

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3651
Author:	Sharon Mullen
Department:	Development and Growth
Contact:	Sharon Mullen (Job Title: Family Learning Manager, Email: sharon.mullen@nottinghamcity.gov.uk, Phone: 01158764787)
Subject:	Education & Skills Funding Agency - Adult Education Contract 2019/20
Total Value:	£551,768 (Type: Revenue)
Decision Being Taken:	<ol style="list-style-type: none">1. To enter into a funding agreement with the Education & Skills Funding Agency (ESFA) for Adult Education Budget (AEB) to access a grant of £551,768 over the 2019/20 academic year (August - July), to be spent as outlined in decisions 2 to 4 below.2. To commission £320,000 of the contract through Nottingham City Councils (NCC) procurement process via 5 LOTS (Health & Wellbeing: Employability, Science Technology, Engineering and Mathematics (STEM); Family English, Language and Math's: Community Learning, aligned to NCC priorities, and delegate authority to the Strategic Director of Economy to award the contract for 11 months, with the option to extend 1 + 1+ 1+ years, subject to NCC receiving the ESFA funding.3. To allocate £50,000 to NCC library service for the design, implementation and delivery of Community & Family Learning programmes over the 2019/20 academic year.4. To approve a budget allocation of £160,000 to support the staffing costs of the team. Including creating 2 new posts to join the existing delivery team (non exc. officer decision under delegation 16):<ol style="list-style-type: none">i) Partnerships and Information Advice & Guidance Worker.ii) Data / admin support officer5. To approve the ESFA Supply Chain Fees and Charges Policy 2019/20, attached.6. The remaining £21,768 will support NCC to meet the ESFA contractual requirements in terms of Management Information System (MIS), standardised paperwork, marketing and Continued Professional Development (CPD) for all delivery organisations.7. To delegate the authority to the Strategic Director of Economy to administer the funds, in accordance with the ESFA funding rules and contract.

Reasons for the Decision(s)

Over the last 16 years, NCC has held a contract with the ESFA for the delivery of family learning provision, through the Community Learning allocation. In May 2019, the ESFA notified the Council that the AEB grant allocation would be £551,768 for the delivery of Community & Family Learning in Nottingham City boundaries for the academic year August 2019-July 2020.

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 Community & Family 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.

The funding provided works on an annual cycle and must be spent by the end of July 2020. Not spending this allocation could result in any future allocations being significantly reduced.

The proposed breakdown of budget is as follows:

1. Commission £320,000 Community & Family Learning funding via full procurement exercise, with the opportunity, subject to NCC receiving ESFA funding, to extend the 11 month contract, plus 1, plus 1, plus 1 years. Funding will be allocated by LOTS and will be aligned to Council Plan priorities.
2. Award NCC library service a £50,000 funding allocation to delivery targeted learning opportunities in Nottingham City Libraries over the 2019/20 academic year. Programme offer will focus on Health & Wellbeing, STEM, English & Math's and Employability. The library service will enroll a minimum of 240 learners.
3. Management Information System has historically been outsourced to Inspire. For 2019/20 Inspire have informed the service this arrangement will no longer continue, therefore we service will need to employ a data processor/admin support to enable to the service to report Individual Learner Record (ILR) data to the ESFA and deliver the contract. Information Advice and Guidance (IAG) has also been historically outsourced so therefore we are seeking approval to recruit a Partnership & IAG worker, which will enable the service to ensure all delivery partners and their learners have access to good quality IAG. This role will also be fundamental in tracking learners progression, which will play a big focus on the new Ofsted Education Inspection Framework (EIF). Both posts will be fixed termed, until August 2020 inline with the grant funding period.
4. Other staffing costs, marketing, CPD, MIS - allocate £181,768 to manage and run a successful high quality programme (reference to decision to be taken points 4 & 6)

Briefing notes documents:

Supply Chain Fee & Charges policy_Nottingham City 2019_20 V1.2.pdf

Other Options Considered: Not entering into this agreement with the ESFA was rejected as it would mean a loss of £551,7686 grant funding for Nottingham citizens, which would impact approximately 1,300 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: If you wish to see a copy of the ESFA contract please contact Sharon Mullen direct (too large to attach to the system)

Published Works: None

Affected Wards: Citywide

Colleague / Councillor Interests: None

Any Information Exempt from publication: Yes

Exempt Information:

Description of what is exempt: Legal advice

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. The public interest in maintaining the exemption outweighs the public interest in disclosing the information because firstly, publishing these legal implications would clearly identify the employees in question; and secondly, the information sets out the legal risks inherent in the course of action proposed here, which the Portfolio Holder and Corporate Director are arguably entitled to consider without Nottingham City Council's position being affected simply by the consideration of those risks.

Documents exempt from publication: Exempt DDM text - Family Learning Employment and Commercial.docx

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

Social Value Considerations:

N/A

Relates to staffing:

Yes

Decision Type:

Portfolio Holder

Subject to Call In:

No
The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.

Person Consulted: Councillor Georgia Power

Consultation Date: 19/09/2019

Delay will have an adverse impact on the ability to deliver the contract and put future Education and Skills Funding Agency contracts at risk

Advice Sought:

Legal, Finance, Procurement, Human Resources

Legal Advice:

This advice is exempt from publication and is contained within an exempt appendix

Finance Advice:

The ESFA Adult Education grant funding amounting to £551,768 has been awarded to the council for the academic year August 19- July 2020, the appropriate accounting adjustments will be processed to carry forward the grant relating to April- July 2020 into 20/21 financial year.

It is the responsibility of the Family Learning Manager to ensure that the grant is fully spent by the end of July 2020 to ensure that future allocations are not significantly reduced. The service will need to ensure that processes are in place to enable the reporting of ILR to ESFA as outlined in the grant conditions. The allocation of £21,768 will support Nottingham City Council to meet ESFA contractual requirements.

The decision to commission £320,000 of the community and family learning contract to delivery organisations will need to follow NCC procurement policies, ensuring that value for money can be demonstrated. The decision to award a contract to NCC library services valued at £50,000 demonstrates value for money from the benchmarking exercise the service area undertook.

£160,000 of the ESFA Adult grant has been allocated for current staff time spent on activities that are eligible to be funded by the grant and the creation of 2 new posts- a Data processor and Partnership & IAG worker. Both posts will be appointed to on a fixed contract up to July 2020, in line with the period in which the grant has awarded up to. The grading of the posts are under review by HR, however there is sufficient grant funding for the range of the grades currently being considered. Once the gradings have been agreed, HR processes will need to be followed in order to establish the two new posts.

Advice provided by Roma Patel (Commercial Business Partner) on 03/09/2019.

HR Advice:

Management are proposing to create a new post of Partnership and Information and Guidance Worker and Data/Admin Support Officer. These posts will be subject to the job evaluation process.

Management will need to ensure that recruitment is conducted through the appropriate processes, including redeployment. Management should be aware that the selected postholder(s) should commence on a starting salary of Level One within the respective Grade, unless the appointed colleague is already in employment at the council and on Level two of the same grade, in which case the employee would be matched over at the rate of pay they currently receive.

There will need to be a support and development plan for the new post holders once appointed in line with managing performance through the probationary policy.

As the post is initially temporary, an appropriate exit strategy must be in place in order to terminate the contract in line with NCC guidance in the event that the post cannot be made permanent at the end of the fixed term period. Management will need to ensure appropriate timelines are in place to notify the affected employee and give appropriate notice.

Where an appointed employee has accrued more than 2 years' service, management should be aware of the right to a redundancy payment if the reason for dismissal is redundancy and budget accordingly.

Advice provided by Shilpa Arya (HR Consultant) on 11/09/2019.

Procurement Advice:

There are no significant procurement implications arising from this decision. The proposal to undertake a tender process for Family Learning provision is supported from a procurement perspective. The Procurement Team will undertake a tender, which will comprise of 5 Lots as described in this report, and will be compliant with EU and UK Procurement Regulations (Light Touch Regime) and the Council's Financial Regulations.

Advice provided by Julie Herrod (Procurement Officer) on 02/09/2019.

Signatures

Neghat Khan (PH Early Years, Education and Employment)

SIGNED and Dated: 26/09/2019

Chris Henning (Corporate Director for Development and Growth)

SIGNED and Dated: 26/09/2019