

CHAPTER 6.2 – OVERVIEW AND SCRUTINY COMMITTEES TERMS OF REFERENCE

6.2.1 Appointment of Overview and Scrutiny Committees

The Council shall establish the following Overview and Scrutiny Committees:

- a) Children's Services Overview and Scrutiny Committee - 8 Members
- ~~b) Community Partnerships Overview and Scrutiny Committee – 8 Members~~
- ~~be) Community and Corporate Corporate Services Overview and Scrutiny Committee - 8 Members~~
- ~~ce) Health Overview and Scrutiny Committee - 10 Members~~

The Chairmen of the Overview and Scrutiny Committees must be members of the Overview and Scrutiny Management Committee in order that they can feed back the work of the Committees. If the Chairman of a Scrutiny Committee is unable to attend a Management Committee meeting then he/she will arrange for another member from the Committee to attend the Management Committee to provide feedback on the work of the Committee. This Member will be entitled to take part in discussions at the Management Committee but will not be entitled to any voting rights.

Representatives of the Church of England Diocese and Roman Catholic Diocese, together with Parent Governor Representatives will automatically be entitled to be members of the Children's Services Overview and Scrutiny Committee. When considering Education related issues these representatives will automatically be entitled to sit on the Overview and Scrutiny Management Committee and/or any of the other Committees or Task and Finish Groups and vote on such matters.

In accordance with [Rule 6.3.9](#) the Overview and Scrutiny Management Committee, Overview and Scrutiny Committees and Task and Finish Groups established by the Committee or Committees may appoint non-voting co-opted members as necessary.

In addition to the standing membership of the Committees, the Chairman and Vice-Chairman of the Overview and Scrutiny Management Committee shall have the right to attend and take part in Overview and Scrutiny Committees but will not have voting rights.

Members will be appointed to the Overview and Scrutiny Committees at Annual Council on the basis of political proportionality.

6.2.1.1 Substitutes

Two substitute members from each political group for each Committee shall be appointed at Annual Council for the forthcoming Municipal Year.

6.2.1.2 Appointment of Substitute

If any member of the Committee is unable to attend a meeting of that body they may appoint one of the nominated substitute members for the Committee to act in their place at the meeting. The appointment shall only take effect if the Member making the appointment, or in the Member's absence their Group Leader or Political Assistant, notifies the [Service Manager](#) Democratic Services [Manager](#), or their representative, no later than

midday of the day of the meeting that they will be unable to attend the meeting and the name of the appointed substitute member.

Once a substitute member has been appointed to attend a specific meeting then the original member cannot attend the meeting in a voting capacity.

If a substitute member attends a meeting which is subsequently adjourned to a later date they must also attend the reconvened meeting.

When undertaking a scrutiny review membership of the body carrying out the review, i.e. the Overview and Scrutiny Management Committee or one of its Committees, should remain the same. Therefore substitutes will only be allowed at the beginning of a review provided they are able to carry out the substitute role throughout the review.

6.2.1.3 Changing Substitutes

A substitute may be changed during a municipal year provided that the [Service Manager](#) Democratic Services [Manager](#), or their representative, receives a written request from either the Leader of the appropriate political Group or the relevant Political Assistant. Any such change will become effective at the next Committee meeting or within 14 days whichever is the later.

6.2.1.4 Training

Members who are appointed as substitutes will be expected to have undertaken the same training as those members of the relevant Committee.

6.2.2 Children's Services Overview and Scrutiny Committee Terms of Reference

6.2.2.1 Role of the Committee

The role of the Children's Services Overview and Scrutiny Committee will be to scrutinise, review and assist with the policy development of:

- a) those matters relating to the Children's Act 2004, "Every Child Matters" and any subsequent legislation relating to the delivery of Children's Services by the Council;
- b) those matters set out in Section 499 of the Education Act 1996 (as amended by Section 9 of the School Standards and Framework Act 1998) and all other legislation such as the Children Act 1989;
- c) services that support the Council's vision and corporate priorities for children and young people including, amongst others, the following areas:
 - i) Schools;
 - ii) Early Years Settings and Children's Centres;
 - iii) Safeguarding and Child Protection;
 - iv) Looked After Children and Young People;
 - v) Family Support Services for Children and Young People;
 - vi) Services for Children with Special Educational Needs and Disabilities;
 - vii) Inclusion and Attendance;
 - viii) School Transport; and
 - ix) Youth Services.

- d) those matters that relate to the implementation of designated programmes within the Health and Wellbeing Strategy that relate to children and young people.

6.2.2.2 Terms of Reference

In carrying out its role the Children's Services Overview and Scrutiny Committee shall:

- a) review and/or scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's Executive functions relating to services for children and young people;
- b) monitor and review performance indicators relating to services for children and young people and to question the relevant Executive Member/s and senior Officer/s thereon, reporting to the Overview and Scrutiny Management Committee where necessary;
- c) review those areas, within the remit of the Committee, included in the Children and Young People's Plan Corporate Plan Health & Wellbeing Strategy and other major Council Plans and Policies where targets are not being met or progress is slow;
- d) review those areas, within the remit of the Committee, which have been identified for improvement through Ofsted and other formal external assessments or inspections that identify areas where targets are not being met or progress is slow;
- e) at the request of the Overview and Scrutiny Management Committee conduct scrutiny reviews or undertake projects from the corporately agreed work programme;
- f) at the request of the Overview and Scrutiny Management Committee undertake Policy Development and Review functions as set out in [Rule 6.1.3](#);
- g) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by the Overview and Scrutiny Management Committee, the Executive, Council or Council Committees;
- h) at the request of the Overview and Scrutiny Management Committee investigate matters of concern within the Committee's remit referred to it by non-Executive Members of the Council, Corporate Leadership Team, members of the public, or external organisations, including the consideration of requests made as a "Councillor Call for Action" as defined in Section 119 of the Local Government and Public Involvement in Health Act 2007;
- i) at the request of the Overview and Scrutiny Management Committee to review Executive decisions within the Committee's remit which have been 'called-in';
- j) at the request of the Overview and Scrutiny Management Committee exercise the Council's crime and disorder responsibilities in relation to children and young people as set out in Part 3, Section 19 of the Police and Justice Act 2006;
- k) constitute and appoint to Task and Finish Groups as necessary;

- l) prepare reports and recommendations concerning its activities for consideration by the Executive or partner authorities as set out within Part 5, Chapter 2, Section 122 of the Local Government and Public Involvement in Health Act 2007;
- m) scrutinise and review the relevant work of the Health and Wellbeing Board's Partnership Groups;

~~6.2.3 Community Partnerships Overview and Scrutiny Committee Terms of Reference~~

~~6.2.3.1 Role of the Committee~~

~~The role of the Community Partnerships Overview and Scrutiny Committee will be to:~~

- ~~a) scrutinise and review the relevant work of the Health and Wellbeing Board's Partnership Groups;~~
- ~~b) exercise the Council's crime and disorder responsibilities as set out in Section 19 of the Police Justice Act 2006;~~
- ~~c) exercise the Council's flood risk management responsibilities under Schedule 2, Part 1 of the Localism Act 2011.~~

~~6.2.3.2 Terms of Reference~~

~~In carrying out its role the Community Partnerships Overview and Scrutiny Committee shall:~~

- ~~a) review and/or scrutinise the work of and decisions made by the Health and Wellbeing Boards' Partnership Groups;~~
- ~~b) monitor and review any performance indicators that may be developed relating to the Health and Wellbeing Board's Partnership Groups and to question the relevant Executive Member/s, Chairman of the Health and Wellbeing Board, senior Council Officer/s and representatives of partner authorities thereon, reporting to the Overview and Scrutiny Management Committee where necessary;~~
- ~~c) conduct scrutiny reviews or undertake projects under the remit of the Committee as may be allocated by the Overview and Scrutiny Management Committee from the corporately agreed work programme;~~
- ~~d) at the request of the Overview and Scrutiny Management Committee undertake Policy Development and Review functions as set out in Rule 6.1.3;~~
- ~~e) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by the Executive, Council or Council Committees;~~

- ~~f) — at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by non-Executive Members of the Council, Corporate Leadership Team, members of the public, external organisations or relevant partner authorities, including the consideration of requests made as a “Councillor Call for Action” as defined in Section 119 of the Local Government and Public Involvement in Health Act 2007;~~
- ~~g) — at the request of the Overview and Scrutiny Management Committee to review Executive decisions which have been ‘called in’;~~
- ~~h) — exercise the Council’s crime and disorder responsibilities as set out in Part 3, Section 19 of the Police and Justice Act 2006;~~
- ~~i) — exercise the Council’s flood risk management responsibilities under Schedule 2, Part 1 of the Localism Act 2011;~~
- ~~j) — constitute and appoint to Task and Finish Groups as necessary;~~
- ~~k) — prepare reports and recommendations concerning its activities for consideration by the Executive or partner authorities as set out within Part 5, Chapter 2, Section 122 of the Local Government and Public Involvement in Health Act 2007;~~

6.2.34 Community and Corporate Services Overview and Scrutiny Committee Terms of Reference

6.2.34.1 Role of the Committee

The role of the Community and Corporate Services Overview and Scrutiny Committee will be to scrutinise, review and assist with the policy development of:

- a) the Council’s budget and policy framework;
- b) services that support the Council’s vision and corporate priorities, excluding matters relating to Children and services which are covered by other scrutiny bodies.
- ca) scrutinise and review the relevant work of the Health and Wellbeing Board’s Partnership Groups;
- db) exercise the Council’s crime and disorder responsibilities as set out in Section 19 of the Police Justice Act 2006;
- ee) exercise the Council’s flood risk management responsibilities under Schedule 2, Part 1 of the Localism Act 2011.

6.2.4.2 Terms of Reference

In carrying out its role the Community and Corporate Services Overview and Scrutiny Committee shall:

- a) review and/or scrutinise the decisions made or actions taken in correction with the discharge of any of the Council’s Executive functions under its remit;

- b) monitor and review performance indicators related to Council services within the remit of the Committee, including the Council's revenue and capital budget, and to question the relevant Executive Member/s and senior Officer/s thereon, reporting to the Overview and Scrutiny Management Committee where necessary;
- c) review those areas, within the remit of the Committee, included in the Corporate Plan and other major Council Plans and Policies where targets are not being met or progress is slow;

da) review and/or scrutinise the work of and decisions made by the Health and Wellbeing Board's Partnership Groups :

eb) monitor and review any performance indicators that may be developed relating to the Health and Wellbeing Board's Partnership Groups and to question the relevant Executive Member/s, Chairman of the Health and Wellbeing Board, senior Council Officer/s and representatives of partner authorities thereon, reporting to the Overview and Scrutiny Management Committee where necessary:

fd) review those areas, within the remit of the Committee, which have been identified for improvement through any formal external assessments or inspections that identify areas where targets are not being met or progress is slow;

ge) conduct scrutiny reviews or projects of a service specific nature or within the remit of the Committee, including those which are cross cutting or corporate wide, as may be allocated by the Overview and Scrutiny Management Committee from the corporately agreed work programme, including the preparation of reports and recommendations for consideration by the Executive;

hf) at the request of the Overview and Scrutiny Management Committee undertake Policy Development and Review functions as set out in [Rule 6.1.3](#);

ig) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by the Executive, Council or Council Committees;

kh) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by non-Executive Members of the Council, the Corporate Leadership Team, members of the public, or external organisations, including the consideration of requests made as a "Councillor Call for Action" as defined in Section 119 of the Local Government and Public Involvement in Health Act 2007;

li) at the request of the Overview and Scrutiny Management Committee review and/or scrutinise decisions made, or actions taken, in connection with the discharge of the Council's functions;

mj) at the request of the Overview and Scrutiny Management Committee to review Executive decisions which have been 'called-in';

- ~~nk)~~ ~~at the request of the Overview and Scrutiny Management Committee~~ exercise the Council's crime and disorder responsibilities as set out in Part 3, Section 19 of the Police and Justice Act 2006;
- ~~oi)~~ exercise the Council's flood risk management responsibilities under Schedule 2, Part 1 of the Localism Act 2011;
- ~~pl)~~ constitute and appoint to Task and Finish Groups as necessary;
- ~~qm)~~ prepare reports and recommendations concerning its activities for consideration by the Executive or partner authorities as set out within Part 5, Chapter 2, Section 122 of the Local Government and Public Involvement in Health Act 2007.

6.2.45 Health Overview and Scrutiny Committee Terms of Reference

6.2.45.1 Terms of Reference

In carrying out its role the Health Overview and Scrutiny Committee shall:

- a) review or scrutinise within the following framework and in accordance with the provisions of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013:
 - i) arrangements made by local National Health Service (NHS) bodies to secure hospital and community health services for the inhabitants of Wokingham Borough;
 - ii) the provision of such services to those inhabitants;
 - iii) the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services to ensure that they are high quality, prompt, reliable and cost effective;
 - iv) the public health arrangements in the area;
 - v) the planning of health services including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population;
 - vi) the arrangements made by relevant NHS bodies for consulting and involving patients and the public under the duty placed on them by Section 242 of the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012);
 - vii) proposals by NHS bodies for "significant variation and significant development" in services; and
 - viii) social care services and other health related services jointly commissioned by the Council and local health bodies;
 - ix) review the Quality Accounts of local relevant health service providers and make comment.
- b) review or scrutinise any other issues related to health or social care as they affect the population of Wokingham Borough;
- c) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by the Executive, Council or Council Committees;

- d) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by non-Executive Members of the Council, Corporate Leadership Team, members of the public, external organisations or a responsible person, including the consideration of requests made as a “Councillor Call for Action” as defined in Section 119 of the Local Government and Public Involvement in Health Act 2007;
- e) comment on the NHS Health Check programme;
- f) review or scrutinise the work of the Local Healthwatch;
- g) make reports and recommendations to a responsible person, the Overview and Scrutiny Management Committee, the Council’s Executive and other relevant bodies on any matter reviewed or scrutinised by the Committee in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 ; and

A responsible person includes

- i) NHS England;
- ii) a Clinical Commissioning Group which arranges the provision of services to persons residing in the area of the authority;
- iii) an NHS trust or NHS foundation trust which provides services to persons residing in the area of the authority.
- iv) a body or person, other than an NHS trust or NHS foundation trust, which provides any relevant services to persons residing in the area of the local authority.

This includes providers of services commissioned by NHS England, Clinical Commissioning Groups and local authorities.

- g) request information from the Care Quality Commission and to make reports to the Care Quality Commission on local health and social care providers/services as appropriate.
- h) conduct scrutiny reviews or undertake projects under the remit of the Committee as may be allocated by the Overview and Scrutiny Management Committee from the corporately agreed work programme;
- i) at the request of the Overview and Scrutiny Management Committee undertake Policy Development and Review functions as set out in [Rule 6.1.3](#);
- j) at the request of the Overview and Scrutiny Management Committee to review Executive decisions which have been ‘called-in’;
- k) constitute and appoint to Task and Finish Groups as necessary;
- l) monitor and review any performance indicators that may be developed relating to the Health and Wellbeing Board’s Partnership Groups and to question the relevant Executive Member/s, Chairman of the Health and Wellbeing Board, senior Council Officer/s and representatives of partner authorities thereon,

reporting to the Overview and Scrutiny Management Committee where necessary.

6.2.45.2 Proposals by a Relevant Person for Substantial Variation and Substantial Development in local health services

When a responsible person proposes a substantial development of the health service in the local authority's area, or for a substantial variation in the provision of such service it must consult the local authority.

The form of consultation and the process that the local authority has to follow is set out in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

6.2.56 Changes to the Overview and Scrutiny Committee Structure

The Overview and Scrutiny Management Committee may request that the Council discontinue any Overview and Scrutiny Committee and/or constitute alternative or additional Committees.

The Overview and Scrutiny Management Committee may propose future amendments to the terms of reference of the Overview and Scrutiny Committees to the Council.

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