

CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE



Report subject	Children's Services Overview and Scrutiny Committee Co-opted Members
Meeting date	31 July 2019
Status	Public Report
Executive summary	The purpose of this report is for the Committee to review the statutory and co-opted membership on the Children's Services Scrutiny Committee.
Recommendations	<p>It is RECOMMENDED that:</p> <ul style="list-style-type: none"> a. The Committee notes the current arrangements for the appointment of statutory co-opted Members to the committee including representatives from the Church of England and Roman Catholic Diocese and parent governor representatives from maintained schools in the borough. b. The Committee considers the options for the appointment of a non-statutory Academy co-opted representative; and the involvement of other external people in the Committee's work, as outlined in paragraphs 11-18 below.
Reason for recommendations	To ensure that the Committee is constituted in accordance with the School Standards and Framework Act 1998, Parent Governor Representatives (England) Regulations 2001 and the Local Government Act (LGA) 2000. To also ensure that the Committee has considered the most appropriate means of engaging with external people with subject matter expertise in the work of the Committee

Portfolio Holder(s):	Portfolio Holder for Children's Services
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Contributors	Claire Johnston, Democratic Services Lindsay Marshall, Overview and Scrutiny Specialist
Wards	All
Classification	For Decision and Information

Background

1. As the functions and duties of the Children's Services Overview and Scrutiny Committee include making decisions in relation to the Council's education responsibilities the BCP Council constitution makes provision for the inclusion of two church and two parent governor representatives as voting members in addition to the Councillors. The constitution also allows for the Committee to co-opt one representative from the Academy Trusts within the local authority area, to attend meetings and vote on matters relating to education.

Church Representatives

2. Paragraph 7 of Schedule A1, of the Local Government Act 2000 makes provision for overview and scrutiny committees to have church representatives. The Council must have a Church of England co-opted member on its overview and scrutiny committee whose functions relate wholly or partly to education if the Council maintains one or more Church of England Schools. Similarly, the Council must have a Roman Catholic representative on its Overview and Scrutiny Committee if the same conditions apply in relation to Roman Catholic Schools.
3. The Church of England representative must be nominated by the Diocesan Board of Education for any Church of England diocese which falls wholly or partly in the area covered by BCP Council. The Roman Catholic representative must be a nominated by the bishop of any Roman Catholic Diocese which falls wholly or partly in BCP Council.
4. Both the Diocese of Winchester and the Diocese of Salisbury for the Church of England have been asked to put forward a joint nomination for their representative. The Bishops for the Diocese of Plymouth and the Diocese of Portsmouth have been asked to put forward a joint nomination for their representative. We have yet to receive details of the nominees for either diocese. However once received they will be included within the Committee Membership.
5. There is no term of office for church representatives. However, it is good practice to seek confirmation from the constituent nominating bodies for their representatives every four years. This period aligns with both the term of office for elected Councillors and the term of office for governor representatives.

Parent Governor Representatives

6. Schedule A1 to the Local Government Act 2000 sets out in paragraph 8 the power for the Secretary of State to make regulations requiring local authorities to have representatives of parent governors at maintained schools included as co-opted Members on overview and scrutiny committees dealing with matters relating to education. The Secretary of State has made the Parent Governor Representatives (England) Regulations 2001.
7. These regulations state that the Council shall appoint at least two, but not more than five, parent governor representatives to any overview and scrutiny committee that has functions which relate wholly or partly to any education functions which are the responsibility of the Council's executive.
8. The Regulations specify the process for electing representatives. The Council's Governor Services undertook the nomination process for the parent governor representatives. It should be noted that due to the number of academies, the percentage of maintained schools in the borough is relatively low and therefore there is a relatively limited number of parent governors eligible to stand. By the closing date for nominations stipulated by Governor Services only one nomination had been received. Therefore in accordance with the regulations the nomination received for Peter Martin is now appointed as one of the Parent Governor Representatives.
9. The other Parent Governor co-opted member position remains vacant. The process for conducting the nomination and election process will be carried out again within one year of the original vacancy and again thereafter at 6 monthly intervals whilst the position remains unfilled
10. Parent governor membership shall extend to a maximum period of four years and no less than two years. These co-opted education representatives are entitled to vote on any item relating to education.

Academy Co-Opted Representative

11. The BCP Constitution also makes provision for the Children's Services Overview and Scrutiny Committee to co-opt one representative from the Academy Trusts within the local authority area, to attend meetings and vote on matters relating to education. Section 9FA(4) of the Local Government Act 2000 provides that an overview and scrutiny committee of a local authority may include persons who are not members of the authority. This is the power used to appoint an academy representative as a co-opted member if the Committee wish to do so.
12. As stated above the majority of schools within the BCP Council area are academies. Each academy or group of academies is governed by an academy trust. Most academy trusts are local organisations, but some cover a wider

geographical area. It is proposed that if the Committee choose to proceed with the appointment of an academy co-opted representative, nominations would be sought from the governing bodies of academies by Governor Services utilising the same process that is in operation for the appointment of the parent governor representatives.

13. The appointment of an academy representative would allow for wider representation rather than restricting participation on educational issues to just the representative from the maintained schools sector and allow for a wider level of engagement. The Committee are asked to consider whether they wish to appoint an Academy Trust Co-Opted Representative.

Involvement of others, external to the Council in Overview and Scrutiny

14. In addition to the co-opted membership described above, Article 6 of the Council's Constitution says the following about the involvement of other people, external to the council, in O&S Committees:
15. In addition to the Councillors elected to the Committee, members of the public can be invited to attend and contribute to meetings as required to provide insight to a matter under discussion. This may include but is not limited to subject experts with relevant specialist knowledge or expertise, representatives of stakeholder groups or service users. These attendees will not have voting rights.
16. Accordingly, the Committee may involve others in its work if it chooses to do so. The Borough of Poole Council previously included two Youth Parliament representatives on its Committee. Youth Parliament representatives are able to consult with other members of the Youth Parliament on specific issues and provide views to the Committee. Other councils co-opt non-voting teacher representatives to provide insight and expertise to discussions relating to education. To comply with the Constitution, any such person invited to regularly attend the Committee would not be a formal co-opted member or have voting rights.
17. An alternative way to involve others in the work of the Committee is the flexible use of subject experts according to topics selected on the Committee's Forward Plan. This could include anyone with relevant specialist knowledge or expertise, representatives of stakeholder groups or service users, who can bring insight to an issue under review or discussion and may take the form of an invitation to a Committee meeting to give evidence or views, or their inclusion in a working group commissioned to review a specific issue. Involvement of external representatives in this way would be determined on an ad hoc basis. The Council's constitution requires that the involvement of external subject experts must be considered at the time that O&S work is commissioned.

18. All meetings of the Committee are public meetings and any person external to the council with expertise or insight to provide can be encouraged to attend meetings of the Committee without requiring formal invitation from the Committee.
19. The Committee is asked to consider its views in relation to the options for the involvement of others in its work as outlined in paragraphs 14 to 17 above.

Summary of financial implications

20. The remuneration and allowances provided to co-opted members of the Children's Services Overview and Scrutiny Panel is included within the Members Scheme of Allowances as outlined in the Constitution. There are no additional financial implications arising from this report. The costs of nominations and an election would be covered from within existing budgets.

Summary of legal implication

21. There are no legal implications arising from this report. The Committee is required by legislation to appoint the statutory co-opted Members as outlined above.

Summary of human resources implications

22. None

Summary of environmental impact

23. Not applicable

Summary of public health implications

24. Not applicable

Summary of equality implications

25. Each of the Co-opted appointments are open to all who qualify. The appointments for the church representatives are made by the diocese and BCP Council has no involvement with this process. If a ballot was required for a parent governor representative or academy trust representative this would be conducted in accordance with the relevant legislation.

Summary of risk assessment

26. The Council is at risk of challenge if it does not appoint statutory co-opted members to be compliant with relevant legislation.

Background papers

BCP Council Constitution
Local Government Act 2000
Parent Governor Representative Regulations 2001
(Published Works)

Appendices

None.