

**CLYDE VALLEY LEARNING AND DEVELOPMENT JOINT COMMITTEE**

Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton on 11 June 2018

**Convener:**

Councillor Katy Loudon, South Lanarkshire Council

**Councillors Present:**

East Dunbartonshire Council: Jim Gibbons (Vice Convener)  
East Renfrewshire Council: Colm Merrick  
North Lanarkshire Council: Angela Campbell

**Councillors' Apologies:**

Glasgow City Council: Richard Bell and Elaine McSparran (Substitute)  
Inverclyde Council: Martin Brennan and Natasha Murphy (Substitute)  
Renfrewshire Council: Jim Paterson and Lorraine Cameron (Substitute)  
West Dunbartonshire Council: Karen Conaghan and Caroline McAllister (Substitute)

**Attending:****Clerk's Office**

Gordon Bow, Administration Manager, South Lanarkshire Council

**Treasurer's Office**

Amanda Murray, Finance Adviser, South Lanarkshire Council

**Clyde Valley Learning and Development Project**

Gerry Farrell, Project Manager  
Margaret Quinn, Project Development Officer

**Project Implementation Steering Group**

Bob Jones, East Dunbartonshire Council  
Pauline Cameron, East Renfrewshire Council  
Alex Hughes, Inverclyde Council  
Pauline McCafferty, North Lanarkshire Council  
Simon Hall and Lenore Robson, Renfrewshire Council  
Gill Bhatti (Chair), South Lanarkshire Council

**Also Attending:**

Tony Mackie, Principal Officer, Learning and Development, Glasgow City Council  
Karen Moore, Legal Services Adviser, South Lanarkshire Council

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**1 Declaration of Interests**

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No interests were declared.

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**2 Minutes of Previous Meeting**

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The minutes of the meeting of the Clyde Valley Learning and Development Joint Committee held on 4 December 2017 were submitted for approval as a correct record.

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

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### **3 Revenue Budget Monitoring 2018/2019 - Clyde Valley Learning and Development Joint Committee**

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A report dated 14 May 2018 by the Treasurer to the Clyde Valley Learning and Development Joint Committee was submitted comparing actual expenditure at 27 April 2018 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 4 December 2017 (Paragraph 4)]*

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### **4 Annual Governance Statement 2017/2018**

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A report dated 18 May 2018 by the Treasurer to the Clyde Valley Learning and Development Joint Committee was submitted on the Annual Governance Statement for 2017/2018 which would be included in the Joint Committee's 2017/2018 Annual Accounts.

The Joint Committee's Annual Governance Statement 2017/2018, 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 2017/2018, 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 Appendix 1 to the report, which would be included in the Clyde Valley Learning and Development Joint Committee's 2017/2018 Annual Accounts, be approved.

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### **5 2017/2018 Annual Report and Accounts - Clyde Valley Learning and Development Joint Committee**

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A report dated 15 May 2018 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 2018.

The Annual Report and Accounts, attached as an appendix to the report, detailed the revenue account and balance sheet to 31 March 2018 for the Joint Committee. The Accounts showed that the Joint Committee's total revenue expenditure had amounted to £0.061 million in 2017/2018 and had been met by income of £0.062 million, resulting in a £0.001 million surplus. The surplus would be added to the revenue cash balance of £0.011 million from 2016/2017, leaving a balance of £0.012 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 2018 be noted.

*Councillor Gibbons entered the meeting during this item of business*

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## **6 Update on the Future and Funding for the Clyde Valley Learning and Development Project 2018/2019**

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A report dated 21 May 2018 by the Chair of the Clyde Valley Learning and Development Project Implementation Steering Group was submitted on proposals to restructure the membership and funding model of the Clyde Valley Learning and Development Project.

At its meeting on 4 December 2017, the Joint Committee had tasked the Project Implementation Steering Group with evaluating options for the continued sustainability and success of the Project. Following consultation with the member councils, the Project Implementation Steering Group had proposed that the membership and funding of the Project be restructured based on the following principles:-

- ◆ that the opportunity to be a Full Member of the Project would be available to all current member councils and associate member councils and organisations
- ◆ that opting to be a Full Member of the Project would require an annual financial contribution based on an agreed tariff
- ◆ that being a Full Member would involve assuming a strategic management and governance role in the Project as well as access to all Clyde Valley initiatives, projects and delivery models
- ◆ that a second tier membership category would be available to councils who would not have responsibility for Project management or governance. It was proposed that councils opting for this category of membership would be known as Participating Members
- ◆ that Participating Members would have access to all Clyde Valley procurement initiatives, strategic programmes, delivery models and participation in Clyde Valley Sub-groups
- ◆ that a third tier of membership would be available to councils who wished to participate in Clyde Valley procurement initiatives only. It was proposed that councils opting to join this category of membership would be known as Procurement Members
- ◆ that each category of membership would be renewable on an annual basis and that the agreed fee would require to be paid in advance of each year that any of the project models were accessed (including procurement)
- ◆ that the tariff for all categories, as detailed in the report, would vary depending on the size of the council
- ◆ that, in recognition of the distinct strategic direction of the Social Care Sub-group, the status of this Sub-group be raised to have a parallel management and governance role similar to the Project Implementation Steering Group
- ◆ that strategic decisions on programmes, workplan and direction of travel would be reserved for Full Member councils only
- ◆ that a minimum of 5 Full Members be required to retain the Project's viability and ensure effective governance

If approved, the Clyde Valley Learning and Development Project Minute of Agreement (MoA) would require to be updated to reflect the revised structure of the membership and funding model. The revised MoA would also detail the implications, responsibilities and contributions that would be expected from members and the additional data protection requirements associated with the General Data Protection Regulation (GDPR).

Subject to guaranteeing the agreed minimum annual contribution to the running costs of the project, South Lanarkshire Council would continue to act as lead authority for the Project and, in addition to its continued direct financial support, would continue to provide the necessary resources to manage the administration of the Project.

Depending on the uptake in membership of the Project, consideration required to be given to the membership of the Joint Committee and the Project Implementation Steering Group as well as the relationship between the Steering Group and the Social Care Sub-group. If other councils opted to become Participating Members, there would be resource implications for cascade training of the Promoting Positive Behaviour (PPB) Programme for Social Care staff and this would be the subject of a future report to the Joint Committee.

Having fully considered the available options and the unanimous agreement amongst member councils that associate membership should entail a financial contribution to access the Project's associated benefits, the Project Implementation Steering Group recommended that:-

- ◆ the proposals to reshape the Project's membership structure be trialled on a pilot basis
- ◆ the pilot include the adoption of the proposed funding model
- ◆ the funding model be subject to the constraints of a minimum number of 5 Full Members and that the tariff should be reviewed on an annual basis
- ◆ each council sign up to a charter of responsibilities for each category of membership
- ◆ the Joint Committee Minute of Agreement be revised to reflect the amended membership structure, categories of membership and charter of membership responsibilities
- ◆ the Social Care Sub-group's status be raised to an equal level of governance as that of the Project Implementation Steering Group in order to reflect its own strategic direction and management of resources

Based on the current number of 8 member councils retaining their full membership status of the Project, the proposed funding model would increase the annual contribution to the Project from the current £32,000 to £59,000. Any additional income would be dependent on the uptake of the membership categories.

Given that the annual financial contribution to the Project could potentially fluctuate year by year, it was proposed that a minimum level of funding be set at £59,000 per annum to allow the Project to continue.

**The Joint Committee decided:**

- (1) that the new categories of membership of the Project and the associated responsibilities and benefits, as detailed above, be trialled on a pilot basis with immediate effect;
- (2) that the revised funding model, as detailed in the report, be trialled on a pilot basis with immediate effect;
- (3) that a minimum level of funding be set at £59,000 per annum to allow the Project to continue;
- (4) that the Clyde Valley Learning and Development Project Minute of Agreement be revised to reflect the changes and the additional data protection requirements associated with the General Data Protection Regulation (GDPR);
- (5) that a minimum number of 5 Full Member councils be required in order to maintain the Project's viability; and
- (6) that the revised structure and funding model for the Project be reviewed on an annual basis.

*[Reference: Minutes of 4 December 2017 (Paragraph 5)]*

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## **7 Charging for Services Provided by the Clyde Valley Learning and Development Project**

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A report dated 17 May 2018 by the Chair of the Clyde Valley Learning and Development Project Implementation Steering Group was submitted on the legal position regarding charging for services provided by the Clyde Valley Learning and Development Project.

The established principle for the Project was that there should be no charging for services between the Clyde Valley councils and that, where possible, all contributions to development and delivery should be in-kind.

The ongoing success of the Promoting Positive Behaviour (PPB) programme had attracted interest from several parties outwith the member councils who had enquired about gaining access to the Programme and, following discussion at the meeting of the Joint Committee on 4 December 2017, it had been agreed that the possibility of charging associate member councils and third parties for access to the Programme be explored.

The following advice had since been obtained from South Lanarkshire Council's Administration and Legal Services:-

- ◆ The Local Authorities (Goods and Services) Act 1970 provided that local authorities could sell goods or services to other local authorities or bodies which had functions of a public nature.

Should this course of action be taken in relation to other public bodies, this would need to be declared to all member councils' insurance providers and all would require to purchase professional indemnity cover. This was not an additional requirement when dealing solely with local authorities.

In addition, local authorities were not permitted to make profits on goods or services sold and could only recover the costs incurred in relation to that product whether selling to other public bodies (including local authorities).

- ◆ Selling to private persons or companies could only be done as part of "a relevant trading operation" carried out by the authority. A trading operation was defined as one for which, "in accordance with proper accounting practices (within the meaning of section 12 of the Local Government in Scotland Act 2003) the authority keeps trading accounts."

As a result, if the Project was considering selling to the private sector, a separate trading operation would require to be set-up, managed and monitored by the lead authority's Finance Services. In addition, a further requirement would be to find a statutory power to justify carrying out such a trading operation, however, the development and public selling of training materials was not within the statutory functions of local government.

The general power to advance well-being in Section 20 of the Local Government in Scotland Act 2003 could not be used for this purpose as it:-

- ◆ was subject to the restrictions in the 1970 Act
- ◆ could not be used by an authority to raise money

### **The Joint Committee decided:**

- (1) that the legal position in terms of charging for services be noted;
- (2) that it be noted that any charges applicable to selling services to other local authorities would be on the basis of cost recovery;

- (3) that it be noted that any charges applicable to selling services to other public bodies would be on the basis of cost recovery, and could only be considered after each authority had adjusted their respective insurance professional indemnity cover accordingly; and
- (4) that it be noted that the member councils did not have legal power to sell their services (including the Promoting Positive Behaviour Programme) to private sector organisations.

*[Reference: Minutes of 4 December 2017 (Paragraph 6)]*

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## **8 Clyde Valley Learning and Development Project - Contract Extension for e-Learning Service (Learning Management System)**

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A report dated 17 May 2018 by the Chair of the Clyde Valley Learning and Development Project Implementation Steering Group was submitted advising of the intention to exercise the option to extend the contract for the continued provision of an 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 the member councils since August 2009. During this period, 2 contracts had been awarded following competitive tendering processes. The current contract had been awarded in June 2014 and was effective from 1 August 2014 to 31 July 2018, with an option to extend the contract for up to a further 3 years.

Over the 9 year period and, in particular, during the last 4 years, Brightwave Limited had demonstrated a consistently high level of reliability and excellent customer support.

Based on Brightwave Limited's consistently high performance levels and continued value for money due to the shared discount for the participating members, it was intended to exercise the option to extend the contract for a period of up to 3 years.

Member councils were not bound to accept the majority decision of the CVLDG to extend the current contract and some member councils had indicated that they were opting out of the contract extension. Of the member councils that had opted to remain with the current provider, the period of the extension of the contract varied between 1 and 3 years.

Based on the number of member and associate member councils that had committed to their continued participation in the contract, the overall discount on the base price during the extension period was projected as follows:-

- ◆ Year 1 - 32.5% discount
- ◆ Year 2 - 32.5% discount
- ◆ Year 3 - 30% discount

In addition to the continued discounts based on economies of scale, Brightwave Limited had added further value to the Learning Management System choices as participating councils could either continue using the existing Launch and Track system, in which case a further discount would be available or, alternatively, by using Tesselto Go which was a more modern learner interface and was further incentivised through a sliding scale of discounts for the installation fee.

### **The Joint Committee decided:**

- (1) that it be noted that the existing contract to provide e-learning services would reach the end of its 4 year term on 31 July 2018;

- (2) that it be noted that it was the intention of the Clyde Valley Learning and Development Group to activate the option to extend the contract with Brightwave Limited for a period of up to 3 years from 1 August 2018; and
- (3) that it be noted that the discount offered by the contract continued to incentivise other councils to join the contract to the mutual benefit of all.

*[Reference: Minutes of 9 June 2014 (Paragraph 6)]*

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## **9 Clyde Valley Learning and Development Project - Update on e-Learning Sub-group Developments**

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A report dated 18 May 2018 by the Chair of the Clyde Valley Learning and Development Project Implementation Steering Group was submitted on the plans and priorities to be addressed by the e-Learning Sub-group during the next year.

The report detailed a number of challenges and opportunities that were being faced by the Clyde Valley Learning and Development Group (CVLDG) and the e-Learning Sub-group. In light of those, a review had been undertaken of the role, responsibilities and strategic impact of e-learning and the e-Learning Sub-group.

The following recommendations had been made by the e-Learning Sub-group and approved by the Project Implementation Steering Group:-

- ◆ that the ground rules of membership of the e-Learning Sub-group be established based on the revised structure of membership of the CVLDG
- ◆ that a course sharing audit be carried out and the process for accessing available training content be improved
- ◆ that a clear strategy and timeline be developed for the e-Learning Sub-group
- ◆ that different ways of engaging with individual members and the Sub-group as a whole be considered
- ◆ that greater input from Sub-group members and a wider range of individuals taking the lead on delivery of projects be encouraged
- ◆ that opportunities for greater networking with similar groups, such as the Digital Partnership for Scottish Local Government, Improvement Service, NHS and Education Scotland (NES), be encouraged
- ◆ that a library of courses be created to remove the reliance on purchased training content

### **The Joint Committee decided:**

- (1) that it be noted that a review of activities and priorities of the e-Learning Sub-group had been undertaken;
- (2) that it be noted that the challenges facing the Clyde Valley Learning and Development Group and e-Learning Sub-group required to be addressed and opportunities exploited in order to continue to realise the benefits of collaborative working; and
- (3) that it be noted that the recommendations detailed above, which had been made by the e-Learning Sub-group and approved by the Project Implementation Steering Group, would be addressed and implemented.

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## **10 Urgent Business**

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There were no items of urgent business.