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Other Options Considered:	<p>To not enter into this agreement with the ESFA</p> <p>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.</p> <p>Therefore, this option was rejected.</p>
Background Papers:	N/A
Unpublished background papers:	Supply Chain Fee & Charges policy_Nottingham City 2022_23 V4.pdf, Subcontractors_overview Sept_22 Table 1_2_3.pdf
Published Works:	N/A
Affected Wards:	Citywide
Colleague / Councillor Interests:	
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	<ol style="list-style-type: none"> 1. CFL provision encourages families and the wider community to be active members within their community and to be responsible citizens 2. A primary objective of the CFL is to support unemployed and inactive City residents into training and work 3. The CFL project will have a focus on unemployed and inactive residents who face multiple barriers to learning and work, particularly those with protected characteristics 4. The projects will therefore help to reduce the potential for them to become involved in crime or anti-social behaviour by providing participants with more opportunities to improve their economic and social circumstances.
Equality:	Please login to the system to view the EIA document: Community Family Learning_22_23_PFH DDMEIA v03 Final.docx
Social Value Considerations:	N/A
Decision Type:	Portfolio Holder
Subject to Call In:	Yes

Call In Expiry date:

21/11/2022

Advice Sought:

Legal, Finance, Procurement, Equality and Diversity

This report seeks to accept and spend grant funding from the the Education and Skills Funding Agency (ESFA) for up to £580,614, to deliver community and family learning (CFL) over the academic year September 2022 to July 2023. The receipt and use of the funding will be subject to a grant agreement and grant funding conditions with the Government which must be complied with, failing which the grant funding could be subject to clawback.

Any procurement of service contracts proposed to be entered into using the grant funding must be awarded in accordance with the Council Contract Procedure Rules and Public Contract Regulation and should flow down any relevant provisions from the Government's funding conditions, such as monitoring and reporting outputs. They must also accord with the Subcontracting funding rules for ESFA funded post-16 funding (excluding apprenticeships) 2022 to 2023 and as a minimum contain the mandatory terms and conditions specified in the rules.

Staffing decisions have an executive and a non-executive element: the establishment of the staffing budget and the creation of the post (non-executive). In the first instance, the Portfolio Holder establishes a staffing budget as an executive decision, and the Corporate Director takes a non-exec decision to create post/s from it under Delegation 16. The approval to extend the existing post as per recommendation of this report is a non-executive decision to take in accordance with the scheme of delegation (delegation 16) and must therefore be in accordance with the Council's Constitutional requirements and associated HR policies and procedures.

Provision to extend the contracts listed in Table 1 for the duration specified were provided for in the initial tender (DDM 3151) in 2018/19 as follows:

"2.Undertake a procurement process in order to enter into contract(s) for delivery of Family Learning over academic year 2018/19 up to value of £246,000. Subject to further ESFA AEB contract being issued and satisfactory performance by individual providers, to extended the contracts on a year by year basis of no more than 3 years after the first initial contract is issued."

In so far as the review and adoption of the Subcontracting Supply Chain and Fees Policy is concerned, this has been a mandatory requirement since 2013 and remains so under the Subcontracting funding rules for ESFA funded post-16 funding (excluding apprenticeships) 2022 to 2023. Policy for subcontracting fo2022/23 must be published by 31st October each year must include the following:

"1.1: The rationale for subcontracting the provision. The subcontracting must enhance the quality of your learner offer. You must not subcontract delivery to meet short-term funding objectives./

2: We expect the rationale to meet one or more of the following aims:

2.1: Enhance the opportunities available to learners.

2.2: Fill gaps in niche or expert provision or provide better access to facilities.

2.3: Support better geographical access for learners.

2.4: Support an entry point for disadvantaged groups.

2.5: Support individuals who share protected characteristics, where there might otherwise be gaps.

3: You must also set out your full range of fees retained and charges that apply including:

3.1: Funding retained for quality assurance and oversight.

3.2: Funding retained for administrative functions such as data returns.

3.3: Funding retained for mandatory training delivered to subcontractor staff by the directly funded provider.

3.4: Clawback for under delivery or other reasons." Chapter 2 Subcontracting funding rules for ESFA funded post-16 funding (excluding apprenticeships) 2022 to 2023.

Legal services will support as required with the drafting of any contracts.

Richard Bines, Solicitor, Contracts and Commercial. 07.11.2022 Advice provided by Richard Bines (Solicitor) on 09/11/2022.

Finance Advice:

This decision seeks to accept funding and enter into funding agreements with the Education and Skills Funding Agency (ESFA) for up to £580,614, to deliver community and family learning (CFL) over the academic year September 2022 to July 2023. This £580,614 funding is split as follows; £191,614 Management & Delivery of the project and £389,000 Agreements with Subcontractors (detailed in Subcontractors overview attachment).

Regarding the £191,614 Management & Delivery aspect this can further be broken down into £128,000 management fees & £63,614 for delivery. This is in line with guidance as the £128,000 is 22% of the total (NCC Community & Family Learning Service will retain a maximum of 22% of the overall ESFA AEB funding, to manage its current sub-contractors). The £63,614 for delivery includes an Information and Advice Guidance role. This requires adherence to the relevant HR procedure and the relevant HR staffing form completing.

As this is funded entirely from the ESFA the proposal will not add financial pressure to the MTFP and can be contained within Economic development and is supported. This will be monitored by the service for any variance and reflected in the monthly forecast for the service.

Advice provided by Paul Rogers (Commercial Finance Business Partner (G&D)) on 19/10/2022. Advice provided by Paul Rogers (Commercial Finance Business Partner (G&D)) on 19/10/2022.

Equality and Diversity Advice:

The EIA has been reviewed and the author has noted the proposal will particularly benefit all protected characteristics, as there are no impacts to any of the protected characteristics, I am therefore happy to sign off. Advice provided by Rosey Donovan (Equality and Employability Consultant) on 13/10/2022.

Procurement Advice:

The proposal to 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 2022 to July 2023 is supported from a procurement perspective. Open quotation processes for the services listed in Table 2 will be completed to ensure compliance with NCC Contract Procedure Rules and to ensure value for money. The use of this funding should comply with any grant conditions and suitable agreements should be in place with these providers to ensure compliance and satisfactory performance. Provision to extend the contracts listed in Table 1 for the duration specified were provided for in the initial tender (DDM3651).

Advice provided by Julie Herrod (Procurement Officer) on 11/10/2022.

Signatures

Rebecca Langton (PH Skills, Growth and Economic Development)

SIGNED and Dated: 10/11/2022

Sajeeda Rose (Corporate Director of Growth & City Development)

SIGNED and Dated: 10/11/2022

Nottingham City Council Family Learning Service

Subcontracting Supply Chain Fees and Charges Policy 2022/23

Date completed	6 September 2022
Completed by	Sharon Mullen
Approved by	DDM Director / Portfolio Holder approval date September 2022

This Policy is available online at <http://www.nottinghamcity.gov.uk/familylearning> and can be made available in hard copy upon request. Please contact: Email: familylearning@nottinghamcity.gov.uk



Subcontracting Supply Chain Fees and Charges Policy

Nottingham City Council (NCC) Community & Family Learning Service has a long history of contracting out the delivery of its Education Skills Funding Agency (ESFA) Adult Education Budget (AEB) and is committed to utilising its AEB funding to widen participation amongst adults in learning. By working with key partners, NCC are able to support the community to access teaching and learning that we do not have the resources to provide directly. Working with subcontractors allows us to offer a wider choice of learning to our local community. The Service is interested in working with subcontracted partner organisations who are able to help extend the availability of Community Learning across the City's diverse adult population.

Any decision to subcontract with a partner organisation will be based on the availability of funding and an identified training need for learners. Most importantly, the potential partner organisation must be able to demonstrate the ability to deliver high quality training and education, and that they have a sound financial standing.

1 Scope

This policy applies to all supply chain activity to deliver community learning provision in Nottingham through the Community & Family Learning Service and supported with funds supplied by the ESFA or any successor organisations.

2 Context

The policy is now a mandatory requirement that applies to all sub-contracting activity from 1 August 2013. This policy will be reviewed annually by the City Councils Community & Family Learning Lead in conjunction with current sub-contractors as part of the commissioning process and published on the Nottingham City Council website.

Nottingham City Community Family Learning Service will at all times undertake fair and transparent procurement activities, conducting robust, comprehensive due diligence procedures on potential sub-contractors to secure the highest quality of learning delivery, value for money and a positive impact on learners and the community.

3 Reasons for sub-contracting

NCC Community & Family Learning Service is committed to maintaining and where possible growing and diversifying the range of courses it delivers to widen participation; engage and support the most disadvantaged residents; enter new and emerging markets and address regional and local economic development and social regeneration priorities. In order to achieve this NCC Community & Family Learning Service sub-contracts its provision to responsive partner organisations who can demonstrate high quality delivery in the community.

4 Improving the quality of teaching and learning

NCC Community & Family Learning Service is committed to driving continual improvement in the quality of teaching and learning. NCC will support all subcontracted partner organisations, and will develop and share good practice through quality reviews, operational meetings, observations of teaching and learning and learner and partner feedback. NCC will ensure that all partners are:

- Selected through a process that requires demonstrable evidence that they can deliver and sustain high quality teaching, learning and assessment for all learners in all venues.
- Managed through a process of regular performance monitoring and review including independent and paired teaching, learning and assessment observations.
- Supported through a comprehensive quality programme of staff development and training.

5 Management Fees

NCC Community & Family Learning Service will retain a maximum of 22% of the overall ESFA AEB funding, to manage its current sub-contractors. The management fee is deducted from the funding income received based on the ESFA rate and prior to the allocation of funds to sub-contractors.

The management fee represents the total cost that NCC incurs to undertake the procurement process, ongoing administration and management of the contracts.

The nature of the Community & Family Learning funding grant and the diverse nature of the programmes/groups within the community that may benefit from the activities of subcontractor organisations are such that not all subcontractors are paid the same fee per learning outcome. Differences in fees are dependent upon the profile of target learners; the length of the courses; the level of support required from the Community & Family Learning service; the experience of the subcontractor, their track record and the level of risk as determined by the due diligence process.

The resource input from NCC is funded through its ESFA core grant.

Subcontractors working with NCC do receive a high level of support and guidance and access to the Service's systems, including:

- Quality management systems including regular performance review meetings and termly quality meetings
- Management Information Services and data control advice
- Audit of subcontracting delivery
- Ensuring funding compliance and recording of all data in the ILR
- Delivery and observation of teaching, learning and assessment
- CPD opportunities and planned training and development
- Advice on national funding and policy guidance
- Support with Funding Rules compliance
- Training & support on administrative process, systems and paperwork to enable the submission of accurate and timely data
- Marketing and publicity support – sharing of course publicity information across NCC and its subcontractors websites and social media
- Evaluation and Impact reports
- Performance Improvement Action Planning & Support
- IAG interventions and tracking of learners progression

The main critical considerations in engaging a subcontractor is that they will add value to NCC Community & Family Learning offer in Nottingham, and that the contract represents highly quality provision and value for money.

6 Payment Agreements

Payments will only be made to the Subcontractor once NCC have received the funding from the ESFA (or its successor), and completed enrolment forms and associated documents have been received from the subcontractor and processed by the Service.

The subcontractor will invoice the Service for that amount in line with actual performance. The Service will normally pay the Subcontractor within 30 days of receiving the invoice.

The funding agreement outlines what information is required from each delivery partner to enable invoices to be paid promptly. Any anomalies in delivery / paperwork that arise following payment will be subject to reconciliation at a later invoicing date. Where a provider may experience cash flow problem with this timeline then alternative arrangements are negotiated on a case-by-case basis. The Service's Funding Agreement stipulates that reductions may be made where targets have not been met.

7 Support provided to Sub-Contractors

NCC Community & Family Learning recognises its responsibility to support all sub-contracted partners to develop, deliver and sustain high quality provision that meets the needs of the community and learners. The mix of support will vary depending on the needs and experience of the individual sub-contractor, but all partners can expect to benefit from the following:

- Curriculum Management cross partnership meetings to include regular national and local updates regarding funding, policy, quality and curriculum developments; and the opportunity to share good practice
- Comprehensive quality management systems; including bi-monthly monitoring of performance against clear measures of success
- Moderation of observations of teaching, learning and assessment together with paired observation
- Compilation and analysis of Learner Survey returns for all courses
- Continuing Professional Development opportunities, planned training and development, and support for tutors undertaking initial teacher training
- Support with Funding Rules and other relevant funding and legislative compliance
- Policy development
- Overarching policies for key areas impacting on learners: including Safeguarding, Health and Safety, Equality and Diversity, Learner Involvement
- Marketing and promotion of provision
- IAG interventions for learners including the tracking of progression
- Resources and access new developments in the curriculum to support the quality of delivery, including a bank of ILT resources

8 Monitoring and Evaluation

A member of the NCC Community & Family Learning will meet with the subcontractor minimum once each term (twice termly will be standard, especially if a new provider) to monitor and review progress against the contract targets and to agree any changes emerging from the review.

9 List of subcontractors

This list is provided to the ESFA via the "Subcontractor Declaration Form" in line with the agreed timelines and the aggregated Subcontracting Register is published on the ESFA website. Updates are provided as required.

10. Supplier Opportunities

The Service operates a due diligence process for all subcontractors including Provision and Service Subcontractors. All subcontractors of NCC must complete the due diligence process and have approval from the Service before they can undertake any form of subcontracting.

In addition, all existing subcontractors must refresh annually any time critical documentation that they had previously submitted such as Employers Public Liability Insurance, teaching staff employed and their relevant qualifications, and annual end of year accounts.

11 Review and publication of this policy

The policy will be reviewed on a regular basis and/or when significant changes to the Funding Rules and/or in sub-contracting arrangements occur. Potential subcontractors will be directed to the policy as a starting point in any relationship. The policy will be discussed with all current and future sub-contractors during contract negotiation meetings.

The policy will be published on the Nottingham City Council website
<http://www.nottinghamcity.gov.uk/familylearning> and can be made available in hard copy upon request.

Education and Skills Funding Agency - Adult Education Budget 2022/23

TABLE 1

Community & Family Learning LOTS existing subcontractors

LOTS	Contract Holder	Value	Learner no's
1. Health & Wellbeing (Family Learning)	Life Education Centres	£50,000	179
3. STEM (Family Learning)	Nottingham Ice Arena	£35,000	100
5. Community Learning	Enable	£40,000	170
5. Community Learning /Digital Skills	WEA	£50,000	200
6. Adult Skills	Enable	£39,000	48
	TOTAL	£214,000	

TABLE 2

Open quotation process

5. ESOL	TBC out on three quotes tender	£35,265	120
4. Family English, Maths & Language	TBC out on three quotes tender	£45,000	110
5. Community Learning Personnal Development	TBC out on three quotes tender	£95,000	185
	TOTAL	£175,265	
	TOTAL subcontractors delivery	£389,265	1112 approx TBC

Table 3

Additional Delivery costs

IAG -information advise & guidance worker	Existing member of staff	£46,848
Audit	ESFA mandatory requirement	£6,000
Marketing		£766
Management Information System PIC		£5,000
Additional support for learners creche/ lanagauge		£5,000
CPD for subcontractors tutors		£700
	Total	£64,314

Equality Impact Assessment Form

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1. Document Control

Control Details:

Title:	Community & Family Learning 2022/23 Equalities Impact Assessment
Author:	Owen Harvey
Director:	Nicki Jenkins
Department:	Economic Development
Service Area:	Development & Growth
Contact details:	07977963223
Strategic Budget EIA: Y/N (Does this EIA have an impact on the budget)	N
Exempt from publication: Y/N (All EIA's are published on Nottingham Insight for public viewing unless specified. Exemption criteria is available on the EIA section on the Intranet)	N

2. Document Amendment Record:

Version	Author	Date	Approved
1	Owen Harvey	15/08/2022	

3. Contributors/Reviewers (Anyone who has contributed to this document will need to be named):

Name	Position	Date
Rosey Donovan	Equality and Employability Team	25/09/2022

4. Glossary of Terms

Term	Description
CFL	Community & Family Learning

ESFA	Education Skills Funding Agency
NCC	Nottingham City Council
BAME	Black Asian Minority Ethnic
LGBT	Lesbian Gay Bisexual Trans
DDM	Delegated Decision
SMART	Specific, Measurable, Achievable, Realistic, Timely
EIA	Equality Impact Assessment
AEB	Adult Education Budget

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5. Summary

(Please provide a brief description of proposal / policy / service being assessed)

The DDM is seeking to

- 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 2022 to July 2023.
- 2.To authorise the allocation of a budget of £191,614 for the Council's associated project posts. (£128,000 management & £63,614 for delivery)
- 3.To select a provider to deliver the services by means of an open quotation process; to delegate authority to the Corporate Director for Growth & City Development to establish a contract with the successful providers based on the outcome of the quotation process and to sign outcome to award the contracts. 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. Totalling £214,000

5. To approve the ESFA Supply Chains Policy for 2022/23

Over the last 20 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 WEA. 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, particularly those with protected characteristics.

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 2023.

Not spending this allocation could result in any future allocations being significantly reduced.

screentip-sectionC

6. Information used to analyse the effects on equality:

(Please include information about how you have consulted/ have data from the impacted groups)

The potential for Community Family Learning to benefit a range of citizens, businesses and wider stakeholders is clear.

It will benefit all citizens and businesses with protected characteristics (e.g. BAME, people with disabilities, LGBT, Women) in the following ways:

- Support people with protected characteristics increase access to jobs and skills
- Support people with protected characteristics increase access Apprenticeships

Council officers have prevented any potential negative impacts that Community Family Learning might have on protected groups by doing the following:

- Ensuring the needs and requirements of all protected groups are considered when developing Community Family Learning projects

- Officers have achieved this through taking the following steps:
 - Ensuring Community Family Learning projects are delivered in line with the NCC corporate equality and diversity policies
- Using extensive departmental knowledge and experience of delivering projects to priority groups to inform the development of Community Family Learning projects
- Exploring the potential impacts Community Family Learning may have on protected groups
 - Again, using the extensive departmental experience, officers have a solid understanding of what impact support can have on protected groups
 - Based performance data on a portfolio of economic growth provision, we know that this type of intervention supports priority groups into employment, helps businesses grow and more broadly benefits communities
- Where needed, individuals or organisations with additional support needs are provided with additional support
- In order to increase the positive impact that Community Family Learning may have on protected groups, we will use an evidence base to inform SMART actions e.g. data outlining uptake amongst BAME, LGBT groups and making necessary amendments to ensure accessibility

7. Impacts and Actions:

<u>screentip-sectionD</u>	Could particularly benefit X	May adversely impact X
People from different ethnic groups.	X	<input type="checkbox"/>
Men	X	<input type="checkbox"/>
Women	X	<input type="checkbox"/>
Trans	X	<input type="checkbox"/>
Disabled people or carers.	X	<input type="checkbox"/>
Pregnancy/ Maternity	X	<input type="checkbox"/>

People of different faiths/ beliefs and those with none.	x	<input type="checkbox"/>
Lesbian, gay or bisexual people.	x	<input type="checkbox"/>
Older	x	<input type="checkbox"/>
Younger	x	<input type="checkbox"/>
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).	x	<input type="checkbox"/>
<i>Please underline the group(s) /issue more adversely affected or which benefits.</i>		

<u>screentip-sectionE</u>	<u>screentip-sectionF</u>
<p>How different groups could be affected (Summary of impacts)</p> <p>Provide details for impacts / benefits on people in different protected groups.</p> <p>Note: the level of detail should be proportionate to the potential impact of the proposal / policy / service. Continue on separate sheet if needed (click and type to delete this note)</p> <p>Positive impact Impacts</p> <p>It will benefit all people with protected characteristics (BAME, Young People, people with disabilities, LGBT, Women, Over 50's) in the following ways:</p>	<p>Details of actions to mitigate, remove or justify negative impact or increase positive impact (or why action isn't possible)</p> <p>Continue on separate sheet if needed (click and type to delete this note)</p> <p>Mitigation</p> <p>N/A</p>

- Support people with protected characteristics increase access to jobs and skills:
- e.g. through delivering community learning within neighbourhood communities it unlocks greater access to learning for all people. People feel more comfortable in these settings
- e.g. once individuals complete learning they have an opportunity progress onto intermediate learning
- e.g. once individuals complete learning they have an opportunity progress into employment via signing up to our employment support projects
- Support people with protected characteristics increase access Apprenticeships

8. Arrangements for future monitoring of equality impact of this proposal / policy / service:

The Council will continue to review annually and deliver Community Family Learning in a way that prevents any potential negative impacts the project might have on protected groups through regular monitoring and consultation with service users.

If any negative equality impacts arise will this EIA be reviewed and updated to reflect those impacts along with mitigations

9. Outcome(s) of equality impact assessment:

<input checked="" type="checkbox"/>	No major change needed	<input type="checkbox"/>	Adjust the policy/proposal
<input type="checkbox"/>	Adverse impact but continue	<input type="checkbox"/>	Stop and remove the policy/proposal

10. Approved by (manager signature) and Date sent to equality team for publishing:

Approving Manager: The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel & email to allow citizen/stakeholder feedback on proposals.	Date sent for advice: Send document or Link to: equalities@nottinghamcity.gov.uk
Approving Manager Signature:  Owen Harvey Acting Head of Employment Skills & Economic Strategy 07977963223	Date of final approval: 28/10/2022

Before you send your EIA to the Equality and Employability Team for advice, have you:

1. Read the guidance and good practice EIA's
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.

PLEASE NOTE: FINAL VERSION MUST BE SENT TO EQUALITIES OTHERWISE RECORDS WILL REMAIN INCOMPLETE.