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## **NOTICE OF CONCERN PROCESS**

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### **Report by Director Corporate Transformation and Services**

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## **SCRUTINY COMMITTEE**

**28 May 2015**

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### **1 PURPOSE AND SUMMARY**

- 1.1 This report seeks approval for a suggested Notice of Concern process.**
- 1.2 Within the Scheme of Administration, the Scrutiny Committee has in its remit, the “management of the ‘Call in’ procedure for the examination of decisions of the Executive.” In previous iterations of Scrutiny, a further process was introduced whereby Scrutiny members issued a ‘Notice of Concern’ to the Executive giving notice of the fact that it proposed to revisit a decision of the Executive at a future date to satisfy itself that the decision had been put into effect, or that the intended outcomes of the decision had been achieved.
- 1.3 Scrutiny’s role in holding the Executive Committee to account goes wider than the “call-in” procedure and there may be occasions where Scrutiny would not investigate a decision itself of the Executive Committee, but verify subsequently whether the decision had in fact been fully implemented or whether the intended outcomes from such an action had been achieved. This latter process would mean that the decision itself was not challenged, but that it needed to be re-visited at a future time. A formal process whereby Scrutiny could notify the Executive Committee of a matter of concern which it proposed to revisit at a future time would help expedite this process. It is suggested that this is achieved by means of a Scrutiny decision which would be a “Notice of Concern”.
- 1.5 Since a ‘Notice of Concern’ would not defer implementation of a decision by the Executive Committee, Scrutiny would only be putting down a marker for further future monitoring of the outcome of a particular decision.

### **2 RECOMMENDATIONS**

- 2.1 I recommend that the Scrutiny Committee approves the proposed Notice of Concern process as detailed in Section 4 of this report.**

### **3 BACKGROUND**

- 3.1 At its meeting on 20 November 2014, Council approved a new Scheme of Administration which reintroduced a Scrutiny Committee to the Council's formal decision making structure.
- 3.2 Within the Scheme of Administration, the Scrutiny Committee has in its remit, the "management of the 'Call in' procedure for the examination of decisions of the Executive." The procedure for 'call-in' is also detailed in Section I of the Scheme of Administration.
- 3.3 In previous iterations of Scrutiny, a further process was introduced whereby Scrutiny members issued a 'Notice of Concern' to the Executive giving notice of the fact that it proposed to revisit a decision of the Executive at a future date to satisfy itself that the decision had been put into effect, or that the intended outcomes of the decision had been achieved.

### **4 NOTICE OF CONCERN**

- 4.1 Call-in is appropriate where it is felt that a decision of the Executive Committee needs to be re-examined at the time it is taken. However, a complementary process to this could also be helpful. Scrutiny's role in holding the Executive Committee to account may alternatively require Scrutiny not to investigate the decision itself of the Executive Committee, but to verify subsequently whether the decision had in fact been fully implemented or whether the intended outcomes from such an action had been achieved. This latter process would mean that the decision itself was not challenged, but that it needed to be re-visited at a future time. A formal process whereby Scrutiny could notify the Executive Committee of a matter of concern which it proposed to revisit at a future time would help expedite this process. It is suggested that this is achieved by means of a Scrutiny decision which would be a "Notice of Concern".
- 4.2 In essence, a 'Notice of Concern' would record the fact that, in relation to a specific decision of the Executive Committee, Scrutiny did not wish to call-in the decision itself, but that Scrutiny wished to give notice of the fact that it would propose to revisit the matter at a subsequent time. It is further suggested that any 'Notice of Concern' would also have to record the reasons for Scrutiny wanting to revisit the matter, and the anticipated time at which Scrutiny would revisit the matter.
- 4.3 When the time came to revisit the matter, this would be carried out in a similar way to a Scrutiny Review hearing. Depending on the decision for review, invitations would be made to officers, portfolio holders and other relevant representatives to attend a meeting and present information. It would be helpful if members of Scrutiny submitted any questions in advance which they wished answered, as this would inform any evidence to be produced. At the relevant Scrutiny meeting, these pre-submitted questions would be supplemented by others, to allow Scrutiny members to delve deeper into the particular subject matter. Based on the evidence presented, the Scrutiny Committee would then decide its findings and whether it needed to make any recommendations to the Executive Committee.
- 4.4 Since a 'Notice of Concern' would not defer implementation of a decision by the Executive Committee, Scrutiny would only be putting down a marker for further future monitoring of the outcome of a particular decision.

## 5 IMPLICATIONS

### 5.1 Financial

There are no costs attached to any of the recommendations contained in this report.

### 5.2 Risk and Mitigations

There is a risk that there could be some confusion about the different aspects of a call-in and a notice of concern. By delineating the differences in this report, this should reduce that risk. In adopting a Code of Practice, Scrutiny members have a set of principles and characteristics to apply to all their work going forwards and this would apply to both processes.

### 5.3 Equalities

It is anticipated that there will be no adverse impact due to the proposals set out in the report on any particular group of clients, residents or staff; and consequently no discrimination on the basis of age, disability, gender, race, sexual orientation, pregnancy and maternity or religion and belief.

### 5.4 Acting Sustainably

It is anticipated that there will be no adverse economic, social or environmental impact caused by the proposals in this report.

### 5.5 Carbon Management

There are no effects on the Council's carbon emissions.

### 5.6 Rural Proofing

Rural proofing is not required as this is not a new or amended policy or strategy.

### 5.7 Changes to Scheme of Administration or Scheme of Delegation

No changes are required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

## 6 CONSULTATION

6.1 The Monitoring Officer, the Chief Financial Officer, the Service Director Strategy & Policy, the Chief Legal Officer, the Chief Officer Audit and Risk, and the Chief Officer HR have been consulted on the contents of this report.

### Approved by

**Name**      **Rob Dickson**      **Signature .....**  
**Title**      **Director Corporate Transformation and Services**

### Author(s)

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**Background Papers:** Nil

**Previous Minute Reference:** Nil

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jenny Wilkinson can also give information on other language translations as well as providing additional copies.

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