

# CONSTITUTION AND STANDARDS COMMITTEE

Thursday, 29 September 2022

<u>Present:</u>	Councillor	T Cox (Chair)	
	Councillors	J McManus P Hayes A Onwuemene P Gilchrist	S Percy (in place of P Stuart)
	Independent Persons	RS Jones A Lloyd-Prince J McCosh	

## 10 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Paul Stuart, deputised by Cllr Sue Percy, and Chris Jones Independent Person.

## 11 DECLARATIONS OF INTERESTS

Members were asked to consider whether they had any disclosable pecuniary and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state what they are.

No such declarations were made

## 12 MINUTES (23 JUNE 2022)

**Resolved – That the accuracy of the minutes of the meeting held on 23 June 2022 be agreed.**

## 13 PUBLIC AND MEMBER QUESTIONS

The Chair reported that there had been no public questions, statements or petitions submitted.

## 14 OMBUDSMAN REPORT REGARDING SPECIAL EDUCATIONAL NEEDS SERVICE

Members agreed that this report should be heard in public and so agreed not to exclude the press and public on the understanding that they would avoid making any reference to any part of the report that would fall under the Exempt Information criteria.

The Director of Children, Families and Education introduced the report which detailed the findings of the Local Government and Social Care Ombudsman in relation to a Wirral resident's special education provision. The Ombudsman made a finding of maladministration and injustice against the Council. The report provided an overview of the investigation process and its findings, and an update of the actions taken in response to date.

Members queried where the improvement plan would be presented for scrutiny and were advised by the Director of Children, Families and Education that the Children, Young People and Education Committee, the Health and Wellbeing Board and the Adult, Social Care and Public Health Committee had considered the report and that all health partners were engaged as well.

The Chair stated that lessons had to be learned and acted upon.

The Director of Children, Families and Education noted that wide ranging improvement plans were underway and that the issues highlighted by the Ombudsman in this case were part of those plans. Improvements had been made since the improvement plan had commenced and work was ongoing.

On a motion by Councillor Tony Cox, seconded by Councillor Julie McManus it was –

**Resolved – That**

- (1) the findings of the Ombudsman Report be noted,**
- (2) the actions taken to date be noted, and;**
- (3) the matter be referred to the Children, Young People and Education Committee for monitoring as the Committee having responsibility for the oversight and scrutiny of the Special Educational Needs and Disabilities (SEND) Transformation Programme.**

**15 TERMS OF REFERENCE REPORT**

The Head of Democratic and Member Services introduced the report of the Head of Legal Services (Deputy Monitoring Officer)

The Head of Democratic and Member Services reported that the incident raised in the report was in his opinion the result of an officer error and was not a systematic issue associated with the report sign off process. However, given that a report had unfortunately been submitted to the incorrect Policy & Service Committee for consideration, he hoped that the recommendation

contained within the report would offer the Committee further assurance of such an error reoccurring.

The Chair noted that he was content with the explanation detailed in the report and was of the opinion that the recommendation offered the further reassurances that he sought on behalf of the Committee.

On a motion by Councillor Tony Cox, seconded by Councillor Phil Gilchrist it was –

**Resolved – That**

- (1) that the current process for quality assuring reports that are presented to Committees be noted, and;**
- (2) the amending of the Council’s corporate report template to include a requirement for an extract of the Terms of Reference of the relevant Committee to be included in the report be endorsed.**

16 **REFERRAL - REVIEW OF CONTRACT PROCEDURE RULES**

Principal Lawyer Mr Hughes introduced the report of the Head of Legal Services (Deputy Monitoring Officer)

The report outlined the recommendations of the Audit and Risk Management Committee in respect of the Review of Contract Procedure Rules.

The Chair noted that he was a Member of the Audit and Risk Management Committee and queried if an interest needed to be declared. The Head of Legal Services confirmed that this would not preclude the Chair from taking part in the debate.

Members noted the recommendation from the Chartered Institute of Public Finance and Accountancy (CIPFA) to empower Council officers to accept single quotations of under £25,000 in value without competition to speed up the procurement process, and asked for reassurance that officers could not make multiple purchases of just below £25,000 without some oversight.

The Principal Lawyer noted that such purchases can only be made by senior procuring officers and that there would always be an audit trail.

Members noted that the report to Audit and Risk Management Committee stated that the proposed Contract Procedure Rules have a Best Value and a Social Value criteria and questioned how much weighting was given to either of these criteria.

The Principal Lawyer noted that they were intertwined and that for a contract to be most economically advantageous, social value had to be taken into account under the Contract Procedure Rules, with a minimum weight of 5% to be taken into account for a tender.

Councillor Julie McManus requested that further investigation be made into how Social Value is considered during the tender process. The Chair agreed that he would seek further clarification from officers after the meeting and feedback to Members of the Committee.

On a motion by Councillor Tony Cox, seconded by Councillor Phil Gilchrist it was –

**Resolved – That the adoption of the changes to the Contract Procedure Rules be recommended to Full Council as part of the Council's Constitution.**