

Meeting:	Children and young people scrutiny committee
Meeting date:	Monday 16 September 2019
Title of report:	Work programme 2019 - 2020
Report by:	Democratic Services Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To review the committee's work programme 2019/20, note the executive responses to task and finish groups undertaken in 2018/19 and agree terms of reference for proposed task and finish groups in 2019/20.

The attached work programme was agreed at the meeting of the committee on 15 July; there have been no additions or deletions to the programme since this meeting.

Recommendation(s)

That:

THAT:

- (a) the committee reviews the 2019/20 work programme at appendix a and the responses to the recommendations arising from the SEND Provision, PRU Referrals and Court Judgements reviews (at appendices b to d) and determines any additional items of business or topics for inclusion in the work programme;**
- (b) the committee approves the draft terms of reference (appendix e) for the peer on peer abuse in schools spotlight review, its membership (including any co-optees) and the appointment of a chairperson ; and**
- (c) the committee approves the draft terms of reference (appendix f) for the child**

exploitation task and finish group, its membership (including any co-optees) and the appointment of a chairperson

Alternative options

1. It is for the committee to determine its work programme to reflect the priorities facing Herefordshire. The committee needs to be selective and ensure that the work programme is focused, realistic and deliverable within existing resources. The committee needs to develop a manageable work programme to ensure that scrutiny is focused, effective and produces clear outcomes. Those topics selected on the work programme and proposals for a spotlight review and task and finish group should reflect issues of current importance facing children's services at Herefordshire council.

Key considerations

Work Programme

2. The work programme needs to focus on the key issues of concern and be manageable allowing for urgent items or matters that have been called-in. Should committee members become aware of any issue they think should be considered by the committee they are invited to discuss the matter with the chairperson and the statutory scrutiny officer. The current version of the work programme is attached as appendix a.
3. Three task and finish groups reported recommendations to the meeting of the children and young people scrutiny committee at its meeting on 8 March 2019. The three task and finish groups concerned: special education needs and disability (SEND) provision; pupil referral units (PRU) referrals; and court judgements relating to children and families. The draft executive responses to these recommendations are contained in appendices b – d for the committee to review. Please note the executive responses have been published in the public domain ahead of cabinet member decision, currently scheduled for 10 September.

Constitutional Matters

Task and Finish Groups

4. A scrutiny committee may appoint a task and finish group for any scrutiny activity within the committee's agreed work programme. A committee may determine to undertake a task and finish activity itself as a spotlight review where such an activity may be undertaken in a single session; the procedure rules relating to task and finish groups will apply in these circumstances but the review is likely to be attended by all members of the committee and chaired by the chairperson.
5. The scrutiny committee will approve the scope of the activity to be undertaken by a task and finish group, the membership, chairperson, timeframe, desired outcomes and what will not be included in the work. A task and finish group will be composed of a least 2 members of the committee, other councillors (nominees have been sought from group leaders and will be presented at the meeting) and may include, as appropriate, co-opted people with specialist knowledge or expertise to support the task. The committee will appoint the chairperson of a task and finish group.
6. The committee is asked to determine matters relating to the convening of a task and finish group including the scope of the review to be undertaken, the chairperson, membership, timeframe, desired outcomes, what will not be included in the review and whether to co-opt

any non-voting members to the group. Such co-optees would consist of individuals with valuable skills and experience that would assist a task and finish group to undertake a review (see below).

7. At its previous meeting on 15 July 2019 the committee requested the convening of a spotlight review concerning peer on peer abuse in schools and a task and finish group relating to child exploitation. Draft scopes for the peer on peer abuse in schools spotlight review (appendix e) and the child exploitation task and finish group (appendix f) are attached to this report. The committee is asked to consider and agree the scopes in appendices e and f which contain details of the timeframe, desired outcomes and what will not be included in the work. In addition the committee is asked to appoint a chairperson to the child exploitation task and finish group and agree its membership, including whether to co-opt any non-voting people.

Co-option

8. A scrutiny committee may co-opt a maximum of two non-voting people as and when required, for example for a particular meeting or to join a task and finish group. Any such co-optees will be agreed by the committee having reference to the agreed workplan and/or task and finish group membership.
9. The Committee is asked to consider whether it wishes to exercise this power in respect of any matters in the work programme.

Tracking of recommendations made by the committee

10. A schedule of recommendations in the current administrative council term is appended to this report as appendix g.

Forward plan

11. The constitution states that scrutiny committees should consider the forward plan as the chief source of information regarding forthcoming key decisions. Forthcoming key decisions are available publically under the forthcoming decisions link on the council's website, as below:

<http://councillors.herefordshire.gov.uk/mgDelegatedDecisions.aspx?&RP=0&K=0&DM=0&HD=0&DS=1&Next=true&H=1&META=mgforthcomingdecisions&V=1>

Suggestions for scrutiny from members of the public

12. Suggestions for scrutiny are invited from members of the public through the council's website, accessible through the link below. There have been no suggestions for scrutiny received from members of the public since the previous meeting of the committee.

https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved/4,

Community impact

13. In accordance with the adopted code of corporate governance, Herefordshire Council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development, and review. Topics selected for scrutiny should have regard to what matters to residents.

14. The items for scrutiny contained on the work programme and the scoping documents proposed for the spotlight review and task and finish will allow the committee to make recommendations to the executive to improve services for children in Herefordshire. The committee intends that through the making of recommendations (subject to acceptance by the executive) it contributes to priorities in the corporate plan to: keep children and young people safe and give them a great start in life; and secure better services, quality of life and value for money. Recommendations arising from the spotlight review and task and finish group will include a consideration as to how improvements can be made to the safeguarding of children and how to advance the role of the council as a corporate parent.

Equality duty

15. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
16. The scoping documents for the spotlight review and the task and finish group propose inquiries which will produce recommendations for the executive to consider and respond to. The response of the executive will need to give due regard to the council's public sector equality duty.

Resource implications

17. The costs of the work of the committee will have to be met within existing resources. It should be noted the costs of running scrutiny can be subject to an assessment to support appropriate processes.
18. The councillors' allowance scheme contains provision for co-opted and other non-elected members to claim travel, subsistence and dependant carer's allowances on the same basis as members of the council. If the committee agrees that co-optees should be included in the membership of the task and finish group or the spotlight review they will be entitled to claim allowances.

Legal implications

19. The council is required to deliver a scrutiny function. The development of a work programme which is focused and reflects those priorities facing Herefordshire will assist the committee and the council to deliver a scrutiny function.
20. The Scrutiny Rules in Part 4 Section 5 of the Council's constitution provide for the setting of a work programme, the reporting of recommendations to the executive and the establishment of task and finish groups, as below.

21. Paragraph 4.5.28 of the constitution explains that the scrutiny committee is responsible for setting its own work programmes. In setting its work programme a scrutiny committee shall have regard to the resources (including officer time) available.
22. In accordance with the Scrutiny Rules and specifically paragraph 4.5.44 of Herefordshire Council's constitution, a report containing the recommendations of a scrutiny committee following a review or investigation should be submitted to the chief executive to arrange for consideration by the executive. Under paragraph 4.5.50 (and section 9FE of Schedule 2 of the Localism Act 2000) the scrutiny committee should be notified of the response of the executive and the authority within two months of the receipt of a scrutiny report. The recommendations arising from the three task and finish groups outlined in paragraph 7 above were sent to the chief executive on 2 April 2019. Due to the local elections which took place on 2 May 2019 and the change of administration at the Council it was not possible to arrange the production of a response to the scrutiny committee until August 2019. This is the first meeting of the scrutiny committee where it has been possible to receive the responses of the executive to the three task and finish groups.
23. Under section 4.5.10 of the constitution A scrutiny committee may appoint a task and finish group for any scrutiny activity within the committee's agreed work programme. A committee may determine to undertake a task and finish activity itself as a spotlight review where such an activity may be undertaken in a single session; the procedure rules relating to task and finish groups will apply in these circumstances. The relevant scrutiny committee will approve the scope of the activity to be undertaken, the membership, chairperson, timeframe, desired outcomes and what will not be included in the work. It will be a matter for the task and finish group to determine lines of questioning, witnesses (from the council or wider community) and evidence requirements.

Risk management

24.

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the development of the work programme should help mitigate this risk.
There is a reputational risk to the council if the spotlight review and task and finish group do not produce recommendations.	The draft scoping documents for the spotlight review and task and finish group provide a structure and process to facilitate the production of cogent recommendations.

Consultees

25. The work programme is reviewed at every committee meeting and during business planning meetings between the Chairperson, Vice Chairperson and Statutory Scrutiny Officer. The work programme attached at appendix a has been discussed at a work programming session of the scrutiny committees on 6 June 2019 and was agreed by the committee at its last meeting on 15 July 2019.

26. The child exploitation task and finish group includes a community safety element to its remit. Statutory community safety and policing scrutiny powers are contained within the functions of the general scrutiny committee therefore the chairperson of the general scrutiny committee has been approached to suggest a representative of the committee to sit on the group.

Appendices

Appendix a	–	Work Programme 2019/20
Appendix b	–	Draft response to outcomes and recommendations of the SEND Provision task and finish group
Appendix c	–	Draft response to outcomes and recommendations of the PRU Referrals task and finish group
Appendix d	–	Draft response to outcomes and recommendations of court judgements relating to children and families task and finish group
Appendix e	–	Draft scoping document for peer on peer abuse in schools spotlight review
Appendix f	–	Draft scoping document for child exploitation task and finish group
Appendix g	–	Recommendation tracker 2019/20

Background papers

None identified.