

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

3112

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Department:

Strategy and Resources

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Subject:

Learning Management System (Learning Zone) Upgrade

Total Value:

£38,926 (Type: Capital)

Decision Being Taken:

- 1) To approve the award of a contract to Learning Pool for a 2-year upgrade of the Learning Zone system.
- 2) To delegate authority to the Corporate Director for Strategy and Resources to agree terms and sign the contract.
- 3) To agree dispensation from financial regulations because of the need to award the contract to Learning Pool (see reason below).
- 4) To agree that the additional cost of the system upgrade is met from the Workforce Reserve budget (total cost of Learning Zone is £73,926 for 2 years - £35,000 is already budgeted for by Corporate Learning & Development over the next 2 years - see financial advice).

Reasons for the Decision(s)

The current Learning Zone system (supplied by Learning Pool) is only the basic package (known as 'Essential') and does not meet the compliance requirements. The primary requirement relates to being able to complete, record and report on compliance training, which is essential in a number of service areas but an upgrade to the current Learning Zone (to a package known as 'Total') would meet these requirements.

In addition, only 3,000 licences are included in the current package. The upgrade would provide 10,000 licences which would meet one of the key requirements identified - provide a central training system for all NCC colleagues and partners.

Risks of the current system include:

* **General Data Protection Regulation (GDPR)** - the risks of not complying with Data Protection training are significant and include financial penalties being imposed by the Information Commissioner of up to £500k, and taking enforcement action that could include the chief executive officer being asked to sign an undertaking or risk prosecution. A requirement of the Information Commissioner is that NCC should ensure that adequate Data Protection training and annual re-fresher training for employees is implemented. In May 2016, the EU published the General Data Protection Regulations ("GDPR") that is due to come into force on 25 May 2018.

The GDPR specify that fines for data breaches could be as high as £20m or 4% of an organisations turnover, depending which is the higher.

* **Information Security (including Cyber Security)** - Failure to comply could lead to significant financial costs and/or reputational risks.

* **Health & Safety Training** - The Health & Safety Executive insist that all relevant H&S training is completed and recorded and that evidence of testing can be evidenced. The current Corporate Safety Advice (CSA) system would need significant functionality improvements to meet these stringent audits especially relating to accurate data.

* **Children & Families** - It is essential that Social Worker training can be completed, recorded and accurately reported on as much of the training is statutory. Proof of training is required in court cases. Failure to provide accurate evidence of this could lead to legal action. External agencies such as OFSTED will require evidence of accurate training records during inspections.

The benefits of upgrading to the 'Total' package are:

- Only one system would be used to complete, manage, record and report on all training activities;
- Licences for all NCC colleagues (as well as several licences for partners and third parties);
- Compliance management functionality which allows for a course (or programme of courses) to be set up with refresher dates, e.g. annual completion of information security awareness, data protection awareness, etc and automatically generate emails to managers and colleagues to advise them to re-take the training;
- Management Dashboards to provide managers with instant statistics relating to their team's training records as well as being able to book their colleagues on relevant courses;
- Accurate management information would be available instantly as well as 'schedule reports' that can be automatically e-mailed to relevant colleagues at different frequencies;
- Previously completed external and internal training records can be easily uploaded using a simple, CSV File to provide a training, skills and competency analysis that identifies training needs as well as providing information for talent development / succession planning;
- All training is completed using an externally-hosted system that adhere to ISO requirement of Information Security, has a support helpdesk and is constantly updated with new advanced in learning technology;
- A total learning system that supports Learning & Development's 'blended learning' strategy meaning inclusive and diverse learning options for all colleagues;
- Fully smartphone and tablet compatible so that most colleagues can access

Other Options Considered: Other options below have been considered and rejected for the following reasons:
1. Do nothing: continue with existing separate systems to complete and record all training-related activity - does not meet the Council's compliance requirements.
2. Utilise one of the current systems to hold all information - none of the systems meet the Council's compliance requirements.
3. Purchase a different solution - other options were explored but discounted due to cost or functionality issues.

Background Papers: None.

Published Works: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

Affected Wards: Citywide

Colleague / Councillor Interests: None.

Dispensation from Financial Regulations: Yes

Consultations:
Date: 26/10/2017
Other City Council Bodies: Central Training Record and Compliance Task & Finish Group
Full review of the 'Central Training System - requirements, specifications & future options' report, and a decision that the upgrade of Learning Zone was the best option.

Date: 18/05/2017
Other: Richard Henderson (Director of HR & Transformation)
Business Case proposing upgrade of Learning Zone for a 2-year period sent to Richard, who agreed that going forward with the upgrade was the best option.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: Not applicable.

Equality: EIA not required. Reasons: Not required as proposal is just an upgrade to the current Learning Zone system.

Decision Type: Portfolio Holder

Subject to Call In: Yes

Call In Expiry date: 26/03/2018

Advice Sought: Legal, Finance, Procurement

Legal Advice: This decision raises no significant legal issues. The value for the services is below the applicable procurement financial threshold and a direct award can be made. It is noted that any further procurement should be undertaken via a tender or provided through the 'Fit for the Future' programme.

Advice provided by Andrew James (Team Leader Contracts and Commercial) on 18/01/2018.

Finance Advice: The total cost of this decision is £73,926 over the 2 year period.

There is existing provision within the MTFP for the Learning Management System upgrade (Learning Zone) and this is broken down below:

- Corporate Learning & Development revenue budget (£35,000 total over the 2 year period)
- Workforce Reserve (£38,926 total over the 2 year period - 2018/19 = £21,213, 2019/20 = £17,713)

It is expected that the HR & Finance system currently being procured through the Fit For The Future (FFTF) programme will incorporate this system from 2020/21+.

Advice provided by Hayley Mason (Strategic Finance Business Partner) on 20/12/2017.

Procurement Advice: The proposal is a request for a dispensation from contract procedure rule 5.1.2. The dispensation is requested due to the bespoke nature of the package being purchased from Learning Pool, which is intended to save Council resource and therefore, provides a value for money solution.

Given the reasons for this dispensation and the associated value, which falls below OJEU thresholds, there are no significant procurement concerns with this proposal.

Any future procurement requirements associated with this project will be tendered and the Procurement Team will support this process.

Advice provided by Lauren Wheatcroft (Procurement Officer) on 27/11/2017.

Signatures

Toby Neal (Portfolio Holder for Community & Customer Services)
SIGNED and Dated: 14/03/2018
Candida Brudenell (Corporate Director for Strategy and Resources)
SIGNED and Dated: 13/03/2018
Theresa Channell (Head of Corporate and Strategic Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 08/03/2018
Chief Finance Officer's Comments: