

# EXECUTIVE BOARD MEETING

22<sup>ND</sup> MARCH 2021

## FUTURE SCHOOL IMPROVEMENT PARTNERSHIP

### Purpose:

To consider Carmarthenshire's position in regard to regional school improvement arrangements.

### Recommendations / key decisions required:

Due to delays with developing and establishing a replacement partnership model for ERW the Executive Board is requested to defer withdrawal from the regional school improvement service (ERW) from 31 March 2021 to 31 August 2021.

It is recommended that the Executive Board-

1. Notes that since serving notice to withdraw from ERW the work around a new footprint and model for regional school improvement has not been progressed to enable a smooth transition to a new model by 31<sup>st</sup> March 2021
2. Notes that any new model for school improvement is likely to need legal changes to governance arrangements which will not be in place by 31<sup>st</sup> March 2021
3. Agrees to therefore withdraw the notice to withdraw and remain in ERW until 31<sup>st</sup> August 2021 or until such time as new arrangements are in place
4. Delegates to the Director of Education and Children's Services and Head of Legal Services authority to enter into any Deed of Variation necessary to ensure any change to withdrawal arrangements or any other necessary amendments approved by the Joint Committee.

### Reasons:

At the request of ERW's Joint Committee (December 9th , 2019) Directors were tasked with setting out a roadmap/options appraisal for any likely future ERW arrangements. This work has progressed but has been hampered by officers having to focus on COVID-19 related business.

**Relevant scrutiny committee to be consulted** NO

**Exec Board Decision Required** YES

**Council Decision Required** NO

**EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:-** Cllr Glynog Davies

Directorate- Education and  
Children's Services

Report Author:  
Gareth Morgans  
Linda Rees Jones

Designations:

Director of Education and  
Children's Services

Head of Legal Services.

Tel Nos.

E Mail Addresses:

# EXECUTIVE SUMMARY

## EXECUTIVE BOARD

22<sup>ND</sup> MARCH 2021

### FUTURE SCHOOL IMPROVEMENT PARTNERSHIP

#### 1. Introduction

In the Executive Board Meeting on the 16<sup>th</sup> of March 2020 the following recommendations were accepted in regard to the regional school improvement Consortium-

- The Executive Board is requested to agree the Swansea Bay City Deal footprint, subject to the provisions of the Legal Agreement.
- The Executive Board agrees that Carmarthenshire County Council issues notice to withdraw from ERW, should unanimous withdrawal not be agreed, subject to the provisions of the Legal Agreement.
- The Executive Board to agree an appropriate transition period subject to the provisions of the Legal Agreement. A year (2020/21) is recommended.
- The Executive Board to authorise the Director of Education and Children's Services and the Executive Board Member for Education and Children's Services in liaison with the Leader and Chief Executive Officer to develop the preferred model and ascertain impact of any changes (including legal, HR and financial), subject to the provisions of the Legal Agreement.

These recommendations were actioned by officers. On the 25<sup>th</sup> of March 2020, Cllr Emlyn Dole wrote to the other partners giving notice of Carmarthenshire County Council's intention to withdraw from ERW, under Clause 15.1 of the Joint Committee Agreement dated 16 July 2014, with effect from 31 March 2021.

#### 2. Updated Position

The timing of the Withdrawal Notice coincided with the national escalation response to COVID-19 and whilst officers have been developing an alternative model progress has been gradual.

Currently, there are ongoing discussions within the Swansea Bay City Deal footprint local authorities to establish new education consortium arrangements. The formation of a new partnership or consortium has been complex and subject to the following issues:

- Not all local authorities had given sufficient notice to exit a legal agreement
- Not all local authorities have agreed, in a timely fashion, on the functions required by a new regional arrangement
- The contingent liabilities of exiting local authorities have become clearer
- The associated costs of any redundancies are c£2M
- There is now better clarity on Welsh Government's expectations of regional consortia arrangements for the future
- Service users in Swansea have now provided their views on what a new regional arrangement should deliver within Welsh Government's expectations
- Covid-19 response has taken priority

It is evident to Carmarthenshire officers that a 1<sup>st</sup> April 2021 implementation date is not achievable and places the Local Authority at significant risk in regard to costs associated with potential redundancies. The Joint Committee want to avoid any unnecessary costs and want a smooth transition from one body to another.

To that end it is recommended that we change the withdrawal date to the 31<sup>st</sup> of August, and we will then join the new school improvement partnership from the 1<sup>st</sup> of September 2021.

DETAILED REPORT ATTACHED ?

NO

# IMPLICATIONS

**I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :**

Signed: E.D. Gareth Morgans

Director of Education and Children's Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>

## 2. Legal

The Welsh Government guidance document 'National model for regional working' sets out the role, structure and governance arrangements for regional consortia.

Clause 15 of the ERW Legal Agreement to constitute a Joint Committee provides for withdrawal and indemnity for consequences of withdrawal.

The ERW Legal Agreement provides that any authority may withdraw from the agreement by giving notice in writing to each of the other authorities to expire 12 months from the end of the Financial Year in which the notice is given. The deferment of the exit date to 31 August 2021 will be communicated to other local authorities.

As this is a voluntary withdrawal each authority has agreed that, in the event that it gives notice of withdrawal to other authorities, it will indemnify the other authorities against any loss arising directly out of the consequences of its withdrawal.

The authority withdrawing shall remain liable for their contribution calculated to the date upon which its notice expires including any costs of redundancy directly attributable to the withdrawal of that authority as per clause 15.4 of the agreement which ranges from 100% in the first 2 years after withdrawal to 40% in the 5<sup>th</sup> year after withdrawal.

Any staffing implications arising from the withdrawal from ERW will be dealt with under the appropriate procedures. Appropriate legal advice should be sought as and when required.

## Finance

The new staffing structure agreed by the new partners will need to be sustainable and fully / funded. Grant funding currently is delivered to partner LAs and schools via the consortium and should the footprint change we will need to work with Welsh Government on alternative arrangements. The cost of exiting on 31 March 2021 rather than 31 August 2021 could be as much as £0.5M. This is an estimate as redundancy costs for all exiting local authorities collectively are C£2M.

## 5. Risk Management Issues

The Department and ERW's Risk registers reflect Carmarthenshire's current identified risks in relation to School Improvement and associated remedial actions to reduce the risks.

## 7. Staffing Implications

Changes to the current structure could lead to significant redundancy costs.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: E.D. Gareth Morgans

Director of Education and Children's Services

### Relevant Partners

We have engaged with our schools on areas of provision they would like the regional partnership to provide for Carmarthenshire's schools.

### Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

**THERE ARE NONE**