

CLYDE VALLEY LEARNING AND DEVELOPMENT JOINT COMMITTEE

Minutes of meeting held via Microsoft Teams on 14 June 2021

Convener:

Councillor Katy Loudon, South Lanarkshire Council

Councillors Present:

East Renfrewshire Council:	Colm Merrick
Glasgow City Council:	Annette Christie
Inverclyde Council:	Martin Brennan
North Lanarkshire Council:	Angela Campbell
Renfrewshire Council:	Andy Steel

Attending:

Clerk's Office

Stuart McLeod, Administration Officer, South Lanarkshire Council

Treasurer's Office

Amanda Murray, Finance Adviser, South Lanarkshire Council

Clyde Valley Learning and Development Project

Gerry Farrell, Project Manager

Project Steering Group

Pauline Cameron, East Renfrewshire Council
Tony Mackie, Glasgow City Council
Alex Hughes, Inverclyde Council
Pauline McCafferty, North Lanarkshire Council
Christine MacKenzie, Renfrewshire Council
Gill Bhatti (Chair), South Lanarkshire Council

Also Attending:

Audit Scotland

Andrew Kerr, Senior Audit Manager

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Clyde Valley Learning and Development Joint Committee held on 22 February 2021 were submitted for approval as a correct record.

The Joint Committee decided: that the minutes be approved as a correct record.

3 Revenue Budget Monitoring 2021/2022 – Clyde Valley Learning and Development Joint Committee

A report dated 25 May 2021 by the Treasurer to the Clyde Valley Learning and Development Joint Committee was submitted comparing actual expenditure at 21 May 2021 against budgeted expenditure for the Clyde Valley Learning and Development Joint Committee's revenue budget.

The Joint Committee decided: that the breakeven position on the revenue budget, as detailed in Appendix A to the report, be noted.

[Reference: Minutes of 22 February 2021 (Paragraph 3)]

4 Annual Governance Statement 2020/2021

A report dated 25 May 2021 by the Treasurer to the Clyde Valley Learning and Development Joint Committee was submitted on the Annual Governance Statement for 2020/2021 which would be included in the Joint Committee's 2020/2021 Annual Accounts.

The Joint Committee's Annual Governance Statement 2020/2021, which was attached as an appendix to the report, provided details of the systems for internal control which were in place to ensure a robust governance structure. For 2020/2021, the Treasurer's opinion was that reasonable assurance could be placed on the adequacy and effectiveness of the Joint Committee's framework of governance, risk management and control arrangements.

The Joint Committee decided: that the Annual Governance Statement, attached as an appendix to the report, which would be included in the Clyde Valley Learning and Development Joint Committee's 2020/2021 Annual Accounts, be approved.

5 2020/2021 Annual Report and Accounts - Clyde Valley Learning and Development Joint Committee

A report dated 25 May 2021 by the Treasurer to the Clyde Valley Learning and Development Joint Committee was submitted on the Annual Report and Accounts of the Joint Committee for the year ending 31 March 2021.

The Annual Report and Accounts, attached as an appendix to the report, detailed the revenue account and balance sheet to 31 March 2021 for the Joint Committee. The Accounts showed that the Joint Committee's total revenue expenditure had amounted to £0.095 million in 2020/2021 and had been met by income of £0.097 million, resulting in a £0.002 million surplus. The surplus would be added to the revenue cash balance of £0.028 million from 2019/2020, leaving a balance of £0.030 million to be carried forward for use in future years.

The Annual Report and Accounts would be passed to the External Auditor for consideration.

The Joint Committee decided: that the Annual Report and Accounts for the Clyde Valley Learning and Development Joint Committee for year ended 31 March 2021 be noted.

6 Clyde Valley Learning and Development Project – Non-Contractual Extension for Provision of e-Learning Platform (Learning Management System)

A report dated 17 May 2021 by the Chair of the Clyde Valley Learning and Development Project Steering Group was submitted advising of the intention to implement a non-contractual extension to the existing contract with Brightwave Limited for the provision of an integrated e-learning service on behalf of the Clyde Valley Learning and Development Group (CVLDG).

Brightwave Limited had been the preferred supplier of e-learning services to member councils since August 2009. During this period, 2 contracts had been let following competitive tendering processes. The current contract, which had come into effect on 1 August 2014, had been awarded for a period of 4 years with an option to extend for a further 3 years. The option to extend the contract had been taken up by the CVLDG and the current contract was due to expire on 31 July 2021.

During the period of the contracts, Brightwave Limited had demonstrated a consistently high level of reliability and customer support and, as a result, had achieved almost 100% availability of access 24 hours-a-day, to its e-learning service. As demand for access to e-learning continued to grow, reliability had become the key factor in delivering the required service to each member council, particularly in light of the impact of the COVID-19 pandemic, subsequent lockdowns and the resultant increase in online service delivery.

Consultation had been carried out with the 16 member councils that were currently utilising the Brightwave Limited contract, details of which were provided in the report. As a result of the consultation, it had become apparent that maintaining continuity with Brightwave Limited had many benefits and presented fewer risks to service delivery than changing supplier.

As lead authority, South Lanarkshire Council's Standing Orders on Contracts applied in relation to CVLDG procurement contracts. In terms of Standing Order No 9.3.1 and Regulation 33(1)(b)(ii) of the Public Contracts (Scotland) Regulations 2015, the use of a negotiated tendering procedure could be justified on the basis that:-

- ◆ the services could only be supplied by Brightwave Limited for technical reasons and no alternative existed
- ◆ Brightwave Limited supplied the e-learning platform and owned the intellectual property rights and, therefore, only Brightwave Limited could provide the necessary maintenance and support
- ◆ the absence of competition was not the result of artificial narrowing down of the parameters of the procurement

In addition to the above, Standing Order No 22.3(b) detailed conditions to be applied to a non-contractual extension and those conditions could be met for the reasons detailed in the report.

Having fully considered all procurement possibilities and options in order to maintain continuity of service, the Project Steering Group had concluded that the preferred option was to award a 24 month non-contractual extension to the current Brightwave Limited contract, effective from 1 August 2021.

As well as providing an uninterrupted e-learning service to employees of the member councils utilising the contract, the non-contractual extension would continue to provide shared discount to annual licence fees dependent on the number of member councils that opted to utilise the contract. The final discounts could not be calculated until it was known how many member councils would utilise the contract, however, indicative costings had been provided by Brightwave Limited.

The existing contract pricing had been fixed for 7 years and it was recognised that inflation, updated technology, added security features and greater functionality necessitated an increase in price, however, Brightwave Limited had made every effort to keep implementation and delivery costs as low as possible by maintaining the discount structure.

Despite this, some member councils were unable to commit to the terms of the newer learning management system platform (Tessello Go) and Brightwave Limited had offered to continue to support the older Launch and Track platform as an alternative option.

The Joint Committee decided:

- (1) that it be noted that the extraordinary circumstances of the Covid-19 pandemic had resulted in increasing demand for reliable online learning to be delivered to member councils;
- (2) that it be noted that consultation had taken place amongst the Clyde Valley Learning and Development Group membership to establish the reliability and capability of the existing Learning Management System provided by Brightwave Limited;
- (3) that the intention to implement a non-contractual extension to the existing Brightwave Limited contract, in accordance with South Lanarkshire Council's Standing Orders on Contracts, for the provision of an integrated e-learning service for a period of 24 months, effective from 1 August 2021, be noted; and
- (4) that it be noted that the indicative costs and pricing provided by Brightwave Limited to continue to provide this service would include the continuation of a discounted scheme based on the number of member councils opting into the non-contractual extension.

[Reference: Minutes of 11 June 2018 (Paragraph 6)]

7 Brightwave Limited Consultation with Clyde Valley Learning and Development Group Members on On-Line Learning Priorities

The Project Manager advised that up to 23 member councils had used Brightwave Limited's Launch and Track and Tessello Go learning management system (LSM) platforms over the previous 12 years and that a consultation process had been carried out to establish if the future learning and development needs of the Clyde Valley Learning and Development Group could continue to be met through Brightwave Limited's latest technology.

The Project Manager provided a presentation which covered the following:-

- ◆ the Clyde Valley Learning and Development Group's consultation objectives
- ◆ identified functional priorities which included:-
 - ◆ accessibility and reliability
 - ◆ learning pathways
 - ◆ data and data feeds
 - ◆ integration and delivery of virtual sessions
 - ◆ reporting – breadth, depth and ease of report options
 - ◆ reminders/automated communications
 - ◆ badges and learning records

- ◆ key findings and conclusions which included:-
 - ◆ optional features of Tessello Go technology which were available on an individual basis
 - ◆ standard site implementation which enabled each member council to create a tailored platform configuration
 - ◆ reliability was a high priority requirement for all member councils
 - ◆ discussions had led to agreement on acceptable pricing for inclusion of all features
 - ◆ additional cost saving options from a 'light' set up or remaining on the Launch and Track platform
 - ◆ the ability of member councils to choose from a full range of features to address key requirements and select and configure features in a way that best suited each member council
 - ◆ guidance on features would be provided to help member councils make informed decisions
 - ◆ the proposed process incorporated time to discuss and review configuration before and after implementation and offered project scheduling that accommodated each member council as far as possible

The Joint Committee decided: that the position be noted.

8 Urgent Business

There were no items of urgent business.

Convener's Closing Remarks

The Convener welcomed Councillor Christie, who had replaced Councillor Spear as Glasgow City Council's member of the Joint Committee, to her first meeting.

The Convener also advised that this would be the last meeting of the Joint Committee that Tony Mackie would be attending prior to his forthcoming retirement. On behalf of the members of the Joint Committee, the Convener thanked Mr Mackie for his contribution to the Joint Committee and wished him a long and happy retirement.