

**Cabinet Member for Finance & Resources**

**Ref No: FR29  
(12/13)**

**February 2013**

**Key Decision:**

**Yes**

**Approval of Learning & Development Service Training Providers Framework Agreement**

**Part I**

**Report by Director of Strategic Development**

**Electoral  
Division(s):  
N/A**

**Executive Summary**

The purpose of this report is to seek approval to undertake a procurement process to create an approved framework of training providers. The purpose of the framework is to:

- replace the current range of Service Level Agreements in place with external providers with a more robust standard form of contract,
- ensure delivery of a consistent high quality service from external training providers,
- drive out any potential cost savings
- provide equality of opportunity to the external providers to deliver courses
- incorporate training provision provided by other council departments to their internal and external customers

in the delivery of the training and support programme offered by the Learning & Development Service ("L&DS") to all West Sussex County Council ("WSCC") staff, private, voluntary and independent adults and children's social care sector and early years childcare settings, including child minders, independent and maintained nursery schools, supported by the Early Childhood Services ("PVI") in West Sussex.

The L&DS budget figure for 2013/14 to provide these services is approximately £290,000. The Early Childhood Services ("ECS") budget figure for 2013/14 to provide these services is approximately £670,000.

Subject to the procurement timetable it is anticipated that the framework agreement should be in place with a start date no later than September 2013, however it is hoped that the agreements will commence earlier than this period. The framework agreement should operate for a period of 3 years minimum with the option to extend for up to 4 years to a maximum period of 7 years.

**Recommendations**

The Cabinet Member is recommended to approve:

- 1) The commencement of the procurement process to establish the framework agreement for the provision of training for a minimum contract period of 3 years. This will include operational extension periods of up to 4 years with a

maximum contract period of 7 years, subject to organisational need and performance of appointed service providers.

- 2) Authority is delegated to the Director of Strategic Development to award the contract(s) to the bidder(s) submitting the most economically advantageous tender in terms of technical and commercial ability.
- 3) The contract should be made available to other permitted public bodies in accordance with the Public Contract Regulations 2006 within the geographical boundaries of East and West Sussex, Brighton and Hove, Surrey and Hampshire.

## **1. Background**

- 1.1. WSCC provides training and development opportunities to its own staff and the PVI sector. This ensures staff employed have the capacity and capability to undertake the work that is required by them to deliver services to the community of West Sussex.
- 1.2. Training provision is provided using a blend of internal and external providers.
- 1.3. There are currently 41 active external training providers which have been set up with individual contracts since November 2011 within L&DS. ECS have 15 active external training providers. A new framework agreement is needed to standardise these arrangements and sustain the capacity of the L&DS and the ECS to deliver the training and support programme run by the Council.
- 1.4. It is considered that savings could be achieved through a framework agreement by utilising training providers across more training sectors (i.e. personal development, continuous professional development, statutory training requirements and professional disciplines) where possible, rather than the separate agreements for individual courses that are currently in place. However it is not possible to quantify these potential savings in the cost of the delivery of the training until the procurement process has been completed.
- 1.5. The training and support programme needs to be flexible and able to respond to:
  - the needs of its customers, for both staff and the PVI sector, in West Sussex;
  - the Workforce Development Plans;
  - reflect the objectives in the care training consortium agreement; and
  - the Government's National aims, namely:
    - skills for care CPD framework,
    - national occupational standards (NOS),
    - common induction standards, and
    - skills for life and employability.
- 1.6. To ensure best value for money the contract(s) will be awarded to the bidder(s) submitting the most economically advantageous tender(s). It is proposed that the contract period be for 3 years with the option to extend for periods up to a further 4 years to a maximum of 7 years. This would avoid the need to undertake further procurement exercises.

- 1.7. This framework is considered to be Part B Services under the Public Contract Regulations 2006. A fully compliant EU procurement process will be undertaken to establish the framework agreement. This will be undertaken using the West Sussex eSourcing portal to increase the efficiency of the tender process for the County Council and potential bidders. The procurement process will be open, fair and transparent in compliance with WSCC standing orders on procurement and contracts and the Public Contract Regulations 2006.
- 1.8. In the spirit of collaborative working and the shared service agenda the framework should be made available to other permitted public bodies in accordance with the Public Contract Regulations 2006 to participate in the contract within the geographical boundaries of East and West Sussex, Brighton and Hove, Surrey and Hampshire.

## **2. Consultation**

- 2.1. In December 2011 initial consultation was undertaken with current providers. This work will continue with current providers and potential new providers in designing the new service delivery model. The outcome of the consultation will be incorporated into the design of the framework agreement and the specification of requirements.
- 2.2. A Sustainability Appraisal has been completed. The outcomes and findings will be integrated into the specification of requirements for the new service.

## **3. Customer Focus Appraisal**

- 3.1. A Customer Focus Appraisal has been undertaken and is attached as Appendix A to this report. The findings from this will be incorporated and integrated into the design of the service through the specification of requirements.

## **4. Resource Implications and Value for Money**

- 4.1. The L&DS 2013/14 annual budget is £290,000. The actual spend is subject to the number of courses delivered.
- 4.2. The ECS 2013/14 annual budget is £670,000.
- 4.3. The proposal is to enable a flexible and responsive service to be provided and with courses allocated to fewer providers, economies of scale benefits should be delivered. On this basis it should be possible to deliver savings on the budget estimated at 5% (equivalent to a £14,500 saving), although these savings cannot be guaranteed.
- 4.4. It is recognised that in view of the rapidly changing environment the Council is operating within, it is felt a substantive contact period of more than 3 years would not be appropriate in this instance. However an option to extend, if necessary, to reflect business needs gives some flexibility.
- 4.5. The framework agreement will incorporate a novation clause; to allow for any transfer should L&DS be outsourced at any point during the contract period.
- 4.6. Resources will be made available during the procurement process to ensure that the County Council obtains the service it requires from the bidder(s) who submit the most economically advantageous tender which balances technical and quality requirements against commercial elements. The intention is to

ensure the delivery of an affordable service that is best value for money for customers.

## **5. Risk Management Implications**

- 5.1. Risks will be managed through the design of the procurement strategy that will protect the interests of the Council and take into account employee reductions due to the 'Future Council' programme.
- 5.2. The quality of the delivery will be monitored through robust contract and performance management. Observations of the course delivery and Learner's evaluation forms will also be used to compare against the learning outcomes, to ensure the quality and delivery of the training commissioned meets the needs of the learners and the targets set by the Authority.
- 5.3. The procurement process will be run in accordance with best practice procurement principles to mitigate any risk of challenge or non-compliance with the relevant regulations.
- 5.4. As a result of the procurement process it is possible that the services will be delivered by different providers, and current training providers who are mainly sole traders or companies offering a training service to a number of clients may not gain a place on the framework agreement. It is considered in these cases that TUPE (Transfer of Undertaking and Protection of Employment) will not apply. However as part of the ongoing consultation with current providers any TUPE issues will be considered as part of the procurement process.
- 5.5. Provision will need to be made in the framework agreement to manage the issue of TUPE at the end of the framework agreement period.
- 5.6. A risk log will be developed to mitigate risks associated with the project and the procurement process. The risk log will be dynamic to reflect the progress of the project and will be managed by the lead officer for the project.
- 5.7. The successful service provider(s) will be required to have appropriate levels of insurance in accordance with WSCC Standing Orders on Procurement and Contracts. There is a further requirement to ensure compliance with the health and safety standards of the County Council.

## **6. Crime and Disorder Act Implications**

There are no identifiable Crime and Disorder Act implications.

## **7. Human Rights Act Implications**

There are no identifiable Human Rights Act implications.

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## **Background Papers**

None