

Scrutiny and Chief Officer Protocol

Why do we need a protocol?

- 🔍 The need to address the culture of the organisation in relation to our understanding and engagement in the scrutiny process was identified in the 2019 Review of Scrutiny in Sandwell.
- 🔍 Government Guidance highlights a number of ways to improve the scrutiny function. During the review, Members recommended a protocol for Chief Officers and Scrutiny to address the following points highlighted:
 - 🔍 Providing the necessary support
 - 🔍 Identifying a clear role and focus
 - 🔍 Ensuring impartial advice from officers
 - 🔍 Being clear about Scrutiny's role
 - 🔍 Who to speak to
 - 🔍 How to plan (evidence sessions)
 - 🔍 Developing recommendations
- 🔍 Centre for Public Scrutiny guide to 'Engaging with council officers and the executive' (June 2014) highlights that the Local Government Act 2000 (at s9F onwards) says that Cabinet members and officers of the council must:
 - 🔍 Attend meetings, where required to do so. The word "require" is not defined in the Act but it can be assumed that it does not confer a choice as to whether or not to attend;
 - 🔍 Provide information, where required to do so. Again, this must be complied with. The usual exclusions apply for confidential and exempt information, although councillors are entitled to see certain kinds of information which cannot be published;
 - 🔍 Respond to recommendations. Scrutiny committees may set out the way in which they expect their recommendations to be responded to. This may include the requirement to provide reasons when a recommendation is rejected.
- 🔍 The protocol is intended to strengthen the scrutiny arrangements for scrutiny panels and review work, and to provide more support for the Scrutiny Members.
- 🔍 The Scrutiny and Chief Officer protocol is a guide for elected members and officers outlining the interface between Scrutiny and Chief Officers and the procedural elements that underpin the relationship.



THE BEST START IN LIFE
FOR CHILDREN AND
YOUNG PEOPLE



PEOPLE LIVE
WELL AND
AGE WELL



STRONG
RESILIENT
COMMUNITIES



QUALITY HOMES
IN THRIVING
NEIGHBOURHOODS



A STRONG AND
INCLUSIVE ECONOMY



A CONNECTED
AND ACCESSIBLE
SANDWELL



ONE COUNCIL
ONE TEAM

- 🔍 Monitoring and Review of Protocol: The protocol shall be monitored annually at the joint informal meetings between the Overview and Scrutiny Chairs and the Executive.

Introduction

- 🔍 This protocol applies to all Members and Officers who report to and support the scrutiny arrangements. It provides guidance on how Members and Officers interact to enable the Authority to carry out the Overview and Scrutiny function and provides guidance on the role of officers who support this process.

Objectives




- 🔍 The objective of the protocol is to align to the findings of the Scrutiny Review 2019 and to provide support to Members when carrying out the Overview and scrutiny function.

Attendance by Officers at Scrutiny Panel meetings

- 🔍 Meetings of the Scrutiny Panel will normally be attended by a Chief Officer with responsibility for any agenda item under discussion. The role of the Chief Officer will be to assist the Panel through the provision of professional advice and to ensure access to relevant information and personnel. Chief Officers will provide reports/presentations to Scrutiny in accordance with the Access to Information Rules to enable scrutiny to prepare relevant questions.
- 🔍 The attendance of other relevant officers at either Scrutiny Committee or Scrutiny Panel meetings will be at the request of the Chairman or lead member, who will have regard to the appropriate level of seniority of attendees. In general, the relevant officer should not be below the level of Director / Head of Service.
- 🔍 An officer in receipt of a request to attend a Scrutiny meeting should make reasonable efforts to do so. Where an officer is unable to attend on a particular date he/she should notify the Chairman or lead member as soon as possible, in order to agree the most appropriate course of action, which may include the attendance of an alternative representative.
- 🔍 Officers in attendance at Scrutiny meetings should be prepared to assist the Cabinet Member in the provision of information to the Committee in response to any question raised.
- 🔍 Relevant Officers will normally be expected to attend any meeting of the Scrutiny Committee at which it is intended to consider a Call-In request in relation to his/her service.



Evidence provided by Officers at Scrutiny Review meetings

-  It is recognised that senior officers have a valuable role to play in the scrutiny process in terms of the provision of factual evidence for a review. The lead member will notify the relevant Chief officer who will then contribute to the review in terms of supplying information and helping to identify suitable witnesses.
-  The Chief Officer will be given the opportunity to comment and/or make recommendations on a completed draft report in terms of any factual errors. The decision as to whether to incorporate any suggested amendments will remain with the Scrutiny Panel and the lead member.
-  The responsibility for the implementation of scrutiny recommendations that have been approved by the Executive will rest with the relevant Chief Officer who will also be responsible for providing regular updates on progress to the Scrutiny Committee.

What	Scrutiny	Officer
<p>Critical Friend relationship</p>	<p>Develop a constructive ‘critical friend’ relationship with officers and executive members</p> <p>Attend meetings (individually or collectively), to be briefed on all matters affecting the relevant service(s), confidential items and the forward plan.</p>	<p>Chief Officers will work with Scrutiny Chairs to develop a critical friend relationship</p> <p>Chief Officers will attend scrutiny when invited to present or participate in scrutiny work</p> <p>Chief Officers will provide briefings on all matters affecting the relevant service(s), confidential items and the forward plan.</p>
<p>Attendance at meetings</p>	<p>The attendance of Officers at Overview and Scrutiny meetings</p>	<p>Chief Officers will attend scrutiny when invited to present an item or participate in scrutiny work.</p> <p>The attendance of Chief Officers is particularly helpful in allowing clarification where needed</p>



What	Scrutiny	Officer
<p>Work programme</p>	<p>Consult with the relevant senior Officers, executive member and take into account the views of the public and of partner agencies</p> <p>Scrutinise relevant issues relating to service delivery, policy and decisions taken by the Executive and other decision makers.</p> <p>Consider reports and make recommendations to inform and advise the Cabinet or Council or other decision-making bodies on improvements to policies and service delivery.</p>	<p>Add items as early as possible to the forward plan. Share the forward plan with Scrutiny.</p> <p>Consult with scrutiny to ensure the clarity of topics being scrutinised and to avoid potential duplication</p> <p>The Chief Officers will brief Scrutiny Chairs and members on specific issues to add value to the work of the Council</p>



What	Scrutiny	Officer
<p>Reporting and recommendations</p>	<p>Present findings of scrutiny work to the Executive and to Council as required. The O&S recommendations to the Executive and the Executive's response to them is vital. The onus is on the respective chair of both Overview and Scrutiny and Executive to keep this issue to the front of their minds when summarising and framing resolutions. Scrutiny Boards, reviews or task and finish groups will have spent time considering witness evidence and formulating their recommendations to the Executive.</p>	<p>The Chief Officers will invite Scrutiny Chairs to present the findings of scrutiny work at Cabinet meetings Support the Executive to respond to Overview and Scrutiny Recommendations</p>
<p>Monitoring outputs</p>	<p>The Overview and Scrutiny Panel will monitor implementation of the agreed response to their recommendations.</p>	
<p>Development and training</p>	<p>Make adequate and appropriate preparation for meetings, read relevant papers and reports and attend meetings with the Cabinet Member, Director and officers as appropriate. Policy Briefings: Attend briefings on topics such as a Government</p>	<p>Where officers are providing briefings to Overview and Scrutiny members on topics, such as a Government consultation paper or a new piece of legislation within the work programme and site visits they should consider inviting the relevant Portfolio Holder.</p>



	consultation paper or a new piece of legislation	
Be the public voice	Enable the public to engage in the work of the Council by holding public meetings to inquire into matters of local concern.	
Roles	<p>Overview and Scrutiny Members recognises the Executive's role in taking operational decisions on Executive functions.</p> <p>Role descriptions for Chairs, Vice-Chairs, Co-opted Members and Scrutiny Members have been developed and are available at Appendix 1.</p>	Recognises Overview and Scrutiny Committee's role in policy development and being critical friend and challenging decisions.