



Author/Lead Officer of Report: Emma Beal

Tel: 0114 229 6138

Report of: Dawn Shaw

Report to: Cabinet

Date of Decision: 20 March 2019

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 checked="" type="checkbox"/>		
- Affects 2 or more Wards		<input checked="" type="checkbox"/>		
Which Cabinet Member Portfolio does this relate to? Cllr Jayne Dunn Which Scrutiny and Policy Development Committee does this relate to? <i>People</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? Ref number is: 285				
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applies to the full report / part of the report and/or appendices and complete below:- “The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”				

Purpose of Report:

Lifelong Learning, Skills and Communities receive an annual grant from the Education Skills Funding Agency (ESFA). A proportion of this grant is used to commission adult learning provision from third sector providers to be delivered in their communities.

The current sub-contracts with suppliers for the delivery of the service terminate in July 2019. Therefore a further commission needs to take place to ensure continuity of service from this date. This will require a procurement to be undertaken in compliance with domestic and EU legislation.

Recommendations:

Delegate authority to the Executive Director People Services, in consultation with the Cabinet Member for Education and Skills, the Director of Finance and Commercial Services and the Director of Legal Services, to agree the procurement strategy and thereafter award contracts as required to meet the aims and objectives as set out in this report.

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

Sheffield City Council (Further Education & Skills) Inspection Report June 2017
<https://reports.ofsted.gov.uk/provider/42/54349>

Further Education & Skills Inspection Handbook
<https://www.gov.uk/government/publications/further-education-and-skills-inspection-handbook>

Sheffield Ward Profiles
<https://www.sheffield.gov.uk/content/sheffield/home/your-city-council/ward-profiles.html>

Lead Officer to complete:-		
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: Karen Hesketh
		Legal: Henry Watmough-Cownie
		Equalities: Bashir Khan
<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	EMT member who approved submission:	Jayne Ludlum
3	Cabinet Member consulted:	Jayne Dunn
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.	
	Lead Officer Name: Emma Beal	Job Title: Head of Service, Learning & Skills
	Date: 30th January 2019	

1

PROPOSAL

(Explain the proposal, current position and need for change, including any evidence considered, and indicate whether this is something the Council is legally required to do, or whether it is something it is choosing to do)

- 1.1 Learning and Skills receive an annual grant from the Education Skills Funding agency (ESFA). A proportion of this grant is used to commission adult learning provision from third sector providers to be delivered in communities.
- 1.2 The Adult Education Budget (AEB) aims to engage adults and provide the skills and learning they need to equip them for work, an apprenticeship or other learning. It enables more flexible tailored programmes of learning to be made available, which may or may not require a qualification, to help eligible learners engage in learning, build confidence, and/or enhance their wellbeing.
- 1.3 The national AEB, administered by the ESFA, supports the following three statutory entitlements to full funding for eligible adult learners in respect of the following qualifications:
- English and maths, up to and including level 2, for individuals aged 19 and over, who have not previously attained a GCSE grade A* to C, or higher, and/or
 - first full qualification at level 2 for individuals aged 19 to 23, and/or
 - first full qualification at level 3 for individuals aged 19 to 23.
- 1.4 Key national priorities for utilisation of AEB funding are:
- Simplicity - a move towards increased flexibility for providers funded under the AEB block grant in order to respond to local need.
- Robust financial strategy –effective use of the public subsidy, that allows Pound Plus to be evidenced (the additional contribution above and beyond made by organisations and volunteers)
- Localisation – provision targeted on communities of need that inspires people to succeed and supports them to lead fulfilling lives.
- Upskilling – Local learning which is effective in responding to the priorities of local economies and can evidence progression pathways into learning and/or work.
- Digital skills – the acquisition of core digital skills for inclusion and digital making skills for a stronger economy.
- 1.5 Any provision subcontracted by the Sheffield City Council (SCC) under its AEB funding is in scope of Sheffield City Council (Further Education & Skills) Ofsted inspection. As part of this inspection framework, inspectors may inspect any provision carried out by subcontractors. It is therefore vital that any subcontracted provision can work within the requirements of the Common Inspection Framework and the Service Areas' Quality processes.
- 1.6 Sheffield's delivery is prioritised based on Local Area Partnership need. The proportion of resource allocated to a local area is based on an assessment of ward profiles in line with the national funding priorities. Our priorities by Local Area

Partnership are detailed in table 1:

1.6.1 Table 1

Local Area Partnership	Ward Profiles *	Local Adult Community Learning Priorities
Central	Broomhill and Sharrow	English as a Second Language (ESOL) which evidence progression
	City	Functional Skills - English and Maths
	Hillsborough	Programmes that lead to Employability
	Walkley	Functional Skills - Digital Skills - Information and Communication Technology
		Learning for Wellbeing and Health
East	Arbourthorne and Park	English as a Second Language (ESOL) which evidence progression
	Damall	Functional Skills - English and Maths
	Manor Castle	Programmes that lead to Employment
	Richmond	Functional Skills - Digital Skills - Information and Communication Technology
		Digital Skills to improve employability Learning for Wellbeing and Health Engagement Activities Family Learning - So Parents can help Childrens Attainment
North	East Ecclesfield	Functional Skills - English and Maths
	Stannington	Programmes that lead to Employability
	Stocksbridge and Upper Don	Learning for Wellbeing and Health
	West Ecclesfield	Functional Skills - Digital Skills - Information and Communication Technology
North East	Burngreave	English as a Second Language (ESOL) which evidence progression
	Firth Park	Functional Skills - English and Maths
	Shiregreen and Brightside	Programmes that lead to Employability
	Southey	Functional Skills - Digital Skills - Information and Communication Technology
		Learning for Wellbeing and Health Family Learning - So Parents can help Childrens Attainment
South	Beauchief and Greenhill	English as a Second Language (ESOL) which evidence progression
	Gleadless Valley	Functional Skills - English and Maths
	Graves Park	Programmes that lead to Employment
	Nether Edge	Functional Skills - Digital Skills - Information and Communication Technology
	Learning for Wellbeing and Health	
South East	Beighton	Functional Skills - English and Maths
	Birley	Programmes that lead to Employment
	Mosborough	Functional Skills - Digital Skills - Information and Communication Technology
	Woodhouse	Learning for Wellbeing and Health Engagement Activity Family Learning - So Parents can help Childrens Attainment
South West	Crookes and Crosspool	Functional Skills - Digital Skills - Information and Communication Technology
	Dore and Totley	Learning for Wellbeing and Health
	Ecclesall	ICT for the Digitally Excluded
	Fulwood	

1.6.2 AEB delivery includes a broad range of community based learning opportunities that bring together adults (often of different ages and backgrounds) and help them to pursue an interest, gain a new skill, become healthier or learn how to support their children's learning. The Service has a commissioning framework of local suppliers that deliver adult learning programmes in key community settings across Sheffield.

1.6.3 These programmes fall into 1 of 4 categories;

- English / Maths

- Digital
 - English for Speakers of Other Languages (ESOL)
 - Learning for Personal wellbeing and entry into Employment
- 1.6.4 Family Learning provides opportunities for parents/carers to find out how to help their children learn and develop. The service provides a route back into education for those adults who want to improve their own skills. The focus is on improving English, maths, digital skills and health and wellbeing for families across the city, concentrating on those in the areas of highest need.
- 1.7 The future commissioning arrangements for Adult and Community Learning are set to change as part of the Sheffield City Region Devolution deal. As part of the devolution deals, central government will transfer certain adult education functions from the Secretary of State for Education to the combined authorities. Through this transfer of functions, the combined authorities will take on responsibility for the AEB to make sure learners, aged 19 and over, eligible for funding from that budget, who reside in their areas, have appropriate education and training.
- 1.7.1 Subject to readiness Sheffield City Region will take on the new responsibilities in 2020 to 2021 academic year.
- 1.7.2 Officers met with SCR in late December 2018. At this point no further detailed plans for AEB devolution were available. SCR have confirmed they do not intend to make any changes to local commissioning in 2020-2021.
- 1.8 The sub-contracts with suppliers for the delivery of the service for the current academic year terminate in July 2019. Therefore a further commission needs to take place to ensure continuity of service from this date. This will require a procurement to be undertaken in compliance with domestic and EU legislation. The intention is to procure a pseudo-framework arrangement under the Light Touch Regime permitted by the Public Contract Regulations 2015. This will be of four years duration from August 2019 to July 2023. A network of suppliers will be procured on the basis of their capacity and capability to provide the required service and will be given the opportunity to bid thereafter for activity which will be commissioned via the network based on the learning needs of communities and the city as a whole. The pseudo-framework arrangement will permit new suppliers to join on a planned basis and activity to be commissioned as required during the duration of the pseudo-framework. The flexibility of the proposed arrangement seeks to anticipate and be able to respond to the changing learning needs of the city over time and the development of the supplier market.
- 1.8.1 Council officers will actively manage all sub-contracts put in place from the point of view of compliance with the terms of the contract, continuing capacity and capability to deliver the service, quality of the learning experience for clients taking advantage of the service and achievement of key performance indicators set
- 1.8.2 This report seeks the delegation of authority to the Executive Director, People Services, in consultation with the Cabinet Member for Education and Skills, the Director of Finance and Commercial Services and the Director of Legal Services, to

agree the procurement strategy and award contracts as required to deliver the outcomes required.

1.9

The current SCC total annual budget for AEB was £1,860,080 in 2018-19 . The current amount of this budget which was sub-contracted in 2018-19 was £780,000.

1.9.1

The decision whether to opt for sub-contracted provision or direct delivery using SCC resources is determined by the need which is to be addressed.

1.9.2 The flexibility of the framework proposed allows the volume for sub-contracted provision to be varied as required.

2. HOW DOES THIS DECISION CONTRIBUTE ?

(Explain how this proposal will contribute to the ambitions within the Corporate Plan and what it will mean for people who live, work, learn in or visit the City. For example, does it increase or reduce inequalities and is the decision inclusive?; does it have an impact on climate change?; does it improve the customer experience?; is there an economic impact?)

2.1 The Adult Education Budget aims to engage adults and provide the skills and learning they need to equip them for work, an apprenticeship or other learning. It enables more flexible tailored programmes of learning to be made available, which may or may not require a qualification, to help eligible learners engage in learning, build confidence, and/or enhance their wellbeing.

2.2 This delivery supports our vision to improve the life chances and opportunities of adults and their families in Sheffield by developing and delivering a high quality learning and support offer that:

- Improves qualifications, skills and employability – providing a skills escalator to move individuals closer to work.
- Addresses the needs and issues of particular groups – providing a vehicle for social inclusion.
- Supports families to learn with their children and for themselves.
- Delivers positive learning, progression and wellbeing outcomes for adult learners and vulnerable learners.
- Enhances health and wellbeing.
- Equips individuals with the skills, knowledge and behaviours to succeed in life and work
- Contributes to developing strong, cohesive and resilient communities.

2.3 Adult and Community Learning contributes to the following ambitions in the Corporate Plan:

- Tackling Inequalities
- Strengthening Community Cohesion
- Tackling Poverty
- Support for young adults and 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

3. HAS THERE BEEN ANY CONSULTATION?

(Refer to the Consultation Principles and Involvement Guide. Indicate whether the Council is required to consult on the proposal, and provide details of any consultation activities undertaken and their outcomes.)

- 3.1 There is no official requirement to consult on this proposal.
- 3.2 The service is working with colleagues in Community Services and through the Local Area Partnerships (LAP) Chairs to ensure that provision commissioned is delivered in line with local priorities.
- 3.3 As the future of AEB commissioning is clarified this work will form part of the Neighbourhood review. Working through a Neighbourhoods approach the service will ensure that provision is designed, commissioned and delivered as part of a local strategic commissioning framework of which consultation will be a key aspect.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 The tender documents will be uploaded to YORTender, the web-based e-tendering portal used by all local authorities in the Yorkshire and Humber region as their route to market for procurement of goods and services. Any organisation can register free of charge on YORTender. All organisations which have indicated that they deliver relevant services on registration will be able to apply to be on the commissioning framework. All received tenders will be evaluated using the same criteria.

4.2 Financial and Commercial Implications

- 4.2.1 Any new delivery arrangements will comply with the terms and conditions of the grant funder, the Education and Skills Funding Agency.

4.3 Legal Implications

- 4.3.1 The Localism Act 2011 gives local authorities a 'general power of competence' which enables them to do anything an individual can do, so long as the proposed action is not specifically prohibited. Sheffield City Council can use this power to undertake the proposed procurement and deliver proposed educational and other services

The process of commissioning services from the third sector must be undertaken in accordance with the Sheffield City Council's Constitution (including Contract Standing Orders) and procurement rules. Service providers will therefore be required to enter formal written legal agreements in which the council will require delivery in accordance with Skills Funding Agency's grant terms.

The grant and project are intended to benefit some communities with protected characteristics. The Equality Act 2010 requires that when Sheffield City Council exercises its functions, the council must give due regard to advancing equality of opportunity between persons who share a relevant protected characteristic and those not sharing that characteristic. This work is consistent those duties.

Where the council delivers less than 97% of its allocation, it will be required to pay back unspent funds. The Education and Skills Funding Agency reserves the right to reduce or withdraw the allocation at any stage if, based on information from audit or

other processes, the Agency believes they are putting public funds at risk.

4.4 Other Implications

(Refer to the Executive decision making guidance and provide details of all relevant implications, e.g. HR, property, public health).

4.4.1 *None*

5. **ALTERNATIVE OPTIONS CONSIDERED**

(Outline any alternative options which were considered but rejected in the course of developing the proposal.)

5.1 The option of a waiver which would allow an extension of the current framework with existing suppliers was rejected by SCC Commercial Services on the grounds that this would place the Council in a position where it would not be compliant with procurement legislation and Contract Standing Orders. Therefore, the commissioning of new arrangements is required.

6. **REASONS FOR RECOMMENDATIONS**

(Explain why this is the preferred option and outline the intended outcomes.)

6.2 The duration of the pseudo-framework is intended to be four academic years from August 2019 to July 2023.

6.3 This option will give SCC the capacity and capability to meet the community based learning needs of the various localities of the city as established through consultation and research with maximum flexibility within the parameters of the allocated budget and the funding rules attached to the agreement with the Education and Skills Funding Agency.

6.4 The intended outcomes are as follows and are congruent with the national priorities for Adult Education Budget, those of the Council's own Corporate Plan and the vision of the Lifelong Learning service,

“.....to improve the life chances and opportunities of adults and their families in Sheffield by developing and delivering a high quality learning and support offer that:

- Improves qualifications, skills and employability – providing a skills escalator to move individuals closer to work.
- Addresses the needs and issues of particular groups – providing a vehicle for social inclusion.
- Supports families to learn with their children and for themselves.
- Delivers positive learning, progression and wellbeing outcomes for adult learners and vulnerable learners.
- Enhances health and wellbeing.

- Equips individuals with the skills, knowledge and behaviours to succeed in life and work
- Contributes to developing strong, cohesive and resilient communities

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