

Meeting:	Overview and Scrutiny Committee
Date:	25 th September 2007
Subject:	Scrutiny/Executive Protocol
Key Decision: (Executive-side only)	N/A
Responsible Officer:	Paul Najsarek, Director People, Performance and Policy
Portfolio Holder:	
Exempt:	No
Enclosures:	<i>Delivering Effective Scrutiny – A Framework of Responsibilities</i>

Section 1 – Summary and Recommendations

This report accompanies the proposed protocol for relationships between scrutiny and the executive 'Delivering Effective Scrutiny – A Framework of Responsibilities

Recommendations:

Councillors are asked to:

- i Agree the Scrutiny/Executive protocol attached as Appendix One
- ii Submit the protocol to cabinet for their endorsement
- iii Submit the protocol to the Council's Corporate Strategy Board for information

Reason: (For recommendation)

To clarify relationships and responsibilities between Scrutiny and the Council's Executive in order to maximise scrutiny's contribution to service improvement.

Section 2 – Report

Background (if needed)

Following the reconfiguration of the council's scrutiny process, discussions between the Chairman and Vice Chairman of Scrutiny, the Chief Executive and the Leader and Deputy Leader have resulted in the development of proposals to secure the effective delivery of scrutiny through the agreement of a framework of responsibilities that will clarify the respective responsibilities of scrutiny and executive councillors.

Current situation

There is no formal protocol governing relationships between the Executive and Scrutiny

Why a change is needed

An agreement between the parties as to how to engage and the respective roles and responsibilities will ensure an effective relationship between the parties and that the contribution that scrutiny can make to the council's improvement processes is maximised.

Main options

The options are included in Appendix One

Other options considered

Not appropriate to this report

Recommendation:

- i Agree the Scrutiny/Executive protocol attached as Appendix One
- ii Submit the protocol to cabinet for their endorsement
- iii Submit the protocol to the Council's Corporate Strategy Board for information

Considerations

Resources, costs and risks

There are no specific resource implications associated with the adoption of the protocol, its adoption will simply reflect improved practice. However, the introduction of additional meetings between the Chairman and Vice Chairman of Scrutiny, the Leader and Deputy Leader and the Chief Executive will represent an additional demand on their respective time.

Training proposals will be funded from within existing resources.

Staffing/workforce

The protocol proposes a number ways to refine the communications between officers which represent different ways of working. However, there are no additional staffing or workforce implications

Equalities impact

There are none specific to this report

Community safety (s17 Crime & Disorder Act 1998)

There are none specific to this report

Legal Implications

There are no legal implications

Financial Implications

Performance Issues

Current KPI's and Likely impact of decision on KPI's

Scrutiny performance management issues

Recommendations matrix attached as appropriate

x

Section 3 - Statutory Officer Clearance

Name: Barry Evans	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 13 th September 2007		
Name: Jill Travers	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 14 th September 2007		

Section 4 - Contact Details and Background Papers

Contact: Lynne McAdam, Service Manager Scrutiny 020 8420 9387

Background Papers: None

If appropriate, does the report include the following considerations?

1.	Consultation	YES
2.	Corporate Priorities	NO

APPENDIX ONE

DELIVERING EFFECTIVE SCRUTINY – A FRAMEWORK OF RESPONSIBILITIES

CONTEXT - THE PRINCIPLES OF SCRUTINY

Scrutiny is an independent, member-led function working with local people to improve services. It is an integral function in the delivery of service improvement, enhancing the democratic capacity of the council by ensuring that councillors are contributing to the 'management/analysis' of services and securing the most effective services for residents of the borough by responding to and systematically investigating their concerns – people's champions.

Scrutiny is a critical friend to the organisation that will challenge poor performance and identify ways of improving services, it will support the council in identifying innovative responses to the evolving policy framework and it will hold the organisation to account for its performance against stated priorities. The principle functions are to:

- Hold local decision-makers to account
- Consider, comment on and challenge local decision-makers' performance and delivery of services
- Identify and investigate areas of service delivery which appear to be problematic (or indeed highly successful)
- Identify options for improving service performance
- Help decision-makers and the council as a whole to respond to the changing policy environment

Where scrutiny is well connected to the local community and integrated into the performance structures of a council it offers the authority an excellent resource with which to respond to the needs of residents and advocate on their behalf, analyse performance and drive service improvement. However, the relationship between cabinet, senior management and scrutiny is of necessity complex – scrutiny must be in a position to provide effective challenge to the organisation but cannot do so without the positive, practical co-operation of cabinet and senior managers and the leadership of the council must be prepared to respond constructively to the challenge offered by scrutiny.

Scrutiny councillors and officers must maintain their independence but must at the same time develop a co-operative and constructive relationship if the full benefits of the scrutiny process are to be realised. Cabinet remains solely responsible for the determination of the policies and priorities of the council and senior managers and staff will deliver these on their behalf. However, the role of scrutiny as a challenge to the exercise of the executive's power and the value that this can bring to the authority as a whole must be agreed, safeguarded and promoted. At the same time, scrutiny must arrange its purpose and processes in such a way as to be able to deliver these potential benefits. Once agreed it is critical to the effectiveness of the overview and scrutiny function that roles and responsibilities are observed and respected. Failure to do so will mean that resources are wasted, reviews are ineffectual and that ultimately the residents of Harrow do not receive the efficient and effective services they deserve.

RESPECTIVE RESPONSIBILITIES

What The Organisation Can Expect From Scrutiny

The following are proposed as the fundamental protocols that will guide scrutiny's relationship with the council and partners:

- *Scrutiny commits to working across political lines in a non-partisan way to secure maximum benefit for local people*
- Scrutiny will offer challenge to the organisation and provide non-partisan checks and balances on behalf of local people
- Scrutiny commits to ensuring that its work programme is targeted appropriately and that it is able to complement the council's and partners' other improvement processes and in order to add value to them
- Scrutiny will engage with the organisation (councillors and officers) and partners in determining items for inclusion on the work programme
- Scrutiny will engage with appropriate officers and portfolio holders in the development of the methodology and scopes adopted for the consideration of specific projects and will have a mind to the impact that these investigations will have upon the resource commitments of the specific services
- Scrutiny investigations will be proportionate to the issue under consideration and will be closely project managed to ensure that the agreed scope is safeguarded
- Scrutiny investigations will provide a professional and well-informed challenge to service provision
- Scrutiny will ensure that at all times councillors and senior officers are kept informed of its deliberations in order to ensure that there are 'no surprises' as the result of investigations
- Scrutiny will endeavour to ensure that the recommendations it makes following investigation are SMART (Strategic, Measurable, Achievable, Realistic and Timed). These recommendations will at all times be discussed with appropriate officers and portfolio holders prior to the preparation of a final report
- Scrutiny will endeavour to provide an effective means of championing the interests of the council and residents through partnership scrutiny

What Scrutiny Can Expect From The Organisation

Whilst scrutiny councillors undertake to operate in accordance with the principles and protocols outlined above to deliver effective outcomes for local people, it will only be able to do this if the executive and senior management of the organisation makes a similar commitment to work with and respond to scrutiny in an equally constructive manner. The following are proposed as the protocols, roles and responsibilities that will govern the council's (executive's and senior management's) relationship with scrutiny:

- The executive and senior management of the council will at all times respect the independence of scrutiny
- The executive and senior management recognise the value that scrutiny can add to service improvement and will ensure that appropriate referrals are made to scrutiny for specific investigations
- The executive will engage non-politically with scrutiny

- The executive and senior management will co-operate positively with scrutiny in developing and undertaking its work programme and in particular relevant portfolio holders will actively participate in the evidence gathering process, the consideration of emerging findings and the deliberation on recommendations and will attend meeting when requested by the scrutiny committees to share information and thus support scrutiny in delivering improvements in services
- The executive will give serious and challenging consideration to scrutiny recommendations
- The executive will inform scrutiny publicly of its view of the recommendations that are made and will advise scrutiny councillors of the reasons for any recommendations being rejected or accepted when recommendation are presented at cabinet
- The executive and senior management will participate in the monitoring of the implementation of recommendations made by scrutiny reviews that are agreed

SUPPORTING ACTIVITY

In order to support the consolidation of this protocol and improve the integration of scrutiny, the following will be put in place

- Mandatory facilitated awareness raising session for all councillors – inclusive of the executive
- Specific training for scrutiny councillors to include for example methodologies and prioritisation
- Quarterly meetings between Scrutiny Chairman, Vice Chairman, Leader, Deputy Leader and Chief Executive to:
 - discuss development of the work programme
 - update on ongoing projects
 - discuss in-year referrals
 - identify problem areas
- Leader, Deputy Leader and Chief Executive to contribute to the review of the implementation of the reconfiguration in 6 and 12 months from the date of implementation