

Children and Families Committee

5 June 2023

Appointments to Sub-Committees, Working Groups, Panels, Boards and Joint Committees

Report of: David Brown, Director of Governance and Compliance

Report Reference No: CF/20/23-24

Ward(s) Affected: No specific wards

Purpose of Report

- 1 This report seeks approval from the Children and Families Committee to appoint members to the Cared for Children and Care Leavers Committee, the Local Authority School Governor Nomination Sub-Committee and to nominate a member to the Health and Wellbeing Board.

Executive Summary

- 2 The Council, at its annual meeting on 24 May 2023, approved the political representation on its main committees. The appointment of certain sub-committees, working groups, panels and boards is a matter for the relevant service committees. This report concerns those bodies which fall to be appointed by the Children and Families Committee or by the committee in conjunction with other service committees. Where political proportionality is applicable, the agreed conventions and methods of calculation have been applied.

RECOMMENDATIONS

The Children and Families Committee is recommended to:

1. Appoint Members to the Cared for Children and Care Leavers Committee as follows: Con: 5; Lab: 5; Ind: 2; Lib Dem: 0; NGI: 0
2. Appoint Members to the Local Authority School Governor Nomination Sub-Committee as follows: Con: 2; Lab: 2; Ind: 1; Lib Dem: 0; NGI: 0
3. Nominate one Member to the Cheshire East Health and Wellbeing Board
4. Agree that the names of the Members appointed will be submitted to the Head of Democratic Services and Governance
5. Note the Terms of Reference for these committees

Background

3 **A. Bodies which report to the Children and Families Committee**

4 Cared for Children and Care Leavers Committee

5 The Constitution provides that the lead service committee in respect of the Cared for Children and Care Leavers Committee will be the Children and Families Committee. The Cared for Children and Care Leavers Committee will meet on a quarterly basis, report to the Children and Families Committee on at least an annual basis and review its terms of reference annually. Please see Appendix 1 for the terms of reference. The membership (12 members) of the Cared for Children and Care Leavers Committee is required to be formally ratified by the Children and Families Committee.

6 It is proposed that the Children and Families Committee agree to the appointment of Members to the Cared for Children and Care Leavers Committee in line with the following, and that the nominees to Committee be notified to the Head of Democratic Services and Governance:

5 Conservative

5 Labour

2 Independent

7 Previous Membership

8 Councillors Q Abel, M Asquith, R Bailey, J Barber, J Buckley, C Bulman, P Butterill, K Flavell, S Handley, S Holland, D Jefferay and J Saunders.

9 Local Authority School Governor Nomination Sub Committee

10 The Local Authority School Governor Nomination Sub-Committee is a sub-committee of the Children and Families Committee. The terms of reference of the Sub-Committee include the requirement to make arrangements for the nomination of school governors. Please see Appendix 2 for the terms of reference. The membership (5 members) of the Sub-Committee is required to be formally ratified by the Children and Families Committee.

11 It is proposed that the Children and Families Committee agree to the appointment of Members to the Local Authority School Governor Nomination Sub-Committee in line with the following, and that the nominees be notified to the Head of Democratic Services and Governance:

2 Conservative

2 Labour

1 Independent

12 Previous Membership

13 Councillors M Beanland, S Carter, D Edwardes, A Harewood and G Hayes.

14 **B. Other Bodies to which the Children and Families Committee is required to make appointments**

15 Cheshire East Health and Wellbeing Board

16 Cheshire East Health and Wellbeing Board is a joint board to which this Council appoints three councillors as voting members. The lead service committee in respect of this board is the Adults and Health Committee, and the three Council nominees to the board will be formally nominated by the Adults and Health Committee, the Corporate Policy Committee, and the Children and Families Committee.

17 The current Terms of Reference are set out in Appendix 3 of this report. It should be noted that the Terms of Reference are due to be reviewed at the Corporate Policy Committee on 6 July 2023 and Council on 19 July 2023.

18 It is proposed that the Children and Families Committee agree to the nomination of one Member to the Cheshire East Health and Wellbeing Board, and that the nominee be notified to the Head of Democratic Services and Governance. There are no specific criteria which apply to the appointment.

19 Previous Appointment

20 Councillor C Bulman

Consultation and Engagement

21 There has been consultation with Group Leaders and Administrators in relation to the political representation of committees.

Reasons for Recommendations

22 In accordance with the Constitution, the Children and Families Committee is responsible for the appointment to the committees referred to in this report.

Other Options Considered

12	Option	Impact	Risk
	Do nothing	The Council's Constitution requires these committees to be appointed in line with the legislation referenced in this report. Not appointing to these committees would negatively affect the Council's ability to make decisions in an open and transparent manner.	Failure to comply with the Council's Constitution and the legislation referenced in this report could leave the Council open to legal challenge.

Implications and Comments

Monitoring Officer/Legal

- 23 The Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, make provisions in respect of the political group representation on a local authority's committees in relation to the overall political composition of the Council. The legislation applies to the decision-making committees and sub-committees of the Council.
- 24 The legislation requires that, where proportionality applies, and seats are allocated to different political groups, the authority must abide by the following principles, so far as is reasonably practicable:
 - 25 Not all of the seats can be allocated to the same political Group (i.e., there are no single group committees).
 - 26 The majority of the seats on the body are to be allocated to a political Group with a majority membership of the authority.
 - 27 The total number of seats on all ordinary committees and sub committees allocated to each Political Group bears the same proportion to the proportion on the full Council.
 - 28 The number of seats on each ordinary committee allocated to each Political Group bears the same proportion to the proportion on full Council.
- 29 The proposals contained in this report meet the requirements of the legislation.
- 30 The 1990 Regulations require Political Group Leaders to notify the Proper Officer of the Groups' nominations to the bodies in question.

Section 151 Officer/Finance

- 31 There are no financial implications that require an amendment to the Medium-Term Financial Strategy.

Policy

25 There are no direct policy implications.

An open and enabling organisation

Ensure that there is transparency in all aspects of council decision making

Equality, Diversity and Inclusion

26 There are no direct equality, diversity and inclusion implications.

Human Resources

27 There are no direct human resources implications.

Risk Management

28 Failure to comply with the Act and Regulations when appointing its committee memberships would leave the Council open to legal challenge.

Rural Communities

29 There are no direct implications for rural communities.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

30 There are no direct implications for children and young people.

Public Health

31 There are no direct implications for public health.

Climate Change

32 There are no direct implications for climate change.

Access to Information	
Contact Officer:	Brian Reed Head of Democratic Services and Governance Brian.reed@cheshireeast.gov.uk
Appendices:	Appendix 1 – Cared for Children and Care Leavers Committee Terms of Reference Appendix 2 – Local Authority School Governor Nomination Sub-Committee Terms of Reference Appendix 3 – Cheshire East Health and Wellbeing Board Terms of Reference
Background Papers:	The background papers relating to this report can be inspected by contacting the report writer.

Cared for Children and Care Leaver Committee Terms of Reference

Membership: 12 Councillors

Additionally, the committee is informed by representative young people from My Voice (Cheshire East's Children in Care Council) to advise the committee.

The Chair is the Lead Member for Children and Families.

Functions

1. The purpose of the Cared for Children and Care Leaver Committee in its role as an advisory committee to the Children and Families Committee is to ensure that the council effectively discharges its role as corporate parent for all children and young people in care and care leavers from 0- 25 years of age and holds partners to account for the discharge of their responsibilities.

2. The committee's responsibilities include:

2.1. acting as advocate for cared for children and care leavers, ensuring that their needs are addressed through key plans, policies and strategies throughout the council and its commissioned services;

2.2. ensuring key strategic plans relating to children in care and care leavers are in place and are delivered including the Cared for Children and Care Leaver's Strategy, Sufficiency Statement and Children and Young People's Plan;

2.3. overseeing the implementation of Cheshire East's Cared for Children and Care Leaver's Strategy and action plan and monitoring the quality and effectiveness of services to ensure that they fulfil the council's responsibilities;

2.4. oversight and scrutiny of the quality of care in residential children's homes for Cheshire East children and young people through visits and reports, including summary reports of Ofsted inspections;

2.5. reviewing the performance of the council in relation to outcomes for children and young people in care via the scrutiny of both quarterly performance reports and annual reports including the Health of Cared for Children and Care Leavers, the Virtual School, Fostering and the Independent Reviewing Service;

2.6. establishing an environment whereby Councillors and young people work together to address the needs and aspirations of Cheshire East's children and young people in care and empower children and young people to participate in decision making with adults;

2.7. overseeing with the Children and Families Committee the implementation of best practice principles in all aspects of service delivery, with the aim of producing positive outcomes for children and young people in care;

2.8. supporting the work of foster carers and adopters in making a difference to the care and support they provide;

2.9. making sure that staff and partners commit to follow the pledges to cared for children and young people and care leavers set out in the Cared for Children and Care Leaver's Strategy.

Governance

3. The committee will:

3.1. meet quarterly;

3.2. report to the Children and Families Committee on at least an annual basis;

and

3.3. review its terms of reference annually.

4. The Committee will be serviced by Democratic Services.

5. Minutes and agendas will be distributed and published no later than 5 clear working days prior to the meeting.

Terms of Reference

Local Authority School Governor Nomination Sub-Committee

Membership: 5 Members

1. To consider and determine the selection of Authority Governors to educational establishments, where governors are nominated by Cheshire East Council, including maintained schools and academies (as determined by their Articles of Association) in order that appointments can be made in accordance with agreed criteria.
2. To monitor vacancy rates of the Authority Governors based on information provided by the Governance and Liaison Service, with a view to ensuring that vacancies are filled within one school term.
3. To note the nomination and appointment of additional governors and any urgent appointment to schools in the Cheshire East Vulnerable Schools Programme.
4. To consider, and where appropriate, agree, terminating appointments of Authority Governors where the governor has clearly breached confidentiality or brought the school or the Local Authority into disrepute, or otherwise failed to fulfil the role according to the code of conduct. This is in addition to situations where governors are automatically disqualified under Schedule 4 of the School Governance (Constitution)(England) Regulations 2012.

Terms of Reference

Cheshire East Statutory Health and Wellbeing Board (CEHWB)

Context

1. The full name of the Board shall be the Cheshire East Health and Wellbeing Board. (CEHWB)
2. The CEHWB was established in April 2013.
3. The Health and Social Care Act 2012 and subsequent regulations provide the statutory framework for Health and Wellbeing Boards (HWB).
4. For the avoidance of doubt, except where specifically disapplied by these Terms of Reference, the Council Procedure Rules (as set out in its Constitution) will apply.

Purpose

- To work in partnership to make a positive difference to the health and wellbeing of the residents of Cheshire East through an evidence based focus on improved outcomes and reducing health inequalities.
- To prepare and keep up to date the Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and clinical commissioning groups (CCGs).
- To lead integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under section 75 of the National Health Service Act 2006 (i.e. lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services.
- To be a forum that enables member organisations of the Board to hold each other to account for their responsibilities for improving the health of the population
- To assist in fostering good working relationships between commissioners of health-related services and the CEHWB itself.

- To assist in fostering good working relationships between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services
- To undertake any other functions that may be delegated to it by the Council - such delegated functions need not be confined to public health and social care.
- To provide advice assistance and support for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.

Roles and Responsibilities

5. To work with the Council and CCG effectively to ensure the delivery of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy.
6. To work within the CEHWB to build a collaborative partnership to key decision making that embeds health and wellbeing challenge, issue resolution and provides strategic system leadership.
7. To participate in CEHWB discussions to reflect the views of their partner organisations, being sufficiently briefed to be able to make recommendations about future policy developments and service delivery.
8. To champion the work of the CEHWB in their wider work and networks and in all individual community engagement activities.
9. To ensure that there are communication mechanisms in place within partner organisations to enable information about the CEHWB's priorities and recommendations to be effectively disseminated.
10. To share any changes to strategy, policy, and the system consequences of such on budgets and service delivery within their own partner organisations with the CEHWB to consider wider system implications.

Accountability

11. The CEHWB carries no formal delegated authority from any of the individual statutory bodies.
12. Core Members of the CEHWB have responsibility and accountability for their individual duties and their role on the CEHWB.
13. The CEHWB will discharge its responsibilities by means of recommendations to the relevant partner organisations, which will act in

accordance with their respective powers and duties.

14. The Council's Core Members will ensure that they keep Policy Committee and wider Council advised of the work of the CEHWB.

15. The CEHWB may report and be accountable to Full Council and to the relevant Governing Body of the NHS Clinical Commissioning Group by ensuring access to meeting minutes and presenting papers as required.

16. The CEHWB will not exercise scrutiny duties around health or adult social care services directly. This will remain the role of the Cheshire East Scrutiny Committee. Decisions taken and work progressed by the CEHWB will be subject to scrutiny by the Scrutiny Committee.

17. The CEHWB will provide information to the public through publications, local media, and wider public activities by publishing the minutes of its meetings on the Council's website. The CEHWB is supported by an Engagement and Communications Network across HWB organisations to ensure this function can operate successfully.

Membership

18. The Core membership of the CEHWB will comprise the following:

Voting members:

- 3 councillors from Cheshire East Council
- The Director of Adult Social Services
- The Director of Public Health
- A local Healthwatch representative
- Two representatives from the Cheshire Clinical Commissioning Group
- Two representatives from the Cheshire Integrated Care Partnership
- The Chair of the Cheshire East Place Partnership

Non-voting members:

- The Chief Executive of the Council
- The Director of Children's and Families
- A nominated representative of NHS England / NHS Improvement

The Councillor membership of the CEHWB (three core voting members) will be determined by the full Council.

19. The Core Members will keep under review the Membership of the CEHWB and if appropriate will make recommendations to full Council on any changes to the Core Membership.

20. The above Core Members through a majority vote have the authority to appoint individuals as Non-Voting Associate Members of the CEHWB. The length of their membership will be for up to one year and will be subject to reselection at the next Annual General Meeting “AGM” of the CEHWB.

Associate Members will assist the CEHWB in achieving the priorities agreed within the Joint Health and Wellbeing Strategy and may indeed be chairs of sub structure forums where they are not actual Core Members of the CEHWB.

21. The above Core Members through a majority vote have the authority to recommend to Council that individuals be appointed as Voting Associate Members of the CEHWB. The length of their membership will be for up to one year and will be subject to re-selection at the next Annual General Meeting “AGM” of the CEHWB.

22. Each Core Member has the power to nominate a single named substitute.

If a Substitute Member be required, advance notice of not less than 2 working days should be given to the Council whenever practicable. The Substitute Members shall have the same powers and responsibilities as the Core Members.

Frequency of Meetings

23. There will be no fewer than four public meetings per year (including an AGM), usually once every three months as a formal CEHWB.

24. Additional meetings of the CEHWB may be convened with agreement of the CEHWB’s Chair.

Agenda and Notice of Meetings

25. Any agenda items or reports to be tabled at the meeting should be submitted to the Council’s Democratic Services no later than seven working days in advance of the next meeting. Generally, no business will be conducted that is not on the agenda.

26. Any voting member of the Board may approach the Chair of the Board to deal with an item of business which the voting member believes is urgent and

under the circumstances requires a decision of the Board. The Chair's ruling of whether the requested item is considered / tabled or not at the meeting will be recorded in the minutes of the meeting.

27. In accordance with the Access to Information legislation, Democratic Services will circulate and publish the agenda and reports prior to the next meeting. Exempt or Confidential Information shall only be circulated to Core Members.

Annual General Meeting

28. The CEHWB shall elect the Chair and Vice Chair at each AGM, the appointment will be by majority vote of all Core voting Members present at the meeting.

29. The CEHWB will approve the representative nominations by the partner organisations as Core Members.

Quorum

30. Any full meeting of the CEHWB shall be quorate if there is representation of any three of the following statutory members: – the relevant NHS Cheshire CCG(s), Local Health Watch, a Councillor and an officer of Cheshire East Council.

31. Failure to achieve a quorum within fifteen minutes of the scheduled start of the meeting, or should the meeting become inquorate after it has started, shall mean that the meeting will proceed as an informal meeting but that any decisions shall require appropriate ratification at the next quorate meeting.

Procedure at Meetings

32. General meetings of the CEHWB are open to the public and in accordance with the Council's Committee Procedure Rules will include a Public Question Time Session. Papers, agendas and minutes will be published on the Cheshire East Health and Wellbeing website.

33. The Council's Committee Procedure Rules will apply in respect of formal meetings subject to the following:

34. The CEHWB will also hold development/informal sessions throughout the year where all members are expected to attend and partake as the agenda suggests.

35. Core Members are entitled to speak through the Chair. Associate Members are entitled to speak at the invitation of the Chair.

36. With the agreement of the CEHWB, subgroups can be set up to consider distinct areas of work. The subgroup will be responsible for arranging the frequency and venue of their meetings. The CEHWB will approve the membership of the subgroups.

37. Any subgroup recommendations will be made to the CEHWB who will consider them in accordance with these terms of reference and their relevance to the priorities within the Joint Health and Wellbeing Strategy and its delivery plan.

38. Whenever possible decisions will be reached by consensus or failing that a simple majority vote by those members entitled to vote.

Expenses

39. The partnership organisations are responsible for meeting the expenses of their own representatives.

40. A modest CEHWB budget will be agreed annually to support engagement and communication and the business of the CEHWB.

Conflicts of Interest

41. In accordance with the Council's Committee Procedure Rules, at the commencement of all meetings all CEHWB Members shall declare disclosable pecuniary or non-pecuniary interests and any conflicts of interest.

42. In the case of non-pecuniary interests Members may remain for all or part of the meeting, participate and vote at the meeting on the item in question.

43. In the case of pecuniary matters Members must leave the meeting during consideration of that item.

Conduct of Core Members at Meetings

44. CEHWB members will agree to adhere to the seven principles of Public Life outlined in the CEHWB Code of Conduct when carrying out their duties as a CEHWB member.

Review

45. The above terms of reference will be reviewed every two years at the CEHWB AGM.

46. Any amendments shall only be included by consensus or a simple majority vote, prior to referral to the Corporate Policy Committee and Council.

January 2017

Revised July 2019

Revised August 2020

Revised March 2021

Definitions

Exempt Information

Which is information falling within any of the descriptions set out in Part I of Schedule 12A to the Local Government Act 1972 subject to the qualifications set out in Part II and the interpretation provisions set out in Part III of the Schedule in each case read as if references to “the authority” were references to “CEHWB” or any of the partner organisations.

Confidential Information

Information furnished to, partner organisations or the CEHWB by a government department upon terms (however expressed) which forbid the disclosure of the information to the public; and information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

Conflict of Interest

You have a Conflict of interest if the issue being discussed in the meeting affects you, your family or your close associates in the following ways;

The issue affects their well-being more than most other people who live in the area.

The issue affect their finances or any regulatory functions and A reasonable member of the public with knowledge of the facts would believe it likely to harm or impair your ability to judge the public interest.

Associate Members

Associate Member status is appropriate for those who are requested to chair sub groups of the CEHWB.

Health Services Means services that are provided as part of the health service.

Health-Related Services means services that may have an effect on the health of individuals but are not health services or social care services.

Social Care Services

Means services that are provided in pursuance of the social services functions of local authorities (within the meaning of the Local Authority Social Services Act 1970)

CEHWB Member Code of Conduct

1. Selflessness

Members of the Cheshire East Health and Wellbeing CEHWB should act solely in terms of the interest of and benefit to the public/patients of Cheshire East. They should not do so in order to gain financial or other benefits for themselves, their family or their friends

2. Integrity

Members of the Cheshire East Health and Wellbeing CEHWB should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their duties and responsibilities as a CEHWB member

3. Objectivity

In carrying out their duties and responsibilities members of the Cheshire East Health and Wellbeing CEHWB should make choices based on merit and informed by a sound evidence base

4. Accountability

Members of the Cheshire East Health and Wellbeing CEHWB are accountable for their decisions and actions to the public/patients of Cheshire East and must submit themselves to whatever scrutiny is appropriate

5. Openness

Members of the Cheshire East Health and Wellbeing CEHWB should be as transparent as possible about all the decisions and actions that they take as part of or on behalf of the CEHWB. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

6. Honesty

Members of the Cheshire East Health and Wellbeing CEHWB have a duty to declare any private interests relating to their responsibilities and duties as CEHWB members and to take steps to resolve any conflicts arising in a way that protects the public interest and integrity of the Cheshire East Health and Wellbeing CEHWB

7. Leadership

Members of the Cheshire East Health and Wellbeing CEHWB should promote and support these principles by leadership and example

Health and Wellbeing Board Principles and Behaviours

The Cheshire East Health and Wellbeing Board Partners shall work together to achieve the objectives of the Cheshire East Health and Wellbeing Strategy and The Cheshire East Place Partnership Five Year Plan. The Board shall:

- (a) Collaborate and work together on an inclusive and supportive basis, with optimal use of their individual and collective strengths and capabilities;
- (b) Engage in discussion, direction setting and, where appropriate, collective agreement, on the basis that all the Partners will participate where agreed proposals affect the strategic direction of the Health and Wellbeing Board and/or of Services, and in establishing the direction, culture and tone of the work and meetings of the Board;
- (c) Act in the spirit of partnership in discussion, direction setting and, where appropriate, collective agreement making;
- (d) Always focus upon improvement to provide excellent Services and outcomes for the Cheshire east population;
- (e) Be accountable to each other through the Board by, where appropriate, taking on, managing and accounting to each other in respect of their financial and operational performance;
- (f) Communicate openly about major concerns, issues or opportunities relating to the Board;
- (g) Act in a way that is best for the delivery of activity to drive forward the Five Year Plan, and shall do so in a timely manner and respond accordingly to requests for support promptly;

(h) Work with stakeholders effectively, following the principles of co- design and co-production.