

Governance and Constitution Committee

Date: 3rd November 2008
Report of: Governance Lead Officer
Title Appointment of Statutory Co-opted Members to Scrutiny Committees – Elected Parent Governors and Nominated Church Representatives

1.0 Purpose of Report

1.1 To advise the Committee of the recommendations of the Scrutiny Committee in respect of statutory appointments to the Scrutiny Committee(s) which deal with education matters. These appointments will have voting rights on educational matters.

2.0 Decision Required

2.1 To recommend to Council that the following decisions of the Committee be incorporated in the Council's Constitution:

2.1.1 That two parent governor representatives should be appointed to the Scrutiny Committee for the purposes of dealing with education matters; one being drawn from the primary education sector, and the other being drawn from the secondary education sector.

2.1.2 That the period of office of the parent governor representatives should be 2 years with effect from 1st April 2009.

2.1.3 That one nominated representative of the Church of England Diocese and one nominated representative of the Roman Catholic Diocese should be co-opted to the Scrutiny Committee for the purposes of dealing with education matters.

2.2 That Council be recommended to authorise the Interim Monitoring Officer to make such consequential additions and changes to the Constitution as she considers necessary to give effect to the decision of Council.

3.0 Implications for Transitional Costs

3.1 None

4.0 Background and Information

4.1 Under the provisions of the Local Government Act 2000 and the Parent Governor Representatives (England) Regulations 2001, local authorities must appoint representatives of parent governors at maintained schools to Scrutiny Committees which deal with Education matters. This is to enable parents to have a direct input to policies on education provision for pupils of school age.

- 4.2 Under the provisions of section 499 Education Act 1996 pursuant to which the Secretary of State issued a Direction (with guidance) - DfEE Circular 19/99, local authorities must appoint diocesan representatives to Scrutiny Committees which deal with Education matters. The Church representatives will have voting rights in relation to any decision relating to: - schools maintained by the LA, pupils who attend schools maintained by the LA or are educated by the LA in some way but not the other business of the Committee. This is to enable denominations to have a direct input to policies on education provision for pupils of school age.
- 4.3 Current procedures for parent governor representatives, eligibility and guidance on voting rights etc. are attached at Appendix 1. Appendix 2 outlines a typical timetable for an election of parent governors' representatives to take place.
- 4.4 Appendix 3 outlines the requirements of local authorities in England to provide Church representatives with voting rights on Scrutiny Committees dealing with education and the scope of direction. These duties will fall upon Cheshire East Council.
- 4.5 On 10th October 2008, the Council's Scrutiny Committee considered a report on this matter and made the following decisions:
- 4.5.1 That two parent governor representatives should be appointed to the Scrutiny Committee for the purposes of dealing with education matters; one being drawn from the primary education sector, and the other being drawn from the secondary education sector.
- 4.5.2 That officers be authorised to make arrangements for the appointment of the parent governor representatives by election (if contested) by way of secret ballot.
- 4.5.3 That the period of office of the parent governor representatives should be 2 years with effect from 1st April 2009.
- 4.5.4 That one nominated representative of the Church of England Diocese and one nominated representative of the Roman Catholic Diocese should be co-opted to the Scrutiny Committee for the purposes of dealing with education matters.
- 4.6 The decisions set out at paragraphs 4.5.1, 4.5.3 and 4.5.4 will need to be reflected in the Council's Constitution and the Governance and Constitution Committee therefore need to make appropriate recommendations to Council in order for this to be agreed. These are contained at paragraph 2.

For further information: -

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Background Documents: -

- ***Local Government Act 2000***
- ***Parent Governor Representatives (England) Regulations 2001***
- ***Education Act 1996***
- ***DfEE Circular 19/99***

Documents are available for inspection at:

Shadow Council Support Office

Room 51

County Hall

Chester

CH1 1SF

CURRENT PROCEDURES

**APPOINTMENT OF PARENT GOVERNOR REPRESENTATIVES
TO SCRUTINY COMMITTEES**

1. INTRODUCTION

Under the provisions of the Local Government Act 2000 and the Parent Governor Representatives (England) Regulations 2001, local authorities must appoint representatives of parent governors at maintained schools to Scrutiny Committees which deal with Education matters. This is to enable parents to have a direct input to policies on education provision for pupils of school age.

2. REPRESENTATION

Cheshire County Council currently has two appointed parent governor representatives on the Children's Services Scrutiny Select Committee but they may also sit on any other Scrutiny Committee that deals with Education matters from time to time. The current term of office is for two calendar years.

3. ELECTION OF REPRESENTATIVES

The places for the parent governor representatives are filled by election on a countywide basis. A typical timetable for the election process is attached at Appendix 2. All parent governors at schools maintained by the Authority are eligible to vote in the election and ballot papers along with instructions on voting are issued. Governors from any other category are not eligible to vote, even if they are parents of children attending a Cheshire school

4. WHO CAN STAND?

To be eligible to stand, subject to 5 below, a parent governor must be:

- a parent governor at a school maintained by Cheshire Education Authority; and
- a parent of a child at one of Cheshire's schools; or
- a parent of a child who is educated by Cheshire in some other way.

A parent includes carers and other persons with parental responsibility.

The key point is that a nominee for election should be both a parent governor and a parent, as defined above, at the date of the election.

5. WHO CANNOT STAND?

The following parents are not eligible to stand as parent governor representatives:

- employees of Cheshire County Council;

- employees of schools maintained by Cheshire County Council;
- Members of local authorities;
- parent governor representatives at another authority; and
- governors from another category who happen to be the parent of a child at one of Cheshire's schools or educated by Cheshire in some other way

6. NOMINATIONS FOR A REPRESENTATIVE

Those wishing to stand may nominate themselves or may be nominated by other parent governors.

7. ROLE OF PARENT GOVERNOR REPRESENTATIVES

The role of a parent governor representative is to:

- act as an apolitical voice for parents in the Cheshire area;
- liaise with the other parent governor representative;
- attend and contribute to meetings dealing with Education matters;
- establish good relations with other Members and LEA Officers; and
- provide feedback to parents on Cheshire's discussions of decisions on education.

8. VOTING RIGHTS

Parent governor representatives **will** have the right to vote in any decision taken by Scrutiny Committee(s) to which they are appointed (voting rights limited to Education matters only) which relate to:

- schools maintained by Cheshire County Council;
- pupils who attend schools maintained by Cheshire County Council or who are educated by the Authority in some other way; and
- how funds which have already been earmarked for education are to be spent.

Parent governor representatives will **not** have the right to vote on;

- any decisions which determine Cheshire Education Authority's total education revenue or capital budget;
- any matters which would require the Council to raise the level of Council Tax; and
- any matters in which the representative has a pecuniary interest or some other direct interest.

A parent governor representative may participate in any discussions that take place in the Committee whether or not they have voting rights on the topic under discussion.

9. ALLOWANCES

Parent governor representatives will be entitled to claim travelling and subsistence expenses and reasonable travel expenses for attendance at the Cheshire Association of Governing Body meetings.

A TYPICAL TIMETABLE FOR ELECTION
OF
PARENT GOVERNOR REPRESENTATIVES

5 Jan	Issue background documents and nominations forms
28 Jan	Last date for nominations
11 Feb	Issue Ballot Papers and instructions on voting
10 March (noon)	Last date for return of completed ballot papers
10 March (pm)	Count
10 March	Declaration of Result
11 March	Result of Election Circulated
13 March	Formal notification of appointment
16 March	Induction period begins
31 March	Induction completed
1 April	Formally take up office

CHURCH REPRESENTATIVES ON LOCAL AUTHORITY COMMITTEES DEALING WITH EDUCATION

INTRODUCTION

1. Circular 19/99: contained a direction of the Secretary of State for Education and Employment under section 499 of the Education Act 1996 requiring local authorities in England to appoint representatives of the Church of England and the Roman Catholic Church to their committees dealing with education. These representatives will represent those who appoint foundation governors for voluntary schools in their area. Representatives of other Christian denominations and other faiths who also appoint foundation governors for a voluntary school or schools may request the Secretary of State to make a specific direction.
2. The direction ensures that the contribution made by voluntary schools to the maintained education system is recognised and appropriately reflected in the composition of committees set up by local authorities to carry out their education functions. Non-elected voting members can only be included in committees dealing with education matters if their inclusion is required by the Secretary of State.
3. Where Executive arrangements are adopted, this will apply to any overview and scrutiny committee or sub-committee which deals with education issues.

COMPLIANCE WITH THE DIRECTION

4. The Circular sought to secure Church of England and Roman Catholic Church representation on local authority committees dealing with education in a way which gives them an effective voice in education decisions without restricting how local authorities structure their decision-taking process.
5. Local authorities must provide diocesan representatives with places with voting rights on **any** committee which deals with education matters, whatever structure is used. Education matters are defined as any matter relating to the discharge of a local authority's education functions. This includes any matter relating to maintained schools or to pupils educated at those schools or otherwise.

DECISION MAKING STRUCTURES

6. Where a single body or executive exists (in the form of a mayor or cabinet), and where it takes all the main decisions relating to education, then the authority could have a number of 'overview and scrutiny' committees whose role will be to scrutinise and put proposals to the executive. It is on these committees dealing with education that it would be expected that the diocesan representatives would sit. If more than one committee exists to oversee and scrutinise the executive's education decisions then diocesan representatives can be expected to be offered a place on each one.
7. Where education forms only one part of a committee's remit, diocesan

representatives must still be members of this committee and should vote on education matters. The representatives would be able to speak on all topics covered by the committee. Representatives would, however, be advised to speak only on education topics and topics which have a clear link to education.

VOTING RIGHTS

8. The diocesan representatives have the right to vote on any decisions taken by the committee to which they are appointed by the local authority which relate to:
 - schools maintained by the local authority; and
 - pupils who attend schools maintained by the local authority, or who are educated by the local authority in some other way.
9. Diocesan representatives are allowed to vote on matters—dealt with by the committee(s) to which they are appointed—which affect how funds, already earmarked for education, are spent, such as motions on:
 - how much of the education budget is devoted to schools (compared to other forms of education provision such as adult education or the youth service);
 - what proportion of the schools budget is retained centrally by the local authority to provide services for schools and pupils, and what proportion is delegated to individual school budgets;
 - what proportion of the schools budget retained centrally is devoted to each of the four main funding areas (school improvement, pupil access, special educational provision and strategic management) and how much is contributed to Government grants for other specific activities;
 - the formula by which individual school budgets are calculated; and
 - any other more specific financial matter.
10. Diocesan representatives should **not** vote on:
 - any decision which determines the local authority's total education revenue or capital budget;
 - any matter which would require the council to raise council tax;
 - any matter in which the representative had a pecuniary interest or any matter in which the representative had some other personal interest rather than interest related to their role as diocesan representative, including a direct impact on the school at which the representative is or was a governor or where the representative's children are taught (for example, whether that school or another school should be given priority for the replacement of temporary classrooms).