

# ERW JOINT COMMITTEE

## 13<sup>TH</sup> NOVEMBER 2020



### CONSORTIUM DEVELOPMENT UPDATE

**Purpose:** To provide Joint Committee with an update in regard to how the actions agreed in the 21<sup>st</sup> July 2020 meeting are being progressed.

#### RECOMMENDATIONS / KEY DECISIONS REQUIRED:

1) To consider and agree the proposed actions:

##### ISSUE 1: Dissolution of ERW

The actions required are outlined in a separate paper entitled 'To make changes to the Joint Legal Agreement in accordance with Clause 25'.

##### ISSUE 2: Additional Support

1. To secure additional HR capacity to support the change process, it is advised that an additional full time officer, at a senior level, is required. We were notified that an experienced officer from Pembrokeshire was available and that the associated costs could be managed from within current budget due to vacancies. (*Agreement from each Leader received on the 7th of October 2020 in regard to this proposal- this needs to be confirmed at the Joint Committee meeting*). External employment legal advice may also be required.
2. The Senior HR Officer to set up a Working Party with HR representatives from each County Council to deliver the agreed changes.
3. The Senior HR Officer to provide advice on the contents of the current employees' contracts in respect to redundancy and calculate the potential cost in order that the Joint Committee can make informed decisions. (*Draft Report included in Appendix 1*)
4. In light of the complexity of all the HR and Financial processes involved in moving to a new model, and the impact of COVID on the capacity of key officers to progress the work, it is proposed that a **September 1st 2021, implementation date is far more achievable than April 1st 2021**. This would require all partners who have issued notice of withdrawal to agree to defer this action until the end of August 2021. This agreement may not be forthcoming.
5. ERW can subsist beyond 31/3/20 with only two Authorities however the notice period to withdraw can be reduced to 4 months or less (expiring on 31/3/21) if all authorities consent to appropriate amendments to the Legal Agreement.
6. To instruct external legal advisors in relation to any new partnership/consortia arrangements between (some remaining and former) partners



### **ISSUE 3: Role of Joint Committee going forward**

1. Partners who are proposing to work together in a new partnership/arrangement will need to develop and agree the structure of new partnership/arrangements and the posts required to deliver the functions. All current partners will need to work to the same timeline and align plans to minimise liabilities and redundancies.
2. A new consortium/partnership will need to secure appropriate advice e.g. legal
3. A new consortium/partnership will need to be managed by a Shadow Joint Committee until a time when the new body is in place.
4. Statutory officers will need to be appointed to any new consortium/partnership

**2) Confirm a decision made outside the formal meeting structure- Secondment of Ceri Davies to ERW to provide additional capacity to deal with ERW closure and set up of new partnership arrangements. (Agreed via e-mail response to Chair's request sent on October 8<sup>th</sup>, 2020)**

**REASONS: To ensure that further progress is achieved in regard to the future provision of school improvement activities in the region.**

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# EXECUTIVE SUMMARY ERW JOINT COMMITTEE 13<sup>TH</sup> NOVEMBER 2020

## CONSORTIUM DEVELOPMENT UPDATE

In the Joint Committee meeting held on the 21<sup>st</sup> of July a document in regard to the future of ERW was tabled. The decision of the Joint Committee (*from Draft Minutes*) was as follows-

### **Minutes:**

*The Joint Committee received the above report outlining a range of options and proposals in pursuit of an agreed future footprint for ERW. It was reported that given the depth and detail of this issue the work would be progressed via a series of specific 'footprint meetings' within a schedule of 'milestones' to ensure successful completion.*

*It was reported that Pembrokeshire County Council had now indicated a preference for the Swansea City Deal Footprint and working in the main with Carmarthenshire, Swansea and Neath Port Talbot.*

*The Committee was advised that the Chair had requested the Lead Chief Executive and Lead Director to develop a project timeline for the work and that the Directors would be meeting over the summer to progress the work.*

### **Update**

Due to COVID-19 it has been a challenge to progress this work nonetheless, draft values, principles and functions of possible new consortia arrangements have been developed for consideration of the partners.

It is clear that moving from the current arrangements to new partnership arrangements will be a complex process and will require dedicated resources at a time when key officers are supporting schools and services in response to COVID-19. In light of the work entailed a delay to the implementation date should be considered.

There are a number of specific issues which need to be resolved and agreed at this meeting to enable the Lead Chief Executive and Lead Director in partnership with all Directors, to progress the work.

These are explained in the attached paper.

DETAILED REPORT ATTACHED?

YES



## IMPLICATIONS

Policy, Crime & Disorder and Equalities <b>NONE</b>	Legal <b>YES</b>	Finance <b>YES</b>	Risk Management Issues <b>YES</b>	Staffing Implications <b>YES</b>
<p><b>Legal</b></p> <p>There are legal issues to be resolved:</p> <ol style="list-style-type: none"> <li>1) To clarify how the current Consortium can be dissolved. The current Legal Agreement needs to be reviewed to incorporate the necessary provisions, and how this can be achieved by March 31<sup>st</sup>, 2021. This will require Legal input between respective Heads of Legal. This is addressed in a separate paper.</li> <li>2) to allow (some remaining and former) partners to develop alternative working arrangements to address school improvement challenges and deliver educational improvements in our schools. This will require additional external legal input. This is addressed in a separate paper.</li> </ol>				
<p><b>Finance</b></p> <p>Funding has been secured to provide an additional resource to manage the change process and associated HR procedures. Funding has been identified to secure any additional legal advice required.</p>				
<p><b>Risk</b></p> <p>The lack of clarity in regard to the dissolution of ERW and the liabilities poses a risk.</p>				
<p><b>Staff</b></p> <p>There are risks to the current staffing complement which need to be considered.</p>				

## CONSULTATIONS

<p>Relevant stakeholders will be consulted on the preferred partnership approaches/solutions on the dissolution of ERW.</p> <p>These will include-</p> <ul style="list-style-type: none"> <li>• Staff Side Representatives and other Organisations</li> <li>• ERW Scrutiny Committee</li> <li>• Headteacher Board</li> <li>• Each LAs Headteachers</li> <li>• Welsh Government</li> </ul>
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<p>Section 100D Local Government Act, 1972 – Access to Information</p> <p>List of Background Papers used in the preparation of this report:</p> <p><b>THESE ARE DETAILED BELOW</b></p>		
Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Agreement signed 16th July, 2014	1	Available in each LA

