

## Overview and Scrutiny Protocol

### Vision for Overview & Scrutiny in Nottingham

Overview and Scrutiny in Nottingham will ensure effective democratic accountability and support effective scrutiny. This will support and add real value to decision making. This will be achieved by a Councillor-led Overview and Scrutiny function which is held in high regard by its partners and stakeholders and which will add value for the citizens of Nottingham.

This vision recognises that Overview and Scrutiny is a core component of the governance structure of the Council, and that Scrutiny Councillors, the Executive and senior officers will all work to create the right culture and lead the way in making the vision a reality. Ensuring good Scrutiny in Nottingham is a whole council responsibility.

To achieve this Scrutiny will follow the nationally agreed 'Four Principles of Good Scrutiny';

- a. Provides constructive "critical friend" challenge;
- b. Amplify public voice and concerns;
- c. Be led by 'independent minded people' who take responsibility for their role
- d. Drives improvement in public services;

<https://www.cfgs.org.uk/revisiting-the-four-principles-of-good-scrutiny/>

### Conditions for Success

To succeed, the Council recognises that the following conditions need to be present:

#### 1. Parity of Esteem between the Executive and Scrutiny

Scrutiny is a whole Council responsibility. The Council recognises that Overview and Scrutiny Committees have an important role to play in supporting high quality decision-making and policy development. There is collective responsibility to enable Overview and Scrutiny to function effectively.

Parity of Esteem means that the value and benefit of Overview and Scrutiny is recognised and held in high regard. This means creating a strong organisational culture that recognises the critical role of independent Scrutiny in the governance process is essential to adding value and creating efficient and effective services. Without recognition of this, Councillors and officers involved in Scrutiny are not empowered to exercise their duties as they should, resulting in poor accountability.

The Council will strive to encourage and support a mix of more experienced and new Councillors as members of the Overview and Scrutiny committees.

#### 2. Clear Purpose and Focus

Scrutiny activities should be well planned and timely. The focus of items coming before the Overview and Scrutiny Committees should be sufficiently focused so that the Committee are clear what they are looking at and there is an understanding about what they are hoping to achieve. There must be clarity on what Scrutiny wants to do and confidence in it being a good use of the Committees' valuable time, that it can add value, that it can influence outcomes and make an impact.

The Council recognise that good topics for Overview and Scrutiny to consider are those that;

- are critical to the effectiveness of the Council
- are a big priority or concern to their communities
- pose a significant risk or threat to the Council and the community
- present a significant opportunity for Overview and Scrutiny to make a meaningful contribution

The Chair of Overview and Scrutiny, the Statutory Scrutiny Officer and a Senior Governance Officer will meet with the Leader, Deputy Leader and Chief Executive on a monthly basis to identify new and emerging areas where Scrutiny can support Executive decision making in relation to emerging priorities and policy. Where appropriate meetings with Portfolio holders and other relevant stakeholders will be convened to support and inform the development of matters that have come to the attention of the Committee or are on the work programme. This will ensure that the Overview and Scrutiny Committees are focussing their attention on matters where they can add most value and provide valuable support to policy development and executive decision making.

The Statutory Scrutiny Officer will attend CLT on a monthly basis to update Senior Leadership team on the work being undertaken by the Committees and to receive suggestions on future areas that the Overview and Scrutiny committees may wish to factor in to their work programme.

When considering and setting the work programme, including making changes the Committee will have regard to the flow chart attached at appendix 1 to ensure that the Committee's work is prioritised effectively.

Overview and Scrutiny Committees are in charge of its own work programme and there will occasionally be times when Scrutiny and the Executive do not agree on which items the Overview and Scrutiny Committees should consider but with meaningful engagement such occasions will be rare.

Scrutiny Committees must review work programmes to identify a clear order of priority for all topics being considered. It is acknowledged that it is not possible for Scrutiny to look at all items of interest, and it is important that committees do not overreach.

The Chair is responsible for ensuring that that the Committee remains focussed on the items in the work programme and that prioritisation is appropriately apportioned.

Once the work programme is established it must be published and shared with internal and external organisations, so they are clear on upcoming topics and have plenty of time to prepare.

### **3. Evidence Based Questioning, Conclusions and Formulating Recommendations that Add Value**

The Scrutiny process should be impartial and driven by the evidence. Scrutiny should focus on the big issues facing the Council and the Communities they serve. Items before the Overview and Scrutiny Committees should not be politically motivated, parochial, repetitious or used as an opportunity to showcase. At the conclusion of an item the Chair should summarise the representations made and draw together the conclusions of the committee based on the evidence available to it and, where appropriate, set out the recommendations of the committee based on those conclusions and evidence that are clear, feasible, deliverable and provide value for money by securing benefits that outweigh the costs of implementation.

It should be noted that the Scrutiny process is not meant to be an “expert” review. If expert input is required that should be sought by the Committee as part of their evidence gathering process.

When Scrutiny is making recommendations, it must consider the impact that they will have and the resource implications, obtaining advice from relevant Executive Councillors and officers where necessary.

Recommendations will be sent to the relevant decision maker and I

Recommendations made by the Overview and Scrutiny Committees will be recorded to enable it to be reviewed, tracked and assurance sought about what action has been taken as a result. In accordance with the spirit of the legislation when asked the individual or body who the recommendation has been directed to is responsible for responding with reasons for why they have/have not accepted recommendations and if the recommendations are accepted to provide evidence of how the recommendations have been implemented.

Scrutiny must add value and not duplicate the other forms of performance management, review or inspection. Equally, decision-makers must seek to ensure that Scrutiny is involved in a timely manner, at a point where the outcome can be influenced, to ensure and to ensure any involvement is meaningful. Decision makers should give meaningful consideration to recommendations made by Overview and Scrutiny Committees.

### **4. Councillor Leadership and Engagement**

Councillors have a unique perspective to bring to the Overview and Scrutiny process, a different point of view which brings something distinct to both policy development and scrutiny of Executive decisions.

Committee Members set their own work programmes, work on a cross party basis and can look at things from angles that might not be apparent to Executive Councillors or senior officers.

To be successful, Councillors and officers must engage with Scrutiny in a positive way. In order to support this presentations and supporting information should be provided to the Committee at least 48 hours in advance so that committee members can come fully prepared and ready to ask questions/explore issues.

## **5. Reflecting the Concerns of Residents**

When carrying out its work Scrutiny should take into account the concerns of residents, and where they can add value and make an impact. This may include, if appropriate and at the discretion of the Chair, speaking at a formal meeting of a Committee, or by way of an informal meeting, visit, submission of written information etc established for the Committee to gather evidence to inform their thinking and scrutiny.

The views and ideas of citizens, service providers and other agencies with an interest in the subject under review are all valuable in effective Scrutiny. Scrutiny should involve stakeholders and take account of views of service users and the public, with particular efforts to engage groups that are harder to reach. Constructive engagement and clear lines of communication should enable a two-way flow of information between Scrutiny and all those involved, including feedback of results.

Reflecting citizens' concerns will entail Scrutiny taking a wider view than Council policies and services. In particular, Scrutiny has a legitimate interest in scrutinising organisations and projects that receive public funding to deliver goods and services, including Council owned companies. This should be recognised by the Council and, where relevant, consider the need to provide assistance to Scrutiny Councillors to obtain information from organisations the Council has contracted to deliver services.

## **6. Mutual Respect and Good Faith**

While Scrutiny should be constructive and challenging, it will only be successful if all partners work together considerately, within a climate of non-partisan working. To support non-partisan working political groups should respect the independence of Scrutiny and must not seek to influence its work.

Scrutiny must be forensic and challenging but Councillors must also collaborate to support decision-makers to do their work better. Councillors must listen and engage constructively, irrespective of political group, putting the values of Scrutiny into practice.

Decision-makers have to be open to scrutiny and create a culture which enables effective scrutiny to happen.

## **7. Clear Roles, Responsibilities and Relationships**

To facilitate good Scrutiny, the roles of all participants in the scrutiny process must be clear and understood by all.

In summary:

Overview and Scrutiny Chairs are responsible for leading and co-ordinating the work of the Scrutiny Committee so that Scrutiny functions in a positive, constructive and

non-partisan manner which provides a good environment for the constructive challenge of decision-makers.

Overview & Scrutiny Councillors must contribute time and effort to the development of the Scrutiny work programme to ensure that the items selected adequately reflect of the needs of the Citizens of Nottingham, focus on the bigger picture, and are prioritised effectively.

Overview and Scrutiny Committee members are required to attend Committee meetings, come prepared and be ready and willing to contribute to committee meetings by asking meaningful questions; they must be independent minded and not pre-judge issues coming to Scrutiny nor use the meeting to promote narrow or parochial interests. Overview and Scrutiny Committee members are also expected to prioritise associated training, briefing and evidence gathering sessions.

The senior political leadership of the Council set the tone of how successfully Overview and Scrutiny will be able to work. Executive Councillors should act as a champion for the work of the Overview and Scrutiny Committees both within and outside the organisation. They will create a culture which enables effective Scrutiny to happen, and will ensure that any recommendations of an Overview and Scrutiny Committee are responded to and agreed recommendations implemented. In accordance with the legislation Executive members, and executive assistants on sufficient notice will provide requested information and prioritise and make themselves available to attend Overview and Scrutiny Committees and come prepared and willing to answer questions.

Officers should provide impartial and high quality advice and evidence to Scrutiny Committees and may be asked to provide information and/or attend Overview and Scrutiny Committees to explain policies or to answer questions on service delivery. Where officers are asked to appear at Overview and Scrutiny Committees they are there to answer questions and their evidence should, as far as possible, be about questions of fact and explanation relating to policies and decisions.

All Councillors are expected to act in accordance with the highest standards of probity in public life, and in accordance with the Councillor Code of Conduct at all times.

## **8. Transparency of the Scrutiny Process and Access to Information**

Scrutiny should be a transparent process and encourage open and honest discussion. Processes and reports should be clear and accessible to the public. Formal meetings of Overview and Scrutiny Committees are subject to Access to Information Procedure Rules as set out in Article 13 of the Constitution.

All formal Committee agendas published on the Council's website. Work programmes are published on each O&S Committee's agenda.

An annual Scrutiny Report will be presented to Full Council outlining Scrutiny activity in accordance with the Overview and Scrutiny Committee terms of reference, as set out at Article 9 of the Constitution. The Chairs of Overview and Scrutiny Committees

may by exception request additional reports be taken to Council to highlight areas of specific concern or make recommendations about particular issues.

To be effective, a Scrutiny Committee must receive relevant information in a timely manner. This is supported by legislation which gives the Committee rights to access information that relates to Scrutiny work, even where information is exempt from publication. The legislation is attached at Appendix 2 and reference in Article 13 of the Constitution.

## **9. Training and Development**

All Councillors and Senior Officers will be required to attend training in relation to Overview and Scrutiny to ensure that the role of Overview and Scrutiny is understood and the role and value that Overview and Scrutiny plays in supporting good decision making and policy development.

If training for specific matters due to come before the Overview and Scrutiny Committees is required and sufficient notice is provided this will be arranged.