

COUNCIL

26 JULY 2012

CHILDREN AND ADULTS – CONSTITUTIONAL MATTERS

Report from: Perry Holmes, Monitoring Officer

Author: Julie Keith, Head of Democratic Services

Summary

This report asks the Council to appoint a new parent governor representative to the Children and Young People Overview and Scrutiny Committee as a voting co-optee and a new Medway Youth Parliament representative as a non-voting co-optee. This report also asks the Council to appoint named substitutes for the following roles on the Children and Young People Overview and Scrutiny Committee: -

- Headteacher representative (non-voting co-optee)
- Medway Youth Parliament representative (non-voting co-optee)

This report also asks the Council to approve the arrangements regarding the statutory posts of the Director of Children's Services and Director of Adult Social Services, on a temporary basis.

1. Budget and Policy Framework

1.1 The appointment of non-voting co-optees to serve on Committees is a matter for decision by the Council.

2. Children and Young People Overview and Scrutiny Committee

2.1 The Local Government Act 2000 transferred the statutory requirement to have voting parent governor and church school representatives on bodies considering education functions to the relevant Overview and Scrutiny Committee and also gave local authorities the power to appoint non-voting co-opted members onto overview and scrutiny committees.

2.2 The Children and Young People Overview and Scrutiny Committee encourages an inclusive role for partners and service users in its scrutiny of services and the Committee has a number of statutory and non statutory co-optees and added members, as listed below: -

Co-optees with voting rights on educational issues

- 2 Parent Governor representatives
- 1 Church of England school representative
- 1 Roman Catholic school representative

Added members without voting rights

- 1 Headteacher representative
- 1 Teacher representative
- 1 Medway Governors' Association representative
- 2 Medway Youth Parliament representatives
- 1 Medway LINK representative

Parent Governor representative

- 2.3 The previous PGR was disqualified from this role as they resigned from being a parent governor. Therefore, in line with the Parent Governor Representative (England) Regulations 2001 and supplementary guidance, nominations were sought for the vacancy, during April/May 2012.
- 2.4 One nomination was received from Kwashie Anang, a parent governor at Skinner Street Primary School. As there were the same number of nominations received as there are vacancies, there has been no need to hold an election.

Medway Youth Parliament representative

- 2.5 Richard Odle resigned as a representative of Medway Youth Parliament (MYP) on the committee at its May meeting as he will shortly be going to university. MYP have therefore requested that their current named substitute to the committee, Doyin Yayhi, be appointed to this vacancy.

Named substitutes

- 2.6 In addition, some of our added and co-opted members have requested to have a named substitute for the committee, to cover them when they are unable to attend. The following people are proposed as named substitutes: -
- Karen White – Headteacher representative (non-voting co-optee)
 - Perdita Blinkhorn – Medway Youth Parliament representative (non-voting co-optee)

3. Statutory posts of Director of Children's Services and Director of Adult Social Services

- 3.1 Members will be aware that Rose Collinson, the current Director of Children and Adults, is leaving Medway Council on 31 July 2012. The Council's Appointments Committee recently appointed Barbara Peacock to the post of Director of Children and Adult Services and she will be taking up this post on 3 September 2012.
- 3.2 The Children Act 2004 requires the Local Authority to appoint a Director of Children's Services (DCS), for the purpose of discharging the education and children's social services functions of the Local Authority.
- 3.3 In addition, the Local Authority Social Services Act 1970 (as amended) requires each Local Authority with social services responsibilities to appoint a Director of Adult Social Services.

- 3.4 At Medway, these statutory posts have been undertaken by the outgoing Director of Children and Adults and will be undertaken by the incoming Director of Children and Adult Services.
- 3.5 In the interim the Council is asked to agree that the Chief Executive, Neil Davies, holds the statutory roles of the Director of Children's Services and the Director of Adult Social Services on a temporary basis, from the time that Rose Collinson leaves the Council until Barbara Peacock takes up the post, as outlined in paragraph 3.1 above.
- 3.6 This is clearly envisaged as an acceptable temporary arrangement for short periods in the most recent version of statutory guidance on the roles and responsibilities of the Director of Children's Services and Lead members for Children's Services, whilst the Council actively takes steps to fill any vacant posts.

4. Financial, risk management and legal implications

- 4.1 The legal implications are set out in the report. There are no financial or risk management implications arising from the report.

5. Recommendations

- 5.1 The Council is requested to appoint Kwashie Anang as a parent governor representative to the Children and Young People Overview and Scrutiny Committee for a four year term.
- 5.2 The Council is requested to appoint Doyin Yahyi as a Medway Youth Parliament representative to the Children and Young People Overview and Scrutiny Committee.
- 5.3 The Council is requested to appoint the following as named substitutes to the Children and Young People Overview and Scrutiny Committee: -
- Karen White – Headteacher representative (non-voting co-optee)
 - Perdita Blinkhorn – Medway Youth Parliament representative (non-voting co-optee)
- 5.4 The Council is requested to appoint the Chief Executive to the post of Director of Children and Adult Services, on an interim basis, as outlined in paragraph 3 of the report.

Lead officer contact

Julie Keith, Head of Democratic Services

Tel: (01634) 332760

Email: Julie.keith@medway.gov.uk

Background papers

- Local Government Act 2000, Schedule 1, Paragraph 7 - Overview and scrutiny committees: education functions
- Children Act 2004, section 18(7)
- Social Services Act 1970 (as amended)
- Statutory Guidance on the Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services:

<http://media.education.gov.uk/assets/files/pdf/s/statutory%20guidance%20on%20the%20roles%20and%20responsibilities%20of%20the%20dcs%20and%20lmcs.pdf>

- Guidance on the Statutory Chief Officer Post of the Director of Adult Social Services:

http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4135578.pdf