

ERW JOINT COMMITTEE

21 JULY 2020

To agree to provide agreed services and funding to Neath Port Talbot schools during 2020/21, and for temporary revision to the Legal Agreement to reflect these changes

Purpose: To obtain Joint Committee approval that ERW provides agreed services and funding to Neath Port Talbot schools during 2020/21, and for temporary revision to the Legal Agreement to reflect these changes

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

The Joint Committee:

- 1) agrees that ERW provides agreed services and funding to Neath Port Talbot schools during 2020/21(as set out in the report below).
- 2) agrees that the core aims and objectives of ERW (as set out in the ERW Legal Agreement) are temporarily extended to include the provision of services and funding to Neath Port Talbot schools during 2020/21
- 3) in consultation with the Executive Board, recommends in principle that the ERW Legal Agreement is revised/varied temporarily to reflect the above changes, subject to each Authority approval being obtained.

REASONS:

As NPT had left the Consortia in March 2020 it created a challenge regarding how Welsh Government were going to fund ERW going forward. At Welsh Government's request, and to ensure that the learners/staff of NPT schools access key national initiatives, ERW was asked to develop proposals to include NPT in key programmes. WG facilitated discussions and NPT have agreed the approach.

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EXECUTIVE SUMMARY

ERW JOINT COMMITTEE

21 JULY 2020

To agree to provide agreed services and funding to Neath Port Talbot schools during 2020/21, and for temporary revision to the Legal Agreement to reflect these changes

At the end of March 2020 Neath Port Talbot County Borough Council implemented their decision to withdraw from the consortium arrangements with Carmarthenshire, Ceredigion, Pembrokeshire, Powys and Swansea.

This provided Welsh Government with a challenge regarding how to fund the region and this has delayed the issuing of the regional grant. Welsh Government's primary aim is the "protection of learners across the region". NPT's withdrawal has forced WG to look at how the grant funding can be split for 2020-21. Whilst some funding streams were straight forward to allocate e.g. PDG other funding lines were more complex to resolve as they were regional allocations e.g. NPQH, HLTA funding. We were advised that NPT was open to 'areas of joint delivery and collaboration' between ERW and NPT, particularly with regard to curriculum and leadership development work.

At Welsh Government's request ERW officers were asked to consider including NPT schools in some key Welsh Government initiatives and programmes. WG provided a spreadsheet which showed a breakdown of the indicative ERW Regional Consortia School Improvement Grant (RCSIG) for 2020-21 and officers developed proposals which were shared with NPT by Welsh Government officers. The potential arrangements for areas of ongoing collaborative working between ERW and Neath Port Talbot, would form the basis of transitional arrangements for this financial year, while future footprints are discussed and agreed.

The **proposal** noted that ERW would retain all allocated funding for the following areas but provide access and provision for NPT schools:

- Innovation & QI Schools
- Engaging Non Pioneers
- PL - Pioneer Schools
- ITE Partnership Pilots
- ITE Part time & work based
- Non-pioneer Cluster funding
- HEI Accreditation Manager funding
- HLTA and NPQH programmes
- EWC and the NQT Programme

The model identified a clear range of metrics to allocate the remaining grant elements either:

- 1/6th NPT and 5/6th ERW split (based on equal shares of 25% across each Consortium)
- PLASC split and delegated directly to schools

For **PDG Funding**- NPT and ERW to be split. 16% of the £100k for the co-ordinator role given to NPT. All other PDG funding is allocated to schools.



NPT have confirmed that the proposals are acceptable and that they have received political approval as requested.

Welsh Government's intention is to seek approval from the Minister for Education for the proposal, in which Welsh Government would grant fund ERW and NPT in several pre-agreed areas.

Following approval in principle from the Minister, WG will issue a grant offer letter that excludes those budgets where ERW will continue to support NPT schools. It will then, issue a grant variation letter for those budgets, once they have assurance from ERW on the legal points.

From a public law perspective, it would not be rational for WG to issue NPT through ERW a grant knowing that ERW did not have the powers to use it in the way set out. Therefore, WG proposes to seek approval in principle from the Minister and to only issue a grant offer letter once they have assurance from ERW that it has the power to use the grant (i.e. supporting NPT schools in the pre-defined areas) in the way WG require

This approach would avoid any potential cash-flow issues that could arise if there are further delays in changing the legal agreement. The budgets in the grant variation letter would amount to under £2m of a total grant of c.34m.

The ERW s151 officer is agreeable to the proposals in relation to funding, subject to JC approval being given

Legal Agreement

The current core aims and objectives of ERW as set out in the Legal agreement include improving learning outcomes for all children and young people within the region area. Services means those provided by ERW to the Authorities within its regional area. Funding means funding, including grant aid, provided or advanced to the ERW Consortium

Following the departure of NPT from ERW, the ERW regional area does not now include the area of NPT. If ERW is to provide agreed services and funding to an outside body, Neath Port Talbot, arguably this goes beyond the ERW core aims and objectives and is therefore an additional function. However, the Legal Agreement also permits ERW to do anything else within the law which promotes or contributes to the aims and objectives.

The JC can recommend changes to the ERW Legal agreement in principle, in consultation with the Executive Board, by giving notice to each authority. Each authority shall, on receipt of a notice, use all reasonable endeavours to consider, within six weeks, whether to accept the recommendation. If all Authorities agree to the recommended changes, a memorandum of variation shall be prepared by the Executive Board for execution on behalf of each authority and appended to the legal Agreement.

WG request written assurance from ERW that it has the power to support NPT schools before issuing full grant offer letter. Having an agreement in principle from the Joint Committee on changing our legal agreement on 21st July, will allow us to make the necessary changes to the legal agreement as soon as possible. Subject to when we are able to make the changes would determine when WG issue a grant variation letter for the RCSIG budgets where ERW will continue to support NPT schools



WG is conscious that ERW is making a positive gesture in continuing to be willing to work with NPT schools when ERW is under no obligation to do so. WG want to avoid disadvantaging ERW's local authorities and schools.

DETAILED REPORT ATTACHED?

No

IMPLICATIONS

Policy, Crime & Disorder and Equalities NONE	Legal YES	Finance YES	Risk Management Issues YES	Staffing Implications YES
1. Legal That ERW would exceed its powers without approval of the recommendations.				
2. Finance It is imperative that this matter is resolved in order that funding reaches ERW, LAs and schools. Officers have asked WG to confirm that they will be including the £500k flexibility in the grant as they did in 2019-20. In addition, ERW will need to consider delivery costs related to providing support and access to NPT schools.				
3. Risk Management Until ERW receives its grant funding there is a risk to the Consortium's sustainability				
4. Staffing Implications The majority of ERW's staffing are funded via grant funding from Welsh Government.				

CONSULTATIONS

Details of any consultations undertaken are to be included here
NONE

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report: THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
N/A	N/A	N/A

ERW 2020-21 Grant Funding Options

Context:

Following the departure of NPT as of 31.3.20 we have participated in discussions with both WG to secure an appropriate grant funding model for 2020-21 onwards. Discussions to date have considered a range of funding metrics and models to take this work forward effectively for all.



Proposed Grant Funding Model for 2020-21:

1. At Welsh Government's request the model provides agreed levels of support for NPT across the following range of national programmes and areas of work during the transition year while future footprint conversations are ongoing. For each element, ERW would retain all allocated funding but provide access and provision for NPT schools.

HEI Linked

- Innovation & QI Schools
- Engaging Non-Pioneers
- PL - Pioneer Schools
- ITE Partnership Pilots
- ITE Part time & work based
- Non-pioneer Cluster funding
- HEI Accreditation Manager funding

Nationally Accredited Programmes with clear and measurable expectations

- HLTA
 - NPQH programme
2. The model identifies a clear range of metrics to ensure funding is allocated fairly and appropriately for the remaining grant elements as detailed within the spreadsheet. These focus on splits of either:
 - 1/6th NPT and 5/6th ERW split (based on equal shares of 25% across each Consortium)
 - PLASC split and delegated directly to schools
 3. **PDG Funding**- NPT and ERW to be split. 16% of the £100k for the co-ordinator role given to NPT. All other PDG funding is allocated to schools.
 4. **EWC and the NQT Programme**- ERW to support NPT.

Considerations are: minimal additional resource required due to the number in NPT and that the work is currently being undertaken vs the resource that would be required to implement the programme within NPT during a transitional period.

