



GOVERNMENT OFFICE  
FOR THE EAST MIDLANDS



# East Midlands Scrutiny Protocol

**Joint Statement**  
January 2006



# 1. Background

- 1.1** The East Midlands Assembly (EMRA), the East Midlands Development Agency (*emda*) and the Government Office for the East Midlands (GO-EM) share common goals, but have separate and distinct roles. This protocol sets out the way in which we will work together in relation to scrutiny of the Development Agency's work, on behalf of the East Midlands.
- 1.2** The Regional Development Agencies Act (1998) requires RDAs to take account of the views of the Regional Assemblies when producing the Regional Economic Strategy (RES), as well as the development of their corporate plans.
- 1.3** The Government's White Paper 'Your Region, Your Choice' [2002] specifically refers to the strengthened responsibilities of Regional Assemblies for the scrutiny of their respective Regional Development Agency. To support this work, Government funding has allowed Assemblies to enhance their role in scrutinising the plans and work of the RDAs and thereby providing an additional regional input.
- 1.4** As part of their performance management, *emda* report against Corporate Plan commitments to their Board half yearly, sharing these reports with Government (departments and GO-EM). In addition, the agreed performance management framework from April 2005 onwards requires the National Audit Office to conduct independent assessments of RDAs performance on a rolling basis.

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## 2. Joint Vision and Values

**2.1** The three partner organisations are committed to:

- Working with all regional partners and local stakeholders to maximise competitiveness and prosperity in the East Midlands
- Recognising that each of the three organisations has its own individual responsibilities and commitments
- Adopting a genuine partnership approach involving openness, honesty and flexibility

## 3. Scrutiny

**3.1** The scrutiny role of the Assembly has a separate, but complementary purpose to *emda*'s formal reporting to Government under the Performance Monitoring Framework. The Assembly will work with *emda* and GO-EM to ensure that these processes avoid unnecessary duplication.

# The Role of Scrutiny

- 3.2** The agreed regional definition of the term 'scrutiny' is "seeking to ensure through constructive engagement that the region's economic strategy and the various delivery plans respond appropriately to regional needs and priorities." In short, the scrutiny role of the Assembly is to act as a 'critical friend' to *emda* rather than to act in any executive capacity.
- 3.3** Scrutiny will achieve the following key objectives;
- Enhance and demonstrate the accountability and transparency of *emda* to the region.
  - Improve regional policymaking and strategy.
  - Strengthen partnerships, co-ordination and communication amongst key regional stakeholders.
- 3.4** To deliver effective scrutiny, *emda*, EMRA & GO-EM have committed to act in a constructive and mutually supportive way within the framework of this protocol to achieve the above objectives.
- 3.5** The Regional Scrutiny Board and Scrutiny Panels will abide by the Code of Conduct adopted by the Full Assembly in December 2003.

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## How EMRA will undertake the Scrutiny Role

- 3.6** EMRA's approach to scrutiny consists of a number of key elements. These elements are detailed in the rolling 3-year scrutiny programme that is set out in the Regional Assembly's Business Plan. Before the full Assembly endorses the Business Plan, the Regional Scrutiny Board (RSB) will consult with *emda* and GO-EM on its proposed scrutiny programme. EMRA's approach to scrutiny includes the following elements:
- a) RSB will manage the scrutiny process at all levels using a variety of panel and non-panel based mechanisms. It leads for the Assembly on strategic scrutiny activity related to the Regional Economic Strategy and *emda's* Corporate Plan.
  - b) The Scrutiny panels will be established on a case-by-case basis at the discretion of the RSB. The proposed membership, terms of reference, aims, objectives and programme, will be agreed in advance by the RSB, after consultation with and paying due regard to the views of both GO-EM and *emda*.
  - c) The RSB will also commission non-panel based reviews into aspects of *emda's* performance and / or key issues for the region. Non-panel based reviews similarly report to the RSB and recognise good performance and, where appropriate, suggest recommendations to achieve positive change.

As with panel reviews, the terms of reference, aims, objectives, programme and membership of any steering group by non-RSB members will be agreed in advance by the RSB, after consultation with and paying due regard to the views of both GO-EM and *emda*.

- d) The RSB will receive copies of *emda's* monthly Chief Executive Reports and the twice yearly performance reports which are sent to government and will discuss any issues related to the impact of activity on the region with the appropriate *emda* representatives.
- e) The RSB will invite *emda* to present reports on key issues or aspects of their activity that are discussed with *emda* representatives at RSB meetings.
- f) In accordance with its terms of reference, should any significant issues arise, the RSB may commission ad hoc non-panel reviews that are outside the scope of the Assembly's Business Plan, following consultation with the Chair of the Assembly, *emda* and GO-EM.
- g) Regular informal meetings of officers from EMRA, GO-EM and *emda* will be held to ensure the efficient and mutually supportive functioning of the scrutiny process.

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## General Scrutiny Principles

- 3.7** The overall objective of the Assembly's Scrutiny Role is to consider *emda's* performance as a catalyst for regional economic development and includes an assessment of *emda's* performance against the key activities and targets in the RES, recognising that delivery of the RES requires action by a wide range of partners, many of whom are outside the direct control of *emda*.
- 3.8** The Assembly, *emda* and GO-EM will identify strategic lead officers on scrutiny issues, who will be responsible for ensuring that their organisation meets the commitments made in this Scrutiny Protocol. For individual Scrutiny Reviews, *emda* will identify a Scrutiny Lead Officer [SLO] within an appropriate Directorate. The SLOs will be the first point of contact for the relevant review. The SLO will ensure that all reasonable requests for information and deadlines are met, meetings are arranged and team members are kept informed of developments in order to assist the course of the relevant review.
- 3.9** *emda* will formally consult the Assembly at all key stages, including early formative periods, in the development of the RES and on *emda's* Corporate Plan. Once *emda's* board has set the parameters for policy development, *emda* will consult the Assembly on the development of significant new policies that make an important contribution to the IRS.

- 3.10** The RSB will be given the opportunity to receive and comment on performance monitoring reports made by *emda*, including data on achievement of regional targets, at the first RSB meeting after the reports have been considered by *emda's* board.
- 3.11** The three partners will support and observe the scrutiny programme and timetable agreed by the RSB and will provide key documents in time to allow adequate opportunity to consider and prepare related reports. Those expected to provide information to the RSB and scrutiny panels will be given clear guidance and reasonable notice as to the timing and means of their contribution and the ground it needs to cover.
- 3.12** *emda* will identify a member of its Board as having lead responsibility for Regional Scrutiny and will ensure that he or she has an opportunity to meet with the Chair of the RSB on a regular basis to review scrutiny outcomes and process issues.
- 3.13** EMRA will produce an Annual Scrutiny Report that explains why and how scrutiny is undertaken, who has been involved and provide an overview of each completed scrutiny, including their aims, objectives, key findings, recommendations and outcomes. Copies will be made available on the web sites of EMRA, *emda* and GO-EM.

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## How a Scrutiny Panel works

- 3.14** EMRA officers will consult with *emda* in drawing up the terms of reference for each scrutiny panel review, which will include specific and measurable aims and objectives that refer directly to the primary impacts of scrutiny as defined in paragraph 3.3 above.
- 3.15** The Scrutiny Panel will prepare a report, including recommendations, that conveys not just the proposed actions and the reasons for them, but also the Panel's view as to what the benefits should be of implementing the recommendations. Each final Scrutiny Report will be approved by the Assembly, or alternatively, by the RSB under delegated authority from the Full Assembly.
- 3.16** *emda* will be given an opportunity to comment on the final draft version of each Scrutiny Report. Once the report has been finalised and approved by EMRA's Regional Scrutiny Board, *emda* will be invited to respond to all the recommendations by way of a succinct Scrutiny Action Plan [SAP], which details in tabular format what action *emda* will take in response to the recommendations, by when and what the intended benefits of each action will be. This should be made available to EMRA within six weeks of the Assembly's endorsement of the report or 8 weeks if the report is endorsed at the Assembly's July meeting.

- 3.17** The timetable for *emda's* subsequent reporting on their implementation of their Scrutiny Action Plan, will be agreed by the RSB in discussion with *emda*. Unless a different time-scale is agreed by the RSB, *emda* will present a short Progress Report six months after publication of the Scrutiny Report and a Final Assessment Report (FAR) 12 months after publication.
- 3.18** If *emda* do not accept a recommendation of the scrutiny panel review, the basis for this will be presented to the RSB in the Scrutiny Action Plan.
- 3.19** The Progress Report on the implementation of the Scrutiny Action Plan (SAP) will briefly update the RSB on:
- Action to date against the agreed recommendations of the Scrutiny Report;
  - Any changes brought about or intended to be introduced;
  - Any future proposals or on-going developments of relevance to each recommendation beyond those anticipated in the SAP.

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- 3.20** *emda* will be invited to discuss the Progress Report at the next RSB meeting. The Progress Report will be a short piece of work that indicates progress in no more than one or two sentences per recommendation. By exception, *emda* may wish to provide more details if implementation has significantly deviated from what was anticipated in the SAP.
- 3.21** Unless a different time-table is agreed with *emda* by the RSB, twelve months after publication, *emda* will present a Final Assessment Report [FAR] setting out the agency's considered assessment of the usefulness of the scrutiny report to the way that policy or practice has developed in the light of its recommendations and their assessment of the strategic impact and benefits of implementing the report's recommendations through the SAP. The FAR will be presented to, and reviewed, by both the RSB and *emda* Board.

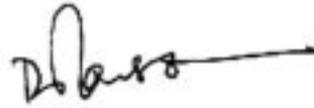
# Non-Panel Scrutiny Reviews

- 3.22** Non-panel reviews are either managed directly by the RSB or, more frequently, the RSB delegates lead management of the study to a member of the RSB. In the same way that the Assembly would act during Panel reviews, during Non-Panel Reviews the Assembly will;
- consult with *emda* in drawing up the terms of reference for each scrutiny enquiry that include specific and measurable aims and objectives that refer directly to the primary impacts of scrutiny as defined in paragraph 3.3 above.
  - prepare a report, including recommendations, that conveys not just what needs to be done and why, but also what should be the benefits of implementing the recommendations.
  - ask the Assembly, or alternatively, the Regional Scrutiny Board under delegated authority from the Full Assembly, to approve the report.
  - give *emda* an opportunity to comment on the final draft version of each Scrutiny Report.
- 3.23** *emda* will respond to non-panel reports to indicate what action they will take in response to any recommendations and later report to the RSB on progress in implementing any actions. For each non-panel review, RSB will agree with *emda* how and when *emda* should report back to the RSB.

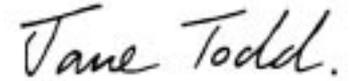
On behalf of EMRA, *emda* and GO-EM, we are committed to working within the Scrutiny Protocol in the best interests of the East Midlands region.



**Dr Bryan Jackson**  
Chair, *emda*



**Cllr. David Parsons**  
Chair, EMRA



**Jane Todd**  
Regional Director, GO-EM



acting as the foremost voice for the region's stakeholders

ensuring everyone's efforts count towards economic, environmental and social prosperity for the region

encouraging the full participation of citizens in considering the region's future

engaging positively with the world

raising the profile of the region

acting in partnership with the region's stakeholders to promote sustainable development

the region's economic, environmental and social prosperity





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