

The 3<sup>rd</sup> meeting (2017) of the Board Committee was held at 15.30 on Wednesday 8 March 2017 at CITB, Carthusian Court, 12 Carthusian St, London, EC1M 6EZ and by tele-conference.

**PRESENT**

James Wates (Chair) : Board Trustee  
Maureen Douglas : Board Trustee (by Phone)  
Diana Garnham : Board Trustee  
David Harris : Board Trustee (by Phone)  
Karen Jones : Board Trustee (by Phone)  
Maria Pilfold : Board Trustee (by Phone)  
Frances Wadsworth : Board Trustee (by Phone)  
Ray Wilson : Board Trustee (by Phone)

**STAFF IN ATTENDANCE**

Sarah Beale : Chief Executive  
Steve Radley : Policy and Partnerships Director  
Sally Spink : Board Secretary

**ITEM 1: WELCOME**

**ITEM 2: CONSENSUS PROCESS - INCLUDING TWO REQUESTS TO BECOME A 'PRESCRIBED ORGANISATION'**

2.1. The Chairman invited Steve Radley (SR) to present to the Board the two applications received by [REDACTED] and the Finishes and Interiors Sector (FIS) to be considered as Prescribed Organisations within the meaning of the Reasonable Steps Regulations 2008 (the Regulations) and therefore consulted as part of the Consensus Process for the 2018 Levy Order.

2.2. SR explained that these applications had sufficient time to be included within the consensus process as the survey would not be being distributed until July 2017.

2.3. The Board undertook to consider the FIS application first. Within the paper presented six (6) factors have been considered by the Board as reasonable when assessing whether an organisation falls within the definition of a 'Prescribed Organisation,' it was acknowledged that this is not an exhaustive list. The factors include:

- 2.3.1. The number of in-scope employers in membership to a particular federation;
- 2.3.2. The proportion of the membership of the applicant federation that is in-scope;
- 2.3.3. The value of levy likely to be payable by members of that federation as a proportion of the whole;
- 2.3.4. The level of engagement with training shown by the members of that federation;
- 2.3.5. The ability of the applicant to communicate and consult with its member;
- 2.3.6. The extent to which the activities of the applicant federation's members extend the coverage of 'prescribed organisations' across the construction sector.

2.4. SR explained that factors 2.3.1 to 2.3.3 were met in excess of other current consensus members. In respect of 2.3.5 and 2.3.6 having discussed this with FIS again these factors have been well met. In respect of fact 2.3.4 above, there is room for improvement, as engagement has been low, but FIS have expressed that they are looking to address this by increasing the level of engagement with training. FIS is strongly placed and represent a number of levy paying employers who could claim greater levels of grant and receive more training. It was confirmed that FIS itself is a member of BuildUK, clarity was sought by the Board as to whether an issue of double counting would cause an imbalance. SR confirmed that BuildUK were aware of the situation and would take steps for the purpose of consensus and voting to remove those that fell under FIS. To confirm the risk of double counting would be

removed. Sarah Beale (SB) added that no greater level of Consensus Federation engagement would be achieved as they are already captured under the BuildUK banner.

**2.5. DECISION:** The Board agreed based on the facts and figures provided by FIS they do fall within the definition of a 'Prescribed Organisation' and therefore would become a CITB Consensus Federation

2.6. The Board moved onto the request from [REDACTED], applying the same criteria as implemented in the FIS decision. The Board had insufficient information to be satisfied that it met the factors listed in point 2.3 above and sought clarity from [REDACTED] on three fronts:

2.6.1. As to whether it was a 'membership' organisation, with agreement to act on their behalf, or an organisation with clients.

2.6.2. The Board in addition to the listed factors require further information from [REDACTED] to understand as to how they believe a levy payer has the ability to objectively represent their 'members' voice if it is decided that it is a 'Prescribed Organisation'?

2.6.3. The board would finally need to be satisfied that [REDACTED] represented a sufficient number and value of Levy Paying members.

2.7. SR had highlighted that there is time for [REDACTED] to be contacted and obtain further details for the Board to reconsider the application at the next Board Meeting on 17 May 2017. Should they be accepted as a prescribed body, we could assist them regarding the consultation requirements.

**2.8. ACTION:** A letter to [REDACTED] requesting information as to the factors listed in considering whether and organisation is a 'Prescribed Organisation' together with the addition objectivity question. SS/SR

2.9. The Board took the opportunity to discuss the existing list of Consensus Federations as to ensure they met the factors required by the Board for a 'Prescribed Organisation'. The Board was advised by Diana Garnham (DG), as Chair, that the Levy Working Party had asked this question and was satisfied that it did and had further obtained legal advice which supported the opinion.

2.10. The Board moved on to discuss the existing process and considerations. The ITB Review Team has advised that it is considering the process and the concept of consensus therefore a CITB review should be undertaken when the feedback is received.

**2.11. ACTION:** Upon receipt of the ITB Review results in relation to consensus and the process an internal review to be undertaken. SR

**SUMMARY OF ACTIONS Confidential commercially sensitive information**

Completed ■ Underway/Pending ■ No action yet ■

ACTION	ACTION BY	STATUS	PROGRESS
[REDACTED]	[REDACTED]		
[REDACTED]	[REDACTED]		