

Overview and Scrutiny Management Board - 11th June, 2014

Report of the Director of Corporate Resources

Membership of the Children's Services Scrutiny Committee

Purpose of Report

1. To review the composition and membership of the Children's Services Scrutiny Committee.

Background

2. The Overview and Scrutiny Management Board have indicated its wish to review the composition and membership of the Children's Services Scrutiny Committee, to ensure that the Committee remains fit for purpose and to enable it to move forward with a wider focus than just educational issues. The Management Board had particular regard to the number of non-elected Members who serve on the Committee. The Board, at its meeting held on 29th April, 2014, requested a report on a review of the composition and membership of the Committee, pending which it was also resolved that the Committee's existing co-opted members remain unchanged and that an appropriate recommendation be made to the Annual Meeting of the Council on the 5th June, 2014.
3. The Committee currently comprises 11 elected Members, appointed in accordance with the proportionality requirements, five non-elected, voting Members and five non-elected, non-voting Members. The non-elected, voting, Members are stipulated by law and comprise one representative of each of the Church of England and Roman Catholic denominations, appointed by the Worcester Diocesan Education Committee and the Archdiocese of Birmingham, respectively, and one parent governor from each of the primary, secondary and special education phases. While there are legal stipulations regarding certain issues relating to parent governor representatives, there is discretion for local authorities to agree the number and type of such representatives.
4. In relation to non-elected, non-voting, Members there is no legal requirement to appoint and the history to the appointees for Dudley is as set out below.
5. The composition and membership of the former Education Committee was initially determined at a meeting of the Council in 1973 and comprised a total of eight co-opted members, these being three representatives of the Church, three teacher representatives and two other persons of experience. While there were no legal stipulations regarding co-opted membership, the Committee was then a statutory body and required the approval of the Secretary of State on its overall composition.

6. The Church representatives were approved by resolution to be one representative of each of the Church of England and Roman Catholic denominations and one representative of the Free Churches, with the remaining co-optees being one representative of each of the Primary, Secondary and Further Education sectors and the two persons of experience.
7. The Local Government and Housing Act, 1989 introduced, among other issues, the political proportionality requirements for appointments to Council Committees and also stipulations regarding voting entitlements for non-elected members of Committees. Further to a Ministerial Direction given under the Act, the Council, on 15th March, 1990, determined its preferred composition of the (then) Education Committee. The approval of the Secretary of State to the composition was subsequently given. So far as non-elected members of the Scrutiny Committee were concerned, the Council resolved:-
 - (1) That, in accordance with the terms of the Direction, provision be included for two non-elected voting members.
 - (2) Provision be included for six non-elected non-voting members, as follows:-
 - (i) One representative of each of the Primary, Secondary and Further Education sectors.
 - (ii) One representative of the Free Churches
 - (iii) Two other persons with personal experience of education or knowledge of and interest in, educational conditions in the Borough.

to be appointed by the Council on the recommendation of the Education Committee.

- (3) That additional provision be not made to enable the inclusion of representative(s) of non-denominational bodies involved in the provision of voluntary schools in the Borough as non-elected, non-voting members; or, if they are appointed as representatives of persons who appoint foundation governors to voluntary schools, as non-elected members.
- (4) That, with regard to the means of selection of non-elected, voting members, a joint nomination be sought to Diocese and Education Committees for the Lichfield and Worcester areas in the case of the Church of England, and for one nomination from the Diocese and Schools Commission of Birmingham in the case of the Roman Catholic Church.
- (5) That, with regard to non-elected, non-voting members below, the following practices be undertaken:-

- (i) The Chief Education Officer to organise a ballot in respect of the representatives of the Primary, Secondary and Further Education sectors;
 - (ii) The Chief Executive to seek a proposal for one representative of the Free Churches.
- 8. The Education Committee subsequently resolved to discontinue representation by the Further Education sector, after the removal of Further Education from Local Government control. Additionally, the Diocese of Lichfield ceased jurisdiction for the Dudley area and, therefore, Church of England nominations are sought only from the Diocese of Worcester through the Worcester Diocesan Education Committee.
- 9. Under Department for Education and Employment Circular 19/99, a Direction was extended to Local Education Authorities in England to provide places, with voting rights, for representatives of the Church of England and the Roman Catholic Church, on those Committees dealing with education. In Dudley, the relevant Committee was defined as the Select (scrutiny) Committee dealing with Education. This is now the Children's Services Scrutiny Committee. Circular specified the matters on which the Diocesan representatives were entitled to vote, and not to vote, on.
- 10. In relation to non-elected, non-voting members, the Circular stated that nothing in the Circular should be read as to detract from the value of arrangements which had been made to include representatives of other faiths, as non-elected, non-voting members of Committees dealing with education. It stated further that the Secretary of State recognised the value of such arrangements and would like to see Local Authorities continue this practice. It also stated that Local Authorities might wish to include representatives of any non-denominational bodies involved in the provision of voluntary schools.
- 11. Further to the implementation of the Education (Parent Governor Representatives) Regulations, 1999 and 2001, which required the appointment of elected governor representatives to Council committees dealing with education, using discretionary powers provided for under the Regulations, the Council determined, in January, 2000, that the number of representatives be set at three and that the representatives be elected on the basis of school phase, ie one representative for each of the Primary, Secondary and Special Education phases. Notwithstanding that no representatives are currently members of the Committee (despite several attempts to secure nominations, none have recently been forthcoming), the requirement for representatives to be included on each Committee dealing with education remains.

Finance

- 12. Except members of the Committee are able to claim expenses for the attendance of meetings, there are no direct financial implications.

Law

13. Section 111 of the Local Government Act, 1972 authorises the Council to do anything which is calculated to facilitate or is conducive or incidental to the exercise of any of its functions.
14. The relevant provisions regarding the appointment of non-elected, voting and non-voting members are contained in the Local Government and Housing Act, 1989, and associated regulations. Members with a voting entitlement do not affect Committees insofar as proportionality of membership is concerned.
15. The provisions regarding the requirement for Church representatives to be appointed to Council Committees dealing with education are contained in DfE Circular 19/1999 and to appoint Parent/Governor representatives to those Committees in the Education (Parent Governor Representatives) Regulations, 1999, as superseded by the 2001 Regulations of the same name.
16. The requirement to appoint Church Representatives, as indicated above, remains as does the requirement to appoint elected Parent/Governor representatives. The Council has discretion regarding the number and nature of Parent/Governor representatives to be elected, the period of office and responsibility for the election arrangements.

Equality Impact

17. This report complies with the auspices of the Council on Equality and Diversity.

Recommendation

18. That the Board review the membership of the Children's Services Scrutiny Committee in light of the above information.



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Director of Corporate Resources

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List of Background Papers

Minute No. 28 of the meeting held on 29th April, 2014