

**Select Committee on Lifelong Learning – 8th March 2006**

**Report of the Chair**

**Draft Report of the Terms of Reference Working Group**

**Purpose of Report**

1. To propose Terms of Reference and future methods of operation for a Select Committee responsible for Children's and Young People's Services.

**Background**

2. At its meeting on 10th November 2005, the Lifelong Learning Select Committee established this Working Group with the following terms of reference:-

“To recommend to the Cabinet and Council the Terms of Reference for a Select Committee related exclusively to Children's Services, to be effective from the start of the next municipal year”.
3. The Working Party met on two occasions and the proposals in this report are unanimous.
4. We considered a range of background information and issues including:-
  - (a) the statutory requirements of the Children Act 2004, and the statutory responsibilities of the Director of Children's Services;
  - (b) the “Every Child Matters” outcomes;
  - (c) Key Service Priorities;
  - (d) discharging the Council's role as Corporate Parent for Children in Care;
  - (e) the potential for duplication with other Select Committees (assuming the other existing Select Committees continue to operate broadly as now);
  - (f) the scrutiny arrangements for support to schools;
  - (g) the roles and responsibilities of co-opted members.
5. Other than the potential for duplication, it was not our role to consider the roles and responsibilities of other Select Committees, whose terms of reference etc may also be affected by the developing Children's Agenda and other changes. We have,

however, identified two service areas – Libraries and Adult Education – which currently fall under the Terms of Reference of the Lifelong Learning Select Committee, but which do not appear to fit comfortably into a Select Committee on Children’s and Young People’s Services.

6. By way of background and reference, we attach the current Terms of Reference of the Lifelong Learning Select Committee at Appendix A. It has been the Committee’s practice to undertake some of its work through dedicated (sometimes time limited) working parties and in addition to “normal” Committee meetings, has also met as a Committee on a regular basis to scrutinise the LEA’s support to schools.

#### Children Act 2004 and “Every Child Matters”

7. Members have been briefed on the details of the Children Act 2004, but the main points can be summarised as:-
- (a) Children’s Services are defined as:-
    - functions of a Council as local education authority;
    - the Council’s social services functions for children;
    - functions under the Health Act 1999 as they relate to children;
    - other such functions as the Authority considers appropriate.
  - (b) Children are defined as people under the age of 18, except for 18-20 year olds who have been looked after by a local authority after the age of 16 or have a learning disability;
  - (c) The Authority has a duty to co-operate with relevant partners and each of the partners must make arrangements to ensure that functions are discharged having regard to the need to safeguard and promote the welfare of children;
  - (d) and to improve the well-being of children in the authority’s area to deliver the “Every Child Matters” outcomes, i.e.
    - be healthy;
    - be safe;
    - enjoy and achieve;
    - make a positive contribution;
    - contribute to economic well-being.
  - (e) The Director of Children’s Services (DCS) who is professionally responsible and accountable for the Council’s Children’s Services, is required to exercise the necessary leadership with the Council and beyond to sustain the necessary changes in culture and practice to improve outcomes and to build and sustain effective partnerships. In carrying out these roles, the DCS must:-
    - listen to and involve children;
    - champion their interests across functions in the Council and across local partnerships.

## The Key Challenges and Priorities

8. There are three key national issues which are also critical local priorities:-
- > Looked After Children – improving outcomes;
  - > Reducing teenage pregnancies;
  - > Managing Out of Borough Placements,

and these will need to figure prominently in the Select Committee's future Work Programme.

## Proposed Terms of Reference

9. We propose, therefore, that the Terms of Reference for the Children's and Young People's Select Committee should be:-

To fulfil all of the functions of a Select Committee as they relate to Children's and Young People Services, and in particular the functions and responsibilities of the Council under the Children Act 2004 and associated regulations and guidance, including:-

- (a) the roles and responsibilities of relevant partners;
- (b) listening to and involving children,

with the objective of improving the well-being of all children in the Council's areas by delivering the "Every Child Matters" outcomes.

10. Consideration will need to be given to how partners – the Police, Probation Service, Health, Learning and Skills Council, FE Colleges etc – are included in the Select Committee process. This will be discussed with the Children and Young People's Strategic Partnership. Further training in this area for Members and Partners may well be necessary.

## Potential for Duplication

11. The following table demonstrates the potential for duplication with other Select Committees:-

<b>Outcome</b>	<b>Service Areas</b>	<b>Existing Select Committee Responsibility</b>
Be Healthy	Infant Mortality U18 Conceptions Alcohol Drugs	Good Health
Stay Safe	Killed or Seriously Injured (KSI) Accidents Fear of Crime	Environment Community Safety
Enjoy and Achieve	Sporting Opportunities	Culture and Recreation
Positive Contribution	Youth Offending Self Employment etc	Community Safety Economic Regeneration
Economic Well-Being	Unemployment Vulnerable Households Levels of Deprivation Low Income Households	Economic Regeneration

12. Recognising the terms of reference and responsibilities of other Select Committees, and particularly the Council's statutory responsibility to scrutinise the Health Service, for obvious reasons, it is important to try and eliminate duplication. We, therefore, suggest that:-
- (a) as a general principle, the Select Committee with the "primary" service responsibility takes the lead, but where appropriate, joint meetings/discussions are held with other Select Committees. So, for example, Youth Offending issues would be the primary responsibility of the Children's Services Select Committee (with obvious interest from Community Safety), but Unemployment and Infant Mortality would be the primary responsibility of Economic Regeneration and Good Health. Officers should be asked to develop this approach for agreement at the first meeting of Select Committee Chairs in the new Municipal Year;
  - (b) there is joint working between the Children's Services and Good Health Select Committees in relation to discharging the Council's statutory responsibility for Health Scrutiny, with the appointment of a Joint Working Party (see paragraph 20).

#### Scrutiny of Support to Schools

13. This has been an important area of work for the Lifelong Learning Select Committee, both in terms of ensuring that appropriate levels of support and advice are available to schools, but also as the catalyst for developing Council-wide work in areas like:-
- Exclusions;
  - Corporate Parent Responsibilities;
  - Key Stage Results etc.
14. Given the change in Schools Ofsted Inspections, it will not be possible to review every school Ofsted report, but we believe the scrutiny of support to schools should continue to be an important area of our work, but one which may be better undertaken in a Working Group.
15. It has not, of course, been our responsibility hitherto to scrutinise the performance of individual schools. That has been a matter for School Governing Bodies. But in the context of the "Enjoy and Achieve" outcome, we may well need to pay more attention to individual school performance in the future. This will need careful consideration as things develop.

#### Co-opted Members

16. There is a statutory requirement that:-
- (a) the Church of England and Roman Catholic Church are represented (effectively by co-opted voting members) on any overview and scrutiny committee dealing with Education matters;

- (b) at least two but no more than five parent governor representatives are appointed to each overview and scrutiny committee and sub-committee, whose functions relate wholly or partly to any education function.
17. It has also been the Council's practice for many years to co-opt, as non-voting members, representatives of Primary and Secondary Teachers, the Free Churches, and "persons with an interest in Education".
18. Assuming that these arrangements continue in the future, we see no reason why all co-opted members should not play a full part in the work of the Select Committee (and any Working Groups) even though the work involved may be outside of the "strict Education remit".

### Working Groups

19. It has been the Lifelong Learning Committee's practice to appoint dedicated Working Groups (sometimes time limited) to undertake detailed work and given the breadth of responsibilities, and the size of the Committee, we propose that practice should continue after May 2006.
20. We have given careful consideration to the potential roles and responsibilities of Working Groups and are suggesting the following "standing" working groups:-
- Corporate Parenting** – to scrutinise arrangements for discharging the Council's corporate parent responsibilities, including the "out of borough placements" priority.
- School Support** – to ensure schools receive appropriate support and advice from the Council.
- Health Issues** – jointly with Good Health Select Committee, to discharge the Council's statutory responsibility for Health Scrutiny.
- "Listening to Children and Young People"** – A "very informal" group, including children's representatives and the Cabinet Member for Children's Services to meet across the Borough to engage with and consult Young People.
21. There may also be other one-off issues from time to time, where the Committee might want to refer detailed consideration to a time limited working group.

### Finance

22. There are no immediate financial implications arising from this report. There is budgetary provision for the costs of the Select Committee, but the contents of the Committee's work programme, and particularly those of the proposed Working Groups, will need to take account of the levels of officer resource which are available.

## Law

23. The provisions relating to Overview and Select Committees are contained within section 21 of the Local Government Act 2000.
24. Section 111 of the Local Government Act 1972 enables the council to do anything that is calculated to facilitate or is conducive or incidental to any of its statutory functions including the establishment of Terms of Reference for the proposed Select Committee and roles and responsibilities for the proposed Working Groups.
25. The legal framework for the delivery of Children's services is set out in the Children Act 1989; the Adoption and Children Act 2002; and the Children Act 2004.

## Equality Impact

26. This report takes account of the Council's Equal Opportunities Policy.
27. The principles of this report are specifically focussed on scrutiny of services, which will be delivering the "Every Child Matters" outcomes. The proposals provide opportunities for Members to consult with children and young people.

## Recommendation

28. We are proposing that the Select Committee should:-

- (a) consider and endorse the following Terms of Reference for the proposed Select Committee on Children's Services:-

To fulfil all of the functions of a Select Committee as they relate to Children's and Young People Services, and in particular the functions and responsibilities of the Council under the Children Act 2004 and associated regulations and guidance, including:-

- (a) the roles and responsibilities of relevant partners;
- (b) listening to and involving children,

with the objective of improving the well-being of all children in the Council's areas by delivering the "Every Child Matters" outcomes.

- (b) endorse the principle of appointing the following Working Groups

**Corporate Parenting** – to scrutinise arrangements for discharging the Council's corporate parent responsibilities, including the "out of borough placements" priority.

**School Support** – to ensure schools receive appropriate support and advice from the Council.

**Health Issues** – jointly with Good Health Select Committee, to discharge the Council’s statutory responsibility for Health Scrutiny.

**“Listening to Children and Young People”** – A “very informal” group, including children’s representatives and the Cabinet Member for Children’s Services to meet across the Borough to engage with and consult Young People.

- (c) support the principle that the Select Committee with the “primary” service responsibility takes the lead, with joint meetings where appropriate.
- (d) asks officers to identify areas for potential duplication for further consideration by Select Committee Chairs.
- (e) notes the position with co-opted members as set out in paragraphs 16, 17 and 18.



.....  
**for Councillor Sue Ridney**  
**Chair of the Select Committee on Lifelong Learning**

Contact Officer: Mike Williams  
Telephone: 01384 814800  
Email: [mike.s.williams@dudley.gov.uk](mailto:mike.s.williams@dudley.gov.uk)

**TERMS OF REFERENCE TO SELECT COMMITTEE ON LIFELONG LEARNING**

11 councillors, 5 voting church and parent governor representatives and 5 non-voting representatives in accordance with paragraph 3 of the Select Committee Procedure Rules.

**Terms of Reference**

To fulfil all the functions of a Select Committee as they relate to lifelong learning and in particular (but not limited to):-

1. all of the functions of the Council as an education authority under the Education Acts, Schools Standards and Framework Act, 1998 and all other relevant legislation in force from time to time;
2. all functions of the Council in so far as they relate to the provision of opportunities for education, training and learning outside the school environment, including pre-school, adult, community learning and libraries.