

Central  
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Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ



<b>CONSTITUTION ADVISORY GROUP</b>	
<b>DATE: 21 March 2011</b>	
<b>TITLE</b>	<b>Co-optees on the Children's Services Overview and Scrutiny Committee</b>
<b>REPORT OF</b>	Mel Peaston, Committee Services Manager tel: 0300 300 6076
<b>PURPOSE</b>	To consider the provisions in the Constitution for the statutory co-optees on Children's Services Overview and Scrutiny Committee.
<b>ORIGIN OF PROPOSAL</b>	Deputy Chief Executive / Director of Children's Services

**RECOMMENDATIONS:**

- (1) to endorse the proposed amendments to the Constitution as set out in Appendix A ;**
- (2) to recommend the proposed amendments to Council.**

**SUPPORTING INFORMATION**

**Legislative Requirements**

1. The School Standards and Framework Act 1998 sets out provisions requiring the election of representatives of parent governors at maintained schools to committees of a local authority which carry out the statutory education functions of the local authority. This is then clarified through the Parent Governor Representatives (England) Regulations 2001 – Statutory Instrument 2001 no 478.

2. The Children's Services Overview and Scrutiny Committee meets the requirement for these representatives through its membership provisions which state that included in the membership there shall be:
3. "10 Councillors and substitutes, plus 5 co-opted members being 3 parent governors and 2 diocesan representatives of the Church of England and Roman Catholic churches.

The quorum shall be 4 councillors and 2 co-opted members (either parent governors or diocesan representatives) whenever covering education matters, and 3 councillors at all other times.

The co-opted members shall have a vote on education matters but not on any other matters, although they may stay in the meeting and speak on any matter." (Part D1section 4 para 4.1.2 of the Constitution.)

4. The co-opted members of the Children's Services Committee therefore have an important role on the Committee when considering any Education matters through their ability to vote, and also the requirement that they form part of the quorum.

#### **Term of Office**

5. The term of office for the existing co-opted members was set at the Council's AGM in May 2009 for a period expiring in May 2013.
6. In view of the forthcoming Council election, and of the emergence of Academies, it is timely to consider whether the provisions for the co-opted members should be reviewed.
7. Consideration should also be given as to whether the existing co-opted members should be eligible to stand again for appointment.

#### **General Attendance**

8. There is an attendance requirement within the Parent Governor Representatives (England) Regulations 2001 – Statutory Instrument no 478 that:  
  
“(5) A parent governor representative who has failed to attend the meetings of an education overview and scrutiny committee of which he is a member for a continuous period of six months beginning with the date of a meeting, shall, on the expiry of that period, cease to be qualified to hold that office.”
9. The attendance requirements are very flexible. One of the parent governor co-opted members has had a poor record in attending meetings and has not attended a meeting since September 2010. He may attend the meeting in March 2011 and therefore meet the attendance requirement to remain in office.

10. Whilst the Council must meet the terms of the Regulations referred to above as a minimum, provision could be included in the Constitution for attendance requirements. It is suggested that attendance of 4 out of 8 meetings should be a minimum, whilst also meeting the requirements of the Regulations to attend a meeting at least once in any 6-month period.

### **Academy Representation**

11. There are currently two Academies in Central Bedfordshire and there will be more in due course. It would therefore seem appropriate that one of the representatives of parent governors should be from an Academy. There is nothing in the regulations that precludes this requirement. The Academy schools will still remain subject to the overall strategic direction of the Council for a range of statutory matters including child protection and the emergent Health provisions.

### **Amendment of the Constitution**

12. The Constitution should set out the term of office for co-opted members on the Children's Services Overview and Scrutiny.
13. Proposed amendments are set out in Appendix A, which would provide for:-
- 14.
- a 4-year term of office for the co-opted members starting from May 2011 (and if a co-opted member resigns or is removed, another parent governor should be elected to serve out the term)
  - that parent governors may not serve on the Committee for more than one consecutive 4-year period
  - a requirement that the parent governors include one member required to undertake the role of Academy representation
  - the co-opted member's office would cease if they attended less than 4 meetings out of every 8 meetings as well as if they failed to attend in accordance with the requirements of the relevant Regulations.

### **Means of Appointing Co-opted members**

15. Members of School Governing Bodies are asked for nominations for parent Governor representatives to serve on the Committee. A ballot is then held in which all School Governors may vote. The ballot will be undertaken in April to provide for the quorum for the Committee to be met at its first meeting in May.

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<b>Contact Officer Details:</b>	<b>Key Background Papers:</b>
Mel Peaston, Committee Services Manager, ext 76076	The Parent Governor Representatives (England) Regulations 2001 – Statutory Instrument 2001 no 478.

### **Appendix A – proposed amendments to Part D1 section 4 para 4.1.2**