

28 October 2015		ITEM: 10
Council		
Thurrock Healthwatch Co-Opted Member Request		
Report of: Children's Services Overview and Scrutiny Committee		
Wards and communities affected: All	Key Decision: N/A	
Accountable Head of Service: Fiona Taylor , Head of Legal Services		
Accountable Director: Lyn Carpenter, Chief Executive		
This report is public		

Executive Summary

The Children's Services Overview and Scrutiny Committee received a request from Healthwatch to place a co-opted representative onto the committee to represent children's health interests. At its meeting on 15 September the committee agreed that this co-option would serve the work and interests of the committee well. In accordance with the constitution Full Council is now asked to ratify this agreement.

1. Recommendations:

- 1.1 That Council agree to amend the terms of reference for the Children's Services Overview and Scrutiny Committee in order to include an additional non-voting Co-opted representative from Thurrock Healthwatch.**

2. Introduction and Background:

- 2.1 Healthwatch is the independent consumer champion created to gather and represent the views of the public on health services. Healthwatch have requested to be represented by a co-opted member on the Children's Services Overview and Scrutiny Committee and have stated that best practice guidelines identify the strengthening of links between Thurrock Healthwatch and the Children's Overview and Scrutiny Committee.
- 2.2 Healthwatch add that the benefits of this would be to embed the public's voice at the heart of the decision making processes on services for children and young people and to support elected members in discussions regarding key issues relating to the children's health.
- 2.3 Healthwatch emailed Democratic Services on 3 September 2015 requesting a co-opted seat on the Children's Overview and Scrutiny Committee and this

request was debated and agreed at the subsequent committee meeting on 15 September 2015.

- 2.4 If invited a Healthwatch Co-optee will not receive remuneration for their post and will not be considered as making up the quorum of the committee or have voting rights. This will be in accordance with other non-statutory co-optees on the committee.

3 Issues, Options and Analysis of Options:

- 3.1 If Council accept the request for a co-opted member subsequent changes to the committee terms of reference and constitution will be made.

4. Reasons for Recommendation:

- 4.1 The Children's Overview and Scrutiny Committee agreed that a Healthwatch Co-Opted member would be a good asset to the Committee. Members felt that Healthwatch would embed the public's voice at the heart of the decision making processes on services for children and young people.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 N/A

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The addition of a Healthwatch co-optee will allow another facet of community representation at overview and scrutiny which promotes public access to the democratic process and decision making.

7. Implications

7.1 Financial

Implications verified by: **Kay Goodacre**
Finance Manager – Children and Adults

There are no financial implications to the recommendations being made.

7.2 Legal

Implications verified by: **Lindsey Marks**
Principal Solicitor Children's Safeguarding

Chapter 4, Part 3, Rule 9 of the Council's Constitution enables an Overview and Scrutiny Committee to invite witnesses from outside Thurrock Council, such as residents, stakeholders and people from other parts of the public

sector to attend to give a presentation, discuss issues or answer questions. Should members wish to extend this arrangement to consider formally co-opting representation further consideration to the Constitution will need to be given.

The recommendations given in this report supports the Local Authority in meeting the duties imposed by S507B of the Education Act 1996. The section requires that the Authority must, 'so far as reasonably practicable, secure for qualifying young persons in the authority's area access to –

- a) sufficient educational leisure-time activities which are for the improvement of their well-being, and sufficient facilities for such activities; and
- b) sufficient recreational leisure-time activities which are for the improvement of their well-being, and sufficient facilities for such activities.

There is statutory guidance issued under the section, referred to in the body of the text, and entitled Statutory Guidance on Positive Activities.

The Council is also under a duty imposed by s149 of the Equality Act 2010, the Public Sector Equality Duty to have "due regard" to:

- A The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EqA 2010 (*section 149(1)(a)*).
- B The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (*section 149(1)(b)*). This involves having due regard to the needs to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (*section 149(4)*); and

- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- Section 149(6) makes it clear that compliance with the PSED in section 149(1) may involve treating some people more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the EqA 2010 (this includes breach of an equality clause or rule or breach of a non-discrimination rule (*section 149(8)*).

- (*Section 149(3), EqA 2010.*)

- C The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it (*section 149(1)(c)*). This includes having due regard to the need to tackle prejudice and to promote understanding (*section 149(5), EqA 2010*).

Age is a protected characteristic under the Equality Act.

7.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**
**Community Development and Equalities
Manager**

The recommendations in this report strengthen diverse representation in decision making and debate with regard to health services for young people. Healthwatch represents the diverse community in the Borough and by further developing their voice through links with the Children's Services Overview and Scrutiny Committee there is opportunity to support the local authority strategy to listen to the views of children and young people.

7.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

None

Background papers used in preparing the report (include their location and identify whether any are exempt or protected by copyright):

None.

Appendices to this report:

None.

Report Author:

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