

Co-Opted Members

Date: 18 April 2024

Report of: Head of Democratic Services

Report to: Scrutiny Board (Children and Families)

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

- The Council's Constitution includes 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 usually been reviewed on an annual basis at the beginning of a new municipal year. However, during the course of the 2023/24 municipal year the Board has indicated that appointing a co-opted member from a SEND background could add to the knowledge and expertise of the Board. In addition, the Board has discussed including the voice of children and young people as a feature of the Board in the future, either through attendance or co-option or through the reporting process.
- This report provides guidance to the Scrutiny Board about the appointment of co-opted members and asks the Board to consider and advise on options for a possible revised approach to co-option for 2024/25 that seeks to reflect Board comment and discussion in the current municipal year.

Recommendations

Members are asked to:

- a) Consider the options set out in this report relating to the appointment of a co-opted member with SEND specialism and either agree that one of the non-voting co-opted board members for the 2024/25 municipal year should be from a body or organisation that represents SEND or seek a voting SEND Governor Representative that could also meet the desire for greater SEND knowledge on the Board.
- b) Agree that the Principal Scrutiny Adviser will initiate a process of appointing to that position and provide an update to the Board at its June meeting through the annually considered co-opted members report.
- c) Agree that the voices of children and young people should feature as part of the reporting process in the 2024/25 municipal year and that the Principal Scrutiny Adviser will build this into the Board's work programming approach in 2024/25 as well as considering attendance at Board meetings from appropriate witnesses to support this approach.

What is this report about?

- 1 During the 2023/24 municipal year the Board has noted the possibility of appointing a co-opted member who has a SEND background/specialist knowledge to one of the co-opted member positions on the board as well as general comments around seeking the views of children and young people either as part of the report items considered by the Board or through attendance at meetings. The value that this might bring to the Board has been highlighted by both the Inquiry into the Provision of EHCP Support in Leeds and consideration of an update report from the Voice Influence and Change Team.
- 2 In most cases the appointment of co-opted members is optional and is determined by the relevant Scrutiny Board. However, the Children and Families Board has some additional legislative requirements around co-opted members relating to education representatives as set out in the Local Government Act 2000 The Parent Governor Regulations (Representatives) England 2001. For a term of office which does not go beyond the next Annual Meeting of the Council there is one Church of England diocese representative and one Roman Catholic diocese representative, and for a four year term of office a primary parent governor representative and secondary parent governor representative (currently a vacancy) all of whom have voting rights on matters relating to education.
- 3 It should be noted that there is provision within the regulations (above) for a third, voting, parent governor representative to be appointed to the Board (the minimum requirement is 2) and in the past this has been filled by a SEND governor representative for a short period of time. Subsequent efforts to fill the vacancy were not successful. Whilst history suggests this has been problematic to fill, this is an option that remains open to the Board.
- 4 The Scrutiny Board Procedure Rules within the Council's Constitution outline the options available to Scrutiny Boards in relation to appointing non-voting co-opted members.
- 5 In general terms, Scrutiny Boards can appoint:
 - a) 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,
 - b) 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.
- 6 For the Children and Families Board this is in addition to the legislative requirements set out above. Previous arrangements have allocated the five non-voting annual appointments to two school staff representatives and 1 third sector representative which is filled by Young Lives Leeds, with the two other positions filled by long standing co-opted members.
- 7 As part of the process of drafting this report the views of the two long standing co-opted members have been sought on their intentions for the 2024/25 municipal year. As a result of this Jackie Ward who has been on the Board for 14 years has indicated that this will be her final year as a co-opted member both in a non-voting capacity and voting capacity as a parent governor co-opted member. Our other co-opted member, Kate Blacker, has indicated a desire to continue to be on the board in 2024/25.
- 8 The Boards views are therefore sought on either assigning a non-voting co-opted member position to an individual with a SEND background and who represents an organisation active in the SEND provision or advocacy (Option 1) or consider seeking a SEND Governor Representative who would have voting rights through the regulations noted above (Option 2).
- 9 A further point to note is around effective operation of the committee. Children and Families is the largest Scrutiny Board in terms of membership and whilst co-opted members undoubtedly

add knowledge, depth and expertise to discussion there is a limit to how large the Board could become before its size may become problematic in terms of room capacity and ability for all members to be able to contribute to Board meetings.

- 10 In order to meet the points raised around more consistently hearing the voices of children and young people as part of the Board's work it is proposed that the Principal Scrutiny Adviser facilitates this through consultation with the Voice Influence and Change Team and the Board's Work Programme for the forthcoming municipal year. This would follow up on the Voice and Influence Team Update item considered at the February Board meeting at which the board: *'Agreed that the Children and Families Scrutiny Board, through the Principal Scrutiny Adviser, should explore ways in which work with the Voice Influence and Change team can be enhanced to enable board members to stay updated on key issues and priorities of children and young people and have more opportunities to hear from and respond to the voices of children and young people.'*
- 11 In addition, as the work programme for 2024/25 becomes clearer it may be that through liaison with colleagues attendance from witnesses who can provide more depth and detail to the priorities and views of children and young people could be invited to attend board meetings or working group sessions.

What impact will this proposal have?

- 12 It is widely recognised that in some circumstances, co-opted members can significantly add value to the work of Scrutiny Boards and, where appropriate, facilitate co-operation between Scrutiny Boards.
- 13 The Scrutiny Board Procedure Rules make it clear that co-option would normally only be appropriate where the co-opted member has specialist skill or knowledge, which would be of assistance to the Scrutiny Board and where the appointment is required by regulation.
- 14 By agreeing to the appointment of co-opted member with a SEND specialism, through either Option 1 or Option 2, it is anticipated that the Board's knowledge and expertise will be enhanced and that views from a SEND perspective would add significant value to the Board's work.
- 15 By more consistently hearing from children and young people on their priorities the Board will be in a position to better respond to this and to provide feedback from its work to children and young people. Again, it is anticipated that this will add value to the Board's work in future municipal years.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 16 The terms of reference of the Scrutiny Boards promote a strategic and outward looking Scrutiny function that focuses on the priorities set out in the Best City Ambition. A decision to co-opt members would be taken with the intention of adding value to the work of the Scrutiny Boards.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted?

Yes

No

- 17 The guidance surrounding co-opted members has previously been discussed by Scrutiny Chairs and it was agreed that individual Scrutiny Boards would consider the appointment of co-optees onto their respective boards.
- 18 Consultation has taken place with existing co-opted members affected by this report.
- 19 The views of the Director and two Executive Board Members have been sought in writing as part of this process.

What are the resource implications?

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

What are the key risks and how are they being managed?

- 21 When considering the appointment of a standing co-opted member for a term of office, members 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.

What are the legal implications?

- 22 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.

Appendices

- None

Background papers

- None