



Report of Head of Scrutiny and Member Development

Report to Scrutiny Board (Health and Well-being and Adult Social Care)

Date: 21 June 2013

Subject: Co-opted Members

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. For a number of years the Council's Constitution has made provision for the appointment of co-opted members to individual Scrutiny Boards. However, the appointment of co-opted members has not been considered consistently across all Scrutiny Boards.
2. This report provides guidance to the Scrutiny Board when seeking to appoint co-opted members. There are also some legislative arrangements in place for the appointment of specific co-opted members. Such cases are set out in Article 6 of the Council's Constitution and are also summarised within this report.

Recommendation

3. 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.

1 Purpose of this 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 Background information

- 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.

3 Main issues

General arrangements for appointing co-opted members

- 3.1 It is widely recognised that in some circumstances, co-opted members can significantly aid the work of 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.
- 3.2 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.
- 3.3 In the majority of cases the appointment of co-opted members is optional and is determined by the relevant Scrutiny Board. However, Article 6 makes it clear that co-option would normally only be appropriate where the co-opted member has some specialist skill or knowledge, which would be of assistance to the Scrutiny Board. Particular issues to consider when seeking to appoint a co-opted member are set out later in the report.
- 3.4 There are also some legislative arrangements in place for the appointment of specific co-opted members. Such cases are also set out in Article 6 (Scrutiny Boards) of the Council's Constitution and relate to Education representatives.

Issues to consider when seeking to appoint co-opted members

- 3.5 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 Council's 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.

- 3.6 The Constitution makes it clear that ‘co-option would normally only be appropriate where the co-opted member has some specialist skill or knowledge, which would be of assistance to the Scrutiny Board’. In considering the appointment of co-opted members, Scrutiny Boards should be satisfied that a co-opted member can use their specialist skill or knowledge to add value to the work of the Scrutiny Board. However, co-opted members should not be seen as a replacement to professional advice from officers.
- 3.7 Co-opted members should be considered as representatives of wider groups of people. However, when seeking external input into the Scrutiny Board’s work, consideration should always be given to other alternative approaches, such as the role of expert witnesses or use of external research studies, to help achieve a balanced evidence base.
- 3.8 When considering the appointment of a standing co-opted member for a term of office, Scrutiny Boards should be mindful of any potential conflicts of interest that may arise during the course of the year in view of the Scrutiny Boards’ wide ranging terms of reference. To help overcome this, Scrutiny Boards may wish to focus on the provision available to appoint 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.
- 3.9 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 and add additional skills across their membership.
- 3.10 Historically, Scrutiny Boards that have considered issues across health and adult social care have tended to operate with standing co-opted members. In 2011/12, the Scrutiny Board (Health and Wellbeing and Adult Social Care) formally appointed four non-voting co-opted members to their membership, as follows:
- Alliance of Service Users and Carers – 1 co-opted member;
 - Leeds Local Involvement Network – 2 co-opted members; and
 - Equality representative – 1 co-opted member
- 3.11 In 2012/13, the Scrutiny Board retained these arrangements, however under the new arrangements created by the Health and Social Care Act 2012, Local Involvement Networks ceased to exist on 31 March 2013, with HealthWatch Leeds forming the local organisation responsible for gathering and representing the patient and public voice across the health and social care sector from 1 April 2013.
- 3.12 In considering the appointment of co-opted members, it is perhaps important to recognise the changing local health and social care landscape brought about (in the main) by the Health and Social Care Act 2012. In particular, this has resulted in the forming of a Health and Wellbeing Board, which includes a mandatory requirement to include a local HealthWatch representative within its membership (Appendix 1). In this context, the appropriateness of appointing a HealthWatch Leeds representative as a co-opted member is worthy of specific consideration.
- 3.13 It should also be noted that in a recent meeting between the Chair of the Scrutiny Board and the Chair and Director of HealthWatch Leeds, there was discussion about

HealthWatch Leeds seeking to gather local intelligence through public and patient views related to specific issues identified by the Scrutiny Board and incorporated into its work programme.

4.0 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 During 2010/11, the guidance surrounding co-opted members was discussed by the Scrutiny Chairs and it was agreed that individual Scrutiny Boards would consider the appointment of co-optees on an individual basis.

4.2 Equality and Diversity / Cohesion and Integration.

4.2.1 The process for appointing co-opted members should be open, effective and carried out in a manner which seeks to strengthen the work of the Scrutiny Board. In doing so, due regard should also be given to any potential equality issues in line with the Council's Equality and Diversity Scheme.

4.3 Council Policies and City Priorities

4.3.1 The Council's Scrutiny arrangements are one of the key parts of the Council's governance arrangements. Within the Council's Constitution, there is particular provision for the appointment of co-opted members to individual Scrutiny Boards, which this report seeks to summarise.

4.4 Resources and Value for Money

4.4.1 Where applicable, any incidental expenses paid to co-optees will be met within existing resources.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Where additional members are co-opted onto a Scrutiny Board, such members must comply with the provisions set out in the Member's Code of Conduct as detailed within the Council's Constitution.

4.6 Risk Management

4.6.1 As stated in paragraph 3.8 above, when Scrutiny Boards are considering the appointment of a standing co-opted member for a term of office, they should be mindful of any potential conflicts of interest that may arise during the course of the year in view of the Scrutiny Boards' wide ranging terms of reference.

5.0 Conclusions

5.1 For a number of years the Council's Constitution has made provision for the appointment of co-opted members to individual Scrutiny Boards. However, the appointment of co-opted members has not been considered consistently across all Scrutiny Boards. This report therefore sets out the legislative arrangements in place for the appointment of specific co-opted members and also provides further guidance when seeking to appoint co-opted members.

6.0 Recommendations

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.

7.0 Background documents¹

7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Health and Wellbeing Board – membership arrangements

Appendix 1

Statutory provisions	Mandatory	Membership proposed	Voting arrangements (if draft direction is made)	LCC votes	Partner votes
Appointed by the local authority:					
At least one councillor nominated by the Leader		To be nominated by the Leader and appointed by full Council: <ul style="list-style-type: none"> Executive Member for Health and Wellbeing Executive Member for Adult Social Care Executive Member for Children’s Services Councillor from main opposition group Councillor from main opposition group 		5	
Director of Adult Social Services		Full Council to appoint	£	£	
Director of Children’s Services		Full Council to appoint	£	£	
Director of Public Health		Full Council to appoint	£	£	
Such other persons or representatives of such other persons as the local authority thinks appropriate	£	Full council to appoint: <ul style="list-style-type: none"> a third sector representative NHS England representative 	£		1
Appointed by Local Healthwatch: 1 representative		To be appointed by Healthwatch Leeds			1
Appointed by each relevant CCG: 1 representative		To be appointed by each CCG			3
Appointed by Health and Wellbeing Board: Such additional persons as the Board thinks appropriate	£	To be confirmed, but anticipated to be: <ul style="list-style-type: none"> 3 additional CCG representatives; and An additional Healthwatch Leeds representative. 	£		
TOTALS			10	5	5