



Report of the Head of Scrutiny and Member Development

Scrutiny Board: Children's Services

Date: 10 June 2010

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. A specific aspect of the review related 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 relevant Scrutiny Board dealing with education matters shall include in its membership the following voting representatives, in accordance in accordance with statutory requirements set out in the Local Government Act 2000:
- 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 Committee

- 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 In its capacity as a crime and disorder committee, the Scrutiny Board (Environment and Neighbourhoods) may co-opt additional members to serve on the Board, providing they are 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 Unless the Scrutiny Board (Environment and Neighbourhoods) decides otherwise, any co-opted member shall not be entitled to vote 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 / 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 (Children's Services)

5.1 As indicated at 3.3 above, the Children's Services Board is required to include in its membership the following voting representatives in accordance with statutory requirements:

- One Church of England diocese representative
- One Roman Catholic diocese representative
- Three parent governor representatives

5.2 The Church of England and Roman Catholic dioceses have nominated Professor Gosden and Mr Britten to continue as their respective representatives.

5.3 The current parent governor representatives are

- Mr Ben Wanyonyi (secondary) – term of office expires 23rd February 2013
- Ms Natalie Cox (special) - term of office expires 11th January 2014

Mr James Granger has been elected to replace Mrs Sue Knights as the primary parent governor representative for a four year term of office from 1 June 2010.

5.4 During 2009/2010 Scrutiny Board (Children's Services) made the following non-voting co-opted appointments:

- Two teacher representatives –Ms Celia Foote and Ms Claire Johnson
- Early Years Development and Childcare Partnership – Mrs Sandra Hutchinson
- A representative of the Leeds Youth Work Partnership – Ms Taira Kayani
- A representative of Leeds Voice Children and Young People Services Forum – Ms Jeanette Morris-Boam

5.5 The Early Years Development and Childcare Partnership and the Leeds Youth Work Partnership 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 2010/11. The other nominating bodies are due to meet in the near future and will notify the Scrutiny Board of any changes to their nominees. It is suggested that the existing nominees are retained pending confirmation of their continued nomination.

6.0 Recommendation

6.1 In line with the options available outlined in this report, Members are asked to

- confirm the appointment of the voting co-opted representatives, and
- to consider the appointment of non-voting co-opted members to the Scrutiny Board.

Background Papers

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