

**23 September 2025**

**Co-opted Members on the Children's, Families and Education Overview and Scrutiny Committee.**

**Ward(s):** All

**Portfolios:** Councillor M. Statham - Children, Families and Lifelong Learning.

**1. Aim**

To set out the legislation and current arrangements for co-opting members onto the Education Overview and Scrutiny Committee and determine future arrangements.

**2. Recommendations**

That:

1. The Committee agree that the number of statutory parent governor representatives is reduced from three to two.
2. The Committee recommend to Council that two non-voting governor representatives (Academies) be created. With delegated authority to the Committee to agree the nominated individuals.
3. The Committee agree that existing primary and secondary teacher representatives remain as Co-opted Members (with a three-year term of office from the start of the 2025/2026 municipal year).
4. In order for the procedure for teacher representative nominations to be formalised, the Committee determine how teacher representatives should be selected in the future:
  - a. Continue to receive nominations from Trade Unions.
  - b. Seek nominations from a representative body, e.g. Head Teacher forum.
  - c. Any other method identified and agreed by the Committee.
5. The Committee determine if an 'other faiths' co-opted member should be included on the Committee Membership, with nominations from SACRE.
6. The terms of office for all education co-opted members be set at three years.
7. That the Committee determine whether non-voting co-opted members should attend meetings in person, or in order to support regular attendance at meetings, if these co-opted members are able to attend virtually.

### **3. Report detail – know**

- 3.1 Prior to the creation of Overview and Scrutiny it was a requirement for the local authority committee that dealt with education matters to include statutory co-opted members. Upon the establishment of the Leader and Cabinet system these provisions were carried forward to overview and scrutiny committees.

Schedule A1 of the Local Government Act 2000 made it a legal requirement for Local Authorities which carry out an education function to have parent governor representatives and two religious' representatives (Church of England and Catholic) as co-opted members on their overview and scrutiny committees. These representatives have voting rights on the Committee for 'education functions which are the responsibility of the authority concerned'. These detailed provisions are set out in paragraphs 7 to 11 of Schedule 1.

The Parent Governor Representatives (England) Regulations 2001 made provision for representatives of parent governors at maintained schools to be included in overview and scrutiny committees of local education authorities in England. The regulations stated that a local education authority shall appoint at least two but not more than five parent governor representatives to each of their education overview and scrutiny committees and sub-committees.

The legislation and associated regulations refer to maintained schools which are primary, secondary or special schools, excluding nursery schools. There is not currently provision for parent governor representatives of academies to be co-opted onto the membership of overview and scrutiny committees. However, overview and scrutiny committees are able to co-opt people on to their membership who are not members of the authority - in general, such co-opted members will not have voting rights.

Statutory education co-optees hold voting rights on matters relating to education only, but in other respects can participate in the same way as other members of the committee.

In Walsall non-elected members with voting rights include:

- A representative from the Lichfield Diocese (Church of England),
- A representative from the Archbishop of Birmingham (Catholic)
- Three parent governor representatives, elected on behalf of a primary school, a secondary school and a special school.

In Walsall non-elected members with non-voting rights include:

- A Primary School teacher representative
- A Secondary School teacher representative.

Suggested role descriptions for co-opted members are included at appendix 1.

### **3.2 Teacher representatives**

In Walsall a local convention is that primary and secondary school representatives are also co-opted onto the Membership as non-elected and non-voting members. Teacher representatives have been present on the Education Committee in its

various forms since 1933 and continued when the Overview and Scrutiny regime came into effect in the early 2000s. These positions have historically been filled by a Trade Union representative on behalf of 'primary' and 'secondary' schools. It is detailed in 4.5 of the Council's constitution that this position should be included in the membership of the Education Overview and Scrutiny Committee.

### **3.3 Term of office**

The term limits for both religious representatives are indefinite unless each respective diocese either reassigns the Member or that Member resigns from the Committee.

The term limits of the parent governors are between two and four years from their appointment. In Walsall the term for parent governors is three years from their appointment.

There is no term for the teacher representatives set out in the constitution, individuals have remained in post until they resign and recommend a replacement for the position.

In order to create consistency it is recommended that a standard term of office of three years be set for all co-opted members. With those eligible to continue in the role able to be reappointed.

### **3.4 Selection/election of co-opted Members**

Religious representatives

When a vacancy for a religious representative is received, the Archdiocese of Birmingham and the Lichfield Diocesan Board of Education are contacted, and they subsequently put forward a representative.

Parent Governor representatives

All eligible parent governors are asked to nominate themselves to become a parent governor representative when a vacancy arises. Should only one nomination be received in the categories there is not a requirement to hold an election. Where two or more nominations are received for a category, there is a ballot. In the event of a ballot being required, each parent governor is issued a ballot paper. The candidate receiving the most votes shall be elected.

Teacher representatives

When a vacancy for a teacher representative arises, the outgoing member has historically nominated their replacement from their respective Trade Union.

### **3.5 Attendance**

As voting members of the Committee, parent governor representatives and religious representatives are currently required to attend meetings in person.

As non-voting members the primary and secondary teacher representatives have been able to attend virtually since virtual meetings began during Covid.

Historically, the attendance of the primary and secondary school representatives is significantly higher than the parent governor and religious representatives.

Looking to the future the Government has consulted on introducing provisions to allow remote attendance at committee meetings. The timescales for the legislation being approved are unknown,

### **3.6 Code of conduct**

All co-opted members should be required to sign up to the Council's code of conduct. The declaration of registrable interests completed by co-opted members should be published in the public domain.

### **3.7 Benchmarking**

Local authorities across the Black Country face similar issues in relation to academisation, recruitment and attendance by co-opted members.

To combat this Coventry have co-opted a non-voting governor representative, and an individual representing 'other faiths' in addition to the Diocese (CofE) representative this is nominated from SACRE. Wolverhampton have chosen to co-opt a youth councillor, as their parent governor representative positions remain vacant.

Sandwell and Birmingham co-opt two parent governor representatives and two religious representatives, whilst Dudley Council and Wolverhampton Council's membership includes three parent governor representatives and two religious representatives.

## **4. Financial information**

There are no direct financial implications arising from the report.

## **5. Reducing Inequalities**

The recommendations in this report are intended to make the process of co-opting voting and non-voting members open and transparent.

## **6. Decide**

The Committee need to decide on the composition of representatives it considers appropriate for the Committee with responsibility for Education in Walsall. This includes:

- The number and type of statutory Parent Governor representatives (between two and four).
- If Academy Parent Governor representatives should be co-opted on to the Committee.

- If Teacher representatives should remain as co-opted members, and how they are nominated.
- If an 'other faiths' co-opted members should be included on the Committee Membership and how they should be nominated.

## **7. Respond**

An update be provided to Committee Members after consideration by Council.

## **8. Review**

The topic be reviewed should any material changes occur to impact the current arrangements.

## **Background papers**

- The Education Act 1996
- The Local Government Act 2000 – schedule A1
- The Parent Governor Representatives Regulations 2001

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Appendix 1.

**Suggested role descriptions (to be provided to Co-optees)**

The role of Church representatives

- to provide the views and interests of the diocese and arch diocese relating to educational matters under discussion at the children's scrutiny committee.
- attend and contribute to the committees to which they have been appointed
- establish good relations with other members and officers
- feedback the local education authority's discussions of and decisions on education to the diocese and arch diocese
- abide by the local education authority's rules on committee procedures
- act with due propriety according to standards laid down for conduct in local government

The role of Parent Governor Representatives (PGRs):

- act as an apolitical voice for parents in the area; representing to the local education authority the main education issues which concern parents of pupils in schools maintained by the authority
- liaise with the other PGRs on their own local education authority
- attend and contribute to the committees to which they have been appointed
- establish good relations with other members and officers
- feed back the local education authority's discussions of and decisions on education to parents
- abide by the local education authority's rules on committee procedures

- act with due propriety according to standards laid down for conduct in local government

The role of teaching sector representatives

- to provide the views and interests of the teaching sector relating to educational matters under discussion at the children's scrutiny committee.
- attend and contribute to the committees to which they have been appointed
- establish good relations with other members and officers
- feed back the local education authority's discussions of and decisions on education to the teaching sector
- abide by the local education authority's rules on committee procedures
- act with due propriety according to standards laid down for conduct in local government