

Terms of Reference	Levy Working Party		
Section I: Committee Identification			
Lead staff member	Colin Chaplin/ Rohan Cheriyan	Executive Director	Steve Radley
Chair:	1. Diana Garnham, CITB Trustee		
Members: (name, organisation, position)	Yvonne Kelly, CITB Trustee Craig Bruce, Pert Bruce Construction Gareth Davies, Knox & Wells Tony Elliott, Robertson Group Seamus Keogh, Clancy Group Alison Lamplough, Laing O'Rourke England Council Member (TBC) Liz Bridge, Joint Taxation Committee	+ CITB Legal Team representative + CITB Partnership Team representative	
Start date	June 2019	Performance review date	June 2020
Section II: Authority			
This Committee is established by the Board pursuant to Section of the Industrial Training Act 1982 with delegated authority to exercise the functions and duties described in these Terms of Reference.			
Section III: Purpose and Performance			
A. General Purpose			
<p>1. To represent the views of Industry across all three Nations on the development of the 2020 Levy proposals with specific reference to the anticipated cost of the Funding Strategy against the impact on all industry employers with a view to achieving a fair and sustainable outcome.</p> <p>2. To deliver an initial recommendation to the Board in November 2019 with further and final recommendation to the Board in May 2020 on the Levy proposal to present to industry for consensus in 2020.</p>			
B. Specific Purpose Overview			
<pre> graph TD Board[Board - 2020 Consensus strategy] Levy[Levy Working Party] FF[Future funding strategy] LOD[Levy options design] II[Industry insight] Board --> Selection of 2020 Levy proposal Levy Levy --> Selection of 2020 Levy proposal Board FF --> Levy LOD --> Levy II --> Levy </pre>			

C. Specific scope and objectives

1. To form part of the representation of industry employers across the three Nations.
2. To work collaboratively to ensure the effective development of the Levy proposal/s.
3. To assist in assessing and informing industry's view of any proposed changes to Levy legislation in advance of making final submissions to the Board and DfE concerning such changes.
4. To support CITB in testing the future funding strategy options for wider industry consultation.
5. To assess the implications of different Levy rate models against CITB's strategic objectives.
6. To consider the impact and potential impact on the CITB Levy of factors within the external environment and make appropriate recommendations to address or mitigate those factors.
7. To consider the options for and effects of adjusting Levy rates and thresholds and make recommendations accordingly.
8. To model options for the 2021 Levy Order to ensure fairness and proportionality across all stakeholders.
9. To capture the views of wider stakeholders through the existing Member networks including the Nation Councils.

D. Committee performance

The Board is committed to following a performance excellence framework and governance best practice.

Adopting a similar approach, CITB will review the effectiveness of the Levy Working Party on completion of its activities relating to 2020 Consensus, with particular reference to the extent to which the LWP has discharged its roles and responsibilities and has the right skills set to work effectively and collaboratively. Recommendations for any improvements will be developed as part of the lessons learnt activities which will be conducted once the 2021 Levy Order is in place.

Section III: Membership and Committee working

A. Membership Criteria

Criteria 1: Board Accountability: The Chair of the Levy Working Party (LWP) will be a Board Trustee who will be supported by a second Trustee.

Criteria 2: Membership, Independence, Objectivity and Understanding: Members of the LWP must put the interests of industry employers first, independent of any affiliation to their companies or other associated bodies, being objective in their contributions and decision-making. Members will conduct themselves in line with CITB's Code of Conduct for Board and Committee members (attached), including making appropriate disclosure of interests.

Criteria 3: Skills: The LWP will have an appropriate mix of skills and experience amongst its members to allow it to carry out its overall function. Each member should have a good understanding of the Levy system, CITB's objectives and priorities, and of their role as an LWP

member. Members must have the skills and experience to assess the appropriateness of the Levy and Funding options under consideration.

Criteria 4: Appointment and Tenure: Appointments to the Levy Working Party will be confirmed by the Board, following recommendations from relevant CITB staff, including the Director of Strategy and Policy, and Director of Industry Relations.

Terms of office will be as follows:

The tenure of all members will end on completion of the activities of the LWP, and by the end of December 2020.

Criteria 5: Levy obligations: Members who are also employers in their own right must be compliant with all Levy obligations, including payment of Levy and completion of Levy Returns.

B. Committee working and meeting arrangements

Committee working

1. Any member who fails to attend two consecutive meetings, without the permission of the Chair, may be deemed to have resigned and a replacement will be sought by CITB.
2. The use of substitutes to attend meetings is not permitted.
3. The LWP may ask any other officials of CITB or other organisations to attend to assist it with its discussions on any particular matter.
4. The LWP may ask any or all of those who normally attend but who are not members to withdraw to facilitate open and frank discussion of particular matters.
5. Members may consult, individually and collectively, with the Chair on any matters of a confidential nature.

Meeting arrangements

1. The Levy Working Party will be convened periodically in 2019 and 2020 as required.
2. Additional/extraordinary meetings may be convened by the Chair when deemed necessary.
3. The Board may ask the LWP to convene further meetings to discuss particular issues on which it wants to have the LWP's advice.
4. Members may as an exception and with the permission of the Chair, participate in a meeting by means of a conference telephone, video conferencing or similar method.
5. CITB lead staff shall provide advice, guidance services to the LWP.
6. CITB will provide administration services to the LWP
7. Unless otherwise agreed, notice of each meeting confirming the venue, time and date together with an agenda of items to be discussed, shall be forwarded to each member of the LWP, and any other person required to attend no later than five working days before the date of the meeting.
8. Supporting papers and minutes shall be sent digitally to LWP members and to other

attendees.

9. No Levy Working Party meeting will proceed without at least one of the Trustee members in attendance. If neither are available the meeting will be rearranged.

Section IV: Rules of Engagement and Code of Conduct

A. Decision-Making Methodologies

1. In line with the remit of the group, agreed recommendations will be arrived at by a consensus of the majority of those Members present and in accordance with the Chair having the final decision.

B. Reporting and Accountability

Chair

1. The Chair shall preside at all meetings of the LWP at which he/she shall be present, but if at any meeting the Chair is not present within ten minutes of the appointed start time, the second trustee shall Chair the meeting

Quorum

2. Meetings will be quorate when a minimum of one Trustee and one third of member(s) shall be present (excluding CITB staff).

3. A duly convened meeting of the LWP at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the LWP.

Communication and reporting

4. Terms of reference should be publicly available

5. The LWP should ensure that it has effective communication with appropriate key stakeholders.

6. Minutes of LWP meetings will be made available to the Board and CITB Executive. The Chair may, as appropriate, present an oral summary of key discussions, decisions and outcomes.

7. The LWP is accountable to the Board.

C. Declarations and conflict of interest

1. Levy Working Party members are required to make a declaration of interests to the Chair in accordance with the CITB Code of Practice on the Declaration of Interests.

2. During the course of a meeting, if a conflict of interest arises in relation to matters under consideration, the member concerned must withdraw from the meeting, or part thereof, as appropriate. This will be recorded in the minutes.

D. Code of Conduct

1. LWP members and others in attendance at meetings shall be bound by CITB policies relating to information designated as confidential, subject only to the organisation's compliance with statutory obligations.

2. The Chair shall be responsible for ensuring that the business of a meeting is conducted in a courteous and professional manner and shall, taking the advice of the senior CITB staff in attendance, have the right to adjourn a meeting or temporarily exclude any individual or individuals whose conduct falls below acceptable standards.

Section V: Good Governance			
<p>1. Agenda: Unless otherwise agreed, notice of each meeting with an agenda of items to be discussed, shall be forwarded to each member of the Levy Working Party, and any other person required to attend no later than five working days before the date of the meeting.</p> <p>2. Minutes: The proceedings of all meetings of the LWP, including recording the names of those in attendance, will be recorded and distributed to LWP members and the Board.</p> <p>3. Terms of Reference: CITB will review the Terms of Reference as part of the Committee Performance Review under Section D above.</p>			
ToR approved by Board	August 2019	Copy sent to Board Secretary	August 2019
<p>1. Date for review of TOR /outcomes evaluation within 12 months of inception (as appropriate to remit)</p> <p>2. Board decision on renewal/revision of ToR</p>		June 2020	

