

Public Document Pack

Late information for 10 October 2013 Scrutiny Board (Children and Families)

Agenda item 9: Pages 1-8: Review of Co-opted Membership - Scrutiny Board (Children and Families) – The attached report provides guidance to the Scrutiny Board in conducting its review of co-opted membership.

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Report of Head of Scrutiny and Member Development

Report to Scrutiny Board (Children and Families)

Date: 10th October 2013

Subject: Review of Co-opted Membership- Scrutiny Board (Children and Families)

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. The Local Government Act 2000, The Parent Governor Regulations (Representatives) England 2001, and the Council's Constitution have made provision for the appointment of co-opted members, both voting and non-voting to the Scrutiny Board (Children and Families). Services for children and families have changed significantly since the Scrutiny Board conducted its last review of co-opted representation in 2005, both on a national and local level. The Scrutiny Board agreed at its meeting on the 28 June 2013 to conduct a review of the groups represented in preparation for the 2014/15 municipal year to ensure that an appropriate cross section of representation is maintained and to investigate if there is a need to 'plug the gap' in any identified area of skill and expertise.
2. This report provides guidance to the Scrutiny Board in conducting its review of co-opted membership. The legislative arrangements in place for the appointment of specific co-opted members such as those set out in Article 6 of the Council's Constitution are also summarised within this report.

Recommendation

3. Considering the information outlined in this report, the Board is requested to review statutory voting and non-voting co-opted membership and agree any changes to co-opted membership with effect from June 2014.
4. The Scrutiny Board is asked to:
 - a) Identify if additional Parent Governor Representatives are required, if so
 - b) Clarify the type of maintained school from which representation is to be sought and agree that the Principal Scrutiny Officer is to ensure that appropriate appointment(s) are made.
 - c) Determine if non-voting co-opted members are to be appointed to the Scrutiny Board with effect from June 2014, if so
 - d) Clarify the range of representation the Board would wish to co-opt
 - e) Determine the number of co-opted members not exceeding five to be appointed to the Scrutiny Board from June 2014
 - f) Agree that the Principal Scrutiny Officer is to identify representative organisations and seek nominations in accordance with recommendations d) and e) for consideration of the Scrutiny Board at the first meeting of each municipal year.

1 Purpose of this report

- 1.1 This report provides guidance to the Scrutiny Board in conducting its review of co-opted membership.

2 Background information

- 2.1 The Local Government Act 2000, The Parent Governor Regulations (Representatives) England 2001, and the Council's Constitution have made provision for the appointment of co-opted members, both voting and non-voting to the Scrutiny Board (Children and Families). Services for children and families have changed significantly since the Scrutiny Board conducted its last review of co-opted representation in 2005, both on a national and local level. The Scrutiny Board agreed at its meeting on the 28 June 2013 to conduct a review of the groups represented in preparation for the 2014/15 municipal year to ensure that an appropriate cross section of representation is maintained and to investigate if there is a need to 'plug the gap' in any identified area of skill and expertise.

3 Main issues

- 3.1 It is widely recognised that 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.

Statutory Voting co-opted Members - Education Representatives

- 3.2 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

Representatives of the Church of England and Roman Catholic dioceses are nominated by their diocese.

- Up to five Parent governor representatives but no less than two²

Two representatives are currently in post
Parent Governor Representative (primary) – 08/09/2011 – 07/09/2015
Parent Governor Representative (secondary) – 21/04/2011 – 20/04/2015

- 3.3 Regulation 3 of the Parent Governor Regulations (Representatives) England 2001 states that a local education authority shall appoint at least two but not more than five parent governor representatives to each of their education overview and scrutiny

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 currently states these appointments shall be for a four-year term of office

committees and sub-committees. Currently two representatives are appointed therefore there is scope for the Board to appoint up to three further representatives for a term of office between two and four years.³

- 3.4 The Parent Governor Regulations clarify that a representative must be a member of a maintained school's governing body. Therefore parent governors of non-maintained schools such as academies cannot be appointed to the Scrutiny Board, under these regulations, as they currently stand. The only exception to this would be where a parent governor is appointed for a term and during that term the school subsequently transitions to a new school framework. The Scrutiny Board is not prohibited from appointing a non-voting co-optee to represent parents or children of non-maintained schools.
- 3.5 Elected Members of the local authority, employees of the local authority and employees in a school maintained by the local education authority cannot hold office as a parent governor representative.
- 3.6 It is usual for local authorities to make arrangements for Parent Governor Representatives to represent particular types of maintained schools. Primary and secondary representatives are in place however there is currently no specific specialist parent governor representative appointed. The Board may wish to consider if the appointment of a specialist parent governor representative is required or if representation for this type of maintained provision falls under the general remit of the primary and secondary representatives.
- 3.7 Parent Governor positions are required to be filled by means of a formal election. This requires the local education authority to announce the vacancy, appoint a returning officer, communicate the election and qualifications of the candidate and administer the election.

Non – Voting Co-optees

- 3.8 There is no specific requirement to appoint non-voting co-optees to a Scrutiny Board. Scrutiny Boards, however have the option to 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. In addition up to two non-voting additional co-opted members can be appointed for a term of office that relates to the duration of a particular and specific scrutiny inquiry.
- 3.9 The appointment of non-voting co-opted members is optional and would only be appropriate where a co-opted member has some specialist skill or knowledge, which would be of assistance to the Scrutiny Board. Historically it has been the practice of the Board to consider the skills and knowledge of a new nominee when seeking to appoint a co-opted member at the beginning of each municipal year. 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.
- 3.10 Co-opted members should be considered as representatives of wider groups of people. Recognising this the Scrutiny Board resolved on the 28th of June 2013 to

³ Article 6 currently states these appointments shall be for a four-year term of office

conduct the review of the groups represented in preparation for the 2014/15 municipal year.

- 3.11 In conducting the review the Scrutiny Board should consider if there is a desire to appoint non-voting co-optees from 2014/15, if so the board should consider the particular groups of people to be represented.

Current membership is as follows:

- Teacher Representatives – 2 members
- Early Years Representative
- Young Lives Leeds Representatives– 2 members representing ages 0-13 and 13-19

- 3.12 Teacher representation has been in place since the existence of the previous Scrutiny Board (Lifelong Learning) pre 2005. Nominations are formally sought each municipal year through the Schools Joint Consultative Committee.

- 3.13 Early Years representation has been consistently in place for a number of years. Nomination for early years representation was sought via the Early Years Partnership, however since the dissolution of the partnership nomination has recently been sought through the early years sector organisations. At the September 2013 meeting the Board was advised that an Early Years Forum will be established to give early years providers a voice and an opportunity to be involved in shaping early years provision in the city. Therefore there is scope to seek future nominations from this forum should the Board resolve to continue with early years representation.

- 3.14 Representation from Young Lives Leeds has evolved due to the dissolution of the Leeds Youth Work Partnership and the merger of Voluntary Action Leeds and Leeds Voice. Young Lives Leeds supports the Third Sector to improve the lives of children, young people and families in Leeds and has contact with over 500 subscribers who provide services for children, young people and their families in the City.

- 3.15 Reflecting on the range of services provided in the city and the needs of children, young people and their families the Scrutiny Board may also wish to consider if representation should be sought from organisations:

- Representing those who are in care/care leavers
- Representing vulnerable children and their families
- Representing SEN or disabled children and their families
- Representing parents or students of a type of non-maintained school
- Supporting Health and Wellbeing
- Directly run by young people

- 3.16 When reviewing co-opted membership the Scrutiny Board should consider if an organisation would be better represented in the role of expert witness or as a co-opted member for a specific type of inquiry rather than holding a standing position. The Board should also be mindful of any potential conflicts of interest that may arise particularly if the organisation is represented on a Local Authority or Partnership decision making body.

4.0 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 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 reviewing co-opted membership 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 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 When Scrutiny Boards are reviewing standing co-opted member, 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 Services for children and families have changed significantly since the Scrutiny Board conducted its last review of co-opted representation in 2005, both on a national and local level. The Scrutiny Board agreed at its meeting on the 28 June 2013 to conduct a review of the groups represented in preparation for the 2014/15 municipal year to ensure that an appropriate cross section of representation is maintained and to investigate if there is a need to 'plug the gap' in any identified area of skill and expertise.

6.0 Recommendations

- 6.1 Considering the information outlined in this report, the Board is requested to review the statutory voting and non-voting co-opted membership and agree any changes to co-opted membership with effect from June 2014.

The Scrutiny Board is asked to:

- a) Identify if additional Parent Governor Representatives are required, if so
- b) Clarify the type of maintained school from which representation is to be sought and agree that the Principal Scrutiny Officer is to ensure that appropriate appointment(s) are made.
- c) Determine if non-voting co-opted members are to be appointed to the Scrutiny Board with effect from June 2014, if so
- d) Clarify the range of representation the Board would wish to co-opt
- e) Determine the number of co-opted members not exceeding five to be appointed to the Scrutiny Board from June 2014
- f) Agree that the Principal Scrutiny Officer is to identify representative organisations and seek nominations in accordance with recommendations d) and e) for consideration of the Scrutiny Board at the first meeting of each municipal year.

7.0 Background documents⁴

- The Council's Constitution

⁴ 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.

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