



## **OVERVIEW & SCRUTINY PROTOCOL**

### **Introduction**

1. The Overview & Scrutiny Protocol is intended to be a guide for the Mayor, members and officers of the West Midlands Combined Authority setting out the role of overview & scrutiny within the context of the WMCA. It can also help constituent and non-constituent member authorities and the wider public better understand the purpose of overview & scrutiny within combined authorities. This document should be read alongside the WMCA's constitution and Overview & Scrutiny Guidance documents, which also give context and detail on the Overview & Scrutiny Committee.

### **Constitutional Basis**

2. The West Midlands Combined Authority is required by the West Midlands Combined Authority Order 2016 to constitute an overview & scrutiny committee in order to provide oversight to the decisions taken by the Mayor of the West Midlands, the WMCA Board and its committees. Further statutory guidance on the form that the committee should take was set out in the Combined Authorities (Overview & Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
3. The requirements placed upon the WMCA by these orders are provided for within its constitution.

### **Role of Overview & Scrutiny Committee**

4. The Overview & Scrutiny Committee comprises members appointed by the WMCA's constituent and non-constituent member authorities and has the power and responsibility to:
  - Undertake pre-decision scrutiny of a matter yet to be determined when it has been invited to by the decision-maker, or where it considers that such pre-decision scrutiny would provide for a more considered and informed decision to be made than would otherwise be the case.
  - Make a report and recommendations on any issue affecting the WMCA's area or inhabitants and which falls significantly within the powers of the Mayor, the WMCA Board or one of its committees.
  - Contribute to the delivery of the WMCA's policies and strategies by undertaking work that is tailored to help support the WMCA Board in its own work programme. It might do this by undertaking research or scrutiny into a policy area, the outcomes of which will help in the delivery of a particular corporate workstream.

- Review and scrutinise any decision taken by the Mayor, the Portfolio Lead Members/WMCA Board or its committees and to make recommendations back to the decision-maker when it considers that there has been a significant flaw in the manner in which the decision was taken (Call-in).

### **Purpose of Overview & Scrutiny Committee**

5. Overview & Scrutiny Committee performs a key role within the governance arrangements of the WMCA and is publicly accountable for the effective exercise of these responsibilities. Members appointed to sit on the committee undertake this role principally to ensure that the decisions of the Mayor, Portfolio Lead Members/WMCA Board and its committees effectively and efficiently deliver the strategic objectives of the WMCA set out in its Annual Plan and other corporate strategy documents. They will do this in a number of ways, including:

- Contributing to the development of the Annual Plan or other strategic priorities through scrutinising draft proposals, proposed delivery methodologies and intended outcomes.
- Reviewing decisions made by the Mayor, Portfolio Lead Members/WMCA Board and its committees that are intended to effect the objectives contained within the Annual Plan or other corporate strategies.
- Monitoring the implementation, performance and impact of corporate policies and decisions.
- Holding the Mayor, Portfolio Lead Members/WMCA Board or its committees to account for the delivery and impact of its policies.
- Ensuring that the Mayor, the Portfolio Lead Members/WMCA Board and its committees act in the best interests of the West Midlands region.

### **Behaviours**

6. The Centre for Public Scrutiny has identified four key principles that should underpin the work of the Overview & Scrutiny Committee at all times. It should:

- Provide a culture of 'critical friend' challenge to decision makers.
- Enable the voice and concerns of the public and its communities to be heard.
- Conduct the scrutiny function by independent-minded members who will lead and own the process.
- Drive improvements on services.

7. All members of the Overview & Scrutiny Committee should seek to promote an atmosphere of openness and transparency at meetings and ensure that questioning and debate takes place within a climate of mutual respect and trust between the committee and other participants. Members should be prepared to ask questions and pursue lines of enquiry that will challenge decision-makers to explain and justify their

reasoning. They should not seek to be overtly political, recognising that they are undertaking their responsibilities on behalf of all residents within the region and should not therefore seek to deliberately use the role provided to them on the Overview & Scrutiny Committee simply for the purposes of obtain political advantage.

8. The Overview & Scrutiny Committee has a legal power to require the Mayor, Portfolio Lead Members and officers of the Authority to attend before it to answer questions and to share information. It is the duty of members and officers to comply with such requests.

When the committee requires the Mayor, Portfolio Lead Members and/or Officer(s) to attend, the WMCA's Governance Services Team shall inform them in writing giving at least 14 days' notice of the meeting. The notice will state:

- The date and location of the meeting that they are required to attend;
- The nature of the item; and
- Whether they must produce any briefing papers/reports for the committee

9. The Mayor, Portfolio Leads, chairs of committees and others invited to address the committee should, in so far as possible, prepare adequately and seek to provide full answers to questions relating to matters falling within their responsibilities. These officer holders should endeavour to support the WMCA's scrutiny function by:

- Accepting the right of Overview & Scrutiny Committee to challenge their decisions and performance.
- Being proactive in identifying policy areas that would benefit from pre-decision scrutiny, and timetabling sufficient time to allow this to happen.
- Ensuring their availability to attend meetings of the Overview & Scrutiny Committee when invited, and providing all necessary information requested to assist with the delivery of the scrutiny function.
- Supporting the delivery of the scrutiny function by recognising its need for appropriate resources.
- Ensuring that personal agendas or different political perspectives do not act as an impediment to an effective scrutiny process.

### **Officer Support**

10. The WMCA has appointed a number of officers to directly support the Overview & Scrutiny Committee. The Scrutiny Officer has responsibility to support the Chair and members of the committee in developing a work programme, undertake research, and write policy reports, promote the role of the authority's scrutiny committee, and being the point of contact for all other WMCA officers in respect of their engagement with scrutiny. This post fulfils the requirements of the Statutory Scrutiny Officer. In addition, the Head of Governance/Monitoring Officer, Governance Services Manager and Governance Services Officer provide advice, expertise and support to ensure

the proper discharge of the scrutiny function and operation of the Overview & Scrutiny Committee.

11. All senior officers within the WMCA have a duty to provide advice to the Overview & Scrutiny Committee in the same way as they would for any decision maker within the WMCA's governance structures. This may include contributing to and/or to lead on a scrutiny review of workstreams within their area of service responsibility through the following means:

- Preparing information for the Overview & Scrutiny Committee and its members.
- Attending meetings of the Overview & Scrutiny Committee to answer questions or provide information.
- Being involved in a detailed scrutiny review.
- Explaining performance related issues and responding to any scrutiny recommendations.

### **Expectations**

12. In order for members of the Overview & Scrutiny Committee to examine, develop key strategic projects and priorities, and to hold to account those charged with delivering them, there are a number of key expectations required of them. These include:

- Fully participating in the activities of the Overview & Scrutiny Committee, including the development and delivery of the committee's work programme, task review groups, Mayoral Q&A sessions and other planned activity.
- Taking an active role in helping to develop and embed the role of scrutiny within the WMCA, and in promoting the scrutiny function within their own local authority and with elected members not directly involved in the WMCA.
- Making adequate and appropriate preparation for meetings, including undertaking research and participating in briefings as required.
- Contributing towards developing key lines of enquiry concerning Mayoral Q&A sessions or when inviting Portfolio Leads to give evidence at Overview & Scrutiny Committee meetings.
- Developing the knowledge and skills required to fulfil the role of a member of the Overview & Scrutiny Committee, including attending relevant training and information events as required.
- Acting as a link between the WMCA's Overview & Scrutiny Committee and the member's own local authority scrutiny committee. This will include reporting back on the scrutiny work carried out within the WMCA and reporting any issues identified within their local authority that may warrant scrutiny at the regional level.

### **Ways of Working**

13. Overview & Scrutiny Committee will discharge its responsibilities in a number of different ways that most appropriately align with the work it is seeking to undertake. This will include:
- Pre-decision scrutiny where it is seeking to strengthen policies and strategies before they have been formally adopted.
  - Mayoral Q&A sessions held in public, holding the Mayor/and or Portfolio Lead Members to account for the setting and delivery of policies.
  - Budget scrutiny to determine whether sufficient resources had been allocated to deliver the WMCA Annual Plan.
  - Task Group reviews where a lighter-touch investigation of matters is required. These meetings are less formal and are not held in public.
  - Call-in of formal decisions taken by the Mayor/Portfolio Leads/WMCA Board and its committees for further consideration and challenge.

### **Conclusion**

14. Overview & Scrutiny is a statutory responsibility of the West Midlands Combined Authority that contributes to better decision making and therefore better outcomes for the residents and businesses of the West Midlands. This protocol helps to set out how the overview & scrutiny function will be undertaken, and the role that needs to be undertaken by those members who either sit on the committee or the individuals who will engage with the committee's work.