

LONDON BOROUGH OF BRENT

**EXECUTIVE MEETING
22.09.03**

FROM THE DIRECTOR OF EDUCATION, ARTS & LIBRARIES

NAME OF WARD(S)
ALL

REPORT TITLE: The Role of BACES Advisory Board

1.0 SUMMARY

- 1.1 This report sets out the reasons for reviewing the BACES Advisory Board and options for its future role.

2.0 RECOMMENDATIONS

- 2.1 That members agree that the Advisory Board in its current form should cease.
2.2 That members authorise the Director of Education, Arts and Libraries to establish a Baces User Consultative Group with a role and membership similar to that outlined in paragraph 6.4.4.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There is no specific budget for the Advisory Board as the main costs are in staff time and administration. The type of costs involved in establishing and servicing a User Consultative Group will be very similar and it is not therefore anticipated that there will be a financial implication.

4.0 STAFFING IMPLICATIONS

- 4.1 There are no staffing implications.

5.0 LEGAL IMPLICATIONS

- 5.1 There are no legal implications in a change from an Advisory Board to a consultative group or similar such body. In either case, the Board or group is exercising an advisory rather than a decision-making function.
- 5.2 Given the nature and status of the proposed new body as a service based user group, it would be more consistent with practice in respect of other bodies not to include it within Article 10 or Article 11 of the Council's constitution.

6.0 DETAIL

6.1 Composition, constitution and terms of reference of the Advisory Board

- 6.1.1 The BACES Advisory Board was set up in 1991 with the purpose of advising "the Principal on the broad principles upon which the provision of BACES will be offered". Specifically, this advice was to cover:
- the number and character of places to be made available within BACES' provision
 - the performance of BACES is meeting the needs of the community, on the quality of service provided, and on appropriate measures to assess that quality
 - reports and recommendations from the Student Forum
 - reports and recommendations received from the Curriculum Advisory Body
 - staff employment policy including remuneration and conditions of service.
- 6.1.2 The constitution says that the Board "shall consist of 18 members ...[with] due consideration being given to the ethnic and gender composition of the local community and the BACES student body". Members are to be nominated by Brent Chamber of Commerce, the Trades Council, the local authority, the Student Forum, Brent Community Relations Council, Brent Association for Disabled People, Brent Pensioners' Forum, Queens Park Community School. The Principal is also a member and there is scope for three co-opted members with relevant experience and expertise.

6.2 Reasons for reviewing the role of the Board

- 6.2.1 The Board has fulfilled a valuable function as a sounding-board for BACES' managers over the years, and its members have given generously of their time and expertise. However, given that it is twelve years since the constitution was adopted, it is now appropriate to review its role.

- 6.2.2 When the Board was established, it was at a time of devolution of budgets and certain decision-making powers to schools and of the incorporation of FE colleges. The thinking at the time seems to have been that the Advisory Board could transform into a governing body or management committee, should BACES cease to be part of the Council. This is no longer an option and the terms of reference do not reflect the current situation, particularly the recent changes that have taken place in Council decision-making procedures.
- 6.2.3 The membership does not necessarily reflect BACES' current key stakeholders and, indeed, some of the organisations represented on the Board no longer exist.
- 6.2.4 There has been some confusion and misunderstanding over the role of the Board on the part of some BACES staff, external organisations, and possibly to some extent by Board members themselves, who have seen it as the equivalent of a governing body. Issues and decisions have been referred to the Board that should more correctly have been taken either to members or through the normal management route. This may be because responsibilities and accountabilities were not clearly defined at the outset.
- 6.2.5 The Board tends to be reactive rather than proactive in its consideration of issues. Board meetings are generally based around discussion of a report by the Head of Service that updates members on recent progress and developments. This may mean that some important issues, where an external body might be able to provide challenge or to act in the role of critical friend, are not presented because it is considered that to do so might reflect poorly on the service. For example, although feedback on the recent practice inspection of BACES had been received at the time of the Board meeting in June, it was not reported to Board members.
- 6.2.6 The Best Value Review of Lifelong Learning, carried out in 2001/2 concluded that "Although the Board has provided a good resource to management in BACES, the constitution ... reflects a position where BACES operates almost at arms length from the Council. Many of the terms of reference are not compatible with current decision making processes in Brent ... The whole role of the Board needs consideration ... with major decisions being made within the structure of EAL management".
- 6.2.7 The Review report recommends that "...the EAL management team review the role of the BACES Advisory Board, its constitution and terms of reference in the light of Brent's new constitution with a view to establishing a smaller consultative group more representative of users and local residents..."

6.3 Factors to take into account

6.3.1 The Board itself has considered its future and has concluded that its role could be as a stakeholder group that would:

- consider and advise the Principal on the principles of the offer to students
- report to and advise the appropriate Council body (Scrutiny)
- consider and advise the Principal on issues of policy regarding staff employed by BACES
- consider and advise the Principal on issues of collaboration and partnership work in the Brent communities
- make recommendations to the Principal, Assistant Director, and Director of Education, Arts and Libraries
- consider reports from the LSC (locally and nationally) relating to BACES' work.

The Board's view is that membership should comprise elected members, staff, students, representatives of community groups, members co-opted from the local community, and key officers.

6.3.2 The Advisory Board has no powers to make decisions on behalf of the Council. The body that exercises governance is Brent Council and decisions about the service are made through the Council's normal decision-making processes. The functions and powers of Full Council, the Executive, Scrutiny Committee, and officers in this regard are set out in the Council's Constitution adopted in May 2003. The Executive is responsible for putting policies, which Full Council has approved, into effect. It has responsibility for most of the Council's day to day decision making not delegated to officers. The Scrutiny Committee holds the Executive to account by scrutinising its decisions, examining performance, and asking questions of decision-makers and service providers. Officers provide advice to Members, implement policies and decisions made by Members, have delegated powers to make certain decisions, and are responsible for the management of services.

6.3.3 The potential role of the Board in scrutinising and challenging performance has been curtailed by the establishment earlier this year of the Lifelong Learning Scrutiny Panel. The Panel's role is "to carry out the Scrutiny Panel functions in relation to education, including adult and community education". Specifically, the role of the panel is to:

- carry out time limited, in depth reviews of a function or service
- undertake in depth monitoring of a function or service
- consider any report or outcome of any review or inspection relating to a function or service
- monitor the implementation of action plans arising from reviews or inspections

- 6.3.4 Since the Advisory Board was set up, the major change in adult and community education has been the establishment of the Learning and Skills Council (LSC). The vast majority BACES' funding now comes from the LSC, which essentially purchases learning provision from the local authority on the basis of how the authority plans to meet the LSC's priorities and targets. Other funding derives primarily as the result of bids to specific funding streams for particular projects. The Board, and indeed the Council, therefore has little opportunity to set the direction and priorities of the service.
- 6.3.5 Besides agreeing the recommendation that the role of the Advisory Board should be reviewed, members have also agreed "That BACES is maintained as a service is directly managed by the Council ... ensuring its full integration into both the officer management and Council decision-making structures, the overview and responsibility being clearly that of the EAL Management Team." It seems illogical to set up a body that could have the effect of distancing BACES from, rather than of ensuring its integration into, Council policies and processes.

6.4 Possible options

- 6.4.1 The five possible roles for an Advisory Board, or similar, are:
- as a governing body
 - performing the functions of scrutiny and challenge
 - providing professional expertise not available within the service
 - as a critical friend
 - as a consultative group.
- 6.4.2 Given that the roles of governance and of scrutiny are clearly performed by members through the Council's standard decision-making structures, it would not be appropriate for an external body to undertake these functions. The service is led by professionals with considerable expertise in the field of adult and community learning, and expertise is also available within the Education, Arts and Libraries department as a whole. The advent of an inspection regime for adult learning means that the service will be rigorously scrutinised on a regular basis in the future. There would therefore be little added value in a body that existed to provide professional and specialist expertise.
- 6.4.3 The role of "critical friend" is one that the current Board feels it could offer. Its definition of this role is reflected in paragraph 6.3.1 above. While there may be some value in a group of knowledgeable people commenting critically, but constructively, on the service and its performance, there could also be scope for confusion and replication of the normal line management and scrutiny roles.
- 6.4.4 The final role, some form of user consultative group, is the one recommended by the Best Value Review report. The role of the group could be to:

- give feedback on learning needs within the local community
- comment on the curriculum offer in terms of range, levels, locations, timing
- provide feedback on customer service issues eg setting service standards, performance against standards, the accessibility of information provided about the service, quality and consistency of customer care, whether procedures are easy to follow etc

Membership could comprise existing and past students, representatives of community organisations or agencies with whom BACES works, and representatives of community groups or key Council officers whose users may have learning needs. The establishment of such a group would not only provide BACES with valuable feedback on its services but would also provide a useful plank in its application for Charter Mark.

6.4.5 It is anticipated that the group would meet approximately once per term and that its terms of reference, arrangements for chairing, and method of operation would be determined by officers in conjunction with group members.

7.0 BACKGROUND INFORMATION

The following papers were used in the compilation of this report:-

- i) Brent Adult and Community Education Service Advisory Board: Composition, constitution, and terms of reference, December 1991
- ii) Report no. 15/2002 from the Director of Education Arts and Libraries, "Lifelong Learning Best Value Review", to the Executive, 16th December 2002

Any person wishing to inspect the above papers should contact Karen Tyerman, Assistant Director, Education, Arts and Libraries, Chesterfield House, 9 Park Lane, Wembley, Middx HA9 7RW. 020 8937 3146. karen.tyerman@brent.gov.uk

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