

## **Responsibility for Functions**

[Extracts containing changes only]

**Part 3**, the Responsibility for Functions, explains who within the Council has powers to exercise various powers and duties. This covers the member level areas of decision-making and sets out an officer scheme of delegation. The terms of reference (including membership and remit) for each member-level Committee, Panel and Joint Committee are found within this section. There is an index at the start of this section.

## Part 3

### Responsibility for Functions

#### Purpose

1. The County Council is required to show how it has arranged for its functions to be carried out. It has allocated its functions by means of a Scheme of Delegation which is described here.
2. Functions are either executive or non-executive. Non-executive functions are delegated to non-executive committees. All other functions are executive functions and are delegated either to the Cabinet, individual Cabinet Members, County Local Committees, officers or joint arrangements with other local authorities and public bodies.
3. The scheme is adopted with the intent that there should be a simplification of the decision-making processes of the County Council and accordingly it should be interpreted widely and not narrowly.
4. The County Council exercises the following functions:
  - (a) adopting the Constitution
  - (b) overseeing the Constitution and changing in particular the following parts which are reserved specifically to the County Council:
    - Standing Orders
    - Scheme of Delegation
    - Protocols on Decision-Making and on Select Committees
  - (c) receiving recommendations from the Cabinet on, and agreeing, the Policy Framework and the annual revenue budget and capital programme
  - (d) deciding an Executive function where there is a proposal to depart from the Policy Framework or annual revenue budget and capital programme
  - (e) Electing the Chairman and Vice-Chairman of the County Council and appointing the Leader
  - (f) agreeing or changing the Constitution and terms of reference of committees, and making appointments to committees including the chairmen and vice-chairmen, on the recommendation of the group leaders.
  - (g) adopting the Scheme of Members' Allowances
  - (h) confirming the appointment of the Head of Paid Service (Chief Executive)

- (i) such other matters as the law requires to be dealt with by the County Council

## 5. Policy Framework

The Policy Framework means the following plans and strategies:

- County Strategy
- Annual Revenue Budget and Capital Programme
- Performance Framework
- Sustainable Community Strategy
- Development Plan Documents
- Local Transport Plan

## 6. Types of Meeting

There are three types of County Council Meeting:

- (a) the Annual Meeting
- (b) Ordinary Meetings
- (c) Extraordinary Meetings

The procedural rules for how each type of County Council meeting operates can be found in Standing Orders in Part 4 Section 1.

### **Executive Functions**

4. Functions delegated by the County Council to the Cabinet are set out in Appendix 1. General and specific delegations to individual Cabinet Members are set out in Appendix 2. Functions delegated to Local Committees are set out in Appendix 3. Functions delegated to officers are set out in Appendix 4.

### **Non-Executive Functions**

5. Non-executive functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended have been delegated to non-executive committees or to officers in accordance with this Scheme of Delegation. The terms of reference of non-executive committees are set out in Appendix 5.
6. Those functions where the County Council has a choice as to whether they are treated as executive or non-executive functions have been delegated to non-executive committees, to officers, or to the Executive in accordance with this Scheme of Delegation.

### **Scrutiny Functions**

7. The County Council has appointed Select Committees to undertake the overview and scrutiny functions required by Section 21 of the Local Government Act 2000, Part 12 of the National Health Service Act 2006 and Part 3 of the Police and Justice Act 2006.

## **8. Definitions**

- 8.1 For the purposes of this scheme a function of the County Council means any activity which the County Council may lawfully perform under statute or common law.
- 8.2 Functions of the County Council are divided between.
- 8.2.1 Executive functions which are all those functions of the County Council which are not non-Executive functions.
- 8.2.2 Non-Executive functions which are those functions listed in Appendix 5 together with any further functions which are required by statute to be non-Executive functions or which the County Council decides shall be non-Executive functions in exercise of a statutory discretion.
- 8.3 Executive functions fall into two categories
- 8.3.1 Functions which are reserved by law or this scheme to the County Council ("Policy Framework").
- 8.3.2 Delegated functions which may be
- 8.3.2.1 reserved to the full Cabinet ("Cabinet function"); or
- 8.3.2.2 delegated to County Local Committees ("Local Committee function"); or
- 8.3.2.3 delegated to officers outright ("Officer functions") as described in Appendix 4 to this scheme; or
- 8.3.2.4 the remaining Executive functions ("Cabinet Member matters").
- 8.3.3 For the purpose of this scheme, the definitions in Part 1 apply.
- 8.4 This scheme delegates to the Cabinet, to Committees, or to officers the County Council's functions within the description set out in the Appendices to this scheme together with the powers and duties within those functions under all present and future legislation, and all powers incidental to those functions including those under Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000.
- 8.5 The functions delegated by the Scheme are as follows
- Appendix 1 - Executive Functions
  - Appendix 2 - Cabinet Members
  - Appendix 3 - County Local Committees (subject to consultation)
  - Appendix 4 - Officer Functions
  - Appendix 5 - Non-Executive Committees
  - Appendix 6 - Standards Committee

Appendix 7	-	Governance Committee
Appendix 8A	-	Performance and Finance Select Committee
Appendix 8B	-	Health and Adult Social Care Select Committee
Appendix 8C	-	Children and Young People's Services Select Committee
Appendix 8D	-	Environment, Communities and Fire Select Committee
Appendix 9	-	Adoption Panels and Fostering Panels
Appendix 10	-	Treasury Management Panel
Appendix 11	-	PropCo Panel
Appendix 12	-	Corporate Parenting Panel
Appendix 13	-	Safeguarding Adults Member Reference Group
Appendix 14	-	Independent Remuneration Panel
Appendix 15	-	West Sussex Health and Wellbeing Board
Appendix 17	-	Orbis Public Law Joint Committee
Appendix 17	-	Parking and Traffic Regulations Outside London Adjudication Joint Committee
Appendix 18	-	Local Enterprise Partnership Joint Committee
Appendix 19	-	West Sussex Joint Scrutiny Steering Group
Appendix 20	-	Pension Advisory Board
Appendix 21	-	Pension Board of the West Sussex Fire and Rescue Authority
Appendix 22	-	Local Government Pension Scheme ACCESS Joint Committee
Appendix 23	-	Sussex Police and Crime Panel

## 8.6 The functions delegated by this Scheme may be further delegated

- 8.6.1 In the case of a Cabinet function, by the Cabinet to a Cabinet Member, County Local Committee or officer
- 8.6.2 In the case of a Cabinet Member matter by that Cabinet Member to a County Local Committee or officer
- 8.6.3 The functions described in Appendix 4 may be further delegated by the officer named in that Appendix to another officer defined by their role, provided that such delegation is recorded in writing, signed by the delegating officer and the officer receiving the delegated authority and that all such onward delegations are reviewed at least annually.

## 8.7 In this Scheme a delegation shall not prevent

- 8.7.1 the County Council from exercising any non-Executive function delegated to a Committee or officers
- 8.7.2 the Cabinet from exercising any executive function delegated to Cabinet Members, County Local Committees or officers
- 8.7.3 Cabinet Members from exercising any executive functions delegated to County Local Committees or officers

## **9. Limitations and Conditions**

- 9.1 The delegations set out in this scheme are subject to
  - 9.1.1 The right of a Select Committee to consider a proposal within the Policy Framework, or any addition or amendment to it.
  - 9.1.2 The powers of a Select Committee to call in or review other Executive functions.
  - 9.1.3 A requirement of the Cabinet to consult
    - 9.1.3.1 The Planning Committee on the parts of the Structure and Local Plans relevant to that Committee's function
    - 9.1.3.2 The Performance and Finance Select Committee on the Annual Audit Letter
    - 9.1.3.3 The Governance Committee on any proposed changes to the Constitution
  - 9.1.4 The requirement of the Governance Committee to consult the Executive on any proposed changes to the Constitution in making recommendations to County Council.
- 9.2 All delegated functions within this scheme must be exercised
  - 9.2.1 in accordance with all parts of the County Council's Constitution
  - 9.2.2 to comply with the Policy Framework of the County Council and other approved policies and plans
  - 9.2.3 within approved budgetary provision
  - 9.2.4 having regard to agreed arrangements for recording decisions made
  - 9.2.5 having regard to advice received from the relevant Executive Director or Director or his or her staff on professional and technical aspects of the matter in question.
- 9.3 This scheme does not delegate:
  - 9.3.1 any matter reserved by law or by this scheme to the County Council;
  - 9.3.2 to an officer, any matter which by law may not be delegated to an officer;
  - 9.3.3 any matter which is specifically excluded from delegation by this scheme or by resolution of the County Council.

- 9.4 The delegation of any function delegated by this scheme either expressly or in accordance with paragraph 8.4 may be revoked by or reserved to the delegator at any time.
- 9.5 Executive Directors and Directors must keep an up to date record of delegations to the officers within their area of responsibility, and should provide the Director of Law and Assurance with a copy.

### Executive Functions

1. Subject to the following paragraphs all Executive functions of the County Council are delegated to the Cabinet. Without in any way affecting/limiting the generality of these paragraphs the Cabinet may act as Fire and Rescue Authority for the purposes of the Fire and Rescue Services Act 2004.
2. The following schemes, plans, strategies or matters comprise the Policy Framework and must be determined by the County Council on recommendation by the Cabinet and where appropriate the relevant non-Executive committee.
  - 2.1 Corporate Plan
  - 2.2 Annual Revenue Budget and Capital Programme
  - 2.3 Sustainable Community Strategy
  - 2.4 Development Plan Documents
  - 2.5 Local Transport Plan
3. In addition the following matters must be determined by the County Council:
  - 3.1 The Constitution including the Scheme of Members' Allowances.
  - 3.2 Such other major policy matters as shall for the time being be reserved to itself by the County Council.
  - 3.3 Any matter for the time being reserved to the County Council by law and not included in this list including the power to promote or oppose local or personal Bills.
  - 3.4 The draft of any matter referred to in 2.1 to 2.5 above where that matter has to be approved by the relevant Secretary of State; together with any variations or amendments required by the Secretary of State.

### Cabinet Functions

4. The Cabinet may collectively consider:
  - 4.1 Those matters to be referred to full Council for decision relating to Policy Framework documents.
  - 4.2 Such other plans or strategies which individual Cabinet Members may wish to refer to the full Cabinet for decision.
5. The Cabinet shall decide to which outside bodies the County Council should make member appointments and advise the Director of Law and Assurance who will maintain a list of such bodies and shall appoint members to outside bodies which precept on the County Council.



**Cabinet Members**

- 1.1 Where Executive functions are not reserved to the County Council or to Cabinet or delegated to County Local Committees or officers, they are Cabinet Member matters in accordance with the portfolios as follows:
- 1.2 The Director of Law and Assurance in consultation with the Chairman of the County Council shall determine the appropriate Cabinet Members in cases of uncertainty. Any Cabinet Member matter shall be determined by the Cabinet Member shown.

**Leader**

- 1.3 The Leader is a member elected to the office of leader by the County Council. The Leader holds office until:
  - (a) he or she resigns from the office; or
  - (b) a decision by the County Council following a specific motion on the appointment of Leader; or
  - (c) he or she is suspended from being a member by virtue of action under Part III of the Local Government Act 2000; or
  - (d) he or she ceases to be a member; or
  - (e) until the next post quadrennial election meeting of the County Council

whenever is the earliest.

**Cabinet Members**

- 1.4 Only members of the County Council may be appointed to the Cabinet. The Cabinet may not co-opt members and deputies or substitute members are not permitted to be members of the Cabinet. Neither the Chairman nor Vice-Chairman of the County Council may be appointed to the Cabinet and members of the Cabinet (including the Leader) cannot be members of a Select Committee or of a Scrutiny Task and Finish Group.
- 1.5 The term of office for Cabinet Members is determined by the Leader.

**1.6 Register of Cabinet Members**

<b><u>Name</u></b>	<b><u>Electoral Division</u></b>	<b><u>Portfolio</u></b>
Louise Goldsmith	Chichester West	Leader
Richard Burrett	Pound Hill	Education and Skills
Stephen Hillier	Haywards Heath East	Children and Young People (Lead member for Children)
Jeremy Hunt	Chichester North	Finance and Resources
Amanda Jupp	Billingshurst	Adults and Health
Debbie Kennard	Shoreham North	Safer, Stronger Communities
Bob Lanzer	Maidenbower & Worth	Infrastructure and Highways
Deborah Urquhart	Angmering & Findon	Environment

- 1.7 Cabinet Members may wish to be supported by Advisers or Senior Advisers to Cabinet Members and by cross-party Executive Task and Finish Groups, which provide advice to a Cabinet Member in relation to the development of commissioning plans or plans for service provision, or such other service-related proposal as the Cabinet Member decides. The terms of reference and the membership of an Executive Task and Finish Group is decided by the Cabinet Member and published to all members. Task and Finish Groups will operate for a time-limited period set by the Cabinet Member. The output of their work will be available to all members save in exceptional cases.
2. The following areas of responsibility are included in the matters which may be determined by a Cabinet Member.
  - 2.1 To consider draft reports to the Cabinet with the relevant Executive Directors, directors or heads of service.
  - 2.2 To determine how expenditure on services should be undertaken.
  - 2.3 To determine the commissioning plans related to the services within their portfolio.
  - 2.4 To determine the appropriate arrangement for enabling members of the Council to contribute to and influence commissioning plans and to set the terms of reference of any Task and Finish Group established for this purpose or to commission an all-member service planning session for this purpose.
  - 2.5 To maintain a dialogue with the Business Planning Group of any Select Committee. The Cabinet Member may request that a Select Committee undertakes work to assist the development of service or commissioning plans.
  - 2.6 Approving the commencement of procurements of services, supplies and works not already identified in the capital programme, which come within the scope and definition of a key decision.
  - 2.7 To agree annual reports.
  - 2.8 To approve Portfolio Service Plans.
  - 2.9 The monitoring of the budget for particular services.
  - 2.10 To determine policies for particular services, which are consistent with the Policy Framework.
  - 2.11 To agree responses to consultation papers unless delegated to an officer.
  - 2.12 To make appointments to outside bodies within the list approved by the Cabinet except those which fall to the Cabinet or County Local Committees.
  - 2.13 To appoint Executive Task and Finish Groups.

2.14 To receive and consider referrals from Select Committees or from a County Local Committee, in accordance with the arrangements for a Councillor Call for Action.

3. The following describes the allocation of Executive functions among members of the Cabinet:

### 3.1 **Collective Responsibilities**

- ❑ Performance Management
- ❑ Procurement
- ❑ Contract Management
- ❑ Residents' Satisfaction
- ❑ Income Generation

N.B. The Cabinet Member for Finance and Resources leads on the strategic approach to commissioning and performance management. Cabinet Members will take decisions individually on aspects of commissioning and contract management affecting their portfolio areas but only after consultation with the Cabinet Member for Finance and Resources.

The Cabinet Member for Finance and Resources shall be able to declare land and property as surplus to requirements (except schools' property which will be undertaken jointly with the Cabinet Member for Education and Skills) and, where the value is £500,000 or over, dispose of such land and property. Where the value is below £500,000, the disposal of such land and property is delegated to officers.

In addition a number of responsibilities for particular Cabinet Members, as set out below, will be discharged in consultation with the Leader or another Cabinet Member as specified.

### 3.2 **Leader of the Council**

The following functions are allocated to the Leader of the Council

- to chair meetings of the Cabinet and oversee the preparation of business for its consideration
- to indicate to the Chief Executive and Executive Directors the priorities and programmes of the Cabinet and majority party, and their likely reaction to new policies or projects
- to be the principal political spokesman for the County Council at internal and external meetings
- to decide matters on behalf of another Cabinet Member if he or she is unwell, out of the county, has an interest in a matter under consideration, or is otherwise unable to act, or in the Leader's absence, to nominate the Deputy Leader or another Cabinet Member to do so

- to have responsibility for the following portfolio areas:
  - ❑ Strategic Political Direction
  - ❑ Policy and Strategy
  - ❑ Communications
  - ❑ Transformation
  - ❑ Economy

### 3.3 **Deputy Leader of the Council**

To undertake the functions of the Leader of the Council in the absence of the Leader where the business cannot await the return of the Leader due to urgency or to the compelling interests of the Council or when specifically requested by the Leader to do so, within the scope and limitation set out below.

#### **Scope:**

- To chair meetings of the Cabinet.
- To act for the Leader at meetings of the Council or any of its committees, sub-committees or other member meetings which the Leader is expected or required to attend.
- To act for the Leader at any external meetings or meetings with partners or other scheduled events to which the Leader is requested or invited to attend.
- To make, when urgently required, appointments to the Council's Executive or decisions related to such appointments and the allocation of cabinet portfolios.
- To take executive decisions relating to the Leader's portfolio or on matters reserved to the Leader or which would otherwise fall to the Leader.

#### **Limitation:**

- Not to take any decision on the Council's business, or to attend meeting on behalf of the Leader, and not to receive information on any matter, which has been identified by the Leader as the responsibility of another member or members of the Executive.

### 3.4 **Adults and Health**

- ❑ Adult Social Care
- ❑ Adult Safeguarding
- ❑ Health and Wellbeing
- ❑ Public Health (in consultation with the Cabinet Member for Children and Young People for relevant business)
- ❑ Blue Badge Scheme

### **3.5 Children and Young People (Lead Member for Children)**

- ❑ Children's Social Care
- ❑ Children's Safeguarding
- ❑ Youth Services
- ❑ Youth Justice
- ❑ Early Help Services
- ❑ Children's Health – Public Health

### **3.6 Education and Skills (and Deputy Leader)**

- ❑ Schools
- ❑ Schools Place Planning
- ❑ Adult Skills and Learning
- ❑ Education
- ❑ Further Education – Liaison
- ❑ Skills Development and Apprenticeship
- ❑ Special Educational Needs (in consultation with the Cabinet Member for Children and Young People)
- ❑ Schools Forum
- ❑ Schools Capital Programme (in consultation with the Cabinet Member for Finance and Resources)

### **3.7 Environment**

- ❑ Waste Strategy
- ❑ Recycling
- ❑ Energy
- ❑ South Downs National Park
- ❑ Coast and Countryside
- ❑ Rights of Way
- ❑ Cycling Improvement (in consultation with the Cabinet Member for Highways and Infrastructure)
- ❑ Air Quality and Wellbeing (in consultation with the Leader)

### **3.8 Finance and Resources**

- ❑ Finance
- ❑ Assets and Capital Programme
- ❑ Pensions
- ❑ Treasury and Investment Management
- ❑ Capita Partnership
- ❑ Human Resources
- ❑ Facilities Management
- ❑ Procurement
- ❑ Legal Services
- ❑ Democratic Services

### 3.9 **Highways and Infrastructure**

- ❑ Highways
- ❑ Transport Planning
- ❑ A27 Improvement
- ❑ Strategic Transport
- ❑ Minerals
- ❑ Planning
- ❑ Flood Prevention
- ❑ Broadband Digital
- ❑ IT and Information
- ❑ Railway and Public Transport Liaison
- ❑ Cycling and Cycle ways

### 3.10 **Safer, Stronger Communities**

- ❑ Domestic Abuse
- ❑ Community Safety
- ❑ Coroner and Mortuaries
- ❑ Trading Standards
- ❑ 3<sup>rd</sup> Sector
- ❑ Drug and Alcohol Action
- ❑ Gypsy, Roma and Travellers
- ❑ Registration Services
- ❑ Libraries and Archives
- ❑ Community Development
- ❑ County Local Committees (Community Engagement)
- ❑ Member Support
- ❑ Fire & Rescue Service
- ❑ Police Liaison
- ❑ Emergencies and Resilience
- ❑ Armed Forces Liaison
- ❑ Military Covenant

## 4. **Executive Task and Finish Groups**

- 4.1 Established by a Cabinet Member. To comprise up to seven members (cross party) who will provide advice to a Cabinet Member in relation to the development of commissioning plans or plans for service development and the sourcing options for service provision, or such other service-related proposal as the Cabinet Member decides.
- 4.2 The terms of reference and the membership shall be decided by the Cabinet Member and published to all members.
- 4.3 The Group shall operate for a time-limited period set by the Cabinet Member and shall make any report available for all members. It may call upon the assistance of such officer advice and support as may be required.

## 5. **All-Member Service Planning Sessions (SPS)**

- 5.1 A meeting to which all members of the Council will be invited and which will be used to enable all members to comment on, make representations about and otherwise influence the planning and the commissioning of services, to include budget planning and sourcing options, and which will take place in a timely way so that such plans can be made in the light of the outcome of the session. The conclusions reached at those sessions to be made available to all members.
- 5.2 The relevant officers from the Corporate Leadership Team shall be available to assist the development of plans.

## 6. **Partnership Boards**

- 6.1 A panel of up to four members (cross party) appointed by the relevant Cabinet Member to sit alongside the relevant senior officers of the Council on a specially constituted Board with senior representatives of a contractor or partner from whom services are to be procured. Appointments should be based on experience and interest and will be reported formally to the County Council as decisions of the relevant Cabinet Member. The Cabinet Member, in consultation with the Leader, will decide which contractual relationship would be assisted by such a Board, taking into account any representations from Select Committees.
- 6.2 The Board will oversee the development of the commercial relationship and service planning with the contractor and will monitor effective performance against the outcomes sought and the specified performance measures for the contract.
- 6.3 The minutes and action plans prepared by the Board shall be available for all members.
- 6.4 The terms of reference and detailed governance arrangements for each Partnership Board shall be agreed by the members appointed in discussion with the representatives of the contracting partner and shall be made available to all members.

**Select Committees**

There is a Performance and Finance Select Committee (Appendix 8A), a Health and Adult Social Care Select Committee (Appendix 8B), a Children and Young People’s Services Select Committee (Appendix 8C) and an Environment, Communities and Fire Select Committee (Appendix 8D). Their constitutions and terms of reference are set out in the Appendices. Each Committee shall undertake the functions set out below in respect of those items relevant to the Select Committee’s specific service area.

Each Select Committee shall have no more than 12 County Council members with the exception of Performance and Finance Select Committee which will have 15 members (inclusive of the three other Select Committee chairmen). The members of each Select Committee shall be appointed, having taken into account the following guiding principles:

- That the member has an interest in the business of the committee.
- That the member is able to devote the time needed to undertake the work of the committee.
- That the member is not also a member of another Select Committee.
- That the member remains free to serve on Scrutiny or Executive Task and Finish Groups.
- Three of the members of the Performance and Finance Select Committee shall be the three members who are at any time the chairmen of the other three Select Committees.

A list of Select Committees is below, including areas of responsibility:

<b>Select Committee</b>	<b>Area of Responsibility</b>
<i>Performance and Finance</i>	Strategic overview of scrutiny process; Leader’s portfolio; general strategy issues; Partnership Working; County Local Committees; IT and Customer & Community Access; Finance; Property; Procurement; Human Resources Strategy; Performance Management; Equality and Diversity; Law and Governance; Communications; Media & Marketing; Europe liaison
<i>Health and Adult Social Care</i>	Adults’ Social Care Services; Adults’ Safeguarding; Dementia Services; Health and Health Partnerships; Public Health; Review and scrutiny of the planning, provision and operation of health services in West Sussex ( <b><i>The health functions of the Health and Adult Social Care Select Committee arise under Part I of the Health and Social Care Act 2001.</i></b> )



<b>Select Committee</b>	<b>Area of Responsibility</b>
<i>Children and Young People's Services</i>	Social Services relating to children and young people; Education; Educational Attainment and Skills; Adult Skills and Learning; Youth Services; Youth Justice
<i>Environment, Communities and Fire</i>	Economic Strategy; Environment (Coast and Countryside Matters (including the South Downs National Park); Rights of Way; Transport Planning and Policy; Highway Infrastructure Aviation; Public Transport Liaison; Land-use Planning; Minerals and Waste; Fracking; Waste Minimisation; Fire and Rescue Service; Community Safety; Trading Standards; Gypsies and Travellers; Emergency Planning; Police Liaison; Registration Services; Coroner; Arts & Heritage Liaison; Libraries and Archives; Crime and Disorder; Domestic Violence; Drug and Alcohol Action

### **Business Planning Groups**

Each Select Committee shall have a Business Planning Group comprising the Chairman of that Committee and four other members, two of whom shall be minority group members. The Chairman of the Select Committee shall be the chairman of the Business Planning Group.

The Business Planning Group shall oversee the planning of the Committee's business and may identify issues of common interest to other Select Committees. It may do this by acting jointly with the Business Planning Group of another Select Committee.

The Business Planning Group(s) shall discuss with the relevant Cabinet Member(s) the need for any referral by the Cabinet Member to the Committee for the undertaking of work relating to the planning of services or their commissioning. In such circumstances, the Business Planning Group shall decide its terms of reference in discussion with the Cabinet Member(s).

The Business Planning Group shall have responsibility for deciding whether an area of work is considered by a Task and Finish Group. The Business Planning Group is responsible for deciding to establish a Task and Finish Group and for defining its outline terms of reference.

### Corporate Parenting Panel

#### Constitution

An advisory panel to the County Council and to the Cabinet Member for Children and Young People comprising seven members of the County Council, appointed from among those best qualified to serve but including at least one minority group member. The Designated Nurse (NHS) will be a non-voting member. At least two members of the Panel will also be members of the Children and Young People's Services Select Committee. Quorum is three.

#### Purpose

The Corporate Parenting Panel aims to ensure that the County Council undertakes its duties as Corporate Parents for all children looked after and care leavers for which it is responsible so that young people can achieve their full potential and a successful transition into adulthood.

The Panel does this by ensuring that the services provided for children and young people looked after by the County Council are of good quality and meet their needs. It does this through work with all elected members and officers within the Council, with colleagues from partner agencies and with children and young people who are looked after.

#### Terms of Reference

1. To work on behalf of all members in ensuring that the County Council's responsibilities for children looked after and care leavers are met and to monitor performance against the strategies of the Cabinet, Children's Services and partners (including the Local Safeguarding Children Board and the Start of Life Partnership), making recommendations for improvement as appropriate.
2. To act as advocates for children looked after and care leavers to the Leader of the County Council, the Cabinet Member for Children and Young People and other Cabinet Members as appropriate.
3. To contribute to the development of the Children Looked After and Care Leavers Strategy and to monitor progress against it.
4. To endeavour to ensure that the County Council's 'Pledge' to children looked after and care leavers is delivered.
5. To monitor the effectiveness of the Virtual School and its governing body in improving the educational attainment of children looked after and care leavers.
6. To raise members' awareness and understanding of children looked after and care leavers, their needs and experiences and consider how all members can contribute to improving outcomes.

7. To report to the County Council when appropriate and at least once a year.

## **Notes**

These objectives will be delivered by the Panel in the following ways:

- The Panel will work with the Cabinet Member for Children and Young People on services for children looked after and care leavers, and liaise with the Leader on the wider corporate parenting agenda across the County Council.
- The Panel will liaise with the Children and Young People's Services Select Committee to seek to avoid duplication of work. Members of the Panel who are also on the Select Committee and its Business Planning Group will be responsible for sharing knowledge and issues of concern so that the Committee and the Panel can each fulfil their roles in the knowledge of the work undertaken by the other body.
- Being well informed on government legislation, guidance and policy concerning children and young people in care and their implications for children looked after, care leavers and the County Council.
- Ensuring a dialogue with the Children in Care Council to enable participation of children looked after and care leavers in the corporate parenting agenda and in influencing services.
- Receiving regular reports on the level and quality of services and scrutinising performance to ensure that shortfalls are addressed.
- Recognising that it is the responsibility of every county councillor as Corporate Parents, encouraging representation and commitment from county councillors on various bodies e.g. involvement in formal inspections of Children's Homes, membership on Adoption and Fostering Panels and participation in auditing activities.
- Reviewing plans and activities relevant to the Ofsted Inspection framework.
- The Panel will be supported in its task by the multi-agency officer group responsible for ensuring delivery of Corporate Parenting within the County Council and partner agencies.

### **Pension Board of the West Sussex Fire and Rescue Authority**

#### **Terms of reference**

#### **Statement of purpose**

1. The purpose of the Board is to assist West Sussex Fire and Rescue Authority in its role as a scheme manager of the Fire Fighters Pension Scheme. Such assistance is to:
  - (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;
  - (b) ensure the effective and efficient governance and administration of the Scheme. To this end, the Board may:
    - Assist with improvements to customer service
    - Monitor performance against indicators
    - Review the risk register
    - Monitor training needs
    - Assist with the development of improved administration and governance structures and policies.

#### **Duties of the Board**

2. The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty, Board members:
  - (a) Should act always in the interests of the scheme and not seek to promote the interests of any stakeholder group above another.
  - (b) Should be subject to and abide by the West Sussex Fire and Rescue Authority Code of Conduct.

#### **Membership**

The Board will comprise an equal number of employer and member representatives with a minimum requirement of no less than four in total.

#### **Member representatives**

3. Three scheme member representatives shall be appointed to the Board. The term 'member representative' includes active members, deferred members and pensioner members.
4. Member representatives shall either be members of the scheme administered by West Sussex Fire and Rescue Authority or have experience of representing pension scheme members in a similar capacity.

5. Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
6. Member representatives will be appointed to the Board as follows:
  - The FBU will appoint one member
  - The RFU will appoint one member
  - One other member representative.

### **Employer representatives**

7. Three employer representatives shall be appointed to the Board.
8. Employer representatives shall be office holders or senior employees of West Sussex Fire and Rescue Authority or have experience of representing scheme employers in a similar capacity. Office holders or employees of West Sussex Fire and Rescue Authority with delegated responsibility for discharging the scheme manager function of West Sussex Fire and Rescue Authority may not serve as employer representatives.
9. Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
10. Employer representatives shall be appointed by West Sussex Fire and Rescue Authority in a manner which it considers best promotes the purpose of the Board.

### **Other people in attendance at Pension Board meetings**

11. The Board may invite expert officers to attend meetings to provide information to the Board.
12. Any such people in attendance at meetings will not have voting rights and shall have regard to the best interests of the purpose of the Board.

### **Appointment of chair**

13. West Sussex Fire and Rescue Authority shall appoint the chair.
14. The Chair will have the casting vote in any votes and will lead the meetings.
15. The Chair may appoint a Deputy Chair who will lead meetings in the absence of the Chair.

### **Notification of appointments**

16. On appointment to the Board, West Sussex Fire and Rescue Authority shall publish the name of the appointees, the process followed in the appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

## **Conflicts of interest**

17. All members of the Board must declare to West Sussex Fire and Rescue Authority on appointment and at any such time as their circumstances change any potential conflict of interest arising as a result of their position on the Board.
18. On appointments to the Board and following any subsequent declaration of potential conflict West Sussex Fire and Rescue Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of West Sussex Fire and Rescue Authority and the requirements of the Pensions Regulators codes of practice on conflict of interest for Board members.

## **Knowledge and understanding (including Training)**

19. Knowledge and understanding must be considered in light of the role of the Board to assist West Sussex Fire and Rescue Authority in line with the requirements outlined in the Duties of the Board.
20. The Board should establish and maintain a policy and framework to address the knowledge and understanding requirements that apply to Board members. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.
21. Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.
22. Board members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

## **Term of office**

23. The term of office for Board members will be three years. Members may only serve for a maximum of three terms of office (9 years).
24. Board membership may be terminated prior to the end of the term of office due to:
  - (a) A member representative appointed on the basis of their membership of the scheme no longer being a member of the scheme.
  - (b) A member representative no longer being a member of the body on which their appointment relied.
  - (c) An employer representative no longer holding the office or employment or being a member of the body on which their appointment relied.

- (d) The representative no longer being able to demonstrate their capacity to attend and prepare for meetings or to participate in required training.

### **Meetings**

- 25. The Board shall as a minimum meet twice per year. Meetings shall normally take place between the hours of 9.00 am and 5.00 pm.
- 26. The chair of the Board with the consent of the Board membership may call additional meetings. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails.

### **Quorum**

- 27. The total number of members required to be present for a meeting to be quorate is 3 plus the Chair or Deputy Chair.

### **Voting**

- 28. The Chair shall determine when consensus has been reached.
- 29. Where consensus is not achieved this should be recorded by the Chair.
- 30. In support of its core functions the Board may make a request for information to the Chief Fire Officer and Deputy Chief Fire Officer, in their capacity as Scheme Managers for the Pension schemes, with regard to any aspect of the scheme manager function. Any such a request should be reasonably complied with in both scope and timing.
- 31. In support of its core functions the Board may make recommendations to the Chief Fire Officer and Deputy Chief Fire Officer, in their capacity as Scheme Managers for the Pension schemes, with regard to any aspect of the scheme manager function which should be considered and a response made to the Board on the outcome within a reasonable period of time.

### **Interpretation**

- 32. In these terms 'the Scheme' means the Firefighters' Pension Scheme.
- 33. In these terms Regulations means the Firefighters' Pension Scheme 1992, as amended, the Firefighters' Pension Scheme 2006, as amended and the Firefighters' Pension Scheme Regulations 2014 as amended.
- 34. In these terms 'regulations' include the Firefighters' Pension Scheme 1992, as amended, the Firefighters' Pension Scheme 2006, as amended, the Firefighters' Pension Scheme Regulations 2014 as amended, the Pension Regulators Codes of Practice as they apply to the scheme manager and pension board and any other relevant legislation applying to the Scheme.

**Appointment Processes**

**Member representatives**

1. One representative shall be appointed by the FBU
2. One representative shall be appointed by the RFU
3. The third member shall be elected following a nomination process. In the event that no member is appointed following this process, an additional member of the Board shall be appointed; the process for which will be agreed by the Fire Authority and the representative bodies.
4. Any nomination should include information as to how the nominee meets the requirements of the role as set out in the terms of reference and how their appointment would be in the best interests of the purpose of the Board.
5. Nominations shall be communicated to all deferred and pensioner members by email along with information about the voting process.
6. The one nominee with the most number of votes shall be appointed to the Board.

**Employer representatives**

1. The Authority will appoint three employer representatives. These may be from:
  - (a) Group Managers
  - (b) Area Managers
  - (c) The Assistant Chief Fire Officer