

CHILDREN, YOUNG PEOPLE AND EDUCATION COMMITTEE

Tuesday, 01 December 2020

REPORT TITLE:	APPOINTMENT OF CORPORATE PARENTING BOARD MEMBERS
REPORT OF:	DIRECTOR: LAW AND GOVERNANCE (MONITORING OFFICER)

REPORT SUMMARY

The purpose of the report is to enable the Children, Young People and Education Committee, in accordance with the relevant statutory provisions and the terms of the Constitution, to appoint Members to the Corporate Parenting Board of the Council for 2020 / 2021.

Under its Terms of Reference, the Children, Young People and Education Committee is responsible for the appointment of a Sub-Committee and Working Group of five (5) or more members of the Children, Young People and Education Committee, politically balanced, together with [two] non-voting co-opted young people with recent (within the last five years) direct experience of being looked after by, or receiving services as a care leaver from the Council, with delegated authority to exercise responsibility for the Council's functions relating to the delivery by or on behalf of the Council, of Corporate Parenting functions with the exception of policy decisions which will remain with the Children and Young People's Committee.

The decisions of the Committee regarding this report are not considered to be Key Decisions.

RECOMMENDATION/S

The Children, Young People and Education Committee is requested to:

- 1) confirm that the Corporate Parenting Board be appointed for 2020-21 with the terms of reference identified with 5 (minimum) Members of the Children, Young People and Education Committee.
- 2) appoint Members to serve on the Corporate Parenting Board in 2020-21, including the appointment of named deputies.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATIONS

- 1.1 To enable the appointment of Members to the Corporate Parenting Board of the Council.
- 1.2 Under its Terms of Reference, the Children, Young People and Education Committee is responsible for the appointment of a Sub-Committee and Working Group of five (5) or more members of the Children, Young People and Education Committee, politically balanced, together with [two] non-voting co-opted young people with recent (within the last five years) direct experience of being looked after by or receiving services as a care leaver from the Council, with delegated authority to exercise responsibility for the Council's functions relating to the delivery by or on behalf of the Council, of Corporate Parenting functions with the exception of policy decisions which will remain with the Children and Young People's Committee.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Part 2, Article 6.4 (iii) of the constitution states: sub-committees will normally be constituted of five (5) members, which may be altered to accommodate the overall political balance calculation, or be constituted of such other number as the parent Committee decides.

3.0 BACKGROUND INFORMATION

The Sub-Committees of the Children, Young People and Education Committee are described as laid out below in the Constitution (Part 3 – Responsibility for Functions (B) Committee Terms of Reference) – as follows:

EXTRACT BEGINS

CHILDREN, YOUNG PEOPLE AND EDUCATION COMMITTEE

3.1 Composition:

Eleven (11) Members of the Council, subject to proportionality, which may be altered to accommodate the overall political balance calculation, together with:

- (i) one representative of the Church of England Diocesan Board and one representative of the Roman Catholic Diocesan Board, who may only vote on education matters;
- (ii) two Co-opted Parent Governor Representatives (non-voting)

3.2 Terms of Reference

The Children, Young People and Education Committee is responsible for services which help keep children and young people safe and fulfil their potential. It incorporates schools and attainment, and social care for children and families. It has

a particular focus on those children who are in care, and for whom the Council has corporate parenting responsibility.

The Committee is charged by full Council to undertake responsibility for:-

- (a) exercising management, oversight and delivery of services to children and young people in relation to their care, wellbeing, education or health, with the exception of any powers reserved to full Council;
- (b) the functions and powers conferred on or exercisable by the Council as Local Authority in relation to the provision of education;
- (c) working with all schools (including academies) in relation to raising standards of attainment and developing opportunities;
- (d) leading for the Council and its partners in the discharge the Council's functions as Corporate Parent for its children in care and care leavers;
- (e) any other functions comprised in partnership arrangements with other bodies connected with the delivery of services for children, young people and families;
- (f) providing a view of performance, budget monitoring and risk management in relation to the Committee's functions;
- (g) undertaking the development and implementation of policy in relation to the Committee's functions, incorporating the assessment of outcomes, review of effectiveness and formulation of recommendations to the Council, partners and other bodies, which shall include any decision relating to:
 - child protection;
 - children's centres;
 - education, schools and settings;
 - looked after children;
 - mental health services;
 - safeguarding;
 - special educational needs and disability (SEND);
 - youth offending services;
 - youth services; and
 - social and education transport

3.3 Methodology

- (a) **Enquiries and Policy Development** -The Committee may undertake enquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.
- (b) **Overview and Scrutiny** - The Committee may scrutinise and review decisions made or actions taken by the Authority in so far as they have a direct impact on the role or functions of the committee and the Committee can make recommendations to the relevant Committee on policies, budget and service delivery. Overview and scrutiny of the Council is an important part of the Committee's remit as part of a 'doing and reviewing' approach. Upon conclusion of a scrutiny exercise the Committee will produce a report containing recommendations for decision by the Policy and Resources Committee or other Committee as may be relevant. In doing so, the Committee shall have regard to

the overview and scrutiny means of working set out at Part 4(4) of this Constitution.

- (c) **Stakeholders** - The Committee may invite stakeholders to address the committee on issues of local concern and/or answer questions in so far as it impacts directly or indirectly on the role of functions of the committee

3.4 **Corporate Parenting Panel**

A Sub-Committee and Working Group of five (5) or more members of the Children, Young People and Education Committee, politically balanced, together with [two] non-voting co-opted young people with recent (within the last five years) direct experience of being looked after by or receiving services as a care leaver from the Council, with delegated authority to exercise responsibility for the Council's functions relating to the delivery by or on behalf of the Council, of Corporate Parenting functions with the exception of policy decisions which will remain with the Children and Young People's Committee.

EXTRACT ENDS

4.0 **FINANCIAL IMPLICATIONS**

- 4.1 The Chair of the Corporate Parenting Panel is not entitled to a special responsibility allowance (SRA) under Part 6 of the Constitution – Members' Allowances Scheme, therefore there are no direct financial implications arising from this decision.

5.0 **LEGAL IMPLICATIONS**

- 5.1 The Council must allocate seats on committees and sub committees so as to give effect to the political balance rules. The rules for the allocation of seats are set out in Sections 15 and 16 of the Local Government and Housing Act 1989 and the Local Government Committee and Political Group Regulations 1990. The Act provides four principles concerning political representation that must be observed. The four principles are:-
- (a) That not all seats are allocated to the same political party.
 - (b) That the political group with the majority of seats should have the majority of seats on each committee.
 - (c) Subject to (a) and (b) that the total number of seats allocated to political groups on all committees (to which Section 15 of the Act applies), shall be in the same proportion as the total number of seats on the authority held by each political group.
 - (d) Subject to (a) to (c) that the number of seats allocated to each political group on a committee (to which Section 15 of the Act applies), shall be the same as the proportion of the total number of seats on the authority held by each political group.

The legislation provides that the Council may make alternative arrangements to the 'proportionality' principles within this report only by a unanimous vote.

5.2 Proportionality:

Members must have regard to the requirements of section 15 of the Local Government and Housing Act 1989, and the relevant regulations (which deal with political balance on committees and sub-committees), and the terms of the High Court judgment in the case of R v Brent LBC ex-parte Gladbaum and Wood (which requires the relevant parent committee, rather than the Council, to appoint members of sub-committees and panels).

Part 2, Article 6.4 (iii) of the constitution states: sub-committees will normally be constituted of five (5) members, which may be altered to accommodate the overall political balance calculation, or be constituted of such other number as the parent Committee decides.

The political balance of these Sub-Committees, if kept to a minimum of 5 members per Sub-Committee should be:

2 Labour Members
2 Conservative Members
1 Liberal Democrat Member

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no resource implications arising directly from this report.

7.0 RELEVANT RISKS

7.1 There are no direct risks arising from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 It is for Members of the Children, Young People and Education Committee to decide how they wish to allocate places on the Sub-Committees.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

9.2 There are no equality implications arising directly from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no environment and climate implications arising directly from this report.

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APPENDICES

Appendix 1 – Membership of the Children, Young People and Education Committee
2020/21 as ratified at Annual Council 28 September 2020.

BACKGROUND PAPERS

The Constitution of the Council.
Section 15 of the Local Government and Housing Act 1989.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	N/A