

Title of report: Co-opted member recruitment update

Meeting: Children and Young People Scrutiny Committee

Meeting date: Tuesday 14 November 2023

Report by: Statutory Scrutiny Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

This report provides the Children and Young People Scrutiny Committee with an update on work to recruit its co-opted members. It makes a number of recommendations to recruit candidate members to the committee, and suggests recommendations to Council for changes to Herefordshire Council's constitution concerning the recruitment and appointment of co-opted members.

Recommendation(s)

That the committee:

- a) **Notes the recent activity to recruit co-opted members to the Children and Young People Scrutiny Committee;**
- b) **Recommends to full Council that the candidates in paragraphs 12 to 18 of this report should be appointed to the Committee; and**
- c) **Agrees the suggested amendments and recommend to full Council to change the Constitution with regard to the recruitment of co-opted members.**

Alternative options

1. The committee could choose to not recruit the co-opted members as recommended in this report. This would mean that the committee would not be able to involve the candidate co-opted members in its work. It would also be operating against the The Local Authorities (Committee System) (England) Regulations 2012, The Parent Governor Representatives (England) Regulations 2001, and Herefordshire Council's constitution, all of which require the committee to recruit co-opted members. This is not a recommended option to take.
2. The committee could choose to not recommend changes to Herefordshire Council's constitution concerning the recruitment of co-opted members. This would continue to restrict recruitment of co-opted members of the Children and Young People Scrutiny Committee to specific representative groups and may exclude other candidates who could be useful to the committee.

Key considerations

3. The Local Government Act 2000 requires Herefordshire Council to recruit a number of co-opted members to the Children and Young People Scrutiny Committee, this being the scrutiny committee with oversight of education matters. The council's constitution refers to these as 'statutory' co-opted members.
4. The Parent Governor Representatives (England) Regulations 2001 require Herefordshire Council to recruit "at least two but not more than five parent governor representatives." The council's constitution is more specific, requiring the Children and Young People Scrutiny Committee to recruit three parent-governor representatives, with one representative apiece from the primary, secondary and special school sectors. Where there is more than one candidate for each position, the local authority is required by law to hold a ballot of parent-governors of grant-maintained schools in the relevant sector in the county. Accordingly, there could be three elections required to be held for these individual positions.
5. The Local Authorities (Committee System) (England) Regulations 2012 requires Herefordshire Council to include a co-opted member representative from the Church of England diocese of Hereford, as well as co-opted member representative from the Roman Catholic Church Archdiocese of Cardiff. These representatives are appointed by the diocese and archdiocese respectively.
6. These co-opted member positions are agreed each year at annual Council, and were last agreed at annual Council on 9 May 2023. It is then incumbent upon council officers to administer the recruitment to these positions. The process for doing this is contained in the council's protocol for co-opted members.
7. In addition to these statutory co-opted members, the constitution requires the Children and Young People Scrutiny Committee to recruit two additional "non-statutory" co-opted members. Paragraph 4.5.7 of Part 4 Section 5 of the constitution states that one member should

represent “the teaching sector” and another member from “[families] who are or have been supported by social workers.”

8. The constitution is silent on the terms of office for both statutory and non-statutory co-opted members. However the council’s “scheme for the co-option of members to scrutiny committees and scrutiny task and finish groups” states that parent – governor representatives are appointed for two years. The scheme also states that statutory co-opted members are appointed subject to annual approval by Council.
9. Following Council’s agreement on 19 May 2023, the statutory scrutiny officer began a process of recruiting members to the new administration’s Children and Young People Scrutiny Committee. To support this they carried out a modest publicity campaign, including:
 - a. placing an advert for the parent-governor and non-statutory co-opted members on the Hoople recruitment website;
 - b. contacting a number of third-sector organisations with details about the non-statutory roles; and
 - c. circulating an advertisement in the parent-governor message circular.
10. They also contacted the diocese of Hereford and the archdiocese of Cardiff to solicit representative members to the committee.
11. The committee received a number of expressions of interest from people wishing to become co-opted members of the Children and Young People Scrutiny Committee. In total it received:
 - a. two expressions of interest in the primary school sector parent governor representative role.
 - b. one expressions of interest in the secondary school sector parent governor representative role.
 - c. no expressions of interest in the special school sector parent governor representative role.
 - d. three expressions of interest in the non-statutory families’ representative role; and
 - e. no expressions of interest in the teachers’ representative role.
12. ***Primary school parent governor representative***

The committee received two expressions of interest for this role. This would ordinarily trigger an election to the position. The committee chair and the council’s statutory scrutiny officer met with both candidates informally to discuss the committee’s remit and current work programme. From these meetings it became clear that both candidates possessed considerable professional experience that would be useful to the committee. The chair has therefore agreed with the candidates that one of them will stand aside, allowing the other to be appointed

without election. The recommendation is that the committee agree that **Anna Eccleston** be appointed the primary school parent governor representative co-opted member.

13. As there has not been any candidates for the Special school governor or teacher representative, the recommendation is that **Kate Joiner** be appointed to the committee on a discretionary basis as a non-statutory co-opted member, for a period of time equal to that of parent-governor representatives.
14. **Secondary school parent governor representative**
The committee received one expression of interest for this role. The chair again met with the candidate informally. As the deadline for expressions of interest has passed the recommendation is that **Stuart Mitchell** be appointed the secondary school parent governor representative co-opted member
15. **Special school parent governor representative**
The committee received no expressions of interest for this role. As parent-governor roles only rarely attract expressions of interest, it is not intended to carry out any additional recruitment activity at this time.
16. **Families' representative**
The committee received three expressions of interest for this role. A panel of two council officers and the committee's deputy chair conducted interviews of all three candidates. Following interviews the recommendation is that **Jan Frances** be appointed families' representative co-opted member to the committee.
17. **Teachers' representative**
The committee received no expressions of interest in this role. It is not intended to carry out any additional recruitment activity at this time.
18. The following table lists the recommended candidate for each co-opted member position.

Position	Candidate
Diocese of Hereford	Sam Pratley
Archdiocese of Cardiff	Sylvia Cockcroft
Parent Governor (Primary)	Anna Eccleston
Parent Governor (Secondary)	Stuart Mitchell
Parent Governor (Special)	(none)
Teachers' Representative	(none)
Families' Representative	Jan Frances
Committee's discretionary nomination	Kate Joiner

19. **Induction**

All of the co-opted members will be required to agree the council's code of conduct, and to sign a declaration of interests. They will also undergo an induction to the council, to scrutiny and to the committee. They will also be invited to all committee briefings, training sessions and other planning work.

20. **Constitutional requirements for co-opted members**

Paragraph 4 of this report details the statutory requirement for the council to appoint between two and five parent-governor co-opted members to its Children and Young People Scrutiny Committee. The council's constitution is more specific, specifying one representative apiece from each of the primary, secondary and special school sectors.

Parent-governor co-opted member positions are usually difficult to fill. It is commonplace for the council to receive no expressions of interest to the positions when they are advertised, and to do repeatedly. To receive three expressions of interest in a single recruitment exercise is unusual, and could have placed the local authority in the difficult position of taking the time and expense of carrying out an election despite there being three parent governor candidates for three parent governor co-opted member positions.

21. It is therefore recommended that the committee recommend to Council that it alter the constitution so that all three parent-governor representative positions can be drawn from any part of the three school sectors. Paragraph 4.5.7 would refer to:

- *one representative as nominated by the diocese of Hereford*
- *one representative as nominated by the archdiocese of Cardiff*
- *three parent governors (as elected where necessary)*

22. Paragraph 6 of this report outlines the constitutional requirement to recruit two non-statutory co-opted members, one each from the teaching sector and from families who have, or are currently being supported by a social worker.

23. During the recruitment process committee members expressed concern with restricting the potential pool of co-opted members to the committee. While people with qualifying backgrounds could bring useful perspectives to the committee's work, they were not the only perspectives that the committee might find to be useful. They felt that although the requirements for the non-statutory members were well-intentioned, they restricted the committee's ability to recruit from as wide a pool of candidates as possible.

24. It is therefore recommended that the committee discuss these concerns, and confirm whether or not they wish to recommend to Council that it changes constitutional arrangements to remove the qualifying requirements for the two non-statutory members of the Children and Young People Scrutiny Committee.

Environmental Impact

25. Whilst this is a decision on back office functions and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy.

Equality duty

26. 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; and
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
27. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.

Resource implications

16. There are no specific resource implications.

Legal implications

17. The legal implications are contained within this report.

Risk management

18. Herefordshire Council may face reputational risk if it fails to recruit statutorily-required co-opted members to its committees. It also risks hampering the work of the Children and Young People Scrutiny Committee if it fails to recruit as strong a cohort of co-opted members as possible. It has mitigated this risk by carrying out a tested recruitment programme, according to the council's constitution and its co-opted member protocol.

Consultees

19. None

Appendices

None

Background papers

[The Local Authorities \(Committee System\) \(England\) Regulations 2012](#)

[The Parent Governor Representatives \(England\) Regulations 2001](#)

[Local Government Act 2000](#)

[Herefordshire Council Constitution](#)

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published

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Finance	Click or tap here to enter text.	Date Click or tap to enter a date.
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Please include a glossary of terms, abbreviations and acronyms used in this report.