



Committee report

Committee	FULL COUNCIL
Date	14 OCTOBER 2015
Title	RECOMMENDATION FROM THE SCRUTINY COMMITTEE – 10 SEPTEMBER 2015
Report of	CHAIRMAN OF SCRUTINY COMMITTEE

20. **Scrutiny of Children's Services**

The current arrangements for the scrutiny of children's services, to ensure the function was effective, were reviewed. The Committee was reminded of the comments made by Ofsted in its inspection report of 19 November 2014.

Members believed that the terms of reference for both the Scrutiny Committee and the Children's Services Select Committee be amended so that a Children's Committee was formed with overview and scrutiny functions.

RESOLVED TO RECOMMEND TO FULL COUNCIL :

THAT full Council be recommended to amend the current terms of reference of both the Scrutiny Committee and Children's Services Select Committee so that a Children's Committee is formed with overview and scrutiny functions in accordance with the terms of reference (attached to and forming part of these minutes).



PAPER C

Purpose: For Decision

Committee report

Committee	SCRUTINY COMMITTEE
Date	10 SEPTEMBER 2015
Title	SCRUTINY OF CHILDREN'S SERVICES
Report of	STRATEGIC MANAGER FOR ORGANISATIONAL CHANGE AND CORPORATE GOVERNANCE

EXECUTIVE SUMMARY

1. To review the current arrangements for the scrutiny of children's services and to make recommendations to full Council about ensuring this function is effective.

BACKGROUND

2. The current committee structure allows for a Scrutiny Committee (article 5 of the constitution) and Select Committees (Article 7 of the constitution).
3. The Scrutiny Committee discharges the Council's scrutiny functions under legislation in relation to executive decision making. The Health and Adult Social Care Scrutiny Sub Committee is separately responsible for the statutory scrutiny functions of health, flooding and crime and disorder in addition to dealing with the delivery of adult social care. Only the Scrutiny Committee currently has the ability to call in a decision of the Executive.
4. Full Council established three Select Committees at its meeting on 19 November 2014. One of these was for Children's Services. The role of these committees is to help develop and review policy on issues relating to the delivery of key priorities contained in the Corporate Plan.
5. In the Ofsted inspection of the authority's services for children in need of help and protection, children looked after and care leavers report, published on 19 November 2014, paragraph 116, under the heading of leadership, management and governance the following was stated :-

Arrangements for the robust scrutiny of children's services are underdeveloped. For the past six months the focus for local authority's scrutiny committee has been limited to financial matters and updates from the children's improvement board. The scrutiny of matters affecting children looked after is ineffective as these have not been

considered for at least six months. The local authority recognises that their current council scrutiny model is not sufficient and a decision has very recently been taken to establish select committees, including a single committee dedicated to Children's Services, but these are not yet in place.

6. At the Scrutiny Committee held on 5 February 2015 concerns were raised about the performance rating for children's safeguarding as amber, given the recent report into serious issues affecting Rotherham Council. It was agreed that the Chairman of the Scrutiny Committee should meet with the Chairman of the Children's Services Select Committee to discuss the lessons that could be learnt for scrutiny of children's safeguarding with regard to the experiences of other authorities. This meeting took place on Thursday, 12 February 2015.
7. This identified that there was a need for an agreed approach to the role of the Scrutiny Committee and the Children's Services Select Committee with the Executive member for Children's Services, the Director of Children's Services and the chair of the LSCB. The meeting looked at where the work of the two committees could add value without impacting upon the resources available and help ensure the effectiveness of the delivery of children's services, particularly with regard to child protection and looked after children, by providing the necessary challenge and assurance by those responsible for this.
8. The current arrangements have been in place for six months and the chairman of the Scrutiny Committee, chairman of the Children's Services Select Committee and Executive member for Children's Services have, with officers, reviewed these in the light of practical experience.
9. The split between the role of the Scrutiny Committee having responsibility for pre- decision scrutiny, challenging the relevant executive member (with statutory responsibility for children's services) and power of call in against the role of the Select Committee in reviewing and developing policies is leading to an element of confusion for both members and officers. There is a need for a clearer transparent approach to the challenge that Ofsted expects from a Council's scrutiny function.
10. A way forward would be to amend the current terms of reference of both the Scrutiny Committee and the Children's Services Select Committee so that a Children's Committee takes responsibility for both the overview (policy development/review) and scrutiny elements for Children's Services. This would also mean that the Children's Committee will be able to invoke the call in provisions but only in relation to matters coming within its remit. The Scrutiny Committee would be responsible for the call in procedure for all other decisions. In essence the Children's Committee would be a scrutiny committee in its own right.

STRATEGIC CONTEXT

11. Good governance arrangements are essential to the delivery of the council's services and the decision making process that supports this.

12. The Council's Corporate Plan 2015-2017 includes as four priorities:-
- (a) Supporting growth in the economy, making the island a better place and keeping it safe
 - (b) Keeping children safe and improving their education
 - (c) Protecting the most vulnerable with health and social care, investing in support, prevention and continuing care
 - (d) Ensuring that all the resources available to the Island are used in the most effective way in achieving the Island's priorities.
13. The Children's Committee would be directly involved in ensuring the effective delivery of the priority of keeping children safe and improving their education.

CONSULTATION

14. The proposed constitutional changes have been discussed with the relevant chairmen. There has been no wider public consultation and there is no legal requirement for this to have taken place.

FINANCIAL / BUDGET IMPLICATIONS

15. The proposed amendments are constitutional changes that are not considered to have any significant financial impact. The current total special responsibility allowances for members will not be exceeded by these new arrangements. Additionally there would be no additional officer resource required.

LEGAL IMPLICATIONS

16. A council's governance system must be arranged so as to contribute to the effective and efficient management of the council and enable performance and progress of services to be reviewed.
17. Where a local authority operates under executive arrangements then it is required by the Local Government Act 2000 to have an overview and scrutiny committee in place which is responsible for overseeing and scrutinising the local authority's decisions. By virtue of 9FA of the same act, an overview and scrutiny committee may be split into a number of select/sub committees dealing with the scrutiny of different areas such as children's services.
18. Any new committee formed may not include any member of the authority's executive but may include persons who are not members of the authority

EQUALITY AND DIVERSITY

19. The Isle of Wight Council has a legal duty under the Equality Act 2010 to seek to eliminate discrimination, victimisation and harassment in relation to age, disability, gender reassignment, pregnancy and maternity, race, religion, sex, sexual orientation and marriage and civil partnerships. The proposed

constitutional changes are not considered to have any impacts upon the equality duties.

OPTIONS

20. Option 1 – to make no changes to the current arrangements.
21. Option 2 – to recommend to full Council that the current terms of reference of both the Scrutiny Committee and Children’s Services Select Committee be amended so that a Children’s Committee is formed with overview and scrutiny functions in accordance with the terms of reference attached.
22. Option 3 – to recommend that full council make alternative changes to ensure that scrutiny arrangements are sufficiently robust to satisfy any future inspection by Ofsted.

If either option 2 or 3 is agreed that will also be the need for associated changes to be made to other relevant sections of the constitution to take into account the effect of the change.

RISK MANAGEMENT

23. The proposed changes ensure that the council meets its corporate governance requirements and responds to changing requirements and demands. It is also aimed at ensuring that the Council demonstrates its willingness to take into account Ofsted’s findings in its previous inspection reports on the scrutiny and governance arrangements to drive up improvements in service delivery.

EVALUATION

24. The council is required to have a constitution by law. Any adopted constitution should provide for a robust governance framework to ensure the business of the council is transacted in a lawful manner. The constitution should so far as it is not prevented by law, reflect the will and desire of the Full Council.
25. The recommendations have been made taking into account the comments previously expressed by Ofsted, lessons learnt from Rotherham and best practice in other authorities.

RECOMMENDATION

26. That full council be recommended to amend the current terms of reference of both the Scrutiny Committee and Children’s Services Select Committee so that a Children’s Committee is formed with overview and scrutiny functions in accordance with the terms of reference attached.

APPENDICES ATTACHED

27. Appendix 1 - .terms of reference for Children's Services Committee

BACKGROUND PAPERS

28. Full Council – 19 November 2014 – [agenda](#) and [minutes](#)
29. Council constitution - <https://www.iwight.com/Council/how-it-works/Democratic-Services/Constitution1>
30. Ofsted inspection report published 19 November 2014 - http://reports.ofsted.gov.uk/sites/default/files/documents/local_authority_report/s/isle_of_wight/053_Single%20inspection%20of%20LA%20children%27s%20services%20and%20review%20of%20the%20LSCB%20as%20pdf.pdf

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APPENDIX 1

CHILDREN'S SERVICES COMMITTEE

Membership

The Committee shall comprise 9 members of the council appointed on a politically proportionate basis.

The statutory education co-optees (these are the representatives appointed by the two dioceses and two parent governor representatives, who are elected for a four year term, from the parent governors on the Island) who will also have a vote on any education matters.

The chairmen of the Committee shall be appointed by the Full Council.

The quorum for the Committee will be four elected members.

Terms of Reference

1. To assist in the development of future policy for the council to enable the relevant key priority contained within the Corporate Plan to be delivered.
2. To review existing policies to ascertain if changes are required to ensure continued effective and efficient service delivery.
3. To assist the Council in the development of its budget and policy framework by in depth analysis of policy issues.
4. To engage with relevant partners and stakeholders on the development and review of policies required in connection with the delivery of the elements of the Corporate Plan related to children's services and school improvement.
5. To consider mechanisms to encourage and enhance community participation in the development of policy options and service delivery.
6. To be responsible for, and operate, the system of call in to review executive decisions on matters related to the delivery of children's services and school improvement, as set out in the council's decision making process.
7. To have a view on budget and performance management specifically related to children's services and school improvement.
8. To monitor progress with relevant action plans.
9. To enable the relevant executive member to report on key issues and items on the forward plan.

RULES

Meetings

The committee shall meet quarterly at a time and place determined by it.

The procedure rules for the regulation of proceedings shall apply to meetings of the Committee.

Access to information

Meetings will be held in public unless the law requires, or the law allows, it and the committee decide it is expedient to exclude the press and public.

If the press and public are excluded from any meeting the chairman of the Scrutiny Committee and the executive members in attendance will be regarded as members of the committee with equal rights to information as members of the committee.

Agenda

The agenda for the committee shall be agreed by the chairman in consultation with the proper officer. Matters on the agenda must relate to the Council's corporate plan objectives and deal with budget, policy and performance and not individual ward issues.

In deciding what items should be included on an agenda consideration must be given to the resource implications involved.

The committee should have an agreed workplan

The committee has no delegated authority to make formal decisions on any matters (other than recommendations or decisions on how they will consider a matter).

The committee shall consider and hear whatever advice and information is necessary (including that from outside the council) to assist it in this work.

The chairmen of the Committee will liaise with the chairmen of the Scrutiny Committee and Health and Adult Social Care Scrutiny Sub Committee to ensure that there is no duplication in any workplan issues.

The chairman may request the attendance of the appropriate Executive member at a meeting where this would assist in the discussion on an agenda item.

Task and finish groups

The committee may establish task and finish groups with the agreement of the managing director on resources and timing. This is to ensure sufficient resources are available to undertake specific work as necessary. These groups will be time limited, have clear terms of reference, may include members other than those on the Committee. Such task and finish groups will not be a committee or sub committee under the law. In addition the chairman of the Scrutiny Committee should be consulted to ensure that there is no duplication in the work of that committee.