



Havering
LONDON BOROUGH

People Overview & Scrutiny Sub- Committee

8th September 2026

REPORT

Subject Heading:

Endorsement of the draft Scrutiny
Working Protocol

SLT Lead:

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Policy context:

The report deals with the statutory
process of Overview and Scrutiny.

Financial summary:

There is no significant financial impact
from the statutory processes as these
requirements are being met by existing
budgets.

The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place X

SUMMARY

This report asks the People Overview and Scrutiny Sub-Committee to endorse the draft Scrutiny Working Protocol (attached). The Protocol provides a practical framework for how Cabinet and Scrutiny will work together while respecting their separate roles. Its purpose is to support constructive challenge, transparent decision-making and effective governance.

For new scrutiny Members, the Protocol explains what effective scrutiny looks like in practice. It establishes expectations for early engagement, information sharing, work programming, Member and officer conduct, pre-decision scrutiny, call-in and the tracking of recommendations.

PURPOSE OF THE REPORT

The report:

- explains why the Scrutiny Working Protocol has been developed;
- summarises the principles and working arrangements it establishes;
- describes how it will help Members undertake effective scrutiny; and
- shows how the Protocol supports the recommendations arising from the 2025/26 annual review of scrutiny.

WHAT MEMBERS ARE BEING ASKED TO DO

- consider whether the draft Protocol provides a clear and effective framework for the relationship between Cabinet and Scrutiny;
- endorse the draft Protocol and;
- apply its principles and expectations in future scrutiny and executive work.

RECOMMENDATION

That the People Overview and Scrutiny Sub-Committee:

1. endorses the draft Scrutiny Working Protocol;
2. supports the application of the Protocol's principles and expectations in future scrutiny and executive work.

REPORT DETAIL

Background

1. Overview and scrutiny is a core part of the Council's governance arrangements. It enables non-Cabinet Members to examine decisions, policies and services, contribute to policy development and hold the Executive to account.

2. Effective scrutiny should be independent, evidence-based and focused on improving outcomes for residents. It should provide constructive challenge, test whether proposals are robust and affordable and make clear recommendations that can improve decisions and services.

3. The draft Scrutiny Working Protocol provides a shared framework for the relationship between Cabinet and Scrutiny. It recognises that the two functions have distinct but complementary roles and that both make an important contribution to good governance.

4. The Protocol adds practical detail to the Council's formal scrutiny arrangements. It does not replace the Council's Constitution or applicable legislation. If there is any inconsistency, the Constitution will take precedence.

Why the Protocol matters

5. Effective scrutiny depends on a positive working relationship between Cabinet and Scrutiny. Members must be able to challenge decisions and policies openly while maintaining mutual respect and focusing on evidence, outcomes and improvement.

6. The Protocol supports this by establishing shared expectations for:

- behaviour and mutual respect;
- communication between Cabinet and Scrutiny;
- timely access to relevant information;
- scrutiny work programming;
- early engagement and pre-decision scrutiny;
- Cabinet Member attendance and engagement;
- the proportionate use of call-in;
- the respective roles of Members and officers;
- the recording and follow-up of recommendations; and
- training and annual review.

7. For new scrutiny Members, these arrangements provide a clear starting point for understanding how scrutiny should operate and how Members can add value.

The role of scrutiny Members

8. Scrutiny Members do not make executive decisions. Their role is to examine issues, test evidence, ask constructive questions and make recommendations.

Used effectively, scrutiny can:

- **Act as a critical friend:** provide constructive, evidence-based challenge rather than opposition for its own sake.
- **Hold the Executive to account:** examine Cabinet decisions, policies and actions and seek clear explanations.
- **Improve policy and performance:** test proposals, service outcomes, value for money and performance.
- **Support better decisions:** scrutinise significant proposals before decisions are made, when there is still an opportunity to influence them.
- **Bring residents' perspectives into decision-making:** consider community evidence and the effect of decisions on local people.
- **Scrutinise external partners:** examine relevant services delivered by organisations such as the NHS, police and other partners.
- **Use call-in proportionately:** request a review of an eligible executive decision in accordance with the Constitution.
- **Undertake focused reviews:** establish time-limited task and finish groups where detailed investigation would add value.

9. Scrutiny is not a forum for individual complaints, casework or political point-scoring. Questions and recommendations should remain focused on policies, decisions, performance, services and outcomes.

10. Principles Members should apply

The Protocol asks Members to:

- respect the distinct roles of Cabinet and Scrutiny;
- recognise that both functions are important to good governance;
- engage openly, constructively and in good faith;
- base challenge and recommendations on relevant evidence;
- focus scrutiny on improving decisions, services and outcomes;
- recognise that officers provide impartial support to the Council as a whole; and
- comply with the Member Code of Conduct in formal and informal settings.

11. These principles apply during public meetings, informal discussions, pre-meetings, task and finish groups and other scrutiny activity.

How the Protocol will work in practice

Work programming

12. Scrutiny will continue to determine its own work programme in accordance with the Constitution. Work programmes should be realistic, focused on significant

issues and informed by the Council's priorities, financial position and forthcoming decisions.

13.Cabinet's views should be invited at an appropriate stage, while Scrutiny retains responsibility for deciding its programme. Regular dialogue should help identify where scrutiny can have the greatest impact and avoid duplication.

Early engagement and pre-decision scrutiny

14.Scrutiny is most effective when it considers important proposals early enough to influence them. The Protocol encourages timely engagement and the use of pre-decision scrutiny for significant matters.

15.Pre-decision scrutiny can help Members test assumptions, examine evidence, consider risks and resident impacts, and suggest improvements before a final decision is taken. It does not replace executive decision-making.

Information and reports

16.Cabinet and officers should support the timely provision of clear, relevant information so that Members can prepare and ask informed questions. Scrutiny Members should identify their information needs early and use information proportionately.

17.Formal rights of access to information remain governed by the Council's Constitution and applicable legislation.

Cabinet Member engagement

18.Cabinet Members should engage positively with scrutiny and attend when asked when matters within their portfolios are being considered . Where possible, key lines of enquiry should be shared in advance to support focused and productive discussion.

Member and officer roles

19.Members set scrutiny's direction, examine evidence and agree recommendations. Officers provide professional and impartial advice, evidence and administrative support.

20.Members should respect officer roles and resource constraints when setting work programmes or establishing task and finish groups. Officers should support both Cabinet and Scrutiny fairly and objectively.

Call-in

21.Call-in is an important constitutional safeguard that allows an eligible executive decision to be reviewed before implementation. It should be used proportionately and normally as a last resort rather than as a substitute for early engagement or pre-decision scrutiny.

22. Any call-in must comply with the requirements and timescales set out in the Council's Constitution.

Recommendations and follow-up

23. Scrutiny recommendations should be clear, evidence-based, practical and directed to the appropriate decision-maker. Cabinet should provide a formal, recorded response.

24. Recommendations, responses and agreed actions should be tracked so that Scrutiny can review implementation and assess whether its work has made a difference.

Training and review

25. Cabinet and Scrutiny Members should receive regular training so that they understand their roles, powers and responsibilities. The training plan and the Protocol itself should be reviewed annually.

How the Protocol supports the 2025/26 annual review

26. The Protocol is a key mechanism for implementing the recommendations arising from the 2025/26 annual review of scrutiny.

Recommendations fully or substantially addressed

- **Working Protocol between Cabinet and Scrutiny:** The Protocol defines roles, responsibilities, behaviours, ownership and arrangements for annual review.
- **Timely training and support:** It commits Cabinet and Scrutiny Members to regular training and review of the training plan.
- **Early engagement:** It establishes expectations for regular and open dialogue between Cabinet and Scrutiny.
- **Focused work programming and pre-meetings:** It promotes realistic work programmes, Cabinet input, continuing dialogue and timely reports.
- **Task and finish groups:** It requires Members to consider scope and officer resources before establishing a group.
- **Tracking recommendations and actions:** It requires formal Cabinet responses and arrangements for follow-up.
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Recommendations partially or indirectly addressed

- **Thematic key lines of enquiry:** The Protocol supports advance sharing of questions when Cabinet Members attend. This could be applied more widely to substantive scrutiny items.
- **Post-decision scrutiny:** Recommendations and Cabinet responses will be tracked, although a wider process for reviewing implemented decisions is not specified and will be supported by Committee Services.

- **Focus on the Council's financial position:** Financial matters can be prioritised through work programming and pre-decision scrutiny.
- **Joint scrutiny:** Coordinated work programming is supported.
- **Access to information and data:** The Protocol promotes timely evidence and reports, while formal information rights remain governed by the Constitution.
- **Monitoring the impact of policies and decisions:** The Protocol supports challenge and impact analysis,

Matters outside or not explicitly covered by the Protocol

- **Length of Members' tenure:** This is outside the scope of the Protocol and would require a separate governance decision.
- **Stakeholder and community engagement:** This is not set out explicitly and will need to be considered through work programming and the scope of individual reviews.

27. Overall, the Protocol materially advances most of the annual review recommendations and provides a practical framework that can be developed through experience and annual review.

IMPLICATIONS AND RISKS

Financial implications and risks: There are no significant financial implications arising from this report. The requirements will be met from existing budgets.

Legal implications and risks: The Protocol supports the Council's statutory overview and scrutiny arrangements. It does not replace the Council's Constitution or applicable legislation.

Human Resources implications and risks: There are no specific Human Resources implications arising from this covering report.

Equalities implications and risks: There are no specific equalities implications arising from this covering report. Members should nevertheless consider equality impacts when scrutinising individual policies, services and decisions.

Environmental and Climate Change implications and risks: There are no specific environmental or climate change implications arising from this covering report. Relevant impacts should be considered when scrutinising individual policies, services and decisions.

BACKGROUND PAPERS

Self-Evaluation of Board's Work 2025/26 and Statutory Scrutiny Officer
Presentation [\(Public Pack\)Agenda Document for Overview & Scrutiny Board,](#)
[17/03/2026 19:00](#)