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| Report to: | Overview and Scrutiny Committee (Children's Services and Safeguarding) Council | Date of Meeting: | 12 March 2024 16 May 2024 |
| Subject: | Review of the Operation and Terms of Reference of the Overview and Scrutiny Committee (Children's Services and Safeguarding) | | |
| Report of: | Executive Director of Corporate Resources and Customer Services | Wards Affected: | (All Wards); |
| Portfolio: | Cabinet Member - Children's Social Care | | |
| Is this a Key Decision: | No | Included in Forward Plan: | No |
| Exempt / Confidential Report: | No | | |

Summary:

To formally present the findings of a review of the Council's Overview and Scrutiny Committee (Children's Services and Safeguarding), together with proposals for amending the Terms of Reference and other requirements of the Committee, within the Constitution.

Recommendation(s):

Overview and Scrutiny Committee (Children's Services and Safeguarding)

That recommendations (1) to (5) set out below be supported and commended to the Council for approval.

Council

That

- (1) changes to membership of the Overview and Scrutiny Committee (Children's Services and Safeguarding) in regard to co-opted members, together with the proposed Terms of Reference for the Overview and Scrutiny Committee (Children's Services and Safeguarding), as set out at Appendix 2, be approved;
- (2) the proposal to establish a Children's Services And Safeguarding Parents/Carers Sub-Committee, as set out at Appendix 3, be approved;
- (3) a Public Question Time period for the Overview and Scrutiny Committee

(Children's Services and Safeguarding), as set out at Appendix 4, be approved;

- (4) the Council's Constitution be amended by the inclusion of Appendices 2,3 and 4 of the report;
- (5) the proposals be reviewed in twelve months' time.

Reasons for the Recommendation(s):

The Committee has requested a review of the Terms of Reference for the Committee, as set out in the Council's Constitution, to include the use of co-opted members and the possibility of establishing a sub-committee to formally meet with parent groups, be undertaken and any proposals for amendments be submitted to the Adjourned Annual Meeting of the Council to be held in May 2024.

Alternative Options Considered and Rejected: (including any Risk Implications)

Not applicable.

What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs

None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):

The proposals for an additional panel for the Committee have staffing implications, in terms of officer time, which can be contained within the budget, at the current time.

Legal Implications:

The Terms of Reference for the Committee are set out within the Council's Constitution. The Parent Governor Representatives (England) Regulations 2001. The Local Authorities (Committee System) (England) Regulations 2012.

Equality Implications:

There are no equality implications.

Impact on Children and Young People: Yes

The Committee's remit from the Council is to scrutinise the work and services of Children's Social Care and Education.

Climate Emergency Implications:

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| The recommendations within this report will | |
| Have a positive impact | No |
| Have a neutral impact | Yes |
| Have a negative impact | No |
| The Author has undertaken the Climate Emergency training for report authors | Yes |
| There are no direct climate emergency implications arising from this report. | |

Contribution to the Council's Core Purpose:

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| Protect the most vulnerable: The Committee's remit from the Council is to scrutinise the work and services of Children's Social Care and Education. |
| Facilitate confident and resilient communities: As above. |
| Commission, broker and provide core services: As above. |
| Place – leadership and influencer: As above. |
| Drivers of change and reform: As above. |
| Facilitate sustainable economic prosperity: As above. |
| Greater income for social investment: As above. |
| Cleaner Greener: Not applicable. |

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.7556/24) and the Chief Legal and Democratic Officer (LD.5656/24) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

None

Implementation Date for the Decision

Immediately following the Council meeting.

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Appendices:

- Appendix 1 – Current Membership and Terms of Reference for the Overview and Scrutiny Committee (Children’s Services and Safeguarding) – extract from the Council’s Constitution;
- Appendix 2 - Proposed Membership and Terms of Reference for the Overview and Scrutiny Committee (Children’s Services and Safeguarding);
- Appendix 3 – Proposed Terms of Reference for the establishment of a Children’s Services and Safeguarding Parents/Carers Sub-Committee; and
- Appendix 4 - Proposed provisions of a Public Question Time for the Overview and Scrutiny Committee (Children’s Services and Safeguarding).

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

- 1.1 At its meeting held on 28 November 2023, the Committee considered the report of the Chief Legal and Democratic Officer proposing a review of the Committee’s Terms of Reference in response to a petition at the meeting held on 26 September. The petition requested representation of a further three independent people on the Committee who they considered had lived experience.
- 1.2 Members also considered that the Terms of Reference within the Council’s Constitution could be streamlined to reflect statutory requirements and the priorities of the Committee.
- 1.3 The Committee resolved that:

"a review of the Terms of Reference for the Committee, as set out in the Council’s Constitution, to include the use of co-opted members and the possibility of establishing a sub-committee to formally meet with parent groups, be undertaken

and any proposals for amendments be submitted to the Adjourned Annual Meeting of the Council to be held in May 2024”.

2. Review Undertaken

- 2.1 Officers have undertaken a review a review of the Terms of Reference for the Committee, as set out in the Council’s Constitution, including the use of co-opted members and the possibility of establishing a sub-committee or other body, to formally meet with parent groups. The findings of the review are set out within paragraphs 3 – 7 below.

3. Current Terms of Reference for the Committee

- 3.1 The Committee’s current Terms of Reference, as included in the Constitution, are set out at **Appendix 1** to this report.
- 3.2 Members had previously considered that the Terms of Reference within the Council’s Constitution could be streamlined to reflect statutory requirements and the priorities of the Committee.

4. Co-Opted Members – Legal and Discretionary Requirements

- 4.1 At the meeting of the Committee held on 26 September 2023, a petition was received that requested representation of a further three independent people on the Committee who had lived experience.
- 4.2 Committee Members met subsequently to consider the request. It was noted that the Committee already had several co-opted members from the Diocese, Archdiocese and Parent Governor Representatives, as required by the Council’s Constitution. In addition, associate members from Healthwatch and an independent advisory member are also on the Committee.
- 4.3 Findings of the review are set out below.

Church Representatives - Legal Requirements

- 4.4 The Local Authorities (Committee System) (England) Regulations 2012 require the Committee to have co-opted members nominated from both the Diocese and the Archdiocese. This requirement is reflected within the Council’s Constitution.

Parent Governor Representatives - Legal Requirements

- 4.5 The Parent Governor Representatives (England) Regulations 2001 require the Committee to have two Parent Governor Representatives. This requirement is reflected within the Council’s Constitution.

Associate Co-Members - Discretionary Requirements

- 4.6 The Committee has previously chosen to have two representatives from Healthwatch Sefton, to provide advice on health-related matters relating to children and young people. The Committee has also previously chosen to retain

the services of an independent advisory member who was formerly a parent governor representative on the Committee.

Co-opted Members - Twelve Month Rule - Proposal

4.7 Elected Members are required to attend meetings regularly. If they fail to attend a formal meeting over a period of six months, they are automatically disqualified from holding office as a Councillor. It is proposed that all co-opted members will be subject to a twelve-month rule, in that failure to attend a Committee meeting over a period of twelve months will result in disqualification from the Committee. The Chair of the Committee will have discretion to authorise prolonged absence(s).

5. Establishment of a Sub-Committee to Formally Meet With Parent Groups.

5.1 At its meeting held on 28 November 2023, the Committee requested the possibility of establishing a sub-committee to formally meet with parent groups, be undertaken and any proposals for amendments be submitted to the Adjourned Annual Meeting of the Council to be held in May 2024”.

6. Public Question Time

6.1 Committee Members have raised the possibility of having a Question Time period at the start of meetings.

7. Findings and Proposals

Terms of Reference for the Committee - Proposals

7.1. Proposed Terms of Reference within the Council’s Constitution are set out at **Appendix 2** and have been streamlined to reflect statutory requirements and the priorities of the Committee.

Co-Opted Members – Number on the Committee

7.2 The Committee has previously received a request as follows:-

“We wish for the Scrutiny Committee to be increased by a further three independent people who have lived experience, especially those in the crucial Early Years, Primary and Teen years.”

7.3 As the Committee currently has provision for seven co-opted members, it is not proposed that the number of co-opted members is increased at the current time. The Committee has two Parent Governor Representatives and, as previously reported to the Committee, it is considered that this is sufficient representation. This will not curtail the Committee from seeking advice and consulting with other recognised bodies, either on a formal or informal basis.

7.4 Advice has previously been sought from representatives of the Local Government Association (LGA) and as previously reported, they were supportive of the view

that parental representation on the Committee could be achieved via the Parent Governor Representatives.

- 7.5 It is also considered that elected Members bring “lived experience” to the Committee.

Church Representatives – No Change

- 7.6 In view of statutory requirements, no changes are proposed to the requirement to have co-opted members nominated from both the Diocese and the Archdiocese on the Committee.

Parent Governor Representatives – Primary/Secondary School Proposal

- 7.7 In view of statutory requirements, no changes are proposed to the requirement to have two Parent Governor Representatives on the Committee.
- 7.8 In line with statutory requirements, Parent Governor Representatives are normally appointed for a minimum of two years and no change is proposed for this approach.
- 7.9 In line with the practice adopted by other local authorities, it is proposed that in future, one parent governor will represent primary schools and one parent governor will represent secondary schools and/or post-16 education. The proposed Membership of the Committee, as set out at **Appendix 2** incorporates this change.
- 7.10 In line with current arrangements, Parent Governor Representatives (PGR) term of office on the Committee will be subject to their appointment as a Parent Governor of a school and also their child(ren’s) attendance at either a primary or secondary school in the Borough, according to whether the PGR has been appointed as a primary or secondary PGR.

Associate Co-Opted Members – Term of Office Proposal

- 7.11 In line with current work programming for the Committee and with PGR term of office, it is proposed that Associate Members on the Committee will be subject to a two-year term of office. At the conclusion of the two-year term, the Committee will determine whether to seek re-appointment of Associate Members from the nominating body concerned. The proposed Membership of the Committee, as set out at **Appendix 2** incorporates this change.

Proposed Establishment of a Sub-Committee to Formally Meet With Parent Groups.

- 7.12 It is proposed that a Sub-Committee will be established, to include the Chair and Vice-Chair of the Committee, plus 3 other elected Members, to meet with parents and parent groups. Proposed Terms of Reference for the Sub-Committee within the Council’s Constitution are set out at **Appendix 3**. The Sub-Committee may make recommendations to the Committee. This practice will be reviewed in twelve months’ time.

Proposed Public Question Time at Committee

- 7.13 Committee Members have raised the possibility of having a Question Time period at the start of meetings.
- 7.14 Some local authorities have this facility, although the practice is not widespread amongst Merseyside authorities
- 7.15 It is proposed that the Committee will have a Public Question Time at the start of each meeting. This is not intended to replace the current provision of Petitions within the Constitution. Proposals for inclusion within the Constitution are set out at **Appendix 4**. This practice will be reviewed in twelve months' time.

8. Timescale for the Proposal

- 8.1 If agreed by the Council, the proposals set out within the report would take effect from the commencement of the 2024/25 Municipal Year.