

Record of officer decision

Decision title:	Award contract for a replacement management information software system for Herefordshire Council's (the council) adult and community learning service (ACLS)
Date of decision:	28 February 2019
Decision maker:	Director for Children's and Families
Authority delegated for decision:	<p>Herefordshire Council's Constitution - Scheme of Delegation.</p> <p>This is an operational decision in regard of Part 3 Functions Scheme, Section 7 Officer Functions</p> <ol style="list-style-type: none"> 1. 3.7.6 Delegation to Chief Executive 2. 3.7.12 Sub delegation from Chief Exec to officers <p>The decision is based on a compliant procurement process conducted in line with section 4.6.12 of the Council's contract procurement rules and is in line with the Financial Procedure Rules.</p>
Ward:	Countywide
Consultation:	The council's head of IT applications, the children and families systems business intelligence manager and procurement.
Decision made:	To award a contract to Tribal Education Ltd to provide a management information software system (Maytas Learning Management System) for the council's adult and community learning service delivery.
Reasons for decision:	<ul style="list-style-type: none"> • Herefordshire Council receives an annual academic year grant for the delivery of adult and community learning from the Education and Skills Funding Agency (ESFA). • It is a condition of grant/contract with the ESFA that all further education providers including ourselves have a management information system that is compliant with the ILR specification. The ILR collects information about learners and the learning that they are undertaking. The data collected in the ILR is submitted to the ESFA on a monthly basis and is used by the ESFA to generate funding payments and monitor performance. • We also use the system to monitor performance, contract manage acs sub-contractors and drive service improvements. • An audit is undertaken annually by external auditors to ensure that we have satisfactory systems and controls in place to manage sub-contractors delivering education and training funded by the ESFA. The last audit undertaken by Grant Thornton provided satisfactory assurance and was signed off September 2018. • Our current supplier Link2ICT has given notice that the AQUA software that we currently use and have used for the last 15 years is being withdrawn and therefore we needed to procure another software provider to be able to meet our ESFA contract conditions.

	<ul style="list-style-type: none"> • Purchasing this new system also gives us more sophisticated performance management report tools to monitor sub-contractors performance service performance and report to senior managers. This is currently a manual function which is time consuming and therefore not efficient. It will also enable sub-contractors to submit their learner data to us through a secure provider portal. At present sub-contractors bring their paperwork into the team and a member of the team manually inputs the information onto the system. Again this is inefficient use of resources. • The management information software system will be a remote desktop hosted solution as it is now.
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<ul style="list-style-type: none"> • The new MIS system is funded from the ESFA grant that the council receives. The annual cost of the software system is taken into consideration when setting the annual budget for delivering adult and community learning. • The whole life costing over 4 years is £55,400. Years 3 and 4 costs are not guaranteed and are subject to availability of funding, supplier performance and any other issue at the sole discretion of the Council. Contract to commence 11th February 2019. • The new MIS is compliant with the ESFA Adult Education Budget contract requirements for data collection, submission and reporting The ESFA grant contract states that the council must supply the ESFA data on each individual Learner, in accordance with the data collections framework set out in the 'ILR specification validation rules and appendices as amended and updated which is published on the website https://www.gov.uk/government/publications/ilr-specification-validation-rules-and-appendices-2018-to-2019 in accordance with the 'Provider Support Manual' as amended and updated. • The ACLS seeks to provide high quality learning opportunities that are inclusive and free from discrimination. The ACLS aims to provide learning that is safe, accessible and welcoming. Discriminatory behaviour or harassment will not be tolerated. • We require all our providers to comply with the Equality Act 2010 and actively promote Equality and Diversity and British Values within the delivery of ACLS provision, as outlined in the Ofsted Common Inspection Framework. • The MIS enables the ACLS to monitor performance of equality and diversity and set targets. <p>Risk Management</p> <p>The ACLS service has a risk register in place and a business continuity plan. Identified risks associated with MIS include:</p> <p>The main risk is that we fail to contract with a software provider that can provide the services needed in time. This would mean not being able to submit our monthly ILR data and funding returns as per our conditions of contract with the ESFA. This has been mitigated by a robust procurement process undertaken with commercial services and conditions of contract written by legal services. The successful applicant is a national provider specializing in learning management solution systems for this type of delivery and has a detailed delivery schedule and resources in place to meet timescales.</p>

<p>Details of any alternative options considered and rejected:</p>	<ul style="list-style-type: none"> • To continue with the current MIS system is not an option. The current supplier Link2ICT has given notice that the AQUA software that we currently use is being withdrawn. It will be decommissioned 31 March 2019. • Use one of the other software systems within Herefordshire Council. The council's software systems have been looked at with the systems business intelligence manager for children's and Families and they do not have the required modules to meet the national ESFA individualised learner record (ILR) specification. Current systems could not perform the collection of the ILR data and submit on a monthly basis to the ESFA. • Use another ESFA provider to submit the ILR on the council's behalf. This is not an option because the structure of the data base and the return of the data do not allow this to happen. Each ESFA provider has its own unique identification and is responsible for its own data quality and compliance. There is a conflict of interest with certain providers. As the data is confidential we have to ensure that there are no data breaches and adhere to the GDPR. • An option could be to look at economy of scale with other providers nationally. However, we have a unique delivery model based on sub-contracting which is not common. Our requirements are bespoke to the service. We have already spoken to Worcestershire and Telford and Wrekin councils about doing this but this was not feasible as they directly deliver provision. To identify another organisation that has the same delivery model, in the same situation and then gain commitment and agreement to jointly procure a new software provider will take a considerable amount of time and resource. We need to have a new system in place and operational by the end of April 2019.
<p>Details of any declarations of interest made:</p>	<p>None Declared</p>

Signed

Date: 28 January 2019