

Scrutiny Protocol

Introduction

- 🔍 This protocol applies to all Members of Scrutiny Committees, any Member who may sit on a scrutiny Committee or task and finish group and the like, all Members of the Executive (comprising the Leader and the Cabinet Members) and Officers who report to and support the scrutiny arrangements.
- 🔍 It provides guidance on how Members and Officers interact to enable the Council to carry out the Overview and Scrutiny (OSC) function and provides guidance on the role of officers who support this process.
- 🔍 The Protocol seeks to help support and drive a change in culture and mindset of both Members and Officers to ensure that an effective the Overview and Scrutiny (OSC) function that promotes independent thinking, strong, healthy challenge and forward-thinking agendas that make the most of the talents, skills and knowledge of members, co-opted members and other relevant stakeholders.
- 🔍 Sandwell's Review of Scrutiny in 2019 identified a need to develop the scrutiny function and strengthen the relationship between the Executive and Scrutiny to make scrutiny consistent and more effective. The review highlighted the need to address our understanding of the roles and responsibilities of the scrutiny function, the culture of the organisation, the executive/scrutiny relationship, how we hold decision makers to account and to align to Members training and development programme to increase Members understanding of, and engagement in, the scrutiny process.

This Protocol sets out:

- 🔍 the framework and procedures underpinning the operation of scrutiny;
- 🔍 what Scrutiny Members and the Executive can expect when taking part in the scrutiny process, outlining the interface between Scrutiny and the Executive and procedural elements that underpin the relationship;
- 🔍 steps that will be taken to improve engagement and relationships between Scrutiny, the Executive and Chief Officers to improve communication, support and preparation for the scrutiny work;

- 🔍 clear roles and focus for the scrutiny function to clarify relationships between the Executive and Scrutiny, to create a culture for change, develop agile working and help ensure conduct of O&S business.

The Framework:

- 🔍 The Council's Constitution sets out the local authority functions, the Executive role, Scrutiny role, the responsibility for functions and procedure rules for the executive and scrutiny.

Relationships:

- 🔍 Executive and Overview and Scrutiny functions should maintain high standards of public accountability and mutual respect.
- 🔍 Relations between the Executive and Overview and Scrutiny should offer positive and constructive collaboration to secure improvements in Council and other public services for the borough and its people.
- 🔍 Scrutiny and Cabinet Members will agree to operate in line with the general principles, values and behaviours of the Council:-
 - Trust – show respect, personal impact, open and honest
 - Unity - customer focus, team worker, communicate effectively
 - Progress – open to change, performance focus, team results and in the values of public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability

Scrutiny Chairs, Vice-Chairs and Scrutiny Members commit to:

- 🔍 setting a vision for scrutiny
- 🔍 lead with conviction and pace, their own development, training and that of the scrutiny function so as to embed an effective, efficient and robust overview and scrutiny function within the Council
- 🔍 creating a work programme that is aligned to key strategic priorities linked to the Vision 2030
- 🔍 proactively suggest topics for scrutiny to review/consider
- 🔍 work with Chief Officers to scope out scrutiny work
- 🔍 engage with Cabinet Members in relation to their respective portfolios
- 🔍 prepare for and regularly attend scrutiny meetings

- 🔍 fully participate at scrutiny committee meetings and on task and finish groups and the like.
- 🔍 monitor outcomes of recommendations accepted by the Executive
- 🔍 hold Members of the Executive to account and help to improve the decision-making process and the quality of decisions
- 🔍 facilitate and promote Member calls to action
- 🔍 carry out reviews and make recommendations to the Executive
- 🔍 meet with the Executive and Directors on a monthly basis to discuss key strategic priorities, share information and collaboratively discuss where scrutiny can add value
- 🔍 attend a bi-annual summit between Scrutiny Chairs, Vice-Chairs and the Executive (and other relevant persons/bodies as necessary) to review progress to date and map out reviews for the coming year
- 🔍 pro-actively undertake pre-scrutiny reviews to explore, strengthen or clarify the policy intentions of the Executive
- 🔍 play a key and active role in articulating the Council's Vision 2030 across service areas and partner agencies
- 🔍 promote and encourage public engagement on Vision 2030 via the Council's website
- 🔍 support joint working and dialogue with key partners across the borough
- 🔍 effective lead and represent the Council on appropriate regional committees and partnerships (Health & Wellbeing, West Midlands Combine Authority O&S, Joint Health).
- 🔍 promote its work via social media to encourage participation and to gather intelligence on issues

The Executive will:

- 🔍 work with Scrutiny Chairs and suggest topics for scrutiny
- 🔍 respond to recommendations from Scrutiny within 6 weeks of being received
- 🔍 attend meetings of the Scrutiny Committees when invited
- 🔍 Properly consider and respond to recommendations arising from Scrutiny and any review/work undertaken fully and not simply 'note' recommendations without explanation or follow up
- 🔍 respond to requests for information within a maximum of 6 weeks of the request being received
- 🔍 provide updates as required by Scrutiny Chairs and Committees about matters that fall within their respective portfolios
- 🔍 engage in specific training identified through the Member Development Programme relating to overview and scrutiny

- 🔍 meet with Scrutiny and Directors on a bi-monthly basis to discuss key strategic priorities, share information and collaboratively discuss where the Council's overview and scrutiny function can add value
- 🔍 attend a bi-annual summit between Scrutiny Chairs and the Executive to review progress to date and map out reviews for the coming year

Officers will:

- 🔍 Actively and with pace support the overview and scrutiny function
- 🔍 prepare reports and information for Scrutiny and the Executive in line with Access to Information requirements
- 🔍 prepare briefings on key subject matters for Cabinet Members and Scrutiny Chairs
- 🔍 attend meetings to advise the Committees and respond to questions and provide clarification
- 🔍 assist through the provision of professional advice and ensure access to relevant information and personnel to support scrutiny activities
- 🔍 provide comment and guidance on recommendations arising from scrutiny work
- 🔍 maintain a tracker of recommendations and responses
- 🔍 implement scrutiny recommendations when agreed by the Cabinet
- 🔍 meet with the Executive and Scrutiny on a bi-monthly basis to discuss key strategic priorities, share information and collaboratively discuss where scrutiny can add value

Monitoring Officer and Statutory Scrutiny Officer will in addition:

- 🔍 oversee compliance with the protocol
- 🔍 ensure that the protocol is used to support the wider aim of supporting and promoting a culture of scrutiny across the council

Nothing in the protocol diminishes the rights of O&S Committees to decide their work programmes, to challenge Executive decisions and hold the Executive to account, or to request and receive timely information; nor to reduce the Executive's ability to carry out its functions unfettered.