

SELECTION AND MEMBER SERVICES COMMITTEE

Wednesday, 8th October, 2014

2.30 pm

Darent Room, Sessions House, County Hall, Maidstone





AGENDA

SELECTION AND MEMBER SERVICES COMMITTEE

Wednesday, 8 October 2014, at 2.30 pm
Darent Room, Sessions House, County
Hall, Maidstone

Ask for: **Andrew Tait**
Telephone: **01622 694342**

Tea/Coffee will be available 15 minutes before the start of the meeting

Membership (9)

- Conservative (5): Mrs A D Allen, MBE (Chairman), Mr P B Carter, CBE, Mr G Cooke, Mr M C Dance and Mr B J Sweetland
- UKIP (2) Mr R A Latchford, OBE and Mr B E MacDowall
- Labour (1) Ms A Harrison
- Liberal Democrat (1): Mrs T Dean, MBE

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

Webcasting Notice

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site – at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

By entering the meeting room you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured then you should make the Clerk of the meeting aware.

- 1 Substitutes
- 2 Declarations of Interests by Members in items on the Agenda for this meeting.
- 3 Minutes - 25 April 2014 (Pages 5 - 8)

- 4 Member Development (Pages 9 - 22)
- 5 Recruitment of Local Authority Governors (Pages 23 - 42)
- 6 Select Committee process (Pages 43 - 60)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
(01622) 694002

Tuesday, 30 September 2014

KENT COUNTY COUNCIL**SELECTION AND MEMBER SERVICES COMMITTEE**

MINUTES of a meeting of the Selection and Member Services Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Friday, 25 April 2014.

PRESENT: Mrs A D Allen (Chairman), Mr M Baldock (Substitute for Mr R A Latchford, OBE), Mr P B Carter, CBE, Mr G Cooke, Mr M C Dance, Mrs T Dean, Ms A Harrison, Mr B E MacDowall and Mr R J Parry (Substitute for Mr B J Sweetland)

IN ATTENDANCE: Ms D Fitch (Democratic Services Manager (Council)), Mr R Lane (Senior Accountant - Taxation), Mr P Sass (Head of Democratic Services), Mr M Thomas-Sam (Strategic Policy Adviser), Mr D Whittle (Head of Policy and Strategic Relationships) and Mr P D Wickenden (Democratic Services Manager (Members))

UNRESTRICTED ITEMS**1. Minutes - 27 November 2013**
(Item 3)

(1) In relation to minute no 31 the Chairman stated that she had been made aware by a Member that the LGA Rural Commission and the LGA Urban Commission may have been disbanded. Officers would seek formal confirmation of the situation.

(2) RESOLVED that the minutes of the meeting of held on 27 November 2013 are correctly recorded and that they be signed by the Chairman as a correct record.

(Post meeting note: It has been confirmed that the LGA abolished both its Urban and Rural Commissions with effect from February 2014. In essence, the two Commissions have been replaced by two Boards; the City Regions Board and the People and Places Board. Appointments to these Boards were made by the LGA political Groups and therefore no nominations were required from the County Council).

2. Members' Allowances and Expenses 2013/14
(Item 4)

(1) The Committee received a report on the annual return for Member's allowances and expenses for publication, together with details of the costs of the County Car service and taxis for Members for 2013/14.

(2) In response to a question the Head of Democratic Services explained that schedule of Member's allowance and expenses set out the information that the County Council was legally obliged to publish, the information on the cost of the County Car service and taxis for Members was non-statutory information that the

Committee had agreed would be reported to it on an annual basis and therefore did not form part of the published schedule.

(3) Mr Lane confirmed that public transport costs incurred by Members travelling from their home to County Hall was taxable unless the Member routinely saw constituents in their home.

(4) The Leader highlighted the advantages of using the county car for certain journeys; for example when it was cheaper than public transport and enabled the Member(s) to carry out county council business while they travelled.

(5) RESOLVED that the report be noted and the allowances and expenses for 2013/14 as detailed in Appendix A be published as required by the Local Authorities (Members' Allowances) (England) Regulations 2003.

3. Amendments to County Car Policy

(Item 5)

(1) Mr Cooke introduced a report, which recommended a minor amendment to the County Car Policy agreed by the Committee on 13 June 2012 to reflect Her Majesty's Revenue and Customs (HMRC) guidance.

(2) Mr Lane explained the HMRC guidance which meant that the fleet of County Council cars could not be used by Members for a journey between their home and County Hall as this was classed as private mileage and would attract a tax liability.

(3) In response to a request for an update on the HMRC rules regarding Member's Home to County Hall mileage attracting a tax liability, the Leader stated that the Minister for Communities and Local Government was sympathetic especially when Members had to travel long distances to County Hall from their home. The Leader was aware of inconsistencies in the application of this rule in other local authority areas for example Cumbria and that information was being sought from Cumbria County Council.

(4) RESOLVED that the County Car policy be amended to take into account the guidance from HMRC regarding the use of County Cars for travel between a Member's home and County Hall as set out in the Appendix to the report.

4. Member Development Charter Plus

(Item 6)

(1) Mr Cooke introduced a report which invited Members to endorse the re-commitment to the Member Development Charter Plus Standard.

(2) The Chairman commended the work that the Democratic Services Manager (Members) had carried out on Member induction and development.

(3) Members discussed the added value to be gained by the County Council retaining the Member Development Charter Plus. Mr Wickenden confirmed that the cost of Charter Plus to the County Council was £2,500 plus VAT and he reminded the

Committee that they had established a Member Development Steering Group who would lead on this and report back to this Committee. Mr Sass stated that one of the biggest benefits to KCC of the Member Development Charter Plus process was the opportunity to find out best practise on Member Development from across the country for a very small cost.

(4) RESOLVED that the re-commitment to the Member Development Charter Plus Standard be endorsed.

(Mr Baldock and Mr McDowell asked for their votes against this decision to be recorded.)

5. Petition Scheme Review

(Item 7)

(1) Mr Cooke introduced a report, which reviewed the Petition scheme which had been agreed by County Council on 13 September 2012.

(2) In response to suggestions by Members, Mr Sass undertook to ensure that local Members were informed of paper petitions and e-petitions, hosted on Kent.gov, that related to their division and that the response e-petitions would be posted on the website.

(3) RESOLVED that the update on the Petitions received be noted and that a further review be undertaken in 18 months' time.

6. Revision to the Joint Accountability Protocol for the Director of Children's Services and the Lead Member for Children's Services

(Item 8)

(1) Mr Whittle and Mr Thomas-Sam introduced the updated version of the report, which had been circulated to Members prior to the Meeting, the only amendment from the published report was to clarify that any amendment to the Accountability Protocol would need to be submitted to the County Council for approval. The report set out the revised Accountability Protocol for the Director of Children's Services and the Lead Member for Children's Services, which formed part of the Constitution. Changes which were required to reflect the statutory guidance issued by the Secretary of State for Education in April 2013, and in response to the new Directorate Structure approved by County Council in December 2013.

(2) A Member thanked the officers for responding positively to his request for a brief PowerPoint presentation to explain the context of this report.

(3) RESOLVED that the County Council be requested to consider adopting the revised Accountability Protocol for the Director of Children's Services and Lead Member for Children's Services attached as Appendix 1 to the report.

This page is intentionally left blank

By: Gary Cooke, Cabinet Member for Corporate and Democratic Services
Andrew Bowles, Chairman of the Member Development Steering Group
Eric Hotson, Chairman of the Member Working Group – Commissioning
Peter Sass, Head of Democratic Services

To: Selection and Member Services Committee – 8 October 2014

Subject: Member Development and the Member Role

Status: Unrestricted

Summary: This report informs the Committee of the successful re-assessment for the Member Development Charter Plus Standard. It also informs the Committee of the on-going work of the Member Working Group Commissioning which is considering the Member role.

1. Introduction

The County Council was the first County Council in England to be awarded the Member Development Charter Plus for its commitment to Member Development in September 2011.

2. Member Development Charter Plus – Re-Assessment

(1) On Wednesday 17 September 2014 an Assessment Team – Mark Palmer, Development Director, South East Employers, Councillor Gareth Barnard, Cabinet Member Children's Services, Bracknell Forest and Joanna Boaler, Head of Democratic Services, Essex County Council reassessed the County Council against the Member Development Charter Plus Standard.

(2) As the Leader of the Council reported to the County Council on Thursday 18 September the County Council was successful in its re-assessment and the Charter Plus Standard has been awarded to the County Council for a three year period.

(3) The report of the Assessment Team is attached as an Appendix to this report.

3. Next Steps

The Member Development Steering Group will be meeting shortly to continue the work on the areas for improvement set out in the report of the Assessment Team.

4. Member Role

(1) The Member Working Group – Commissioning has met on a number of occasions since the end of July. The Group will be submitting a report with its recommendations on the Member role in the commissioning cycle to the County Council on 23 October 2014.

(2) There is a clear link between the member role and a future member development programme building on the briefings delivered by Professor Tony Bovaird of INLOGOV to elected Members on moving towards a Strategic Commissioning Authority.

5. Recommendation

The Committee is asked to comment and offer its advice to the Member Development Steering Group on :

- (a) the suggested areas for improvement set out in the report of the Assessment Team; and
- (b) the learning and development activities for inclusion in the Member development programme.

Paul Wickenden
Democratic Services Manager (Members)
paul.wickenden@kent.gov.uk
(01622) 694486



South East Charter Plus for Elected Member Development

Kent County Council

Assessment Date: 17 September 2014

Kent County Council
South East Charter Plus for Elected Member Development

Assessment Date: 17 September 2014

Contents	Page
Recommendation of the assessment team	1
Assessment	2
Member Development Steering Group	4
Evidence presented and demonstrated to support the application	5
Continuous improvement and direction of travel	8

Recommendation of the Assessment Team

Kent County Council meets and has achieved the standard of the South East Charter Plus for Elected Member Development. The council has been awarded Charter Plus status for three years from 17 September 2014.

The council will be required to present evidence of continuing progress as part of the direction of travel in eighteen months' time and will be re-assessed in full against the Charter Plus standards in three years.

Assessment team

- Cllr Gareth Barnard, Cabinet Member Children's Services, Bracknell Forest Council (Member Assessor)
- Mark Palmer, Development Director, SEE (Lead Assessor)
- Joanna Boaler, Head of Democratic Services, Essex County Council (Officer Assessor)

Charter Plus standards

- Commitment to Councillor development
- Strategic approach to Councillor development
- Learning and development is effective in building capacity
- Supporting Councillors in their role as leaders of their local communities

Assessment

The assessment against the Charter Plus standard took place on 17th September 2014. The purpose of the assessment visit was to determine whether or not the authority met the Charter and Charter Plus standard. The assessment was based on an analysis of a portfolio of evidence submitted in advance by the council, a number of interviews with key personnel and members to verify the presented evidence and to identify the council's forward plans for continuous improvement.

The following people were seen during the assessment visit:

Interview 1: Key Officers

- ◆ Mr Paul Wickenden, Democratic Services Manager (Members)
- ◆ Mrs Coral Ingleton, Learning and Development Manager

Interview 2: Head of Paid Service

- ◆ Mr David Cockburn

Interview 3:

- ◆ Cllr Paul Carter CBE Leader of the Council
- ◆ Cllr Gary Cooke, Cabinet Member for Corporate and Democratic Services

Group Session 1: with Partner Organisations

- ◆ Cllr Roger Gough
- ◆ Mr Stuart Beaumont
- ◆ Mr Mike Campbell
- ◆ Mr Ian Ayres

Group Session 2: Member Development Steering Group

- ◆ Cllr Andrew Bowles
- ◆ Cllr Richard Parry
- ◆ Cllr Alex King
- ◆ Cllr Paulina Stockell
- ◆ Cllr Tom Maddison
- ◆ Cllr Brian Clark

Group Session 3: Opposition Members

- ◆ Cllr Roger Lachford – Leader of the Opposition Group
- ◆ Cllr Martin Whybrow – Leader of the Independent Group
- ◆ Cllr Gordon Cowan – Leader of the Labour Group (telephone)
- ◆ Cllr Martin Vye – Deputy Leader of the Liberal Democrat Group (telephone)

Group Session 4: 360 Degree Pilot Group

- ◆ Cllr Alex King
- ◆ Cllr Andrew Bowles
- ◆ Cllr Paulina Stockell
- ◆ Cllr Tom Maddison
- ◆ Cllr Richard Parry
- ◆ Cllr Ann Allen
- ◆ Cllr Gary Cooke
- ◆ Cllr John Simmonds
- ◆ Cllr Eric Hotson

Kent County Council made a commitment to the South East Charter for Member Development in September 2007 and was granted the Charter in September 2010 and subsequently awarded Charter Plus status in September 2011. The council was successfully re-assessed for Charter Plus in September 2014.

The project management and officer support of the Charter was assigned to Paul Wickendon, Democratic Services Manager and Coral Ingleton, Learning and Development Manager who supported the Member Development Steering Group. This approach ensured that there was effective support to the members responsible for promoting and leading improvement in member development. All councillors interviewed as part of the assessment process spoke of how much they recognised and valued the officer support available to them.

The council presented the assessment team with a portfolio of evidence to support its Charter Plus application. The evidence presented in the portfolio was drawn from a wide range of sources and gave a good overall view of member development activities. It was linked to the relevant Charter Plus standards.

The planning and co-ordination of the assessment visit was well structured and courteous, enabling the team to acquire the information needed for the assessment to be thorough and representative. The Assessment Team were made to feel welcome throughout the assessment.

Member Development Steering Group

The Member Development Steering Group played the key role in ensuring that the Charter Plus accreditation process was member led and was accountable to the council. Its membership is representative of the whole authority:-

- Cllr Andrew Bowles
- Cllr Richard Parry
- Cllr Alex King
- Cllr Paulina Stockell
- Cllr Gary Cooke
- Cllr Ann Allen
- Cllr Angela Harrison
- Cllr Tom Maddison
- Cllr Brian Clark

The role of the Member Development Steering Group was articulated to the assessors on the assessment day. Its responsibilities include:

1. To champion and promote the development of Members
2. To regularly review the Member Training and Development Strategy to ensure its relevance.
3. To agree the Members' training and development plan annually including induction programmes in appropriate years.
4. To monitor and evaluate the development programme for Members on an annual basis.
5. To support and encourage Members in maintaining the Member Development Charter Plus
6. To report to the Council annually on progress of Member development.

Evidence presented and demonstrated to support the application

▪ Commitment to Councillor development

The lead officer for member development at Kent County Council is the Democratic Services Manager (Members) who has specific responsibility for co-ordinating members' learning and development. The lead officer supports the Member Development Steering Group and has specific responsibility for overseeing member learning and Personal Development Planning (PDP's).

The Council has over a number of years provided budgeted funding for elected member training and development. In 2014/15 a substantial member development budget of £30,000 is available to support member activities across the council. The budget makes the best use of resources and accommodates development needs of all members.

It was clear that the Member Development Steering Group worked together well and maintained member development as a high profile activity across the council. Members elected to the council in May 2013 spoke of the high quality induction that they received and confirmed that all new members were informed about member learning as part of their induction, there was also evidence of a number of communications to ensure participation and support for and attendance at particular events.

Senior Management commitment to member learning was evidenced through the provision of officer and budget support as outlined above and the committed support of officers to developing PDP's. There was evidence in the portfolio and from the interview with David Cockburn, Head of Paid Service of senior management commitment to member development.

Things that we heard:

"Member needs are identified quickly to enable members to get up to speed quickly"

"New members were made very welcome"

"There is a culture of member development and learning at Kent"

"Member Development Steering Group is highly regarded by the Cabinet and other members"

"Excellent officer support is provided"

▪ **Strategic approach to Councillor development**

The council's member development framework makes it clear that development activities should address elected members individual development needs, priorities and emerging issues and concerns. Development activity should always take account of the rapidly changing external policy and operational environment and consequent emerging council priorities and organisational requirements. A new induction programme was developed for the May 2013 elections. The Member Development Steering Group oversaw the development of the induction programme for the 2013 elections and are preparing for the 2017 elections with an event taking place for prospective councillors during Local Democracy Week in October 2014.

A formal personal development plan process has been adopted and rolled out with 83% of members having a PDP in place. A trial of 360 degree feedback has started with over 20 members involved. Members were generally enthusiastic in undertaking personal development discussions and 360 degree feedback believing that it brought real insight into areas for improvement and in developing skills, helping members to 'see themselves as others see them'.

The council demonstrated that it operates a structured and timely approach to promoting development opportunities. Members that the assessors spoke to, confirmed that they receive sufficient notice of development sessions to allow them to plan in advance and that training is regular and provided through different methods including face-to-face sessions, recording sessions, webinars and e-learning.

The council is already undertaking some learning activities with district councils across Kent. It was clear that Kent County Council has been the lead partner in this development and were keen to develop this further and to make best use of twin hatted members.

The council's 2013 in-house induction process was thorough, well organised and well received. Members expressed appreciation for the high level of support available to them and acknowledged that this had helped them during their initial weeks and months in office enabling them to get up-to speed quickly.

Things that we heard:

"Members are well informed and skilled-up"

"Member development is a team effort – officers and members"

"Induction and on-going development has been a huge help to new members"

“The member development programme is flexible and adaptable”

- **Learning and development is effective in building capacity**

The council’s officers and members were clear that member development has improved the performance of individual members, of functions, and the council as a whole, and were able to give tangible examples of benefits. This was very evident from the Member Development Steering Group and at the 360 degree pilot group. Members were particularly pleased with the recent Adult Social Care development sessions and the INLOGOV training that Strategic Commissioning.

The assessors heard that member development is discussed in political groups and on a one-to-one basis demonstrating a supportive learning culture.

The assessors learnt that Kent County Council is planning to review the Member Development offer with a view to gaining accreditation for the programme. Throughout the day members were supportive and enthusiastic of the benefits in doing so.

Things that we heard:

“The recent training session was the best session I have attended”

“Development enables an informed debate with all members able to contribute”

“We’re keen for accreditation”

- **Supporting Councillors in their role as leaders of their local communities**

The council is aware of the changing role of the elected member and has and will provide a series of bespoke and on-going events for all elected members at the council transforms. The assessment team were told about four events provided by INLOGOV in September 2014 which aimed to help, members understand their role in leading and responding to their local communities and contributing to the decision making process.

It was noted by the assessors that the council is considering further use of e-learning and webinars to enable members to access information when they cannot come into the Council Offices.

Members explained to the assessment team that the Council had a presence at the Kent County Show and asked members of the public whether they had considered standing as a councillor. During Local Democracy Week in October 2014 there is an open day for those who have expressed an interest in becoming a councillor, where they will be able to find out more about what the role entails.

Continuous improvement and direction of travel

Kent County Council has been successful in achieving and in exceeding the standards of Charter Plus. The following areas were felt by the assessors to be particular strengths:

- There is top political and managerial commitment and delivery of member development
- There are clear links to member development in strategic priorities
- There is strong officer support and commitment to member development and good member officer relationships
- The profile of the member development steering group is high, has high energy and is of high calibre and is seen as effective
- There has been a respected and effective induction programme
- The recent Peer Review evidenced good member development
- There is evidence of partner engagement and benefits of member development
- The PDP take-up is high and is cross party
- The council is adaptable and flexible with learning styles
- The council have piloted 360 degree feedback and the MDSG have applied learning.

Assessors' suggested improvement areas:

The following are areas that Kent County Council could work towards over the next three years. They will act as a focus for the direction of travel to take forward member development. The council may also identify further key areas for improvement during this time to reflect the changing and emerging priorities of the council

- To build strategic commissioning role of members, namely in the following areas:
 - Skills
 - Competencies and behaviours
 - Refresh of the councillor role profiles
- Develop a more strategic approach to engagement and development with District Councils and further consider the role of twin hatted members as a catalyst for change.
- Move forward with the accreditation of the member development programme
- Evaluate take-up and use of Knet and promote its use as part of the self-service approach
- 2017 – Further develop the future councillor programme through promotion and advertising of the role of the Kent councillor.

South East Employers would like to meet with the council in eighteen months to evaluate the programme of continuous improvement and direction of travel and in three years for a reassessment. We look forward to Kent County Council supporting South East Employers in promoting the benefits of the Charter to councils across the South East region. The council may use the national elected member development charter logo.

The process of assessment undertaken in the council may be subject to a quality assurance review by Local Government Association.

Congratulations on achieving and exceeding the Charter Plus standard and we look forward to reviewing your progress in 18 months.

**Mark Palmer
Development Director
South East Employers for and on behalf of the Assessment Team
September 2014**

This page is intentionally left blank

From: Roger Gough, Cabinet Member for Education and Health Reform

Patrick Leeson, Corporate Director for Education, Learning and Skills

To: Selection and Member Services Committee – 8 October 2014

Subject: Recruitment of Local Authority Governors

Classification: Unrestricted

Summary:

This report summarises the proposed actions the local authority will take to comply with the new governance regulations which were introduced on 1 September 2014 to be implemented by September 2015, with regard to local authority governors.

A report was considered by Education and Young People's Services Cabinet Committee on 22 April 2014, and the new regulations were published in May 2014. Those changes which fall to the executive side of the County Council's decision-making procedures have now been made. The Governor Appointments Panel considered those recommendations relating to school governance at a special meeting on 3 September 2014 and this report has been written in the light of its views.

Recommendation(s):

The Committee is invited to agree new guidelines for the appointment and removal of Authority Governors.

Introduction

- 1.1 In May 2014, new regulations were laid before parliament which will have an impact on local authority governor representation in maintained schools.
 - i. From 1 September 2014, a key consideration in the appointment and election of all governors should be the skills and experience the governing body needs to be effective.
 - ii. By September 2015, the governing bodies of all maintained schools will be required to have reconstituted under the new constitution regulations, with a maximum of one local authority governor.
- 1.2 In Kent, there are currently 747 KCC governor positions, with 583 serving local authority governors and 164 vacancies. By September 2015, the overall number of positions available will have been reduced from 747 to 444 (one per maintained school). This means that over the coming year there will be a reduction in number of 139 local authority governors. In

addition the role of the local authority changes from one of appointing governors to the nomination of a suitably skilled and/or experienced individual for appointment by the governing body.

- 1.3 The new Regulations require all governing bodies to identify a skills set for each vacancy as it arises, including local authority governor positions.
- 1.4 All governing bodies will consist of a new minimum of one headteacher governor, one staff governor, one local authority governor and two parent governors. The remaining appointments will be to a new category of co-opted governor. These appointments will be made by the governing body itself, based on the skills of the individual when matched with its identified needs.
- 1.5 This report considers the impact these changes will have on the selection and appointment of local authority governors and makes recommendations which are intended to improve the effectiveness of local authority stakeholder representation on governing bodies of maintained schools and meet the need for skills based appointments.

2. Background

- 2.1 The local authority has the 'right' to nominate an individual to serve as a representative on the governing body of a school that is maintained by the local authority. This includes community, community Special schools, voluntary controlled and voluntary aided schools, but not the majority of academies and free schools.
- 2.2 Changes to school governance constitution regulations in September 2012 reduced the number of local authority governors on a single governing body to '**one, and only one**'. However governing bodies were not at that time compelled to change their constitution, and could elect to change to the 2012 framework, or remain as they were (2007 constitution regulations). Under the 2012 regulations, the local authority role is redefined as one of 'nominating a suitably skilled individual' for the role, with the governing body itself making the appointment at school level.
- 2.3 To date, 35% of Kent maintained schools have chosen to reconstitute under the 2012 regulations, and all local authority nominees have been appointed. However, as all maintained schools are required to reconstitute under the 2012 regulations by September 2015, if they have not already done so. A further 277 governing bodies will therefore need to undertake this process over the next 12 months.
- 2.4 Currently, 65% of Kent governing bodies are constituted under the 2007 regulations which allow for more than one local authority governor per governing body. By September 2015 this will reduce from a maximum of 747 to 444, (one per school).
- 2.5 Any surplus in any governor category (apart from foundation) must be resolved by a vote of the governing body, with the Chair having a casting vote. Therefore the reduction in number of local authority governors will be

determined by the governing body itself rather than the Governors' Appointment Panel. There is therefore, the potential to have a 0% vacancy rate by September 2015. These figures in the table below indicate the position in May 2014.

District	Maintained schools	Total LA governors	LA governors in post	LA governor vacancies	Potential reduction by Sept 2015
Ashford	41	72	58	14	17
Canterbury	39	58	42	16	3
Dartford	27	42	31	11	4
Dover	37	57	48	9	11
Gravesham	28	58	46	12	18
Maidstone	49	86	65	21	16
Sevenoaks	40	68	55	13	15
Shepway	34	54	45	9	11
Swale	35	63	46	17	11
Thanet	32	59	47	12	15
Tonbridge & Malling	45	74	55	19	10
Tunbridge Wells	37	72	58	11	21
Totals	444	747	583	164	139

3. Strengthening the quality of local authority representation on governing bodies

- 3.1 No matter what constituency governors are recruited from, all governors must govern in the best interests of pupils and contribute to effective governance. Governors nominated by the local authority should be selected only if they have the necessary skills and experience to drive school improvement and contribute to the success of the school.
- 3.2 Governors appointed as representatives of the local authority (local authority governors) do not act as delegates and cannot be compelled to act in any specified way by their nominating body. They should however have a basic knowledge and understanding of Kent education policies and aims in order to effectively carry out their local authority representative role.
- 3.3 From September 2014, KCC will host an annual briefing session for local authority governors to provide access to and information about KCC's Education strategy, policies, plans and performance. A written report of this briefing, together with supporting documents and any web links will be made available to all governors on the KELS! governor pages.
- 3.4 The agreed role description for a Local Authority Governor **is attached as Appendix A**. It will alert potential nominees of the need for them to develop an understanding of KCC strategies and plans as part of their governor representative role.
- 3.5 KCC will also provide elected Members with governor recruitment resources, including the role descriptions above and will invite them to a briefing session to:

- Outline the changes to school governance as a professional function
- Explain the changes to the role of the local authority in nominating local authority governors
- Outline the support invited from local members to identify suitable individuals for selection

4. Skills Based Appointment

4.1 Local authority governor appointments are currently made by the Governor Appointments Panel (GAP). Panel Members make decisions about the suitability of candidates for appointment based on:

- An application form identifying skills and suitability
- A set of guidelines for appointment

4.2 The Panel is supported in its decisions by KCC's Governor Service's team and Democratic Services.

4.3 Currently potential appointees are nominated for appointment by either elected Members, SGOSS (a DFE governor recruitment charity), or the governing body itself. The number of nominations made by elected Members has decreased over recent years, with the majority of nominations now originating from the governing body itself. This has reduced local authority representation on the governing body and may now leave the local authority unrepresented when only one post per school is available.

4.4 From September 2014, KCC will be required to have amended its local authority governor appointment process to one based on the skills of the individual nominee matched to the skills identified for that vacancy by the governing body.

4.5 It is proposed to revise the duties of the Governor Appointments Panel as soon as possible after September 2014 to:

- Identify suitable nominees for the post of local authority governor from September 2014. A draft governing body form is included at **Appendix C** for the Panel's comments.

5. Process for the Removal of Governors.

5.1 The current procedures for the removal of Authority Governors were agreed at a time when the majority of requests for removal arose from a breakdown of relations between the individual governor and the governing body. The process is that the two sides are asked to undertake mediation. If mediation fails, the GAP meets to consider what steps to undertake. The circumstances under which requests are made for the removal of an Authority Governor are likely to become far more varied. A draft process is therefore attached at **Appendix D**. It takes account of GAP's recommendation that the process should enable the Cabinet Member for Education and Health Reform, the Local Member and the Corporate Director for Education and Young People's Services as well as the governing body to make a written proposal for removal of an authority governor.

6. Conclusions

In order to meet the requirements of the new regulations the local authority must review and revise its processes and procedures for identifying suitable individuals to serve as local authority governors. A review also provides an ideal opportunity to strengthen the effectiveness of local authority governors, as well as improve the quality of local authority representation on the governing bodies of maintained schools.

7. Recommendation(s)

The Committee is recommended to agree new guidelines for the appointment and removal of Authority Governors as set out in Appendices A-E of the report.

Appendices

A – Role and Expectations of a Local Authority Governor

B – The Role of the Governor Appointment Panel from September 2014

C – Governing Body Request for LA Governor Nomination

D – Process for the Removal of a local authority governor

E – Guidelines for the nomination of local authority governors

D – Disqualification criteria

Contact details

Linda Lissimore
Head of Governor Services
01622 203800 extn 205
linda.lissimore@kent.gov.uk

Lead Director

Sue Rogers
Director of Education, Quality and Standards
01622 694983
sue.rogers@kent.gov.uk

Background Documents

Constitution of governing bodies of maintained schools – proposed changes to regulations (13 January 2014)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270668/Constitution_of_governing_bodies_con_doc_final_draft.pdf

The School Governance Constitution Regulations 2012 Statutory Guidance for leaders and governing bodies of maintained schools and local

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270670/School_governance_constitution_regulations_final_CC.pdf

This page is intentionally left blank

Role and Expectations of a Local Authority Governor September 2014 (2012 Constitution regulations)

You would want to be a good governor therefore you will need to:

- Develop a basic understanding of KCC Education Policy, strategy and plans and contribute appropriately to governing body discussion
- **You are a representative and not a delegate of the local authority**
- Be prepared to be deployed flexibly within a district or an area e.g. a governing body in North Kent
- Develop an understanding of the school, its strengths and weaknesses, vision, ethos, and values
- Attend full governing body meetings (details of the day and time of meetings for a particular school will be shared with you as part of the nomination process)
- Read agenda papers in advance, and participate in discussions and decision making in governing body or committee meetings
- Accept a governing body responsibility, either as an individual, monitoring pair, or as part of a committee
- Make a minimum of one governor visit to the school each year
- Undertake a one-day face to face induction training session for new governors, followed by at least 6 hours of training annually (either face to face or by e'learning)
- Attend an annual briefing for local authority governors, held in Maidstone in the autumn term each year
- Abide by any additional governing body requirements in place at the school to which you are appointed e.g. code of conduct, training and development expectations (these will be shared with you prior to appointment)
- Notify the clerk to the governing body if you meet any of the criteria for disqualification

General Information about the role of a school governor

Governing bodies have a vital and demanding role as the strategic leaders of our schools. All governors must govern in the best interests of pupils, no matter what category they represent. Being a governor is a demanding task, and anyone appointed should therefore have the skills to contribute to effective governance and the success of the school. You can find full details in the Governors Handbook

<https://www.gov.uk/government/publications/governors-handbook>

You will be expected to attend a minimum of 3-6 governing body meetings each year, attend committee meetings or undertake an additional responsibility, and visit the school as part of your monitoring

Appendix A

role. You should also expect to undertake approximately 4 hours reading and/or analysis each month in preparation for meetings.

All maintained schools have one governor who is nominated to serve as a representative of the local authority, and is then considered for appointment by the governing body of a particular school. All governors are selected for the skills and experience they can contribute to the role matched to the needs identified by the governing body. A term of office is between 1 and 4 years.

An individual who is also a member of staff at the school cannot be appointed as a local authority governor.

Guidelines for the appointment of local authority governors set out the required criteria for appointment. Potential local authority governors are required to complete an application form identifying their skills, experience and suitability for the role.

A local authority panel of elected members will select individuals as nominees based on the application form and references. Successful nominees will then be 'matched' to suitable governing body vacancies and offered for appointment. The governing body will then 'appoint' the candidate who most closely matches their requirements.

The Role of the Governor Appointment Panel (GAP) From September 2014

Background and context

Changes to governance regulations from September 2014

Two major regulatory changes are being proposed, which will have an impact on local authority governor representation in maintained schools.

1. All appointed governors will **selected for the skills and experience** they bring to the role
2. **All** maintained school governing bodies will be required to **reconstitute** under the 2012 constitution regulations **by September 2015**

In Kent, this means that by September 2015, the number of local authority governor positions in Kent schools will have reduced from 747 to 444, and that all posts should be filled by skilled and experienced individuals. Governing bodies will themselves decide by vote which local authority governors continue in post based on the skills and experience required to make them effective. The local authority will not have a role in this reduction in number.

GAP Duties from September 2014

1. Shape and influencing future protocols and decisions
2. Select suitable nominees for the post of local authority governor and create a pool of expertise
3. Oversee the matching and appointment of nominees to governing body vacancies
4. Make decisions about the removal from office of a local authority governor

Guiding principles for the selection of local authority governor nominees in Kent

The local authority

- makes decisions about local authority governor representation on the governing bodies of maintained schools based on the skills they require to be effective governors
- has established clear criteria and expectations for the role and function of a local authority governor

Appendix B

- has fair open and transparent procedures for selection and nomination
- has established a robust procedure for matching individual nominees with the skills requirements identified by each governing body
- ensures that local authority governors are provided with access to information outlining Kent's education policy, aims, objectives, and targets
- has established clear and fair criteria and procedures for the removal of local authority governors

Selection of nominees for vacant posts

1. Elected members are provided with recruitment resources and vacancy information
2. The GB identifies skills required for a particular vacancy and provides additional information about their governing body needs
3. Potential nominees receive further information (role expectations, an application form and a skills audit) and returns completed forms to Governor Services
4. Initial matching exercise undertaken by Governor Services and GAP report prepared
5. Nominations are discussed and approved by GAP members
6. Nominees provided with any additional school based information and encouraged to make contact with the Chair of Governors and/or make a visit to the school/observe a governing body meeting
7. Approved nomination(s) passed to the school for appointment
8. Nominee appointed by the governing body and LA notified
9. Nominee rejected – decision and reasons in writing to the LA, and to the person rejected

The role of elected members

1. Attend an annual briefing on school governance
2. Receive regular vacancy reports
3. Have access to appropriate resources
4. Share recruitment materials and invite nominations
5. Sign application forms

6. Be proactive in encouraging nominee applications

Supporting Resources

1. Individual Governor Application form accompanied by an National Governors' Association (NGA) skills audit
2. Disqualification Criteria (appendix F)
3. Governing Body request for LA governor nomination form (appendix C)
4. Member's recruitment resources (role expectations, marketing materials etc)
5. Protocols for an Annual Briefing session for local authority governors
6. Procedure for removing surplus local authority governors

Appointment Form overview

- Disqualification criteria
- Evidence of the skills and experience (skills audit)
- Role expectations shared
- Their commitment to undertake training to develop or acquire the skills to be an effective governor
- How they plan to contribute to the work of the governing body

Governing Body request for nominee form

- Outline of skills required
- Other eligibility criteria (Code of Conduct etc)
- Term of office (if less than 4 years)
- Frequency and time of meetings
- Committee structure and any additional requirements

This page is intentionally left blank

GOVERNING BODY REQUEST FOR LOCAL AUTHORITY GOVERNOR NOMINATION

Name of School	
Address	
Chair of Governors	
Contact	Telephone: Email address:
Identified Skills Set	<i>With reference to the attached NGA Skills Audit and any additional governing body requirements</i>
Term of office (if other 4 years)	
Frequency and time of governing body meetings	Full governing Body meeting: Committees (if applicable)
Other eligibility criteria	e.g. copy of your Code of Conduct

This page is intentionally left blank

Process for the Removal of local authority governors

Local authority governors may be removed from office by the local authority that nominated them. The local authority must give written notice of the removal to the clerk to the governing body and to the governor concerned.

Procedure

1. The governing body, the Cabinet Member for Education and Health Reform, the Local Member or the Corporate Director for Education and Young People's Services makes a formal written proposal to KCC Governor Appointments Panel (GAP) for removal of a local authority governor, giving reasons for the proposal.
2. The proposal for removal is shared with the governor concerned, and he/she is provided with an opportunity to provide a written response.
3. A Panel of 3 elected Members is convened by GAP to consider the removal proposal and the governor response.
4. An investigation may be commissioned by the Panel if it feels it has insufficient evidence on which to base its decision.
5. A decision is reached and shared with the individual governor concerned and the governing body.
6. In the event of the removal being agreed, the individual is informed of their right of appeal.

Appeal

1. Further information is sought and/or provided by either or both parties.
2. A Panel of 3 (previously uninvolved) elected Members is convened by GAP to consider the proposal, findings of the original hearing, and any additional information provided.
3. The Panel reaches a decision and shares it with the individual governor and the governing body.

Appendix D

*Local authority governors are automatically **disqualified** from continuing to serve if at any time they meet the grounds for disqualification*

These Guidelines were approved by Selection and Member Services Committee on DATE. They take into account changes arising from the Education Act 2002: specifically, the new School Governance (procedures) (England) Regulations 2014, the Education and Inspections Act 2006, and The School Governance (Constitution) (England) Regulations 2014.

DRAFT

KENT COUNTY COUNCIL GUIDELINES FOR THE NOMINATION OF LOCAL AUTHORITY GOVERNORS

The following guidelines are based upon the legislation outlined at the end of this document and are reviewed on a regular basis by Kent County Council. Kent County Council has delegated the authority to appoint or remove LA governors to school governing bodies, Pupil Referral Units and Academies to a sub-committee of its Selection and Member Services Committee - the Governor Appointments Panel (GAP) - as set out in Appendix 2 Part 2 of the Constitution. This guidance applies to only this category of governorship.

General principles and expectations

Local Authority governors should be able to make a full and effective contribution as a school governor and meet the skill set identified by the appointing school.

Candidates will be considered for nomination to a governing body vacancy by reference to a completed application form, and matching to the identified skill set

A member of staff who works at the school cannot be appointed as a local authority governor.

All candidates for nomination must conform in full with the qualifications and disqualifications specified in The School Governance (Constitution) (England) Regulations 2014.

Kent County Council has laid down the following guidelines for the appointment of local authority governors. GAP will also take account of any relevant comments received from the Head Teacher, governing body or local authority officers before recommending a candidate for nomination or re-nomination.

Potential Conflicts of Interest

Kent County Council aims to ensure that no potential conflicts of interest will arise between the personal interests of the local authority governor and the local authority. Accordingly, a candidate is unlikely to be successfully nominated for appointments as a local authority governor to a school if s/he:

1. is a member of staff in a Kent funded school (however, a candidate who volunteers at the school may be nominated if GAP deems that their relationship to the School is sufficiently remote to make a potential conflict of interest unlikely to arise)

Appendix E

2. is a parent of a child attending the school
3. is related to a member of staff, or a member of the school's governing body
4. has worked at the school in the past
5. has worked at a school in the same area in the last 2 years
6. has made a complaint of a vexatious nature to either the school or the local authority

Re-appointment

Because appointment is at governing body level, if a person continues to meet the skills requirements, the governing body can make an appointment for a further term of office providing they have satisfied the following conditions.

- within 2 months of the end of the governors' term of office, the governing body provides to the panel
- a statement from the governor outlining the contribution they have made to the effectiveness of the governing body over their term of office, and
- a statement from the governing body supporting their reappointment

The Governor Appointments Panel's Discretion

GAP has the discretion to agree to the nomination of any candidate. In considering whether to exercise its discretion, it will take account of any relevant comments received from the Head Teacher, governing body or local authority officers before recommending a nominee for appointment. Its decision will be taken with full regard to all aspects of equal opportunities legislation and will also take into account any other factor that the candidate wishes to be taken into consideration.

Note: A register of exceptions is maintained of any person appointed against these guidelines.

These Guidelines were approved by Selection and Member Services Committee on DATE. They take into account changes arising from the Education Act 2002: specifically, the new School Governance (procedures) (England) Regulations 2014, the Education and Inspections Act 2006, and The School Governance (Constitution) (England) Regulations 2014.

Governor Qualifications and disqualifications (regulation 17 and Schedule 4 to the Regulations)

Grounds for disqualification fall into three broad categories:

- General grounds;
- Grounds that apply to particular categories of governor; and
- Grounds that arise because of particular failings or actions on the part of the governor.

All the grounds for disqualification apply also to associate members except that associate members can be registered pupils at the school and can be under 18.

General grounds

- Registered pupils cannot be governors.
- A governor must be aged 18 or over at the time of election or appointment.
- A person cannot hold more than one governor post at the same school at the same time.

Grounds that apply to particular categories of governor

A person is disqualified from being a parent governor if they are an elected member of the LA or paid to work at the school for more than 500 hours (i.e. for more than one-third of the hours of a full-time equivalent) in any consecutive twelve month period (at the time of election or appointment).

A person is disqualified from being a **local authority governor** if they are eligible to be a staff governor at the school.

A person is disqualified from being a partnership governor if they are:

- A parent of a registered pupil at the school;
- Eligible to be a staff governor at the school;
- An elected member of the LA; or
- Employed by the local authority in connection with its education functions.

Grounds that arise because of particular failings or actions on the part of the governor

A person is disqualified from being a governor of a particular school if they have failed to attend the meetings of the governing body of that school for a continuous period of six months, beginning with the date of the first meeting they failed to attend, without the consent of the governing body. This does not apply to the **headteacher** or to **foundation governors** appointed by virtue of their office.

A **foundation, local authority, co-opted or partnership governor** at the school who is disqualified for failing to attend meetings is only disqualified from being a governor of any category at the school during the twelve month period starting on the date on which they were disqualified.

A person is disqualified from holding or continuing to hold office if that person:

Appendix F

- Is the subject of a bankruptcy restrictions order or an interim order, debt relief restrictions order, an interim debt relief restrictions order or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986, a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989, a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002, or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order)
- Has been removed from the office of charity trustee or trustee for a charity by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body
- Is included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people
- Is barred from any regulated activity relating to children
- Is subject to a direction of the Secretary of State under section 128 of the Education and Skills Act 2008
- Is disqualified from working with children or from registering for child-minding or providing day care
- Is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State
- has been sentenced to three months or more in prison (without the option of a fine) in the five years before becoming a governor or since becoming a governor
- Has received a prison sentence of two years or more in the 20 years before becoming a governor
- Has at any time received a prison sentence of five years or more
- Has been fined for causing a nuisance or disturbance on school premises during the five years prior to or since appointment or election as a governor
- Refuses a request by the clerk to make an application to the Criminal Records Bureau for a criminal records certificate.

Anyone proposed or serving as a governor who is disqualified for one of these reasons must notify the clerk to the governing body.

From: Mr R Parry, Chairman of Scrutiny Committee
Geoff Wild, Director of Governance and Law

To: Selection and Member Services – 8 October 2014

Subject: **Select Committee process**

Classification: Unrestricted

Summary: To consider and approve the Scrutiny Committee recommendations on minor amendments to the rules applying to Select Committees (Appendix 4 Part 4 of the Constitution).

1. Introduction

(1) At the meeting of the Scrutiny Committee on 25 September 2014 the Committee considered at report (copy attached as **Appendix A**) on the current Select Committee process which had evolved over the past 13 years.

(2) The Committee considered whether any amendments were necessary to the current process and status of Select Committees. The Committee agreed that:

(a) no change be made to the status of Select Committee and that they remain Sub Committees of the Scrutiny Committee;

(b) the Select Committee meet informally with the Research Officer to develop their report and the final version of the report be approved at formal open meeting of the Select Committee.

(c) Select Committee reports continue to be submitted to Cabinet for comment prior to submission to County Council for endorsement.

(d) the amendments to Appendix 4 Part 4: “Additional Rules applying to the Scrutiny Committee and Select Committees” set out in Appendix A to the Scrutiny Committee report be updated to take account of (b) and (c) above and be submitted to the Selection and Members Services Committee for approval.

2. Recommendation

That the Selection and Members Services Committee be requested to approve the amendments requested by the Scrutiny Committee to Appendix 4 Part 4: “Additional Rules applying to the Scrutiny Committee and Select Committees” in the Constitution as set out in **Appendix 2** to this report.

Background Documents – none

Contact Details

Denise Fitch - Democratic Services Manager (**Council**)

01622 694269

APPENDIX 1

From: Mr R Parry – Chairman of Scrutiny Committee
Peter Sass – Head of Democratic Services

To: **Scrutiny Committee – 25 September 2014**

Subject: **Select Committees – review of process**

Classification: **Unrestricted**

Summary: This report comments upon the current process for producing Select Committee reports and asks the Committee to make recommendations to review and improve the existing process.

Recommendations: Any amendments that the Committee wishes to make to the current Select Committee process set out in Appendix 4 Part 4 of the Constitution be recommended for approval to the Selection and Member Services Committee.

1. Introduction

1.1 The current process for carrying out Select Committee topic reviews has been in place for the past 13 years and during that time [33 reviews](#) have been carried out. These reviews have had covered topics as diverse as Dementia and Home to School Transport and have had a positive impact on the work of the County Council in serving the people of Kent.

1.2 During this time, the process for carrying out topic reviews has evolved. Although it is based on the process set out in Appendix 4 Part 4 of the Constitution, a pragmatic approach has been taken where necessary to carrying out the review, focusing on producing positive, achievable outcomes.

1.3 Given the passage of time that has elapsed since the rules for Select Committees were first introduced, it is timely to examine that process to ensure it is fit for purpose for the future and to decide whether any amendments to it are necessary.

2. Select Committee process

Current KCC process for Select Committees

2.1 Select Committees are sub-committees of the Scrutiny Committee and as such the statutory requirements relating to formal committee meetings

apply, e.g. publication of reports and an agenda giving 5 clear working days' notice of the meeting, etc. The press and public have a right to attend formal Select Committee meetings unless the Select Committee agrees by resolution that exempt information is likely to be disclosed.

2.2 The "Additional Rules Applying to the Scrutiny Committee and Select Committees" set out in the Constitution (Appendix 4 Part 4) need to be updated to reflect current practise (as illustrated in the tracked changed version of Appendix 4 Part 4 attached as **Appendix A**) and to incorporate any other amendments to the process recommended by this Committee.

KCC's process for developing the Select Committee report

2.3 KCC's Select Committee process is based upon the Parliamentary Select Committee process, and is followed by a number of other authorities who carry out Select Committee-type topic reviews.

2.4 KCC Select Committee evidence gathering sessions, where witnesses are invited to attend to give evidence to the Select Committee, are held in public unless it is likely that exempt information will be disclosed. Full minutes of these open meetings are published on the KCC website.

2.5 Once a KCC Select Committee has finished its evidence gathering, i.e. its open hearing sessions to receive oral evidence from witnesses, carrying out any visits it deems necessary and receiving any written evidence from witnesses, it then moves on to develop its report.

2.6 In the Constitution the rules applying to Select Committees do not stipulate how this next stage should be carried out. To date, a pragmatic approach has been taken in order to achieve a report that all Members of the Select Committee give their approval to within the required timescale. At KCC this process is started by the holding an initial informal meeting of the Members of the Select Committee, which is not open to the press and public. The informal/private nature of this meeting enables these Members, supported by the Research Officer, to have a free and frank exchange of information and views about the areas on which they would wish to make recommendations in their report.

2.7 Following this initial meeting, the Research Officer will draft initial recommendations and, depending on the clarity of Members' wishes at the meeting referred to in 2.6, the Research Officer may obtain further clarification via email or, if s/he feels that they have enough guidance from the Select Committee, may produce a first draft of the report.

2.8 Once the first draft of the report has been produced, the Select Committee then meets again with the Research Officer, supported by a Democratic Services Officer, to discuss this initial draft. Again, this is an informal meeting to which the press and public are not invited.

2.9 The reasons for this are:

(1) if this was a formal meeting of the Select Committee to which the rules in relation to the publication applied, the first draft of the report including draft recommendations would need to be made public before the Select Committee had had the opportunity to discuss and decide if this accurately reflected their wishes;

(2) it may inhibit any frank discussion the Committee may wish to have on the recommendations and report.

A number of such meetings may be required. If only minor amendments are required, the Research Officer may carry some of this process out with Select Committee Members via email.

2.10 Once a report has been produced which the Select Committee has informally indicated it is happy to own then, normally due to time constraints, approval to this final version is sought via email prior to it being submitted to Cabinet and County Council. Exceptionally, where there is sufficient time to do so, such as with the recent Select Committee on Commissioning, a short formal public meeting is held to approve the report, with the final draft being published 5 clear working days in advance of this meeting. A key question now is whether such formal approval at a public meeting should be incorporated into each topic review timetable.

Parliamentary Select Committees – process for developing and finalising their report

2.11 The only meetings that Parliamentary Select Committees carry out in public are their evidence gathering/witness sessions. All of the meetings to develop their recommendations and reports, including the approval of the final report of the Select Committee, are carried out in private.

2.12 Once a Parliamentary Select Committee has gathered its evidence, private meetings of the Committee are held where the Members consider their recommendations and what they would like to see in their report. The support staff will then produce a draft heads of agreement and sometimes draft recommendations which will be considered at a further private meeting. As a result The support staff will then draft the report and submit it to the Chairman of the Select Committee for their agreement, when this is obtained it then becomes the Chairman's report. A further private meeting of the Select Committee is held to discuss/approve and if necessary amend the Chairman's draft report. The report then becomes the report of the Select Committee. There are very brief minutes produced of the private meeting with approves the report which are included as an appendix to the published report.

Other local authorities' processes for developing and finalising topic review reports.

2.13 Other local authorities that carry out some form of topic review have been asked to supply information on their process. It should be noted that there is no statutory process for carrying out these reviews and therefore not all all authorities carry out this work and those that do have processes that vary in length, depth and scope.

2.14 The most common approaches used by other authorities are:

- a) A similar process to KCC and Parliament, with a formal meeting in public for evidence gathering and a series of private meetings to develop and finalise the report.
- b) The "Select Committee" being an informal working group of the Scrutiny Committee – tasked with evidence gathering and producing a report for submission to the Scrutiny Committee.

In this case, there is no legal requirement for any of the working groups' meetings to be held in public, including the evidence gathering sessions. In most cases where this process is followed, all meetings of the working group are held in private, including the evidence gathering/witness session, with a final report being submitted to the Scrutiny Committee for approval and adoption as a report of the Scrutiny Committee.

- c) Hybrid – informal groups meeting in public for evidence gathering, but with no legal requirement to do so, and in private to formulate recommendations and report, which is then submitted to their Scrutiny Committee.

Onward Pathway for the Select Committee report

2.15 The process once the Select Committee has produced its final report is set out in Appendix 4, Part 4 of the Constitution:

"The Chairman of the Select Committee, the Chairman of the Scrutiny Committee and the relevant Cabinet Member, in discussion with the Leader of the Council, will agree the order of the submission of the report to the Cabinet, Scrutiny Committee, or any other Committee."

2.16 What has become established practise is a Select Committee report is submitted to Cabinet, where it is either noted or endorsed, and then submitted to County Council where it is discussed and commented upon.

2.17 It would be helpful to clarify this process. Although Select Committees often make recommendations about Executive functions, they are sub-committees of the Scrutiny Committee and are non-Executive bodies. Therefore, Select Committee reports should only be submitted to Cabinet after

being endorsed by County Council, and only then if they contain recommendations about Executive functions.

2.18 If the Committee is minded to retain the submission of the Select Committee report to Cabinet, it would be helpful for the Select Committee rules are amended to clarify that the report is for noting only.

2.19 An option for the Scrutiny Committee to consider is amending the Select Committee process so that the final report is only submitted to County Council. It can then be discussed by all Members, giving the opportunity for it to receive welcome publicity. The County Council could then endorse the report and recommend it to Cabinet Member(s) for them to respond to the Scrutiny Committee, within three months of the County Council meeting, on each of the recommendations and how they are going to implement them

3. Conclusions

3.1 The Scrutiny Committee is invited to consider the current process for producing Select Committee reports and to decide if it wishes to recommend any amendments to this process. Any amendment would need to be considered by the Selection and Member Services Committee for recommendation to County Council as an amendment to the Constitution.

3.2 Members may wish to consider making amendments in the following areas:

The Select Committee process:

a) Whether the Select Committees should continue to be formal sub-committees of the Scrutiny Committee, with all the statutory requirements relating to their formal meeting;

or whether it wishes topic reviews to be carried out by informal groups, which would submit their report to the Scrutiny Committee for approval and adoption as a report of the Scrutiny Committee.

b) If it is decided that they should remain as sub-committees, the Scrutiny Committee is invited to consider setting rules for the process for the formulation of Select Committee reports. In order to enable Select Committees to have free and frank discussions around their recommendations and reports, it is suggested that they hold informal meetings with the Research Officer during the drafting stages of the report.

c) If it is decided to remove the provision for Select Committees to be formal sub-committees of the Scrutiny Committee, but instead approve a provision for informal member groups to gather evidence and produce a report, it would be necessary to decide if these groups were going to gather evidence and/or hold their recommendation/report formulation meetings in public, as there

would be no legal requirement for them to do so. Provision would also need to be made for the working group to submit interim reports to the Scrutiny Committee on the progress with their work and also to submit their final report to the Scrutiny Committee for approval and ownership.

Sign off process

d) In relation to the final sign off of the report by the Select Committee, if it was decided that Select Committees could continue to have the status of sub-committees, then it is suggested that usually a short formal public meeting be held to approve the report, with the final draft being published 5 clear working days in advance of this meeting.

Submission of the report to Cabinet/County Council

e) Whether to amend the Select Committee rules to remove the requirement to submit the Select Committee report to Cabinet but instead to submit the report to County Council for discussion and recommendation (if appropriate) to the Cabinet Member.

4. Views of previous Select Committee Chairmen

4.1 The views of the Chairmen of the last two Select Committees on the above issues have been sought and are attached as **Appendix B**.

5. Recommendations

That any recommendations of the Scrutiny Committee on amendments to the rules relating to Scrutiny Committees be submitted to the Selection and Member Services Committee for recommendation to County Council.

6. Background Documents

None

7. Contact details

Peter Sass
Head of Democratic Services
(01622) 694002
peter.sass@kent.gov.uk

Appendix B

Question	Mr King (Chairman of the Select Committee on Kent's European Relations)	Mr Angell – Chairman of Select Committee on Commissioning
1) Whether Select Committees should remain as formal Sub Committees (with the statutory provision that relate to them) or	Select Committees should remain part of the formal process - to make them task and finish groups devalues them	Agree with Mr King
2) Whether Select Committee should be task and finish groups set up by the Scrutiny Committee (these need not carry out any of their process in public)and submitting their final report to the Scrutiny Committee in open session for approval		
3) In the case of 1) or 2) whether Select Committees should continue to be able to hold informal/private meetings to enable them to have free and frank discussions on their areas of recommendations and draft report or whether all meetings should be held in public.	Yes to private meetings - public meeting to finalise	Yes but made clear to the members of the committee.
4) The sign off process for Select Committee reports, whether this should be done at a formal meeting of the Committee open to the press and public or whether agreement of the Committee should be sought to, if	Formal meeting of Select Committee to sign off	Yes by email initially but if they are any disagreements, then by committee sitting in public.

Question	Mr King (Chairman of the Select Committee on Kent's European Relations)	Mr Angell – Chairman of Select Committee on Commissioning
necessary carry out a sign off process via email.		
Whether the final report should continue to be submitted to Cabinet or just to County Council (at County Council the Cabinet Member could then be asked to respond to the Scrutiny Committee on the recommendations)	Presentation to Cabinet and County Council should continue. Scrutiny Committee should retain oversight.	Cabinet then County Council.

**Appendix 4 Part 4:
Additional Rules applying to
the Scrutiny Committee and Select Committees**

4.1 (1) These rules apply only to the Scrutiny Committee and Select Committees.

(2) Members of a Cabinet Committee may serve as an ordinary or substitute member of the Scrutiny Committee unless the Scrutiny Committee is dealing with an item that has been considered by the Cabinet Committee on which they serve. In these circumstances, they should take no part in the debate or vote on the item.

(3) Deputy Cabinet Members may not serve as ordinary or substitute members of the Scrutiny Committee or of Select Committees dealing with issues that are within their own areas of responsibility.

(4) Reports or recommendations to the Leader, Cabinet Member, Cabinet, Council or officer may include the views of Members dissenting from the majority recommendation of the Committee.

(5) These committees may:

(a) require Members and officers of the authority to attend before them to answer questions and

(b) invite other persons to attend meetings

(6) It is the duty of any Member or officer to comply with a requirement in (5)(a) above. However, officers below Senior Manager level are not required to attend meetings except with their agreement and that of the relevant Senior Manager.

(7) If a Cabinet Member is unable to attend as requested, a Deputy Cabinet Member may attend on their behalf. Cabinet Members and officers will normally attend together for questioning.

Requests for information

4.2 (1) This procedure shall be used by Members when seeking information on matters that the Scrutiny Committee is capable of considering.

(2) Any requests for information shall be made in writing through the Clerk who will acknowledge receipt.

(3) Members are encouraged to use the resources of the KCC Intranet and Corporate Library to identify information that is already available before instigating a request under this procedure.

(4) A request for information will be forwarded by the Clerk to the relevant Senior Manager. The information requested will be supplied to the Clerk as soon as possible or an indication given when it will be available.

(5) If an officer feels unable to supply information requested, or considers it inappropriate to do so, the Senior Manager must be consulted. If the Senior Manager agrees, he will then supply to the Clerk a written explanation of why the information requested cannot be supplied. The Clerk will give this explanation to the Member and inform the Member of his right to request the Chairman of the Scrutiny Committee or their group spokesman on the Committee to have the matter considered by that Committee.

Agenda Planning

4.3 The agenda for ordinary meetings of the Scrutiny Committee shall be set through the procedure set out in Procedure Rules 7.10-7.17, below.

Questioning

4.4 The Chairman may permit a Member not on the Scrutiny Committee (including Cabinet Members and Deputy Cabinet Members) to speak and ask questions if a matter on the agenda has a particularly significant impact on the Member's division or if the Member has not been supplied with information under Procedure Rule 4.2(5).

4.5 Members should endeavour not to request detailed information from officers at meetings of the Committee, unless they have given prior notice through the Clerk. If, in the course of question and answer at a Committee meeting, it becomes apparent that further information would be useful, the officer being questioned may be required to submit it in writing to the Scrutiny Committee members through the Clerk.

4.6 In the course of questioning at meetings, officers other than Senior Managers may decline to give information or respond to questions on the ground that it is more appropriate that the question be directed to the relevant Senior Manager.

4.7 Cabinet Members and officers may decline to answer questions in an open session of the Committee on the grounds that the answer might disclose information that would be exempt or confidential as defined in the Access to Information Procedure Rules. In that event, the Committee may resolve to exclude the media and public in order that the question may be answered in private session.

Formulation of Recommendations and Reports

(4.8 and 4.9 only apply to the Scrutiny Committee)

4.8 After answering questions, the Cabinet Member, Deputy Cabinet Member and Officers may remain but should not normally be invited to speak during debate unless it seems likely the Committee will be proposing an action on which they have not commented and on which advice is either sought or should be given in order to protect the Council's interests or for the purposes of clarification.

4.9 At the debate stage, the Committee has to decide whether to express comments on the proposal(s) to the Leader, Cabinet, Cabinet Member, the relevant officer or the Council.

(1) The Chairman shall first explore through debate if there is a consensus on the views to be expressed by the Committee.

(2) If there is no consensus, the Chairman will ask if any Member wishes to move a formal proposal as to the view to be expressed by the Committee. If seconded, a debate will take place under normal Procedure Rules applying to committees, including the possibility of amendments to the motion before the Committee.

(3) If the motion is passed, it will become the formal view of the Committee.

(4) If the motion is lost, but no other motion is put forward, the Committee will be deemed to have decided to make no comment.

4.10 The Committee may not criticise or adversely comment on any individual officer by name.

4.11 Committee meetings shall be recorded by the Clerk unless the Committee decides it is inappropriate. Procedure Rule 2.2(2) on making transcripts available shall apply to these recordings.

Topic Review Plans

4.12 A rolling two year Select Committee Work Programme will be set by the Scrutiny Committee, subject to the endorsement of Cabinet as soon as possible after the Annual Council meeting following County Council elections and will be kept under review and added to on a rolling programme basis. In setting out the programme, ~~the~~ Scrutiny Committee ~~and Cabinet~~ will be mindful of the resources and officer and Member time required to implement the work programme ~~it~~ and will endorse it at a formal meeting of the Committee, if the timescale allows, or via the Chairman and spokesmen for the Scrutiny Committee (with this agreement being reported retrospectively to the Committee) :

(1) the terms of reference of the review, including the general nature of the expected outcomes, which should be developed by a cross-party Member group (one from each political group) for approval by the Select Committee

(2) the names of any co-opted person from outside the Council to serve on the Select Committee (such co-opted Members will not have a vote)

(3) the staff and other resources required to deliver the review including, if required, the ability to appoint an adviser to the Select Committee

(4) an approximate timetable of meetings and final reporting date (normally within 6 months of the review commencing)

(5) the main witnesses and information sources expected to be involved in the review.

Meeting Arrangements

4.13 Select Committees shall ensure that:

(1) dates and arrangements for witnesses to attend their meetings (or otherwise give evidence to Committee members) are agreed with witnesses in advance

(2) advance notice is given to witnesses of the areas to be covered in questioning

(3) information is, wherever possible, distributed to the Committee Members in writing before the witness attends.

Questioning

4.14 Members should endeavour not to request detailed information from officers at Select Committee meetings unless they have given prior notice through the Clerk. If, in the course of question and answer at a meeting, it becomes apparent that further information would be useful, the officer being questioned may be required to submit it in writing to the Committee Members through the Clerk.

4.15 In the course of questioning at meetings, officers other than Senior Managers may decline to give information or respond to questions on the ground that it is more appropriate that the question be directed to the relevant Senior Manager.

4.16 Cabinet Members, officers and other witnesses may decline to answer questions in an open session of a Committee on the grounds that the answer might disclose information that would be exempt or confidential as defined in the Access to Information Procedure Rules. In that event, the Committee may resolve to exclude the media and public in order that the question may be answered in private session.

~~4.17 The Clerk shall record meetings of a Select Committee unless the Select Committee decides it is inappropriate.~~ A written summary of evidence given at Select Committee meetings will be prepared by the Clerk and agreed with the witness prior to its publication.

Review Reports

4.18 During Topic Reviews, Select Committees shall ensure that relevant Cabinet Members and officers are kept informed of the progress of the review and have full opportunity to comment and inform the deliberations of the Committee.

4.19 Select Committees shall ensure that relevant officers are consulted on any statistics, data and information which are to be included in their reports or on which they intend to base conclusions. The report should include all such data and information or state where it is available to Members

4.20 Reports shall include [a link to](#) all summaries of evidence given to the Committee during the Topic Review.

4.21 When producing their reports, Select Committees should make explicit the likely resource implications of their proposals and have due regard to their affordability and deliverability, taking account of the resources available to the Council.

4.22 Select Committees may not in their reports criticise or adversely comment on any individual officer by name.

~~4.23 The Select Committee's report will be developed through informal meetings with the Research Officer for the review.~~

~~4.24~~ Once the draft report is prepared with its conclusions and recommendations, the Select Committee must ensure that relevant Cabinet Members and officers have the opportunity to comment on the draft report before it is published.

~~4.25 The final report will be approved at a formal meeting of the Select Committee~~

~~4.24~~ The ~~Select Committee's final report will be submitted to Chairman of the Select Committee, the Chairman of the Scrutiny Committee and relevant Cabinet Members, in~~

~~discussion with the Leader of the Council, will agree the order of the submission of the report to the Cabinet, for comment, before being submitted to, Scrutiny Committee, Council, or any other committee.~~

4.25 The Scrutiny Committee will monitor and review the Executive's response to Select Committee reports, as set out below.

Monitoring of Select Committee recommendations

4.26 (1) When a Select Committee has produced its report, ~~and it will be submitted to Cabinet for noting and to County Council for its recommendations to be~~ endorsed ~~its recommendations, it i~~ It is essential that monitoring takes place in relation to progress with the recommendations.

(2) Three months after ~~Cabinet~~ County Council has endorsed a Select Committee report, the Scrutiny Committee should receive an action plan from officers setting out how they propose to take the recommendations forward.

(3) One year after ~~Cabinet~~ County Council has endorsed a Select Committee report, the Select Committee will be reconvened to receive a report that details progress with each of the recommendations.

(4) The Minutes from this Select Committee meeting will be presented to the next meeting of the Scrutiny Committee for comment and noting or to request further monitoring.

(5) It is assumed that once this process has been carried out, the recommendations become embedded in the work of the Council, or an explanation will have been accepted by Members as to why this not possible. Therefore, in normal circumstances, it should not be necessary to receive a further report specifically on progress with the recommendations.

Publicising and Launching Select Committee Reports

4.27 All communications between Select Committee Members and the media shall be in accordance with the Public Relations Protocol for Select Committee Reviews and Reports (as approved by the Council on 11 December 2008).

Overview and Scrutiny inter-authority co-operation

4.28 The Scrutiny Committees in preparing Review Plans, and Select Committees in carrying out reviews and preparing reports, shall comply with the protocols agreed by the former Kent Association of Local Authorities governing co-operation between authorities on overview and scrutiny (Annex A to this Part) and overview and scrutiny of health services (Annex B to this Part).

