

## CABINET

18 April 2023

<b>Title:</b> Procurement of a Managed Training Provider	
<b>Report of the Cabinet Member for Finance, Growth and Core Services</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> None	<b>Key Decision:</b> Yes
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<b>Accountable Director:</b> Gail Clark, Director of Workforce Change	
<b>Accountable Executive Team Director:</b> Fiona Taylor, Acting Chief Executive	
<b>Summary:</b> <p>The Council is required to train staff and this is undertaken in a number of different ways – informal learning, training and briefings provided by its own staff as subject matter experts, e-learning and, where it is necessary, some training is provided by external trainers. When engaging external trainers, the Council is required to ensure that it is compliant with the Council’s Contract Rules and the Public Contracts Regulations 2015 and provide value for money.</p> <p>The Council has engaged a managed training provider in the past and the current contract ends in September 2023. In order to continue to access high quality and value-for-money training options, it is proposed to utilise the ESPO Managed Training Services Framework, number 383_21.</p> <p>The managed service provider model has significant advantages in being able to source approved trainers quickly at an optimum rate. As such the proposal is for the contract to be accessed through out all Council services, and in doing so increasing the contract value. As a draw down contract, there is no obligation to spend at the higher level but it is important that flexibility is there so that the Council can operate within its contracting rules and regulations. There is an allowance for some contingency as well, as spend may increase.</p> <p>Training staff to comply with local and national policies and legislation, and to deliver services safely and efficiently significantly reduces risks to the Council and ensures that we comply with good employment practice. As well as ensuring that we can comply with the mandatory training needs, as a Gold Investor in People employer it is important that training needs identified through service plans and Performance, Feedback and Development (PFD) conversations can be met.</p> <p>Local government like many other sectors are facing a recruitment crisis, a key retention and attraction strategy is to ensure that staff are developed and provided with high quality training to do their jobs well.</p>	

## **Recommendation(s)**

The Cabinet is recommended to:

- (i) Agree that the Council proceeds with the procurement of a contract for a Managed Training Provider in accordance with the strategy set out in the report; and
- (ii) Authorise the Director of Workforce Change, in consultation with the Cabinet Member for Finance, Growth and Core Services and the Chief Legal Officer, to conduct the procurement and award and enter into the contract and all other necessary or ancillary agreements with the successful supplier to fully implement and effect the proposals.

## **Reason(s)**

To assist the Council to achieve its priority of “Well Run Organisation”.

## **1. Introduction and Background**

- 1.1 In November 2015 LBBB entered into a contract with Premier Partnership as a Managed Training Provider. Through Premier Partnership, LBBB were able to use a pool of trainers, that had gone through robust quality checks before being signed up to them. For new course requirements, LBBB would send a spec to Premier Partnership and they would come back within 5 working days with some options of the best trainers. Learning and Development would then be able to see who best fitted the training requirement, speaking to the trainer directly if required. For ongoing courses, there would then be the ability to quickly organise repeat dates.
- 1.2 In September 2020 another tender process was undertaken via the ESPO framework and again Premier Partnership were successful. The value of this contract was £240,000 over 4 years. During the term of this contract, because this was seen as an effective and value for money approach other areas of the Council used the contract and so the contract value was being used quicker than anticipated. Procurement colleagues encouraged other services who were procuring training related items, to go via the Framework to ensure value for money.
- 1.3 In 2022 Procurement Board agreed a request for an increase to the contract value, to ensure we were compliant with the spend. This was due to other services drawing on the contract. Procurement Board agreed an increase in the value of the contract to £360,000 on the condition that the contract would only run for 3 years and then would be retendered for a higher value to ensure some contingency to cover further Council requests.

## **2. Proposed Procurement Strategy**

### **2.1 Outline specification of the works, goods or services being procured**

- 2.1.1 The successful provider will source a wide range of training services but will also be able to provide a capped volume of training themselves. The training will comprise of courses delivered across the organisation, which includes, but is not exhaustive of:

- Leadership and Management Training
- Restructure and Review Support Programme
- Mandatory Training Programme
- Equalities Programme

#### Timetable

Cabinet approval	April 2023
Issue further competition documents	May 2023
Deadline for responses to further competition	June 2023
Evaluate further competition responses by	July 2023
Award report written and approved	July 2023
Contract commences	September 2023

## 2.2 **Estimated Contract Value, including the value of any uplift or extension period**

2.2.1 £780,000 in total over 3 years with the option to extend for another year if there is still a sufficient amount left on the contract value at the point of the tender needing to take place again.

2.2.2 Funding will be met from existing revenue budgets.

## 2.3 **Duration of the contract, including any options for extension**

2.3.1 Three years with a one-year option to extend.

2.4 **Is the contract subject to (a) the (EU) Public Contracts Regulations 2015 or (b) Concession Contracts Regulations 2016? If Yes to (a) and contract is for services, are the services for social, health, education or other services subject to the Light Touch Regime?**

2.4.1 Yes

## 2.5 **Recommended procurement procedure and reasons for the recommendation**

2.5.1 To carry out a further competition from the ESPO Managed Training Services Framework (framework number 383\_21). This Framework was let compliantly with the Public Contracts Regulations 2015 and expires on 11 September 2023 with an option to extend up to 11 September 2025. The framework provides complete managed training services and is open for use by public sector organisations. The following are the suppliers named on the framework:

- Capita
- Premier Partnership t/a Premier People Solutions
- QA
- Reed Specialist Recruitment Limited
- Me Learning Limited
- Oxford Applied Training
- SkillGate Ltd

2.5.2 The proposed Framework levies no commitment on the value of the contract.

## 2.6 **The contract delivery methodology and documentation to be adopted**

2.6.1 The contract will be let utilising the ESPO call off agreement. The contract will be managed by the Learning and Development Team.

## 2.7 **Outcomes, savings and efficiencies expected as a consequence of awarding the proposed contract**

2.7.1 With a Managed Training Provider, it will be possible to respond to training needs extremely quickly as there will be access to a wealth of approved providers. Commissioning teams can, of course, put in additional quality assessment steps within the framework to ensure they meet our needs before agreeing to work with them.

2.7.2 The provision of the Managed Training Service means that the successful supplier will source and evaluate suitable training providers on behalf of LBBD. This service will also achieve savings in terms of time and resources to procure individual contracts.

2.7.3 Additional non-cashable savings will be achieved by not having to carry out a full open or restricted procurement exercise.

## 2.8 **Criteria against which the tenderers are to be selected and contract is to be awarded**

2.8.1 40% Price, 60% Quality in accordance with the Framework. Included in this, will be 10% for Social Value aspects.

## 2.9 **How the procurement will address and implement the Council's Social Value policies**

2.9.1 As part of the process we will ensure we provide the Council's Social Value Toolkit to all suppliers named on the framework. Social Value will be evaluated as part of the quality criteria.

## 2.10 **Contract Management methodology to be adopted**

2.10.1 There will be quarterly contract review meetings held along with annual contract reviews. The contract will be managed by the Learning and Development Team.

## 3. **Options Appraisal**

3.1 The following options were considered:

3.1.1 **Do Nothing - rejected** - there is an ongoing need for mandatory training provision and to allow existing agreements to lapse would place the Council in a non-compliant position. We have the option to extend for a fourth year, but this will exceed the current contract value in place.

3.1.2 **Procure training via competitive tenders - rejected** - the implications would mean procuring multiple low value contracts which would not result in achieving

value for money. There would be additional costs and staff resource to carry out fully compliant tendering exercises.

### 3.1.3 **Use alternative Frameworks:**

#### **Rejected - CCS – Framework number RM6145 – Learning & Development**

Framework commenced on 14 April 2020 and expires on 16 April 2024. This framework offers a complete managed learning service or other tailored options as required and is available to public sector organisations. The only supplier on this framework is Ernst & Young LLP.

Rejected as only one supplier on the Framework which means there is no option to run a further competition with other suppliers to ensure best value.

#### **Rejected – Learning & Training Services DPS – Framework number 6219**

Framework commenced on 29 October 2021 and expires on 28 October 2025. This framework is open for use by public sector organisations. There are many suppliers on this framework.

Rejected as does not meet LBBB's requirements. It does offer a managed training provider service, but there isn't a list of suppliers available to see. This means a capability assessment would need to be undertaken for the providers that have signed up to the framework.

#### **Rejected - YPO – Framework number 999 – Training DPS**

Framework commenced on 9 April 2020 and expires on 8 April 2024. This framework is open for use by public sector organisations. There are many suppliers on this framework.

Rejected as does not meet LBBB's requirements as the Framework is not a managed training provider and requires a number of mini competitions on each lot within the framework, which would require staff resource to administer lots of mini competitions.

### 3.1.4 **Use ESPO Framework – recommended option**

Recommended as Framework covers LBBB's requirements and a further competition is able to be carried out to establish best value for LBBB.

## **4. Waiver**

4.1 Not applicable

## **5. Consultation**

5.1 The proposals in this report were considered and endorsed by the Procurement Board at its meeting on 20 March 2023.

## **6. Corporate Procurement**

Implications completed by: Sam Woolvett – Category Manager

6.1 A further competition from ESPO Framework 383\_21 – Managed Training Services, is likely to yield the best value for money for this requirement and is suitable for this level of spend.

- 6.2 This approach complies with LBBD's Contract Rules. As the value of this procurement exceeds the threshold for the services under the Public Contract Regulations 2015 (the Regulations), standstill periods will be adhered to.
- 6.3 Corporate Procurement will be assisting the services area throughout the tender process and assisting in drafting the further competition documents.

## 7. Financial Implications

Implications completed by: Nurul Alom – Finance Manager

- 7.1 The report seeks approval for the Council to proceed with the procurement of a contract for a Managed Training Provider in accordance with the strategy set out above. The current Managed Training Provider contract comes to an end in September 2023. The report seeks approval for the use of ESPO Managed Training Services Framework, number 383\_21. The estimated cost of the proposal is £780,000 in total over 3 years (£260k per annum) and will be met from HR revenue budgets as well as other budgets from services across the organisation.

## 8. Legal Implications

Implications completed by: Lauren van Arendonk, Locum Contracts & Procurement Lawyer

- 8.1 This report seeks a recommendation to proceed with the procurement of a contract for a Managed Training Provider, through the established ESPO Managed Training Services Framework, number 383\_21. Any procurement must be via an approved procurement method, such as an established Framework. This method will most likely achieve Council Objectives.
- 8.2 The current call-off contract expires in September 2023 and given the historical success of previous procurement for management training service contracts using a Framework, ESPO presents a straightforward procurement route, in comparison to an open market procurement, reducing the risks of challenge. A mini competition shall be undertaken once the use of the Framework has been approved.
- 8.3 Under the Council's Contract Rules, procurements from Frameworks are exempt from the full application of the Rules provided the framework has been properly procured under the Regulations and the procurement is made in accordance with the Framework's terms and conditions.
- 8.4 The contract has a value of up to £780,000, for a term of three years from 1 September 2023 with an option to extend for a further period of up to 12 months, subject to funding constraints. All contracts with a total contract value of £100,000 or more must be sealed by Legal Services.

## 9. Other Implications

- 9.1 **Risk and Risk Management** - In order to be compliant with legislation and the Council's Contract Rules, it is necessary to conduct a procurement process. Risks of this recommendation not being approved are that the council would be non-compliant.

9.2 **TUPE, other staffing and trade union implications** – Not applicable

9.3 **Corporate Policy and Equality Impact** - The majority of the learning and development that we propose to commission through this portal will be aimed at internal customers (employees and managers). The L&D team will continue to commission external trainers who meet the expectations set out in the Council's E&D in Employment policy which includes ensuring that courses are accessible and meet delegates' needs.

An evaluation was carried out by ESPO which included compliance with Equalities and Diversity legislation. The framework also has a comprehensive clause on compliance with legislation to prevent discrimination.

The EIA screening tool has been completed for this contract and was determined that a full EIA was not required. This is based on the evaluation that was undertaken by ESPO and therefore we can be confident that any trainer we use meet expectations in this area. If there were ever any instances where this was not the case, then we have a route to feed this back via the managed service and they need to assess it. We then have the option of continuing with other providers without the delays of further procurement activities.

9.4 **Safeguarding Adults and Children** – trainers relating to the Children's and Adult's areas will be supplied as part of the contract.

**Public Background Papers Used in the Preparation of the Report:** None

**List of appendices:**

Appendix 1 - EIA Screening Tool