

REVIEW OF STATUTORY AND CO-OPTED MEMBERS ON CHILDREN'S SERVICES SCRUTINY COMMITTEE

Report By: County Secretary & Solicitor

Wards Affected

County-wide

Purpose

1. To review the statutory and co-opted membership on the Children's Services Scrutiny Committee.

Background

2. The Council amended its Constitution in May 2005, to reflect changing legislation following the implementation of the Children Act 2004. As a result the Council formed the Children's Services Scrutiny Committee. This new Committee primarily assumed the remit of the former Education Scrutiny Committee and those elements relating to childcare previously under the former Social Care & Housing Scrutiny Committee.
3. Co-opted Members provide a valuable role in ensuring the Committee is properly advised and informed on specific issues. The previous Education Scrutiny Committee was very well supported with its co-opted Members and this Committee would wish to recognise that contribution. However, it is considered appropriate for the Committee to review the statutory and co-opted membership on the Committee. The former Education Scrutiny Committee last considered this issue on 14th July, 2003 and its conclusions are reflected in the details below.

Current Statutory Membership and Term

4. **Diocesan Members** – it is required by statute that the Committee formally co-opt Diocesan representatives to serve on the Committee as voting members. Where the remit of the Committee goes wider than matters related to education, as in the case of this Committee, church and parent governor representatives are entitled to vote only on any matter relating to education, whether in respect of schools or wider educational issues. They may in addition speak on any other matters within the remit of the Committee. The current members are:

Church of England – The Reverend I. Terry – appointed November 2003

Roman Catholic Church – Mr. J. D. Griffin – appointed February 2003

5. There is no statutory term of office for the diocesan members. It was agreed in July 2003 that Diocesan Authorities would continue to notify the County Secretary and Solicitor as and when any changes occur to their representation.

6. It is recommended that this practice continue. However, to be consistent it is suggested that the Diocesan Authorities be requested by the County Secretary and Solicitor to reconsider or reconfirm their nominations prior to Council elections.
7. **Parent Governor Members** – The School Standards and Framework Act 1998 and the Education (Parent Governor Representatives) Regulations 1999 require education authorities to have parent governor representatives as full members on Scrutiny Committees with voting rights. As in the case of Church representatives they are restricted to voting on educational matters only. They may in addition speak on any other matters within the remit of the Committee.
8. The Council decided that 3 Parent Governor representatives be appointed following self-nomination via the Hereford Association of Governors. Receipt of multiple nominations results in a ballot of eligible governors. Since May 2000 a number of elections have taken place and the current members are:
 - Primary Schools – Ms. K. Fitch – appointed May 2004
 - Secondary Schools – Mrs C. Woolley – appointed July 2005.
 - Special School – Governor Services attempting to fill the vacancy.
9. The Regulations with regard to Parent Governors set out that the term of office shall be “of such duration as the authority shall determine, being a period not less than two years nor greater than four years”. Cabinet in Sept 1999, decided that “representatives take up their role from the start of the new Council in May 2000. The term of office should be coincident with that of the Council, with any vacancy filled on the basis of completing the remaining period of office”.
10. In accordance with the Regulations and Cabinet’s decision, providing both current members continue to be eligible parent governors, their term of office will run until the May 2007 Council elections. Provided they continue to be eligible they may stand for re-election for a further term.

Consideration of the Wider Remit of the Committee

11. In view of the Committee’s wider remit, as set out in Part 7 of the Council’s Constitution, an extract of which is set out in Appendix 1 to this report, it is relevant that the Committee consider whether to seek wider representation from the areas not currently represented, for example by inviting representation from the Foster Carers and Children Social Care Social Workers sectors. Currently the Committee is comprised of 10 voting Councillors; 5 voting Co-opted members and 5 non-voting co-opted members. The Committee needs to consider whether the balance of existing non-voting co-opted representatives is appropriate in view of the need to consider appointing expertise from the fostering and children’s social care sectors.
12. The three key options for consideration at this stage are:
 - a) Do nothing – in view of the wider remit of the Committee this is not considered to be a reasonable option.
 - b) Reduce the current non-statutory co-opted membership and include non-voting co-opted representatives from the new sector(s)

- c) Maintain the current non-statutory co-opted membership and appoint new non-voting co-opted representative(s) from new sector(s)
13. Once the Committee has established what it intends in relation to the range of non-statutory co-opted membership it may then need to consider a number of further issues which arise as a consequence.

Current Non-voting Co-opted Membership and Term

14. **Teacher representatives.** These were appointed following secret ballot by teachers in their respective sectors. The current members representing the three teaching sectors are:

Primary School Teachers – Mr J. D. Pritchard – elected March 2001

Secondary School Teachers – Mr C. Lewandowski – elected April 1998

Special School Teachers* – Mr. M. Carter – elected December 2004.

15. *Following difficulty in appointing a Special School Teacher representative the Education Scrutiny Committee in July 2003, agreed to widen the eligibility for this appointment to include SENCOs (Special Educational Needs Co-ordinators), SEN teachers in primary and secondary schools and Headteachers of special schools.
16. It was agreed in July 2003 that the term of office for non-voting co-opted teacher representatives continue until a request for a new election by teachers is received by the County Secretary and Solicitor.
17. Subject to the Committee's decision in relation to paragraph 12 on whether to reduce or maintain the current membership, it is suggested that the Committee consider revising this arrangement to bring it in line with the term of office Cabinet set for parent governor representatives. If the current membership is maintained the term of office for current representatives would therefore run until the Council elections in May 2007. Representatives would thereafter serve for 4 years in accordance with the Council's electoral cycle. Provided they continue to be eligible for the sector they represent any current representative may stand for re-election for a further term. Any casual vacancy would be filled on the basis of completing the remaining period of office.
18. Should the Committee decide to change the current membership the following will need to be addressed:
- a) How are the teaching sectors to be represented?
 - b) When will any change take place?
 - c) What term of office is to be introduced? (a suggested term is outlined in paragraph 17)
19. **Headteacher representatives** –The Education Scrutiny Committee in July 2003 agreed that the Associations of Headteachers nominate 1 secondary and 1 primary headteacher to serve as non-voting co-opted representatives on the Committee. The current representatives are:

Secondary School Headteachers – Mr. A. Marson – from November, 2003.

Primary School Headteachers – Miss S. Peate – from January 2004.

20. It was agreed in July 2003 that the term of office should be at the relevant Association's discretion.
21. Again subject to the Committee's decision in relation to paragraph 12, it is suggested that this practice continue. However, in the interest of being consistent it is suggested that the Associations be requested by the County Secretary and Solicitor to reconsider or reconfirm their nominations prior to Council elections.
22. Should the Committee decide to change the current membership the following will need to be addressed:
 - a) How are the headteacher sectors to be represented?
 - b) When will any change take place?
 - c) What term of office is to be introduced? (a suggested term is outlined in paragraph 21)

Representing the Wider Remit

23. **Appointment of new non-voting co-opted representative(s) from new sector(s).** Should the Committee decide to appoint non-voting co-opted representatives to represent the wider remit of the Committee, for example by inviting representation from the Foster Carers and Children Social Care Social Workers sectors, then they will need to consider the following issues:
 - a) What sectors are to be invited to be represented and how many representatives are to be invited from that sector(s)?
 - b) It is suggested that, wherever possible, the Committee should ensure that the co-opted member(s) is representative of a sector. It is suggested that wherever possible the local association be requested to nominate a representative(s). If that is not possible then a ballot be held from those registered with the Council in that sector(s).
 - c) What term of office will they serve for? – It is suggested that the term be the same as for the other non-voting co-opted representatives discussed earlier in this report namely in accordance with the Council electoral cycle. In view of the likely time taken to seek nominations and run the election process, this would leave a limited term of office if the representative(s) were to serve until the May 2007 elections. The Committee could appoint for a 4 year term commencing from the election, however, to allow the successful representative(s) time to 'learn the role' and from an administrative point of view of running an election, it is suggested that, if this option is favoured, representatives should serve for the remainder of the current term and the following term of 4 years namely to the elections in May 2011. Thereafter in accordance with the electoral cycle.
 - d) Any casual vacancy should be filled on the basis of completing the remaining term of office. Provided they continue to be eligible for the sector they represent any appointed representative may stand for re-election for a further term.

An Alternative To Co-Opting Representatives

24. The Committee may wish to take into account that co-option is only one means of engaging partners and there may be times when other methods would be more appropriate, for example the Committee could, through the Chair and Vice-Chair, appoint a body of 'expert advisors' who could be called upon to give advice when issues within their specialty are under discussion.

RECOMMENDATION

THAT;

- (a) the Diocesan Authority membership as set out in paragraphs 4-6 be reaffirmed subject to the County Secretary and Solicitor requesting that the Authorities reconsider or reconfirm their nomination prior to Council elections;**
- (b) the Parent Governor membership and terms of office as set out in paragraphs 7-10 be reaffirmed;**
- (c) In accordance with paragraph 12 the Committee decide the appropriate number of non-voting co-opted representatives on the Committee and**
- (d) in light of the decision at (c) above consideration be given to:**
 - i. the sectors to be represented on the Committee;**
 - ii. the number of representatives to be appointed from the various sectors;**
 - iii. when any change is to take place and**
 - iv. the term of office for the various representatives appointed.**

BACKGROUND PAPERS

- **None identified.**

APPENDIX 1

Extract from the Herefordshire Council Constitution, July 2001 – as revised 13 May 2005 – in relation to the functions of Children's Services Scrutiny Committee.

PART 7**OVERVIEW AND SCRUTINY ARRANGEMENTS****7.1 SCRUTINY COMMITTEES**

7.1.1 The Council will appoint a Strategic Monitoring Committee and the five Scrutiny Committees set out below to discharge the functions conferred by Section 21 of the Local Government Act 2000

Children's Services

Functions conferred on or exercisable by the Council in its capacity as a local education authority;

functions conferred on or exercisable by the Council which are social services functions (within the meaning of the Local Authority Social Services Act 1970 (c.42)) so far as those functions relate to children;

the functions conferred on the Council under sections 23C to 24D of the Children Act 1989 (c.41)(so far as not falling within the above paragraph);

the functions conferred on the Council under sections 10 to 12 and 17 of the Children Act 2004;

any functions exercisable by the Council under section 31 of the Health Act 1999 (c.8) on behalf of an NHS body (within the meaning of that section) so far as those functions relate to children; and

any such functions as the Council considers appropriate.