

## **Committee: Chief Officer (key decision)**

**Date: 18 May 2018**

Wards: All

**Subject: Recommendation to award specialist Adult Learning services for learners with learning difficulties or disabilities (LLDD)**

Lead officer: Anthony Hopkins – Head of Library, Heritage & Adult Education Service

Lead member: Councillor Nick Draper – Cabinet Member for Community & Culture

Contact officer: Anthony Hopkins – Head of Library, Heritage & Adult Education Service

### **Recommendations:**

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1. To award a contract for the provision of Specialist Adult Learning services for learners with learning difficulties or disabilities (LLDD) to the provider recommended in Appendix 1.
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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. The London Borough of Merton is committed to providing high quality and sustainable adult learning in order to improve the social, economic, health and wellbeing of our residents. We deliver this through a strategic investment approach: commissioning provision to the best providers in the field and by developing sophisticated evidence based approaches to what we deliver.
- 1.2. Underpinning our strategy is the commitment to adult learning in Merton as set out in Cabinet's commissioning principles, along with the requirements of our funders and regulators such as the Education and Skills Funding Agency (ESFA) and Ofsted, and the understanding of current and future needs of residents.
- 1.3. This contract meets the needs of our commitment to:
  - Embed an evidence based approach to strategic commissioning to ensure the fullest return on investment to meet our social, economic and health objectives.
  - Improve the range of courses for learners with learning difficulties and / or disabilities to enable them to live as independently as possible.
  - Continue to provide popular courses whilst expanding provision.
  - Increase the proportion of learners attending accredited and / or vocational courses.
  - Provide a broad range of accredited and non-credited courses to meet market demand and based on evidence and intelligence of future needs.
- 1.4. The benefits to this contract are:

- Courses will be delivered by an experienced and quality focussed provider that has a proven track record of improving the skills and opportunities of learners with learning difficulties or disabilities.
  - Learners will benefit from an enhanced programme of courses that will enable them to improve their skills, help them to move towards a more independent living, and enhance their health and wellbeing.
  - All provision will be delivered within the borough in a range of community venues. This will enable our most vulnerable adults within the borough to have easy access to learning that can enhance their life skills. The Adult Learning Team will be fully engaged in the management and leadership of the service delivery through a commissioned approach, as originally planned in the initial commissioning strategy.
- 1.5. The contract will be for an initial term of three years, commencing August 2018, with the option to extend for a further two 12 month periods subject to availability of funding, satisfactory performance, continued need, and at the Council's discretion.
- 1.6. The estimated annual value of the contract is £160,000 per annum, equating to £800,000 over the full term, including all possible options.

## **2 DETAILS**

- 2.1. The Invitation to Tender (ITT) was published on 20 April 2018 on the London Tenders Portal and made available to all those suppliers expressing an interest in the opportunity.
- 2.2. The contract would be awarded on the basis of the most economically advantageous tender to the Council, based on an 85% Quality to 15% Price split.
- 2.3. The bids were evaluated against the following Quality criteria:
- Relevant experience and contract examples
  - Mobilisation planning and initial assessment processes
  - Range of course provision and venues
  - Quality assurance
  - Leadership and management
  - Marketing and promotion
  - Presentation
- 2.4. Two tender submissions were received and evaluated.
- 2.5. The tender evaluation was carried out by a panel of officers from the Adult Learning Team with the support of the Procurement Team. Each tender was evaluated individually by the evaluation panel on how well each of the award criteria was addressed.

- 2.6. The names of the tenderers and their respective scores are included in Appendix 1.

### **3 ALTERNATIVE OPTIONS**

- 3.1. Cabinet made the decision to move to a commissioning model of service for adult learning in February 2015 following an extensive consultation process with the community, interest groups, learners and staff. Contracts were initially procured in 5 lots:

- Main services
- Family learning
- Employability
- Apprenticeships
- LLDD

- 3.2. The LLDD contractor who was originally selected in the 2015 round of procurement withdrew from providing the service shortly before the new model was to go live in September 2016. As a result, the provision has been delivered in community venues with a mixture of in house and contracted providers since then and these arrangements will continue until the new LLDD contract begins in August 2018.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. Consultation took place with the public before the Cabinet decision to move towards a commissioning model. Further consultation and engagement has taken place with stakeholders (learners, staff, interest groups) throughout the commissioning process. This has included attending meetings with community forums and carers groups. Feedback from these engagements has fed in to the final service specification.
- 4.2. Formal consultation with staff will take place as part of the TUPE process.
- 4.3. The Merton Adult Learning Team will continue to obtain feedback and input from learners and interest groups and is continuing to develop its learner voice program.
- 4.4. The new provider will ensure that borough wide marketing of the provision is developed and this will be supported by the Merton Adult Learning Team and will seek to maximise Council communication channels.

### **5 TIMETABLE**

<b>Stage / Activity</b>	<b>Dates</b>
Publication of ITT	20 April 2018
Notification of the Councils intention to award	29 May 2018

Standstill Period	30 May - 8 June 2018
Confirmation of award and contract mobilisation	11 June 2018
Contract Commencement date	1 August 2018
New course provision started	September 2018

## **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. Funding for this contract is drawn from the Education and Skills Funding Agency (ESFA) grant to the London Borough of Merton for the provision of adult and community learning courses. These funds are used to sub-contract the LLDD provision to the winning provider of this tender exercise.
- 6.2. The value of this contract is £160,000 per annum. The contract is awarded for an initial 3 years with the opportunity to extend for two additional one year periods. The total value of the contract equates to £800,000.
- 6.3. This is a new contract award, which completes the commissioning of Adult Learning services for the London Borough of Merton.
- 6.4. The contractor is proposing to deliver all of its provision within the borough and within facilities previously used for LLDD provision. They will continue to identify new opportunities for hosting courses and will work closely with the Merton Adult Learning team and community groups.

## **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1 The main statutory basis for the adult education service is section 15B of the Education Act 1996. This section empowers local authorities 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. The authority may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section. The authority does not therefore have a statutory duty to maintain an adult education service but must in considering whether to provide a service and what service to provide and when exercising its functions take account in particular of the needs of people with learning difficulties or disabilities. Statutory guidance is in place for participation of young people in education, employment or training to ensure secure, sufficient and suitable education and training provision for those aged up to age 25 with a learning difficulty assessment (LDA) or Education, Health and Care (ECH) plan in their area. This guidance is applicable to a small number of adult education learners.
- 7.2 The procurement was carried out under the “light touch” regime in accordance with Chapter 3 of the PCR 2015 being for educational / health social services purposes and the Open Procedure was followed. The next step in the

procurement will be the issue of the standstill letters if the decision is to proceed with a view to awarding the contract to the winning, ( “preferred”) bidder.

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. This contract delivers a range of courses for people with learning difficulties and / or disabilities. The winning provider of this tender has extensive experience of working with this client group. They will utilise their experience and work closely with the Merton Adult Learning Team to ensure a seamless transition over the summer.

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. No crime and disorder implications identified.

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. A risk register is maintained for all adult learning contracts and is regularly reviewed. Health & Safety requirements, including the duties required by Ofsted and the ESFA, are included in the awarding contract.

## **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix 1 – Approval to Award Report (EXEMPT)

## **12 BACKGROUND PAPERS**

- 12.1 None

## **13 LINKED DOCUMENTS**

- 13.1. [16 February 2015 Cabinet Report – Adult Education in Merton - evidence and options for achieving a value for money service](#)
- 13.2. [15 February 2016 Cabinet Report – Merton Adult Education Commissioning Report](#)