

Co-Opted Members

Date: 10 June 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.
- Following discussion at the Children and Families Scrutiny Board in April 2024 at which consideration was given to co-opted members for the 2024/25 municipal year some changes have been agreed. These include a non-voting co-opted member from the Leeds Parent Carer Forum to provide more knowledge and experience in relation to SEND issues and a further Parent Governor representative to be sourced from SILC provision in the city.
- This report provides guidance to the Scrutiny Board about the appointment of co-opted members. In addition to general provisions applicable to all Boards, there are also several specific legislative arrangements for certain co-opted members. Such cases are set out in the Council's Constitution and are also summarised within this report.

Recommendations

In line with the options available and information outlined in this report, Members are asked to:

- a) Consider and approve the appointment of non-voting co-opted members to the Children and Families Scrutiny Board.
- b) Note the nominations of the Roman Catholic Diocese and Church of England Diocese to the Children and Families Scrutiny Board in accordance with statutory requirements.
- c) Note the ongoing efforts to appoint parent governor representatives to the Children and Families Scrutiny Board both from secondary schools and SILC provision in the city.

What is this report about?

- 1 In most cases the appointment of co-opted members is optional and is determined by the relevant Scrutiny Board.
- 2 The Scrutiny Board Procedure Rules within the Council's Constitution outline the options available to Scrutiny Boards in relation to appointing co-opted members.
- 3 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.
- 4 To assist the Scrutiny Board, this report sets out issues to consider when seeking to appoint a co-opted member.
- 5 As well as general provisions for co-opted members, applicable to all Boards, Article 6 of the Council's Constitution reflects the specific legislative arrangements that relate to Education representatives co-opted onto the Children and Families Scrutiny Board. This report therefore sets out how this requirement is being met.
- 6 The report also seeks to respond to the Board's discussion at its meeting on 18 April 2024 in terms of the additional co-opted members that were discussed and which the principal scrutiny adviser has been working to provide.

What impact will this proposal have?

- 7 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.
- 8 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.
- 9 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 viewed as a replacement for professional advice from officers.
- 10 Co-opted members should be considered as representatives of a particular group of stakeholders. 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.
- 11 When considering the appointment of a co-opted member for a term of office, Scrutiny Boards should be mindful of any potential conflicts of interest that may arise during 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 specific scrutiny inquiry.
- 12 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, Diversity and Inclusion policies.

Education Representatives

13 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
- Parent governor representatives²

14 The Parent Governor Regulations (Representatives) England 2001 states that a local education authority shall appoint at least two parent governor representatives to each of their education overview and scrutiny committees and sub-committees. There is scope for more than two parent governor representatives within the regulations and following discussion in April 2024 the Board agreed to seek a nomination from a parent governor from specialist or SILC provision in the city.

15 The number and term of office of education representatives is fixed by full Council and set out in Article 6 of the constitution. Representatives of the Church of England and Roman Catholic dioceses are nominated by their diocese and parent governor representatives are elected.

16 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.

17 In accordance with above statutory requirements, the following individuals have been nominated/appointed onto the Children and Families Scrutiny Board for the 2024/25 municipal year:

- One Church of England diocese representative - Andrew Graham has been nominated
- One Roman Catholic diocese representative - Tony Britten has been nominated

18 A number of efforts have been made to identify Parent governor representatives throughout the last municipal year and these efforts are ongoing. To date the following position can be reported:

- Vacancy (Secondary) – ongoing activity taking place to fill the vacancy
- Anas Khitou (Primary) – Appointed during the 2023/24 municipal year
- Vacancy (SILC Provision) – ongoing activity taking place to fill the vacancy

Non-voting co-opted members on the Children and Families Scrutiny Board

19 The appointment of non-voting school staff representation has been a longstanding approach adopted by the Children and Families Scrutiny Board. This year, both Nick Tones and Helen Bellamy have again been nominated by the School Staff Joint Consultative Committee (JCC) to continue their role on the Scrutiny Board and to also be acknowledged in their role as representing school staff more broadly.

¹ This appointment shall be for a term of office that does not go beyond the next Annual Meeting of Council.

² These appointments shall be for a four-year term of office

- 20 The Children and Families Scrutiny Board has also previously invited co-opted member representation from the Third Sector (i.e. Young Lives Leeds). This year Young Lives Leeds have indicated that there will be a change of nominee and at the time of publication this was still under consideration. If available this will be dealt with verbally at the meeting.
- 21 In addition, and to reflect the Board's April discussion, Kate Blacker (continuing her long standing involvement as non-voting co-opted member) and Maria Adams (Vice Chair Leeds Parent Carer Forum) have been nominated to fill the final remaining non-voting co-opted positions on the Board.

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

- Health and Wellbeing Inclusive Growth Zero Carbon

- 22 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

- 23 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.
- 24 Consultation has taken place with the nominees and the organisations they represent in relation to the appointment of voting and non-voting co-optees.

What are the resource implications?

- 25 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?

- 26 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?

- 27 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