



WITNESS PROTOCOL

1 GUIDANCE FOR COUNCILLORS REGARDING WITNESS EVIDENCE

Witnesses are an essential ingredient when undertaking an overview and scrutiny review and their evidence is an invaluable source of information. Attending an Overview and Scrutiny Committee or Scrutiny Panel will often be a new experience for people. It should be remembered that external witnesses are present on a voluntary basis.

The following guidance is written to ensure the experiences for witnesses when giving evidence are positive and stress-free.

The Overview and Scrutiny Officer will:

- 1 Give witnesses as much notice as possible of the time, date and place of the meeting at which their evidence is to be taken
- 2 Inform the witness of the purpose of the review and the areas on which the overview and scrutiny body will want to question them
- 3 Wherever possible give the witness a list of questions, or the line of questioning, in advance, explaining that this will not be a restrictive list
- 4 Provide witnesses with copies of reports, papers and background information where appropriate
- 5 Indicate whether any written documents are required in support of the witness's oral evidence. Requests for presentations will be made a minimum of one week prior to the meeting.

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- 6 Invite witnesses to submit written evidence, if appropriate, and where this is provided it should, be circulated to the committee/group in advance of the meeting at which the evidence will be taken.
- 7 Inform witnesses that the Overview and Scrutiny meeting is held in public, is open to the press and that all reports are public documents unless they contain exempt or confidential information.
- 8 Inform witnesses that Scrutiny Panels are not public meetings, but the evidence submitted to them are submitted for public viewing.
- 9 Respect the right of external witnesses to decline to attend council meetings, but submit written evidence instead.
- 10 Arrange for witnesses to be introduced to the Chair of the meeting prior to the start of the meeting.
- 11 Introduce witnesses to the committee/group
- 12 Ensure all witnesses are treated with courtesy and respect
- 13 Ensure all questions to witnesses are made in an orderly manner under the direction of the Chair and that councillors ask questions relevant to the objectives of the review.
- 14 Provide the Review findings to all witnesses who request them.

2 QUESTIONING TO GAIN THE MOST FROM WITNESSES

The evidence of witnesses to a review may often be the most valuable source of information. However, if the questions are not the right ones they may not be effective in soliciting the best information. Asking questions is not about profiling yourself, making a personal speech or arguing with witnesses as this can put them off giving evidence. Considering what questions to ask and the types of question to use to gain focused information often means preparation beforehand. Below are examples that can be considered.

Question types

Most people will be familiar with the two basic question types 'open' and 'closed'. These can be described as follows:

Closed:

Are used when you require a brief factual answer as they close down discussion e.g.

"What is your name?"

"Do you work in other organisations?"

Open:

Are used to gain more than a 'yes' or 'no' answer as they stimulate further discussion on an issue e.g.

"Please give us an example of how your service has improved?"

"Tell us about how your service is organised"

But there are also some questioning styles, which can elicit difference types of responses and therefore different outcomes.

In preparing for questioning witnesses, it might be helpful to think about the way in which questions can be asked to get the outcome that you are looking for.

Probing:

Seek verifiable data and usually start with the words who, what, why, where, when, or how. They are used to gather information about a situation e.g.

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“How much have we spent on this service this year?”

“Who was consulted before the changes were implemented?”

Opinion finding:

Ask for subjective information that gets at opinions, values or beliefs. They will help you understand views e.g.

“Do you think people understand the services available?”

“How do you feel the consultation went?”

Getting the detail:

Can help find out more specific detail from the witnesses e.g.

“You mentioned costs a moment ago – can you be more specific?”

“Explain that in more detail for us please.”

Best/least questions:

They are similar to opinion finding questions as they help to test the limits of participant’s needs and wants e.g.

“What is the best thing about the service we offer?”

“What is the worst thing about the way we publicise our services?”

Third party questions:

Can help people express sensitive information and help uncover thoughts in an indirect manner, but beware that they do not become leading questions e.g.

“Some people say it takes too long to get a response from our services. How does that sound to you?”

Crystal ball or hypothetical questions:

Can help to explore ideas e.g.

“If time and money were no object, what sort of computer system would you design for the department?”

Questioning do’s and don’ts

To make the best use of the time available for a witness, it is important to think about not only the type of question but also the way in which it is asked. The following suggest some issues to think about:

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DO:

- Ask clear concise questions covering a single issue
- Ask challenging questions that will stimulate thought
- Ask reasonable questions based on what witnesses will know about
- Ask honest and relevant questions
- Ask a question
- Allow time for thoughtful responses

DON'T:

- Ask rambling, ambiguous questions that cover a number of issues
- Ask questions that don't provide opportunity for thought
- Ask questions about issues not in the witness's knowledge
- Ask "trick" questions designed to confuse witnesses
- Make a personal statement or a speech
- Let witnesses cross-examine each other
- Talk or leave the room when people are giving evidence

3 GUIDANCE FOR WITNESSES AT OVERVIEW AND SCRUTINY REVIEW BODIES

The following list provides some useful guidelines in giving evidence for a review being undertaken by an Overview and Scrutiny body of Northampton Borough Council. It is intended for use by internal and external witnesses and should be read together with the Council's Guidance for Witness Evidence:

- 1 **Contacts** – every review will have a named review coordinator. You will be given this person's name, please use them as your point of contact.
- 2 **Topic** – make sure you are clear of the topic and the areas that the committee/panel would like you to address. If you are not sure ask the review coordinator.
- 3 **Discussion** – discuss your contribution with the Review Coordinator in advance, especially if this is the first time you have given evidence to an overview and scrutiny body.
- 4 **Contribution** – be prepared to be asked for your opinions and views as well as to give factual information. If you are asked to provide written evidence, make this as simple and as concise as possible – if you are a Council officer remember that you are not presenting a committee report but providing information to help the councillors conducting the review.
- 5 **Presentations** – if you have been asked, or have offered, to give a presentation in relation to your evidence to the committee/group let the review coordinator know what equipment you will need. Please provide copies of your presentation for Members of the panel – wherever possible in advance of the meeting.
- 6 **The meeting** – Members of the committee/group want to make sure participants feel free and able to attend so they will ensure that meetings are as informal as possible and that you are able to contribute fully to the topic under review.