

EXECUTIVE - SCRUTINY PROTOCOL

This protocol establishes a framework for effective Overview & Scrutiny in Birmingham City Council, ensuring that scrutiny functions enhance decision-making, promote transparency, and hold the executive to account while maintaining a constructive and collaborative relationship.

This Executive and Scrutiny protocol is not intended to change the respective constitutional positions, roles, or responsibilities of either Overview & Scrutiny or the Executive but to foster a culture where there is mutual respect, trust and courtesy between scrutiny members, cabinet members and officers. This will ensure sustained improvement in the governance and service delivery in the Council.

The protocol is intended to reset the Council's political and organisational culture, ensuring a 'parity of esteem', so that requests from Overview & Scrutiny and attempts by Overview & Scrutiny to engage with and recommend changes to policies, plans, and activities should be treated with the same respect and consideration as if they came from a Cabinet Member.

The protocol does not set the roles and responsibilities of Overview & Scrutiny in relation to external organisations.¹

The following principles underpin the relationship between Cabinet and Overview & Scrutiny Committees:

- **Collaboration:** Overview & Scrutiny and the Executive work together to generate substantive added value through collaboration, improve outcomes for residents, balancing accountability with mutual respect.
- **Independence:** Overview & Scrutiny operates independently to provide objective oversight, free from party-political influence and the group whip.
- **Evidence-Based:** Overview & Scrutiny relies on robust evidence, stakeholder input, and data to inform recommendations.
- **Transparency:** Overview & Scrutiny processes and Executive responses are open and accessible to the public, except where confidentiality is justified under the legal framework and in the public interest.

¹ Contact the Overview and Scrutiny Team for a copy of the Health Scrutiny Memorandum of Understanding and for information on Scrutiny of the Crime and Disorder Reduction Partnership

- **Proportionality:** Overview & Scrutiny focuses on high-impact issues and priorities for improvement, while avoiding unnecessary duplication.
- **Outcome-Focused:** Overview & Scrutiny aims to improve policy, service delivery, and decision-making, thereby contributing to better governance of the Council and achieving a wider benefit for the community.

Overview & Scrutiny Committees have a range of tools and approaches at their disposal and can tailor their approach to address each unique scrutiny activity. These include but are not limited to:

- At a public committee meeting.
- Through the work of a Task and Finish Group with a defined number of meetings.
- Community engagement through a variety of means.
- Visits to understand live issues and lived experience.
- A longer term scrutiny Inquiry.
- Topic themed or single subject officer briefings.

COMPLIANCE WITH THIS PROTOCOL

The Statutory Scrutiny Officer and Monitoring Officer are responsible for overseeing compliance with the protocol and ensuring that it is used to uphold the wider aim of supporting and promoting a culture of scrutiny which demonstrates the parity of esteem.

After a 12 month period following the adoption of the protocol, a review of the protocol will be triggered to ensure that the protocol is operating effectively.

EXPECTATIONS OF THE RELATIONSHIP BETWEEN THE EXECUTIVE AND OVERVIEW & SCRUTINY

The protocol provides clarity on the roles and responsibilities of Overview & Scrutiny Committees and the Executive.

- **Role of Policy Development, Pre-decision Scrutiny and Post Decision Scrutiny**

Overview & Scrutiny should have a valuable role in informing the development of Council policy, carried out at an early stage in the policy development process where the identification of problems and the scoping of potential options are being considered.

Pre-decision scrutiny takes place at a later stage in the policy development process where an Overview & Scrutiny Committee considers the proposed policy decision, and any recommendations are referred to the Cabinet Member for further consideration prior to the point where a final decision is considered by formal Cabinet.

Call in is the exercise of Overview & Scrutiny’s statutory power to review a Cabinet decision prior to implementation. This is a democratic right of councillors and is an important check on executive power, whilst noting it should be appropriately used and will be minimised by wider Cabinet / officer adherence to this protocol. Each request for call in will be considered on a case-by-case basis and is subject to the approval of the Monitoring Officer in consultation with the Chair of Corporate and Finance Overview & Scrutiny Committee, in accordance with the call-in criteria.

Overview & Scrutiny Committees also have a role in reviewing existing policies holding the Executive and officers to account for the implementation of Council policy.

The Executive will	Overview & Scrutiny will
Ensure that Overview & Scrutiny is aware of significant policy decisions through ongoing dialogue with the relevant O&S Committee Chair and use of the Forward Plan.	Utilise the forward plan to highlight policy decisions where O&S may be able to add value, for discussion with the appropriate Cabinet Member.
Where policy development or pre-decision scrutiny is carried out, that information is provided to the O&S Committee in a timely manner to allow full consideration	Consider requests from the Executive and officers to undertake policy development and pre-decision scrutiny on key issues and have a flexible work programme to accommodate this.

The Executive will	Overview & Scrutiny will
	<p>Assist in the development of the Council’s budget and policy framework and undertake policy development and pre-decision scrutiny in a timely way to inform Executive decisions. Overview & Scrutiny Committees, through Committee Chairs, will review monthly the Executive’s Forward Plan to identify issues for pre-decision scrutiny.</p> <p>Recognise that the meeting to carry out pre-decision scrutiny may involve Task and Finish Groups / Workshops.</p>
<p>Ensure that the views of the Overview & Scrutiny Committee and any recommendations are included in a report to Cabinet or City Council</p>	<p>Provide clear and considered views and recommendations to the Executive.</p>
<p>Engage constructively in the Call-In process welcoming recommendations that can improve governance and outcomes for residents.</p> <p>Ensure that the appropriate Cabinet Member attends any scheduled call-in meetings.</p>	<p>In line with the Constitution, ensure that an agreed call-in is heard by the appropriate scrutiny committee within 15 days of the call-in decision being published.</p>
<p>Work with Overview & Scrutiny Committees to identify issues for policy review where the work of the Committee can add value.</p>	<p>Undertake scrutiny of the implementation of Council policy taking a robust and challenging approach recognising the respective roles of Cabinet Members and officers.</p>

- **O&S Committee Recommendations**

Overview & Scrutiny Committees have the statutory power² to make recommendation to the Executive and to some non-executive functions. When making and responding to recommendations:

The Executive will	Overview & Scrutiny will
Respond to Scrutiny recommendations, through a Cabinet Member, at the next scheduled meeting of Cabinet / City Council and, where this is not possible, within two months of the recommendation being reported to City Council / Cabinet / Cabinet Member.	<p>Make SMART³ recommendations that are evidence based, i.e. evidence-led scrutiny.</p> <p>When considering an issue outside an Inquiry or Task and Finish Group arrangement, if an important operational issue is identified the O&S Committee may make a recommendation to the Cabinet Member that will be referred to the relevant service to be considered and a response provided to the O&S Committee.</p>
Clearly state in the response if the recommendation is accepted, partly accepted, rejected. Where recommendations are rejected, a reason will be provided.	Ensure the response to an O&S recommendation will be reported to the next scheduled meeting of the relevant Overview & Scrutiny Committee.
	Ensure recommendations made by Task and Finish Groups will be approved by the parent Overview & Scrutiny Committee. Where this is not possible in the sought timescale, the Chair of the Committee will approve the recommendations to go to Cabinet / City Council, and this will be reported subsequently to the Committee.

² Local Government Act 2000 and Localisation Act 2011

³ SMART (Specific, Measurable, Achievable, Relevant and Timebound)

The Executive will	Overview & Scrutiny will
Request the Chair or Vice Chair to attend City Council or Cabinet to present reports arising from a scrutiny inquiry or Task and Finish Group work. Where possible the response to the scrutiny recommendations should be provided to this meeting.	Ensure where scrutiny recommendations are made to City Council without being considered first by Cabinet, the recommendations will be sent to the relevant Cabinet Member for comment under the 8 day rule.

- Monitoring impact of Overview & Scrutiny Recommendations**

Overview & Scrutiny Committees rely on the Executive and Directorates within the Council to report on the implementation of recommendations and the benefits they achieve. When monitoring the implementation of recommendations:

The Executive will	Overview & Scrutiny will
Ensure that arrangements are in place across Directorates to report to Overview & Scrutiny Committees on the implementation and impact of Overview & Scrutiny recommendations. Cabinet Members may be invited to the meeting where the implementation of recommendations is reported.	<p>Include monitoring of recommendations and their impact in the Overview & Scrutiny Committee work programme and use this information to improve the scrutiny process itself.</p> <p>Monitor recommendations in a proportionate way, recognising that in some cases recommendations will not be completed.</p>

- Overview & Scrutiny Committee Work Programme Planning**

Effective work programme planning is essential to ensure that Overview & Scrutiny adds value.

The Executive will	Overview & Scrutiny will
<p>Cabinet members will actively engage in the agreement of scrutiny work programmes, identifying topics or decisions where Overview & Scrutiny can add value to delivery of Corporate Priorities, ensuring that Strategic Directors and Officers are part of these discussions.</p> <p>Notify the Chair of the relevant Overview & Scrutiny Committee of upcoming business and potential items to be considered by the cabinet.</p>	<p>Engage with Cabinet Members and Executive Directors through informal workshops to develop a work programme at the start of the municipal year. The engagement with the Executive will continue throughout the year to review and update the work programme.</p>
<p>Take into account the time required for Overview & Scrutiny to undertake policy development / pre-decision scrutiny in the policy development / Cabinet report timeline.</p>	<p>Engage with partner organisations when developing work programmes and consider the views of service users and residents, keeping scrutiny programmes responsive, flexible, and routinely reviewed throughout the year</p>
	<p>Develop a work programme that focusses on the delivery of the Council’s priorities as set out in the Corporate Plan, but with the flexibility of picking up emerging issues and risks. Issues will be identified strategically, allocating time proportionately and focussing on a smaller number of high impact issues.</p> <p>In prioritising issues, consider the following: Performance, Delivery and Risk Information, and</p>

The Executive will	Overview & Scrutiny will
	issues identified by the Executive and Partner organisations.
Requests to include work programme items by the Cabinet Member or Directorate will be made through a Scrutiny Officer.	Requests to include work programme items by the Chair or members of the Committee will be made through a Scrutiny Officer.

- **Using a range of scrutiny methods appropriate to task, timescale and resources**

The scrutiny legislation and guidance sets out the framework for Overview & Scrutiny but does not prescribe how it is carried out.

The Executive will	Overview & Scrutiny will
Work with Overview & Scrutiny Committees to plan work programmes that use appropriate scrutiny methods while ensuring that the outcomes of scrutiny work is transparent.	Use the scrutiny method that is most appropriate to the issue being considered, the timescales for the work and the resources available.
	Recognise that not all Overview & Scrutiny meetings will be public committee meetings. The outcome of Task and Finish Group work will be reported to a public meeting of the Committee.

- **Arrangements for attendance at committee meetings by Cabinet Members and Officers**

The Executive will	Overview & Scrutiny will
Cabinet Members will attend Overview & Scrutiny Committee meetings when requested, with appropriate arrangements	Provide Cabinet Members and Officers with sufficient notice to attend meetings. Where a Cabinet Member or relevant

The Executive will	Overview & Scrutiny will
where the Cabinet Member is not available.	officer is not available, the first option will be for an alternative representative. The agenda item will only be deferred with agreement of the Committee Chair.
Ensure that senior officers attend Overview & Scrutiny meetings where required in line with the statutory duties and the Council's constitution. This includes attending Overview & Scrutiny Committee meetings with / without Cabinet Members.	Hold Cabinet Members to account at public committee meetings for policy decisions. Officers will attend Overview & Scrutiny committee meetings to report on the implementation of policy and engage scrutiny in policy development and pre-decision scrutiny.

- **Access to reliable, relevant and timely data to ensure scrutiny is evidence based**

The Executive will	Overview & Scrutiny will
<p>Ensure that information requested by Overview & Scrutiny is provided in a timely and accurate manner, to inform the ongoing development of scrutiny work programmes throughout the year.</p> <p>Information requested will be provided to a Scrutiny Officer to be shared with the Chair / Committee members.</p>	<p>In addition to the individual rights of Members, Overview & Scrutiny Members have rights to see documents relating to any business that has been transacted at a public or private meeting of the Executive, or its Committees, and any decision taken by an individual Member of the Executive or by an Officer in accordance with Executive arrangements.⁴</p> <p>Requests for information and reports by Overview & Scrutiny will be communicated to the</p>

⁴ Legally privileged' can only be viewed by the individuals in receipt of that privilege.

The Executive will	Overview & Scrutiny will
	<p>Cabinet Member and Directorate by a Scrutiny Officer.</p> <p>Use information provided appropriately e.g. where information on performance, delivery and risk is provided outside committee meetings that this will not be made public until the information has been reported to Cabinet.</p> <p>Ensure that Overview & Scrutiny Committee Chairs are aware of their role in commenting on draft Cabinet reports. Where no comments are provided this will be noted in the Cabinet report.</p> <p>Consider a range of evidence including requirements of regulators.</p> <p>Respect the confidentiality of information provided to O&S Committees.</p>
<p>Ensure that information provided to Overview & Scrutiny Committees is open and transparent reporting both positive news and also where issues have been identified.</p>	
<p>Ensure that officers make all reasonable efforts to support effective scrutiny and explain when it is not possible to meet a request.</p>	

- **Cabinet, Overview & Scrutiny Committee and Officer roles and relationships**

Effective Overview & Scrutiny of the Council is dependent on the three way relationship between the Executive, Overview & Scrutiny and officers. This is more than attendance at Overview & Scrutiny meeting and relies on a clear understanding of the respective roles and responsibilities as set out below.

It is the role of all officers in the Council to deliver the policies agreed by the Executive and to support the role of Overview & Scrutiny. Officers will provide impartial advice to both the Executive and Overview & Scrutiny. The Scrutiny Team has a specific role in supporting Overview & Scrutiny by facilitating the relationship between Scrutiny Chairs / Committees, the Executive and Directorate Officers and are the key contacts when planning Overview & Scrutiny work and meetings.

The Executive will	Overview & Scrutiny will
<p>Ensure that Cabinet Members will meet with the Chairs, and where appropriate the Deputy Chairs, of the appropriate Overview & Scrutiny Committees to provide an update on key issues and policy development to inform the Committee work programme. These meetings will be supported by the Scrutiny Team, Cabinet Support Office and Strategic Directors.</p> <p>Cabinet Members will report to the Leader on the meetings with Overview and Scrutiny Chairs and attendance at Overview and Scrutiny Committee meetings.</p>	<p>Where the Overview & Scrutiny Chair arranges to meet with Lead Officers in relation to the work of the Committee, the Chair will inform the Cabinet Member, Strategic Director and Scrutiny Office.</p> <p>Not approach junior officers to attend meetings, however they may contribute to evidence gathering or attend committee meetings with the agreement of Executive Director / Directors where specific knowledge is required or to gain experience.</p> <p>Requests will be reasonable and take into account the finite resources of the Council and</p>

The Executive will	Overview & Scrutiny will
Directorate Officers send draft Cabinet reports to the relevant Overview & Scrutiny Chair for comment with sufficient time to undertake this role effectively. The Chairs comments will be reflected in the Cabinet Report.	other duties of lead members and officers. Overview and Scrutiny Committee Chairs will report to the Chair of Corporate and Finance on their meetings with relevant Cabinet Members.

- **Continuous Improvement**

The Executive will	Overview & Scrutiny will
Recognise Overview and Scrutiny as a key element of the Council’s continuous improvement journey and a source of evidence for regulatory inspections.	Utilise self-evaluation tools to ensure that scrutiny continues to add value.
	Provide avenues for public engagement and involvement in scrutiny activities.
	Engage in national or regional scrutiny networks and share best practice or learning from other councils.

- **Member Development**

Members must have the time, tools, and officer support to engage properly — not just to attend meetings, but to understand the issues and shape the agenda

The Executive will	Overview & Scrutiny will
Commit to any learning and development, along with Scrutiny Members, that supports (either individually or	Ensure that personal direct or indirect interest in issues being discussed is always declared in

The Executive will	Overview & Scrutiny will
collectively) to have the skills, knowledge, experience and support to carry out their work effectively and confidently	line with the Member Code of Conduct.
Undertake learning and development, along with Scrutiny, to understand the respective roles of Scrutiny and Cabinet	

- **Culture**

All members and officers should recognise the importance and legitimacy the scrutiny function is afforded by the law and the unique legitimacy of scrutiny committee members as democratically elected councillors. In considering the culture of the Council and how this can affect the effectiveness of Overview and Scrutiny it is recognised that this relates to the Code of Conduct for Members and the Member / Office Relations Protocol⁵.

The Executive will	Overview & Scrutiny will
Welcome the input of Scrutiny in decision making and positively receive Scrutiny input to Cabinet meetings, even where there is robust challenge or recommendations.	Provide a constructive ‘critical friend’ challenge to Executive proposals and decisions.
	Be independent minded while also avoiding an adversarial approach in meetings or when questioning other councillors and officers.
	Recognise the role of the Overview & Scrutiny Committee chairs in establishing the profile and nature of their committee.

⁵ Birmingham City Council Constitution: [Constitution Part C - Codes and Protocols | Birmingham City Council](#)

The Executive will	Overview & Scrutiny will
Where there are any issues regarding the work of Overview & Scrutiny, these will be raised, in the first instance, with the Overview & Scrutiny Manager for discussion with the relevant committee Chair. When the issue cannot be resolved this may be referred to the Statutory Scrutiny Officer or Monitoring Officer.	Where there are any issues regarding the engagement of the Executive or Directorates in the work of Overview & Scrutiny, if these matters are not resolved, these will be raised with the relevant Statutory Officer.
	Recognise the role of Audit Committee in the governance arrangements of the Council and manage this relationship in line with the Audit / Scrutiny protocol.
When changes are made to the Executive arrangements, give consideration to the future alignment of Cabinet Portfolios and Overview & Scrutiny Committee terms of reference.	When changes are made to Overview & Scrutiny Committee arrangements, give consideration to the future alignment of Cabinet Portfolios and Overview & Scrutiny Committee terms of reference.

- **Communication with public**

The Executive will	Overview & Scrutiny will
Recognise where the work of Overview and Scrutiny has contributed to policy development and improved outcomes for residents and organisations in the City.	
	Consider requests from residents and other

The Executive will	Overview & Scrutiny will
	organisations to be included in the work programme. ⁶
	Use social media to share the work of Overview & Scrutiny Committees

- **Scrutiny Support**

The Executive will	Overview & Scrutiny will
Recognise that, in line with Statutory Guidance, creating and sustaining an effective scrutiny function requires allocation of resources to it, including budget, officer time, member training, expert advice and the ways in which the wider authority engaged with those who carry out the scrutiny function.	Assess the resources available to the committee to deliver its work plan. This will include: the committee's own capacity, e.g. number of meetings, availability, other commitments, Officer resources including from the Scrutiny Office, support services and from Directorates.

⁶ It should be noted that Overview and Scrutiny does not consider individual complaints or specific ward related issues.