

Officer Non-Key Decision Report

Decision Date – 30 April 2024



NON-KEY DECISION TAKEN BY THE: SERVICE DIRECTOR FOR ECONOMY, EMPLOYMENT AND PLANNING

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Details of the decision:

That the Service Director for Economy, Employment and Planning approves:

- the commencement of a procurement process to allocate up to £1.5m, from the Skills Fund Grant (formerly known as Adult Education Budget) for the academic year 2024/25 to secure a strategic delivery partner for the core Tailored Learning programme (formerly known as Community Learning) for Somerset.
- the commencement of procurement processes to allocate up to a total of £500k, from the Adult Skills Fund Grant, to secure a number of community-based delivery partners, largely from VCSFE sector, who will deliver targeted provision that cannot be delivered by the core delivery partner.
- the extension of the Community Learning Partnership Management contract, up to a value of £83k, for a further 12 months.

Reasons for the decision:

Somerset Council will be awarded £2.524m to deliver a Tailored Learning Programme across Somerset in 2024/25 (1 August 2024 – 31 July 2025).

A successful Tailored Learning programme will play a significant role in supporting the Council to achieve the objectives of the Council Plan in its strategic aims and objectives aligned to workforce and learning as set out below:

- Somerset Council will be strategic and dynamic to ensure a skilled workforce is available to support the innovative industries within Somerset.
- The programme will aim to have well balanced communities and will work hard to attract and retain young people and working age adults in the county.
- The need for a striving education sector will be paramount to making sure that Somerset flourishes economically.
- Somerset Council will be a strategic leader in improving the education, skills, and vocational training offer at all levels, working closely with partners to raise aspirations and boost local opportunities

A link to the Council Plan for 2023-2027 can be found here: [SCC - Public - Somerset Council - Council Plan.pdf - All Documents \(sharepoint.com\)](#)

In order for the core programme to commence on 1 August 2024 various options have been considered:

- Continuation of transition year arrangements via a Grant – this would not be compliant with procurement regulations and therefore not a viable option.
- Mixed delivery (in-house and sub-contracted) – the Council do not have the internal capacity for in-house delivery, nor is it felt appropriate to develop this capacity given there is an external market, albeit limited.
- Fully sub-contracted delivery with in-house management – this is the preferred solution and is compliant with procurement regulations.

To secure the services of a delivery partners both for the core contract and for community-based provision the procurement process will need to commence ahead of receipt of the formal grant offer from the Department for Education which is unlikely to be issued before July. However, we will not enter into any contracts until the funding offer from DfE has been accepted by the Council via a key decision-making process.

To maintain a seamless collection, and management, of learner data it is proposed that we extend the existing contract with the current provider to oversee this across the community-based delivery partners in 2024/25. This contract is currently being delivered by Somerset Skills & Learning. This will allow the Council time to build capacity, procure and implement an in-house system for learner enrolments for provision commencing in August 2025.

All costs associated with these contracts will be fully funded via the Skills Grant external funding. We have secured Commercial and Procurement Board approval to begin the required procurement processes for the delivery of the Tailored Learning programme and are working with the service, and legal, to ensure appropriate processes are followed.

Background to the decision:

Overview

Council run or commissioned adult and Tailored Learning plays a vital role in supporting residents on their journey to learn skills to enter, return or progress in work. Alongside the economic benefits, it reduces loneliness and makes people happier, healthier, more confident, capable and resilient – making places smarter and more inclusive.

Delivering a range of informal and formal learning from entry-level courses to professional qualifications, as well as interview support and confidence-boosting programmes in a range of community settings, Tailored Learning gives residents a first, second, third or even fourth chance to access learning. It works with the grain of other place-based services including employment, regeneration, education, health, and culture, and adds value to each, as well as connecting with agencies like Jobcentre Plus and local colleges.

Tailored Learning is important in place shaping: how it brings economic and social benefits to local communities, enhancing the lives of residents and contributing to the culture and cohesion of the places in which they live and work. It will encourage planners and policymakers to work in a way that acknowledges and makes use of the special role played by adult education in connecting and adding value to other council services.

The purpose of Tailored Learning is to develop the skills, confidence, motivation, and resilience of adults of different ages and backgrounds in order to:

- Progress towards formal learning or employment
- Improve their health and well-being, including mental health
- Develop stronger communities

The objectives are to:

- focus public funding on people who are disadvantaged and least likely to participate in learning and/or employment, including in rural areas and people on low incomes with low skills.
- widen participation and transform people's destinies by supporting progression relevant to personal circumstances.
- develop stronger communities, with more self-sufficient, connected, and pro-active citizens.
- commission, deliver and support learning in ways that contribute directly to these objectives.

The benefits to those participating in Tailored Learning have been well documented and include an increase in self-confidence; meeting new people and making new friends and consequently understanding other people and cultures; a feeling of having more control of their life and enjoy learning more which will give more confidence at work as a result.

Previous Programmes

Up until 2015 Somerset County Council was funded via the Department for Education (DfE) to directly deliver (as was then called) Community Learning via its internal services. In 2014, following the Cabinet Office's objectives to decentralise non-statutory services, it was agreed that this service would be externalised, and Somerset Skills & Learning (SS&L) was formed and set up as a Community Interest Company. The funding was novated, in full, from the Council to them. However, following a change in funding rules in 2017, the DfE have had to undertake an open procurement process each year for the ongoing delivery of Community Learning in Somerset and SS&L had to competitively tender for the funding. SS&L have been successful for the last 8 years in securing this contract.

In November 2022 Somerset Council were approached by the DfE to discuss the associated funding coming back under the management of the Council from August 2023 to bring Somerset in line with other local authorities (we were the only area where the programme was directly procured by the DfE).

SS&L's delivery model has included a sub-contracting arrangement whereby a proportion of funding has been used to fund smaller, community-based organisations to deliver activity in the community where it would not provide value for money for SS&L to try and do this themselves. Localised delivery is especially important in some of our more rural areas and among the harder to reach population to ensure a wider participation reach for our communities.

Current Programme (1 August 2023 – 31 July 2024)

Somerset Council was awarded £2.524m in 2023/24. SS&L were commissioned to continue delivery of the programme, in partnership with community-based organisations, as it has done in the past. This was subject to Key Decision taken in July 2023.

The total funding was allocated as follows:

- Grant for the delivery of the core programme (SS&L) - £1.99m
- Contract for the management of the community-based organisations (SS&L) - £130k
- Contracts to community-based organisations (awarded to 15 partners) – up to £400k

The total number of learners anticipated to enrol onto Community Learning is 6,167 in 2023/24 and good progress is being made towards achieving these targets.

Forth Coming Delivery (1 August 2024 – 31 July 2025)

The Education and Skills Funding Agency (ESFA) on behalf of the DfE have confirmed that Somerset Council will receive £2.524m in 2024/25 for the programme commencing on 1 August 2024.

It is proposed that the Council applies a similar approach to previous years where a single provider is secured to deliver the core programme and a range of community-based organisations are commissioned to deliver activity in our harder-to-reach communities. All provision will need to be agile and flexible to meet the evolving needs of learners, our communities and employers.

It is planned to apportion the funds as follows:

- Core Delivery (single provider) – £1.5m
- Community-based Delivery (multiple partners – lower value contracts) – £500k
- Management and Administration (including £83k for the CLP Contract Management extension) - £524k*

*There is no pre-determined “top slice” for management and administration of this programme. The proposal to retain £524k is broadly in line with other areas and in accordance with DfE expectations that the lead authority puts in place structures which enable it to fully meet the obligations of the funding. In the first year we will determine the ongoing resource requirements and will also have set up costs which will include the purchase of a Management Information System. This system will be procured towards the end of 2024/25 in preparation for delivery in August 2025. The resource requirements will be reviewed and refined for ongoing delivery in future years. See below for further information.

Core Delivery

We propose to procure, via an open procurement process, a single strategic delivery partner to deliver the core programme across Somerset. The programme will meet the overarching objectives of Tailored Learning (was Community Learning) and funding rules as defined by the ESFA. The partner will be expected to work with the Council, and its stakeholders, to develop an agile and responsive delivery programme that meets the needs of learners, communities, and employers in Somerset. They will also be expected to work closely with our community-based delivery partners to ensure a cohesive offer.

The budget for the core programme is up to £1.5m and will be fully funded from the grant allocation. The final amount will be determined through the procurement process.

Subject to approval of this decision we plan to publish the tender documentation via the procurement portal at the end of April. Tenders will be invited during May and evaluation will be undertaken in June. We anticipate awarding the contract, after a standstill period, in late June/early

July for a contract start on 1 August 2024. A separate key decision will be taken to award the contract, but not until we have received the grant award from the DfE and accepted the funding.

Community-Based Delivery

We propose to procure a number of local organisations who can deliver directly within our harder to reach communities. This provision will be based on evidence of need and will aim to target smaller cohorts of learners. We will work with Commercial and Procurement and Legal Teams to determine an appropriate route to market. We anticipate working with around 15 organisations who will have a varying level of funding awarded. Many awards will be between £5k-£10k with a limited number of larger awards of up to £30k.

Subject to this decision we plan to launch a market engagement process with community organisations in May with the anticipation that a majority of funding will be awarded during August and delivery will commence from September 2024 through to June/July 2025. This process will be a rolling programme through the funding period and some funding will be retained for later in the delivery period which will allow us the opportunity to respond to evolving need within our communities.

Decisions to award contracts funding will be taken via appropriate governance routes depending on the value.

Management and Administration

As set out above there is no top-slice allocation for Management and Administration (M&A) of this programme. However, there are a number of obligations placed upon the council in respect of accepting the funding such as:

- ensuring effective governance arrangements which include stakeholder involvement in setting the strategy, management, and oversight of the programme to ensure it continues to meet objectives and ongoing scrutiny
- developing a strategy, defining our intent, and setting objectives of the programme. This should be underpinned by evidence
- designing a curriculum that delivers high quality learning which meets the needs of the community and local economy
- ensuring that delivery meets minimum levels of quality as set out in the ESFA Adult Skills Funding Rules 2024/25 and active implementation/monitoring, of a number of policies including:
 - safeguarding and prevent policy
 - health and safety policy
 - fees and pounds plus policy
 - quality improvement plan (and assurance strategy)
 - teaching, learning and assessment (including RARPA) strategy
 - attendance policy
 - safer recruitment policy
 - professional development policy
- collection and management of learner data for submission to the DfE via the ILR, this will include learner enrolments (paper and online) and ongoing progression details (this will be provided by the Strategic Partner for the Core Delivery) and via the Contract Management extension for the community-based provision
- Ofsted coordination and nominee
- contract management, ensuring compliance of funding requirements (including across all delivery partners), regular reporting to DfE

- Quality management including but not limited to: Self-Assessment Reports (SAR), Quality Implementation Plan (QIP) and lesson observations as set out in the Ofsted Inspection Framework standards.

Somerset Council will need a structure in place to fulfil these requirements. Costs will be fully met through the M&A allocation.

There are TUPE implications as a result of the management functions coming back into the control of the Council. There is only 1 post that will be impacted in 2024/25, but further posts may be impacted at the end of the first delivery period (July 2025). Discussions are underway with Somerset HR Services to ensure proper processes are followed.

We are also working with our Education Services to determine whether there is capacity within existing structures before any new posts are recruited. Therefore, currently we do not anticipate having to recruit additional capacity. As above, this will be kept under review during the first year, and if additional resources are required the cost will be fully funded from the funding allocation.

Strategic Intent and Consultations

We are currently working on finalising the Council's strategic intent in relation to this funding. Various stakeholder consultations have been undertaken across our frontline services including housing, economic development, adult services, children's services, job centre and health. Further consultations will be undertaken throughout the programme. As set out above, the procured activity will need to be agile and flexible to meet evolving needs. Delivery partners will work with the Council, and stakeholders, to review delivery throughout the programme.

An interim Governance Board in being established, in shadow form, and will hold its inaugural meeting in June. At this meeting, the Accountability Statement which sets out our strategic intent and governance processes will be considered ahead of submission to the DfE on 30 June. A separate governance decision will be needed to endorse this as it will form part of our grant agreement with the ESFA/DfE.

The Governance Board will play a key role in ensuring the programme supports the Council's aims, ensuring continuous improvement across programme delivery and that the programme is meeting the needs of individuals, communities, and businesses in Somerset.

Funding

As referred to throughout the report, all delivery and activity associated with this programme will be funded via the grant allocation and will not exceed £2.524m. The programme will therefore be a net nil cost to Somerset Council.

We do not expect to receive the final grant award from ESFA/DfE until July and no contracts, or cost commitments, will be entered into ahead of acceptance of this funding. Acceptance of the funding, and contract award(s) will be subject to the appropriate governance processes.

Background papers:

None

Compliance section:

Members consulted; members informed:	Yes
Officer consultations completed:	Yes
Senior (including statutory) officer sign off completed	Yes
Public / other consultations undertaken	Yes
Do you have sufficient budget or additional funding available and approval to commit this budget or funding and has this been confirmed with the appropriate Finance Service or Service Manager?	Yes
Are there any legal considerations to be made?	Yes
Has Legal Services been consulted (specific requirement for changes in service delivery, procurement, contracts, or property matters)?	Yes
Are there any TUPE implications arising?	Yes
Has HR/Workforce been consulted?	Yes
Is the decision likely to lead to a procurement exercise or contract award / change? Yes	
Has the Commercial and Procurement Team been consulted?	Yes
Service Finance Lead Officer / Manager consulted for commissioning?	Yes
Are there any risks arising? (liaise with Pam Pursley / Angela Farmer regarding these)	No
Have mitigating actions already been taken?	not considered necessary
Have all Due Regard (equalities) implications been considered? (liaise with Tom Rutland regarding these).	Yes
If ticked 'No' or 'not considered necessary' for any of the above, please provide your justification below:	
<p>All relevant consultations and discussions have taken place to ensure this is a fully compliant process.</p> <p>There are no risks identified in respect of taking this decision. If this decision is not approved, then we will not be able to deliver the programme within the proposed timeframe.</p>	

Member consultation completed:	Name(s)	Date
Relevant Local Unitary Councillors consulted where decision directly affects their division.	N/A	
Relevant Executive Member(s) consulted (if applicable)	Ros Wyke	Draft on 17/04/2024 Final on 01/05/2024

Opposition Spokesperson informed (if applicable)	Cllr Mandy Chilcott	01/05/2024
Chairman of relevant Scrutiny informed (if applicable)	Cllr Martin Dimery	01/05/2024

Decision Maker

I am aware of the details of this decision, have considered the reasons, options, representations, and consultation responses (where applicable) and give my approval / agreement to its implementation.

Signed by relevant Service Director:

Paul Hickson

Name: Paul Hickson

Post: Service Director for Economy, Employment and Planning

Date: 30 April 2024

Note – a copy of this signed decision should be sent to David Clark / Scott Wooldridge, Monitoring Officer, Democratic Services