

Committee: Cabinet

Date of meeting: 30 January 2020

Title of Report: Award of Contract, Learning and Skills Training Providers

Report by: Interim Executive Director, People – Nick Jarman

Cabinet Member: Cllr Janet Willis, Cabinet Member for Customers, Transformation and Fire and Rescue

1. What is the Report About?

- 1.1** This paper seeks approval to award the contracts for the learning and skills training provider framework, for the period April 2020 to March 2024, with the option of a one-year extension, dependent upon Council need and satisfactory provider performance.
- 1.2** The value of this framework is up to £1M per annum and other Public Sector organisations across Cumbria have been scoped into the framework within this overall value.
- 1.3** Only training which cannot be delivered in house by Council staff will be procured through this framework.
- 1.4** The learning and skills framework is required to ensure that the Council has access to the range of training providers necessary to ensure its staff possess the necessary technical skills, knowledge and competency to safely and efficiently deliver Council services.
- 1.5** The Council invited providers to submit a Supplier Questionnaire (SQ) in October 2019 with those shortlisted invited to tender at the start of December 2019. All compliant tenders have been evaluated and it is recommended that framework contracts be awarded to those providers shown in Appendix 1.

2. Recommendation of the Executive Director

- 2.1** It is recommended to award framework contracts to the providers detailed at Appendix 1, due to their tenders providing the best overall price and quality scores.

3. Background to the Proposals

- 3.1** This framework has been procured in line with the Council's procurement regulations and is compliant with the requirement that all public sector tenders above the threshold of £118,113 are published in the Official Journal of the European Union (OJEU).
- 3.2** The procurement timescale is summarised below:

Event	Date
SQ published via The Chest	7th October 2019
Deadline for SQ returns	8th November 2019
Evaluation of tenders	11th November – 5th December 2019
Issue ITT via The Chest	9th December 2019
Deadline for ITT returns	6th January 2020
Evaluation of Tenders	7th January 2020 – 21st January 2020
Intention to award contract decision	17th February 2020
Award of contract	1st March 2020
Contract start date	1st April 2020

- 3.3** Significant training provider interest was shown in the Cumbria County Council learning and skills framework, with 82 training providers submitting SQs. 66 providers were shortlisted and invited to tender (ITT), 59 of which submitted ITT's against the framework for eight lots:

Framework Lots
1. Leadership, Management and Culture
2. Health and Safety training
3. Highways training
4. Fire and Rescue Services training
5. Adults and Children's Services (including Social Work, Children and Young People and Occupational Therapists)
6. Cumbria Care training
7. Professional Services
8. School Development

- 3.4** The ITTs were scored by a panel involving service representation, alongside Learning and Skills staff (Trade Unions were also invited through the Workforce Skills Group to be part of the panels, although due to workloads only the FBU were able to attend at SQ stage). Moderation was undertaken following each panel to ensure a consistent approach to provider scoring.
- 3.5** Appendix 1 details those training providers proposed to be placed on the Council's framework contract for learning and skills for the next four years. These recommendations are made following assessment using criteria as advertised in the ITT based on 50% price and 50% quality.
- 3.6** Following placement onto the framework contracts, award under each of the lots of the framework will be made using a mini-competition approach between providers on the framework, based on an award criteria of 50% price and 50% quality and outcomes/impact for the Council.
- 3.7** The framework procurement contract is essential to deliver a robust approach to training provider procurement, delivering value for money and removing duplication of contracts with different training providers.

- 3.8** The tender has been designed in a way to actively promote strong partnership working across both public and private sector organisations to help create quality learning and skills interventions. The successful providers will be treated as key 'business partners' and opportunity will be sought to 'add value' to the Council's services by working together with providers to develop innovative and creative learning solutions.

4. Options Considered and Risks Identified

- The procurement of a learning and skills training provider framework is for a four year period, with the option of a one year extension. This approach has been successful previously with the existing framework in place from April 2016 to March 2020 and providing access to high quality training provision at the best price.
- Another option would be to not approve the award of the framework contracts. However, this framework is focussed on technical, mandatory and statutory training required by staff to deliver essential services in areas such as Cumbria Care and Highways. There is significant risk for the Council in not ensuring that staff delivering front line services have the necessary skill to do so.
- A further option would be to deliver all required training in-house. Whilst all possible training will be delivered in-house, given the diverse range of training requirements and the level of resources and expertise required to meet such needs, this option is not always cost effective or indeed possible.

Risks – the risks identified are:

- The Council is unable to provide its essential, and statutory training in order to keep its workforce and the public safe and to ensure the workforce has the necessary skills to provide services to the people of Cumbria.
- If effective procurement is not in place there may be an increase in the cost of training, placing additional pressure on the Council budget.

5. Reasons for the recommendation/Key benefits

- 5.1** The recommended option is to approve the award of a framework contract to those training providers listed at Appendix 1. This will ensure that the Council is able to access high quality training provision at the best price.

6. Financial – What Resources will be needed and how will it be Funded?

- 6.1** Due process has been followed on procuring and awarding the contract and the recommendation to award the contract reflects the outcome of that process.
- 6.2** In 2018/19 a Medium Term Financial Plan proposal to increase internal learning and development facilitators through a one year Innovation Fund investment was approved. The purpose of this investment was to reduce the use of external training providers by delivering more of our training ourselves.
- 6.3** Training delivered under the Learning and Development framework is funded from the Learning and Development budget of £0.713m in 2019/20. A bid to the

innovation fund in 2019/20 to increase in-house training resource is linked to an MTFP saving of £0.020m in 2020/21 rising to £0.212m in subsequent years. Training delivered through the framework will be limited to training which cannot be provided in-house.

7. Legal Aspects – What needs to be considered?

- 7.1** Section 111 of the Local Government Act 1972 enables local authorities to enter into contracts to deliver their functions.
- 7.2** Owing to the anticipated aggregated value of the spend (including the optional 1 year extension) under the proposed call- off contracts the award of this contract will be a Key Decision and the key Decision process must be followed.
- 7.3** This contract is subject to the Light Touch Regime “LTR”. The rules of procedure governing the LTR are set out in Regulations 74 to 76 of the Public Contracts Regulations 2015 and allow a greater degree of flexibility such as holding some sort of competitive award process and ensuring that the award procedures are at least sufficient to ensure compliance with the principles of equal treatment and transparency.
- 7.4** With the value of the contract being over the LTR threshold the procurement will have been advertised by way of OJEU notice -or Prior Information Notice.
- 7.5** Rule 6.4 of the Constitution -Part 5H Contract Procedure Rules has been complied with as the contract has been procured in accordance with the minimum procurement process and rules as outlined.
- 7.6** From a legal perspective there are no concerns with the Recommendation.

8. Health and Safety Aspects – What needs to be considered?

- 8.1** The County Council has a responsibility under the Health & Safety at Work Act 1974 and associated Management of Health & Safety at Work Regulations to ensure as far as is reasonably practicable that there are arrangements in place to ensure a healthy and safe working environment.
- 8.2** In the context of this report, this places a joint responsibility on the Council as commissioner of learning and skills training as well as the contractor delivering the service to ensure the highest possible standards are in place for any training commissioned.
- 8.3** Lot 2 of the training procured through this framework relates to essential and statutory health and safety training, however there are health and safety considerations also for the wider training lots outlined in the report so access to specialist and high quality health and safety training providers is essential in order to keep our workforce and the public safe. The procurement, selection and contract management arrangements outlined provide an opportunity to ensure good levels of health and safety competence are demonstrated.

9. Council Plan Priority

9.1 This learning and skills training provider framework contributes directly to the two Council Plan outcomes of:

- People in Cumbria are Healthy and Safe
- The Economy in Cumbria is growing and benefits everyone

9.2 There are opportunities through this framework for Cumbrian training providers to apply and become part of the framework. Details are provided at Appendix 1 of those national and Cumbrian providers who it is recommended are awarded contracts.

10. What is the Impact of the Decision on Health Inequalities and Equality and Diversity Issues?

10.1 There are no implications through this framework.

Appendices and Background Documents

Appendix 1 – Training providers to be awarded contracts (copy enclosed for members only)

Key Facts

Electoral Division(s): All

Executive Decision	Key Decision Included in Forward Plan	Exempt from call-in	Exemption agreed by scrutiny chair	Considered by scrutiny, if so detail below	Environmental or sustainability assessment undertaken?	Equality impact assessment undertaken?
Yes	Yes	No	No		No	No

Approved by the relevant Cabinet Member, Cllr Janet Willis, on 8 January 2020

Previous relevant Council or Executive decisions

Officer Decision record, non-key decision by Interim Executive Director People, 25 September 2019.

Consideration by Overview & Scrutiny

Not considered

Background Papers

None

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