

# Agenda Item 9



**Author/Lead Officer of Report:** *Dee Desgranges*

**Tel:** 0114 229 6153

---

**Report of:** Jayne Ludlam, Executive Director, People Services

**Report to:** Cabinet

**Date of Decision:** *21<sup>st</sup> June 2017*

**Subject:** Commissioning Adult Learning in Community Settings

Is this a Key Decision? If Yes, reason Key Decision:-	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
- Expenditure and/or savings over £500,000		<input type="checkbox"/>		
- Affects 2 or more Wards		<input checked="" type="checkbox"/>		
Which Cabinet Member Portfolio does this relate to? Cabinet Member for Children, Young People and Families				
Which Scrutiny and Policy Development Committee does this relate to? <i>Economic and Environmental Wellbeing</i>				
Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? (1236)				
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>				

**Purpose of Report:**

To agree to the commissioning of a refreshed framework of adult learning providers to deliver accredited or non-accredited learning activities across Sheffield.

**Recommendations:**

It is recommended that the Cabinet:

- approves the development and agreement of the procurement strategy for a refreshed framework of adult learning providers equipped to deliver accredited and non-accredited learning activity across the City, to include the necessary due diligence and quality checks;
- delegates authority to the Executive Director of People Services in consultation with the Directors of Commercial Services and Legal and Governance to:
  - commission the framework in accordance with the agreed procurement strategy;
  - negotiate and agree terms of the Adult Education Budget (AEB) funding and complete all necessary documentation in relation to it and for its utilisation for the purpose of the provision of adult learning by the organisations on the framework for delivery in community settings for the academic year 2017/18; and
  - negotiate and agree terms of the engagement with the adult learning providers on the framework and complete all necessary documentation for the commissioning of the framework.

**Background Papers:***(Insert details of any background papers used in the compilation of the report.)*

<b>Lead Officer to complete:-</b>	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: <i>Sonya Oates</i>
	Legal: <i>Lawrence Gould/Janusz Siodmiak</i>
Equalities: <i>Bashir Khan</i>	
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>EMT member who approved submission:</b> <i>Jayne Ludlum</i>
3	<b>Cabinet Member consulted:</b> <i>Jackie Drayton</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	<b>Lead Officer Name:</b> <i>Dee Desgranges</i>
	<b>Job Title:</b> <i>Assistant Director</i>
<b>Date:</b> <i>12<sup>th</sup> June 2017</i>	

## **1. PROPOSAL**

- 1.1 Lifelong Learning Skills and Communities receives an annual allocation from the Education & Skills Funding Agency (ESFA). The indicative amount for 2017/18 is a standstill amount of £1.3m. A proportion of this, approximately £500k is commissioned to third sector providers to deliver adult learning in their communities. Tutors employed by the service directly deliver the remainder; this is primarily Family Learning. At present we have yet to receive a detailed contract but have agreement that the amounts are correct in an audit trail between SCC and the ESFA.
- 1.2 The life span of the current commissioning framework has now come to an end therefore a new framework is required for the 2017/18 academic year. This is a legal requirement to enable the Council to meet its duties with regards to the provision of adult learning in the city.
- 1.3 We will create a commissioning framework for three years duration; however, in 2018/19 the ESFA funding for adult skills becomes the responsibility of the Combined Authority to deploy as part of the devolution deal for the Sheffield City Region (SCR). At present we have no indication as to how the funding will be deployed but are in discussions, along with other neighbouring authorities to determine a way forward. Therefore funding beyond the academic year 2017/18 cannot be guaranteed.
- 1.4 Organisations that become part for the framework will be supported to adhere to the data systems required by this type of contract. SCC uses the AQUA system and data received from providers will be inputted for funding claims by the SCC team.

Additionally they will be supported to develop the quality teaching and learning required for Ofsted inspection purposes to ensure that overall provision in community settings is at least a grade 2.

## **2. HOW DOES THIS DECISION CONTRIBUTE ?**

- 2.1 Adult and Community Learning contributes to the following ambitions in the Corporate plan
- Tackling Inequalities
  - Strengthening Community Cohesion
  - Tackling Poverty
  - Support for adults to access education, employment and training
  - Help those who face obstacles to find lasting work, including young people, disabled people and those with mental health conditions
- 2.2 Our adult community learning model is based on a skills escalator for

those who need to make the relevant first steps towards the world of work whilst our well-being programmes focus on learning for individual personal, family and community benefits (see appendix 1). Additional funding has been secured through various sources to deliver English for Speakers of Other Languages (ESOL) for newly arrived families and programmes targeted at those with low-level mental health issues.

### **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 We consult with local partnerships and with individuals through the work of the learning champions to determine the learning requirements in each area of the City. These have to be aligned with the objectives of the SCR plans.

### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

#### **4.1 Equality of Opportunity Implications**

- 4.1.1 Although an EIA has been undertaken, this process is designed to maintain the status quo as far as possible, which means ensuring that all citizens of Sheffield have access to the universal adult community learning offer, where those who can, pay a contribution to their learning (see appendix 2) attached charging policy) but within that is targeted provision for those individuals and communities who need it most.

- 4.1.2 The tender requirement will specify that applicants must have local knowledge and a history of working with local learning partnerships and community assemblies. Submitted tenders will be evaluated against a robust set of criteria outlined in the tender documentation. Successful providers will be placed on the commissioning framework and receive training and development in relation to quality, data management and teaching and learning to ensure that they comply with SCC contractual requirements and therefore in turn ESFA regulations and meet OFSTED expectations.

- 4.1.3 The tender documents will be uploaded to *YorTender*. All organisations with access will be able to apply to be on the commissioning framework through the due diligence process. All tenders received will be evaluated using the same criteria.

#### **4.2 Financial and Commercial Implications**

- 4.2.1 In 2017/18 we are anticipating a standstill budget and therefore there will be continuity in supporting the third sector organisations to deliver adult learning in their communities.
- 4.2.2 The intended outcome is the development of a commissioning framework which supports the delivery of adult learning in community settings. This

will adhere to the Education and Skills Funding Agency regulations and meet the demands of the OFSTED inspection criteria

#### 4.3 Legal Implications

4.3.1 The Council has a variety of powers and duties in respect of education and training for adults including:

- the provision of education and training for persons over compulsory school age to secure suitable education and training under Sections 41 to 44 of the Apprenticeship Skills Children and Learning Act 2009 ;
- reasonable provision for education ( other than higher education) suitable for persons over 19 under Section 3 of the Learning and Skills Act 2000;
- under Section 111 of the Local Government Act 1972 the Council has the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of its functions which would include establishing a commissioning framework to deliver adult learning in the City; and
- the General Power of Competence provided for in the Localism Act 2011 would enable the Council to do anything that individuals of full legal capacity may do giving the Council the power to take reasonable action they need for the benefit of the authority, its area or persons resident or present in its area, and this would include establishing a commissioning framework to deliver adult services in the City.

4.3.2 The decision would allow the Council to continue to meet its statutory duties with regards to provision of adult learning across the City.

4.3.3 Officers are mindful of the importance of putting into place appropriate arrangements to secure the desired outcomes, ensure compliance with legal requirements and protect the Council's position.

4.3.4 The Council's Contracts Standing Orders, including the European Union Procurement Rules, will be adhered to throughout the commissioning. The process will be competitive and follow the principles of transparency and non-discrimination, and facilitate the achievement of value for money.

4.3.5 Each service provider appointed to the framework will be required to enter into a formal written contract with the Council which will provide for effective service delivery at levels which accord with the Council's requirements.

4.4 Other Implications

4.4.1 None

**5. ALTERNATIVE OPTIONS CONSIDERED**

5.1 In consultation with the Council's Commercial Service, a Waiver of Contracts Standing Orders which would allow an extension of the current framework with existing suppliers was considered to be inappropriate for this service because the existing framework for the delivery of Adult Community Learning (ACL) is due to expire on 31st July 2017 and there is a requirement to re-procure the service in a way which is compliant with domestic and EU procurement legislation.

Therefore, the development of a revised new framework is required.

**6. REASONS FOR RECOMMENDATIONS**

6.1 The development of the revised new framework will enable the Council to effectively continue to meet its statutory duties with regard to the provision of adult learning in the City, as outlined in this Report. It will provide for the Council to commission third party providers to deliver adult learning in their communities to a defined standard which meets the Council's requirements.

This page is intentionally left blank