

**Part 5e**

**Executive/Scrutiny Protocol**

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| <b>Executive/Scrutiny Protocol</b> |   |
| <b>Effective from</b>              | <b>Approved by Council on</b>                       |
|                                    | <b>Revised Protocol adopted by the Executive on</b> |

## **1. Introduction**

- 1.1 Scrutiny must be located at the strategic heart of the authority and is a key element of the decision making process acting as a 'critical friend'.
- 1.2 This Protocol applies to all members of scrutiny committees, any Member who may sit on a Scrutiny Panel and all Members of the Executive.

## **2. Trust**

- 2.1 All Members should promote an atmosphere of openness at scrutiny committee meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust.
- 2.2 Scrutiny Members need to trust that Executive Members are being open and honest.
- 2.3 Executive Members need to trust Scrutiny Members with information and to trust in their views.

## **3. Policy Development and Pre-Decision Scrutiny**

- 3.1 The importance of early input from Scrutiny into policy development is recognised. Scrutiny can act as a sounding board and a think tank in investigating issues coming up on the horizon, bringing in added value. Executive Members and Officers should draw to the attention of the relevant scrutiny committee any key policy that is being developed or is due for review to ensure timely input.
- 3.2 All policy development will be carried out in an informal setting with a report submitted to the relevant Scrutiny Committee for consideration. The Executive and relevant Director will consider the views of scrutiny members in the development of the policy and provide a response to the recommendations of scrutiny within 28 days or earlier should the report of the Executive require publication. The detail of the scrutiny involvement shall also be included within the body of the Executive report. The Executive/Full Council will continue to be responsible for approving and adopting policy.

- 3.3 Executive Members may wish to request views from Scrutiny Members on a decision before it is taken. The Executive Member will be responsible for circulating the details to the relevant Committee Members, through the Scrutiny Manager. Utilising this as an option does not exclude the decision from being subject to call-in, however, it will give the Executive Member the ability to consider different views and perspectives of a decision to be taken before it is taken.

#### **4. Holding the Executive to Account**

- 4.1 A key role of scrutiny is in holding the Executive to account for decisions taken and performance of services. In holding the Executive to account Scrutiny Members will:

- Consider decisions taken by the Executive, individually and collectively and items on the Forward Plan through formal scrutiny committee meetings;
- Review service performance and performance against policy and targets;
- Be prepared to ask searching questions that provide a constructive challenge;
- Be positive and respectful in their interactions with Executive Members;
- Represent the voice of the public;
- Listen to the responses provided and to assist the Executive in identifying areas for further consideration and improvement.

- 4.2 In return, Executive Members will:

- Be willing to be open, honest and engaged in providing a response to constructive challenge;
- Value the importance of scrutiny;
- Be supportive of the scrutiny process and invite and seek opinion from Scrutiny Members on decisions to be taken, where appropriate;
- Provide a positive contribution to scrutiny meetings;
- Attend meetings when invited to do so to answer questions and present information:
  - By way of a direct answer
  - By reference to published publications
  - By referring a matter to an officer in attendance, if they are not able to respond
  - If an answer cannot immediately be given, by providing a written answer within five working days unless it is not reasonable to do so. If considered unreasonable, an explanation as to why will be given.
  - A combination of the above four options.
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#### **5. Scrutiny Workplanning**

- 5.1 At the start of each Municipal Year, the scrutiny committees will hold a workplanning workshop. As part of this workshop the views of the relevant Executive Member(s) will be inputted. The advice of the Executive Member(s) will be sought regarding the priorities of the Council, areas of planned policy development and they will be asked to highlight any areas of conflict and instances where scrutiny may be invited to assist in work.

- 5.2 The Scrutiny Leadership Board will meet regularly with representatives of the Executive in order to ensure ongoing Executive input into workplans, liaison between Scrutiny Leaders and the Executive over Council priorities and targets and performance and to continue to build on the positive working relationship between the two functions.
- 5.3 Informal meetings will be held between the Scrutiny Lead Member and the Leader, and the Chairs/Vice Chairs of Scrutiny Committees and relevant Executive Members to discuss upcoming issues, consider items for scrutiny and to ensure engagement and communication of ongoing work from both the Executive and Scrutiny.

## **6. Scrutiny Recommendations to the Executive**

- 6.1 Scrutiny Committees may make recommendations to the Executive on functions the Council is responsible for through a formal committee meeting or by way of a Scrutiny Panel Review Final Report.
- 6.2 Upon receipt of a recommendation from Scrutiny, Executive Members will:
- Give due consideration to any recommendations or views expressed;
  - Provide an explanation for the reasons why recommendations made by scrutiny have not been pursued.
- 6.3 Once approved by the relevant scrutiny committee, the views of the Executive Member on any recommendations will be sought within 10 working days and included within the report. The Chair of the Scrutiny Review will have the opportunity to meet with the relevant Executive Member(s) to discuss the recommendations and the response to those recommendations. The Final Report will then be submitted to the Executive for consideration. Should any of the recommendations not be approved or be only partially supported, the Executive will provide details of the reason why. Following approval of recommendations, the relevant scrutiny committee will monitor the implementation and impact of the recommendations.

## **7. Call-in**

- 7.1 Executive Members will be expected to attend any meetings of scrutiny committees at which a call-in request in relation to his/her area of responsibility is being considered. If the relevant Executive Member cannot attend the Leader or a Deputy Leader should attend in their absence. The purpose of their attendance will be to answer questions of fact not to present the item. The following procedure will take place where call-ins are being considered:
- i) The Member who called in the decision will speak first.
  - ii) The Chair will invite the Executive Member (decision maker) to respond.
  - iii) The Committee will then ask questions of the decision maker, who may ask a relevant officer to supply further information if necessary.
  - iv) The Committee debates the issue and votes on the outcome.

**8. Scrutiny Consideration of Confidential Decisions**

- 8.1 Scrutiny Committee Members have a right to access exempt information pertaining to decisions that have been taken in order to allow effective scrutiny. Should a Scrutiny Member wish to ask questions around an exempt decision at a public Committee meeting, the press and public will be excluded as per the Council's Constitution and the Executive Member will be expected to answer in an open and transparent manner. The exempt information will remain confidential and all elected members and officers who receive that information shall maintain that confidentiality in line with the codes of conduct for Elected Members and Officers.

**9. Ensuring Compliance with the Protocol**

- 9.1 The Scrutiny Manager (in her role as Statutory Scrutiny Officer) and the Director of Governance and Partnerships (in his role as Monitoring Officer) will be responsible for overseeing compliance with the Executive/Scrutiny Protocol which should be used by Members to support the wider aim of supporting and promoting a culture of scrutiny. The success of the protocol will be determined by:
- Recognition of the value of scrutiny;
  - A clear record of constructive challenge;
  - Valuable scrutiny reviews that achieve outcomes;
  - An open and accountable decision making process.
- 9.2 An Annual Report will be submitted to Full Council each year with the aim of demonstrating the impact of Scrutiny and effectiveness of the Protocol.