

(NOTE: THESE MINUTES ARE SUBJECT TO CONFIRMATION BY THE JOINT COMMITTEE AT ITS NEXT MEETING)



**ERW Joint Committee
Thursday, 8th July, 2021
Virtual Meeting
2:00pm - 3:15pm**

PRESENT: Councillor Emlyn Dole [Chair], Carmarthenshire County Council

Councillor Rosemarie Harris	Powys County Council
Councillor Rob Smith (substituting for Cllr Rob Stewart)	Swansea Council
Councillor Guy Woodham (substituting for Cllr David Simpson)	Pembrokeshire County Council
Mr Richard Brown	Pembrokeshire County Council
Mr Phil Roberts	Swansea City Council
Dr Caroline Turner	Powys County Council
Mrs Wendy Walters	Carmarthenshire County Council
Mr Jonathan Haswell	Pembrokeshire County Council (ERW – S151 Officer)
Ms Tracey Meredith	Swansea City Council (ERW - Monitoring Officer)
Mr Gareth Morgans	Carmarthenshire County Council (Lead Director)
Mr Stephen Richards-Downes	Pembrokeshire County Council (Deputy Lead Director)
Ms Helen Morgan-Rees	Swansea City Council
Ms Debbie Smith	Swansea City Council
Mr Greg Morgan	ERW Chief Officer
Mr Ian Altman	ERW Chief Officer
Mr Ceri Davies	Pembrokeshire County Council (ERW - HR)
Ms Helen Lewis	Pembrokeshire County Council (ERW - HR)
Ms Jo Hendy	Pembrokeshire County Council (ERW – Head of Audit)
Mr Mark McLaughlin	ERW (Principal Accountant)



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Mr Alex Ingram	Welsh Government
Mr Clive Phillips	ESTYN
Mrs Michelle Evans Thomas	Carmarthenshire County Council (Democratic Services)
Mr Kevin Thomas	Carmarthenshire County Council (Democratic Services)
Mrs Janine Owen	Carmarthenshire County Council (Democratic Services)
Mrs Sarah Hendy	Carmarthenshire County Council (Democratic Services)
Ms Siwan Rees	Carmarthenshire County Council (Translation)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr David Simpson (Pembrokeshire County Council), Cllr Rob Stewart (Swansea Council). Cllr Guy Woodham (Pembrokeshire County Council) and Cllr Rob Smith (City & County of Swansea Council) attended the meeting as substitutes.

2. DECLARATIONS OF PERSONAL INTERESTS

There were no declarations of personal interests made at the meeting.

3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE JOINT COMMITTEE HELD ON THE 30TH MARCH 2021

The following correction was raised:

- **Minute 10 - Any Other Items of Business**
To remove the reference of Powys County Council, as they had not presented notice that they would wish to leave the consortium.

RESOLVED that the minutes of the ERW Joint Committee meeting held on 30th March 2021 be signed as a correct record subject to the minutes reflecting the abovementioned amendment.



4. MATTERS ARISING FROM THE MINUTES

Minute 8 – Y Llwyfan Lease

An update was requested in relation to the Y Llwyfan Lease going forward. Mr Morgans stated that he had recently communicated with the three Chief Executives asking if one of the Councils would be happy to take on the lease from Powys County Council. In addition, it was reported that the new partnership including the lease of Y Llwyfan would be discussed at the upcoming Shadow Joint Committee, an update would be provided to this Committee following the meeting.

Minute 6 – Neath Port Talbot Letter – Procurement of Services and Minute 7 – Ceredigion Letter – Procurement of Services

The Chair reported that specific programs were being delivered to both Neath Port Talbot and Ceredigion Schools as agreed.

In addition, it was reported the lease for 'Y Llwyfan' had been extended in order to create additional space for the new partnership but Officers had reduced the number of rooms required from September which had therefore reduced the cost of the lease.

5. CORRESPONDENCE

The Joint Committee received the following correspondence:

- Letter from Chair of ERW Scrutiny Councillor Group to Chair of Joint Committee - reflecting on the views following the last meeting of ERW Scrutiny Councillor Group held on 1st March 2021.
- Response from Chair of Joint Committee in reply to Chair of ERW Scrutiny Group

Concern was raised specifically in relation to paragraph 3 in the letter from the Chair of ERW Scrutiny Councillor Group which suggested that those who were not part of the new partnership choose to commission. It was emphasised that it was not of choice that services would be commissioned from September onwards, the fact was that the partnership was approaching an end and therefore new arrangements were being put in place. The concern was in relation to the perceived impression that was being portrayed to the Scrutiny Group and others on this matter. It was commented that the response from the Chair was balanced stating that the new partnership would not be at a financial detriment going forward.

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Furthermore, it was commented that fairness be provided to those partners not part of the new partnership going forward in terms of access to the arrangements that would be required ensuring a fair service for Headteachers.

In light of the concerns raised, it was proposed that a further letter be written to the Chair of ERW Scrutiny Committee providing information on the background circumstances stipulating what the arrangements would be going forward into the new partnership. This was duly seconded.

RESOLVED that: -

5.1 The letter from Chair of ERW Scrutiny Councillor Group to Chair of Joint Committee dated 23rd March 2021 be received.

5.2 The response from Chair of Joint Committee dated 20th April 2021 in reply to Chair of ERW Scrutiny Group's letter in 5.1 be received.

5.3 The Chair of the ERW Joint Committee write an additional letter to the Chair of ERW Scrutiny Councillor Group providing clarity on the background circumstances and information on the new arrangements going forward.

6. ERW UPDATE - ERW CHIEF OFFICERS

The Joint Committee received the ERW evaluation of Business Plan 2020-21 and draft Business Plan April-August 2021 for consideration.

The Lead Director expressed his gratitude to all staff for their continued support to schools throughout the difficult and challenging period.

The following queries were raised:-

- Reference was made to the pages 3 of the ERW Business Plan Evaluation. It was raised that it was vital that Powys County Council continues to receive access to the National Leadership Programmes moving forward. It was reported that the National Academy would only deal with Consortium. Concern was raised that whilst Powys would be able to access the services of the new Consortium it was understood that this would be at an additional cost. This matter had been raised with the Welsh Government. It was reported that the reality of not being able to access some of the programmes within Wales, the alternative option would be to look to England. In summary, it was recognised that from September 2021, Powys would be facing difficulties in accessing the programmes that Headteachers and Teachers rely on.



Reference was made to page 19 of the ERW Business Plan Evaluation. It was commented that 'Dolen' is a vital resource where all 6 Local Authorities had contributed towards over a number of years. As this is a joint resource, it was asked what the arrangements would be from September 2021 onwards?

In response to the above queries, the Lead Director stated that access to programmes to non-members of the Consortium would be considered and that it would be prudent to make available as a regional provision. In relation to the service 'Dolen', conversations were currently taking place in relation to access to resources created by the consortium. It was explained that Dolen was a platform that was paid for separately and that there could be a possibility of developing a short-term agreement to maintaining the platform. Reassurance was provided that the Dolen platform would be made accessible to all.

- Reference was made to the Well-being elements of the plan. Concern was raised in relation to the increase in demand for mental health services for learners. It was asked if this increase was across the region and if so, could it be considered to support schools from a regional approach? The Chief Officer, in response explained that this had been a priority over the last 18 months and that there was a commitment from Welsh Government to continue as a priority. In addition, there were programmes in across the region to support the mental health of both staff and pupils.

RESOLVED that: -

- 6.1 The ERW Business Plan Evaluation 2020-21 be received;**
- 6.2 The ERW Business Plan to April – August 2021 be approved.**

7. ERW DEVELOPMENT - GARETH MORGANS

The Joint Committee received a report supported by a verbal update from the Lead Director on the proposed arrangements for the delivery of Welsh Government programmes and Consortia services from 1st September 2021.

The report provided a brief background of the formation of ERW and that a Deed of Variation was currently being circulated amongst the 4 current partner Authorities to allow all the remaining authorities to withdraw from ERW at the same time and with the current ERW Consortium coming to an end. The remaining partners would be required to make alternative arrangements for delivering improvements in teaching and learning to secure the best outcomes for all learners.



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It was reported that discussions were ongoing between the remaining local authorities in terms of the future delivery of the agreed functions.

The Committee noted that Carmarthenshire, Pembrokeshire and Swansea had agreed to form a new partnership which would be operational from 1st September 2021 and Powys were making their own local arrangements which included working in partnership with Ceredigion on some aspects of school improvement.

The Chair and the Lead Director highlighted that the current ERW staffing structure had been created to service schools in 6 Local Authorities and whilst some posts were vacant, others were filled by secondments. Some staff members had been successful in securing new posts and it was probable that moving to new arrangements would result in some redundancies, however these would be kept to a minimum where possible.

The following queries were raised:-

- It was commented that Powys had put arrangements in place post August 2021 however, it was not made clear that there would be additional costs attributed to access services/programmes from September onwards. Whilst the grant fund would be utilised from the Welsh Government the pressure from the additional costs from the 1st September 2021 had not been foreseen. It would be beneficial if there are additional costs that they be made clear and how the contributions would be made. Furthermore, it would be beneficial to be made aware of how many staff members would be left for the new arrangements come September 2021.

In addition, it was hoped that there would be a commitment in the agreement that Ceredigion and Neath Port Talbot would also contribute to any additional cost in bringing the arrangement to a close. These costs should be shared utilising the calculated formula.

The Chair explained that the final costs would be relevant to all partners and that the costs would be based on the previous formula of contributions.

It was reported that all parties, including Neath Port Talbot and Ceredigion had contingent liability up until the end of March 2022 where cost recovery would be sought.

The Lead Director, in terms of the additional costs, stated that he was working closely with the Section 151 Officer in modelling what the costs would be at the end of the process and that it was intended to write to all partners before the end of August to share the information.



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RESOLVED that:

7.1 The verbal update in regard to provision of current Consortia Services post August 2021 be received;

7.2 the proposed approaches post August 2021 be noted.

8. ERW FINANCE UPDATE

The Joint Committee received the ERW Financial Update Outturn 2020-21 relating to the following areas:-

- Central Team Budget
- Service Level Agreements
- Local Authority Contributions
- Grant Allocations
- Pupil Development Grant (PDG)
- Regional Consortia School Improvement Grant (RCSIG)
- Grants – Curriculum, Digital, Welsh, Leadership, Professional Learning, and Equity and Wellbeing
- Risks
- Reserves

The Joint Committee was advised that SLAs for 2020/21 totalled £139,000 and the total Local Authority contributions for the same period was £480,356 and that all contributions had been paid.

The Committees attention was drawn to the table on page 3 of the report which stated that the Appropriation to Reserve was £300k. It was reported that since the publication of this report, during the production of the draft statement of accounts, additional expenditure of £30k in the salaries area had been found. Therefore, the Appropriation to Reserve should be noted as £270k.

Confirmation was provided to the Committee that the £500k grant flexibility provided by Welsh Government in 2020/21 was utilised.

In reference to the 2020-21 Grant Allocation table on page 4 of the report, it was highlighted that of the £56.288m total Grant Income, £607,063 RCSIG and £14,384 PDG funding had not been spent during 2020-21 and had been carried forward for use into 2021-22.

RESOLVED that the ERW Financial Outturn for 2020-21 be approved.



9. ERW INTERNAL AUDIT REPORT 2020-21

The Joint Committee received a report on the Internal Audit Work Programme for 2020/21 which provided the findings from the Internal Audit review of the ERW Consortium 2020-21.

Members were advised that the work was completed in April-May 2021 and finalised in June 2021. The report included a number of recommendations and overall only limited assurance could be given on the effectiveness of the governance, risk management, internal control and financial management arrangements in place. The Committee noted that this was the fourth year of providing a limited assurance opinion and in line with the commitment last year in the Annual Governance Statement to undertake the lessons learned review, it was suggested that the previous year's Internal Audit Reports be included in that review in order to strengthen arrangements moving forward into the new partnership.

The Committee noted that whilst this report belonged to the existing ERW Consortia, it would be prudent for the new partnership to include these recommendations from September.

RESOLVED that the ERW Consortium Internal Audit Report 2020-21 be noted.

10. ERW RISK REGISTER

The Joint Committee received the Risk Register detailing the main strategic business risks to ERW's objectives. It was advised that the risks in relation to qualifications 2021 had been updated.

RESOLVED that the Risk Register be received and that the changes in the risk profile be noted.

11. DRAFT DEED OF VARIATION TO THE JOINT COMMITTEE AGREEMENT DATED 16TH JULY 2014

The Joint Committee received a report which included the draft Deed of Variation appended to the report.

The terms of the draft Deed of Variation had been developed to allow the current parties to the Consortium to exit the regional arrangements and to terminate the Joint Committee Agreement dated 16th July 2014.

The newly appointed Monitoring Officer from Swansea City Council introduced herself and her colleague Deputy Monitoring Officer also from Swansea City Council who had been working on the contractual arrangements in relation to the Deed of Variation.



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The Committee was reminded that in November 2020 [minute 6.1 refers] and March 2021 [Minute 6 & 7 refers], changes to the Joint Committee Agreement was agreed, this allowed both Neath and Port Talbot and Ceredigion Councils to access agreed services. In addition, in relation to governance arrangements the agreed changes enabled facilitation and dissolution and termination of ERW to address any subsequent liabilities or indemnities of all present and former Authorities and to facilitate a reduced notice period. It was reported that following the Committees agreement, each Constituent Authority took a report to their Cabinet whereby Delegated Authority was given to the Chief Legal Officers and in some Authority's the Director of Education to put into the Deed of Variation and any wording necessary to achieve the resolution

The report sought guidance from the Joint Committee for the Constituent Councils to act by finalising the terms of the Deed of Variation and give notice using the previously approved delegated powers.

The following comments/queries were raised:-

- Concern was raised in relation to the short timescale available for the four Cabinets to approve the Deed of Variation. Clarity was requested on some of the elements to enable this to be achieved.
- In addition, it was suggested that it be made clear within the Deed that all partners would be terminating the arrangements on the same day at the end of August.
- A further point was raised in that prior to the signing of the Deed of Variation some outstanding matters would need to be resolved and/or required clarity before approval.

The Monitoring Officer, in response to the points raised above referred to the delegation that was in place which enabled the Chief Legal Officer to approve subject to the Constituent Authority's authorisation, thus negating the need to refer to Cabinet.

In terms of the end of August termination date, it was reported that a report had already been received which stated that the Statement of Accounts would be returned to this consortium for approval/sign off. However, it was highlighted that it was unlikely that this would not take place prior to the end of August 2021, requiring ERW to continue for a short term after the end of August. In addition, in terms of the new regional consortium, a new Joint Committee Agreement would be required to be finalised which would require approval/sign off following each Constituent Authorities consideration and approval.



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It was explained that a Constituent Authority would not be able to leave the consortium unilaterally and that it would have to be agreed in accordance with the Deed of Variation. Currently the Deed of Variation was drafted that all authorities are to leave at the same time. However, there was scope to, subject to the agreement of all parties, to allow an Authority to leave the consortium earlier but the terms of this arrangement would need to be included in the Deed of Variation.

It was emphasised that a minimum of two Authorities would need to remain in the ERW consortium to enable the Joint Committee to continue, the liabilities would need to be finalised in order for ERW consortium to finalise its business before ceasing.

RESOLVED:-

11.1 to recommend to each of the constituent Councils that:

- i) a decision is made to sign the Deed of Variation and serve notice to withdraw from the Consortium in accordance with each Council's constitution and that the notice is duly served on the Chair of the Joint Committee.**
- ii) Any decision by the Councils is coordinated and appropriately timed to reflect the need to finalise outstanding ERW business.**

11.2 that subject to recommendation 11.1, authorise the S.151 officer for the Consortium to undertake further work to clarify the liabilities of the current and former parties to the Consortium and in conjunction with the Lead Director to liaise with Neath Port Talbot and Ceredigion Councils confirming the detail of any liability arising as a result of their withdrawal from the regional arrangements.

12. ANY OTHER ITEMS OF BUSINESS

There were no items of urgent business.

CHAIR

DATE

