

***Neath Port Talbot County Borough Council***  
***Cyngor Bwrdeistref Sirol Castell-nedd***

***Democratic Services***  
***Gwasanaethau Democrataidd***

## **Decision Notice**

**CABINET - URGENCY ACTION , THURSDAY, 26TH MARCH, 2020**

Please see below approval of decision as follows:

1. **Regional School Improvement Consortium (ERW) - 12 AM**  
**(Pages 3 - 34)**

Final advice on this Council's proposed withdrawal from the Regional School Improvement Consortium (ERW) and possible options on future collaboration models.

1. That the withdrawal notice of Neath Port Talbot County Borough Council remain as served on the basis that little or nothing material has changed in the last year to justify the Council rescinding this.
2. That the Council enter into one of three options for a new footprint should the other local authorities agree to do so and any legal constraints be removed by mutual agreement.
3. That delegated authority be granted to the Chief Executive and the Director of Education, Leisure and Lifelong Learning, in consultation with the Leader of Council and the Cabinet Member, to take all necessary actions and, enter into all necessary agreements, to complete the withdrawal process and establish successor arrangements either on the basis of one of the options in 2 above or the Council standing alone outside the current consortium, at least in the short term.

### **For Immediate Implementation**

Yours sincerely

p.p Chief Executive

## **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

### **CABINET**

**17 March 2020**

#### **Joint Report of the Chief Executive and the Director of Education, Leisure & Lifelong Learning**

#### **ERW REGIONAL SCHOOL IMPROVEMENT CONSORTIUM**

#### **Matter for Decision**

**Wards Affected: All**

#### **SECTION A**

#### **Purpose of Report**

1. Final advice on this Council's proposed withdrawal from the Regional School Improvement Consortium (ERW) and possible options on future collaboration models (see Section B below).

#### **Background**

2. On 27 March 2019, the Cabinet agreed (see Appendix 1) that the Council should give the required one year's notice to quit the consortium under the terms of the Joint Committee Agreement (JCA). This was for a number of reasons set out in that report – primarily to do with poor governance, poor quality and poor value for money.
3. At the time, officers gave an undertaking to provide further advice before the expiry of that notice period on 31 March 2020. Essentially, this report addresses the fundamental question as to whether there has been any material change in the intervening period to cause the Council to change its position.
4. Officers would contend that the answer is “No” for the reasons set out below – grouped together under broadly the same headings as previously.

## **Governance**

5. The previous report set out our concerns over the lack of transparency on the distribution of funding through ERW and other matters. Despite several further meetings of the Joint Committee and numerous discussions in other forums, our fundamental misgivings remain.
6. For example, at the time of writing, ERW has still to bring forward a realistic and balanced budget proposal for 2020/21 – nor as things stand, is it possibly going to have an agreed budget before the commencement of the new financial year. The matter was due to be discussed at a meeting of the Joint Committee on 14 February; but in the absence of any papers – and therefore any proper basis for such decisions - the meeting was cancelled. The Chair of the Joint Committee then resigned.
7. Officers have been made aware of reports (though unsubstantiated) of potentially irregular and unauthorised action leading to significant liabilities which the local authorities could be invited to fund in the event of any termination of the JCA.
8. It has been made clear to all parties that we will only meet our commitments under the JCA in respect of such liabilities where there is a clear audit trail of proper decision making.
9. We also believe there to be a more fundamental flaw in the governance arrangements. In theory, the consortia are creatures of local government through the Joint Committee structure. The Welsh Government described consortia in these terms in recent evidence to the Children, Young People and Education Committee in the National Assembly<sup>1</sup>:

*“Regional consortia continue to work, on behalf of local authorities, to lead, orchestrate and co-ordinate improvement in schools across the region. They have also been*

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<sup>1</sup> <http://www.senedd.assembly.wales/documents/s98558/CYPE5-06-20%20-%20Paper%201.pdf>

*instrumental in helping to drive forward wider reform and improvements over the last few years.*

*Local authorities retain statutory responsibility for promoting high standards in their schools. They exercise this responsibility by delegating school improvement activities to regional consortia, who benefit from the greater capacity and efficiencies they can draw upon by working across a region; this has been crucial in supporting the delivery of curriculum reform. At the same time, having themselves established the regional consortia, local authorities have the responsibility to ensure that regions are delivering a high quality service to their schools.”*

10. We have a very different view. In our view, the reality is that Welsh Government seek to direct consortia through funding whilst the statutory responsibility for education remains with individual local authorities. In practice, this means that WG/consortia frequently bypass local authorities and that has a direct bearing on statutory responsibilities. Fundamentally, in the view of officers, having *de facto* control and accountability in different places doesn't work.

## **Quality**

11. Although some work has been done to improve ERW's organisation and structure over the past year, our fundamental reservations again remain. These reflect what we have been consistently told by Head Teachers/senior staff in our schools and the teaching unions (who have campaigned against the “bureaucracy” of consortia<sup>2</sup>). Officers have double checked with both of these key stakeholders in recent weeks and their views remain unchanged. Part of the issue here is the sheer geographical size of the ERW area and the travel time involved for Head teachers and senior leaders in our schools traversing the area.
12. There have been claims from some quarters that the consortia are directly responsible for any improvement in school performance

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<sup>2</sup> <https://www.walesonline.co.uk/news/education/huge-sums-allocated-education-wales-15827055>

across Wales. The frequently quoted OECD report from 2016<sup>3</sup> did endorse the concept of regional consortia; but it contained little or no analysis of how they were actually performing nor is it the eulogy of consortia that is sometimes implied. There is also very recent emerging evidence (from the Welsh Government itself) of the lack of impact of the consortia in other parts of Wales<sup>4</sup> highlighting the scope for “*confusion and an insufficiently ‘joined-up’ response*” in the context of school improvement.

13. In addition, measuring improvement over the medium term in Wales is difficult or next to impossible because several performance benchmarks are deployed and they frequently change; but there is no real independent evidence of this improvement on any scale nor, where it has taken place, that it can be attributed to ERW e.g. the improved number of schools in the “green” categorisation.
14. In 2016, Estyn inspected ERW, judging “*improving quality*” only to be adequate. The following year, Estyn revisited ERW and found that overall progress in meeting the four recommendations made the previous year, had “*been relatively slow*”. The Joint Committee also issued instructions in 2017 to improve governance, financial arrangements and the alignment between the consortium and its constituent local authorities; but very limited progress has been made subsequently.
15. As Estyn pointed out, the “*limited progress*” towards ensuring that school improvement services addressed the performance of schools causing concern, particularly in the secondary sector, means that there is a failure to provide an acceptable standard of education for pupils as a consequence of what Estyn described as “*insufficient identification of success criteria*”.
16. All of this is in sharp contrast to Estyn’s conclusions when they inspected this authority in late 2017 and the range of publicly available Estyn inspection reports on our schools.<sup>5</sup> Estyn judged all aspects of education provision in Neath Port Talbot to be good,

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<sup>3</sup> The Welsh Education Reform Journey: A rapid policy assessment (OECD: 2016) - <http://www.oecd.org/education/The-Welsh-Education-Reform-Journey.pdf>

<sup>4</sup> <https://gov.wales/written-statement-merthyr-tydfil-county-borough-council-1> plus Appendix.

<sup>5</sup> <https://www.estyn.gov.wales/>

noted that officers know their schools well and that senior officers and elected members share a clear vision for ensuring effective education provision in the County Borough.

17. In terms of success criteria, reference might usefully be made to the first schools categorisation exercise in 2014/15 where five of the six ERW authorities were ranked in the top half across Wales. By 2019/20, however, ERW occupied three of the bottom five rankings in the same table. This is not continuous improvement by any benchmark that we recognise.
18. Rather it is the teachers in our schools who are sustaining good outcomes with support from this Council's challenge advisors and other central services. The latest categorisation exercise had only one of our schools in the amber category and none in red. Across the region, the position in the primary sector has improved; but ERW still has today the same number of secondary schools in the "red" category that it had on its inception in 2012 and categorised in 2014. The position at local authority level is also broadly similar based on publicly available Estyn reports. In other words, there is nothing by way of a step change to be attributed to the consortium, which it is reasonable to expect eight years on.
19. We are not opposed to regional working *per se* – it is the current arrangements and the collective inability to reform them that are the issue. This Council has been proactive in supporting improvement in other local authorities in the region, particularly Pembrokeshire and Powys, and we are currently engaged with Caerphilly Council, for example, on a developing inclusive support for pupils with social, emotional and behavioural needs.
20. However, the Council has consistently said that regional collaboration must be underpinned by a commissioning relationship that secures rigour and accountability at its core. This was articulated in letters sent from the Chief Executive on 28 February 2018 to ERW's Lead Chief Executive (and forwarded to the Welsh Government) and from the Leader of Council to the Chair of the ERW Joint Committee on 10 October 2018. These representations were ignored.

## **Financial/Value for Money**

21. Even during the worst years of austerity, this Council made a point of prioritising expenditure on schools. Again, the 2020/21 Council budget matches the 4.5% uplift in our overall revenue budget with additional funding for schools. Such is the quantum of funding now being channelled through consortia (some £70m via ERW this financial year), it is reasonable to ask whether this should now be considered as part of the current wider review of how education funding is distributed in Wales<sup>6</sup>?
22. However, despite being very clear with partners that we were not prepared to pull money out of our classrooms to divert additional core Council funds to ERW (beyond the current 40k per annum), those concerns have also been ignored. The current proposal would see our contribution increase to over 100k at the direct expense of the front line. They include a Managing Director post on a salary of over 100k per annum – more than some Directors in the region who hold the statutory responsibility.
23. On a separate financial aspect, there is a school of thought that, if we confirm our withdrawal, this Council will be “punished” for challenging the policy orthodoxy. This could take the form of grant monies currently channelled via ERW being withheld or diverted elsewhere. **We do not believe that there is any legitimate grounds for doing so and it will be open to the Council to mount a legal challenge to any such action via a judicial review should a decision be taken to attempt it.** It was the “National Model for Regional Working” which set out an agreed national approach to school improvement. ERW was the regional agreement to support this policy decision and termination provisions were built into the agreement to reflect that at some point an authority may wish to withdraw.
24. In the absence of such a move, it is a fairly easy administrative task to put in place the necessary arrangements with Pembrokeshire Council (as the lead authority on finance and the grant recipient from Welsh Government) to secure the funding going forward. Alternatively it is open to the Welsh Government to fund this Council directly. In any event, the current “regional”

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<sup>6</sup> <https://gov.wales/school-funding-review>



funding is largely a myth in reality: what actually happens is that the bulk of the funding – based upon pupil numbers in each local authority - goes from Welsh Government to Pembrokeshire and then bounces straight out to individual local authorities and their schools.

## SECTION B

### **Possible Future Arrangements**

25. A proposal has been tabled by Ceredigion Council to reconstitute the consortium (in part) on a Dyfed Powys footprint. At the time of writing, it does not seem that this proposal commands universal support within the four authorities concerned - it also directly contradicts the previously agreed idea of moving to a City Deal footprint of those four authorities on skills.
26. This leaves us with four potential options as follows – the first and one of the others not being mutually exclusive:
- A. If Members agree the recommendations below, we would stand alone outside of ERW, at least in the short term; **but if the other authorities agree:**
  - B. We could subsequently join a new consortium based upon the City Deal footprint (Pembrokeshire, Carmarthenshire, Swansea and ourselves). This is perhaps the optimum solution bringing together the economic development and education/skills agenda in a coterminous area; or
  - C. As (B) above – but minus Pembrokeshire; or
  - D. A “West Glamorgan” consortium with Swansea. From an education perspective, this causes us no difficulty as there is already a long history of productive collaboration between the two Councils and their schools, not least because many of our Head teachers and staff have worked in Swansea’s schools – and vice-versa.

27. This report is fundamentally about Option A; **but officers would support either one of B-D and recommendation 2 below reflects that advice**. However, whether this actually happens is dependent upon decisions in the other Councils elsewhere in the region. We understand that Carmarthenshire, Ceredigion and Swansea took/are taking reports to their Executive Board/Cabinets, respectively, yesterday (the 16<sup>th</sup>), today (the 17<sup>th</sup>) and on the 19<sup>th</sup>. We understand that all three propose to serve notice to leave ERW. If there are further developments between the publication of this report and the Cabinet/Scrutiny meeting, officers will provide an oral update.
28. There is one other important point worth highlighting. This Council is the only ERW authority to have given the required notice so far under the Joint Committee Agreement (see the legal implications in Section D below). What this means is that if any or all of the Councils listed in options B-D above are to join with us immediately, the others in the current ERW consortium would have to agree to release them. If not, those concerned would have to give the required one year notice and the earliest any new arrangements could commence would be 1 April 2021.
29. In discussion with the other ERW authorities, we have been clear that we are prepared to support orderly transition arrangements, including ongoing support from our staff on a basis to be determined. However, we have also said that this needs to be done on the basis of precise information on which schools need what support, where from, how often and so forth. It is this sort of transparency and clarity that has been lacking in the ERW Joint Committee. Moreover, we have also raised the issue of how long some of this support will be required. We do not wish to leave any school (anywhere) in the lurch; but on the other hand indefinite intensive support could lead to a dependency upon it – and, arguably, that is already becoming evident in some parts of the region's secondary sector in particular.

### **Other Developments**

30. There is also the prospect that we could be forced back (through legislation) into some sort of similar arrangement in the future

under the proposals for Corporate Joint Committees (CJCs) under Part 5 of the Local Government and Elections (Wales) Bill – see the report to Council on 14 February 2020.

31. Two points arise here:

- The Welsh Local Government Association (WLGA) has set out a number of collaboration principles in this context. To paraphrase, such arrangements should be locally driven; subject to local democratic direction; underpinned by a locally agreed business case; outline mutual benefit, a clear understanding of shared costs with a focus on outcomes and maintain transparent and flexible governance. Currently, ERW fails all of these tests and that identified in the original Welsh Government report in 2013<sup>7</sup> on the future delivery of education services (which became the consortia) in Wales viz. whether the arrangements led to a clearer sense among teachers, school leaders, governors, local authorities, regional consortia and policy makers of how to improve teaching and learning and raise standards in classrooms in Wales; and
- In the context of CJCs, it is not clear whether the remit would be limited to school improvement (as now) or more widely across the education sphere – with all that this entails in terms of a local authority's statutory responsibilities - one of our major issues with the current arrangements.

32. The immediate point is that any legislation isn't going to be enacted by 31 March, so it is a bridge that we should cross if and when we get to it.

## **SECTION C**

### **Exploding Myths**

33. The Welsh Government is questioning how we can deliver on supporting the curriculum reform agenda outside of ERW. The exchange of correspondence recently between the Education Director and the Chief Executive provides more context – see Appendices 2a and 2b.

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<sup>7</sup> Authored by Robert Hill

34. As we say there, their emphasis on the National Mission is misplaced as consortia now appear to be the main or perhaps only delivery vehicle (why write such a letter otherwise?). However, that is not what the Mission actually says - instead it references a “middle tier” of consortia and local authorities. In addition, the extant National Model governing the consortia’s remit does not even cover these issues because Welsh Government has repeatedly declined invitations to update it in recent years.

35. Thus we do not share the Welsh Government’s confidence that consortia can deliver in this regard. ERW is largely invisible here. Thus set out below is a summary of the infrastructure already in place or planned to support curriculum reform in Neath Port Talbot.

36. Putting to one side all the debate – above - around the consortia’s remit and the National Mission and recognising that curriculum reform is a school-led process, the key point is **how are we (as a local authority) approaching support for our schools to implement the new curriculum with some two years to go before it is due and what are we actually doing on the ground?**

37. Our school improvement approach is based on the following principles. Supporting/developing:

- Highly effective leaders within our schools to identify strengths and areas for improvement plus sharing these strengths and planning effectively for any identified improvements;
- All schools to be highly effective self-improving schools which ensure that all pupils are ambitious confident learners that are, inter alia, healthy and confident individuals and ethical and informed citizens;
- The recruitment and professional development of school leaders at all levels;
- Teaching and learning in all our schools in order to allow all pupils to make the appropriate progress; and

- A collaborative and innovative approach to school improvement through a process of modelling, coaching and quality assuring a school's evaluation.
38. These principles are reflected in our Corporate and business plans and officers have shared the vision of how to create a self-improving system with Welsh Government, Estyn, regional officers and Head teachers.
39. In March 2019, the Council organised a Curriculum Convention in order to bring together professionals to share good practice and to support the development of the curriculum.
40. In September 2019, the Council established a Curriculum Advisory Group (CAG) to encourage, promote and develop collaboration, cluster work, innovation, communication and partnership in relation to curriculum design, development and delivery. The group consists of a cross-section of professionals who help to shape the new curriculum in the County Borough. It meets termly and discusses key information relating to the new Curriculum for Wales. This information is cascaded to our schools and partners through a newsletter and key partners are expected to disseminate the information to the relevant agencies.
41. During core visits by our Challenge Adviser, there are consistent messages given to our schools. These include the need to develop a vision and culture in order to embed the curriculum changes. We support our schools to move towards a purpose lead curriculum which is designed at school level in line with Welsh Government's expectations. The Council has also run a number of workshops in order to support the development of the Curriculum for Wales.
42. In terms of recent results, in three recent school inspections by Estyn, teaching and learning experiences have been judged to be good. This includes praise for providing a broad curriculum for pupils, including recognition of the pioneer work that has supported the development of a new curriculum. Teachers have embraced the opportunity to be at the forefront of curriculum design and have involved pupils particularly well in curriculum planning. Finally, Estyn commented that members of staff reflect well on their practice and are developing creative approaches to learning. The curriculum links pupils' learning to the four purposes of the new

curriculum for Wales well and places a strong emphasis on pupil-led activities.

43. This work is ongoing. Officers have held a series of meetings with senior school leaders during this calendar year, identifying agreed priorities for improvement and a clear commitment to deliver going forward including the allocation of resources to meet the specific needs of our schools such as support for early years and inclusion, areas that are generally outside the remit of the National Model for Regional Working.
44. The Council also has long established processes to commission support and provision. These are subject to local scrutiny and accountability via Elected Members and audit. Wherever necessary, we apply these to commissioning additional support from outside the local authority via external providers. As long as they meet our quality thresholds, regional consortia could bid for contracts to deliver aspects of support and development in the County Borough.
45. The implication from recent Welsh Government comments is that they could invite Estyn to review our capacity (almost as a “stick to beat us with”) if we confirmed our exit from ERW. But in fact, Estyn, the Wales Audit Office and Care Inspectorate Wales are currently conducting an Audit Assurance and Risk Assessment Review of major services including Education.
46. Corporate Directors met with the joint regulatory team on 18 February 2020. Estyn commented that the Council had given a “*strong steer*” to schools on curriculum reform and their wider analysis is summarised in the presentation slide at Appendix 3. Estyn also identified a risk on ERW in these terms: “*Uncertainty re. ERW and future provision for support*”. The Chief Executive’s response was that the bigger risk was staying within the current inadequate arrangements (for all the reasons set out in this report). We were quite clear with Estyn - then and previously - as to the reasons why.

## SECTION D

### Conclusion

47. Despite two cordial, but inconclusive, meetings (July 2019 and February 2020) between the Leader of Council and the Education Minister, nothing much has changed.

48. Despite our best efforts, it has not proved possible to engage in a substantive dialogue with Welsh Government or the region to resolve concerns that we have been raising for some three years and the Joint Committee apparatus is seemingly as dysfunctional as ever leading to the Chair's resignation last month. For our part, the Council can only objectively and faithfully reflect the feedback we are getting from our front line in the classroom. Our only motivation is the best interests of the children and young people in our schools.

### **Workforce Implications**

49. Nothing additional to the points identified in the previous report.

### **Legal Implications**

50. Again, the previous report outlines the relevant clauses in the JCA which are at issue here. Clause 15.2 provides that in the event notice of withdrawal is made, which is voluntary (i.e. not out of a decision of the Welsh Government), the withdrawing authority will "*indemnify the other Authorities against any lost to the other Authorities arising out of the withdrawal*". However, it is not readily obvious what detriment would apply to the other participants should we leave. As indicated above, it has been made clear to all parties that the Council's position is that we will only meet our commitments under the JCA in respect of such liabilities where there is a clear audit trail of proper decision making.

51. As also indicated above, we do not believe that there is any legitimate grounds for withholding or redirecting grant funding and it will be open to the Council to mount a legal challenge to any such action via a judicial review should a decision be taken to attempt this. It was the 'National Model for Regional Working' which set out an agreed national approach to school improvement. ERW was the regional agreement to support this policy decision. Termination

provisions were built into the agreement to reflect that at some point an authority may wish to withdraw. This Council will continue to ensure that educational requirements are met and all obligations to ensure educational improvement are complied with.

## **Recommendations**

That Members agree that:

1. The withdrawal notice of Neath Port Talbot County Borough Council remain as served on the basis that little or nothing material has changed in the last year to justify the Council rescinding this<sup>8</sup>.
2. The Council enter into one of three options for a new footprint identified in section B above should the other local authorities agree to do so and any legal constraints be removed by mutual agreement.
3. Delegated authority be granted to the Chief Executive and the Director of Education, Leisure and Lifelong Learning, in consultation with the Leader of Council and the Cabinet Member, to take all necessary actions and, enter into all necessary agreements, to complete the withdrawal process and establish successor arrangements either on the basis of one of the options in recommendation 2 or the Council standing alone outside the current consortium, at least in the short term.

## **Reasons for Proposed Decisions**

To finally conclude the Council's position in relation to ERW.

## **Implementation of Decision**

This decision is for immediate implementation.

## **Appendices**

Appendix 1 – Cabinet Report of 27 March 2019.

Appendix 2A – Letter from the Welsh Government Education Director, 7 February 2020

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<sup>8</sup> If Members agree, no further action is required as our Membership will expire on 31 March 2020.



Appendix 2B – Reply from the Chief Executive dated 14 February 2020.

Appendix 3 - Estyn, the Wales Audit Office and Care Inspectorate  
Wales: Audit Assurance and Risk Assessment (Education Services).

## **Background Documents**

Report to Council: 14 February 2020: Local Government and Elections  
(Wales) Bill.

Letter from the Chief Executive, 28 February 2018 to ERW's Lead Chief  
Executive (forwarded to the Welsh Government).

Letter from the Leader of Council, 10 October 2018, to the Chair of the  
ERW Joint Committee.

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## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### CABINET

27 March 2019

**Joint Report of the Chief Executive – S.Phillips  
and the Director of Education, Leisure & Lifelong Learning  
– A.Evans**

### **ERW REGIONAL SCHOOL IMPROVEMENT CONSORTIUM**

#### **Matter for Decision**

**Wards Affected: All**

#### **SECTION A**

#### **Purpose of Report**

1. Recommendations on this Council's future participation in the (South West and Mid Wales) Regional School Improvement Consortium (ERW).

#### **Background**

2. Over the past year or so, Neath Port Talbot (and others) has raised significant concerns about the regional school improvement service as delivered by ERW. The consortium is a collaboration of six local authorities – the others being Carmarthenshire, Ceredigion, Pembrokeshire, Powys and Swansea.
3. These concerns relate to three main areas – and what follows can be no surprise to anyone as these issues have been set out in previous correspondence (e.g. a letter from the Leader of Council dated 10 October 2018):

#### Governance

4. We have had to battle to gain access to financial information that should be readily available. It has been difficult/impossible to track the distribution of funding against the agreed funding formula (particularly the allocation to schools who need support most); how

certain appointments and pay awards have been made to central staff and on whose authority; how and why large Welsh Government funding streams are being allocated and a general lack of transparency around the workings of the Joint Committee. An internal audit report undertaken by Pembrokeshire Council last year identified many significant weaknesses in the arrangements.

5. There are also too many examples of Directors being excluded from key meetings, discussions and communications – particularly as the statutory responsibilities remain with local authorities notwithstanding the regional structure. Effectively, the former Managing Director was reporting to Welsh Government civil servants in our opinion, not the Joint Committee. This is not acceptable – control and accountability should be in the same place or it puts Elected Members in an invidious position.

### Quality

6. We have regularly expressed our disappointment with the quality of work produced regionally. This included the first draft of the 2018/19 Business Plan; the guidance on Looked After Children Pupil Deprivation Grant and the self-evaluation report produced prior to Estyn inspection. The poor quality of this work has resulted in senior officers spending a disproportionate amount of time having to edit and correct key documents. Moreover, some regional initiatives, such as the Leaders of Learning model, have been poorly managed and there is little evidence of an impact on standards despite a financial commitment of circa £2.5m.
7. Similarly, our schools have voiced widespread concerns over the quality of support being delivered by ERW's central team and the effectiveness of its communication. Quite simply, head teachers in Neath Port Talbot see only limited value being added through the collaboration to the point where many consider the current arrangements to be deadweight and a barrier to effective school improvement practice.
8. The fact that, over the past two years, the number of NPT schools categorised as red or amber has reduced significantly seems to have had little to do with ERW. We currently have only one school categorised as being amber; no red schools and none in an Estyn statutory category of special measures or significant improvement.

9. Moreover, a recent survey (autumn 2018), revealed that **88%** of school respondents rated the school improvement service provided by NPT as excellent or good. In direct contrast, only **16%** of respondents rated the ERW service as excellent or good.
10. Thus we believe that there should be greater local intelligence and direction applied to the activities that support pupil progress based on a local understanding of need. We must be allowed to invest resource and funding into areas agreed by Elected Members as being key priorities, regardless of whether they fit into regional or national grant allocations or not.
11. We also believe that much could be gained from investing resource into a high quality pre-school provision offer. This would compensate for the language deficiencies in children's preparedness for learning on admission into schools. However, owing to the restrictions within grant funding, we are unable to make such decisions because the money is tied into a uniform approach that does not easily respond to local needs. Within ERW, we are the local authority with the highest percentage of free school meals within the primary school population and Powys is the second lowest in Wales. It does not make sense to apply a common approach across all local authorities within a region.
12. Similarly again, we are uneasy with the regional approach to supporting Looked After Children. We do not see any value being added by regional co-ordination of support and we have yet to receive an evaluation or report of this activity. There is no regional plan as far as we can ascertain, the funding is distributed on a banding model that was not agreed by Directors and can only conclude that this is a £75k resource that would be better spent within schools. It also seems inconsistent with the approach taken by the Welsh Government's Health and Social Services Department who are very much focussed upon the responsibilities of individual local authorities regarding Looked After Children – not regions.

### Financial

13. All local authorities are struggling, in very difficult circumstances, to get every last penny we can to the classroom under severe constraints. That is and remains this Council's priority. Others are making similar points e.g. the teaching trade

unions have recently questioned the amount of money being channelled away from the front line to consortia – some £70 million in our case - and the Children’s Commissioner has identified the financial pressures on less well-off parents (those just above the eligibility criteria for free school meals) in terms of the cost of education - school uniforms, school meals, school trips, etc.

14. So against this background, **it is simply not realistic to ask for a four-fold increase in local authority contributions to ERW core costs (the current proposal)** at a time when schools themselves are facing real terms cuts; a number are already in deficit and/or facing compulsory redundancies exacerbated by teacher’s pay increases and employer pension contributions.
15. In this context, it is also worth drilling into the detail of ERW funding. In 2017/18, it had a turnover of £67.5m; of this, £60.8m is delegated to schools and local authorities via PDG and EIG formulae (in our case all PDG funding and over 90% of EIG funding is delegated to schools). The remaining £6.6m is targeted at a range of school improvement activities across the region; our schools receive £892k of this amount.
16. Over and above this funding, local authorities are expected to maintain their school improvement capacity at a total of 58 FTE Challenge Advisers and a financial threshold of £5.3m, of which we are expected to fund a service to the value of £850k. This is funded from core local authority funding. We have consistently maintained this commitment, however this is not the case in all other local authorities.
17. In the ERW consortium, local authorities are also expected to make additional contributions to regional working above the ring-fenced core funding agreed in 2013 when the National Model for Regional Working was established. Whilst we concede that the funding arrangements differ across the four regions. The EAS (Gwent) being an arms-length employing organisation funded by ring-fenced core and grant monies and GwE (North Wales) and Central South (Wales) are similarly funded by ring-fenced core and grant monies with all staff employed by an agreed ‘surrogate’ local authority. In ERW, central staff are employed by an agreed ‘surrogate’ local authority (Pembrokeshire) and Challenge Adviser staff are employed by their home local authorities. Under such arrangements, we fail to understand the need to provide additional

financial contributions to the regional working model. This is exacerbated by the fact that the contributions have not been subject to review since they were established in 2013 and subsequently ring-fenced core costs have not reduced in line with local government settlements in contrast to other regions as we understand it. Currently, we are not complying with the request to provide additional funding – ironically (and despite all the fuss) it has proved unnecessary for the current financial year as ERW has notified an underspend of some £590k.

## **Analysis**

18. Despite all of the foregoing, we have engaged for six months or more in a process to try and put things right. The new acting Managing Director has led this process well and there has been in depth consultation with our Heads and other stakeholders as well as numerous rounds of correspondence and meetings (including the Joint Committee itself).
19. We remain prepared to commit to regional working on the right terms as education in Wales is in the throes of unprecedented reform and the stakes are high in terms of realising the intended outcomes. Meanwhile, the budget pressures faced by local government show no sign of abating. But these terms do not include increasing our contributions to the point where our own staff would be at risk of redundancy by leaving them reliant on grant funding which the Welsh Government has a habit of cutting e.g. the Minority Ethnic Achievement Service.
20. In this dialogue we have consistently set out our position very clearly as follows:
  - School improvement functions will be retained at local authority level, underpinned by a regional strategy that allows for cross-authority deployment and providing confidence that statutory responsibilities are being met, funded by core budget;
  - The regional service will focus on curriculum reform, funded from grant unless Welsh Government decide to transfer this funding into the RSG. The exact quantum of grant needed to deliver reform is to be determined;

- Welsh Government to provide written assurance that grant funding will be delivered on time at the beginning of each financial year;
- It is neither necessary nor efficient to provide additional funding to the regional service. Staff can be employed on permanent terms and conditions even though they are grant funded;
- The Joint Committee would oversee and provide much more robust governance to the delivery of curriculum reform whilst this Council will ensure congruence and coherence on the three strands of the reform agenda, accountability framework, ALN reform and curriculum reform, and how they impact on pupils in our schools and other settings. This will be subject to local scrutiny in line with our statutory responsibilities; and
- This system brings clarity of roles in terms of national policy set by Welsh Government; its implementation by local government and supported regionally in its delivery.

## Conclusion

21. Where regional working is not effective, we have a responsibility to challenge and change its practice (even if others find this uncomfortable), particularly when we are being told so in no uncertain terms by our schools.
22. Following the last Joint Committee meeting on 8 February 2019, it was agreed that the Chair would write to the Education Minister proposing a way ahead. That letter is at Appendix 1. Regrettably, there has been no substantive response at the time of writing this report. We are left with the sense that the Welsh Government may not really wish to engage in identifying a solution as these issues have now been under discussion in one form or another for over a year. Thus we have to consider all options open to us as the status quo cannot be justified.
23. **Officers therefore conclude that action is necessary. The Joint Committee agreement on ERW contains a withdrawal provision requiring a year's notice. It must be served by 31 March to be effective for the following year. We therefore recommend that the Council serve that notice immediately.** If



we did not do so, we would be locked in until 1 April 2021 at the earliest. However, it should be noted that the notice can be retracted at any time during the 12 months before it becomes effective.

24. This is a decision that we do not advocate lightly and have reached this position as a last resort. It is acknowledged that withdrawal from the consortium in itself could pose risks to Neath Port Talbot as it is likely that Welsh Government will interpret a withdrawal as being contrary to national policy and could withhold school improvement funding of between £900k and £11.8m. Realistically, however, we do not see ERW or Welsh Government being able to justify denying our schools the funding and a decision of this nature would be very vulnerable to legal challenge.

### **Workforce Implications**

25. None directly; but we have concerns that the net effect of what is being proposed by ERW puts our staff at greater risk of redundancy. Our trade unions have been consulted informally and agree.

### **Legal Implications**

26. The Joint Committee Agreement of 16 July 2014 provides at Clause 15.1 that “*Any Authority may withdraw from this Agreement by giving notice in writing to each of the other Authorities to expire 12 months from the end of the date Financial Year in which the notice is given*”.

27. Clause 15.2 provides that in the event notice of withdrawal is made, which is voluntary (i.e. not out of a decision of the Welsh Government), the withdrawing authority will “*indemnify the other Authorities against any loss to the other Authorities arising out of the withdrawal*”. However, it is not readily obvious what detriment would apply to the other participants should we leave.

### **Recommendation**

That the Leader of Council write to the Chair of the Joint Committee in terms of the draft letter at Appendix 2.

## **Reasons for Proposed Decisions**

To address the deficiencies in current arrangements surrounding the regional school improvement consortium.

## **Implementation of Decision**

This decision is for immediate implementation.

It is proposed that the Chair of the Cabinet Scrutiny Committee be asked to agree that the decision is not subject to call in on the basis of the Scrutiny Procedure Rules in Part 4 of the constitution [page 61]. Specifically Paragraph 17.11 [a] states that the call in procedures shall not apply, inter alia, where:

*“The decision being taken by the Cabinet or a Cabinet Committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the interests of the Council or the public interest.”*

This is because the recommendation, if agreed, requires the letter to be sent within 48 hours (i.e. by 29 March) as 31 March falls on a Sunday. The decision would, however, be reported to the next available meeting of the relevant Scrutiny Committee.

## **Appendices**

Appendix 1 – Letter from the Chair of the Joint Committee to the Education Minister, 11 February 2019

Appendix 2 – Draft Letter from the Leader of Council to the Chair of the Joint Committee

### **Officer contacts:**

Mr Steven Phillips - Chief Executive  
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Mr Aled Evans – Director of Education, Leisure & Lifelong Learning  
Tel No: 01639 763393 E-mail: [a.evans@npt.gov.uk](mailto:a.evans@npt.gov.uk)



Aled Evans  
Neath Port Talbot County Borough Council

Llywodraeth Cymru  
Welsh Government

7 February 2020

Dear Aled,

I understand that Neath Port Talbot intends to proceed with its withdrawal from regional working arrangements through ERW with effect from 1 April 2020.

This is obviously disappointing. Where local authorities work most effectively in partnership with their regional consortia, they can provide a service to schools that draws on the shared expertise and capacity across a region. Regions have also played an important role in building a self-improving system across Wales, including school to school networks that allow school leaders and teachers to increasingly access professional development and school improvement support from their peers.

I will not, however, rehearse further the arguments for and against regional working. What I now need to understand, given my responsibility for the successful delivery of the new curriculum, is your plan to support Neath Port Talbot's schools with implementation of the Curriculum for Wales, outside of ERW. In particular, it would be helpful for me to understand:

- Your local plan to support delivery of the National Mission in 2020-21 in Neath Port Talbot;
- Your workforce plan, including a breakdown of staff who will support schools with curriculum reform, as well as any professional learning they need to fulfil this role;
- What role, if any, you envisage ERW continuing to play with Neath Port Talbot schools in 2020-21;
- Your engagement with schools and school leaders on this planning.

I would be grateful if you can provide me with this information by 28<sup>th</sup> February to give us the opportunity to assess them, alongside the plans of the remaining ERW region, ahead of the new financial year.

I am grateful in advance for your support with this work.

Yours sincerely,

Steve Davies  
Director of Education / Cyfarwyddwr Addysg

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Caerdydd • Cardiff CF10 3NQ  
Ffôn • Tel: 03000 253368

Ebost • Email: Steve.Davies049@gov.wales



Llywodraeth Cymru  
Welsh Government

7 Chwefror 2020

Annwyl Aled,

Deallaf fod Castell-nedd Port Talbot yn bwriadu bwrw ymlaen â'i ymadawiad o drefniadau gweithio rhanbarthol drwy ERW yn weithredol o 1 Ebrill 2020.

Mae hyn yn amlwg yn siomedig. Pan fo awdurdodau lleol yn gweithio ar eu mwyaf effeithiol mewn partneriaeth â'u consortia rhanbarthol, gallant ddarparu gwasanaeth i ysgolion sy'n defnyddio'r arbenigedd a'r gallu a rennir ar draws rhanbarth. Mae rhanbarthau hefyd wedi chwarae rhan bwysig o ran creu system hunanwella ledled Cymru, gan gynnwys rhwydweithiau ysgol i ysgol sy'n galluogi arweinwyr ysgolion ac athrawon i gael mynediad cynyddol at gymorth datblygu proffesiynol a chymorth gwella ysgolion gan gydweithwyr o ysgolion eraill.

Ni wnaf, fodd bynnag, ailadrodd y dadleuon o blaid ac yn erbyn gweithio rhanbarthol. Yr hyn y mae angen i mi ei ddeall yn awr, o ystyried fy nghyfrifoldeb am gyflwyno'r cwricwlwm newydd yn llwyddiannus, yw eich cynllun i gefnogi ysgolion Castell-nedd Port Talbot i roi'r Cwricwlwm i Gymru ar waith, a hynny y tu allan i ERW. Yn benodol, byddai'n ddefnyddiol i mi ddeall y canlyniad:

- Eich cynllun lleol i gefnogi'r gwaith o gyflawni Cenhadaeth ein Cenedl yn 2020-21 yng Nghastell-nedd Port Talbot;
- Eich cynllun ar gyfer y gweithlu, gan gynnwys dadansoddiad o'r staff a fydd yn cynorthwyo ysgolion i ddiwygio'r cwricwlwm, yn ogystal ag unrhyw ddysgu proffesiynol sydd ei angen arnynt i gyflawni'r gwaith hwn;
- Pa rôl, os o gwbl, y rhagwelwch y bydd ERW yn parhau i'w chwarae gydag ysgolion Castell-nedd Port Talbot yn 2020-21;
- Eich ymgysylltiad ag ysgolion ac arweinwyr ysgol ar y gwaith cynllunio hwn.

Byddwn yn ddiolchgar pe gallech roi'r wybodaeth hon i mi erbyn 28 Chwefror i roi'r cyfle i ni ei hasesu cyn y flwyddyn ariannol newydd, ar y cyd â chynlluniau gweddill rhanbarth ERW.

Diolch o flaen llaw am eich cymorth gyda'r gwaith hwn.

Yn gywir,



Steve Davies

Director of Education / Cyfarwyddwr Addysg

Education and Public Service Group: Y Grwp Addysg A Gwasanaethau Cyhoeddus

Welsh Government Llywodraeth Cymru

**Tel/Ffon: 03000 253368 - NEW NUMBER**



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Mr. Steve Davies  
Director of Education  
Welsh Government  
(By Email)

Dear Steve,

I refer to your letter of 7 February to Aled Evans.

Your assessment of where we are in respect of ERW is very probably accurate; but somewhat premature. You will appreciate that our first duty is to report fully to our Elected Members (not Welsh Government).

We will be doing that next month and, amongst other things, the report will fully and factually explain:

- Why we do not share your assertion that local authorities work most effectively in consortia (at least around here as currently configured). All the evidence suggests the opposite on quality, governance and financial/value for money matters and we will be spelling it out. In other words, sub-optimal outcomes for learners and confusion, frustration and inertia for leaders - a conclusion also reflecting the views of our head teachers, teaching unions and others (we have asked them at regular intervals); and
- Why your emphasis on how to deliver the National Mission is misplaced. It seems that you now regard consortia as the main (or only?) delivery vehicle for curriculum reform. But that is not what the Mission says - instead it references a "middle tier" of consortia and local authorities. Moreover, the extant National Model governing the consortia remit does

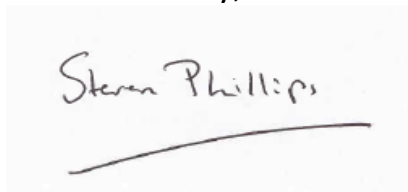
not even cover these issues in any substance because Welsh Government has repeatedly declined invitations to update it in recent years. In any event, we are very confident of putting the necessary arrangements in place – much of it is already there - and they will be covered in detail in our report. Conversely, we do not share your confidence that consortia can deliver given the series of well documented problems which we have consistently raised over a lengthy period.

I shall save the rest of the analysis for the Cabinet report (which we will share with you); but I do find it profoundly disappointing that the Welsh Government has refused to engage in any serious discussion over our concerns for a period of some three years now (notwithstanding the two meetings between your Minister and my Leader). That included a meeting between the two of us on 4 July 2017. The debate in the Joint Committee has been similarly unproductive in terms of finding solutions despite this Council giving notice to quit a year ago and being very clear as to the reasons why.

We also found it puzzling to hear that some of your Ministers were claiming to be caught unawares of all this when we gave notice a year ago. What is reported to them is a matter for you; but given the long history outlined above, I cannot see how anyone can credibly claim surprise that it has come to this.

Finally – and since you wrote - there have been significant developments this week as I'm sure you are aware. Ceredigion Council has tabled a proposal to reconfigure the ERW consortium (in part) on a Dyfed Powys footprint and the Chair of the Joint Committee resigned following the latest governance related problem which led to the cancellation of today's Joint Committee meeting.  
QED.

Yours sincerely,



**Steven Phillips**  
**Chief Executive**

**Chief Executive's Office**  
**Swyddfa'r Prif Weithredwr**

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## Estyn Current Hypothesis: Assurances

- Stable senior officers with good understanding of main issues in education
- Inspection judgements tend to be at least good
- Proportion of primary schools in follow-up has reduced to nil
- Comparatively strong performance in secondary schools over time
- Working well against the recommendations from Estyn's inspection
- Consider appropriately current issues in education including ALN reform
- Officers place a strong focus on supporting vulnerable pupils and track their progress and destinations suitably

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