



Report of the Head of Scrutiny and Member Development

Scrutiny Board: SCRUTINY BOARD (Adult Social Care)

Date: 17 June 2009

Subject: Appointment of Co-opted Members

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose of the report

- 1.1 The purpose of this report is to seek the Scrutiny Board's formal consideration for the appointment of co-opted members to the Board.

2.0 Background

- 2.1 For a number of years the Council's Constitution has made provision for the appointment of co-opted members to individual Scrutiny Boards. For those Scrutiny Boards where co-opted members have previously been appointed, such arrangements have tended to be reviewed on an annual basis, usually at the beginning of a new municipal year. However, the appointment of co-opted members has not been considered consistently across all Scrutiny Boards.

Leeds City Council Scrutiny Review (May 2009)

- 2.2 As part of their 2008/09 Audit and Inspection Plan, KPMG (the Council's external auditors) carried out a review of the Council's Overview and Scrutiny function. The outcome of that review is presented elsewhere on the agenda, however a specific aspect relates to the appointment of co-opted members to Scrutiny Boards.
- 2.3 The relevant extract and associated recommendation from the KPMG report is detailed below:

Having attended Scrutiny meetings at LCC that had both co-opted Members on the Board and no co-opted Members there appeared to be a greater level of participation by all when the Boards contained co-opted Members. In addition the contribution made by the co-opted Members was very valuable as these Members were able to draw upon their experiences and provide a different perspective.

Currently the constitution of LCC does allow all Scrutiny Boards to have co-opted members it is just something that is not widely exercised. This is almost the opposite at Bristol City Council where there are a large number of Scrutiny Boards with co-opted Members. The Scrutiny Support Unit has however been proactive in this area and have recently taken a paper to the Scrutiny Advisory Group highlighting the benefits of having co-opted Members on Scrutiny Boards.

Recommendation Six

Each of the Scrutiny Boards should assess more formally whether co-opted Members should be invited to participate in their Board so to allow them to draw from the benefits of their involvement.

- 2.4 In response to this recommendation, it was agreed that each Scrutiny Board would be formally asked to consider the potential involvement of co-opted members throughout the year.

3.0 Arrangements for appointing co-opted members

General arrangements

- 3.1 It is widely recognised that in some circumstances, in particular where there is some specialist knowledge or skill, co-opted members can significantly aid the work Scrutiny Boards. This is currently reflected in Article 6 (Scrutiny Boards) of the Council's Constitution, which outlines the options available to Scrutiny Boards in relation to appointing co-opted members. In general terms, Scrutiny Boards can appoint:
- Up to five non-voting co-opted members for a term of office that does not go beyond the next Annual Meeting of Council ; and/or,
 - Up to two non-voting co-opted members for a term of office that relates to the duration of a particular and specific scrutiny inquiry.

Specific arrangements

- 3.2 In the majority of cases the appointment of co-opted members is optional and is determined by the relevant Scrutiny Board, however, there are some particular legislative exceptions. Such cases are also set out in Article 6 (Scrutiny Boards) of the Council's Constitution and summarised below:

Education Representatives

- 3.3 In addition to elected Members appointed by Council, the Local Government Act 2000 states that the relevant Scrutiny Board dealing with education matters shall include in its membership the following voting representatives in accordance with statutory requirements:
- One Church of England diocese representative¹
 - One Roman Catholic diocese representative¹
 - Three parent governor representatives²

Where the Scrutiny Board deals with other non-educational matters the co-opted members may participate in any discussion but shall not be entitled to vote on those matters.

¹ Article 6 states this appointment shall be for a term of office that does not go beyond the next Annual Meeting of Council

² Article 6 states these appointments shall be for a four-year term of office

Crime and Disorder Representatives

- 3.4 In accordance with the requirements of the Police and Justice Act 2006, the Council has designated the Scrutiny Board (Environment and Neighbourhoods) to act as the Council's crime and disorder committee.
- 3.5 The overall implications of this designation are detailed elsewhere on the agenda, however there are specific powers relating to the appointment of additional members detailed in Article 6. In this regard the Scrutiny Board (Environment and Neighbourhoods) may co-opt additional members to serve on the Board, providing they are:
- An employee, officer or member of a responsible authority³ or of a co-operating person or body⁴; and,
 - Not an Executive Member
- 3.6 The Scrutiny Board (Environment and Neighbourhoods) may limit the co-opted member's participation to those matters where the Scrutiny Board is acting as the Council's crime and disorder committee.
- 3.7 As Leeds does not have a formal scheme to allow a co-opted member to have voting rights, any co-opted member will not have voting rights and the Board may withdraw the co-opted membership at any time.

4.0 Issue to consider when seeking to appoint co-opted members

- 4.1 Currently, there is no overarching national guidance or criteria that should be considered when seeking to appoint co-opted members. As a result, there is a plethora of methods employed within Councils for the appointment of co-optees to Overview and Scrutiny Committees (Scrutiny Boards). For example, some Councils use "job descriptions", some carry out formal interviews and some advertise for co-optees in the local press, with individuals completing a simple application form which is then considered by Members.
- 4.2 In considering or seeking the appointment of co-opted members, Scrutiny Boards may find it useful to consider that co-opted members should:
- Add value to the work of the Scrutiny Board and/or specific inquiry, by having some specialist skill or knowledge
 - Be considered as representatives of wider groups of people. For example, service user representatives, voluntary or community groups etc.
 - Not be seen as a replacement to professional advice from officers;
 - Be mindful about the extent of any potential conflicts of interest;
- 4.3 Despite the lack of any national guidance, what is clear is that any process for appointing co-opted members should be open, effective and carried out in a manner which seeks to strengthen the work of Scrutiny Boards.
- 4.4 In addition, when considering the issue of co-opted members, Scrutiny Boards should also be mindful of the role of expert witnesses and seeking information /

³ These are the authorities responsible for crime and disorder strategies, as detailed in the Crime and Disorder Act 1998, Section 5. In Leeds, *Safer Leeds* is the city's Crime and Disorder Reduction Partnership, therefore the 'responsible authorities' are those bodies represented on the Safer Leeds Partnership Executive.

⁴ People or bodies with whom the responsible authorities have a duty to co-operate as set out in the Police and Justice Act 2006, Section 19(2)(b).

evidence from a variety of different sources to help fulfill the objectives of the work programme and/or a specific inquiry.

5.0 Scrutiny Board (Adult Social Care)

5.1 During 2008/09, Scrutiny Board (Adult Social Care) made the following non-voting co-opted appointments:

- A representative of the Alliance Service Users and Carers – Ms Joy Fisher
- A representative of Equality Issues – Mrs Sally Morgan

5.2 The nominating bodies have indicated that they would wish the same people to continue on the Board, should the Scrutiny Board decide to maintain the same range of co-opted appointments for 2009/10.

Leeds Local Involvement Networks (LINK)

5.3 However, this year the Scrutiny Board is advised to consider the role of the new Leeds Local Involvement Network (LINK). Further details about the LINK are set out later in the Board's agenda. In summary, the LINK will act as the successor to the Patient and Public Involvement Forums, but with an extended remit covering social care. Run by local people and groups, the role of a LINK is to promote involvement; to find out what people like and dislike about local services; monitor the care provided by services; and use LINK powers to hold services to account.

5.4 Under provisions in the Local Government and Public Involvement in Health Act 2007, the local LINK has the right to refer both health and social care matters to the relevant Scrutiny Board. In turn, this places responsibility on the appropriate Scrutiny Board to acknowledge any such referrals and keep the LINK informed about what actions, if any, will be taken.

5.5 Locally, in August 2008, the Shaw Trust was appointed as the host organisation to support the work of the Leeds LINK. Since that time it has been working with the LINK Preparatory Group to get a wide range of people and organisations involved in the LINK. In addition, an Interim Steering Group (the membership of which was drawn from the LINK Preparatory Group) was established to act as a provisional decision-making body, pending the establishment of a formal steering group following appropriate elections.

5.6 Leeds' LINK is set for an official launch on 9 June 2009. This will include the formal opening of the election process to establish a LINK Steering Group (also referred to as the 'core group'). It is anticipated that the LINK Steering Group will be in place in August 2009, but until that time the Interim Steering Group will continue to act as the decision-making body.

Leeds LINK – Annual Report

5.7 LINKs are accountable to the public and to the Secretary of State for Health. As such, every year all LINKs are required to publish an annual report, which will also be sent to the Care Quality Commission, to relevant Overview and Scrutiny Committees (Scrutiny Boards), Primary Care Trusts (NHS Leeds) and the Strategic Health Authority (NHS Yorkshire and the Humber).

5.8 The Annual Report (2008/09) for the Leeds LINK, covering the period 1 April 2008 to 31 March 2009, is currently being prepared and will be agreed by the Interim Steering Group. The deadline for the completion of the Annual Report (2008/09) is

30 June 2009 and, in line with the requirements of legislation, will be made available to the Scrutiny Board as soon as practicable.

Leeds LINK representatives as co-opted members

- 5.9 Given the role and function of LINKs, the relationship between the Leeds LINK and the Council's Scrutiny Boards will be key. The Board may therefore wish to give consideration to seeking nominations from Leeds LINK for representatives to act as non-voting co-opted members on the Board this year.
- 5.10 The Board may also wish to consider a similar approach if/when seeking to identify any non-voting co-opted members for the duration of a particular and specific scrutiny inquiry (as indicated in paragraph 3.1 above).

6.0 Recommendation

- 6.1 In line with the options available outlined in this report, Members are asked to consider the appointment of co-opted members to the Scrutiny Board.

Background Papers

- The Council's Constitution
- Police and Justice Act 2006
- KPMG Scrutiny Review May 2009