

## Protocol for Co-opted Members of Overview and Scrutiny Committees

### Introduction

The purpose of this protocol is to set out the legislative and constitutional position in relation to co-opted members of overview and scrutiny committees. The protocol will define who can be a co-opted member and what their role on the committee should be. It will also confirm arrangements for the appointment of co-opted members and set out the induction training and ongoing support that is available to them. Finally, it will remind co-opted members of their obligations under the Code of Conduct for Members and Co-opted Members.

### The Legislative Position

Schedule 1 of the **Local Government Act 2000**, as amended by the **Localism Act 2011** and the **Local Authorities (Committee System) (England) Regulations 2012**, sets out the requirements for co-opted members to serve on the overview and scrutiny committee that oversees and scrutinises the Council's education functions. These are:

- (a) If the local authority maintains one or more Church of England schools, the overview and scrutiny committee membership must include a person nominated by the relevant Diocesan Board of Education;
- (b) If the local authority maintains one or more Roman Catholic Church schools, the overview and scrutiny committee membership must include a person nominated by the bishop of the relevant Roman Catholic diocese;
- (c) The overview and scrutiny committee must include one or more persons elected as representatives of parent governors at local authority maintained schools.

The Church of England and Roman Catholic representatives are both permitted to vote on any matter relating to the Council's education functions.

Overview and Scrutiny Committees are permitted to co-opt additional members, but if they wish to allow these co-opted members to vote, they must create a scheme setting out their voting entitlement and publish it in accordance with the regulations.

**The Parent Governor Representatives (England) Regulations 2001** require a local education authority to appoint at least two but no more than five parent governor representatives to the overview and scrutiny committee dealing with education matters.

These regulations address the voting rights of parent governor representatives and confirm that they are the same as that of the Church of England and Roman Catholic Representatives.

The regulations set out how parent governor representatives should be elected and set out what qualifies a person for election, as well as reasons why they would be disqualified from being elected or holding office as a parent governor representative.

The regulations specify that the term of office must begin not more than one month after the result of the election is announced and can last for a period of between two and four years. If a parent governor representative resigns, an election to fill the vacancy must take place within six months. The term of office for the successor can be shorter than two years but must not exceed four.

**The Local Authorities (Committee System) (England) Regulations 2012** confirm that the 2001 regulations continue to apply.

### **The County Council's Constitution**

Rule 4 of the Overview and Scrutiny Procedure Rules (Part 4E) clarifies that the County Council has determined that it is unnecessary to co-opt people who are not County Councillors to be members of an overview and scrutiny committee, save to the extent required by law (i.e. the education representatives).

Rule 5 of the Overview and Scrutiny Procedure Rules (Part 4E) confirms that the overview and scrutiny committee dealing with education matters is the Children and Families Overview and Scrutiny Committee.

It states that the Children and Families Overview and Scrutiny Committee should include a representative from the Church of England diocese and two parent governor representatives. There are no local authority maintained Roman Catholic Church schools in Leicestershire.

It confirms that education representatives can participate in and vote on issues related to education functions, subject to the provisions of any relevant statutory regulations. If the overview and scrutiny committee deals with other matters, the education representatives are not permitted to vote on those other matters, though they may stay in the meeting and speak.

### **Parent Governor Representatives: Eligibility Criteria**

A person wishing to be elected as a parent governor representative must be, on the date of election:

- (a) a parent governor at a Leicestershire County Council maintained school;
- (b) the parent of a registered pupil who is educated at a Leicestershire County Council maintained school, or who is educated by the County Council otherwise than at a school.

*[There are further eligibility criteria in the 2001 regulations, depending on whether the Council has decided to specify which areas/types of school a parent governor*

*representative should come from. Leicestershire County Council has chosen not to apply additional criteria.]*

A person wishing to be elected as a parent governor representative cannot be:

- (a) An elected member of any local authority;
- (b) A teacher or otherwise employed in a Leicestershire County Council maintained school;
- (c) An employee of Leicestershire County Council.

Once appointed, there are some reasons set out in the Regulations for an existing parent governor representative to resign from office. These are as follows:

- (a) Resigning or being disqualified from the office of parent governor;
- (b) Ceasing to be a parent governor for any reason other than:
  - (i) Completing their term of office;
  - (ii) No longer holding office because of the discontinuance of the school at which they were a parent governor;
  - (iii) No longer holding office because of a change in the constitution of the governing body of the school at which they were a parent governor;
- (c) Being elected as a member of any local authority;
- (d) Taking up employment with the County Council or in a County Council maintained school;
- (e) Serving as a parent governor representative on an overview and scrutiny committee in a different local authority;
- (f) Failing to attend meetings for a continuous period of six months without sending apologies for absence.

A parent governor representative who fails to attend a meeting for a continuous period of six months without sending apologies for absence will be automatically disqualified from continuing to serve on the committee. There is no right of appeal.

A person specification has been developed for parent governor representatives, reflecting the eligibility criteria set out above. It forms part of Appendix A to this protocol.

### **Role of an Education Representative**

The role of an education representative, as set out in the induction pack created by the Centre for Governance and Scrutiny, is to:

- (a) Attend and contribute to meetings of the Children and Families Overview and Scrutiny Committee
- (b) Establish good relations with other members and officers;
- (c) Abide by the Council's Meeting Procedure Rules (Part 4A of the Constitution);
- (d) Act with due propriety according to standards laid down for conduct in local government and in particular the Council's Member Code of Conduct (Part 5A of the Constitution).

In addition, Parent Governor Representatives should:

- (a) Act as an apolitical voice for parents in the area, representing to the County Council the main education issues which concern parents of pupils in schools that it maintains;
- (b) Liaise with the other Parent Governor Representative on the committee;
- (c) Feed back the County Council's discussions of and decisions on education to parents.

The Church of England representative should also:

- (a) Act as an apolitical voice for the County Council maintained Church of England schools in the area, representing to the County Council the main education issues which concern these schools;
- (b) Feed back the County Council's discussions of and decisions on education to the Diocese of Leicester.

A role description has been developed for parent governor representatives, reflecting the information set out above. It forms part of Appendix A to this protocol.

### **Appointment Process and Term of Office**

Vacancies for Parent Governor Representatives are advertised via the Leicestershire Traded Services website, with a request for expressions of interested to be submitted to [governors@leics.gov.uk](mailto:governors@leics.gov.uk).

If there are more expressions of interest than places on the Committee, then an election must be carried out in accordance with the provisions in the 2001 Regulations. All parent governors of schools maintained by the County Council are eligible to vote.

The Church of England Diocese of Leicester nominates the Church of England representative. There is nothing in legislation to disqualify a Church of England representative from serving on the Committee if they do not regularly attend meetings of the Children and Families Overview and Scrutiny Committee. However, at the discretion of the Chair, the Diocese will be asked to reconsider the position of their nominee if they fail to attend meetings for a period of six months without submitting their apologies.

The appointment of all education representatives is made by the full County Council at the Annual Meeting following a County Council election. The Term of Office for education representatives is four years, aligned to the life of the Council.

### **Induction Training and Ongoing Support**

The following induction training will be offered to education representatives:

- (a) Overview of the role of the Children and Families Service Overview and Scrutiny Committee;
- (b) Overview of the priorities for the Children and Families Service, aligned to the County Council's Strategic Plan and Medium Term Financial Strategy (this session will also be attended by elected members);

- (c) Overview of the County Council's Code of Conduct and Meeting Procedure Rules;
- (d) Media and Social Media Training in relation to the obligations in the Code of Conduct (this session will also be attended by elected members).

Education representatives will also be offered an opportunity to refresh their knowledge and discuss any issues of concern on an annual basis. This will align to the annual review of their Register of Interests.

### **Code of Conduct**

Co-opted members are bound by the County Council's Code of Conduct for Members and Co-opted Members (Part 5A of the Council's Constitution).

The Code sets out guidance on the behaviour expected when acting as a co-opted member of the Council and sets out the type of conduct that would lead to action being taken against a co-opted member. It also provides guidance on the types of interest that need declaring at meetings and what that means in terms of participation.

In line with the Code, co-opted members are required to register and disclose any Disclosable Pecuniary Interests and any Other Registerable Interests within 28 days of becoming a co-opted member. They must ensure that the register of interests is kept up-to-date and notify the Monitoring Officer (via the Democratic Services Officer supporting the Children and Families Overview and Scrutiny Committee) of any new interests or any changes to a registered interest within 28 days.

### **Useful Links**

Agendas, supporting papers and minutes for meetings of the Children and Families Overview and Scrutiny Committee are published online via <https://democracy.leics.gov.uk/mgCommitteeDetails.aspx?ID=1043>

General information about the Council's overview and scrutiny function, including links to the Overview and Scrutiny Annual Report, is available via <https://www.leicestershire.gov.uk/about-the-council/how-the-council-works/overview-and-scrutiny/scrutiny-commission-and-committees>

There is also a link on the overview and scrutiny webpages to the Guide to Overview and Scrutiny, or it can be found here:

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/3/4/Chairman-and-Deputy-Chairman-job-description.pdf>. This explains how the overview and scrutiny function works at the County Council, what the committees are supposed to do and how they carry out that work.

## Parent Governor Representative: Role Description and Person Specification

### Role Description

The role of a Parent Governor Representative is to:

- Prepare for, attend and actively contribute to the work of the Children and Families Overview and Scrutiny Committee.
- Bring an external perspective to the work of the Children and Families Overview and Scrutiny Committee.
- Be able to express the views of parents of pupils in maintained schools, even if these do not accord with their personal views.
- Ensure that parents of pupils in maintained schools are kept up-to-date on the work of the Children and Families Overview and Scrutiny Committee.
- Act independently of party politics and lobbying interests.
- Establish good working relations with elected members and officers.
- Abide by the requirements of the County Council's Constitution and Code of Conduct.

### Person Specification

Parent Governor Representatives should be:

- A parent governor of a school maintained by Leicestershire County Council.
- The parent of a pupil educated at a school maintained by Leicestershire County Council or otherwise educated by the County Council.
- Completely independent of Leicestershire County Council and the schools it maintains, other than serving as a parent governor.
- Not affiliated with any political party or an elected member of any local authority.
- Understanding of the current key issues and priorities for Education in Leicestershire.
- Willing to contribute to discussions in public meetings.
- Able to represent the views of Leicestershire parents and bring those views into the scrutiny process.
- Respectful of the views of others and able to consider issues in a fair and non-judgemental way.
- Able to work as part of a team and develop good working relationships with people from different backgrounds.
- Able to understand written and verbal information and analyse complex issues.
- Able to act with sensitivity and discretion at all times.
- Able to attend meetings during the day.
- Willing to attend training to develop knowledge and skills.
- Committed to the principles of public scrutiny,
- Aware and understanding of Equality and Diversity issues.