



<b>Date:</b>	18 Sept 2024
<b>Classification:</b>	General Release
<b>Title:</b>	Updated Westminster Adult Education Service (WAES) Instrument of Governance
<b>Cabinet Member Portfolio:</b>	Cabinet Member for Planning and Economic Development
<b>Report of:</b>	Executive Director of Regeneration, Economy, and Planning
<b>Wards Affected:</b>	All Wards
<b>Policy Context:</b>	Fairer Council
<b>Financial Summary:</b>	There are no financial impacts associated with this report.

## 1. Executive Summary

- 1.1 This report provides Council with an updated version of the Westminster Adult Education Service (WAES) Instrument of Governance (IoG). WAES is a key Council Service, and the IoG, last reviewed in 2010, clearly sets out the relationship, roles and responsibilities between the WAES Service, the WAES Governing Body and other parts of the Council.
- 1.2 The Instrument also defines the role and the Terms of Reference of the WAES Governing Body, which are a group of appointed individuals with a wide range of experience and expertise; offering a strong blend between those with extensive experience in the world of Adult and Community Learning and those that bring a Community, Employment and Further Education perspective.
- 1.3 The proposed changes to the IoG align with current Council structures and processes as well as the funding agency and regulatory body good practice requirements. Amendments to the IoG include enhancing language and more clearly defining the relationship between the Governing Body and Council. This is to ensure the IoG document is read in conjunction with and adheres to the Council's current Constitution, its Scheme of Delegations, Financial Regulations, Procurement Code, and Health and Safety Requirements.

Updating the loG has been a Cross-Council collaborative effort between multiple services, the Governing Body, and the WAES Service.

## **2. Recommendations**

- 2.1 That Full Council agrees to revoke the WAES Instrument and Articles of Government dated 1 April 2010 and the WAES Scheme of Financial Management dated March 2010.
- 2.2 That Full Council approves the updated Instrument of Governance as set out in Appendix 1.
- 2.3 That Full Council approves the amendment to Chapter 6 of the Constitution (Scheme of Delegation to Officers) set out in Appendix 2.

## **3. Background, including Policy Context**

- 3.1 Local Authority (LA) Adult Community Education (ACE) services are influenced by a number of key factors: government policy, the national funding structure, and whether at a regional level they sit within a Mayoral, Combined or Devolved Authority. There is no set model, and LAs have taken a variety of approaches to establishing effective governance arrangements. Each LA adopts its own structure, governance and scrutiny arrangements based around local circumstances.
- 3.2 Westminster City Council has established a Governing Body model with delegated responsibility for the effective delivery of adult education programmes. History shows that the City Council's adult education service has had a governing board from as far back as 1974 (when it was the Marylebone-Paddington Institute). However unlike a Governing Body for a school, or for a further education college (further education corporations), the Governing Body for WAES is not designated by law as a separate legal entity.
- 3.3 Alongside the Governing Body, additional oversight and accountability is provided through the Cabinet Member and cyclical reporting to the Scrutiny Committee. This ensures that WAES links its strategy to the Council's ambitions and priorities in tackling local challenges.
- 3.4 The loG for WAES was last reviewed, revised and implemented in 2010. Since then, there have been a number of changes within the Council and funding and regulatory body requirements, which are no longer reflected in the current loG. Upon review of the historic loG a decision was also made to incorporate elements of the historic Financial Scheme of Management 2010 (read in conjunction with the loG) into one comprehensive document that includes all financial elements.
- 3.5 From the Council's perspective, the requirement is to ensure that there is agreed a revised Governance Document for WAES setting out approved

delegations that provide an updated position of the working arrangements, clearly setting out the relationship between the Service as a department of the Council and the Council in being ultimately accountable for the Service.

#### **4. Financial Implications**

- 4.1 The recommendations within this report do not result in any financial implications.

#### **5. Legal Implications**

- 5.1 The 2010 IoG and Scheme of Government containing the financial terms for WAES was made under s85 of the Further and Higher Education Act of 1992 (the 1992 Act). That Act allowed the Council to make provision for WAES as they saw fit and to replace any Instrument of Government.
- 5.2 The 1992 Act has been superseded and the relevant legislation is now section 15B of the Education Act 1996. This provides that the Council may secure provision for education suitable for persons aged 19 and over, including provision for persons from other areas. In addition, the general power of sections 1 and 4(c) of the Localism Act 2011 allows the Council to provide Adult and Community Learning Services for the benefit of the authority, its area or persons resident or present in its area. The council currently exercises these powers through the WAES service.
- 5.3 Under the Constitution, Chapter 6 (Scheme of Delegation to Officers), the delegations to the Executive Director for Regeneration, Economy and Planning include under the heading “Economy and Skills” at paragraph 2.1 a delegation “To be responsible for the Council’s functions relating to Westminster Adult Education Service”. Given that the existence of the IoG will affect the day-to-day decision making of the Executive Director in operating the service, it is proposed to amend the delegation so that it is to be exercised subject to the IoG. The recommended wording is set out in Appendix 2.
- 5.4 As with any other delegation within Chapter 6 of the Constitution, this WAES delegation is for day-to-day operations of WAES. Where other provisions of the Constitution require certain decisions to be taken by other officers (such as the section 151 officer) or by the lead member of the Cabinet, then these will continue to apply. The Instrument of Governance sets out the requirements that WAES and the Governing Body must follow where it wishes to procure goods, services or works, however the Council’s Constitution (including the Financial Regulations and Contract Procedure Rules) must still be followed, as with any Council service. Any procurement activity or strategy undertaken by WAES should be procured to achieve best value when making arrangements to deliver Council services in respect of economy, efficiency and effectiveness for the relevant service as required by the Local Government Act 1999.

#### **6. Carbon Impact**

6.1 There is no direct carbon impact as a result of this report.

## **7. Equalities Implications**

7.1 There are no direct equalities implications of this report. The WAES service complies with the Council's public sector equality duty in delivering an accessible and equitable service to residents mirroring the Council's Fairer Westminster ambitions. This approval of the updated Instrument of Governance between WAES and the Council will strengthen the ambition and objectives in this area.

**If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:**

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## **APPENDICES**

Appendix 1 – Westminster Adult Education Service Instrument of Governance

Appendix 2 – Revision to Chapter 6 of the Constitution (Scheme of Delegation to Officers) – the words highlighted in yellow is new wording and approval is sought for this amendment.

## **BACKGROUND PAPERS:**

<https://www.waes.ac.uk/about-us/governance/>