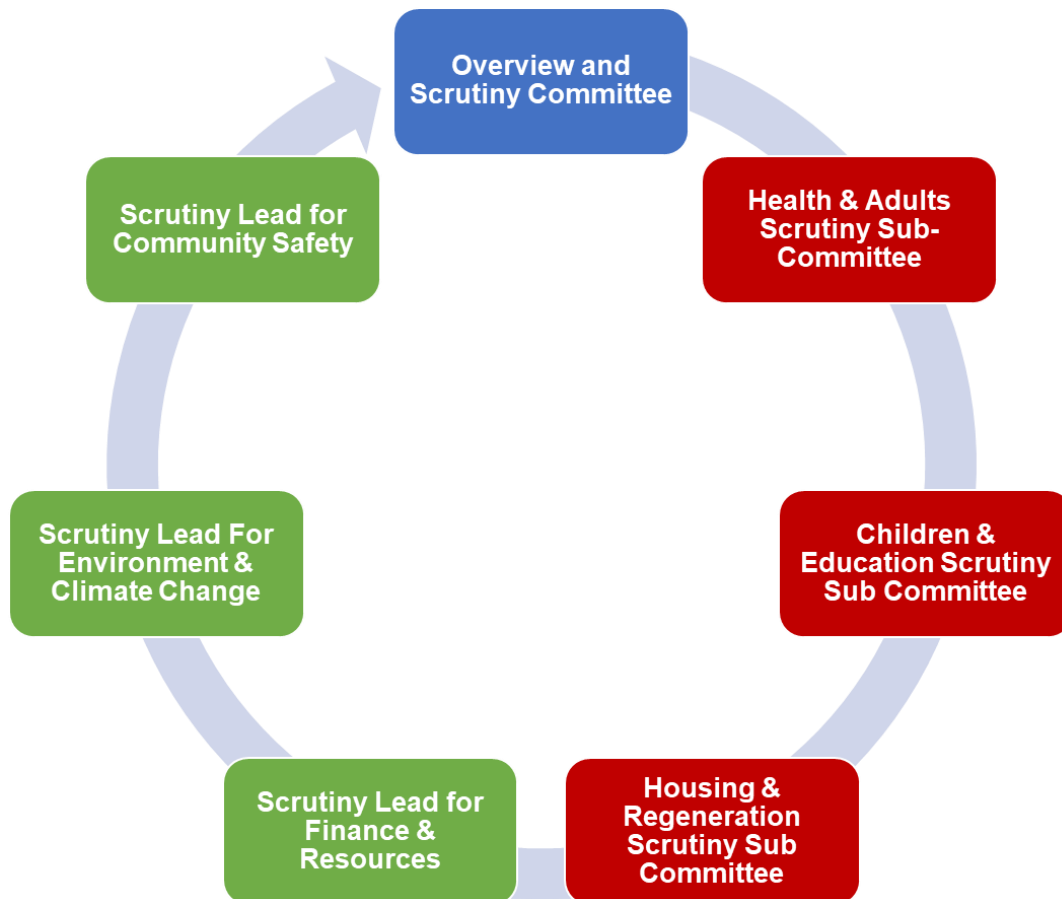


# Tower Hamlets Scrutiny Protocol

1. Scrutiny in Tower Hamlets
  - 1.1. Overview and Scrutiny play a vital role in the Council's governance and is a key component of the decision-making process, acting as a 'critical friend'. Its activities include holding decision-makers to account, policy review and development, championing the community voice, and driving improvements in public services.



- 1.2. The Overview and Scrutiny Committee (OSC) is made up of ten non-Executive (elected) Members and two resident co-opted members. Some Members of OSC also serve on three scrutiny sub-committees alongside additional non-Executive Members.
- 1.3. Scrutiny can make reports and recommendations to the Mayor and Cabinet and carry out:
  - **Pre-decision scrutiny** (helping to improve the quality of decisions that are subsequently taken)
  - **Post-decision scrutiny** (making suggestions for how a decision should be implemented or requiring that a decision is reconsidered)
  - **Performance monitoring** (ensuring that service delivery standards are high and poor performance is rectified)

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- **Policy development** (contributing to the development of new policies, strategies and services).

## 2. Aims of the Scrutiny Protocol

- 2.1. This protocol applies to all Members of the Overview and Scrutiny Committee, its Sub-Committees, and all Members of the Cabinet. Its purpose is to foster an open and transparent culture, promoting constructive behaviour and attitudes while supporting effective working relationships with stakeholders involved in the scrutiny process.
- 2.2. This protocol also gives effect to the provisions in the Council's Constitution related to Scrutiny. In the event of any conflict between this protocol and the Constitution, the Constitution shall take precedence.
- 2.3. This protocol establishes a framework for how Scrutiny and the Mayor and Cabinet can work together so that:
  - Debate happens constructively (with questioning that seeks to add to the sum of knowledge in the area being scrutinised).
  - Scrutiny is timely and effective.
  - Conflict is minimised.
  - There is an ethos of mutual respect between the Mayor and Cabinet and Scrutiny.
  - All work undertaken by Members is aligned with supporting corporate priorities and improving service provision.
  - The outcomes of scrutiny positively benefit the residents of Tower Hamlets.

## 3. Trust

- 3.1. For scrutiny to be effective, it must be underpinned by mutual respect and trust. All Members should uphold a culture 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.
  - Scrutiny Members are expected to trust that Cabinet Members are being forthright and transparent.
  - Cabinet Members should trust Scrutiny Members with the information shared and consider their insights seriously.

## 4. Policy Development and Pre-Decision Scrutiny

- 4.1. The importance of early involvement from scrutiny into policy development is recognised. Scrutiny can act as a sounding board and a think tank in investigating issue coming up on the horizon, bringing in added value. The Mayor, Cabinet Members and Corporate Management Team 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 involvement.
- 4.2. Where policy development is carried out in an informal setting (such as a scrutiny review and challenge session), a report will be submitted to the relevant Scrutiny

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Committee for consideration. The Mayor, Cabinet and relevant Corporate Director(s) will consider the views of scrutiny 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 Cabinet require publication. The detail of the scrutiny involvement shall also be included within the body of the Cabinet report. The Mayor and Cabinet/Full Council are responsible for approving and adopting policy.

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

### 5. Holding the executive to account (Ethos/Behaviour)

5.1. Scrutiny's role is to hold the Executive to account for decisions taken and performance of services. In holding the Mayor and Cabinet to account Scrutiny will:

- Welcome Cabinet Members to attend their meeting. If attendance by a
- Cabinet Member is specifically desired, provide an invitation to attend with
- adequate notice;
- Consider decisions taken by the Mayor and Cabinet, individually and collectively and items on the Forward Plan through (as part of Pre Decision Scrutiny ) formal scrutiny committee meetings;
- Review service performance and performance against policy and targets;
- Familiarise themselves with the subject under review and be prepared to ask searching questions that provide a constructive challenge;
- Be positive and respectful in their interactions with the Mayor, Cabinet Members and Officers;
- Represent the voice of the public and ensure scrutiny is focused on having a positive impact on residents; and
- Listen to the responses provided and assist the Mayor and Cabinet in identifying areas for further consideration and improvement.
- Conduct scrutiny investigations fairly and ensure all members of the committee are given the opportunity to ask questions of Cabinet Members and other attendees and to contribute and speak.

5.2. In return, the Mayor and Cabinet Members will:

- Be willing to be open, honest and engaged in responding to constructive challenges;
- Value the importance of scrutiny and champion this across the borough;
- Be supportive of the scrutiny process and invite and seek opinions from Scrutiny Members on decisions to be taken, where appropriate;
- Provide a positive contribution to scrutiny meetings; and
- 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 via the scrutiny action log and ahead of the next scrutiny meeting unless it is not

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reasonable to do so. If considered unreasonable, an explanation as to why will be given

- A combination of the above four options.

### 6. Scrutiny Work Planning

6.1. Overview and Scrutiny will agree its own annual work programme and keep it under review over the course of a municipal year and consult widely to inform the focus for scrutiny activity. The scrutiny chairs and leads will hold a work programme planning workshop and as part of this workshop the views of the Cabinet Member(s) and Corporate Management Team will be sought regarding the priorities of the council, areas of planned policy development and they will be asked to highlight any upcoming key decision areas where scrutiny may be invited to assist in work.

6.2. On supporting the Scrutiny Leads, the scrutiny officers will engage Directorate Leadership Teams (DLTs) to ensure the council's input into the development of workplans, covering council priorities, policy development and upcoming key decisions whilst continuing to build on the positive working relationship between the two scrutiny and executive functions.

6.3. Informal meetings will be held between the OSC Chair the Mayor and Chief Executive, and the Scrutiny leads with the relevant Cabinet Members and Corporate Directors to discuss upcoming issues, consider items for scrutiny and to ensure engagement and communication of ongoing work from both the Executive and Scrutiny.

6.4. Whilst safeguarding the independence of the scrutiny process, the Committee will consider suggestions from the Mayor, Cabinet Members, Corporate Directors, partners, voluntary and community organisations and resident's suggestions when they determine their work programme.

6.5. Decision Makers should seek to involve scrutiny in the development of new policy at an early stage when proposals are being developed so that account can be taken of it when developing its work plan.

### 7. Scrutiny Recommendations to the Executive

7.1. The OSC and its Scrutiny Sub-Committees may make recommendations to the Mayor and Cabinet on key council functions and activities through a formal committee meeting or by a way of scrutiny reviews and challenge sessions.

7.2. Upon receipt of a recommendation(s) from Scrutiny, Mayor and Cabinet Members will:

- Give due consideration to any recommendations or views expressed;
- Provide an explanation via the action plans for the reasons why recommendations made by scrutiny have not been pursued.

7.3. Before the final scrutiny report is approved by the relevant scrutiny committee, scrutiny officers will seek the views of the Cabinet Member, Corporate Directors and the service on the proposed scrutiny report and the Scrutiny lead will consider this for inclusion within the report. The Chair of OSC will have the opportunity to attend Cabinet Meetings and discuss scrutiny recommendations with the Mayor and Cabinet and the response to those recommendations.

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7.4. Scrutiny reviews and challenge session recommendations will require a response on these will be actioned using the action plan template. The Action Plan report will then be submitted to the Cabinet for agreement. Should any of the recommendations not be approved or be only partially supported, the Cabinet will provide details of the reason why. Following approval of recommendations, the relevant scrutiny committee will monitor the implementation and impact of the recommendations.

### 8. Call-In

8.1. Cabinet Members will be expected to attend any meetings of scrutiny committees at which a call-in request in relation to their area of responsibility is being considered. If the relevant Cabinet Member cannot attend the Mayor or a Deputy Mayor 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. A representative of the call-in Members will speak first;
- ii. The Committee will then ask questions of the Call-In Members;
- iii. The Chair will invite the Cabinet Member (decision maker to respond to the call-in;
- iv. The Committee will ask questions of the decision maker (who may ask a relevant officer to supply further information if necessary; and
- v. The Committee debates the issue and on the outcome.
- vi. If the Committee decides to send back for reconsideration, the scrutiny will write up a report and circulate to Committee Members and send it to Cabinet to inform of the decision.

### 9. Access to Information

9.1. Legislation and the Council's own Standing Orders provide for all Members to have access to information based upon their membership of Committees and on a need-to-know basis.

9.2. Scrutiny will need access to relevant information in a timely manner necessary to provide effective challenge about the provision, quality and resourcing of services. It has a legal right to information and this includes enhanced power to access exempt or confidential information in addition to existing rights that Councillors have to access information.

9.3. Scrutiny will need access to key information on the management of the council, particularly on performance, management, funding and risk. Scrutiny Members should also be given the support necessary to ensure that they understand such information. Scrutiny must also be mindful of the capacity of the council to resource activity and value likely to be gained through it. Scrutiny Members should also seek to supplement the evidence at its disposal from within the council from other sources, including service users, residents and partners.

9.4. An Action Log will be maintained which will log request for information through formal committee meetings of the OSC and its sub-committees. Request will be responded to positively and in a timely manner and ensure the information provided is relevant, officers should ensure that they have a clear understanding of the reasons why information is needed by seeking clarification if necessary.

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- 9.5. Occasionally, there may times when it may be legitimate for information to be withheld and a written statement setting out the reasons for this will be provided to scrutiny should this occur. Cabinet Members and Corporate Directors will nevertheless seek to avoid refusing requests or limiting the information they provide. Serious consideration will be given to whether the information can instead be shared in closed session and the reason for this stated.
- 9.6. Where a Cabinet Member or Corporate Director determines that information requested by scrutiny should be withheld, then scrutiny may refer the matter to the Monitoring Officer for adjudication if it wishes to.
- 10. Scrutiny Consideration of Confidential Decisions**
- 10.1. Scrutiny have a right to access exempt information pertaining to decisions that have been taken in order to allow effective scrutiny. Should Scrutiny 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 Cabinet Member will be expected to answer openly and transparently. 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.
- 11. Scrutiny engagement with Officers**
- 11.1. In addition to scrutinising, reviewing and commenting on actions of the executive, Scrutiny is also required to report on actions which are not the responsibility of the executive. Effective engagement between scrutiny members and officers is crucial for the success of the scrutiny process.
- 11.2. Scrutiny Members and Officers are reminded to adhere to the Member / Officer relations protocol.
- 11.3. Scrutiny may require the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:
- (a) any particular decision or series of decisions;
  - (b) the extent to which the actions taken implement Council policy; and/or
  - (c) their performance, within their area of responsibility; and it is the duty of those persons to attend as so required.
- 11.4. There must be a relationship of mutual respect. Scrutiny members will:
- Treat officers with respect, recognising their expertise and professional role.
  - Maintain a courteous and constructive tone in all interactions, whether in meetings or communications.
  - Engage openly with officers, encouraging a two-way dialogue that fosters mutual understanding.
  - Be specific and clear in requests for information or clarification, ensuring officers understand what is required
  - Provide sufficient notice for information requests to allow officers time to gather accurate data
  - Approach questioning as a "critical friend," aiming to enhance decision-making rather than criticise for the sake of it.
  - Focus on evidence-based discussions, asking probing questions that help clarify issues and lead to better outcomes.
  - Acknowledge the distinction between the scrutiny role and the operational role of officers, avoiding interference in day-to-day management.

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- Respect the professional independence of officers and distinguish from Executive, allowing them to provide unbiased advice without undue pressure
- Handle sensitive information provided by officers with care, ensuring it is used appropriately within the scrutiny process.
- Offer constructive feedback to officers on the information and support provided, helping to improve the scrutiny process.
- Be open to receiving feedback from officers on how the scrutiny process can be made more effective and efficient.

In return, Officers will:

- Provide impartial, evidence-based advice to support informed decision-making.
- Offer clear, accurate, and timely information to scrutiny members.
- Engage with scrutiny members courteously, respecting their role while maintaining professional boundaries.
- Assist scrutiny members in understanding complex issues and preparing for scrutiny sessions.
- Foster transparency by being open and responsive to questions and requests from scrutiny members.
- Be open and work together towards the common goal of improving public services and policies
- Ensure advice and information provided are free from political influence, supporting the scrutiny process objectively.
- Address any disagreements with professionalism, focusing on evidence and constructive outcomes.

### **12. Ensuring Compliance with the Protocol**

12.1. The Statutory Scrutiny Officer and the Monitoring Officer will be responsible for the 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; and
- An open and accountable decision-making process