

LETTER OF AGREEMENT

between

**The Secretariat of the South Pacific Board for Educational Assessment
(SPBEA), and**

The Secretariat of the Pacific Community (SPC)

On the merger of SPBEA with SPC

1. This Letter of Agreement (LOA) between the Secretariat of the South Pacific Board for Educational Assessment (SPBEA) and the Secretariat of the Pacific Community (SPC) formalises the merger between the two organisations under the Regional institutional framework (RIF) reforms.
2. The basis of this LOA is the decision by Forum Leaders at the 38th Forum meeting in Tonga in 2007; the 39th Forum meeting in Niue in 2008; the Special session of CRGA in Fiji in July 2009; the 40th Forum meeting in Cairns, Australia in August 2009; the 6th Conference of the Pacific Community in Tonga in October 2009 and the SPBEA Board Annual General Meeting in Nadi, Fiji in November 2009.
3. The CEOs of SPBEA and SPC sign this LOA in accordance with the decisions of the SPC conference and the SPBEA Board and with the concurrence of the Chair of the SPBEA Board and the Chair of the SPC Conference. The CEOs note that further work must be undertaken in 2010 to resolve the legal issues relating to SPBEA ahead of the 2010 SPBEA Board meeting. This LOA covers matters relating to programme delivery resulting from the merger in the context of the RIF.

General Principles underpinning the merger

4. The following principles underpinned the merger between SPBEA and SPC:
 - a. The status of SPBEA will be maintained or even enhanced and the area of educational assessment will be retained as the core function of SPBEA
 - b. The role of the SPBEA Board and Executive Committee will be largely retained
 - c. Operational support provided to SPBEA by SPC after the merger should be simple and efficient.
 - d. Management of staff contracts must be a priority during and after the transition phase of the merger.
 - e. The merger must not in any way undermine or diminish SPBEA's capacity to deliver services to its members. On the contrary, the merger must add value to SPBEA's work and result in better delivery of services to members, both in terms of timeliness and possible expansion of the scope of its service coverage.

Staffing arrangements

5. *Staff contracts* - Following the November 2009 Board decision, all SPBEA staff have signed SPC contracts with a variation that allows the current tax arrangements to continue. The contracts are effective from 1 January 2010. The contracts have been adjusted to bring SPBEA staff terms and conditions in conformity with the approved CROP remuneration practices that are implemented by all participating regional organisations (FFA, PIFS, SPBEA, SPC, SPREP and SOPAC).

6. All contracts are implemented at one incremental point higher in the CROP approved scale from their current level at the SPBEA scale ensuring that no staff is disadvantaged in the merger process.

Financial arrangements

7. The SPBEA budget is now part of the overall SPC budget from 1 January 2010.
8. *Budget management and control* – in keeping with established SPC practices, and consistent with the current role of the Director of SPBEA, the Director of SPBEA has the responsibility to manage the budget within the delegated levels of authority which for the Director level is up to 100,000 CFP units (approx. F\$220,000) per approval. This involves all approvals of budget expenditure up to the maximum delegated level of authority for the smooth implementation of all aspects of the SPBEA work programme. Where the amount to be approved exceeds the delegated level of authority for the Director, the Suva-based deputy Director General will have approving responsibilities.
9. *Budget planning and development* – in keeping with established SPC processes and consistent with the current role of the Director of SPBEA, the Director continues to lead this process from the programme level with support from corporate services.
10. *Payroll arrangements* - SPC Corporate Services will support SPBEA payroll services.
11. *Membership contributions* – Membership contributions for SPBEA will be wholly dedicated to the SPBEA work programme.
12. *Programme / project funding* – all programme or project funding received by SPC on behalf of SPBEA will be wholly dedicated to the SPBEA work programme. SPC will work with SPBEA and development partners to secure adequate resources to fully implement the reforms necessitated by RIF.

Development, delivery and monitoring of the SPBEA work programme

13. The Director is responsible for leading the development and management of the SPBEA work programme and co-ordinate and monitors its efficient implementation in addition to other functions specified under the section on 'Role of the Director of SPBEA' below.

Materials and Intellectual Property

14. Under this LOA all materials that are held by SPBEA which are now part of the SPC system will be governed under the existing intellectual property rights and obligations of SPBEA and SPC.

SPBEA Governance

Role of the SPBEA Board

15. The SPBEA Board at its Annual General Meeting on the 5th November 2009, agreed that it would continue to operate with the principal powers as stipulated in Article IV with the exception of 2 (e), (f); (g) of the SPBEA Constitution of 2010. At the same meeting, the Board deferred the decision on the two alternatives for handling of the legal issues relating to the merger.

16. *Transfer of programmatic and staffing responsibilities to SPC* - As the Board had transferred programmatic and staffing matters to SPC the Director of SBEA will be accountable to the SPC DDG for these roles and functions. However the Board will continue its oversight role of the SPBEA work programme during 2010.
17. *The Board will continue its legal role during 2010* - During this time SPBEA and SPC will work with the Board to address the legal issue that will enable the it to take a final decision on the matter at its Annual General Meeting 2010.
18. *Board becomes 'Heads of Education' meeting after legal issue settled* – Once the legal issue is sorted, the SPBEA Board will become a heads of education meeting and will continue to play an advisory, oversight role for SPBEA's programme including endorsing the priorities that should make SPBEA's work programme and reviewing implementation of such work programme.

Role of the Director of SPBEA

19. In keeping with established SPC practices, and consistent with the current role of the Director of SPBEA, the Director is responsible for leading the development and management of the SPBEA work programme and co-ordinate and monitors its efficient implementation. The 2010 work programme and budget will be retained in its current form
20. Director of SPBEA has the responsibility to manage the budget within the delegated levels of authority which for the Director level is up to 100,000 CFP units (approx. F\$220,000) per approval
21. *Approvals for duty travels* - In keeping with established SPC practices, the Director of SPBEA will approve all staff travel except ~~her own~~ that of the Director which will be approved by the Suva DDG
22. *Convening of meetings* – In keeping with established SPC practices, the Director will take decisions on the convening of meetings within SPBEA's sphere of work, including, during 2010 meetings of the SPBEA Board. In the latter case the Director will keep the Suva DDG informed
23. *Accountability of the Director of SPBEA* - During 2010 the Director of SPBEA will report to the SPC DDG based in Suva on the implementation of the 2010 work programme and other matters for information and decision-making, and to the Board for the information of and monitoring of implementation by the Board

Structure of SPBEA within SPC

24. During 2010 SPBEA will be a stand-alone programme within SPC, reporting to the Suva based DDG of SPC, and the chair of SPBEA Board.
25. The external review that was jointly commissioned by SPBEA and SPC in 2008 to analyse and recommend a way forward for the merger of SPBEA and SPC recommended that SPBEA be part of a new Division of Education, Training and Human Development (ETHD) along with SPC's Human Development Programme.
26. As a result of the broader Regional Institutional Framework reform, the recommendation will be taken into consideration in 2010 for the planning of the structure in 2011 in which SPBEA will be a core part.

Enhanced cooperation and collaboration

27. *Guiding Coalition Group (GCG) continues in 2010* – In accordance with the SPBEA Board decision at its November 2009 meeting the GCG comprising the Deputy Director General of SPC – Suva as Change Leader (Chair); 2 Representatives from SPC; 2 Representatives from SPBEA; 4 Representative from the SPBEA Board -Fiji representing Melanesia; Nauru and Kiribati representing Micronesia; and Tonga representing Polynesia and chair of SPBEA will continue to operate during the transition year 2010.
28. *Project Teams continue in 2010* - Four SPC/SPBEA Teams were established in 2009 to review and deal with the details of the Implementation Plan for the merger. The teams covered (i) finance; (ii) ICT; (iii) human resources; and (iv), administrative arrangements. While much of the work has been accomplished the teams will continue in 2010 to finalise and oversee the implementation of agreed plan of action
29. *One corporate service* – the SPBEA corporate service (finance, admin, HR) is now part of the overall SPC corporate services.
30. *ICT services* – The SPBEA ICT services is now part of the SPC ICT service. However current IT communication routes and specialised databases SPBEA uses will be retained until such time the whole system can be harmonised and synchronised without losing the important design characteristics of SPBEA data requirements.
31. *Change Management* – The SPC change manager based in Suva will continue to work with both SPBEA and SPC staff providing support as required as the merger consolidates.

Office location, storage space and Assets

32. SPBEA will remain in its current location at 26 McGregor Road, Suva. The sign board will be modified to reflect the merger.
33. *Storage space* - SPC will provide storage space at its storage facility at the ground floor of the Westpac Bank Building in Nabua.
34. *Assets* – All assets belonging to SPBEA are now part of SPC but will be retained for the use by SPBEA.

Signed this 30th day of March 2010 between

Signed



Name

Dr. Jimmie Rodgers

Ms. Ana Raivoce

Designation

Director General, SPC

Director, SPBEA