

Report

Report to:	Clyde Valley Learning and Development Joint Committee
Date of Meeting:	10 June 2019
Report by:	Chair of Clyde Valley Learning and Development Project Steering Group

Subject:	Clyde Valley Learning and Development Project - Delivery of First Aid Training
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ request approval to maintain the current provision of First Aid training by invoking the use of Section 13 (8) of the Public Contracts (Scotland) Regulations 2015

2. Recommendation(s)

2.1. The Joint Committee is asked to approve the following recommendation(s):-

- (1) that the Clyde Valley Learning and Development Project engages with Glasgow City Council (Health and Social Care Partnership) to provide First Aid training;
- (2) that this should be achieved through invoking Section 13 (8) of Public Contracts (Scotland) Regulations 2015 and, thereby, not pursuing a formal procurement process; and
- (3) that the First Aid training be provided on the basis of the existing and previous contracts which would be defined in a service level agreement signed by the Clyde Valley Learning and Development Project and Glasgow City Council.

3. Background

- 3.1. The provision of First Aid training was the first element to be delivered in partnership by the Clyde Valley Learning and Development Project in 2008. The identified provider was Glasgow City Council's Direct and Care Services (DACS).
- 3.2. Following a restructure of Glasgow City Council's services, a separate "arm's-length" organisation was established to replace DACS under the trading name of Cordia. With this change in organisational status, Cordia was entitled to bid for procurement tenders under the same conditions as a private sector provider.
- 3.3. Following a public procurement exercise carried out in May 2013, Cordia tendered for and won the contract to continue to provide the training. Cordia has subsequently delivered this contract to provide First Aid training on the same terms as those established in 2008 until the present day. Having delivered the contract for the initial four years, the contract extension was activated in August 2017. The contract reaches the end of its term on 11 August 2019.

- 3.4. During 2018, the status of Cordia was changed again, with the termination of the existing “arm’s-length” organisation and the functions, staff and contracts returning to Glasgow City Council (Health and Social Care Partnership).

4. Current Situation

- 4.1. During the period that Cordia has delivered the First Aid training contract, there has been a consistently high level of performance in all aspects of the contract, with an average score of 88% being achieved on the annual contract appraisal.
- 4.2. In addition, the provider has consistently demonstrated a creative and flexible approach throughout, with many innovations being introduced proactively and in response to evaluation feedback from delegates and contract managers.
- 4.3. The Project Steering Group has been made aware that an opportunity exists to maintain continuity by using the same provider (now under the auspices of Glasgow City Council) immediately following the completion of the current contract.

5. Legal Position

- 5.1. The Clyde Valley Learning and Development Group proposes to award a contract to Glasgow City Council under the terms of the Public Contracts (Scotland) (PCS) Regulations 2015 and the lead authority Council’s Standing Orders on Contracts. This permits the contract to be secured by the Group without undertaking a formal procurement exercise.
- 5.2. Regulation 13(8) of the PCS Regulations provides that the general procurement regulations do not apply to procurement for the award of a public contract between two or more contracting authorities, subject to certain specific requirements being fulfilled. These conditions are as follows:-
- ◆ the purpose of the contract is to ensure that public services which each of the contracting authorities have to perform are provided with a view to achieving their common objectives
 - ◆ the co-operation is governed solely by considerations relating to the public interest
 - ◆ the contracting authorities perform less than 20% of the activities concerned on the open market. The percentage of activities is determined by reference to the contracting authority’s average turnover for the three years prior to the date of proposed contract award.
- 5.3. It can be confirmed that Glasgow City Council has the capacity to undertake this work and that taking this option will allow the Clyde Valley Group to continue to obtain the required services from a trusted provider. In addition, the provider has undertaken to provide the training at the same delegate rate established in 2008, for all four First Aid courses.
- 5.4. All relevant provisions of the lead authority’s Standing Orders on Contracts would be met in the award of the contract to Glasgow City Council.
- 5.5. Discussions have taken place with those authorities who currently access the existing contract (East Renfrewshire, North Lanarkshire and Renfrewshire Councils), all of whom have expressed an interest in pursuing this approach. Subject to the procurement and legal teams from these Councils being satisfied with the legal position, each has indicated a desire to proceed.

- 5.6. Other Member Councils may also take up this option should this be approved. For example, South Lanarkshire Council initially accessed the current contract, but due to a change in strategic direction, moved to an internal delivery model in 2016. Despite this, the changes in internal capacity and demand for First Aid training mean that the opportunity to access training services from this tried and tested provider may be taken up again in the near future.
- 5.7. Should the Joint Committee agree to award the contract to Glasgow City Council, the First Aid training would be provided on the basis of the existing and previous contracts and would be defined in a service level agreement signed by the Clyde Valley Learning and Development Project and Glasgow City Council.
- 6. Employee Implications**
- 6.1. There will be no changes to the current arrangements for provision of this training for those Member Councils who currently purchase First Aid training externally.
- 7. Financial Implications**
- 7.1. The costs of providing First Aid training would be set at the same delegate rate as the existing provision which has remained unchanged for the past 11 years.
- 8. Other Implications**
- 8.1. Any risks associated with this approach have been evaluated as negligible due to the experience and track record of the provider. In addition, the provider is one of the Member Councils of the Clyde Valley Group.
- 9. Equality Impact Assessment and Consultation Arrangements**
- 9.1. There is no change to policy therefore no impact assessment is required at this stage.
- 9.2. Consultation has taken place with both South Lanarkshire Council's Legal Services and Procurement Services in order to take the correct advice and legal opinion in relation to this matter. Following this process, this information was shared with the Project Steering Group for consultation with local Legal and Procurement officers.

Gill Bhatti
Chair, Clyde Valley Learning and Development Project Steering Group

14 May 2019

Previous References

- ◆ Clyde Valley Learning and Development Project – Provision of First Aid Training - 9 December 2013

List of Background Papers

- ◆ Clyde Valley EGF Training Bid
- ◆ NBSS Clyde Valley Consortium Submission November 2006
- ◆ NBSS Clyde Valley Consortium – Secondary Paper December 2006

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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