

**Report To:** Cabinet

**Date of Meeting:** 4 September 2012

**Lead Member / Officer:** Councillor Eryl Williams  
Lead Member for Education

**Report Author:** Hywyn Williams  
Corporate Director: Customers

**Title:** **Regional School Effectiveness and Improvement Service  
Joint Committee**

---

**1. What is the report about?**

On 21 February 2012, Cabinet approved the Final Business Case for the Regional School Effectiveness and Improvement Service. The Full Business Case made reference to the need for a Joint Committee to be established to govern the new Regional structure across North Wales. This report sets out detailed Terms of Reference and membership for the Joint Committee.

**2. What is the reason for making this report?**

To seek Cabinet approval for the Terms of Reference and Membership of the Joint Committee to be established pursuant to the decision to accept the Full Business Case and establish a new Regional School Effectiveness and Improvement Service, across the six North Wales Authorities.

**3. What are the Recommendations?**

**3.1** To confirm the establishment of the Joint Committee in accordance with the report.

**3.2** To appoint the Lead Member for Education to represent the Authority on the Joint Committee.

**3.3** To approve the Terms of Reference and Delegated functions of the Joint Committee as set out in paragraph 4 of the report

**4. Report Details**

**4.1 Summary**

The six North Wales Local Authorities resolved in March 2012:

**(a)** To support and approve the Full Business Case for the establishment of a Regional Schools Effectiveness and Improvement Service by April 2013.

**(b)** To support the North Wales Education Programme Board's recommendation that a Joint Committee with a Host Authority be adopted as a model of governance.

- (c) The Chief Executives Group for the six Local Authorities subsequently approved Gwynedd Council as the Host Authority for the Regional Service.

Following a detailed options appraisal the recommendation in the Full Business Case was that a governance model based on a Joint Committee / Host Authority approach be adopted. The process of establishing the Service is now proceeding. The Partnership is to be underpinned by a formal agreement (“Inter Authority Agreement”) which gives effect to the decision of March 2012 to establish the Service. The Inter Authority Agreement defines the roles and responsibilities of the Partners and the Hosting Authority as well as governance arrangements. As part of that process the Full Business Case identified an outline structure for the Joint Committee however, the specific details of membership and Terms of Reference were to be the subject of further consideration and work. This report is a consequence of that process and recommends the formal terms of reference and membership of the Joint Committee based on the Full Business Case and further Legal advice.

#### 4.2 Joint Committee

The possible membership structure of the Joint Committee was set out in the Business Case together with an acknowledgement that this would need to be further refined. The Full Business Case as accepted also outlined the scope of the proposed service and the function of the Joint Committee within that structure. The Joint Committee will be governed by the Procedure Rules of the Host Authority.

#### 4.3 Joint Committee Membership

The proposed membership of the Joint Committee set out below reflects the structure outlined in the Full Business Case. The key change is in relation to the voting rights of the Co-opted members. There is a legal constraint which means that Co-opted members of the Joint Committee may not vote on resolutions\*.

The quorum necessary for a Joint Committee meeting shall be five (5) voting members of the Joint Committee. The Agreement will also provide for the attendance of a deputy if required.

| <b>Voting Members</b>  | <b>Officer Members –Non Voting</b>                                   |
|--|--|
| 6 x Education Portfolio Members<br><i>one from each NW LA</i>  | 6 x Statutory Chief Education Officers<br><i>one from each NW LA</i> |
| <b>Co-opted Non-voting Members*</b>  | <b>Officers in Attendance</b>  |
| 1 x Diocese Representative <i>nominated from across the Wrexham, St Asaph and Bangor Diocese, on a rotating bi-annual term</i> | 1 x Legal Representative   |
| 1 x Primary Schools Representative<br>1x Secondary Schools Representative<br>1x Special Schools Representative                 | 1 x S151 Representative  |
| 1x Governor Representative   | Other specialists as requested                                       |

As provided for in the Full Business Case, the RSEIS Schools and Governors User Group would nominate a Secondary, Primary, Special and Governor representative to take the respective seats on the Joint Committee.

### **4.3 Joint Committee Terms of Reference and Delegated Functions**

The Inter Authority Agreement will also define the governance arrangements for the Joint Committee, including its Terms of Reference and Delegated Powers. In doing so it will also identify which matters are specifically reserved to the individual partner authorities to determine. The proposed terms of reference and delegated powers of the Joint Committee are:

- I. to promote joint working in the delivery of the Service through:
  - facilitating constructive partnership working;
  - engaging with key interested bodies and stakeholders when appropriate; and
  - carrying out such other activities calculated to facilitate, or which are conducive to the successful delivery of the Service; and
- II. to oversee the management of the Service and ensure that the Service is provided and performs in accordance with the expectations of the Partner Authorities as reflected in the Full Business Case, Inter Authority Agreement and agreed Annual Business and Commissioning Plans;
- III. to approve the budget for the Service on an annual basis’;
- IV. to approve the business plan for the Service on an annual basis;
- V. to monitor and manage the risks associated with the Service;
- VI. to ratify requests from the Service for additional budget funding from individual Councils;
- VII. to approve the staff structure of the Service;
- VIII. to appoint the Chief Officer of the Service;
- IX. to decide on disciplinary action against the Chief Officer; and
- X. where required, to determine or arrange for the determination of appeals in relation to Human Resources matters.

The following matters are specifically reserved for individual Cabinet decision:

- I. approval of inter-Council partnership governance arrangements;
- II. increase of budget over agreed Council contributions;
- III. procuring the necessary audit and assurance checks; and
- IV. termination of the Partnership

### **5. How does the decision contribute to the Corporate Priorities?**

Raising educational achievements has been a priority for Denbighshire during the existence of the last Corporate Plan. Discussions with Members and stakeholders around the content of the new Corporate Plan and the current consultation document has this as a priority for the next 5 years.

### **6. What will it cost and how will it affect other services?**

The recommendations included in this report have no associated cost pressures and there are no implications for other service areas.

**7. What consultations have been carried out and has an Equality Impact Assessment Screening been undertaken?**

Detailed consultations were carried out with all stakeholders during the creation of the Full Business Case. Subsequent detailed consultations have also taken place with staff affected by these changes. The Legal Department has been consulted on the Terms of Reference and the broader implications of this report.

**8. Chief Finance Officer Statement**

There are no financial implications to the recommendations within this report.

**9. What risks are there and is there anything we can do to reduce them?**

If the Joint Committee was not established, taking full cognisance of the legal advice received, then the governance model could be the subject of challenge, especially as it will be responsible for the employment of staff. The development of clear Terms of Reference and rules around membership will enable the Joint Committee to be in a clear and strong position to govern the new entity effectively. Not agreeing to these recommendations may weaken the governance model that has been agreed at the Full Business Case stage.

**10. Power to make the Decision**

S101 Local Government Act 1972

S20 Local Government Act 2000

Local Government (Executive Arrangements) (Discharge of Functions) (Wales) Regulations 2002

Legal officers both within Gwynedd, the host Authority, and Denbighshire, have advised on the need for, and the wording of the Terms of Reference and delegated functions.