

Overview and Scrutiny Development Plan September 2024

1 Introduction

- 1.1 The Overview and Scrutiny Development Plan takes forward the work of the Centre for Governance and Scrutiny (CfGS) following the publication of the Council's Governance Stabilisation Plan. The CfGS work identified a number of principles to develop Overview and Scrutiny within the Council so that it will respond effectively to the challenges the Council faces as set out in the Council's Improvement and Recovery Plan. This builds on work in carried out in 2023/24 to develop more flexible and effective scrutiny.
- 1.2 A draft development plan was considered at the July 2024 Corporate and Finance O&S Committee. Comments from members and engagement with Cabinet Members and the Corporate Leadership Team informed the final report to the Committee in September 2024 for approval.
- 1.3 The key issues identified by the CfGS are set out below and an action plan is included that sets out how these will be implemented, monitored and evaluated.

2 Purpose, Roles and Responsibilities

- 2.1 Overview and scrutiny committees have a statutory function and statutory guidance published in April 2024 sets out the purpose of overview and scrutiny and how to conduct it effectively. [Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-combined-authorities-and-combined-county-authorities) The guidance sets out the role that overview and scrutiny can play in holding an authority's decision-makers to account and that this is fundamentally important to the functioning of local democracy. The guidance defines effective scrutiny as helping to secure the efficient delivery of public services and drives improvements within the authority itself. The guidance also identifies that that the culture of the Council is key to successful overview and scrutiny and sets out the following as indicators of a strong organisational culture:

- Recognising scrutiny's legal and democratic legitimacy
- Identifying a clear role and focus
- Ensuring early and regular engagement between the executive and scrutiny
- Managing disagreement
- Providing the necessary support
- Ensuring impartial advice from officers
- Communicating scrutiny's role and purpose to the wider authority
- Maintaining the interest of full Council in the work of the scrutiny committee
- Communicating scrutiny's role to the public
- Ensuring scrutiny members are supported in having an independent mindset

- 2.2 The Councils Constitution, Part B [Constitution Part B Roles Functions and Rules of Procedure July 2024 AF \(1\).pdf](#) sets out the roles of members and officers in Overview and Scrutiny. "An Overview & Scrutiny Committee may require any Cabinet Member, or Member in relation to a matter where the Member has exercised functions, the Chief Executive and/or any senior officer to attend before it to answer questions and provide information about any matter within its terms of reference." (Procedure Rules 11.6, iv)
- 2.3 The Member Officer Protocol [Constitution Part C - Codes and Protocols | Birmingham City Council](#) provides a summary of how members and officers should work together as part of an effective, high performing local authority: That members set council policy, with the advice of officers, and officers implement that policy, under the scrutiny of members. It is essential for the effective running of a council and for public trust that these sets of roles are, and are seen to be, well synchronised.
- 2.3 The Scrutiny Framework and Procedure Notes provide further detail on roles and responsibilities of Overview and Scrutiny Committees, Cabinet Members, Officers and Overview and Scrutiny Committee Chairs. One of the actions as part of the Scrutiny Development Plan is to review and update the procedure notes.

3 Clarifying Overview and Scrutiny's role and future contribution

- 3.1 The Centre for Governance and Scrutiny set out that the scrutiny function should focus proactive work on organisational capability to deliver the Improvement and Recovery Plan, review the re-design, management and delivery of business critical and life and limb services and also understanding the impact of redesign on local people. It was also identified that there needs to be a sustainable approach to information sharing/management which gives members confidence and certainty that they can maintain a “watching brief” over emerging issues. The Governance Stabilisation Plan has previously identified the focus for scrutiny on ensuring safe and effective key services for vulnerable people and equity issues arising from the budget.
- 3.2 The main mechanism to clarify the focus on the work of the Overview and Scrutiny Committee's is the process through which Committees decide issues for the work programmes. Building on the criteria set out in the Governance Stabilisation plan it is proposed that the following criteria are used by committees when Overview and Scrutiny Committees are developing and reviewing the work programmes:
- Delivery of Improvement and Recovery Plan Priorities
 - Delivery of the Corporate Plan Priorities
 - Critical Performance Issue by Exception
 - Safe and Effective key services for vulnerable people
 - Equity Issues Arising from the Budget
 - Business Critical services
 - Life and Limb services
 - Statutory Scrutiny Functions and engaging with external organisations to inform the work of Scrutiny Committees
- 3.3 Committees will also continue to monitor the implementation of scrutiny recommendations.
- 3.4 The Centre for Governance and Scrutiny proposed the following definition of ‘Business Critical’ and ‘Life and Limb’ services:
- **Business critical** issues are ones that are central to the Council's internal capability and corporate health. They are about the Council's capacity and capability to improve, its management of key corporate risks, and the health and strength of

the corporate governance framework. Proportionate work carried out under this banner *may* include scrutiny on the future of the Oracle programme and on equal pay. It may also include service-specific activity which has a significant impact on the Council corporately, or to the Council's approach to equity and equality in the design and delivery of services.

- **Life and limb** issues are those where the Council holds a duty to support vulnerable people, and/or a duty to keep people safe. This might relate to certain community safety matters, to the Council's duties as a corporate parent, and to its duties in relation to certain vulnerable adults.

3.5 It is recognised that some of the work where Scrutiny can add value will be time critical and it is therefore important the these are identified and brought to the attention of the relevant Overview and Scrutiny Committee / Chair in a timely way. The urgency of particular areas of work may result in Overview and Scrutiny Committee's having different work loads.

3.6 The CfGS identified that once there is an established flow of information available to members outside committee meetings members can use this to inform the development of the overview and scrutiny committee work programmes. This process to triangulate information and discuss with officers and escalate to Committee where:

- Information suggests serious performance problems or risks relating to the Council and community, AND;
- Other parts of the governance system have been working to identify and resolve the issue, but it remains serious, AND;
- To members' eyes, there is not yet a credible plan to improve and/or remediate the issue.

4 Developing work programmes that take account of opportunities arising from new ways of working

4.1 Following discussion with the CfGS about the option to have a single scrutiny work programme it was considered that this was not practical as it would remove the autonomy of individual Overview and Scrutiny Committees. It is however recognised that Scrutiny has developed a range of scrutiny methods as set out below and these enable scrutiny to undertake both in-depth work and respond to issues as they arise during the year. The CfGS also recognised that there will be a continued role for Corporate and Finance O&S Committee to co-ordinate work across the 7 overview and scrutiny committees and that some committee work programmes may be fuller than others. As recommended in the Governance Stabilisation Plan the Overview and Scrutiny Chairs meet monthly to discuss cross cutting issues and co-ordinate committee work programmes. Overview and Scrutiny committees will use a variety of approached as set out below:

- **Committee meeting single item, or items, on a public committee agenda:** this fits more closely the “overview” aspect of the Scrutiny function and has limited opportunity for effective scrutiny.
- **Committee meeting single theme at a public committee meeting:** This has the capacity to enhance the previous option by taking evidence from a number of witnesses.
- **Task and Finish Group in day:** provided that these are properly focused, they ensure Councillors can swiftly reach conclusions and make recommendations and are effective even for complex topics. The work of a Task and Finish Group will be agreed by the relevant Overview and Scrutiny Committee. The Task and Finish Group meeting is not public. The outcome of the Task and Finish Group will be reported to a public committee meeting.
- **Multiple Task and Finish Group meetings:** to consider an issue in depth over a small number of meetings spread over a limited number of months.
- **Site Visit:** Members visit services or organisations to inform the work of the Committee.
- **Inquiry Evidence Gathering:** Evidence for Scrutiny Inquiries may take place at public committee meetings, Task and Finish Groups or Site Visits
- **Briefings / workshops:** for members to be updated on specific issues.

5 Establishing a process to provide information to members to inform the development of Overview and Scrutiny Committee work programmes

- 5.1 This was a key issue identified by the CfGS which has significant implications for the ongoing development of the O&S Committee work programmes during the year. The terms of reference for the Information Task and Finish Group were approved by Co-ordinating Overview and Scrutiny Committee in May 2024 and the work undertaken by the group finished in July 2024 and report will be taken to the September 2024 meeting of Corporate and Finance O&S Committee.

6 Support for Members undertaking Overview and Scrutiny work

- 6.1 The CfGS identified a number of ways in which to support can be provided to members to undertake their scrutiny roles. These include:

- 6.2 **Through member learning and development (MLD):** The MLD offer for Scrutiny will be included in the co-produced Member Development Strategy as set out in the Governance and Relationship Programme within the IRP. As this is MLD opportunities will be included in the scrutiny committee work programme reports.
- 6.3 **Support provided by officers for service directorates:** It was recognised that the understanding of the scrutiny function across directorates and services is variable and that this is something that can be addressed as part of the Member – Officer protocol.
- 6.4 **Support provided by the Scrutiny Team:** Training has been delivered to the Scrutiny Team to ensure officers are fully supported to carry out their roles effectively. Work will continue to ensure that the resource in the Scrutiny Team is used effectively to support scrutiny meetings.
- 6.5 In addition to this the Governance Stabilisation Plan identified the need for a Development of a Memorandum of Understanding that will improve and strengthen the working relationship between Scrutiny and Audit Committees and Chairs and a separate Memorandum of Understanding between the Health Scrutiny Committees and the Integrated Care Board.
- 7 Learning from and Evaluating Scrutiny practice**
- 7.1 The CfGS identified that adopting and developing new working practices will be difficult and there should not be an expectation that new arrangements will work perfectly from the start. It is suggested that Overview and Scrutiny chairs and officers make time toward the end of 2024 to consider how changes are embedding drawing on evidence from non-executive members more broadly.
- 7.2 The Overview and Scrutiny Development Plan below provides a framework to set out the objectives, activities and measures that will deliver the improvements set out above. Timescales for some of the objectives and activities are yet to be determined but have been included to give an indication of the areas of work proposed.

| Objective | Activity | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | 25/26 |
|---|---|------|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Enabling Effective Overview and Scrutiny | | | | | | | | | | | | | | |
| Developing shared understanding of Scrutiny's role in the Council's wider governance arrangements | Scrutiny / Audit MOU | | | | | | | | | | | | | |
| | Health Scrutiny / ICB MOU | | | | | | | | | | | | | |
| | Updating Scrutiny Framework and Procedure Notes | | | | | | | | | | | | | |
| | Mapping work of O&S Committees on issues also reported to other governance arrangements | | | | | | | | | | | | | |
| | Update format of Scrutiny Business Reports to City Council | | | | | | | | | | | | | |
| Improving quality reports to committees to enable more effective scrutiny | Continued roll out of single report template | | | | | | | | | | | | | |
| | Develop digital solution to produce committee reports | | | | | | | | | | | | | |
| | Improve quality and timeliness of reports prior to publication | | | | | | | | | | | | | |

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| Improving quality of minutes of meetings | Implementation of revised minute template and audit of minutes | | | | | | | | | | | | | |
| Improving members access to performance, delivery and risk information to inform Scrutiny Committee work programmes | Information Task and Finish Group | | | | | | | | | | | | | |
| | Implementation recommendations of Information T&F Group | | | | | | | | | | | | | |
| Member Learning and Development | Including Member Learning and Development Opportunities in Committee Work Programme reports | | | | | | | | | | | | | |
| | Develop and Deliver Member Development offer as part of IRP Programme | | | | | | | | | | | | | |
| Training for Scrutiny Team | To be further developed based on feedback from training provided in 23/24 | | | | | | | | | | | | | |

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| Delivering Effective Overview and Scrutiny | | | | | | | | | | | | | | |
| Developing work programmes that reflect IRP priorities; Corporate Plan Priorities: Scrutiny criteria; | Build capacity to support engagement with external organisations | | | | | | | | | | | | | |
| Co-ordination of O&S Committee work programmes | Overview and Scrutiny chairs' monthly meetings | | | | | | | | | | | | | |
| Co-ordination of work programmes for O&S Committees and Audit Committee | Quarterly meetings of Chair of Corporate and Finance OSC and Chair of Audit Committee (dates TBC) | | | | | | | | | | | | | |
| Scrutiny Informing and influencing Executive, Council's Policy Framework and work of partner organisations | Implementing updated Call In procedure | | | | | | | | | | | | | |
| | Develop system to monitor implementation of recommendations | | | | | | | | | | | | | |
| Developing effective working relationships with regional scrutiny arrangements | Build links with work of BCC members on WMCA Scrutiny Committee and BCC O&S Committees | | | | | | | | | | | | | |

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|--|--|------|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Monitoring and Evaluating Effective Overview and Scrutiny | | | | | | | | | | | | | | |
| Implementation of Scrutiny Dashboard | Management tool for work of Scrutiny Committees and Scrutiny Team | | | | | | | | | | | | | |
| | Develop Case Studies to demonstrate Outcomes from work of Overview and Scrutiny Committees | | | | | | | | | | | | | |
| Scrutiny Communication Plan | Areas for consideration: Member Officer Public External Organisation | | | | | | | | | | | | | |
| Review of Effectiveness of Scrutiny Arrangements | Identify and reflect on issues relating to Scrutiny from Member survey | | | | | | | | | | | | | |
| | Overview and Scrutiny Chairs and officers consider how changes are embedded | | | | | | | | | | | | | |
| Agree targets for Dashboard measures to be implemented in 25/26 | | | | | | | | | | | | | | |

7.3 In adopting this development plan Overview and Scrutiny will have a clear framework to hold to account cabinet business. By May 2025, scrutiny will be:

- Contributing to Council and City priorities engaging with partners and communities.
- Informed by evidence and focused on key priorities without having lost the ability to maintain a watching brief over the Council and city.
- Contributing to the cultural change at the Council.
- Able to clearly demonstrate where it is adding value.
- Supported by members and officers across the Council who have a clear understanding of scrutiny's fundamental role.
- Considering the right things at the right time, in the right way.
- Improving iteratively.

7.4 Monitoring the work of Overview and Scrutiny Committees through the Scrutiny Dashboard

The work of Overview and Scrutiny Committees will be monitored using the measures below through the Scrutiny Dashboard:

- Number / percentage of reports to public Overview and Scrutiny Committee meetings published with agenda 5 full working days before scrutiny committee meetings
- Number / percentage of work programme items programme relating to delivery of IRP priorities
- Number / percentage of Scrutiny Work Programme items relating to Scrutiny Criteria (issues identified Critical Performance Issue by Exception, Safe and Effective key services for vulnerable people, Equity Issues Arising from the Budget, Life and Limb Issues, monitoring recommendations)
- Number / percentage of work of Committee's engaging with public / external organisations in Scrutiny work (including Health Scrutiny and CDRP Scrutiny)
- Number of reports to Scrutiny Committees
- Number of Committee meetings, Task and Finish Group meetings, Pre-decision scrutiny meetings, site visits, briefings
- Number of recommendations to Cabinet / Cabinet Member / external organisation
- Number / percentage of Scrutiny meetings attended by Scrutiny Manager and Officer

7.5 In addition, case studies will be identified that will highlight the outcomes achieved by the work of Overview and Scrutiny Committees. Indicators will also be developed to monitor the outcomes achieved by Overview and Scrutiny Committees such as:

- Number / Percentage of recommendations that have been accepted by the Executive / Services / external organisations
- Policy changes that have informed by the work of Overview and Scrutiny
- Number / Percentage of Overview and Scrutiny recommendations that have been implemented
- How engagement through Overview and Scrutiny with the public and external organisations has improved policy and services

8 Interdependencies

8.1 It is recognised that effective overview and scrutiny is linked to other themes in the IRP Governance and Relationship Programme. These include:

- Effective governance and support arrangements for committees
- Review accessibility options for members – attendance at meetings
- Review accessibility options for citizens – attendance at meetings
- Review of the Code of Conduct for Members and employees

8.2 A further area of working that can be undertaken with Committee Services is to develop a shared understanding of access to information and exempt procedures.

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