Overview & Scrutiny Framework
July 2023

Vision for Overview & Scrutiny in Birmingham

To ensure effective democratic accountability and oversight of the Council's executive. This will be achieved by a Member-led Scrutiny function which is held in high regard by its many stakeholders and which adds value for the people of Birmingham.

This vision recognises that Scrutiny is a core component of the governance structures of the Council, and that Scrutiny Members, 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 Birmingham is a common endeavour across the council.

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

   a. Amplify public voice and concerns;

   b. Drives improvement in public services;

   c. Provides constructive "critical friend" challenge;

   d. Be led by 'independent minded people' who take responsibility for their role. [1]

During January – May 2023 a review was undertaken to ensure that Scrutiny continues to innovate and operates in a flexible and effective way that makes a difference for the people of Birmingham. The principles of this review are embedded in this updated version of the Scrutiny Framework which was originally approved in 2021.

Conditions for Success

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

1. Addressing the Concerns of Citizens

Scrutiny should focus on issues that reflect concerns of citizens, and where they can add value and make an impact. Where possible, Scrutiny will ensure that the public's (and/or specific stakeholders) voice is heard in the way that decision-makers design and deliver services. This may include, if appropriate and at the discretion of the Chair, speaking at a formal meeting of a Committee.

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.

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[1] https://www.cfgs.org.uk/revisiting-the-four-principles-of-good-scrutiny/ - re-ordered and slight re-worded to reflect priorities in Birmingham

Addressing 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. This should be recognised by the Council and, where relevant, consider the need to provide assistance to Scrutiny Members to obtain information from organisations the Council has contracted to deliver services. When agreeing contracts with these bodies, the Council should consider whether it would be appropriate to include a requirement for them to supply information to or appear before Scrutiny Committees.

Scrutiny activities should be thorough and undertaken in a timely manner and be responsive to the issues as they arise. At the start of the municipal year Committees will develop a work programme that enables members to identify a 'menu' of issues as the potential work programme of that committee. The committee would regularly review the 'menu' and decide which issues need to be examined further and how that work would be undertaken.

As part of the work programme planning process all Scrutiny Committees will set out the objectives they want to achieve through their work and the outcomes that have been achieved to benefit citizens.

2. Parity of Esteem between the Executive and Scrutiny

We all have a collective responsibility to support high quality decision-making and policy development. Creating a strong organisational culture that recognises the critical role of an independent Scrutiny in the governance process is essential to adding value and creating efficient and effective services. Without recognition of this, Members and officers involved in Scrutiny are not empowered to exercise their duties as they should, resulting in poor accountability.

In recognising the responsibility that comes with parity of esteem, Scrutiny Committees must use every opportunity to add value to the work of the Council. In developing the Committee work programmes members will consider the at what point in the policy or service development their work can have most influence on service and outcomes across the city.

3. Member Leadership and Engagement

Members have a unique perspective to bring to the Scrutiny process, a different point of view which brings something distinct to both policy development and scrutiny. Members set their own work programmes and can look at things from angles that might not be apparent to Cabinet Members or senior officers. To be successful, Members and officers must engage with Scrutiny in a positive way.

4. 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.

Scrutiny must be forensic and challenging but Members must also collaborate to support decision-makers to do their work better. Members 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.

5. Clear Purpose and Focus

Scrutiny activities should be well planned and timely. There must be clarity on what Scrutiny wants to do, confident it can add value and make an impact, and be clear on what it hopes to achieve. Scrutiny Committees will consider which method of Scrutiny will best enable them to add value.

Task and Finish Group work that takes place outside a Scrutiny Committee must have a terms of reference, setting out aims, methodology and timescales. These should be developed with the participation of the Executive and agreed by the relevant Committee.

Work programmes are developed in collaboration with Members and with the participation of the Executive. Scrutiny is in charge of its own work programme and there will occasionally be times when Scrutiny and the Executive do not agree 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. This may mean that it is not possible for Scrutiny to look at all items, and it is important that committees do not overreach. Once the work programme is established it must be published and shared with internal and external organisations, so they are clear on upcoming topics.

Procedure notes will set out further detail on work programming, scrutiny methodologies and call-ins.

6. Evidence Based Conclusions and Recommendations that Add Value

The Scrutiny process should be impartial, driven by the evidence rather than by a particular standpoint. When developing the work programme a Scrutiny Committee will consider relevant Corporate Performance and City Observatory information to inform the issues that will be considered. Recommendations should be clear, feasible, deliverable, providing 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.

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

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 involvement is meaningful. They should also give meaningful consideration to Scrutiny recommendations.

It may be appropriate for a Scrutiny report of significant importance to be reported directly to Council. Scrutiny Committee's may also make recommendations to be considered by Cabinet Members and senior officers. The response to recommendations will be monitored by the relevant Scrutiny Committee.

Measuring the impact of Scrutiny is notoriously difficult to do, but we will make steps to improve the tracking process to take more account of outcomes.

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 & 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 Members must contribute time and effort to both the development and the carrying out of the Scrutiny work programme by attending and contributing to committee meetings and inquiries; they must be independent minded and not pre-judge issues coming to Scrutiny nor use the meeting to promote narrow or parochial interests.

The senior political leadership of the Council set the tone of how successfully Scrutiny will be able to work. Cabinet Members should act as a champion for Scrutiny's work within and outside the organisation, creating a culture which enables effective Scrutiny to happen, and ensuring that the views of a Scrutiny Committee put forward to the Executive are reflected in decision and policy-making.

Regular dialogue between the Scrutiny Committee Chairs and relevant Cabinet Members will facilitate effective relationships between Scrutiny and the Executive and ensure that Scrutiny Committees have the opportunity to add value to policy, strategy and service development in a timely manner. It is incumbent on a Cabinet Member to advise a Scrutiny Chair, in a timely manner, of a report being taken to Cabinet when the Scrutiny Chair is listed as the relevant Scrutiny Chair, or of a report being placed on the Forward Plan.

Scrutiny will make effective use of the time Cabinet Member's attendance at Scrutiny Committee meetings. Cabinet Members should only be in formal attendance when deemed necessary by the relevant Scrutiny Chair.

Officers should provide impartial and high quality advice and evidence to Scrutiny Committees and may be asked to attend O&S Committees to explain policies or to answer questions on service delivery. Overview and Scrutiny Committees should always bear in mind that when officers appear to answer questions their evidence should, as far as possible, be about questions of fact and explanation relating to policies and decisions.

All Members are expected to act in accordance with the highest standards of probity and public life, in all matters relating to the Council's Code of Conduct for Members, related protocols and supporting guidance.

Details of roles and responsibilities of key participants is set out in Procedure Note 2.

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.

This framework and supporting documents will be published on the Scrutiny website.

All formal Committee meetings are web-streamed, and the agendas published on the Council's website. Work programmes will be published on each O&S Committee's agenda. Committees may sometimes hold informal meetings or briefings, but any outcomes and recommendations will always be reported in public.

A Scrutiny Business Report will be presented three times a year to Full Council, outlining Scrutiny activity at that time.

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.

9. Co-operation with Partners, Professional Bodies and Providers

Increasingly services are provided jointly or as the result of partnerships between the Council and other public sector organisations or other partners. And improvement in service delivery can often best be achieved through partnerships between the Council and other service providers and professional bodies.

Procedure Notes

Note 1: Overview & Scrutiny Work (Update prioritised)

A summary of the remit of O&S work and how it should be planned, including processes for work-programming, and for following up on actions.

Note 2: Roles and Responsibilities

This note sets out the key roles involved in supporting Scrutiny: Scrutiny Chairs and Deputy Chairs, Scrutiny Members, Cabinet Members and officers.

Note 3: Role in Scrutinising Partners and Partnership Work (Update prioritised)

This note sets out the powers of Scrutiny to look at the work of partners including health; crime and disorder partnerships and flood risk management authorities.

Note 4: Policy Framework Plans

An outline of the role Scrutiny can play in respect of policy framework plans.

Note 5: Request for Call in (Update prioritised)

A detailed note on the call-in process (to be revised post Constitution change)

Note 6: Councillor Call for Action

A detailed note on the councillor call for action process

Note 7: Responding to Petitions

A detailed note on the process for Scrutiny to respond to petitions.

Note 8: Conducting Inquiries

This note sets out the stages of conducting an inquiry and makes suggestions for activity based on good practice.

Note 9: Tracking Recommendations

A detailed note on the process for tracking Scrutiny recommendations.

Note 10: Regional Scrutiny (Update prioritised)

A note setting out regional Scrutiny arrangements.

Procedure Notes are available on request from the Scrutiny Office