

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

3311

Author:

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Department:

Development and Growth

Contact:

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Subject:

Education & Skills Funding Agency (ESFA) - Community Learning Contract

Total Value:

£599,263.00 (Type: Capital)

Decision Being Taken:

1. To accept the ESFA grant award of £599,263 and delegate authority to the Director of Economic Development to enter into the grant agreement with the ESFA.
2.
 - i) To award a contract to Nottingham and Nottinghamshire Youth Support Limited for 1 year plus an option to extend for a further 1 year for the maximum value of £190,000.
 - ii) To authorise dispensation from contract procedure rule 5.1.2 in accordance with Financial Regulation 3.29 to award the contract to Nottingham and Nottinghamshire Youth Support Limited as above.
 - iii) To approve the allocation of £270,000 to be awarded through a small grants process.
 - iii) To approve a budget allocation of £140,000 to manage and run the project as set out in this report.
3. To delegate authority to administer the funds in accordance with the ESFA funding rules & contract to the Director of Economic Development and Growth.

Over the last 15 years, NCC has held a contract with the Education Skills Funding Agency (ESFA) worth £301,056 per year, for the delivery of family learning provision, through their Community Learning allocation.

In July 2018, the ESFA notified the council that the Community Learning allocation had been increased to £599,263, for the delivery of Community and Family Learning in Nottingham City boundaries for the academic year August 2018-July 2019.

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 from disadvantaged communities. The programme aims to support widening participation by:

- improving health, confidence and social wellbeing
- improving skills such as financial literacy and communication, preparing people for training, and employment

In order to support the council's commitment to reduce unemployment, there is an aspiration to increase the skills levels of its residents. Both Family and Community Learning play a valuable role in engaging those individuals who have no qualifications and are furthest away from the labour market into first steps learning. It is therefore proposed that NCC accepts the increased allocation.

The funding provided works on an annual cycle and must be spent by the end of July 2019. Not spending this allocation could result in any future allocations being significantly reduced.

The proposed breakdown of budget is as follows:

1. Family Learning - allocate £190,000 to Nottingham Nottinghamshire Youth Support Service Ltd (Futures) for the management and delivery of Family & Community Learning provision.
2. Small Grants Application process - allocate £270,000 to administer a grant process
3. Staffing, marketing, CPD, MIS - allocate £140,000 to manage and run the project.

This distribution/breakdown of funding is considered the most efficient and effective way within the constraints of the contract requirement and its challenging timelines. This will also mitigate any risk associated with delivery, for example if one element of the programme underperforms this can be counter balanced by over achievement elsewhere.

Family Learning

Following on from a full procurement exercise carried out in 2013/14, the provision for the last four years has been delivered under a framework agreement by three different providers. That contract ended in July this year. A procurement exercise for further provision was initiated in July 2018, however was withdrawn due to a limited field of applicants.

This has enabled the service to review previous provision, refocus priorities and explore the potential for delivery through Nottingham and Nottinghamshire Youth Support (NNYS), the Council's in house delivery provider.

NNYS are a subsidiary company of Futures, a social enterprise organisation partly owned by Nottingham City Council, which has recently increased its capacity to deliver learning provision through ESFA funding. NNYS holds teckal status; therefore, a contract can be awarded without going to procurement, meaning provision can be on site by early October. This method of contracting has been confirmed as being compliant by the ESFA.

By contracting NNYS, it presents an opportunity for more flexibility to shape the programme, integration into wider employment and skills support and other council services, something that was identified by Ofsted as an area for improvement.

Based upon their current capacity for delivery, it is therefore proposed that £190,000 of funding is allocated to NNYS for the delivery of a range of family & community learning workshops and courses, such as provision, Staying Safe online, Keeping Up with Careers, Steps Towards Employment, Family Science & Technology and targeted Community provision. These programmes will form the stepping-stones onto NNYS Adult Education Budget programme- more formal accredited funded programmes.

Small Grants Programme

The small grants programme will give us an exciting opportunity to deliver a bespoke programme in the community, engaging learners; meeting local need and working in encourage a culture of Lifelong Learning. With this in mind, it is proposed that £270,000 of the funding is allocated to a small grants programme (the criteria for which will be agreed with the portfolio holder) which aims to deliver the following:

- Increasing engagement from our most marginalised and disadvantaged communities
- Developing provision, which provides that first step towards work, by focusing in work readiness and transferable skills
- Support progression in its widest sense, ensuring a coherent pathway for lifelong learning

Allowing grassroots organisation access to this funding will enable NCC to reach groups of marginalised citizens that we have previously not been successful in engaging and ensure the curriculum is more responsive to local needs.

Staffing/CPD, MIS

In order to deliver the grants programme and meet the ESFA and Ofsted requirements for monitoring and quality assurance, the current staffing levels will not provide adequate capacity.

There is currently one part-time (0.5) member of staff at a grade H who acts as a project co-ordinator. It is proposed to engage an additional development worker to undertake partnership working with key agencies and carry out quality assurance visits, and an administrator to administer the grants process and organise paperwork. This is considered the minimum staffing levels needed for the successful delivery of the project.

Co-ordinator - 0.5 - £22,550

Development worker - fulltime - £39,400

Administrator - fulltime - £25,500

MIS - £15,000

Marketing - £15,000

CPD - £22,550

With new delivery, partners coming on board the service will need to ensure quality assurance is of a high standard and will need to guarantee that all tutors and manager receive mandatory training in: Safeguarding, Equality & Diversity, Prevent, British Values and GDPR. A rolling programme of CPD events for delivery teams is required and a budget of £22,750k to support the rollout.

The Management Information Service (MIS) is a critical and compulsory requirement to the ESFA contract. The procured MIS system (Inspire) ensures:

- Automated reports to ESFA are within regulatory timeframes.
- Live Tracking
- Fully Auditable
- Weekly Reports and Dashboards to the authority with breakdown by services and contractors.

Currently this is far more cost effective than bringing the service in house.

Other Options Considered: Undertaking a procurement exercise, this could take up to 6 months, which in turn would significantly affect programme delivery, ESFA output and spend.

Background Papers: If you wish to see a copy of the ESFA contract please contact Sharon Mullen direct

Published Works: None.

Affected Wards: Citywide

Colleague / Councillor Interests:

Dispensation from Financial Regulations: Yes

Consultations: Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: Community & Family learning provision encourages families and the wider community to be active members within their community and to be responsible citizens.

Equality: EIA not required. Reasons: This is not a new policy change or service.

Decision Type: Portfolio Holder

Subject to Call In: Yes

Call In Expiry date: 06/11/2018

Advice Sought: Legal, Finance, Procurement

Legal Advice: The City Council can make a direct award to Nottingham and Nottinghamshire Youth Support Limited as it is a company controlled jointly by the City Council and County Council and benefits from the procurement 'Teckal' exemption. The City Council must ensure that the direct award is a sub-contract arrangement which is acceptable to ESFA in accordance with ESFA's grant funding rules. It is understood the £155,000 budget allocation includes the appointment of staff. All staff should be appointed on merit and this is a non-executive decision for the Corporate director. Advice provided by Andrew James (Team Leader Contracts and Commercial) on 26/09/2018.

Finance Advice: The ESFA grant funding has been awarded for academic year August 2018 - July 2019 and a reserve will be used to ensure that the grant is used in the correct financial year. The Family Learning Manager is responsible for ensuring that appropriate monitoring of the grant expenditure is maintained and is in accordance with the grant conditions. Appropriate records must be kept of the criteria used for the allocation of funding through the Small Grants Programme as this does not appear to be currently set up.

The dispensation from Financial Regulations is considered appropriate in the circumstances outlined in the report and the contract can therefore be directly awarded in accordance with the legal advice.

Any risk to the City Council must be mitigated to ensure that there is no financial pressure resulting from the management and allocation of the grant. Advice provided by Susan Tytherleigh (Senior Finance Manager) on 03/10/2018.

Procurement Advice: The proposed direct award of a contract to Nottingham and Nottinghamshire Youth Support Limited under teckal exemption is permitted under EU Procurement Regulations. Therefore, dispensation from the provisions of the Contract Procedure Rules 5.1.2, in accordance with Financial Regulation (3.29) (Operational Issues) is supported from a procurement perspective. Advice provided by Julie Herrod (Procurement Officer) on 03/10/2018.

Signatures

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| Neghat Khan (Portfolio Holder for Education & Skills) |
| SIGNED and Dated: 30/10/2018 |
| Chris Henning (Corporate Director for Development and Growth) |
| SIGNED and Dated: 25/10/2018 |
| Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations |
| SIGNED and Dated: 23/10/2018 |
| Chief Finance Officer's Comments: |