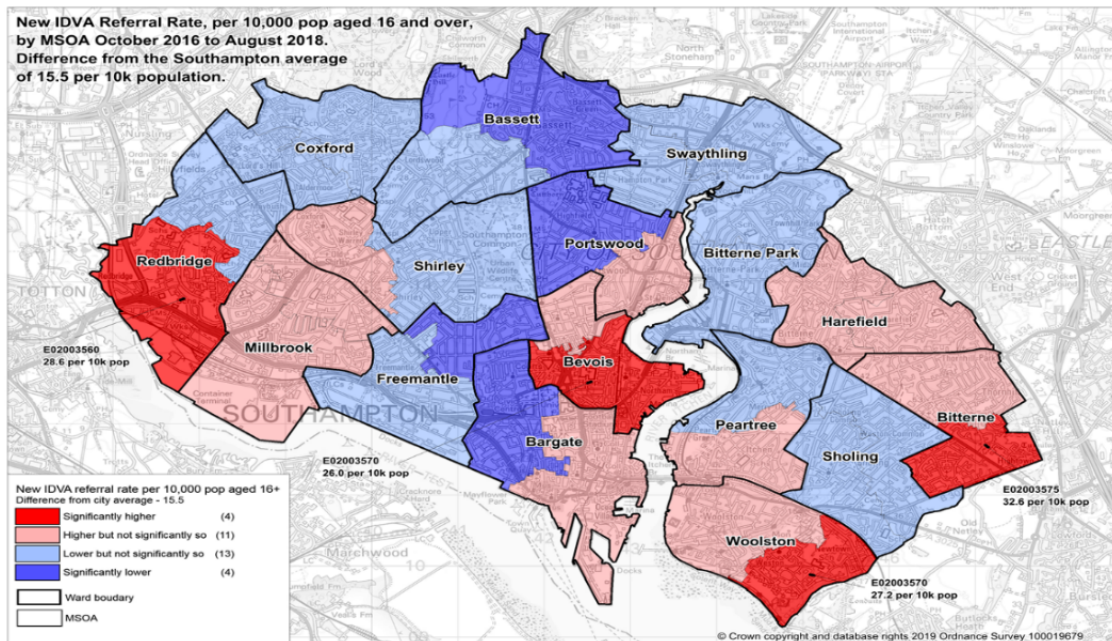
Figure 2 High Risk Domestic Abuse cases per 10,000 population: Southampton HRDA and comparator MARACs: October 2017 to September 2018



16. Domestic abuse rates are almost eight times higher in the most deprived neighbourhoods of Southampton compared to the least deprived neighbourhoods, with Bevois, Bitterne, and Millbrook wards having the highest HRDA case rates. According to recent Independent Domestic Violence Advisor (IDVA) data, 44% of new IDVA referrals come from the 20% most deprived neighbourhoods in the city⁵.

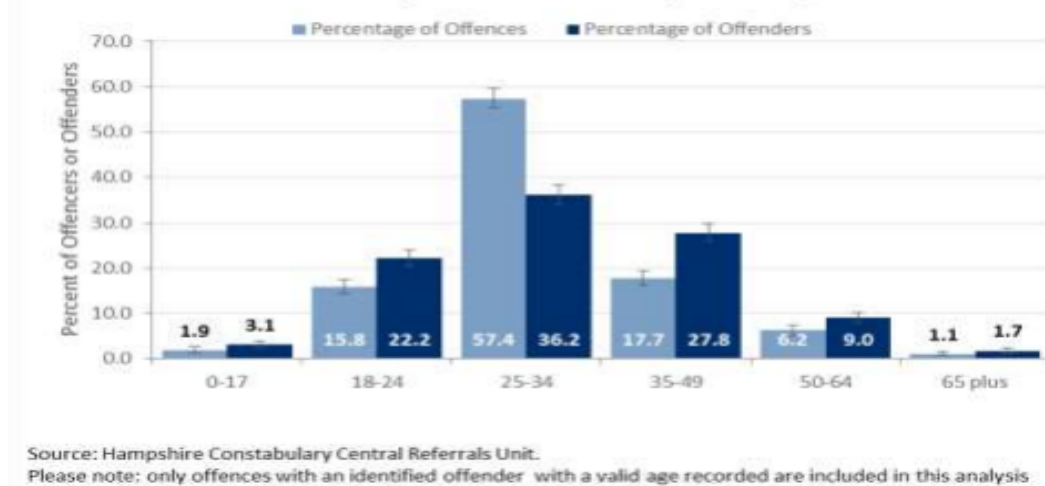
⁵ King, D. and Marsh, K. (2019). Domestic Abuse in Southampton & IDVA, pg. 10, 11. Available at: <https://www.southampton.gov.uk/modernGov/documents/s39388/Domestic%20Violence%20-%20Southampton.pdf>

Figure 3



17. 2016/17 Hampshire Constabulary data shows that offenders in Southampton are typically male (74.6%), perpetrate within intimate partner relationships (87%) and over a third are aged 25-34 years old in Southampton⁶. This age cohort were also responsible for 57% of offences in 2016/17 as shown in Figure 4.

Figure 4 Age profile of domestic violence and abuse offenders and the offences they commit in Southampton: 2016/17



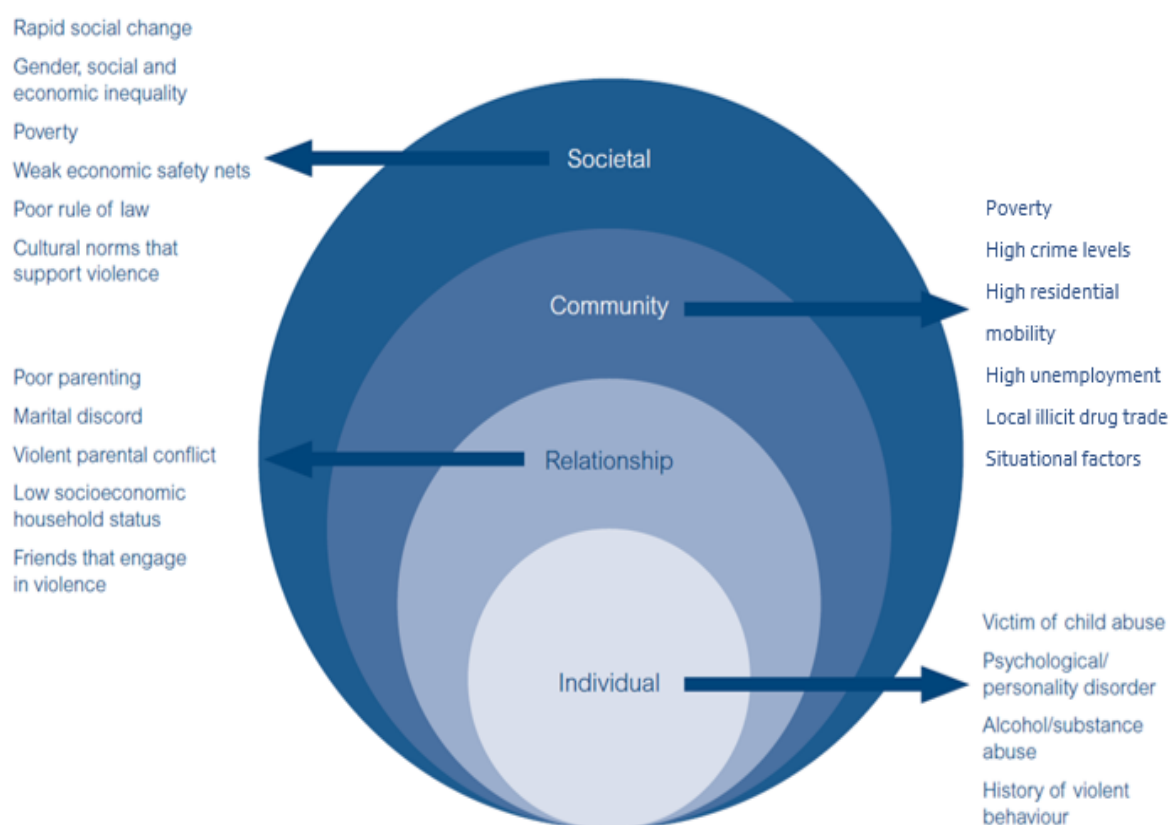
18. To inform the next iteration of the Southampton Domestic and Sexual Abuse Multi-Agency Strategy a detailed Domestic Abuse Needs Assessment is being undertaken by the Intelligence and Strategic Analysis Team and Public Health. This assessment should be available in autumn 2019.

⁶ King, D. and Marsh, K. (2019). Domestic Abuse in Southampton & IDVA, pg. 13. Available at: <https://www.southampton.gov.uk/modernGov/documents/s39388/Domestic%20Violence%20-%20Southampton.pdf>

What are the risk factors for perpetrating domestic abuse?

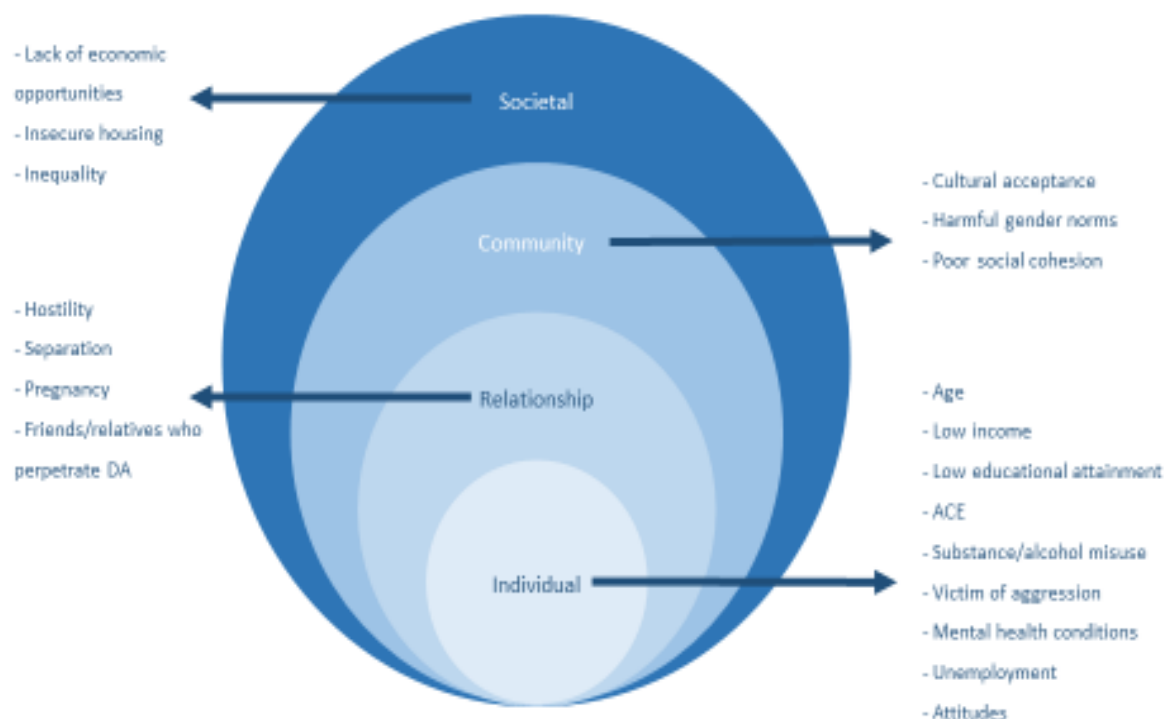
19. As the figures in the previous section illustrate, Southampton has significantly higher levels of reported domestic violence compared to similar areas we have data for, and the number of reported cases continues to rise.
20. Reflecting the focus of the inquiry, to help identify what additional action can be taken to reduce and prevent domestic abuse in Southampton, the Panel were provided with an overview of the risk factors for perpetrating domestic abuse.
21. Figure 5 below identifies risk factors for violence. Figure 6 is an adaptation of this model to reflect the specific risk factors of the perpetrators of intimate partner violence.

Figure 5 - Risk factors for violence



Source: The Local Government Association (2018), Public health approaches to reducing violence.
Available from <https://www.local.gov.uk/public-health-approaches-reducing-violence>

Figure 6 – Risk factors for perpetrating intimate partner violence (IPV) ⁷



Source: Public Health, presentation to Inquiry Panel, 7 March 2019 – Available at <https://www.southampton.gov.uk/modernGov/documents/s39782/DA%20Literature%20Review.pdf>

22. In addition Sara Kirkpatrick, Services & Development Manager at Respect – the leading UK membership organisation for work with domestic abuse perpetrators, in her presentation at the inaugural meeting of the Inquiry Panel identified the following additional risk factors for perpetrating domestic abuse⁸:

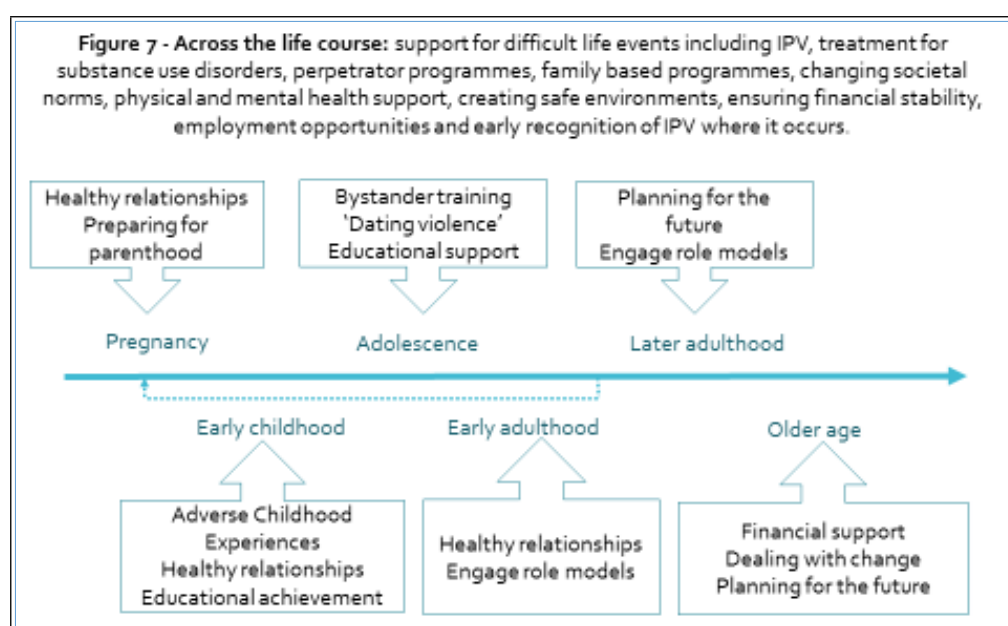
- Young people exposed to domestic abuse, as a form of adverse childhood experience (ACE), have higher prevalence of both perpetration and victimisation of domestic abuse.
- Domestic abuse is both a cause and consequence of gender inequality, henceforth, the biggest factor which increases propensity to use abusive behaviour or continue to use abusive behaviour is the social acceptance of 'low level' abusive or oppressive behaviour.

⁷ Further information on Figure 5 & 6 and the presentation from Public Health Southampton is referenced here: Grove, G. (2019). Literature Review of Domestic Abuse in Southampton, pg. 5, 6. Available at: <https://www.southampton.gov.uk/modernGov/documents/s39782/DA%20Literature%20Review.pdf>

⁸ Kirkpatrick, S. (2019). Respect - Domestic Abuse Prevention Inquiry, pg. 9. Available at: <https://www.southampton.gov.uk/modernGov/documents/s39388/Domestic%20Violence%20-%20Southampton.pdf>

What helps to prevent / reduce incidence of domestic abuse?

23. Having been informed about the risk factors for perpetrating domestic abuse the Panel sought to understand what initiatives and actions were effective at preventing abuse from occurring or reducing incidents of domestic abuse.
24. At the 7 March 2019 meeting of the Inquiry a presentation from Public Health outlined the findings from a literature review of effective practice in preventing people from becoming future perpetrators of domestic abuse⁹. The presentation, whilst recognising that there was emerging research about what works, identified three areas for prevention activity:
- 1) **Primary prevention** - Preventing someone from ever perpetrating.
 - 2) **Secondary prevention** - Intervening after the first occurrence to stop it happening again and minimising the harm to others.
 - 3) **Tertiary prevention** – Stopping serial perpetrators from continuing to perpetrate and minimising the harm to others.
25. The analysis of the various prevention activity identified three key elements that were associated with effectively preventing or reducing incidence of domestic abuse. The key approaches can be summarised as follows:
- **Whole system approach** – A multi-agency response to domestic abuse
 - **Life course approach** – Support for addressing the risk factors for domestic abuse across the life time of an individual (see Figure 7)
 - **Universal primary prevention** - Approaches designed for an entire population without regard to individual risk factors. These include awareness campaigns and relationship education for young people.



Source: Public Health, presentation to Inquiry Panel, 7 March 2019

⁹ Grove, G. (2019). Literature Review of Domestic Abuse in Southampton, pg. 7, 10-15. Available at: <https://www.southampton.gov.uk/modernGov/documents/s39782/DA%20Literature%20Review.pdf>

Work directly with perpetrators

26. Specific reference was made by Sarah Fitzpatrick, Services & Development Manager at Respect, when considering approaches to reduce and prevent domestic abuse, to the importance of working with perpetrators. The logic behind this approach is:

*'Support services for victims and children are vital. Refuges, Independent Domestic Violence Advisors (IDVAs) and outreach services save and improve lives every day. And a robust criminal justice system has a crucial role to play in administering justice and protecting current and future victims. But unless communities engage directly with perpetrators, domestic violence will not stop.'*¹⁰

27. The Panel were informed about the growing evidence base demonstrating the positive impact that programmes which engage with perpetrators are having on outcomes. These include community behavioural change programmes and early intervention programmes for those ready, willing and able to change, and intensive case management models for perpetrators causing high levels of harm or have individualistic needs.

What every good local authority area should have in place to reduce incidents of domestic abuse?

28. Reflecting the importance of working with perpetrators Sara Kirkpatrick identified a number of elements that every local authority should have in place to reduce incidents of domestic abuse. This is summarised below, a more detailed version is attached as Appendix 4:

- Coordinated multi-agency approach which includes statutory and specialist services
- Early intervention
- Assessment of harm, capacity to change and need
- A range of responses including:
 - Intensive case management
 - Robust civil and criminal justice responses
 - Behaviour change programmes
- Principles and standards accreditation / external quality assurance of services
- Needs led Trauma informed approach for victims and survivors.

29. The criteria above, including whole system approach, life course approach and universal primary prevention, formed the structure for meetings two and three of the inquiry enabling comparisons with services in Southampton.

¹⁰ Respectphoneline.org.uk. (2010). Domestic Violence Perpetrators - Working with the cause of the problem. [online] Available at: <http://respectphoneline.org.uk/wp-content/uploads/2018/01/Working-with-the-cause-of-the-problem.pdf>

Conclusions and Recommendations

30. A summary of the key evidence presented at each of the inquiry meetings is attached as Appendix 3. In addition an overview of domestic abuse services and programmes in Southampton is attached as Appendix 5, and a summary of findings for Southampton against the criteria that good local authority areas should have in place to reduce incidents of domestic abuse is attached as Appendix 6. Conclusions were drawn from each meeting and disseminated to the Panel.

All of the reports, presentations and minutes from the inquiry meetings can be found here:

<https://www.southampton.gov.uk/modernGov/ieListMeetings.aspx?CId=709&Year=0>

Conclusions

- Southampton has high levels of reported domestic abuse and this figure continues to rise.
- Southampton has a strong and well developed suite of victim and survivor domestic abuse services.
- The range of accredited perpetrator services in Southampton is comparable to any city in the UK. This is primarily due to the innovative services developed by the voluntary and community sector in the city.
- It is not possible to reduce domestic abuse without reducing the number of people who are abusive. Key to reducing incidence of domestic abuse is to work at a whole population level to change the culture in society away from unhealthy and abusive values, attitudes and behaviours; addressing adverse childhood experiences; and, to directly engage with perpetrators.
- The draft Domestic Abuse Bill includes positive developments with regards to making appropriate relationship and sexual education in secondary and primary schools compulsory. More needs to be done across wider society to stigmatise abusive behaviours.
- There is a need to increase referrals to perpetrator services, and at an earlier stage, from agencies dealing with abuse. Improving awareness of perpetrator services and the service pathways will help to achieve this objective. As demand for commissioned perpetrator services increases there will be a need to increase resources to ensure that a backlog does not form.
- Opportunities exist to embed good practice and further improve partnership working by rolling out the Multi-Agency Tasking and Co-ordination Group (MATAC) and co-locating Hampton Trust staff within key service areas.
- There is a need to consider our relationship with risk factors (including alcohol, substance misuse and mental health). The draft Domestic Abuse Bill provides an opportunity for Southampton to work with Government and to develop the evidence base to help inform commissioning decisions.

Recommendations

Universal primary prevention

1. **Communications Campaign** – There is still a social acceptance of ‘low level’ abusive or oppressive behaviour in society which, therefore, needs a change in culture and community response to perpetrator behaviour. Learning from the findings of the developing Domestic Abuse Needs Assessment, it is recommended that, in line with the commitment in the draft Domestic Abuse Bill to promote public awareness of domestic abuse, the Council undertakes a communication campaign that, alongside the messages promoted through White Ribbon Day challenging attitudes to gender inequality, seeks to stigmatise abusive behaviours and to signpost members of the public to the Hampton Trust and Respect Phone Line.
2. **Reporting Domestic Abuse** – Engage with local media outlets and encourage them to follow the new reporting guidelines developed by Level Up, and adopted by press regulators, on the way that domestic abuse is reported.
3. **Relationship Education** - Support schools, as required, to deliver the requirements on relationship education, relationships and sex education, and health education in primary and secondary skills outlined within the draft Domestic Abuse Bill.
4. **Adverse Childhood Experiences** - This is recognised as a city and nationwide issue and this view is further supported through the findings of the inquiry. It is recommended that the impact of adverse childhood experiences on domestic abuse is considered in the work the Council, as a whole, takes forward to address adverse childhood experiences.

Perpetrator Services / Whole system approach - We cannot reduce domestic abuse without reducing the number of people who are abusive. People who are abusive often need support to recognise their abuse and to change. Perpetrator services help to reduce the risk to partners, current and future, and mean fewer children live in families affected by domestic abuse. It also sends a clear social message that victims or survivors do not cause domestic abuse.

5. **Raise awareness of, and increase referrals to, perpetrator services** - There is a need to increase the identification of, and from this the number of referrals to perpetrator services, and at an earlier stage, from agencies dealing with abuse. It is recommended that a perpetrator services awareness raising campaign is undertaken targeted at potential referral partners, and that specific training is provided to agencies that deal with abuse, including substance misuse services, mental health services and relevant NHS services to ensure that they know the referral pathways. The draft Domestic Abuse Bill identifies specific funding for training to promote greater joining-up between substance misuse and domestic abuse services.

6. **Introduce routine enquiry for perpetrators** – Routine enquiry currently involves asking all women at assessments about abuse regardless of whether there are any indications or suspicions of abuse. No equivalent approach exists to ask if individuals are perpetrating abuse at assessments in key services. This should be introduced across an appropriate range of services, including primary care, mental health, substance misuse and other services, to improve identification and provides opportunities for early intervention.
7. **Seek additional resources to support perpetrator services in Southampton** – An estimated 11% of local domestic abuse funding is targeted at supporting perpetrators to recognise their behaviour and change. Additional resources are needed to enable services to meet need and the expected rise in demand to ensure that a backlog does not form. The work may include education, identification and a range of interventions, for example the LINX service.
8. **MATAC (Multi-Agency Tasking and Co-ordination)** – This is a strategic and integrated partnership approach that identifies and intervenes with high-risk and serial perpetrators of domestic abuse. MATAC has been piloted in Southampton by Hampton Trust and Hampshire Constabulary. The current evaluation is expected to show positive results. If this transpires it is recommended that the approach is rolled out in Southampton to improve the tracking and disruption of high risk and serial perpetrators in Southampton.
9. **Co-location of Hampton Trust staff within the key service areas** - To support long term institutional change in engaging perpetrators and to promote identification for early intervention it is recommended that Hampton Trust staff are co-located within key service areas for specified periods of time (e.g. 6 months at each location). This would include the High Risk Domestic Abuse Service, Substance Misuse and Mental health services, among others. Outcomes of this initiative should be evaluated.

Evidence Based Decision Making

10. **Update the Domestic and Sexual Abuse Strategy (DSA)** – The existing Southampton DSA Strategy runs from 2017-2020. The strategy needs to be updated to reflect the Domestic Abuse Strategic Needs Assessment and the findings from this inquiry.
11. **Evaluation of perpetrator services** – Evidence that supports the effectiveness of perpetrator services is limited but growing. To develop the evidence base it is recommended that the DSA strategic group receives and considers appropriate research and evaluations from across the UK and combines this with regular analysis of perpetrator services in Southampton to develop understanding about what services and initiatives are most effective and to inform future commissioning intentions.
12. **Return on Investment for Perpetrator Services** – Public Health to work with others to develop a return on investment for perpetrator services to help support future funding decisions made by the Council and partners.

- 13. Alcohol and Substance Misuse** – The Draft Domestic Abuse Bill commits the Government to consider the impact of alcohol on domestic abuse and to identify gaps in the evidence base on the relationship between substance misuse and domestic abuse. It is recommended that the Integrated Commissioning Unit and Public Health keep abreast of the developments in this area and reflect on the outcomes when considering future decisions and strategies relating to domestic abuse and substance and alcohol misuse.
- 14. The role of Public Health** – The Director of Public Health considers domestic abuse when the new funding arrangement and mandate for Public Health is announced nationally, timescale unknown.
- 15. Consideration of the impact on victims and perpetrators of domestic abuse when making Council decisions** – To ensure that consideration is given to the impact of Council proposals on the victims and perpetrators of domestic abuse it is recommended that they are included within Equality and Safety Impact Assessments as if they were a protected characteristic.
- 16. Working with Government** – Southampton has good survivor services and is recognised as a vanguard area for perpetrator services. However, the number of reported incidents of domestic abuse continues to rise. The draft Domestic Abuse Bill provides an opportunity for Southampton to, through the development of the next iteration of the DSA Strategy and improved resourcing towards perpetrators, develop a narrative on domestic abuse in Southampton and engage with the Government with the ambition of using the city as model for investing in innovative, citywide practice to reduce levels of domestic abuse. It should also form early and positive links with the proposed Domestic Abuse Commissioner if and when they are appointed.

Appendices

Appendix 1 – Terms of References

Appendix 2 – Inquiry Plan

Appendix 3 – Summary of Key Evidence

Appendix 4 - What should every good local authority area have in place to reduce incidents of domestic abuse?

Appendix 5 – Summary of Southampton Domestic Abuse Services & Programmes

Appendix 6 – Summary of Findings

Appendix 1 – Terms of Reference

Reducing and Preventing People from Becoming Perpetrators of Domestic Abuse in Southampton

Terms of Reference and Draft Inquiry Plan

1. Scrutiny Panel Membership:

- a) Councillor McEwing (Chair)
- b) Councillor Coombs
- c) Councillor Mitchell
- d) Councillor Payne
- e) Councillor Harwood (Vice-Chair)
- f) Councillor Galton
- g) Councillor Laurent

2. Purpose:

To consider what more may be done in Southampton to reduce domestic abuse with a focus on preventing people from abusing their intimate partner.

3. Background:

- Southampton has high levels of reported domestic abuse.
- Domestic related violence accounted for 29.1% of total crime in Southampton in 2015/16.
- 1,065 children and young people are identified as living in violent homes in the city where a parent is a victim of high risk Domestic and Sexual Abuse (DSA)
- A 2015 focus group with frontline workers and survivors of DSA in Southampton showed that inter-generational DSA is high.

4. Objectives:

- a) To develop understanding from a national and local level of domestic abuse, patterns of offending, and risk factors associated with perpetrators of domestic abuse.
- b) To consider the prevalence of perpetrating domestic abuse in Southampton; the services that are currently available across the life course in Southampton to reduce the likelihood of people becoming perpetrators of domestic abuse; the effectiveness of the services and gaps in provision.
- c) To identify what is being done elsewhere in preventing people from being perpetrators of domestic abuse and identify if these principals or initiatives could be introduced in Southampton.

5. Methodology:

- a) Undertake desktop research.
- b) Seek stakeholder views.
- c) Identify best practice.
- d) Seek views of experts.

6. Proposed Timetable:

Four meetings between January 2019 and April 2019.

7. Draft Inquiry Plan (Subject to the availability of speakers)

Meeting 1: 31 January 2019

- Introduce, Context, Background
 - Definition of domestic abuse, including the scope of this scrutiny inquiry as focussing on abuse between intimate partners;
 - Description of perpetrators of domestic abuse nationally and in Southampton;
 - What we already know about risk factors and patterns of domestic abuse between intimate partners.

To be invited:

- Sara Kirkpatrick, Respect UK
- Dan King, Service Lead for Intelligence & Strategic Analysis
- Karen Marsh, IDVA

Meeting 2: 21 February 2019

- The local Southampton Policy framework and services designed to reduce the likelihood of people becoming perpetrators of domestic abuse.
 - What are the local intervention services – What works, what does not, where are the gaps?

To be invited:

- Hampton Trust – Perpetrator services
- Yellow Door – Star Project
- Hampshire & IOW Community Rehabilitation Company

Meeting 3: 7 March 2019

- Innovation and best practice – What can Southampton learn from other cities and programmes? Can we replicate or adopt these practises in Southampton? What else do we need to find out?
 - Literature Review – Good practice
 - Primary and Secondary causes of domestic abuse
 - Domestic Abuse Bill
 - Pathways / Substance misuse / Mental Health / Alcohol

To be invited:

- Phil Bullingham, Service Lead for Safeguarding, Improvements, Governance & Quality Assurance – Children's Services
- Grace Grove, Public Health Registrar
- Mark Pirnie, Scrutiny Manager
- Sandra Jerrim, Senior Commissioning Officer

Meeting 4: 18 April 2019

- Panel to agree a final report

Appendix 2 – Inquiry Plan

DATE	MEETING THEME	TOPIC DETAIL	EVIDENCE PROVIDED BY
31 January 2019	Agree Terms of Reference and introduction to the inquiry	Introduction, context and background to the issues.	<ul style="list-style-type: none"> • Sara Kirkpatrick, Service and Development Manager of Respect • Dan King, Service Lead for Intelligence & Strategic Analysis, SCC • Karen Marsh, Service Manager for IDVA, SCC
21 February 2019	The Local Southampton services for Domestic Abuse	The local Southampton Policy framework and services designed to reduce the likelihood of people becoming perpetrators of domestic abuse.	<ul style="list-style-type: none"> • Sandra Jerrim, Senior Commissioning Officer, Integrated Commissioning Unit • Chantal Hughes & Tracy Rutherford, CEO & Deputy CEO of Hampton Trust • Tara Doel, Nicci King and Frankie Snow – Yellow Door • Lauren Viney – Hampshire & IOW Community Rehabilitation Company
7 March 2019	Innovation & Best Practice	What can Southampton learn from other cities and programmes? Can we replicate or adopt these practises in Southampton? What else do we need to find out?	<ul style="list-style-type: none"> • Phil Bullingham, Service Lead for Safeguarding, Improvements, Governance & Quality Assurance – Children's Services, SCC • Grace Grove, Public Health Registrar, SCC • Sandra Jerrim, Senior Commissioning Officer, Integrated Commissioning Unit • Mark Pirnie, Scrutiny Manager, SCC

Appendix 3 – Summary of Key Evidence

Scrutiny Inquiry Panel – Reducing and Preventing Domestic Abuse in Southampton

Inquiry Meeting – 31 January 2019

Introduction to the inquiry, context and background

Presentations referenced below can be found here:

<https://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=709&MId=4159&Ver=4>

Summary of information provided:

Sara Kirkpatrick - Research and Services Development Manager, Respect

- A presentation introducing the issue of domestic abuse, risk factors, and the importance of prevention work with perpetrators was delivered by Sara Kirkpatrick.
- In addition to the points raised in the presentation, Sara made the following key points:
 - The biggest factor which increases propensity to use abusive behaviour or continue to use abusive behaviour is social acceptance of 'low level' abusive or oppressive behaviour.
 - A number of initiatives have been shown to decrease incidents of intimate partner abuse. These include awareness raising campaigns and leadership.
 - Working directly with perpetrators has delivered promising results. Project CARA, an early intervention model based on conditional cautioning, delivered by Hampton Trust was referenced as an example of good practice.
 - As the appetite for innovation and a broader range of solutions to challenge or disrupt abusive behaviour increases these innovations should be developed in consultation and cooperation with survivor services.
 - The recently published Transforming the Response to Domestic Abuse Consultation Response and Draft Bill contains some elements that may help to reduce levels of domestic abuse. This includes introducing regulations and statutory guidance for schools on Relationships and Sex Education, and Health Education.
 - Support services for victims and children are vital. Refuges, Independent Domestic Violence Advisors (IDVAs) and outreach services save and improve lives every day, and a robust criminal justice system has a crucial role to play in administering justice and protecting current and future victims. But unless communities engage directly with perpetrators, domestic violence will not stop.

Dan King - Service Lead, Intelligence and Strategic Analysis, SCC
Karen Marsh – IDVA Service Manager, SCC

- A Presentation (item 8 – Additional Documents) providing the Panel with an overview of domestic abuse in Southampton was delivered by Dan King and Karen Marsh.
- In addition to the points raised in the presentation, the following key points were made:
 - A detailed Domestic Abuse Needs Assessment is being undertaken by the Intelligence and Strategic Analysis Team and Public Health to inform the next iteration of the Southampton Domestic and Sexual Abuse Multi-Agency Strategy.
 - Southampton has a very high domestic abuse reporting rate.
 - Over 3,000 domestic violence crimes were recorded by Hampshire Constabulary for Southampton in 2017/18. Figures rose 7% last year, the 4th consecutive year it has increased in Southampton.
 - The highest recorded rates of domestic violence and abuse are in the most deprived communities in Southampton.
 - Southampton has a strong multi-agency response that is victim focused.
 - Volume of high risk referrals continues to rise.

Conclusions from meeting:

- Southampton has a very high number of reported cases of domestic abuse and this figure continues to rise.
- Support services for victims and children are vital. Refuges, Independent Domestic Violence Advisors (IDVAs) and outreach services save and improve lives every day, and a robust criminal justice system has a crucial role to play in administering justice and protecting current and future victims. But unless communities engage directly with perpetrators, domestic violence will not stop.
- A number of initiatives have been shown to decrease incidents of intimate partner abuse. These include Domestic Violence Perpetrator Programmes working in partnership with support services and prevention work, such as awareness raising campaigns.

Scrutiny Inquiry Panel – Reducing and Preventing Domestic Abuse in Southampton

Inquiry Meeting – 21 February 2019

The local Southampton Policy framework and services designed to reduce the likelihood of people becoming perpetrators of domestic abuse.

Presentations referenced below can be found here:

<https://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=709&MId=4160&Ver=4>

Summary of information provided:

Sandra Jerrim - Senior Commissioner from the Integrated Commissioning Unit (ICU).

- A presentation introducing how resources are apportioned across different service areas and feedback from providers on their role in identifying and signposting perpetrators was delivered by Sandra Jerrim.
- In addition to the points raised in the presentation, Sandra made the following key points:
 - Currently, Southampton works mainly with victims and children but lacks the same level of commitment to working and intervening with perpetrators.
 - As well as services provided through the OPCC and probation, there are other service providers outside of social care that will have some involvement with perpetrators, such as drug and alcohol misuse services, Child & Adolescent Mental Health Services (CAMHS).
 - There is no focus within areas on deprivation to identify or respond to domestic abuse and few services targeting adverse childhood experiences (ACEs).
 - Children and Families Services has become the prominent referral route to the Domestic Abuse Perpetrator Partnership (DAPP) and other services.
 - Funding towards domestic abuse perpetrators come from a variety of sources, typically The Ministry of Justice, OPCC, Southampton City Council, Big Lottery, and general fundraising, etc.
 - This results in the funding for a number of perpetrator and programmes being inconsistent and often short term.
 - Overall in Southampton, and based on information available, it has been found that approximately £800,000 is spent on domestic abuse services annually: 89% of expenditure is on victim/survivor services and 11% perpetrator services (DAPP 6%, LINX 1%, and Building Better Relationships 2%).
 - From a survey questionnaire in regards to referrals to perpetrator services it has found that:
 - All settings recognised and identified perpetrators.
 - Survivor services focus on developing protective factors around the survivor.

- Responses show that survivor services are increasingly accepting their role in sharing intelligence about perpetrators and the benefits of this.

Tara Doel, Nicci King and Frankie Snow – Yellow Door

- Yellow Door is a registered charity working to support individuals and communities across Southampton and western Hampshire. They offer a range of free services dedicated to supporting those who have experienced - or are at risk of - abuse, as well as delivering preventative workshops and outreach across the region.
- A presentation introducing the Panel to Yellow Door's STAR Project, Bright Stars, and Diversity & Inclusion Advocacy programme to prevent and tackle domestic and sexual abuse was delivered by Tara Doel, Nicci King, and Frankie Snow.
- In addition to the points raised in the presentation, the Yellow Door representatives made the following key points:
 - The STAR Project delivers Relationship and Sexual Education, through interactive workshops, in Southampton and surrounding areas of Hampshire to children aged from 11+ to college and university level.
 - This is currently delivered to all secondary schools, majority of Primary schools and youth settings in Southampton. In 2017/18 The STAR Project has delivered to 11,985 young people in 2017/18.
 - The STAR Project has been awarded as one of the top 10 examples of international best practise in a European Parliament report "*Overview of Worldwide Best Practise for Rape Prevention & Assisting Victims*" (2014).
 - One of the aims of this service is to prevent abuse by teaching future potential perpetrators and victims of domestic abuse about healthy relationships, self-esteem, and making informed decisions surrounding sex and relationships. They also provide advocacy support for children.
 - The STAR Project has a very high positive feedback with 98% of children surveyed saying they understood more about what makes a healthy relationship. The majority of children attending participate in the survey.
 - Funding sources of the STAR Project include: Southampton DSA Prevention and Early Intervention Contract, OPCC, universities, and general fundraising.
 - Bright Stars is another, therapeutic, programme also delivered by Yellow Door to support children who have witnessed adverse childhood experiences (ACE) from domestic abuse.
 - Yellow Door also has a three year running Diversity and Inclusions Advocacy group that helps engage with marginalised and minority groups on domestic and sexual abuse, supported by Hampshire Constabulary.

Chantal Hughes & Tracy Rutherford – CEO & Deputy CEO, Hampton Trust

- Hampton Trust is a charity based in Hampshire working to break the cycle of abuse, conflict and exploitation. They provide a variety of programmes and services to engage and strengthen individuals, families, organisations and communities.
- A presentation introducing the Panel to the Domestic Abuse Perpetrator Partnership (DAPP), and Hampton Trust's programmes such as Project CARA and LINX was delivered by Tracy Rutherford and Chantal Hughes.
- In addition to the points raised in the presentation, the Hampton Trust representatives made the following key points:
 - The Domestic Abuse Perpetrator Partnership (DAPP) was established in 2016 as a developmental service partnered by Hampton Trust, Aurora New Dawn, and BaseLine Consultancy.
 - The DAPP has been evaluated by Southampton University in 2018. The Priority Perpetrator Identification Tool used within the DAPP, to assess the type of perpetrator by offences committed to trigger intervention, has been evaluated by Cardiff University.
 - Hampshire Constabulary became the first police force in the UK to use conditional cautioning to intervene with perpetrators through the OPCC's commissioning of Project CARA.
 - Hampton Trust provides various programmes for early intervention with young people and perpetrators such as DARE, Turnaround, and LINX. The LINX provides 12 week intervention with young people associated with a backdrop of domestic abuse and/or exhibiting violent behaviour or aggression related to it.
 - The Hampton Trust has worked in partnership with Hampshire Constabulary to pilot Multi Agency Tasking & Co-ordination (MATAC) in Southampton. MATAC's have been recognised by Respect as good practice that local authorities should have as a part of their local multiagency arrangements.
 - The Hampton Trust have also worked in co-location with other front line workers in domestic abuse to train and support them for their intervention and interactions with perpetrators. Hampton Trust hopes to expand this to ensure that other frontline practitioners can work with perpetrators and refer them to Hampton Trust in confidence.

Lauren Viney – Hampshire & IOW Community Rehabilitation Company

- The Hampshire & IOW Community Rehabilitation Company is a private-sector supplier of Probation and Prison-based rehabilitative services for offenders based in Hampshire and the Isle of Wight.
- A presentation introducing the Panel to their domestic abuse perpetrators programmes Building Better Relationships (BBR), Help, and Creating Safer Relationships (CSR) for perpetrators within the criminal justice system was available to the panel and shown to the panel by Sandra Jerrim. Key points from the information are:
 - Interventions made via the CRC are mostly court ordered, with exception to certain contract agreements that are in place for BBR delivery (such as CAFCASS).

- Building Better Relationships is an accredited group work programme aimed to reduce re-offending and promote the safety of current and future partners and children whilst working collaboratively with other agencies.
 - The BBR has shown an 82% of completion by perpetrators in 2017.
- Help is a new healthy relationship intervention for male Service Users with identified relationship difficulties. The programme is an early intervention and can be delivered to Service Users who have DA convictions or with those who have identified relationship problems which are a factor in their general offending behaviour.
 - Help will replace all existing local Domestic Abuse non accredited activities within the CRCs.
- Creating Safer Relationships is a 1:1 healthy relationship intervention for male Service Users with identified relationship difficulties. The CSR aims to help men make sense of their own world and find ways to develop and maintain positive and functional relationships.

Conclusions from meeting:

- There is a disparity in funding toward victims and perpetrator services in domestic abuse by 89% and 11%.
- A survey showed agencies recognise the importance of identifying perpetrators but more work is needed to establish good sharing of information across and between services.
- There are gaps in interventions towards adverse childhood experiences and inconsistency in funding and resources towards perpetrator services.
- The STAR Project is internationally accredited as good, has positive feedback from participants and delivers the opportunity to young people to increase their understanding of healthy relationships through their Relationship & Sexual Education programme and in doing so, go some way towards preventing future perpetrators and victims of domestic and sexual abuse.
- The Hampton Trust run various perpetrator programmes via the DAPP or alongside Hampshire Constabulary. It recognises that to move forward it should expand its training of front-line workers and co-location, establish the MATAC to full-scale if the final report concludes the pilot as effective, and change the language around domestic abuse to engage young people who do not identify with these labels (e.g. Young Fathers Intervention).

Scrutiny Inquiry Panel – Reducing and Preventing Domestic Abuse in Southampton

Inquiry Meeting – 7 March 2019

Innovation and best practice

Presentations referenced below can be found here:

<https://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=709&MId=4161&Ver=4>

Summary of information provided:

Phil Bullingham – Service Lead for Safeguarding, Improvement, Governance & Compliance, Children and families, SCC

- A presentation outlining the range of support services provided by the Children and Families Service to reduce domestic abuse in Southampton was delivered by Phil Bullingham.
- In addition to the points raised in the presentation, Phil made the following key points:
 - The High Risk Domestic Abuse (HRDA) response was embedded in the Multi-Agency Children's Safeguarding Hub (MASH).
 - A number of programmes work with children to help them to recover from the adverse effects of being exposed to parental domestic abuse – DART (7-14 year olds) & Surestart Special (Under 5's).
 - DART, led & coordinated by IDVA, together with Women's Aid & SCC family support workers, is designed to build positive mother and child relationships – thus helping to stop inter-generational abuse, promote positive family relationships and to prevent escalation in safeguarding.
 - Surestart Special is a unique joint project with Southampton's Women's Aid and Southampton Sure Start Children's Centres funded by Children in Need. It is a new project for children who have been exposed to parental domestic violence and abuse. It is an early intervention programme for both children aged 3 or 4 years and their mother/carer.
 - Young perpetrators – The Youth Offending Service use Asset Plus assessment tool which includes consideration of domestic abuse in families.
 - Training is being delivered to staff, working cross sector, inclusive of voluntary and community sector agencies, working in Children's, Health, Housing, Community Safety or Adult Services on restorative practices, Adverse Childhood Experiences (ACE's) and trauma.
 - This suite of training supports a Pan Hampshire ambition to create a 'whole system approach' that supports our workforce to work restoratively with children, families and vulnerable adults; at the same time as having a greater awareness and understanding of the impact of Adverse Childhood Experience, trauma and the effects of parental conflict.
 - Investment is being put into the extended locality model. Upskilling staff that work in the community delivering early intervention / early

help services to capture and engage at an early stage on issues such as domestic abuse, mental health and substance abuse.

- Engagement by perpetrators is hit and miss. Engaging with them early is challenging. It often requires the intervention of the Police or courts before perpetrators engage.
- There is a need for additional resources in perpetrator services. The provision is good but minimal at present.
- Would welcome Hampton Trust being embedded within the HRDA to help improve engagement with perpetrators.

Grace Grove – Public Health Registrar, SCC

- A presentation outlining the findings from a literature review of effective practice in preventing people from becoming future perpetrators of domestic abuse was delivered by Grace Grove.
- In addition to the points raised in the presentation, Grace made the following key points:
 - A full needs assessment for domestic abuse is being undertaken. A draft will be ready for September 2019.
 - Evidence is limited but developing with regards to the effectiveness of perpetrator services and actions that reduce domestic abuse. No Public Health return on investment statistics exist in this area.
 - Risk factors for intimate partner violence were identified.
 - Prevention activity was classified into three areas: Primary- preventing someone from ever perpetrating; Secondary- intervening after first occurrence to stop it happening again and minimising the harm to others; Tertiary – stopping serial perpetrators from continuing to perpetrate and minimising the harm to others.
 - A summary of effective practice, given the limited evidence base, against each of the three stages was provided. Agreement on key approaches, these include approaches that consider:
 - Whole system (risk factors)
 - Life course (opportunities to intervene at key stages)
 - Universal primary prevention
 - Targeting the risk factors can help to prevent people from becoming perpetrators. Recognition that improving work with perpetrators will help to reduce domestic abuse, but to significantly decrease risk there is a need to work at a whole population level.
 - There is a need to consider our relationship with risk factors (including alcohol and mental health) and to change culture in society away from unhealthy and abusive values, attitudes and behaviours and to encourage increased stigma against those associated with perpetrator behaviours. Key role for Public Health.

Mark Pirnie – Scrutiny Manager, SCC

- A presentation summarising the key elements of the draft Domestic Abuse Bill was presented to the Panel.

- It was recognised that, whilst the draft Bill is predominantly victim focussed, each section of the draft Bill provides opportunities to reduce domestic abuse in Southampton.
- The draft Bill includes a commitment to introduce regulations and statutory guidance for schools to educate young people on relationships. In primary schools the Government wants to equip children with the foundations for healthy respectful relationships and in secondary schools the Government proposes the teaching of young people about healthy intimate relationships, sexual exploitation, consent and domestic abuse.
- The draft Bill includes ambitions to raise public awareness of abuse; to challenge the social attitudes that allow domestic abuse to occur; to work with partners to review, evaluate and understand current communication activities, which will help inform future communications; and to work to tackle harmful gender norms.
- The draft Bill includes reference to a number of reviews to be conducted, including research into the links between domestic abuse and substance misuse, alcohol and mental health.
- Additional resources have been identified to deliver specific initiatives. The Bill presents an opportunity for Southampton to work with Government.

Sandra Jerrim – Senior Commissioner, Integrated Commissioning Unit

- A presentation was delivered on substance misuse and mental health pathways in Southampton.
- Both Substance Misuse and Mental Health Services have strong awareness of the issue of domestic and sexual abuse and the referral routes for survivor services supporting victims of domestic abuse. Limited awareness exists of perpetrator services and pathways.
- There is a need to raise awareness and knowledge about perpetrator services and the referral routes from these service providers.
- The presentation also included an evaluation against Respect's good practice criteria. There is a recognition that Southampton has a strong suite of survivor services and that perpetrator services compare favourably against any other city in the UK. However, there is a need to get perpetrators engaged with behaviour change services as early as possible and to drive up demand for these services.

Conclusions from meeting:

- Investment is being put into the extended locality model within Children and Families Services. Upskilling staff that work in the community delivering early intervention / early help services to capture and engage at an early stage.
- Need to raise awareness of perpetrator services and referral pathways by substance misuse services and mental health services.
- There is awareness of the risk factors for domestic abuse. Targeting the risk factors can help to prevent people from becoming perpetrators.
- There is a need to consider our relationship with risk factors, to change culture in society away from unhealthy and abusive values, attitudes and

behaviours and to encourage increased stigma against those associated with perpetrator behaviours.

- Recognition that Southampton has a strong suite of survivor services and that perpetrator services compare favourably against any other city in the UK. There is a need to increase awareness and referrals to the behaviour change perpetrator programmes.
- The draft Domestic Abuse Bill presents an opportunity for Southampton to work with Government and to develop the evidence base to help inform decisions.

Appendix 4 – What should every good local authority area have in place to reduce incidents of domestic abuse?

Extract from the presentation to the Inquiry Panel from Sara Kirkpatrick, Respect's Research & Services Development Manager, supported by inserts from the Respect response to the Transforming the Response to Domestic Abuse Bill consultation.¹¹

To reduce incidents of domestic abuse every local authority should have in place:

- **Coordinated multi-agency approach which includes statutory and specialist services**

One of the key Respect principles for any response to perpetrators is 'the system counts - domestic violence and abuse cannot be addressed by one agency alone and work with perpetrators should never take place in isolation.' Every area should have local multiagency arrangements such as the MATAC approach currently being trialled in Northumbria, bringing together all agencies – public sector, voluntary sector and private sector – who have contact with perpetrators to agree an action plan to address their behaviour and its impacts, and to reduce future harm.

- **Early intervention**

Every community should aim to address domestic abuse at the earliest possible opportunity when there is most chance of preventing abuse from escalating. This involves all agencies having processes for the identification of perpetrators, such as a 'recognise, respond, refer' model, and referral routes to a specialist organisation which can provide assessment and intervention. Change That Lasts is developing an innovative early intervention perpetrator response for pilot in Lincolnshire and Sussex.

- **Assessment of harm, capacity to change and need**

The diverse cohort of perpetrators described above don't all require the same response. Communities, commissioners and services will want to target the right intervention to the right individual, to ensure the most successful outcome in each case and guarantee that public money is spent wisely. An intervention for someone who is just beginning to be abusive, who recognises they have crossed a line and wants to stop before it gets worse, is very different to an intervention for a perpetrator who has been abusive for decades, is in denial about their behaviour and has no motivation to change. Assessment and triage processes are needed to ensure that each perpetrator gets the right response based on these 3 key factors:

1. Harm

2. Capacity to change

To what degree is the perpetrator ready, willing and able to change versus being entrenched in their behaviour, in denial and resistant to change?

The capacity to change is made up of a combination of factors, including:

¹¹ Respect. (2018). Respect Response to Domestic Abuse Bill 2018. Available at: <http://respect.uk.net/wp-content/uploads/2018/06/DA-bill-2018-Respect-response-final.pdf>

- motivation or willingness to change
- ability to learn and try new ways of relating to others
- resilience
- stake in conformity
- the social supports they have for change

Behaviour change programmes will need to be responsive to these factors and tailor both the intervention and its delivery to address them.

3. Need

Do the perpetrators have additional / complex need(s) which act as barriers to engagement with behaviour change programmes and contribute to the likelihood of a continuation of abusive behaviour? Perpetrators with poor mental health, drug and alcohol abuse, Post-Traumatic Stress Disorder (PTSD), homelessness and/or unemployment, debt may require additional support to stabilise their lives.

A range of assessment tools exist mainly covering risk and harm, including:

- 'Domestic Assault Stalking and Honour Based Violence' (DASH) Risk Indicator Checklist (RIC), developed by SafeLives to identify the risks victims face, used across England and Wales
- 'Domestic Violence Risk Identification Matrix' developed by Barnardos to identify the risk to children of male to female domestic violence, used in the UK within Barnardos settings

Respect is developing a comprehensive tool encompassing the 3 criteria of harm, capacity to change and need, to aid both specialist and frontline services.

- **A range of responses (Sustainable interventions based on evaluated models)**

Following assessment of harm, capacity to change and need, each local area needs a triage system to decide which response(s) are appropriate for each individual with access to a range of options including **intensive case management**, the **criminal justice system**, disruption activities, support for additional needs and **behaviour change programmes**.

○ **Intensive case management**

Perpetrators causing high levels of harm, particularly those with additional or complex needs and/or those who are resistant to change require intensive case management, such as that provided by the Drive project currently being piloted in Sussex, Essex and South Wales.

○ **Robust civil and criminal justice responses**

Key to the management of perpetrators and protection of survivors is an effective criminal justice system. High quality evidence gathering to ensure a successful prosecution where crimes have been committed is essential, as is appropriate sentencing and robust management of offenders.

- **Behaviour change programmes**

Perpetrator behaviour change is the best long-term solution to domestic abuse. For those ready, willing and able to change there is clear evidence from [Project] Mirabal research findings that Respect accredited programmes have a positive effect, particularly in reducing physical and sexual violence.

These programmes, sometimes called Domestic Violence Perpetrator Programmes (DVPPs), are delivered in a group work setting or on a one-to-one basis, according to need.

Every local community should have such a programme as a resource for agencies to refer to and for perpetrators themselves to get help directly.

- **Principles and standards accreditation / external quality assurance of services**

A community's approach to domestic abuse perpetrators should be underpinned by the principles set out in the Respect Standard.

- **Needs led Trauma informed approach for victims and survivors**

Sara Kirkpatrick's response has a focus on perpetrators. The presentation delivered at the 31 January 2019 meeting also referenced a number of initiatives that help to decrease incidents of intimate partner abuse.

- Culture / system challenging the conducive context
- Talk about equality- i.e. it's a long standing problem because Domestic Abuse is a symptom of Violence Against Women and Girls (VAWG)
- Swift consistent justice response
- Whole community response
- Routine enquiry - This involves asking all women at assessment about abuse regardless of whether there are any indicators or suspicions of abuse. It was established in maternity, sexual health, health visiting, substance misuse and mental health settings.
- Awareness raising campaigns
- Leadership

These in part reflect the key approaches that were associated with effectively preventing or reducing incidence of domestic abuse summarised by Public Health analysis:

- **Whole system approach** – A multi-agency response to domestic abuse
- **Life course approach** – Support for addressing the risk factors for domestic abuse across the life time of an individual
- **Universal primary prevention** - Approaches designed for an entire population without regard to individual risk factors. These include awareness campaigns and relationship education for young people.

Appendix 5 – Summary of Southampton Domestic Abuse Services & Programmes

Please reference the glossary for acronyms mentioned

Children & Youth Offender Services Referral	Perpetrator or Self Referral	Police & Court Probation Referral	Victim/Survivor Services Referral
<p>Youth Offender Service - Intervention with young perpetrators (10-18 years) subject to criminal orders or out of court disposals.</p> <p>DART – Intervention designed to build positive mother & child relationships.</p> <p>STAR Project - RSE, through interactive workshops to children aged from 11+</p> <p>LINX - Group work programme for children with a back drop of domestic abuse, exhibiting problematic behaviour. Only available at Regents Park College.</p> <p>Sure Start Special - Early intervention programme for children aged 3/4 years & their mother/carer to address the potentially lasting impact of parental domestic abuse.</p> <p>MASH – The point of contact for safeguarding concerns regarding children.</p>	<p>DVPP – Domestic Violence Perpetrator Programmes are either delivered by HIOW CRC, Hampshire Constabulary or Hampton Trust.</p> <p>DAPP - Provides a Hampshire wide approach to better identify, assess and provide interventions for perpetrators.</p> <p>MATAAC (pilot) - A strategic and integrated partnership approach that tracks & disrupts high-risk and serial perpetrators of domestic abuse.</p>	<p>Project CARA - A DVPP for first-time offenders of domestic abuse who have received conditional cautioning by Hampshire Constabulary.</p> <p>BBR - A group work programme by HIOW CRC aimed to reduce re-offending of medium-high risk offenders</p> <p>CSR - the sole 1:1 healthy relationship intervention for male Service Users with identified relationship difficulties by HIOW CRC.</p> <p>HELP – Early intervention on healthy relationship for low-medium risk male service users with identified relationship difficulties by HIOW CRC.</p> <p>Operation Encompass - Police & education early information sharing partnership enabling schools to offer immediate support for children experiencing domestic abuse.</p>	<p>IDVA - the primary point of contact for victims and survivors and address and secure the safety of victims at high risk of harm.</p> <p>PIPPA Helpline</p> <p>Refuges – Provides a place of safety for women and children.</p> <p>MARAC - Meetings where agencies talk about the risk of future harm to people experiencing domestic abuse, and if necessary their children, and draw up an action plan to help manage that risk.</p> <p>Adult Therapeutic Services – Provides therapeutic support to survivors.</p> <p>IRIS - GP-based domestic violence and abuse (DVA) training support & referral programme.</p> <p>Family Therapy</p> <p>HRDA – Daily meeting of professionals from a variety of agencies to evaluate the safety and risk of those identified in High Risk cases.</p>

Appendix 6 – Summary of Findings

Good Practice Guidelines	What is happening in Southampton? (For project details refer to Appendix 5)	Weaknesses/Opportunities for Southampton	Recommendations
Co-ordinated Multi-Agency Approach, which includes statutory & specialist services	<ul style="list-style-type: none"> • DSA Strategy Group • DSA Operational Group • MATAC Pilot • Local Funding Group • PIPPA Alliance 	<ul style="list-style-type: none"> • Opportunity to improve esteem of perpetrator services and increase collaboration and co-location between services • Needs to have an increase in support and attendance from partners 	<ul style="list-style-type: none"> • It is recommended that Hampton Trust staff are colocated within key service areas for specified periods of time • It is recommended that if there is a positive evaluation of the MATAC pilot it is rolled out in Southampton to track and disrupt high risk and serial perpetrators in Southampton • It is recommended that the upcoming DSA Strategy is updated to reflect the Domestic Abuse Strategic Needs Assessment and the findings from this inquiry • It is recommended the Director of Public Health considers the role that Public Health can play in tackling domestic abuse when the new funding mandate for Public Health is agreed
Early Intervention	<ul style="list-style-type: none"> • STAR Project • Sure Start Special • DART • LINX • Youth Offending Services 	<ul style="list-style-type: none"> • Provision of primary prevention of domestic abuse needs to be expanded and widely implemented in the City 	<ul style="list-style-type: none"> • Raise awareness of, and increase referrals to perpetrator services
Assessment of harm, capacity to change & need of perpetrators	<ul style="list-style-type: none"> • DAPP does an assessment & triage process on perpetrators • DAPP recognised risk assessment tool • Range of DVPPs for perpetrators to act on capacity to change • Pathways between substance misuse & mental health services with perpetrator services - There are some good practice from substance misuse & mental health practitioners but this is very limited 	<ul style="list-style-type: none"> • Referrals to assessment process is low between victim to perpetrator services • In place but low levels of resources to adequately meet the demands for assessments • Greater awareness of perpetrator services and their effectiveness is needed to stimulate more assessments of perpetrators • There is no co-ordinated response between substance misuse and mental health services with perpetrator services 	<ul style="list-style-type: none"> • Raise awareness of, and increase referrals to perpetrator services • To ensure that consideration is given to the impact of Council proposals on the victims and perpetrators of domestic abuse it is recommended that they are included in the protected characteristics within Equality and Safety Impact Assessments

A Range of Responses - intensive case management	<ul style="list-style-type: none"> • Hampton Trust • HIOW CRC • Hampshire Constabulary • Children's Services • Victims Services • Voluntary Services 	<ul style="list-style-type: none"> • Lack of referrals to Perpetrator Services • Lack of engagement with non-engaging high-risk perpetrators 	<ul style="list-style-type: none"> • Raise awareness of, and increase referrals to, perpetrator services • To encourage the engagement of non-engaging high-risk perpetrators, it is recommended that Hampton Trust staff are colocated within key service areas for specified periods of time
A Range of Responses - Behaviour Change Programmes (DVPPs)	<ul style="list-style-type: none"> • 11% out of approximate £800,000 resources for domestic abuse goes towards perpetrator services (89% victim services) • DVPPs delivered by single point of contact & referral Hampton Trust, including the DAPP • Project CARA delivered by Hampshire Constabulary & Hampton Trust • HOW CRC delivers DVPPs for those in probation 	<ul style="list-style-type: none"> • Lack of referrals • Further resources needed to adequately meet the demand of DVPPs in the City • More external accreditation and further evaluations still needed • Disproportionate resources towards victim/survivor services compared to perpetrator services • Significant shortfall of resources to adequately address perpetrators as the cause of domestic abuse crimes & are a barrier to increased provision of perpetrator services 	<ul style="list-style-type: none"> • Raise awareness of, and increase referrals to, perpetrator services • It is recommendation that additional resources are identified for commissioning perpetrator services
A Range of Responses – Robust civil & criminal justice response	<ul style="list-style-type: none"> • Southampton follows the national domestic abuse criminal justice response and procedures • Hampshire Constabulary, with Hampton Trust, delivers Project CARA • HIOW CRC provides various DVPPs as a form of criminal justice response for perpetrators on probation 	<ul style="list-style-type: none"> • BBR is under-utilised by the criminal justice process 	

Principles & Standards Accreditation / External Quality Assurance Of Services	<ul style="list-style-type: none"> • A number of perpetrator services are accredited, such as BBR, LINX (evaluated by Head Start), STAR Project (accredited & award winning by the EU), DAPP (evaluated by University of Southampton), Project CARA (nationally award winning by Howard League) • Hampton Trust is an accredited member of Respect • MATAC is currently being evaluated 	<ul style="list-style-type: none"> • To establish accreditation and evaluation for all other services 	<ul style="list-style-type: none"> • MATAC has been piloted in Southampton by Hampton Trust and Hampshire Constabulary. The current evaluation is expected to show positive results. If this transpires it is recommended the approach is rolled out in Southampton to improve the tracking and disruption of high risk and serial perpetrators in Southampton
Needs led trauma informed approach for victims & survivors	<ul style="list-style-type: none"> • Good ranges of services for victims and survivors, including PIPPA, IDVA/ISVA & Refuges 	<ul style="list-style-type: none"> • Shift the focus to ceasing the causes of crime – ‘Turning the tap off’. 	<ul style="list-style-type: none"> • It is recommendation that additional resources are identified for commissioning perpetrator services.

* Some recommendations are repeated across sections

Good Practice Guidelines	What is happening in Southampton?	Weaknesses/Opportunities for Southampton	Recommendations
Universal Primary Prevention: Culture Change	<ul style="list-style-type: none"> White Ribbon Day stigmatising VAWG is already implemented Good awareness campaigns around DA Survivors but there is a lack of focus on perpetrators Domestic Abuse Scrutiny Inquiry Panel has brought profile on addressing perpetrators of domestic abuse RSE is currently taught in schools, e.g. via the STAR Project by Yellow Door 	<ul style="list-style-type: none"> Lack of public awareness raising (and therefore action) on identification, referral and intervention of perpetrators. Proposals from DV Bill for compulsory RSE in primary and secondary schools in the UK 	<ul style="list-style-type: none"> It is recommended that the Council undertakes a communication campaign that seeks to stigmatise abusive behaviours Support schools, as required, to deliver the requirements on relationship education, sexual education, and health education in primary and secondary skills
Whole System Approach: Addressing Adverse Childhood Experiences	<ul style="list-style-type: none"> DART, Sure Start Special, Family Therapy, LINX etc. is available in Southampton Services in Southampton are increasingly getting trained in developing trauma-informed approaches 	<ul style="list-style-type: none"> There is a recognised need to address ACE but requires large scoping, resourcing & implementation 	<ul style="list-style-type: none"> To establish a Council-wide approach towards adverse childhood experience beyond the scope of this inquiry
Whole System & Life Course Approach: Routine Enquiry	<ul style="list-style-type: none"> In place for victims/survivors via GPs, midwives, health visitors and new pathfinders in mental health across their life course 	<ul style="list-style-type: none"> There is no routine practice or enquiry for practitioners to detect perpetrators and refer them to perpetrator services 	<ul style="list-style-type: none"> Introduce routine enquiries for perpetrators, during their life course, to improve identification and provides opportunities for early intervention
Evidence Based Decision Making	<ul style="list-style-type: none"> Emerging, but limited, evidence base on the effectiveness of interventions and initiatives, including perpetrator services 	<ul style="list-style-type: none"> The Government DV Bill references to a number of reviews to be conducted nationally as a part of the evidence-based decision making process 	<ul style="list-style-type: none"> For Public Health to work with others to develop a return on investment for perpetrator services to help support future funding decisions made by the Council and partners To develop the evidence base it is recommended that the DSA strategic group receives and considers appropriate research and evaluations from across the UK and combines this with regular analysis of perpetrator services in Southampton to develop understanding about what services and initiatives are most effective and to inform future commissioning intentions.

Reducing and Preventing Domestic Abuse in Southampton – Scrutiny Inquiry

Conclusions and Recommendations

Conclusions

- Southampton has high levels of reported domestic abuse and this figure continues to rise.
- Southampton has a strong and well developed suite of victim and survivor domestic abuse services.
- The range of accredited perpetrator services in Southampton is comparable to any city in the UK. This is primarily due to the innovative services developed by the voluntary and community sector in the city.
- It is not possible to reduce domestic abuse without reducing the number of people who are abusive. Key to reducing incidence of domestic abuse is to work at a whole population level to change the culture in society away from unhealthy and abusive values, attitudes and behaviours; addressing adverse childhood experiences; and, to directly engage with perpetrators.
- The draft Domestic Abuse Bill includes positive developments with regards to making appropriate relationship and sexual education in secondary and primary schools compulsory. More needs to be done across wider society to stigmatise abusive behaviours.
- There is a need to increase referrals to perpetrator services, and at an earlier stage, from agencies dealing with abuse. Improving awareness of perpetrator services and the service pathways will help to achieve this objective. As demand for commissioned perpetrator services increases there will be a need to increase resources to ensure that a backlog does not form.
- Opportunities exist to embed good practice and further improve partnership working by rolling out the Multi-Agency Tasking and Co-ordination Group (MATAC) and co-locating Hampton Trust staff within key service areas.
- There is a need to consider our relationship with risk factors (including alcohol, substance misuse and mental health). The draft Domestic Abuse Bill provides an opportunity for Southampton to work with Government and to develop the evidence base to help inform commissioning decisions.

Recommendations

Universal primary prevention

1. **Communications Campaign** – There is still a social acceptance of ‘low level’ abusive or oppressive behaviour in society which, therefore, needs a change in culture and community response to perpetrator behaviour. Learning from the findings of the developing Domestic Abuse Needs Assessment, it is recommended that, in line with the commitment in the draft Domestic Abuse Bill to promote public awareness of domestic abuse, the Council undertakes a communication campaign that, alongside the messages promoted through White Ribbon Day challenging

attitudes to gender inequality, seeks to stigmatise abusive behaviours and to signpost members of the public to the Hampton Trust and Respect Phone Line.

2. **Reporting Domestic Abuse** – Engage with local media outlets and encourage them to follow the new reporting guidelines developed by Level Up, and adopted by press regulators, on the way that domestic abuse is reported.
(<https://act.welevelup.org/campaigns/54>)
3. **Relationship Education** - Support schools, as required, to deliver the requirements on relationship education, relationships and sex education, and health education in primary and secondary skills outlined within the draft Domestic Abuse Bill.
4. **Adverse Childhood Experiences** - This is recognised as a city and nationwide issue and this view is further supported through the findings of the inquiry. It is recommended that the impact of adverse childhood experiences on domestic abuse is considered in the work the Council, as a whole, takes forward to address adverse childhood experiences.

Perpetrator Services / Whole system approach - We cannot reduce domestic abuse without reducing the number of people who are abusive. People who are abusive often need support to recognise their abuse and to change. Perpetrator services help to reduce the risk to partners, current and future, and mean fewer children live in families affected by domestic abuse. It also sends a clear social message that victims or survivors do not cause domestic abuse.

5. **Raise awareness of, and increase referrals to, perpetrator services** - There is a need to increase the identification of, and from this the number of referrals to perpetrator services, and at an earlier stage, from agencies dealing with abuse. It is recommended that a perpetrator services awareness raising campaign is undertaken targeted at potential referral partners, and that specific training is provided to agencies that deal with abuse, including substance misuse services, mental health services and relevant NHS services to ensure that they know the referral pathways. The draft Domestic Abuse Bill identifies specific funding for training to promote greater joining-up between substance misuse and domestic abuse services.
6. **Introduce routine enquiry for perpetrators** – Routine enquiry currently involves asking all women at assessments about abuse regardless of whether there are any indications or suspicions of abuse. No equivalent approach exists to ask if individuals are perpetrating abuse at assessments in key services. This should be introduced across an appropriate range of services, including primary care, mental health, substance misuse and other services, to improve identification and provides opportunities for early intervention.
7. **Seek additional resources to support perpetrator services in Southampton** – An estimated 11% of local domestic abuse funding is targeted at supporting perpetrators to recognise their behaviour and change. Additional resources are needed to enable services to meet need and the expected rise in demand to ensure that a backlog does not form. The work may include education, identification and a range of interventions, for example the LINX service.

8. **MATAC (Multi-Agency Tasking and Co-ordination)** – This is a strategic and integrated partnership approach that identifies and intervenes with high-risk and serial perpetrators of domestic abuse. MATAC has been piloted in Southampton by Hampton Trust and Hampshire Constabulary. The current evaluation is expected to show positive results. If this transpires it is recommended that the approach is rolled out in Southampton to improve the tracking and disruption of high risk and serial perpetrators in Southampton.
9. **Co-location of Hampton Trust staff within the key service areas** - To support long term institutional change in engaging perpetrators and to promote identification for early intervention it is recommended that Hampton Trust staff are co-located within key service areas for specified periods of time (e.g. 6 months at each location). This would include the High Risk Domestic Abuse Service, Substance Misuse and Mental health services, among others. Outcomes of this initiative should be evaluated.

Evidence Based Decision Making

10. **Update the Domestic and Sexual Abuse Strategy (DSA)** – The existing Southampton DSA Strategy runs from 2017-2020. The strategy needs to be updated to reflect the Domestic Abuse Strategic Needs Assessment and the findings from this inquiry.
11. **Evaluation of perpetrator services** – Evidence that supports the effectiveness of perpetrator services is limited but growing. To develop the evidence base it is recommended that the DSA strategic group receives and considers appropriate research and evaluations from across the UK and combines this with regular analysis of perpetrator services in Southampton to develop understanding about what services and initiatives are most effective and to inform future commissioning intentions.
12. **Return on Investment for Perpetrator Services** – Public Health to work with others to develop a return on investment for perpetrator services to help support future funding decisions made by the Council and partners.
13. **Alcohol and Substance Misuse** – The Draft Domestic Abuse Bill commits the Government to consider the impact of alcohol on domestic abuse and to identify gaps in the evidence base on the relationship between substance misuse and domestic abuse. It is recommended that the Integrated Commissioning Unit and Public Health keep abreast of the developments in this area and reflect on the outcomes when considering future decisions and strategies relating to domestic abuse and substance and alcohol misuse.
14. **The role of Public Health** – The Director of Public Health considers domestic abuse when the new funding arrangement and mandate for Public Health is announced nationally, timescale unknown.
15. **Consideration of the impact on victims and perpetrators of domestic abuse when making Council decisions** – To ensure that consideration is given to the impact of Council proposals on the victims and perpetrators of domestic abuse it is recommended that they are included within Equality and Safety Impact Assessments as if they were a protected characteristic.

16. Working with Government – Southampton has good survivor services and is recognised as a vanguard area for perpetrator services. However, the number of reported incidents of domestic abuse continues to rise. The draft Domestic Abuse Bill provides an opportunity for Southampton to, through the development of the next iteration of the DSA Strategy and improved resourcing towards perpetrators, develop a narrative on domestic abuse in Southampton and engage with the Government with the ambition of using the city as model for investing in innovative, citywide practice to reduce levels of domestic abuse. It should also form early and positive links with the proposed Domestic Abuse Commissioner if and when they are appointed.

DECISION-MAKER:		OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE	
SUBJECT:		STATUTORY GUIDANCE ON OVERVIEW AND SCRUTINY IN LOCAL AND COMBINED AUTHORITIES	
DATE OF DECISION:		13 JUNE 2019	
REPORT OF:		DIRECTOR - LEGAL AND GOVERNANCE	
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Mark Pirnie	Tel: 023 8083 3886
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STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
<p>On 7 May 2019 the Ministry of Housing, Communities and Local Government published statutory guidance on overview and scrutiny in local and combined authorities. The guidance, attached as Appendix 1, seeks to ensure local authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.</p> <p>Whilst recognising that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances, the Ministerial foreword urges all councils to cast a critical eye over their existing arrangements to ensure that the principles of effective scrutiny are embedded in practice.</p>			
RECOMMENDATIONS:			
	(i)	That the Committee considers the attached statutory guidance on overview and scrutiny in local and combined authorities, reflects on the approach to scrutiny in Southampton, and, if required, recommends changes to ensure that overview and scrutiny in Southampton is in accordance with the published guidance.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	To ensure that scrutiny in Southampton is operating in accordance with the statutory guidelines.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	None.		
DETAIL (Including consultation carried out)			
3.	In December 2017 the House of Commons Communities and Local Government Select Committee published a report on the effectiveness of local authority overview and scrutiny committees. A key recommendation of the report was:		

	<i>"We therefore recommend that the guidance issued to councils by DCLG on overview and scrutiny committees is revised and reissued to take account of scrutiny's evolving role."</i>
4.	In response to the House of Commons Select Committee recommendation, on 7 May 2019 the Ministry of Housing, Communities and Local Government published statutory guidance on overview and scrutiny in local and combined authorities. The published guidance is attached as Appendix 1.
5.	The guidance covers key issues such as culture, resources, membership of committees, planning work programmes and access to information. As this is statutory guidance from the Ministry of Housing, Communities and Local Government, local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.
6.	At the council the Overview and Scrutiny Handbook, attached as Appendix 2, provides elected members with guidance on overview and scrutiny and sets out locally agreed scrutiny procedures and processes.
7.	The Committee are requested to consider the Statutory Guidance, and the Overview and Scrutiny Handbook, and reflect upon whether changes need to be made to the way overview and scrutiny is undertaken in Southampton in order to ensure compliance with the guidance.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
8.	None.
<u>Property/Other</u>	
9.	None.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
10.	The statutory guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance.
<u>Other Legal Implications:</u>	
11.	None
RISK MANAGEMENT IMPLICATIONS	
12.	If the council are assessed as having failed to comply with the statutory guidance it could impact on the reputation of the scrutiny function and the reputation of the council.
POLICY FRAMEWORK IMPLICATIONS	
13.	None

KEY DECISION		No
WARDS/COMMUNITIES AFFECTED:		None directly as a result of this report
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	MHCLG Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities – 7 May 2019	
2.	Overview and Scrutiny Handbook	
Documents In Members' Rooms		
1.	None	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?		No
Data Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?		No
Other Background Documents		
Equality Impact Assessment and Other Background documents available for inspection at:		
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None	

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Ministry of Housing,
Communities &
Local Government

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities



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Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.

A handwritten signature in blue ink, reading 'Rishi Sunak'.

Rishi Sunak MP
Minister for Local Government

About this Guidance

Who the guidance is for

This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

Aim of the guidance

This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

Status of the guidance

This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

Terminology

Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.¹

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

Expiry or review date

This guidance will be kept under review and updated as necessary.

¹ A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
2. Overview and scrutiny committees have statutory powers² to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.
6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

² Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.
8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.
9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.
10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

- a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements and for combined authorities.

Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

- b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf.

- c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

In particular:

- The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
- The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

- d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

- e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

- f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.
- g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.
- h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such

reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

- i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).
- j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.
13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
 - rights of access to documents by the press, public and councillors;
 - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
 - delegated decisions by the Mayor;
 - whistleblowing protections for both staff and councillors; and
 - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.
16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.
17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:

- Scrutiny's legal powers and responsibilities;
- The particular role and remit scrutiny will play in the authority;
- The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
- The need for ad hoc external support where expertise does not exist in the council;
- Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
- Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,³ someone whose role is to:
 - promote the role of the authority's scrutiny committee;
 - provide support to the scrutiny committee and its members; and
 - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

³ Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:
- Committee – officers are drawn from specific policy or service areas;
 - Integrated – officers are drawn from the corporate centre and also service the executive; and
 - Specialist – officers are dedicated to scrutiny.
21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.
22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.
24. While there are proportionality requirements that must be met,⁴ the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny⁵.

Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.⁶ Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.
26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.⁷ This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

⁴ See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

⁵ See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': <https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf>

⁶ Section 9FA(3) of the Local Government Act 2000.

⁷ 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.
30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives⁸. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person⁹.
32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair¹⁰.

Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.
34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

⁸ A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.

⁹ See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

¹⁰ Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

36. There are two principal ways to procure this:

- Co-option – formal co-option is provided for in legislation¹¹. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
- Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

¹¹ Section 9FA(4) Local Government Act 2000

5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.
38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information¹². In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.
40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.
41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision¹³. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

¹² Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹³ Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member¹⁴. When agreeing to such requests, authorities should:
- consider whether seeking clarification from the information requester could help better target the request; and
 - Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions¹⁵. It is the duty of members and officers to comply with such requests.¹⁶

Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

- a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;
- b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

¹⁴ Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹⁵ Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

¹⁶ Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

- c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to ‘set the record straight’ in a public setting; and
- d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority’s pre-existing relationship with it.

Following ‘the Council Pound’

Scrutiny committees will often have a keen interest in ‘following the council pound’, i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.
48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.
50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.
51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.
52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:
 - *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
 - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
 - Voluntary sector partners;
 - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
 - In parished areas, town, community and parish councils;
 - Neighbouring principal councils (both in two-tier and unitary areas);
 - Cross-authority bodies and organisations, such as Local Enterprise Partnerships¹⁷; and
 - Others with a stake and interest in the local area – large local employers, for example.
- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

Information sources

54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:

- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

¹⁷ Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

Shortlisting topics

Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

Carrying out work

58. Selected topics can be scrutinised in several ways, including:

- a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;
- b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

- c) **At a task and finish review of two or three meetings** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;
- d) **Via a longer-term task and finish review** – the ‘traditional’ task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and
- e) **By establishing a ‘standing panel’** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal ‘task and finish’ groups or at standalone sessions.

Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.
62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.
63. After an evidence session, the committee might wish to hold a short ‘wash-up’ meeting to review whether their objectives were met and lessons could be learned for future sessions.

Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.
66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:
- i. the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;
 - ii. the development of those findings, which will set out some areas on which recommendations might be made; and
 - iii. the drafting of the full report.
67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.
68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

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**OVERVIEW AND SCRUTINY
HANDBOOK:**

**A PRACTICAL GUIDE
FOR SCRUTINY MEMBERS**

JUNE 2015

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INTRODUCTION

Purpose

1. This handbook is designed to provide information for Members and Officers involved in scrutiny activities and aid the effectiveness of the scrutiny process. It is subject to revision by the Overview & Scrutiny Management Committee from time to time. It sets out locally agreed procedures and processes for Scrutiny, and should be read alongside the Council's Constitution which reflects the legal requirements of the Local Government Act 2000 and other relevant legislation. The Constitution also contains the Code of Conduct for Members and the Officer / Member protocol, both of which are relevant to this handbook.
2. The statutory Overview & Scrutiny function is defined in Article 6 of the Constitution. The following definitions are used in this handbook:
 - The phrase "Scrutiny bodies" encompasses Overview and Scrutiny Management Committee, the Health Overview and Scrutiny Panel, the Children and Families Scrutiny Panel, and the Scrutiny Inquiry Panel.
 - "Scrutiny Member" means a person who is a member of a Scrutiny body, and this can include non-Councillors.
3. Section 9F of the Local Government Act 2000 requires the appointment of at least one overview and scrutiny committee. Southampton City Council will have two bodies that will share the statutory function between them.

Background

4. Overview and Scrutiny has a specific statutory basis under Part 1A of the Local Government Act 2000, which introduced Executive arrangements for local authorities. This was extended by the Health and Social Care Act 2001, which extended local authority scrutiny to NHS bodies. The Police and Justice Act 2006 empowers overview and scrutiny committees to scrutinise Crime and Disorder Reduction Partnerships, and the partners who comprise it, insofar as their activities relate to the partnership. The Local Government and Public Involvement in Health Act 2007 lists a number of relevant partner authorities overview and scrutiny committees can request information from, and consequently engage them in the scrutiny process. This Act also formalised the Council's existing arrangements requiring the Executive to attend overview and scrutiny meetings when requested and introduced the power for any councillor to refer a local government matter to an overview and scrutiny committee, whether or not they are a member of that particular committee or sub-committee (commonly referred to as the Councillor Call for Action).
5. The work of overview and scrutiny aims to reflect the "4 Principles of Effective Scrutiny" established by the Centre for Public Scrutiny, which together aim to improve accountability in the local democratic processes and lead to improved public services. The 4 principles are:-
 - Providing a "critical friend" challenge
 - Enabling the voice and concerns of the public and local communities
 - Being undertaken by "independent minded governors" who lead and own the scrutiny process
 - Driving improvement in public services.

Key functions

6. The Overview and Scrutiny function is a key element in the Council's democratic mechanism. One of its key roles is to hold the Executive to account by:-
 - Questioning and evaluating the Executive's actions, both before and after decisions are taken
 - Monitoring the performance and financial management of the Council
 - Developing and reviewing policies, including the Policy Framework and Budget Strategy
 - Making reports and recommendations on any aspect of Council business (ie non-executive functions) and other matters that affect the City and its citizens.
7. Overview and Scrutiny is a key mechanism for enabling Councillors to represent their constituents' views to the Executive to inform policy development. The Council's Overview and Scrutiny bodies will review local authority policies and matters of local concern and interest, and make recommendations to the Executive and Full Council. They are the main way in which the Executive is to be held to account in public for the discharge of the functions it is responsible for. In addition, through the "Call-In" procedure scrutiny members are able to require the Executive to publicly defend and, if necessary, reconsider important decisions.

FRAMEWORK AND STRUCTURES FOR THE DELIVERY OF OVERVIEW & SCRUTINY

The Council's Overview and Scrutiny function is undertaken by the Overview and Scrutiny Management Committee, the Health Overview and Scrutiny Panel, the Children and Families Scrutiny Panel and the Scrutiny Inquiry Panel.

The role of the Overview and Scrutiny Management Committee

8. The Overview and Scrutiny Management Committee is responsible for:
- Setting the overall Scrutiny agenda
 - Setting and monitoring standards for Scrutiny
 - Establishing Scrutiny Panels
 - Preparing a Scrutiny Inquiry Programme
 - Scrutiny of all corporate and resource management issues
 - The exercise of all decisions called in
 - Scrutiny of the Forward Plan
 - Monitoring performance and budgets
 - Considering, at least once a year, actions undertaken by the responsible authorities on the Safe City Partnership
 - Responding to the Councillor Call for Action with the exception of health matters where the Health Overview and Scrutiny Panel will respond
 - Engaging with the Leader of the Council and appropriate members of Southampton Connect in State of the City debates.

The role of the Health Overview and Scrutiny Panel

9. The Health Overview and Scrutiny Panel is legally a sub-committee of the Overview and Scrutiny Management Committee.
10. The Health Overview and Scrutiny Panel is responsible for undertaking the statutory scrutiny of health across Southampton. This role includes:
- Responding to proposals and consultations from NHS bodies in respect of substantial variations in service provision and any other major health consultation exercises
 - Scrutiny of Adult Social Care issues in the City unless they are forward plan items. In such circumstances members of the Health Overview and Scrutiny Panel will be invited to the relevant Overview and Scrutiny Management Committee meeting where they are discussed
 - Scrutinising key decisions of the health agencies in the City and the development and implementation of the Joint Strategic Needs Assessment and Health and Wellbeing Strategy developed by the Health and Wellbeing Board
 - Liaising with, and responding to, matters brought to the Panels attention by Healthwatch Southampton
 - Undertaking inquiries relating to health and well-being issues in the city
 - Considering Councillor Calls for Action for health and social care matters.

The role of the Children and Families Scrutiny Panel

11. The Children and Families Scrutiny Panel is legally a sub-committee of the Overview and Scrutiny Management Committee.

12. The Children and Families Scrutiny Panel is responsible for undertaking the scrutiny of services for children and families across Southampton. This role includes:
- Scrutiny of Children and Families Services in the City, including MASH, Early Help, Specialist & Core Service, looked after children, education and early years and youth offending services, unless they are forward plan items. In such circumstances members of the Children and Families Scrutiny Panel will be invited to the relevant Overview and Scrutiny Management Committee meeting where they are discussed.

The role of the Scrutiny Inquiry Panel

13. The Scrutiny Inquiry Panel is legally a sub-committee of the Overview and Scrutiny Management Committee. The Panel is responsible for undertaking scrutiny inquiries in accordance with a programme developed by the Overview and Scrutiny Management Committee.

Membership of Scrutiny Bodies

14. Details of who can be a member of Scrutiny bodies are set out in rule 3 of the Overview and Scrutiny Procedure Rules in the Constitution, as are the arrangements for appointing Chairs and Vice-Chairs of Scrutiny bodies. By local convention, it is agreed that:
- The Chair of Overview and Scrutiny Management Committee will be a Member from a political group other than that which forms the Executive
 - The Vice-Chair of Overview and Scrutiny Management Committee may, but does not have to, come from the group(s) forming the administration
 - The Chair of the Health Overview and Scrutiny Panel is a member of the Overview and Scrutiny Management Committee.

Church and Parent Governor Representatives

15. Under Regulations and the Local Government Act 2000, Church and Parent Representatives should be appointed as members of the Scrutiny panels dealing wholly or partly with the Council's education functions. They are eligible to chair Overview and Scrutiny Management Committee and its panels and to vote on matters relating to education. Where a panel chaired by a Church or Parent representative deals with other (non-LEA) functions a Councillor should take over the Chair when non-education matters are being discussed so as to allow the Chair a casting vote if necessary.
16. In Southampton the following arrangements have been made for Church and Parent representatives –
- 2 Church Representatives: one nominated by the Roman Catholic (Bishop of Portsmouth) board of education and one by the Church of England (Winchester Diocese) board of education;
- 2 Parent Representatives who have been elected by parent governors at Southampton schools representing the primary and secondary sectors.

17. Unlike other non-Councillors, the 4 Church and Parent reps are by law allowed to vote on education matters considered by the Panel they are members of. They must be treated no differently than their Councillor colleagues, and have the same rights of access to information, as well as duties to declare interests and exercise powers of Call-In detailed in rule 12 of the O&S Procedure Rules in the Constitution in relation to education matters. These 4 representatives will, therefore, be invited to attend Overview and Scrutiny Management Committee and the Children and Families Scrutiny Panel when it is examining any education matter.

Duration of Scrutiny Meetings

18. In the interests of economy, and in acknowledgement of the pressure on diaries of Cabinet Members and officers, meetings should not regularly be protracted or unduly long. Committee and Panel Chairs should ensure that the items of business are prioritised on the agenda, and that the meeting is conducted in a brisk and business-like manner, without compromising the ability of Scrutiny Panel Members to review agenda items in a thorough manner. Members have previously indicated that they prefer, where possible, that meetings should not exceed 2 hours in duration.

Executive Members

19. Executive Members are not permitted to be Members of Overview and Scrutiny Committees or Sub-Committees. Rule 3 of the Overview and Scrutiny Procedure Rules in the Constitution sets out the rules concerning when a former Executive Member may become a member of a Scrutiny body. In essence a 6 month “firebreak” period exists between ceasing to be a Cabinet Member and becoming a member of a Scrutiny body. There are exceptions, including when there is a change in the political control of the Council.

Attendance at Scrutiny Meetings

20. The Local Government Act 2000, the Health and Social Care Act 2001, the Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007 gives the Overview and Scrutiny Management Committee / Health Overview and Scrutiny Panel the following legal powers:
- To require officers and Executive Councillors (but not other Councillors or co-optees) both to attend before it and to answer questions;
 - To require the Chief Executive or Chair of an NHS Trust to attend before it and answer questions on health matters;
 - To require the attendance of a representative from the responsible authorities for crime and disorder to answer questions on community safety issues. Responsible authorities include the local authority, the police force, the fire and rescue authority and the clinical commissioning group;
 - To require relevant partner organisations to provide information when requested;
 - To invite (but not require) other persons to attend meetings, e.g. local MPs, utility providers, citizens’ groups etc.
21. Executive Councillors and officers are under a legal duty to comply both in attending and answering questions. No-one is required to answer any question they would be entitled to refuse to answer in a court of law. The legal duty to appear and answer questions does not arise until the Scrutiny body has passed a formal resolution to that effect and served a “Requirement for Attendance Notice”

on the person concerned in accordance with the procedure set out in O&S procedure rule 10 in the Constitution. This requires a copy of the notice to be sent to the Monitoring Officer. However the local convention is that such a notice would only be served if an invitation to attend was rejected or ignored. It is agreed between the political groups that all Councillors, whatever their status, will fully co-operate, and attend to answer questions when invited. If a Councillor refuses to attend for reasons thought unconvincing, this can be recorded in the Committee's / Panel's report. Failure to attend in breach of a Notice is a breach of standards and may be reported to the Governance Committee where an Executive Member has not attended.

Attendance of Officers

22. Section 9F of the 2000 Act allows scrutiny bodies to require officers to attend to answer questions. Where the Overview and Scrutiny Management Committee or Scrutiny Panels exercise that power they should also consider the seniority of officers it would be appropriate to require to appear before it. They should always ensure that the right person with the required level of knowledge and responsibility is the person invited.

Who Scrutiny should call to question at Scrutiny meetings

23. In deciding who to call, Overview and Scrutiny Management Committee and its Panel should consider the following framework of accountability:
24. **The Leader and Executive Members ("Cabinet")**
Accountable for the political direction of the Executive which forms the Council's administration and, subject to their approval by full Council, propose and implement the policy framework and budget strategy. They also discharge those powers given to the executive, whether taken in Cabinet or individually.
25. **The Chief Executive, Executive Directors and Statutory Officers**
The Chief Executive, Executive Directors and Statutory Officers are responsible for the implementation of the approved policy framework and budget strategy and for other decisions taken by executive Councillors or the regulatory committees, for the actions of Council directorates and officers under the scheme of delegation, for policy advice, financial and legal probity, value for money, disciplinary matters and for the Council's overall administration. Although responsible to the Chief Executive, the Monitoring Officer and Chief Financial Officer (Section 151 Officer) have their own particular responsibilities under statute independent of the full Council, the Cabinet, the Chief Executive or any other officers. These are set out in the Constitution.
26. **Heads of Service (Level 1)**
Responsible for the implementation and delivery of policies and other decisions taken by the Cabinet or regulatory committee's in particular service/policy areas.

Manner of Questioning

27. The overall principles which apply to attending Scrutiny meetings are the same as apply to attendance at any other Council meeting, and reflect the Officer / Member Protocol. It is recognised that Scrutiny may from time to time undertake work involving detailed examination and exploration of the reasons behind decisions or

performance trends, and as such it is important to have clear ground rules for the benefit of both those attending to provide information and those carrying out the scrutiny.

28. The principles relating to Scrutiny are designed to ensure fairness to participants in the Scrutiny process and to facilitate effective Scrutiny which relies on the sharing of appropriate, good quality information:

- Every individual invited to appear before a Scrutiny Committee/Panel should be provided with an outline of the topics and areas they can be expected to answer questions on.
- Questioning should remain within the subject area indicated to executive members, officers and other witnesses.
- All individuals attending a meeting should be given a reasonable opportunity to answer questions and to clarify or correct anything they feel may have been misconstrued.
- Everyone will be treated politely, fairly and with respect. (This has particular importance with regard to officers, where breach of this can give rise to grievance or even constructive unfair dismissal claims).
- Certain matters may be subjudice or under investigation by the Council or other agencies, and it may be inappropriate to pursue certain matters at that time accordingly.
- Members of the public can address a Committee/Panel at the discretion of the Chair.
- Compliance with all legal requirements, including (but not limited to) the Human Rights Act and the Council's constitution – is important.
- Scrutiny meetings are not disciplinary hearings, and Scrutiny Members should ensure that when examining the performance of the Executive that they do not stray into this territory. Discipline is the Chief Executive's function alone in relation to staff, and the Monitoring Officer, the Standards Sub-Committee and the National Standards Board as regards the conduct of Councillors/Members under the National Code of Local Government Conduct/Local Code of Conduct.

Consulting others about inquiries/reviews

29. Where appropriate, and particularly when undertaking Scrutiny inquiries, the Scrutiny Inquiry Panel will seek to involve key partner organisations, groups, and individuals from outside the Council in the inquiry. The Overview and Scrutiny Management Committee should formally consider how external parties can make the most effective contribution at the inquiry planning stage. Better outcomes are likely to be generated by seeking views from as many communities and interested parties as necessary to get a balanced picture of the effects of policy and Executive decisions. In particular they should pay attention to obtaining views from 'hard to reach' groups such as minority ethnic communities and disabled people, and vulnerable citizens.

Declarations of interest through previous involvement in decision making

30. If a Member is involved in the consideration of an item at a meeting of a Committee/Panel, he/she should regard him/herself as having a personal and a prejudicial interest if the business relates to a decision made, or action taken, by another of the authority's committees or sub-committees; or joint committees or joint sub-committees, of which he/she may also is a member, unless the member is attending scrutiny to answer questions or give evidence relating to that decision or action.
31. Where a member has such a prejudicial interest they must:
 - Withdraw from the room where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he/she has obtained a dispensation from the authority's standards committee; and
 - Not seek improperly to influence a decision about that matter.

Rights to Copies of Executive's Documents

32. The rules on access to the Executive's documents are set out in the 'Access to Information Procedure Rules' of the Constitution. Subject to the next paragraph, the Overview and Scrutiny Management Committee and Scrutiny Panels are entitled to copies of any document which is in the possession or control of the Executive [or its committees] and which contains material relating to –
 - any formal decision-making business transacted at a public or private meeting of the Executive or its committees; or
 - any decision taken by an individual Member of the Executive.
33. An Overview and Scrutiny Committee will not be entitled to see:
 - any working or background document that is in draft form (This does not apply to draft policy and strategy documents or the draft budget);
 - any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
 - advice provided to a Member in confidence, in line with the Officer / Member protocol.

Protection from Defamation

34. Anyone attending a properly convened meeting of a Scrutiny Body, whether as a member of Overview and Scrutiny Management Committee/Panel or a witness or officer supporting the meeting, has the legal protection of "qualified privilege" from personal liability in relation to the law of defamation.
35. This means –
 - They cannot be sued for defamation in relation to anything said or written, provided they do not do so maliciously.
 - The final report will also have the same qualified privilege provided that potentially defamatory material is not included maliciously.

36. Qualified privilege only applies to defamation proceedings and would not cover conduct that might bring other legal liability for e.g. unfair dismissal. Also it only applies to a properly convened meeting of a committee or sub-committee. This means a public meeting of the Overview and Scrutiny Management Committee / Scrutiny Panels convened in accordance with the Access to Information provisions of the Local Government Act 1972, whether or not confidential/exempt items are on the agenda.

Declarations of Interest

37. All Scrutiny agendas follow a standard format. At the start of the meeting Members are invited to declare:
- Personal and pecuniary interests
 - Prior participation in any decision taken by a Committee, Sub-Committee or Panel of the Council on the agenda and being scrutinised at the meeting.
38. The Chair is not obliged to read these items out in full, and can simply ask Members whether they have any declarations to make under each item. However, if there are members of the press and public present at the meeting, then in the interests of openness, transparency and accountability it is advisable for the Chair to read the items in full.

Declaration of the Party Political Whip

39. The Government believes whipping is incompatible with overview and scrutiny and recommends that whipping should not take place, and that where it does it should be declared. The proper and thorough examination of decisions and policies in the public interest should come before local party political allegiance and expediency. An item inviting Members to declare the application of any party political whip is included on all scrutiny agendas to reflect government guidance on best practice. If a Member declares the party whip, that fact is recorded in the minutes of the meeting. The Member is not required to leave the meeting.

Limits of the Scrutiny Process

40. Scrutiny Committees/Panels do not exist to serve as a “court of appeal” against decisions or to pursue complaints by individuals (Councillors, officers or members of the public) as other procedures exist for this e.g. the Corporate Complaints Procedure, and external/statutory mechanisms, e.g. the Local Government Ombudsman or appeal to the courts. That said:
- Committees/Panels may investigate the manner in which decisions are made but should not pass judgements on the merits of a decision in individual cases.
 - They can comment, however, on the merits of a particular policy affecting individuals.

Review of Regulatory Committee’s Work

41. Where a Committee/Panel reviews the work of another Council (i.e. non-Executive) committee it should not scrutinise individual decisions made by such committees, particularly decisions in respect of development control, licensing, registration, consents and other permissions. The Overview and Scrutiny Management

Committee in particular, as the co-ordinating Scrutiny body, will need to ensure such scrutiny is not an alternative to normal appeals procedures.

Review of Non-Executive Functions

42. Although Committees/Panels have the power to make reports and recommendations on functions that are non-Executive functions, this should normally only be used as part of wider policy reviews.

HOLDING THE EXECUTIVE TO ACCOUNT

Overview and Scrutiny Management Committee - Regular Agenda Items

43. The Overview and Scrutiny Management Committee will normally meet monthly. At this meeting it will hold the Executive to account by a variety of mechanisms that will include:
- **The Forward Plan** - The Overview and Scrutiny Management Committee will discuss forthcoming decisions with the Executive and bring to the Executive's attention matters considered to be appropriate in taking individual decisions;
 - **Service and Financial Performance Information** – The Overview and Scrutiny Management Committee will receive the same quarterly performance monitoring reports and periodic financial monitoring as Cabinet Members, detailing service performance, financial monitoring information, and an explanatory narrative to enable progress to be monitored against the targets and commitments set out in the Council Plan;
 - **Any Policy Framework Plans** – Consideration of issues papers summarising the main elements of Policy Framework Plans to be recommended to the Council by the Executive;
 - **Any reports by other Review Bodies** – This might include reports from external inspection bodies. The Committee would be likely to seek the views of the Executive on comments made in the reports and identify actions proposed to address any of the issues raised;
 - **Items placed on the agenda by elected Members (including Councillor Calls for Action)** – This applies where an issue has been placed on the agenda by a member in accordance with overview and scrutiny procedure rule 9, or in accordance with the agreed process for dealing with Councillor Calls for Action.

Policy Framework

44. Overview and Scrutiny has an integral role to fulfil in policy development. The Executive will consult the Overview and Scrutiny Management Committee during the process of preparing the draft budget and draft plans and strategies. Details of this interaction are set out in the Constitution under the Budget and Policy Framework Procedure Rules.
45. When elements of the Policy Framework are under review, the Overview and Scrutiny Management Committee should consider:
- The Executive's initial proposals for the Policy Framework in the form of an Issues Paper detailing significant changes from the existing policy framework, how the proposals reflect any Scrutiny Inquiry or other review recommendations, and details of the consultation underpinning the proposals;
 - The evidence of individuals or organisations invited by the Overview and Scrutiny Management Committee, or else requesting representations to comment on the policy framework proposals, e.g. from partner organisations.

46. The Overview and Scrutiny Management Committee's role at this stage is essentially one of quality control, ensuring that the policy directions proposed have been adequately researched and developed, that adequate consultation has taken place, and that the results of the consultation are reflected in the proposals.
47. A report detailing the Committee's comments on the initial proposals will be submitted to the Executive after the meeting at which it was discussed. This report will also be submitted to Council for consideration along with the Executive's proposals.

Call-in

48. The Overview and Scrutiny Management Committee may hold the Executive to account for the discharge of its functions by examining, challenging, and if necessary requesting changes to, executive decisions made, but not yet implemented. This power is exercised through "Call-In". The power does not enable the Overview and Scrutiny Management Committee to require that a decision be changed.
49. The Council's Call-In procedure is set out in rule 12 of the Overview and Scrutiny Procedure Rules in the Constitution. It applies to decisions taken by the Executive as a whole, or an individual Executive Councillor or an officer acting under delegated powers. The procedure's main features are :
 - Only Overview and Scrutiny Management Committee can exercise the Call-In function;
 - Call-In applies to all executive decisions taken by the Cabinet Members, either working individually or collectively, and to "key" executive decisions taken by officers under delegated powers;
 - The particular decision must not have been implemented at the time Call-In is made. However, it should be noted that the decision cannot be implemented until after the Call-In meeting has taken place;
 - Urgent decisions cannot be Called-In, as the Chair and Vice-Chair of the Overview and Scrutiny Management Committee will have already been involved in the question of whether the particular decision is urgent;
 - Call-In has a special role to play where a decision is thought to be contrary to, or not wholly in accordance with, the approved policy framework or budget.
50. Call-In procedures have the potential, if abused, to significantly disrupt the smooth running of the Council and should be used only in exceptional circumstances. Overview and Scrutiny Management Committee will report to Council on a 6 monthly basis the number of decisions that have been Called-In during that period, and the outcome of the Call-Ins.
51. In order to manage the use of Call-In, it is recommended that prior to calling in a decision, Members should:
 - Obtain and read the report on which the decision is based;
 - Discuss the decision and the reasons behind it with the decision maker/lead officer;
 - Identify on the Call-In notice the specific concerns arising from the decision to be discussed at the call-in meeting;

- Discuss their proposal to use the call-in procedure with the Scrutiny Manager.
52. It is not recommended that Call-In is applied to:
- Any decision in relation to the award of bus contracts where this would result in a break of service to the public;
 - Any decision relating to the award of a discretionary grant to a third party where the likely result of the delay would be that the decision could not be implemented prior to the commencement of the financial year to which the award relates, or be detrimental to that party.
53. The call-in process can be activated either by the Chair of Overview and Scrutiny Management Committee acting singly, or by any 2 members of Overview and Scrutiny Management Committee acting together, or by two of the Church and/or Parent Scrutiny Members acting together, but only in respect of the Council's functions as a local education authority.
54. Scrutiny Members are encouraged to submit Call-in notices as soon as possible, and avoid submitting them on the last day of the Call-in period. Timely deposit of Call-in notices will enable members who may have inadvertently submitted an invalid Call-in notice to have an opportunity to re-submit a valid one.
55. Call-in notices are available in hard copy from Democratic Services. The notices are also available on the Members' Zone of the intranet. When submitting hard copies, all Members requesting the Call-in must sign the notice. When submitting notices electronically each of the Members requesting the Call-in should be identified on the notice, and should confirm their request by e-mail. The notices submitted electronically should be sent to mark.pirnie@southampton.gov.uk.

Items Placed on the Agenda by Elected Members - Including Councillor Call for Action

56. Any member of the authority has the legal right to have included in the agenda for a meeting any local government matter relevant to that Committee/Panel's functions, and for it to be discussed at the meeting. This can be done by a Scrutiny Member depositing a "Scrutiny Request Form" in accordance with the procedure set out in Rule 8 & 9 of the Overview and Scrutiny procedure rules or rules 26.5 and 26.6 of the council procedure rules on the Constitution. The key factor to be aware of is that the Scrutiny Request Form must be delivered to the Head of Legal and Democratic Services at least 12 clear working days before the date of the next meeting. However, the earlier the form is delivered, the greater the opportunity for a more detailed report to be submitted to the meeting with facts to enable the issue to be scrutinised. When a Scrutiny Member exercises his/her power to place an item on the agenda the item would be placed on the Overview and Scrutiny Management Committee or Scrutiny Panel agenda for discussion with the Executive Member and/or senior officers.
57. In addition the Local Government and Public Involvement in Health Act 2007 introduced, to help frontline councillors raise matters on an authority's agenda on behalf of their constituents, the Councillor Call for Action (CCfA).
58. The aim of the CCfA is to support elected Members in achieving improvements for their local areas. The Act envisages that:

- councillors identify issues of significant concern to their communities;
 - they seek to resolve problems by talking to the local authority and other service providers;
 - if they cannot resolve matters, then they can refer them to overview and scrutiny committees.
59. At the meeting of the Overview and Scrutiny Management Committee in June 2009 a process was agreed for managing CCfA's in Southampton. The outline process is as follows:
- a. Ward Councillor resolves issue at a local level;
 - b. If unable to do so, Ward Councillor completes a CCfA request form available from Democratic Services and sends it to the Scrutiny Manager who will send it on to the Overview and Scrutiny Management Committee Chair / Health Overview and Scrutiny Panel Chair, if health related;
 - c. The Chair of the Overview and Scrutiny Management Committee or Health Overview and Scrutiny Panel will then determine whether to take the CCfA forward and s/he will inform the Ward Councillor whether s/he will accept the CCfA within 3 working days;
 - d. Relevant Members, partners and officers agree how the CCfA is to be handled;
 - e. The CCfA is heard at the first available meeting of the Overview and Scrutiny Management Committee / Health Overview and Scrutiny Panel;
 - f. The Overview and Scrutiny Management Committee / Health Overview and Scrutiny Panel agrees a resolution for the CCfA.
60. Reasons the Chair may not take the CCfA forward to Committee could include:
- Not enough information has been provided;
 - More could be done to resolve the issue at a local level, e.g. key people have not been contacted;
 - The CCfA is, or has stemmed from, a vexatious complaint;
 - The matter has recently been examined by Overview and Scrutiny (though the Ward Councillors may argue that certain aspects were not sufficiently covered hence a need for a CCfA);
 - The matter is the subject of an ombudsman complaint or other official complaints procedure;
 - The matter falls under excluded matters such as those decided by Regulatory Committees (Planning, Licensing and Education Appeals).
61. The Committee's/Panel's decision will mirror one of the following options:
- The Committee/Panel could determine not to make a report (perhaps because it is not considered the right time to consider a particular issue);
 - The Committee/Panel could write a report on the CCfA, which would be a public report;
 - The Committee/Panel could determine that it is a complex issue that requires further investigation, and undertake a Scrutiny Review or Overview of the issue.
62. The CCfA is not:
- A way to resolve individual casework problems;
 - An appeals process;
 - A forum for vexatious complaints.
63. The Overview and Scrutiny Management Committee will consider all CCfA's with the exception of those relating to health and adult social care. These issues will be

considered by the Health Overview and Scrutiny Panel.

Recommendations and Scrutiny Monitoring Procedures

64. During the course of meetings, members are encouraged to formulate recommendations on matters which they consider appropriate to pass a comment or to recommend a particular course of action to a Cabinet Member. Recommendations should be as concise and unambiguous as possible. The monitoring procedure allows action taken to be monitored against the original proposal made at the meeting.
65. All recommendations made by the Overview and Scrutiny Management Committee are collated into a scrutiny monitoring form. This document is then put to 2 uses: -
 - Firstly it used as the means to identify work required from the Decision Maker. This ensures that the same wording is used at an early stage by everyone involved.
 - Secondly, it is reported back to the following Overview and Scrutiny Management Committee meeting with the action taken being recorded. This enables the Committee to check that the Decision Maker is responding to their recommendations. The number of outstanding responses, and the length of time elapsed since the recommendation was made can be tracked.

SCRUTINY INQUIRIES

Planning for Scrutiny Inquiries

66. Annually the Overview and Scrutiny Management Committee will prepare a limited Scrutiny Inquiry programme.
67. The Committee will set the Terms of Reference for inquiries, and approve an inquiry plan identifying the number of meetings allocated to the inquiry, and an outline of the evidence to be heard at each meeting. The Committee will approve the inquiry final report and submit the report to the Cabinet for consideration.
68. It will be the role of the Chair of the Scrutiny Inquiry Panel to ensure that the Panel maintains its focus on the terms of reference set by the Overview and Scrutiny Management Committee.

Selecting Topics for Inquiry

69. Members may request that the Overview and Scrutiny Management Committee commissions an inquiry by tabling a motion to Council, where the matter will be discussed and, if passed, be submitted to Overview and Scrutiny Management Committee for consideration.
70. Where Council passes a resolution that a subject is of such importance that the Overview and Scrutiny Management Committee should be directed (as opposed to requested) to commission an inquiry, the Overview and Scrutiny Management Committee must commission the inquiry to be completed within 12 months (or such other timescales as council directs), postponing other work to accommodate such demands where necessary.
71. When considering whether to commission an inquiry into a particular policy or service area, Overview and Scrutiny Management Committee will take into account:
 - **Policy development:**
Whether a review topic relates to an area that is going to be of major significance in terms of the development of policies and associated practices that need to be introduced in order to respond to national, regional or local developments, e.g. the refresh of a Policy Framework Plan, demographic changes etc. If so, then a scrutiny inquiry could help to influence the direction and shape of any policy proposals.
 - **Performance issues:**
A service that fails to meet expected targets over a period of time or, appears to provide comparatively low value for money, or generate a large number of complaints and a high caseload of work for elected members could benefit from a review to explore how service delivery could be improved.
 - **Impact:**
For an inquiry to be worth the member and officer resources invested, it must have the potential to make a difference to city life and improve a situation for the benefit of people living and working in Southampton.

- **Opportunity to engage partners:**

With many of the key issues facing the city being addressed through joint working and mechanisms which require the active engagement of key delivery partners, there is an opportunity for inquiry outcomes to benefit from the input of partners into the scrutiny process. The Local Government and Public Involvement in Health Act also makes provision for what it terms “key partner authorities” (e.g the police and the Clinical Commissioning Group) providing information to overview and scrutiny committees.

- **Avoiding duplication:**

There are other review bodies within the Council (e.g. the Governance Committee) and external inspection bodies seeking to ensure the delivery of strategic objectives and improved operational services by the Council and its partners. It would not be an effective use of scrutiny resources to duplicate reviews. Where the scrutiny inquiry process could add value is by identifying issues that are not being reviewed elsewhere, or by connecting issues that have been reviewed individually but which have not brought together for the benefit of local residents.

- **Resources:**

Given the reduced resources available to support the scrutiny function the Committee will need to satisfy itself that adequate officer resources are available to support the inquiry process, both from the Scrutiny function, and from the service areas in the Council or partner organisations who would be required to provide witnesses and technical advice.

The process of undertaking a Scrutiny Inquiry

72. Once the terms of reference and the inquiry plan for a scrutiny inquiry have been agreed by the Overview and Scrutiny Management Committee’s the inquiry will be undertaken by the Scrutiny Inquiry Panel.
73. The inquiry will then proceed in accordance with the inquiry plan. Members will be provided with a summary of the key points from each discussion. On occasions members may be invited to informal meetings. These are not subject to access to information rules and are held in private. The purpose is to allow members to review and reflect on the information presented, to discuss potential areas for recommendations, and for drafting sections of the inquiry report.
74. At the end of the process the Panel will make any final changes to its report at a scheduled meeting. The Chair of the Panel will then present the final report to the Overview and Scrutiny Management Committee. The role of the Committee is to ensure that the Panel have met the agreed terms of reference of the inquiry and to formally approve a final document for submission to the Cabinet. The Cabinet will normally respond to an inquiry report within two months of submission to Cabinet.

SCRUTINY SKILLS

75. This section outlines some of the key skills required to undertake successful scrutiny.

Asking Questions

76. Scrutiny will be at its most effective when panel members examining a topic are able to ask the right people the right questions in order to get to the information required to make an effective assessment of the matter under consideration. Officers supporting Scrutiny will provide advice and support to Members if requested in advance of the meeting to ensure that Members are best placed to have the most appropriate Cabinet Members, officers and representatives from partners in attendance at their meetings. Guidance on asking questions is outlined below.

Putting questions to Cabinet Members and officers

77. It is important to distinguish between the types of question that are most appropriate to be put to and answered by Cabinet Members, and those which are most appropriately put to and answered by officers. The paragraphs below give examples of the different types of question that can be asked of Cabinet Members and officers.
78. Cabinet members can be expected to answer questions about:-
- a) The general direction and content of policies, e.g.
 - *Why do you think this is the right policy?*
 - *What factors lead you to implement this policy?*
 - *Council X is known to have had problems in this area – why do you think the same thing won't happen in Southampton?*
 - *What are the key results and outcomes you would expect to see in 6/12 months' time?*
 - b) The reasons for chosen priorities, e.g.
 - *Why are you proposing to do X before Y?*
 - *Why are you allocating resources to this proposal now when Y is in such a bad way?*
 - c) Performance within their portfolio area
 - *What is your opinion of the overall performance of your portfolio this quarter?*
 - *Which areas of under-performance are currently of greatest concern to you?*
 - *What steps do you propose to undertake to ensure any areas of under-performance are improved?*
 - *It seems to me there are problems/shortcomings with X:-
How serious do you think they are?
What steps do you intend to take to improve the service?
How soon do you think we can expect to see significant improvements?*
 - *It seems to me that something went seriously wrong with X:-
What involvement did you have in overseeing the process (name whatever the process is)?*

Do you think you knew enough about what was happening, and if not, why not?
Why weren't you aware of any problem(s) earlier?
What steps have you taken to make sure this won't happen again?
Do you think these steps go far enough? (And refer to any areas where you think the cabinet member is not going far enough)

79. If the Cabinet Member defers to officers for questions of this type, it is quite in order for the Scrutiny Member to indicate they would like the response to come from the Cabinet Member. If the Cabinet Member is unable or unwilling to do so then the Scrutiny Member may wish to make a comment on it.
80. Officers can be expected to answer questions about:-
- a) Technical terms and jargon referred to in a report
 - *What does X mean?*
 - *Can you explain how X will work?*
 - b) The methodology for collecting data referred to in a report
 - *How did you go about collecting the figures set out in paragraph X?*
 - *To what extent do these figures convey the overall picture?*
 - c) The detailed interpretation of data referred to in a report
 - *What period do these figures cover? (If not clearly labelled)*
 - d) Detailed issues of technical implementation
 - *I see from the report that there were problems with X. Why were these not highlighted earlier?*
 - e) Detailed issues of technical problem solving
 - *How soon do you think these remedies will take effect? (The Cabinet Member can then be asked if they think this is soon enough)*
 - f) Advice given to the Cabinet Member
 - *Does the decision proposed/implemented reflect the advice provided to the Cabinet Member?*
81. If upon reading a report there are issues in it where Scrutiny Members want detailed answers to questions which depend on facts not contained in any supporting report, then Members should contact the Scrutiny Manager and indicate the line of questioning they wish to pursue and the detail they are looking to examine. The Scrutiny Manager will then indicate to the relevant officers the nature of the data and information they need to prepare to answer questions on at the meeting. If this is not done and a detailed question is subsequently asked at a meeting, the officer is entitled to respond that they are unable to answer a detailed question of this type and it may not be possible to pursue this line of questioning at the meeting.

Directing the Right Questions to the Right People

82. The less senior a member of staff, the lower his or her responsibility for policy and resource decisions within their area of work. If involved in the Scrutiny process at all, the contribution of members of staff below the level of Head of Section should be confined to matters of fact within their day to day working environment, including the practical results of particular policy choices. For example, they might be involved in providing a factual briefing but it would not be appropriate for them to discuss or comment on resource allocation or policy matters. Therefore, the agreed convention is that:
- Overview and Scrutiny Management Committee / Scrutiny Panels will not normally require the attendance of any officer below Head of Service level where policy matters are involved;
 - Officers below Head of Service level may attend but questioning should be confined to matters of fact only and not resource allocation or policy;
 - Officers may be asked for their professional views on services or policies.

Formulating Good Quality Recommendations

83. The attributes of effective recommendations reflect the key data quality principles the Council has been embedding in its work. The list below highlights the most common ones which are relevant to the overview and scrutiny process.
- **Clarity:** Recommendations need to be clear and intelligible. They should be unambiguous and say what is meant, not what the proposer may have intended to say.
 - **Specific:** As well as possessing clarity, a good recommendation should be specific. This is best achieved by concise recommendations that attempt to deal with a single point, as opposed to bringing together a number of trains of thought within a single recommendation.
 - **Realistic:** A successful recommendation is one that can make a real difference to policy development or service delivery. In formulating the recommendation it is therefore important to take account of what is realistically achievable. Scrutiny should ultimately be judged by the difference it makes to improving city life, and not by the number of recommendations members produce.
 - **Action focussed:** The impact of scrutiny can be assessed if the recommendations are based on an action that can subsequently be undertaken either by the Executive or a partner organisation. There may be occasions when passive recommendations (e.g. those that welcome a proposal, or support an action) are appropriate, but in the main effective recommendations are those that propose a specific course of action underpinned by evidence presented to the Scrutiny Committee, or related to an intellectual case developed by the Scrutiny Committee.
 - **Measurable:** If there are specific changes or improvements that members are looking for, then these should be set out in the recommendation with an appropriate timescale. This is key to being able to measure the impact of the scrutiny recommendation further down the line.

Achieving more successful recommendations

84. The following list of practices may assist members in formulating better quality recommendations.

- **Read all reports prior to the meeting:** Despite shortcomings that members regularly identify in written reports, they contain useful information which is important for members to be aware of at the start of the consideration of any issue.
- **Issues in reports need to be understood:** Reading reports and gaining an understanding of the issues is likely to result in being able to ask more challenging questions. This in turn can lead to a greater understanding of the issue, and generate higher quality recommendations that may result in a measurable difference to residents' lives. If the issues are not clear and understandable from reading the reports, briefings can be arranged through the Scrutiny Manager in advance of the meeting.
- **Identify the key issues that are most likely to be the subject of recommendations:** Members prefer meetings that do not last for more than 2 hours. Therefore, preparation which prioritises and identifies the key issues will enable members to focus on the most important matters in the meeting and to enable recommendations to be focussed on these issues.
- **Ask the right questions:** It is impossible to identify a list of right questions that can be applied in every circumstance, but if the answers to questions such as "who", "what", "why", "where", "when" and "how" are not apparent from the report, then there is likely to be a need to ask them at the meeting.
- **Listen to information provided at the meeting:** Listening skills are absolutely key to successful scrutiny outcomes. Useful and critical pieces of information can be elicited if the right questions are asked, but the benefit of the information generated through the question process is lost if a Scrutiny Committee is not listening carefully to the response provided. The most successful supplementary questions are likely to be those generated in response to answers given to the previous question.
- **Effective use of pre-meetings:** A pre-meeting provides an opportunity for members to identify collectively the key issues and plan a campaign for asking questions, ensuring all their key concerns get covered. It is at the discretion of the Chair as to whether a pre-meeting should be held.

Blocks to making successful recommendations

85. There are a number of reasons why significant issues being discussed do not result in successful recommendations being made. Some of the most common are identified below:-

- **Using meetings to collect information:** Good scrutiny is about making a difference to the overall quality of city life. This objective cannot be achieved if members use the meeting simply to collect information. To take the process forward members need to use the information obtained. If further information is needed to advance the scrutiny process then members should raise their concerns with the Scrutiny Manager prior to the start of the meeting. If necessary individual or collective briefings can then be arranged with appropriate officers.

- **Using scrutiny meetings to undertake case-work:** Scrutiny meetings enable members to look at whole areas of work and activity. Asking questions about instances resulting from an individual case distracts the Scrutiny Committee from broader issues that are the subject of the meeting. This is not to say that the understanding of detail is not important to the scrutiny process, but it must be directly related to the planned outcome from the scrutiny discussion.
- **Compiling recommendations that express opinions or request further information, but do not lead to action:** If recommendations go no further than expressing views on a particular topic, then there is little prospect of them leading to a tangible change in city life. Similarly, simply asking for more information to be supplied either to a future meeting, or outside of the formal meeting process, cannot lead to the Scrutiny Panel being able to generate an outcome without further consideration of the issue.
- **Not being clear on what is wanted at the point of making recommendations:** If a member making a recommendation is not clear on what is trying to be achieved and why for local residents, then there is little chance of the recommendation making a difference to the overall quality of city life.

CONCLUSION

86. This handbook sets out practical advice to members for the conduct of overview and scrutiny in Southampton City Council. The information and guidelines it contains aim to provide guidance and information on the most important and most common issues scrutiny members are likely to encounter. The document aims to be comprehensive, but cannot be exhaustive. If any issues and questions arise which it does not cover or are missing, or information provided is not clear and requires further explanation and guidance, members should contact the officers listed below, who will be able to respond to any questions and problems.

<p>Democratic Services Manager</p> <p>Sandra Coltman – 023 8083 2718 sandra.coltman@southampton.gov.uk</p>	<ul style="list-style-type: none">• Standards of delivery of overview and scrutiny• Resources for overview and scrutiny• Conduct of the officers supporting the Scrutiny Function
<p>Scrutiny Manager:</p> <p>Mark Pirnie – 023 8083 3886 Mark.pirnie@southampton.gov.uk</p>	<ul style="list-style-type: none">• Overview and Scrutiny Management Committee• Health Overview and Scrutiny Panel• Children and Families Scrutiny Panel• Scrutiny Inquiries• Call-in arrangements• Scrutiny handbook contents• Advice on scrutiny procedures

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DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
SUBJECT:	MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE		
DATE OF DECISION:	13 JUNE 2019		
REPORT OF:	DIRECTOR - LEGAL AND GOVERNANCE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Mark Pirnie	Tel: 023 8083 3886
	E-mail:	Mark.pirnie@southampton.gov.uk	
Director	Name:	Richard Ivory	Tel: 023 8083 2794
	E-mail:	Richard.ivory@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
This item enables the Overview and Scrutiny Management Committee to monitor and track progress on recommendations made to the Executive at previous meetings.			
RECOMMENDATIONS:			
	(i)	That the Committee considers the responses from Cabinet Members to recommendations from previous meetings and provides feedback.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	To assist the Committee in assessing the impact and consequence of recommendations made at previous meetings.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	None.		
DETAIL (Including consultation carried out)			
3.	Appendix 1 of the report sets out the recommendations made to Cabinet Members at previous meetings of the Overview and Scrutiny Management Committee. It also contains summaries of any action taken by Cabinet Members in response to the recommendations.		
4.	The progress status for each recommendation is indicated and if the Overview and Scrutiny Management Committee confirms acceptance of the items marked as completed they will be removed from the list. In cases where action on the recommendation is outstanding or the Committee does not accept the matter has been adequately completed, it will be kept on the list and reported back to the next meeting. It will remain on the list until such time as the Committee accepts the recommendation as completed. Rejected recommendations will only be removed from the list after being reported to the Overview and Scrutiny Management Committee.		
RESOURCE IMPLICATIONS			

<u>Capital/Revenue</u>		
5.	None.	
<u>Property/Other</u>		
6.	None.	
LEGAL IMPLICATIONS		
<u>Statutory power to undertake proposals in the report:</u>		
7.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.	
<u>Other Legal Implications:</u>		
8.	None	
RISK MANAGEMENT IMPLICATIONS		
9.	None.	
POLICY FRAMEWORK IMPLICATIONS		
10.	None	
KEY DECISION		No
WARDS/COMMUNITIES AFFECTED:		None directly as a result of this report
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	Monitoring Scrutiny Recommendations – 13 June 2019	
Documents In Members' Rooms		
1.	None	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?		No
Data Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?		No
Other Background Documents		
Equality Impact Assessment and Other Background documents available for inspection at:		
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None	

Overview and Scrutiny Management Committee: Holding the Executive to Account

Scrutiny Monitoring – 13 June 2019

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
04/04/19	Green City	Call-In: Green City Charter	1) That Cabinet agree to delay the approval and launch of the Green City Charter to enable the fostering of a cross party consensus on the strategic objectives within the Charter.	Rejected at 16 April 2019 Cabinet meeting	Completed
			2) That, if Cabinet does not agree to recommendation 1, the following amendments to the draft Green City Charter are considered by Cabinet: a) Commitment one is amended to read as follows – <i>We want to be carbon neutral by 2030 at the latest; and will therefore promote and encourage the use of energy from renewable sources that do not compromise local air quality.</i> b) Commitment two is amended to read as follows – <i>We will take actions that will improve the quality of life in our city. We want the Healthy Life Expectancy Indicator to be the best amongst our peers and to significantly reduce our City's deaths that are attributable to air pollution.</i> c) Commitment seven is amended to read as follows – <i>We will reduce harmful emissions and, at an absolute minimum, ensure we do all we can to satisfy all World Health Organisation air quality guideline values immediately.</i> d) Commitment eight is deleted	Rejected at 16 April 2019 Cabinet meeting	Completed

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
			3) That, if Cabinet agree to approve a Green City Charter at the 16 April 2019 meeting, the Executive immediately identifies the internal resources that will be committed to deliver the Charter.	Rejected at 16 April 2019 Cabinet meeting	Completed
			4) That Cabinet writes to Government to request the full amount of funding asked for in January 2019 to support the nitrogen NO ₂ business case.	Rejected at 16 April 2019 Cabinet meeting	Completed
			5) That, if Government does not agree to the request for additional funding outlined in recommendation 4, Cabinet approaches partners to help fund the shore side power initiative or looks to fund the proposal from Council resources.	Rejected at 16 April 2019 Cabinet meeting	Completed
			6) That the Executive clarifies the current position with regards to whether the use of Southampton's District Energy Scheme is a planning condition for new developments in the city centre.	Response circulated to OSMC – 23/05/19	Completed
			7) The Committee are aware that all current heat generated from the Southampton's District Energy Scheme is supplied by gas. The Committee would like Cabinet to inform the Committee when the geothermal well will be brought back into operation.	Response circulated to OSMC – 23/05/19	Completed
			8) That Cabinet investigate establishing a Citizens' Assembly and provide an update on progress related to these considerations to the 13 June 2019 meeting of the Overview and Scrutiny Management Committee.	Rejected at 16 April 2019 Cabinet meeting	Completed

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
			9) That Cabinet give consideration to the proposals contained within the alternative Green Charters developed by Green Resistance and Extinction Rebellion.	Rejected at 16 April 2019 Cabinet meeting	Completed

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