

CABINET

13 December 2022

Rutland Adult and Community Learning Sub-Contract Provision

Report of the Portfolio Holder for Education and Children's Services

Strategic Aim:	A county for everyone	
Key Decision: No	Forward Plan Reference: FP/240622	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr D Wilby, Portfolio Holder for Education and Children's Services	
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Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Cabinet:

1. Approves the procurement model and award criteria for Adult and Community Learning.
2. Authorises the Strategic Director Children and Families, in consultation with the Cabinet Member with responsibility for Education and Children's Services, to award the contract(s) resulting from this procurement in line with the Award Criteria.

1. PURPOSE OF THE REPORT

- 1.1 This report sets out the process and proposed award criteria for the procurement of a sub-contractor to deliver the adult education skills provision.

2. BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 Adult Learning is a service provided by Rutland County Council (RCC) utilising funding from the Education and Skills Funding Agency to meet statutory duties to influence and shape the adult learning provision on offer in the local area. RCC

offers a range of learning opportunities aiming to upskill and boost productivity, pay, jobs and living standards of learners, delivered through our well-equipped building on the outskirts of Oakham.

- 2.2 As a result of internal and external influences, including changes to subcontracting rules, our current provider can no longer offer the same level of provision as originally planned. As we were not then able to extend the existing contract for its final year we must secure a new provider. The new provider will need to offer experience of engaging with stakeholders and effective promotion of an offer that meets the needs of both our local community and ESFA and other external funding requirements.
- 2.3 The new sub-contracting partner will need to establish and deliver a high quality, inclusive learning and skills offer for the County, which takes into account the requirements of our rural location and training requirements.

3. CURRENT PROVISION OF ADULT AND COMMUNITY LEARNING

- 3.1 Rutland County Council commissions a single contract with Inspire Education Group (IEG), who are contracted until 31st July 2023.
- 3.2 The current curriculum offer is reviewed annually and is designed to meet specifically the needs of the communities that Rutland County Council serves. In particular, links with the MOD barracks, Rutland schools and small and medium sized employers have resulted in a clearly defined curriculum that meets the learning and training needs of Service families and employees. Recent reviews of the current offer have shown that changes to delivery requirements are required to reflect identified customer needs. It is therefore essential that the Council procures a provider that can demonstrate the necessary flexibility to adjust provision to meet community needs.
- 3.3 Future contracting arrangements will need to build on these strengths and deliver an offer that reflects the local authority's statutory functions and employer and student expectations.
- 3.4 To ensure the new provider has the capacity and expertise to deliver high quality provision for the local authority, robust key performance indicators will be established within the contract. These will reflect current education expectations and be explicit about expected performance targets. These will be monitored regularly through the Rutland Adult Learning and Skills Service Performance Board.

4. PROCUREMENT MODEL

- 4.1 The proposed contract length is 3 years, with the option to extend annually for a further 2 years. Due to changes in sub-contracting funding rules each year, the contract may need to be varied on an annual basis to reflect these changes. The Commissioning Team will support this where required.
- 4.2 To ensure a suitable contract is in place for the commencement of the academic year, autumn 2023, Rutland County Council is undertaking a procurement exercise to seek a sub-contracting partner to establish and deliver a high quality and inclusive learning and skills offer for the County.
- 4.3 We are seeking a provider who can offer experience of engaging with stakeholders

and effective promotion of an offer that is meeting the needs of both our local community and ESFA and other external funding requirements.

- 4.4 The contract value will be set at up to £99,000 per year, potentially totalling £495,000 over its lifetime. Since the previous report to Cabinet, a new sub-contracting standard has been introduced by the ESFA. This requires every subcontract over £100,000 to be externally audited before being granted a three-year subcontracting licence. As the service is already extensively audited, we have decided the most efficient and effective approach for the Council will be to retain £20,000 of our £119,000 funding allocation and deliver this in-house. This will enable us to focus resources on delivering services to learners. Our in-house Rutland Adult Learning and Skills tutors (who can be employed on a casual basis) will provide entry-level qualifications to those furthest from education and training. This will provide a progression route from entry level onto level 1 and above qualifications which our subcontractors will deliver.

4.5 Procurement Process

- 4.5.1 The procurement process will follow a single stage open tender process in line with the Council's Contract Procedure Rules.
- 4.5.2 The value of the contract is below 'Find a Tender' thresholds.
- 4.5.3 The timetable for the process is set out in Appendix A and the award criteria are set out in Appendix B.

5. CONSULTATION

- 5.1 In September 2022, a soft market testing exercise was undertaken to provide feedback on the proposed model. This concluded on the 17th of October.
- 5.2 Feedback from the questionnaires has shown that there is interest in delivering Adult Education programmes in Rutland and already work with our bordering counties of Northamptonshire and Leicestershire. These providers also engage with stakeholders such as Jobcentre Plus. Of the three responses, from current information only one is suitably qualified to fulfil the contract. This may change when the tender is published.

6. ALTERNATIVE OPTIONS

- 6.1 Under the Public Contract Regulations 2015, Award Criteria must be set prior to procurement starting. There is no alternative to setting these in advance.
- 6.2 The approval of award of the contracts could be brought back to Cabinet for approval rather than delegated to the Portfolio Holder and Strategic Director Children and Families, however the award will be made in line with the award criteria Cabinet approve and therefore the only alternative to not approving the award would be if there was reasonable grounds to not award at all.

7. FINANCIAL IMPLICATIONS

- 7.1 The contract value will be set at £99,000 per year, £495,000 over the lifetime of the contract. This is funded through the Education and Standards Funding Agency funding and is not a cost to the authority.

- 7.2 Rutland Adult Learning and Skills Service will retain all community funding and will retain up to 20% of any sub-contracted provision as a management fee.

8. LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 The procurement process has been drawn up by the Commissioning Team and Welland Procurement Unit, in line with the requirements of the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules.
- 8.2 Legal advice on the process has been sought.

9. EQUALITY IMPACT ASSESSMENT

- 9.1 Equality Impact Screening (EIS) has been completed. No adverse or other significant risks/issues were found. A copy of the EIS can be obtained from Atessa Bradbury – contact details above.

10. COMMUNITY SAFETY IMPLICATIONS

- 10.1 The council is required by Section 17 of the Crime & Disorder Act 1998 to take into account community safety implications. There are no specific community safety implications from the procurement.

11. HEALTH AND WELLBEING IMPLICATIONS

- 11.1 The provision provides additional skills to residents enabling them to gain and maintain employment and to gain promotion to higher employment levels.
- 11.2 The provision offers basic skills qualifications to vulnerable residents and improves potential for future employment skills and potential for independent living.
- 11.3 The provision offers English as a Second Language to new arrivals to the UK and Rutland.

12. ORGANISATIONAL IMPLICATIONS

- 12.1 TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006) and subsequent amendments will apply to the procurement. The existing provider will be required to submit a TUPE spreadsheet as part of the procurement exercise. Bidders will use this information to develop their service and shape their bid. The TUPE process will then be managed by the provider as part of the implementation period.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 Under the provisions of the Public Services (Social Value) Act 2012 local authorities are required to consider how economic, social, and environmental well-being may be improved by services that are to be procured, and how procurement may secure those improvements.
- 13.2 The award criteria will include specific reference to Social Value. The tender will require bidders to review each section of the Future Rutland Vision and shape their social value offer around these priorities by answering a specific social value method statement.

14. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 14.1 In order for the procurement process to commence the award criteria needs to be approved by Cabinet. The criteria have been carefully considered to ensure that providers successful in the process are capable of meeting the requirements and can deliver appropriate quality services in Rutland.
- 14.2 It is recommended that once the award criteria are approved, approval of the award of contracts is delegated to the Strategic Director Children and Families in consultation with the Portfolio Holder. Decisions will only be taken in line with Cabinet approved criteria.

15. BACKGROUND PAPERS

- 15.1 There are no additional papers to the report.

16. APPENDICES (MANDATORY)

- 16.1 Appendix A – Procurement Timetable
- 16.2 Appendix B – Award Criteria

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

Appendix A. Procurement Timetable

Action	By When
Cabinet Approval for Award Criteria	13/12/22
Invitation to Tender published	16/01/23
Deadline for questions from bidders	06/02/23
Deadline for responses to questions	13/02/23
Tender submissions deadline	20/02/23
Evaluation of Tenders	13/03/23
Approval of Contract Awards	03/04/23
Contract award	10/04/23
Contract start date	01/08/23

Appendix B. Award Criteria

1. Suitability Questionnaire

This will be evaluated on a Pass/fail basis

2. Evaluation Criteria

Criteria	Weighting
1.Service Model	10%
2 Service Characteristics	10%
3. Implementation Plan	20%
4.Outcomes	20%
5. Partnership Working	15%
6. Safeguarding	10%
7. Service User Engagement	10%
8. Social Value	5%