



Report to Policy Committee

Author/Lead Officer of Report: Eleanor Churchward, Service Manager FACES

Tel: 07867 199853

Report of: *Executive Director People Services*

Report to: Economic Development and Skills Committee

Date of Decision: *20 June 2022*

Subject: Approval of commissioning the Adult Education Budget Grant from South Yorkshire Mayoral Combined Authority.

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>925 (updated May 2022)</i>				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken? <small>Discussed with Jessica Rick – see narrative</small>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:				
<i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i>				

Purpose of Report:

This report sets out the proposal to use the Adult Education Budget grant from South Yorkshire Combined Mayoral Authority (SYCMA) to provide the skills and learning needed to be ready for work, further education, traineeship, voluntary work or apprenticeships for individuals aged 19+.

This report emphasises the need to empower and enable those potential adult learners who lack the very basic skills for education and work to access provision. It will include a scaffolded or step by step approach, for those without any qualifications or confidence, to enter a ‘learning journey’ through promotion of equality, diversity, and inclusion.

In order to achieve these aims, this report proposes the commissioning of a number of subcontracts up to a maximum value of £450,000 from the Adult Education Budget grant (AEB) to improve access to the education/employment pathway.

Recommendations:

It is recommended that the Economic Development and Skills Committee:

1) Notes the Council's future acceptance of the Adult Education Budget (AEB) from the South Yorkshire Combined Mayoral Authority.

2) Approves the proposal to commission a variety of subcontracts with service providers to a maximum combined value of £450,000 using the Council's existing Adult & Community Learning Framework 2019-2023 to provide services to improve access to the education/employment pathway.

Background Papers:

South Yorkshire Combined Mayoral Authority outline of the Adult Education

Budget: [Achieve your goals - South Yorkshire MCA \(southyorkshire-ca.gov.uk\)](https://www.southyorkshire-ca.gov.uk)



Schedule-3-Funding-
and-Performance-Ma

Funding rules (refresh will be in August 2022) -

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Helen Damon</i>
		Legal: <i>Richard Marik</i>
		Equalities & Consultation: <i>Bashir Khan</i>
		Climate: <i>Jessica Rick</i>
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	SLB member who approved submission:	<i>John MacIlwraith</i>
3	Committee Chair consulted:	Cllr Martin Smith and Cllr Ben Miskill
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Kevin Straughan</i> <i>Ellie Churchward</i>	Job Title: <i>Head of Lifelong Learning, Skills and Employment</i> <i>Service Manager, Family, Adult and Community Education Service</i>
	Date: <i>10 June 2022</i>	

1. PROPOSAL

- 1.1 The City Council are due to receive the sum of £1,846,450.00 Adult Education Budget (AEB) from the South Yorkshire Combined Mayoral Authority.
- 1.2 AEB is Government funding for individuals aged 19+ to provide the skills and learning needed to be ready for work, further education, traineeship, voluntary work or an apprenticeship.
- 1.3 This funding empowers and enables those potential adult learners who lack the very basic skills for education and work to access provision. It offers a scaffolded or step by step approach, for those without any qualifications or confidence, to enter a 'learning journey' through promotion of equality, diversity, and inclusion.
- 1.4 South Yorkshire Combined Mayoral Authority ('SYMCA') will an update on the Performance Management and Funding Rules on the 1st August 2022 in line with the national guidance from the ESFA. This will detail their implementation of all the requirements for audit and monitoring of the service performance and delivery of the Adult Education Budget for the City of Sheffield.
- 1.5 Performance is monitored monthly through the Individual Learner Record ('ILR') which is returned through the national Government system linked to this funding.

The Council's Curriculum plan also entails the details of the service strategy as well as a list of agreed topics SYCMA have agreed are a priority subject area to meet the regional employment priorities in terms of what the Council deliver, why the Council have chosen those subjects and what impact the Council expect them to have.

- 1.6 The Service proposes to commission the subcontracting of a proportion of the AEB Grant in order to meet the following criteria as set out in the funding rules:
- help widen participation amongst niche groups that would otherwise be hard to reach, but only where this enriches the strategic curriculum intent learning offer
 - address high demand in a specific curriculum that the service does not have the capacity to meet learner need through our direct delivery
 - add diversity in the types of curricula we can offer to meet employment and skills priorities for the region
- Each provider will deliver learning activity set out in their contract agreement with the service.
- 1.7 The service intends to subcontract part of the AEB provision in order to meet the contractual obligations for widening participation and working with partners across the city who have the expertise and understanding

of the niche groups that would otherwise be hard to reach, and potentially not engage in this learning offer to improve access to education/employment pathway.

- 1.8 The contracting process will use the Council's existing framework agreement (Sheffield City Council's Adult & Community Learning Framework 2019-23). Using the existing framework will allow the Council to contract with providers who have the niche skills and connections to increase participation amongst niche groups of service users, address high demand and add diversity to the curriculum on offer to service users.

The Council does not currently have the financial resources to provide these services or to offer the range of services which will be delivered by the service providers.

- 1.9 The service proposes to commission the subcontracting to a range of providers across the city the sum of up to £450,000.00 of the funding where appropriate for the following areas of the curriculum plan submitted to 'SYMCA' to maximise this funding:

- ESOL – to meet high demands and diversity across Sheffield
- Health and well-being – to add diversity and expertise to the offer that the service would not be able to recruit to
- Employment and Skills – to meet diverse demands that will move adults towards the various options for employment based on skills sector shortages

- 1.10 Delivery partners will enable the service to maximise diversity in its offer, for example, where a specialist delivery skill is needed a partner may deliver this across several areas to maximise their cost outlay, for the service to deliver this the cost would extend beyond the return making niche delivery unviable therefore constraining the offer.

- 1.11 Delivery detail will be defined within the tender as a combination of non-regulated learning and regulated qualifications delivered in targeted areas of geographic and demographic need across the city, based on community and ward profiles, local intelligence, and skills sector specific shortages.

- 1.12 The combined value of the contracts to service providers is estimated to be no more than £450,000, each with a term of 1 year.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The service will align its offer so that the curriculum targets specific marginalised groups across Sheffield when working in partnership, such as:

- Unemployed adults and particularly those with qualification levels below level 2
- Care Leavers

- Adults with SEND whose EHCP has ended
- Young people moving into adulthood previously engaged with the crime justice system, particularly black and mixed heritage boys

- 2.2 This funding empowers and enables those potential adult learners who lack the very basic skills for education and work to access provision. It offers a scaffolded or step by step approach, for those without any qualifications or confidence, to enter a 'learning journey' through promotion of equality, diversity, and inclusion.
- 2.3 The Service will contribute to Council priorities that focusses on building community cohesion and working with the most marginalised groups across the city.
- 2.4 The service connects to and contributes to the work of Local Area Committees and has focussed much of its consultation working with LAC Managers. We have directly contributed to the East LAC exploration for setting its target priorities.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 Ongoing information and consultation is undertaken with our current community partners who are subcontracted as part of the Adult Education Budget funding, as well as the wider AEB provider network funded by SYMCA.
- 3.2 The Service has conducted several 'learner focus groups', learner voice throughout the academic year, and additionally a specifically designed learner consultation to assess needs and demand.
- 3.3 The Service conducted a provider and partner consultation via the Local Area Committee managers to understand the needs and gaps in provision in their specific areas.
- 3.4 There has been consultation with previous and current members of the Cabinet and Committee Representatives to ensure all parties are fully informed of the implications for this funding.
- 3.5 Once authority is agreed the service has an existing plan to directly market the offer to the potential viable subcontractors using existing Council platforms and scheduled events.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 The proposal to make use of the funding to advance educational opportunities for adults who may otherwise suffer disadvantage is fully

consistent with the Council's general duties under the Equality Act 2010.

4.1.2 Specifically, it supports the Council, in the exercise of its functions, to have due regard to the need to:

- eliminate discrimination, harassment, and victimisation,
- advance equality of opportunity, and
- foster good relations

4.2 Financial and Commercial Implications

4.2.1 Adult education and skills training have been devolved to South Yorkshire Combined Mayoral Authority ('SYMCA') since August 2022:

- This has been facilitated by a Memorandum of Understanding between DfE/ESFA and SCR.
- 'SYMCA' now has the statutory delegated functions for adult education and skills training.
- The amount of devolved AEB coming from 'SYMCA' to SCC (£1,846,450) is provided to enable SCC to provide adult education and skills.
- The service is empowered to subcontract a proportion of its grant to meet the demands that may be niche, have greater demand than the service can deliver, add specific areas of expertise.
- Up to £461,000 of the AEB budget will be earmarked for subcontracted provision.

4.2.2 Commercial Implications

All public sector procurement is governed by and must be compliant with UK National Law and the grant funder requirements. In addition, all procurement in SCC must comply with its own Procurement Policy, and internal regulations known as 'Contracts Standing Orders' (CSOs).

Contracts Standing Orders requirements will apply in full to the procurement of services, goods or works utilising grants. All grant monies must be treated in the same way as any other Council monies and any requirement to purchase /acquire services, goods or works must go via a competitive process.

The Grant Manager will need to develop a viable exit strategy for when the grant funding ends to ensure that there are no unfunded ongoing costs

4.3 Legal Implications

4.3.1 The Secretary of State has a duty under the Apprenticeship, Skills, Children and Learning Act 2009 to secure the provision of such facilities considered appropriate for adults aged 19 or over (other than those with an EHC Plan). The Act contains a power for the Secretary of State to

secure the provision of financial resources to persons providing or proposing to provide education or training; goods or services in connection with education or training; and information, advice or guidance about education or training.

4.3.2 The AEB grant must be used in accordance with the terms and conditions of the grant agreement between the Council and SYCMA.

4.3.3 In particular, the Council must ensure that:

- the use of sub-contractors has been agreed in writing between the Council and SYCMA prior to delivery;
- the prior written consent of SYCMA is obtained before entering into any additional sub-contracting arrangements;
- that any sub-contractors are selected fairly and have enough capacity, capability and financial resources to deliver the services;
- only procure one level of sub-contracting and where the Council obtains the prior written consent of SYCMA to enter into any sub-contracting arrangements, it shall ensure that there is in place a legally binding sub-contract between the Council and its sub-contractors;
- where sub-contractors are appointed, the Council must ensure all sub-contracts contain a term to enable SYCMA to enforce the terms of the sub-contract should it need to;
- include a term in the sub-contract that payment will be made within 30 days of receiving a valid claim for payment. The value of any sub-contracts should be capped at the amount as set out in the agreed delivery plan;
- must publish details of any contract, commissioned activity, purchase order, framework agreement and any other legally enforceable agreement with a value that exceeds £5,000;
- ensure that the sub-contractor is able to meet any quality threshold required by the Authority or identified through an inspection by Ofsted and/or guidance from the ESFA;
- ensure that the sub-contractor complies in full with the obligations equal opportunities obligations in the grant agreement and ensure that it reserves all of the rights it requires in order to perform the grant agreement in any subcontract, including the right for SYCMA to audit any sub-contractor;
- it has undertaken its own independent assessment of the compatibility of the payment of the grant with subsidy control principles and that in the event of a finding of breach of the subsidy control rules by a court, the SYCMA reserves the right to require the Council to make immediate repayment of all or some of the Grant, together with interest.

4.3.4 The Council has the power under s15B Education Act 1996 to secure the provision for their area of full-time or part-time education suitable to the requirements of persons who have attained the age of 19, including provision for persons from other areas.

4.3.5 This includes the power to secure the provision of training, including vocational, social, physical and recreational training, and of organised leisure time occupation which is provided in connection with the provision of education or of training.

4.3.6 The proposed sub-contracting arrangements are permitted by the Local Government (Contracts) Act 1997.

4.4 Climate Implications

4.4.1 The Service curriculum intent and planning considers sustainability and climate impact and fully embeds key themes of learning in every programme. There is a commitment to development of 'Carbon Literacy' with both families and adults across the provision. Working with wider provision enables local connection and lowers the requirement for borough wide travel by the direct delivery service

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 The service is not legally required to subcontract but it is an option we wish to exploit in order to meet the demands and needs of Sheffield residents and continue to work in partnership with localised community learning organisations.

6. REASONS FOR RECOMMENDATIONS

6.1 To add diversity to the curriculum, offer that will enable the service to target the most marginalised groups, add capacity to high demand curriculum and meet the needs of Sheffield adults across every part of the city.