



**Supplementary:  
Terms of Reference  
not included in the  
Constitution**

# TERMS OF REFERENCE FOR OTHER BODIES NOT INCLUDED WITHIN THE CONSTITUTION

In addition to the Cabinet and main Committees established by the Council which are detailed within the Constitution, there are a number of other bodies which have links to the Council.

Following changes made to the Council's Constitution in September 2017 these Terms of Reference no longer form part of the Constitution but are set out below, for reference.

## **Adoption and Permanency Panel**

- 1 (a) The Adoption and Permanency Panel ("the Panel") fulfils the role of the statutory Adoption Panel required by the Adoption Agencies Regulations 2005 (as amended by the Adoption Agency and Independent Review of Determinations (Amendment) Regulations 2011 and the Adoption Agencies (Panel and Consequential Amendments) Regulations 2012.
- (b) The purpose of the Panel is to make recommendations to the Operational Director Children's Social Care as to:
  - (i) Whether or not a relinquished child should be placed for adoption in accordance with Regulation 18 of the 2005 Regulations.
  - (ii) whether any advice should be given to the agency in terms of the matters which fall to be considered under Regulation 18(3) (subject to the amendments by 2012 Regulations)
  - (iii) suitability of prospective adopters to adopt in accordance with the terms of Regulation 26 of the Regulations
  - (iv) whether any advice should be given to the adoption agency in respect of the number of children the prospective adopter may be suitable to adopt, their age range, sex, likely needs and background in accordance with Regulation 26(3)
  - (v) whether the child should be placed for adoption with particular prospective adopters in accordance with Regulation 32 of the Regulations
  - (vi) whether any advice should be given to the adoption agency in respect of the provision of support services, the plan for contact and the exercise of parental responsibility in accordance with Regulation 32(4)
  - (vii) any other matter that it is required by law to consider.
- (c) Where recommendations are made in respect of an adoption with a foreign element then the Panel recommendations must take into account any modifications made to the Regulations by The Adoptions with a Foreign Element Regulations 2005(as amended by the adoptions with a foreign element (amendment) regulations 2009 and the 2012 Regulations).

- (d) The Council must maintain a list of persons who are considered by it to be suitable to be members of an adoption panel (“the Central List”), including-
- (i) one or more social workers who have at least three years' relevant post-qualifying experience, and
  - (ii) the medical adviser to the adoption agency (or at least one if more than one medical adviser is appointed).
- (e) The Operational Director Children’s Social Care will appoint officers and other persons to the Central List and appoint members from that list to the Panel. Full Council or the General Purposes Committee will appoint elected members to be included in the Central List and appoint elected members to the Panel.
- (f) The Operational Director Children’s Social Care must appoint a Chair who is an independent person and who has the necessary skills and experience to chair an adoption panel and who is not a disqualified person under the Regulations.
- (g) The Operational Director Children’s Social Care must also appoint a vice-chair to act in the Chair’s absence
- (h) A person included on the Central List and or appointed to the Panel may at any time ask to be removed from the Central List or Panel by giving one month’s notice in writing to the Council.
- (i) In accordance with the provisions of the Regulations, a list/panel member’s tenure may be brought to an end by the Council.
- (j) The Panel may not conduct its business unless its meeting includes the chair or vice-chair, at least one of the social workers, three other members, and where the Chair is not present and the vice chair is not an independent person, at least one other independent panel member.
- (k) The panel also carries out functions under the Fostering Regulations 2011 and will consider the following:
- (i) whether a prospective long term fosterer is suitable to be a long term fosterer;
  - (ii) whether a prospective long term fosterer is suitable to be a long term foster carer of a particular child;

### **Fostering Panel**

- 1 (a) The functions of the Fostering Panel are to consider issues relating to the fostering of children generally and specifically;
- to consider each application for approval and to recommend to the appropriate officer whether or not a person is suitable to act as a foster parent;
  - where it recommends approval of an application, to recommend the terms on which the approval is to be given;

- to recommend whether or not a person remains suitable to act as a foster parent and whether or not the terms of his or her approval remain appropriate;
  - to advise on the procedures under which reviews are carried out by the Council and periodically monitor their effectiveness; oversee the conduct of assessments carried out by the fostering service provider; and
  - give advice and make recommendations on such other matters or cases as the fostering service provider may refer to it.
- (b) The Operational Director Children’s Social Care must maintain a list of persons who are considered by it to be suitable to be members of a Fostering Panel (“the central list”), including one or more social workers who have at least three years’ relevant post-qualifying experience. Full Council or the General Purposes Committee will appoint elected members to be included in the Central List and appoint elected members to the Panel.
- (c) The Operational Director Children’s Social Care must appoint an Independent Chair and a Vice Chair.
- (d) To be quorate the Fostering Panel must include an Independent Chair or a Vice Chair, a social worker and three other members. Where the Chair is not present and the Vice Chair is not independent of the Council at least one other Panel member must be independent.

**Independent Admission Appeals Panel**

- 1 (a) The Independent Admission Appeals Panel is established under the School Standards and Framework Act 1998. Its purpose is to determine appeals by parents and in certain circumstances children aged 16 or over who have been refused admission to sixth form against a decision by the LA as to the school at which education is to be provided for a child or in the case of a community or voluntary school maintained by the LA a decision by the governing body to refuse a child admission to a school.
- (b) The panel would also deal with appeals by a governing body against a decision of the Council to admit a child to a community or voluntary controlled school who has been permanently excluded from two or more schools.
- (c) The membership of the Independent Admission Appeals Panel consists of between three and five members appointed by the LA. The Panel must contain:
- at least one member with experience in education who has knowledge of educational conditions in the area of the authority, or is a parent of a registered pupil at a school; and
  - at least one member who is a lay person, that is, someone without personal experience in the management of a school or the provision of education in a school (other than experience gained in a voluntary capacity or as a school governor).

- (d) The LA retains a list of potential panel members. After an appeal has been submitted the LA must arrange for three (or less often five) appropriate panel members, including a Chairperson from the list, to constitute the panel and hear the appeal.

### **Independent Review Panel**

- 1 (a) The Independent Review Panel is established under the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012. Its purpose is to review the decision of a governing body not to reinstate a pupil who has been permanently excluded from a school maintained by the LA if the parent of that pupil makes an application for review within the legal time frame.
- (b) The membership requirements for the Independent Review Panel are that there must be three or five members (as decided by the LA). The Panel must contain :
- the Chair who must be a lay member, defined as someone who has not worked in a school in any paid capacity; and
  - at least one person who has been a governor of a maintained school provided that they have served in this capacity for at least 12 consecutive months in the last 6 years; and
  - at least one person who must be, or have been within the last five years, a head teacher of a maintained school.
- (c) The LA retains a list of potential panel members. After a pupil has been excluded and an application for review is submitted the LA must arrange for three (or less often five) appropriate panel members, including a Chairperson, to constitute the panel and review the matter.

### **Local Safeguarding Adults Board**

- 1 (a) The Care Act 2014 requires each Local Authority to establish a Local Safeguarding Adults Board, to be made up of representatives from the agencies and bodies which have regular contact with adults in need of care and support or responsibilities for services to them in the local area.
- (b) The Brent Local Safeguarding Adults Board will be the key statutory mechanism for agreeing how the relevant organisations in the London Borough of Brent will co-operate to safeguard and promote the welfare of adults at risk of or experiencing abuse and neglect in the area, and for ensuring the effectiveness of what the agencies do.
- (c) Objectives of the Board: to improve local safeguarding arrangements and ensure partnerships act to help and protect adults at risk of or experiencing neglect and/or abuse.
- (i) To co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of adults at risk in the London Borough of Brent; and

- (ii) To ensure the effectiveness of what is done by each such person or body for those purposes.
- (d) Terms of Reference of the Board:
- (i) The role, responsibility, authority and accountability with regard to the action each agency and professional group should take to ensure the protection of adults.
  - (ii) establish ways of analysing and interrogating data on safeguarding notifications and completed enquiries which increases the SABs understanding of prevalence of abuse and neglect locally that builds up a picture over time;
  - (iii) establish how it will hold partners to account and gain assurance of the effectiveness of its arrangements;
  - (iv) Develop and implement policies and strategies for protecting adults which should be formulated, not only in collaboration and consultation with all relevant agencies but also take account of the views of adults who have needs for care and support, their families, advocates and carer representatives;
  - (v) develop preventative strategies that aim to reduce instances of abuse and neglect in its area;
  - (vi) identify types of circumstances giving grounds for concern and when they should be considered as a referral to the local authority as an enquiry, including referral pathways and thresholds for intervention;
  - (vii) formulate guidance about the arrangements for managing adult safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to safeguarding adults;
  - (viii) develop strategies to deal with the impact of issues of race, ethnicity, religion, gender and gender orientation, sexual orientation, age, disadvantage and disability on abuse and neglect;
  - (ix) balance the requirements of confidentiality with the consideration that, to protect adults, it may be necessary to share information on a 'need-to-know basis';
  - (x) identify mechanisms for monitoring and reviewing the implementation and impact of policy and training to meet the training needs of staff across all agencies to work effectively together to safeguard and promote the welfare of adults at risk;
  - (xi) carry out safeguarding adult reviews and advise the local authority and Board Partners on lessons to be learned;
  - (xii) produce a Strategic Plan and an Annual Report;

- (xiii) evidence how Board members have challenged one another and held other Boards to account and determine arrangements for peer review and self-audit; and
  - (xiv) Review and comment on the impact for safeguarding of individual member agencies' operational strategic decision making, including budgetary considerations.
- (e) Membership
- (i) The Brent Local Safeguarding Adults Board will be chaired by an Independent Chair. Membership will be drawn from:
    - Brent Council
      - Strategic Director Adults
      - Strategic Director of Children and Young People
      - Operational Director of Housing Services
      - An appropriate representative of Regulatory Services
    - Metropolitan Police: Brent
    - National Probation Trust
    - Community Rehabilitation Company
    - Brent Clinical Commissioning Group
    - NHS England (London)
    - North West London Healthcare NHS Trust
    - Central and North West London NHS Foundation Trust
    - London Ambulance Service
    - Healthwatch
    - London Fire Brigade
    - Care Quality Commission
    - Brent Community Voluntary Services
    - Brent User/Carers Group
    - Department for Work and Pensions
    - Crown Prosecution Service
  - (ii) Other membership of the LSAB who will act in an advisory/observer role will include:
    - Cabinet Member Adults, Health and Wellbeing
    - The Director of Public Health
    - Designated Health Professionals
    - Principal Social Worker
    - Legal Advisor to the Board

### **Local Safeguarding Children Board**

- 1 (a) The Children Act 2004 requires each Local Authority to establish a Local Safeguarding Children Board, to be made up of representatives from the agencies and bodies which have regular contact with children or responsibilities for services to them in the local area.
- (b) The Brent Local Safeguarding Children Board will be the key statutory mechanism for agreeing how the relevant organisations in the London Borough of Brent will co-operate to safeguard and promote the welfare of

children in the area, and for ensuring the effectiveness of what the agencies do.

(c) Objectives of the Board:

- (i) To co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the London Borough of Brent; and
- (ii) To ensure the effectiveness of what is done by each such person or body for those purposes.

(d) Terms of Reference of the Board

- (i) Monitor the effectiveness of organisations' implementation of their duties under section 11 of the Children Act 2004.
- (ii) Ensure that information is available to children to know who they can contact when they have concerns about their own safety and welfare.
- (iii) Develop policies and procedures for safeguarding and promoting the welfare of children in the area of the authority.
- (iv) Develop and implement strategies to safeguard and promote the welfare of groups of children who are potentially more vulnerable than the general population, for example children living away from home, children who have run away from home, or children with disabilities.
- (v) Ensure that systems are in place to identify and support the safety and welfare of children who are privately fostered.
- (vi) Develop and implement a training strategy to meet the training needs of staff across all agencies to work effectively together to safeguard and promote the welfare of children who may be at risk of significant harm.
- (vii) Develop standards for the recruitment and supervision of persons who work with children and monitor their implementation and compliance. This will be informed by the findings of the Bichard Report.
- (viii) Ensure that systems are in place for all agencies for the investigation of allegations of breaches of safeguarding practices concerning persons working with children and monitor compliance with the procedures.
- (ix) Establish means of communication with the communities in the London Borough of Brent to ensure that issues of safeguarding are understood by all communities and to provide the opportunity for those communities' issues to be addressed by the Local Safeguarding Children Board.

- (x) Monitor and evaluate the effectiveness of what is done by the Local Authority and board partners individually and collectively to safeguard and promote the welfare of children and advise them on ways to improve.
- (xi) Participate in the local planning and commissioning of children's services to ensure that they take safeguarding and promoting the welfare of children into account.
- (xii) Undertake serious cases reviews as required by chapter 6 of Working Together to Safeguard Children.
- (xiii) Develop and analyse performance indicators relevant to safeguarding children in Brent.
- (xiv) Agree the reporting of management information from agencies to provide an overview of safeguarding activity within the area of the Safeguarding Children Board.
- (xv) Implement child death review groups prior to the statutory deadline of April 2008.

(e) Membership

The Brent Local Safeguarding Children Board will be chaired by an independent chair. The Operational Director Children's Social Care will become the vice chair. Membership will be drawn from:

- the Chief Officer of Police
- the Probation Board
- the Youth Offending Team
- Strategic Health Authorities and Primary Care Trust
- NHS Trusts and NHS Foundation Trusts
- the Connexions Services
- CAFCASS (Children and Family Courts Advisory and Support Service)
- Domestic Violence Forum
- Local authority legal services
- Drug and Alcohol misuse services
- Representatives of Voluntary Organisations
- Housing

### **Old Oak and Park Royal Development Corporation**

- 1 (a) Under the Localism Act 2011 the Mayor of London has powers to establish a Mayoral Development Corporation ('MDC'). The Old Oak and Park Royal Development Corporation (OPDC) was established by the Mayor of London pursuant to an Establishment Order made on 23 January 2015 and which came into effect on 1 April 2015. The OPDC has been established to drive forward the regeneration of Old Oak and Park Royal in light of the proposed HS2 interchange. The corporation boundary includes land within Brent, Ealing and Hammersmith & Fulham.

- (b) The OPDC has a Board comprising an elected member from each of the three boroughs affected, a representative from the Greater London Authority, Transport for London, Department for Transport, High Speed 2, Network Rail, a local business representative, a representative from the residential community, the Chair of the OPDC Planning Committee, an independent business representative, an expert in regeneration and an expert in education. The Council is represented on the Board by its Leader.
- (c) Pursuant to a Planning Order made by the MDC, which came into effect on 1 April 2015, the OPDC is the Local Planning Authority for the land within its boundary. The OPDC has a Planning Committee that includes one elected member from each of the three boroughs affected. The Council is represented on the Planning Committee by the Chair of its Planning Committee.
- (d) The OPDC has delegated some of its planning functions back to the Council. These functions are discharged by the Planning Committee and officers in accordance with the current arrangements for carrying out planning functions.

## **Pension Board**

### Membership

- 1 (a) The membership of the Pension Board shall consist of:
- 3 Brent Council Pension Fund employer representatives (2 Brent Council representatives and 1 representing an employer other than the Council)
  - 3 Brent Council Pension Fund member representatives (2 Trade Union representatives and 1 pension scheme member)
  - 1 independent member (chair)
- 2 (b) No substitutes are permitted.
3. (c) Members of the Pension Board shall be appointed by the General Purposes Committee.

### Terms of Reference

- 4 (d) Under the Local Government Pension Scheme Regulations 2013 (as amended):
- (i) To assist the Council as scheme manager in securing compliance with:
- the Local Government Pension Scheme Regulations 2013 (as amended);
  - any other legislation relating to the governance and administration of the Local Government Pension Fund Scheme (LGPS);
  - requirements imposed by the Pensions Regulator in respect of the LGPS;

- such other matters as the LGPS regulations may specify
- (ii) To assist the Council in securing the effective and efficient governance and administration of the scheme;
- (iii) To consider cases that have been referred to the Pension Regulator and/or the Pension Ombudsman; recommending changes to processes, training and/or guidance where necessary; To produce an annual report outlining the work of the Board throughout the financial year to the General Purposes Committee.

### **Trading Standards Joint Advisory Board**

1 Brent Council has agreed to carry out Trading Standards services for the London Borough of Harrow. In order to oversee and review these arrangements the two authorities have established a Trading Standards Joint Advisory Board which will:-

- (a) consider the operation, extent and management of the Trading Standards service;
- (b) consider the annual report of the Head of Trading Standards;
- (c) consider management reports concerning complaints from customers about the service;
- (d) receive reports and representations submitted to it by the Head of Trading Standards or the relevant commissioning officers in Brent and Harrow Councils on matters relating to the service; and
- (e) consider and make recommendations on the level of fees and charges to be made to the public in respect of any part of the service.

### **Schools' Forum**

1 (a) The Schools' Forum is established under the Education Act 2002. The LA is required to consult the Forum on a number of matters including:

- (i) any proposed changes to the school funding formula, including the financial impact of any proposed changes; and
- (ii) proposed contracts for the tender of supplies or services where the value is not less than the threshold for application of the EC Regulations and the contract is paid or will be paid out of the LA's schools budget.

(b) The LA must consult the Forum annually in respect of the LA's functions relating to the schools budget. This specifically relates to:

- (i) the arrangements to be made for the education of pupils with special educational needs;
- (ii) arrangements for the use of pupil referral units and the education of children otherwise than at school;

- (iii) arrangements for early years education;
  - (iv) arrangements for insurance;
  - (v) prospective revisions to the LA's scheme for the financing of schools;
  - (vi) administrative arrangements for the allocation of central government grants paid to schools via the LA; and
  - (vii) arrangements for free school meals.
- (c) The LA may consult the Forum on any other issue it thinks fit. Other issues which the Forum considers include the asset management arrangements of the LA and its capital programme.
- (d) The membership of the Forum is:
- (i) four Primary Heads;
  - (ii) four Primary Governors;
  - (iii) three Secondary Heads;
  - (iv) three Secondary Governors;
  - (v) one Special School Head;
  - (vi) one Special School Governor;
  - (vii) one Nursery School Head;
  - (viii) one Nursery School Governor;
  - (ix) one Voluntary Aided Sector representative; and
  - (x) one Trade Union representative.

## **STAFF FORA**

The Council has established an Employee Joint Consultative Committee and a Teachers' Joint Consultative Committee with the aims and roles set out below.

### **Employee Joint Consultative Committee**

#### **Constitution and functions**

- 1 Functions and terms of reference:
- (a) Consultation on employment and related issues concerning all staff groups, except Chief Officers and teachers.
  - (b) Consideration of issues, which have been previously raised with management and are considered to be unresolved.
  - (c) Specifically excluded are issues which relate to individual employees (or former employees), although wider issues arising from cases can be raised.
  - (d) Matters relating to collective disputes will not fall within the remit of the EJCC but will be dealt with under the Council's Collective Grievance and Disputes Procedure.

#### **Representation**

- 2 Membership of the EJCC shall comprise:
- (a) The Employers' Side: 8 Members of the Council of the London Borough of Brent who shall be appointed by the Council at the Annual Meeting.
  - (b) The Employees' Side: 8 trade union representatives whose conditions of services are governed by the NJC for Local Government Employees and who shall be current employees of the Council.
- 3 The representatives shall be appointed by the trade union branches for the London Borough of Brent. The representatives of the employees shall retain their membership for one year, provided they remain in employment with the Council.
- 4 If a vacancy occurs a successor will be appointed within a reasonable period from the date of the vacancy.

#### Election of Chair and Vice-Chair

- 15 Each side will appoint a Chair. The Employers' Side will take the Chair the first year with the Vice-Chair coming from the Employees' Side. The positions will alternate in successive years.

#### Preparation of the agenda

- 6 (a) The agenda is to be prepared by the Employers' Side Secretary, in consultation with the Employees' Side Secretary.
- (b) No item other than those appearing on the Agenda is permitted to be transacted at the EJCC meetings unless both sides agree to its introduction.

#### Quorum

- 7 The quorum of the EJCC shall be 4 members of each side.

#### Urgent or 'specific issues' meetings of the EJCC

- 8 An emergency meeting may be called where agreed by the Chair and Vice-Chair that there is an urgent matter which cannot be resolved without the Committee's intervention or await the next scheduled meeting. This will be subject to 7 working days notice in writing by the Employee Side Secretary to the Operational Director, Human Resources such notice to set out the items for discussion at that meeting.

#### Decisions

- 9 Decisions will be arrived at by majority voting of both the Employers' Side and the Employees' Side.

#### Reporting links in the Council structure

- 10 Following the approval of the minutes of the EJCC by the Chair, these shall be submitted to the General Purposes Committee for noting.

## Teachers' Joint Consultative Committee

1 (a) The Teachers' JCC shall comprise members of the Council appointed by the Full Council and the 13 Members of the Teacher's Panel

(b) The Teachers' Panel of the Teachers' Joint Consultative Committee shall be constituted as follows:

NUT	7
ATL	1
ASCL	1
NASUWT	2
NAHT	1
UCU	1

and election to the Panel shall be held internally by each organisation by March 31<sup>st</sup> each year. Vacancies occurring during the period of office shall be filled by the organisation which nominated the retiring member. All members of the panel must be employed as teachers in maintained schools or in the adult education service in the Borough of Brent.

(c) The Consultative Committee shall meet as and when required and shall, at its first meeting of each new council year, elect a Chair and Vice Chair. If the Chair appointed is a member of the Council, then the Vice Chair shall be appointed from the teachers' representatives and vice versa.

(d) Terms of Reference: To consult with teachers' organisation representatives in nursery, primary, secondary and special schools and in the adult education service on pay, terms and conditions.