

Leicester
City Council

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

**OSMB
CABINET
COUNCIL**

**19th March 2009
20th April 2009
21st May 2009**

Repositioning Children and Young People (CYP) scrutiny at Leicester City Council

Report of the Service Director, Democratic Services

1 Purpose of Report

This report outlines proposed amendments to the way in which scrutiny of children and education in Leicester City Council is undertaken.

2 Summary

- 2.1** The practice of scrutiny has continued to evolve in Leicester since May 2007. There have been many examples of effective scrutiny in that time. The level of scrutiny, particularly in relation to the Overview and Scrutiny Management Board (OSMB), has led to large agendas and in-depth scrutiny, if not passed to a scrutiny task group, has been by necessity limited to one or two items at any given meeting. The Council paper 'Taking Forward Overview and Scrutiny' from last May 2008 highlighted that more work was needed to ensure there is effective scrutiny of education (and Children and Young People)¹.

3 Recommendations

- 3.1** OSMB is asked to comment on the following recommendations to Cabinet and Council;
- 3.2** Cabinet is asked to recommend to Council the following recommendations;
- 3.3** Council is asked to agree the following recommendations;
- a) To the introduction of a standing Children and Young People (CYP) Scrutiny Committee to replace the Children and Young People's Scrutiny Task Group, of equal status to OSMB, Performance and Value for Money Select Committee and Health Scrutiny Committee (Terms of Reference at Appendix A);

¹ Para 3.2.3

- b) That the new CYP Scrutiny Committee considers all reports relating to children and young people (including those that currently go to OSMB) and includes as members the statutory education co-optees and youth representatives (non-voting) who attend OSMB;
- c) That the new CYP Scrutiny Committee has the power to set up its own ad hoc working group as and when required;
- d) That the new CYP Scrutiny Committee provides close oversight of work strands, amongst others, such as Transforming Leicester's Learning, the Schools Forum, Building Schools for the Future, Safeguarding Panel and, in particular, may seek to bring in members of the Leicester Children and Young People's Strategic Partnership for challenge;
- e) That the new CYP Scrutiny Committee will issue a standing invite to the Cabinet Lead for Children and Schools;
- f) That the new CYP Scrutiny Committee explores the use of a rapporteur (existing Members Support Officer) to undertake objective investigative work on the Committee's behalf;
- g) That the new CYP Scrutiny Committee - and OSMB - have a template agenda and working practices for how meetings will be held (Appendix C) and that the membership is as outlined in section 5 below.
- h) That in addition to the deletion of the current CYP Task Troup Leader and Deputy Leader roles, an additional Task Group Deputy Leader position is deleted to make up the financial shortfall of the new arrangements;

4 Rationale

- 4.1** It is recognised that there have been many examples of effective scrutiny since the introduction of the new scrutiny structure in May 2007. However, this has often resulted in large agendas whereby only one or two items are subject to in-depth scrutiny, thus missing opportunities to involve members in service improvements and policy development. By setting up a separate scrutiny mechanism for CYP matters OSMB would be able to devote part of each meeting to receiving Cabinet Leads (and a presentation outlining what is coming up under their remit) and would be better able to judge which future reports to call in. Moreover the Board would be able to instruct Task Groups to get involved in an important area whilst still in its embryonic stage. Like the new committee OSMB would also be able to pay greater attention to the way it scrutinises the various aspects of the Leicester Partnership.
- 4.2** Revising the way OSMB operates would allow for the introduction of a stand-alone CYP Scrutiny Committee. This in itself would have a number of benefits:
- a. It allows education to have the attention within scrutiny it deserves;
 - b. It frees up space within the OSMB agenda to scrutinise other issues in more depth;

- c. It allows better focus for the role of co-optees;
- d. It brings about the opportunity to encompass new ways of working, for example through the development of the rapporteur role which would undertake research and investigation on behalf of the Committee and report back at every meeting. This role could also encapsulate reviewing whether previous recommendations from the Committee had been followed up in the department.
- e. It allows greater energy and focus to delve into the numerous partnership arrangements that are behind work in this area and allows room and flexibility to bring those partners into the meeting to be challenged.

5 Membership

5.1 To abide by the rules set out in the Local Government Act 1989 – the ‘Widdicombe’ rules - the membership of the new scrutiny committee would need to reflect the proportionate political make-up of the Council. This would suggest a voting membership of eight plus the four statutory co-optees. It may also be necessary to further adjust OSMB’s membership in light of a reduction of one (CYP) Task Group Leader.

5.2 It is felt appropriate that although voting on the committee would be restricted to members of the committee, other interested councillors would be invited to share their views within the meetings at the discretion of the Chair. It would be expected that the statutory education co-optees would be transferred over and no longer sit on OSMB. The new committee would also extend a standing invite to the Youth reps who attend OSMB (although OSMB could decide to also keep that standing invite).

6 Resource Implications

6.1 There would be resource implications of having an additional committee though this would be negated to some extent by the abolition of the existing Children and Young People’s Scrutiny Task Group.

6.2 In terms of officer support there would be some difference in the intensity and level of support which would need to be absorbed by the Members Support Team and by the Democratic Support Team. The Members Support Officer currently supporting the CYP Task Group could be transferred as there is some capacity already set aside for that Task Group. It may, however, have some impact on scrutiny development work.

6.3 There would be a bigger impact on the Democratic Support Team. Although the new committee might reduce the length of meeting and quantity of paperwork associated with OSMB, there will still be an additional burden. OSMB currently equates to roughly 40 hours per month (30 hours per meeting) within the Democratic Support Team. It is estimated that another committee might require up to 2/3 of support that OSMB currently receives. This extra burden would likely fall on ‘senior’ DS staff because of the stature and prominence of the committee.

6.4 There might also be some small additional resource implications for the CYP department because of the potential of having senior officers attending in a wider capacity than happens now in OSMB. In addition there will need to be legal cover for the new meetings.

Members Allowances

6.1 There will also be an additional cost for the members' Allowance budget, in relation to a special Responsibility Allowance, which may be payable. The allowance would be in line with other comparable positions.

7 Constitutional and Legal Implications

7.1 There would need to be amendments to the Constitution. The Scrutiny Committees established by the Council in accordance with Article 6 of the Constitution are:

- Overview and Scrutiny Management Board
- Performance and Value for Money Select Committee
- Health Overview and Scrutiny Committee

7.2 Therefore the Children and Young People Scrutiny Committee would need to be established under Article 6 and its terms of reference (Appendix A) appointed under Part 3 'Responsibility for Functions'.

7.3 The new Committee will abide by Article 6 of the Constitution as regards appointment of scrutiny committees and their general role and function. It will also conduct its proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of the Constitution.

7.4 The education co-optees, although remaining the same, need to be formally appointed to the new committee through full Council with an enabling resolution allowing for future changes of personnel.

7.5 Changes to the Members Allowance Scheme (Part 6) will need to be made in accordance with the implications from section 6 above, in consultation with the Independent Remuneration Panel on Members' Allowances.

8. Legal, Financial and other implications

Legal (*Kamal Adatia*)

8.1 Section 21 Local Government Act (LGA) 2000 sets out the legislative imperative for Local Authorities to appoint overview and scrutiny committees with power to:

(a) Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive, (**scrutinise executive functions**);

(b) Make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive, (**report/recommend to executive/Council on Executive functions**);

(c) Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive, (**scrutinise non-executive functions**);

(d) Make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive, (**report/recommend to executive/Council on non-executive functions**);

(e) Make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area (**residual generic reporting/recommending function**)

8.2 These are reflected broadly in **6.02** of our Constitution and in the preamble to the Scrutiny Terms of Reference at **page 85**.

8.3 In the context of the CYP Scrutiny Committee the above five powers need to be targeted to CYPS matters, and these are set out at Appendix A.

8.4 The LGA 2000 s.21 and our Constitution deal with the following matters also:

a) Appointment of committees and subcommittees (**Art 6.01 and Part 4A Rule 34(a)**);

b) Status of members of the executive (**s.21(9) LGA 2000**)

c) Invitations to non-members of the committee (**s.21(13)(a) & (b) LGA 2000**); **Part 4E Rule 7 (a) & (b), page 85 Constitution**; **6.03(a)(iv) & (b)(iii)(vi)**

d) Co-opting of voting members for the purposes of the discharge of statutory education scrutiny functions (**s.21(10) & Schedule 1 LGA 2000**; **Part 4E Rule 12, Reg 3 Parent Governor Representatives (England) Regs 2001, s.115 LGA 2003**)

e) Co-opting of non-voting members (**S.21(10) LGA 2000**)

Financial (*Alison Greenhill*)

8.5 There will be an additional cost for Members Allowances which would need to be found from within existing budgets. If the new committee were given equal status to the other three standing scrutiny committees this would result in a shortfall of £3,074. However it is proposed to reduce the number of Deputy Task Group Leaders, based on an assessment of workloads, which releases the necessary funding.

8.6 Officer support for the new committee will have to be provided from within the existing structure, bearing in mind that the 2009/10 revenue budget strategy contains a reduction of 5.5 posts within the Democratic Services Division as a whole.

Other Implications

Other implications	Yes/No	Paragraph references
Equal Opportunities	No	
Policy	Yes	Whole report
Sustainable and Environment	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on low income	No	

9. Consultations

Charles Poole, Service Director, Democratic Services
Kamal Adatia, Head of Community Services Law
Overview and Scrutiny Management Board

10. Background Papers

Taking Forward Overview and Scrutiny – Council paper May 2008

11. Report Author

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Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)

Appendix A

Draft Terms of Reference for LCC Children and Young People Scrutiny Committee

The Children and Young People Scrutiny Committee is a Committee with a specific remit to perform the scrutiny role and functions as set out in Article 6 of the Council's Constitution.

Within this remit the Committee will:

- Decide on children and young people issues that are to receive overview and scrutiny (e.g. on areas of significant policy or service change or performance, or an area of public or local interest.);
- Directly scrutinise policy or service changes;
- Make recommendations to Cabinet on service delivery and improvement
- Set its own work programme;
- Request that a Sub-Committee 'Working Group' scrutinises a change to policy/service deliver or a particular performance issue;
- Monitor and evaluate the work of the Committee's researcher/rapporteur;
- Oversee and monitor training programmes for members of the Children and Young People Scrutiny Committee, in particular at the start of their tenure as members of this committee;
- Act as the Council's statutory education committee and include as members the statutory education co-optees.

The Committee will consider petitions and questions from members of the public in relation to CYPS issues.

Appendix B

Amended Terms of Reference for OSMB

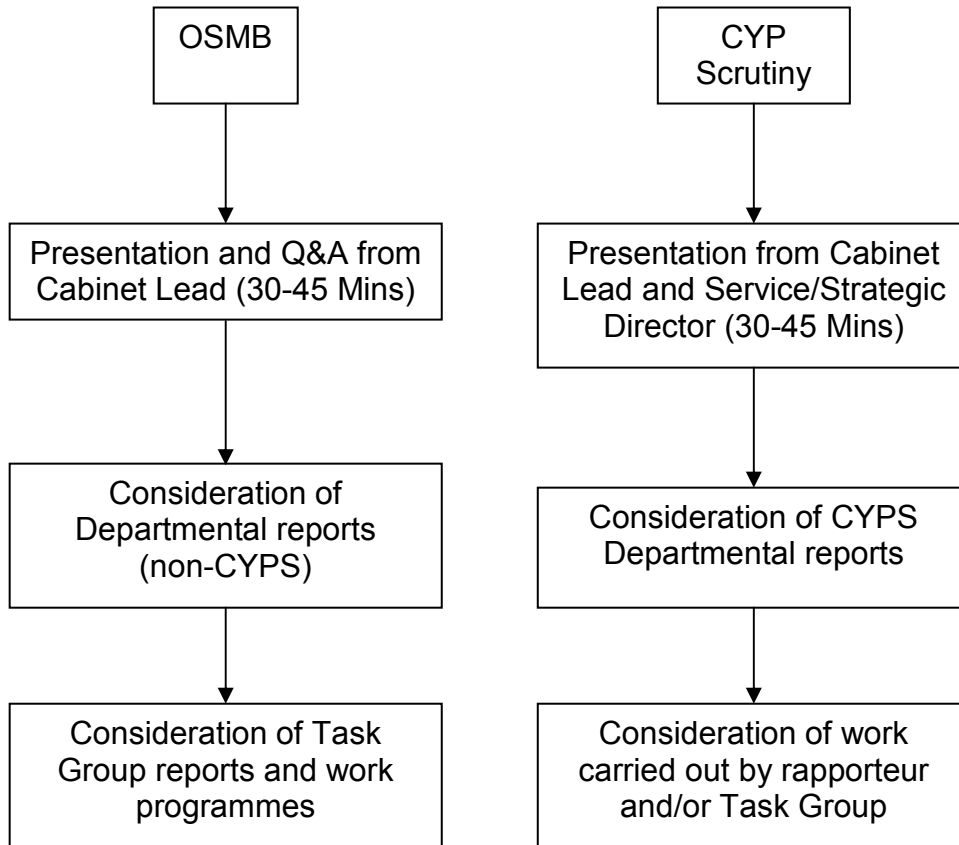
The Overview and Scrutiny Management Board is a Scrutiny Committee with a general remit to perform the scrutiny role and functions as set out in Article 6 of the Constitution.

Within this remit the Overview and Scrutiny Management Board will:

- Decide on issues that are to receive overview and scrutiny (e.g. an area of significant policy or service change or underperformance, or an area of public or local interest)
- Directly scrutinise policy or service changes
- Set the work programme for the Task Groups
- Request that an Overview and Scrutiny Task Group scrutinises a change to policy/service delivery
- Request a Ward Community Meeting to undertake the scrutiny of a local issue
- Monitor and evaluate the work of the Overview and Scrutiny Task Groups
- Oversee and monitor training programmes for Overview and Scrutiny
- Oversee the overall use of financial resources allocated to support the overview and scrutiny process

Appendix C

Proposed format of OSMB and CYP Scrutiny Committee meetings:



*Although this diagram is linear there will inevitably be interaction between OSMB and the new committee. Not least it might be expected that certain reports would need to be seen at both though this would be considered at respective agenda meetings to minimise duplication of officers' time. It might also be expected that a joint CYP and 'other' Task Group may need to be set up.