

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4379

Author:

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Department:

Growth and City Development

Contact:

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Subject:

Education and Skills Funding Agency - Adult Education Budget 2021/22

Total Value:

£580,614 (Type: Revenue)

Decision Being Taken:

1) To accept funding from and enter into a funding agreement with the Education and Skills Funding Agency (ESFA) for up to £580,614, to deliver the Community and Family Learning (CFL) programme for the academic year of September 2021 to July 2022. 2) To authorise the allocation of a budget of £172,666 for the Council's associated project posts. 3) To authorise dispensation from Contract Procedure Rule 4.1.1, in accordance with Financial Regulation 3.29, to award a contract of £54,000 directly to Second Chance Academy for the delivery of the 'Equipped 2 Succeed' personal development programmes, as detailed in Table 2. 4) To delegate authority to the Corporate Director for Growth and City Development to exercise the options available to extend the existing agreements with sub-contractors, as detailed in Table 1. 5) To allocate £40,000 of the ESFA budget to the Council's Library Service for the continuation of the design, implementation and delivery of the CFL programme. 6) To approve the ESFA Supply Chains Policy for 2021/22.

Reasons for the Decision(s)

Over the last 19 years, the Council has held a contract with the ESFA for the delivery of family learning provision, through the ESFA Adult and Community Learning contract. In May 2019, the ESFA increased the Council's annual grant allocation to £580,614 for the delivery of the Adult Education Budget (AEB) within the City boundaries. Following this award, a full procurement exercise was completed in July 2019, which approved the Council to contract with six delivery partners to deliver the CFL provision, providing citizens with English to Speakers of Other Languages; Health and Wellbeing; Family English Language and Maths; and Digital and Employability Skills training. Delivery partners include the Life Education Centre, Right Track, Enable, the National Ice Arena and Futures. Further funding has been offered to the Council by ESFA this year for continued delivery. The proposal to award a contract to the Second Chance Academy for eight 'Equipped 2 Succeed' courses aimed at Care Leavers and the Youth and Community Hubs will support the delivery of this project. The Academy has historically successfully delivered for the Employment and Skills team. This is a bespoke course with excellent outcomes, including progression.

The 2021/22 CFL project will, in total, support 1,200 participants to gain this training. Family learning supports parents, grandparents, carers and other family members to be an active part of their children's learning, as well as becoming learners themselves. Community learning targets unemployed adults, those on low income with low skills, and those from disadvantaged communities. The programme aims to support widening participation by improving health, confidence and social wellbeing, and improving skills such as financial literacy and communication, preparing people for training and employment. The project will play a valuable role in engaging individuals from disadvantaged communities who have no qualifications and are furthest away from the labour market, supporting them to upskill and progress towards employment. The project also supports delivery of the wider Council Plan target of supporting 1,000 people into sustainable employment.

The funding provides works on an annual cycle and must be spent by the end of the academic year, in this case, July 2022. Not spending this allocation could result in any future allocations being significantly reduced. The proposed breakdown of budget is as follows:

- AEB CFL and Adult Skills delivery partners allocation: £337,140;
- Council project costs: £172,666 (managing delivery partners, ensuring achievement of performance outputs, quality, processing and submitting ESFA claims / data, project marketing, information, advice and guidance, ESFA budget and contractual obligations);
- Council Library Service: £40,000;
- Other costs: £30,808 (including management information, compliance audit, marketing, celebration event, continuing professional development and contingency).

The ESFA Supply Chain Fee and Charges Policy (attached) is a mandatory policy that the ESFA Accountable Body is required to produce and adhere to. The policy sets out the terms and condition for sub-contracting arrangements.

Briefing notes documents:

Education and Skills Funding Agency contracts overview v2.docx.pdf, Supply Chain Fee & Charges policy_Nottingham City 2021_22 V1.pdf

Other Options Considered:

1) To not enter into this agreement with the ESFA: this option was rejected as it would mean a loss of £580,614 grant funding for Nottingham citizens, which would impact approximately 1,200 citizens, resulting in many individuals not receiving training to support their children's learning and development, as well as their own subject knowledge in English, Maths, ICT and emotional literacy.

Background Papers:

None

Published Works:	None
Affected Wards:	Citywide
Colleague / Councillor Interests:	None
Dispensation from Financial Regulations:	Yes
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	CFL provision encourages families and the wider community to be active members within their community and to be responsible citizens.
Equality:	EIA not required. Reasons: The decision does not represent proposals for a new or changing policy, service or function.
Social Value Considerations:	Not applicable.
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	30/09/2021
Advice Sought:	Legal, Finance, Procurement

Legal Advice:

This report seeks authority to accept grant funding from the Education and Skills Funding Agency (ESFA) and to allocate that funding as set out in the report. The Council must ensure that it complies with all terms of the grant funding agreement with ESFA. It is understood that the contracts that are to be extended include options to extend the term from the original tendered service.

The Council must also ensure that the proposed direct award is permissible under the terms of the ESFA grant or otherwise seek consent from them. The other spends detailed are either internal allocations or the contract values are below the relevant financial threshold in the Council's Contract Procedure Rules and the Public Contracts Regulations and so, for the reasons set out within the report, dispensation is supported.

Legal Services will assist with colleagues in the Procurement team to support as required.

Advice provided by Dionne Claire Screatton (Solicitor) on 17/09/2021.

Finance Advice:

This decision seeks the approval:

- To accept and allocate the Education and Skills Funding Agency (ESFA) Adult Education grant fund amounting to £580,614, which has been awarded to the Council for the academic year 1 September 2021 to August 2022.
- To delegate authority to the Corporate Director for Growth and City Development to enter into a funding agreement with the EFSA.
- To agree dispensation from Contract Procedure Rule 4.1.1, in accordance with Financial Regulation 3.29, to award £54,000 to Second Chance Learning Academy in view of recent benchmarking activities, which found this supplier to be in line with national benchmarks. This is also relevant as the supplier offers a bespoke package with historical excellent outcomes and progression.

As the existing Accountable Body, all processes and procedures are already in place to ensure the conditions of the ESFA funding are kept and grant claims are submitted in a timely manner, and to ensure no reduction to future allocations. There is also a dedicated project manager to support this.

The allocation is broken down into three elements:

- The decision to commission £337,140 of the Community and Family Learning contract to six delivery partners already identified and contracted as part of the procurement exercise completed in July 2019, of which was agreed plus 1 year each year up to 2022/23.
- That £172,666 be allocated to manage the project of which constitutes an existing team already recruited in post. The grant confirms that the Adult Education Budget (AEB) for the 2021/22 academic year is eligible to be used by the department as match funding to the ESFA programme.
- The approval of £40,000 allocation from the EFSA to transfer to the Library Service, which continues to demonstrate value for money.
- The approval of £30,808 to provide management information, compliance audits, marketing and continuous professional development.

The grant is to be paid in set monthly instalments in advance. The service will need to liaise with Finance to ensure all relevant year-end adjustments are completed to accrue the relevant amounts for each financial year. As the project is fully funded by the ESFA grant, no further financial commitment is required from the Authority. The grant is an annual allocation. Please refer to Delegated Decisions 4118 and 3651 for previous allocation details.

Advice provided by Michelle Pullen (Commercial Business Partner) on 13/09/2021.

Procurement Advice:

A procurement exercise was completed in 2019, which resulted in awards of contracts for Community Family Learning provision to the Life Education Centre, Right Track, Enable, the National Ice Arena and Futures. The tender provides for the extension of contracts, as requested in this decision, to July 2022. Dispensation from Contract Procedure Rule 4.1.1, in accordance with Financial Regulation 3.29 (Operational Issues) is supported by Procurement in order for a direct award of £54,000 to the Second Chance Learning Academy for the delivery of 'Equipped 2 Succeed' courses, a bespoke programme with successful outcomes. The value falls below the UK procurement threshold. The use of this funding should comply with Education and Skills Funding Agency grant conditions and suitable agreements should be in place with these providers to ensure compliance and satisfactory performance.

Advice provided by Julie Herrod (Procurement Officer) on 14/09/2021.

Signatures

Rebecca Langton (PH Skills, Growth and Economic Development)

SIGNED and Dated: 23/09/2021

Sajeeda Rose (Corporate Director of Growth & City Development)
SIGNED and Dated: 23/09/2021
Clive Heaphy as Chief Finance Officer (Chief Finance Officer) - Dispensation from Financial Regulations
SIGNED and Dated: 23/09/2021
Chief Finance Officer's Comments: