

COMMUNITY LEARNING AND DEVELOPMENT SERVICE – TRANSFER TO LIVE ARGYLL

1. EXECUTIVE SUMMARY

- 1.1 As part of the budget planning process for 2021-22 and beyond a number of activities were identified for review on a themed basis, including a Leisure Theme which encompassed a review of the future delivery of Community Learning and Development (CLD) Services, the current contractual arrangements in place with Live Argyll and payments to leisure facilities.
- 1.2 This report focuses on the future delivery of CLD services and provides members with an update on the advanced discussions that have taken place with regard to putting in place an alternative delivery model for CLD Services, which would see Live Argyll (LA) assume responsibility as the delivery partner for this service area.
- 1.3 Members are invited to:-
- Note the terms of the engagement that has taken place with LA in respect of assuming responsibility as the delivery partner for CLD Services;
 - Approve the transfer of the CLD service to LA including the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) transfer of the current staff;
 - Agree that the Head of Education – Lifelong Learning and Support puts in place the next steps to transfer CLD Services to LA, in line with the proposed governance arrangements; and
 - Note that future progress reporting on the transfer/CLD Service will be to the Community Services Committee.

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2. INTRODUCTION

- 2.1 As part of the budget planning process for 2021-22, the Leisure Theme included a review of the future delivery of CLD Services. This report provides an update on the review process which has concluded that there would be merit in putting in place an alternative delivery model for this service area, whereby Live Argyll (LA) would assume responsibility as the delivery partner.

3. RECOMMENDATIONS

- 3.1 Members are invited to:-
- Note the terms of the engagement that has taken place with LA in respect of assuming responsibility as the delivery partner for CLD Services;
 - Approve the transfer of the CLD service to LA including the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) transfer of the current staff;
 - Agree that the Head of Education – Lifelong Learning and Support puts in place the next steps to transfer CLD Services to LA, in line with the proposed governance arrangements; and
 - Note that future progress reporting on the transfer/CLD Service will be to the Community Services Committee.

4. DETAIL

- 4.1 The Council approved the implementation of a Leisure and Libraries Charitable Trust on 24th November 2016. Subsequently, LA commenced trading on 2nd October 2017 and deliver a wide range of services for the benefit of local residents and visitors, including; Libraries, Leisure Facilities, Active Schools, Archives, Halls, Sports Development, Museum, Community Centres and Community Lets.
- 4.2 As part of the ongoing review of the contractual management arrangements with LA, regular meetings are held between the Head of Commercial Services and the General Manager of LA. A recent review of the Service Level Agreement (SLA), including the governance arrangements in place for scrutiny of performance via the Community Services Committee, found that they were fit for purpose.

- 4.3 A number of additional discussions have been held between senior Officers from the Council and Live Argyll as part of the Leisure Theme review that formed part of the budget planning process for 2021-22. As part of this, alternative delivery options were considered for CLD Services and there was mutual agreement that there would be merit in this service area transferring to LA. The Budget Working Group, as part of their work in relation to the 2021/22 Revenue Budget were of the view that a final proposal in respect of CLD should be clear on what would be offered and how it would be delivered.
- 4.4 There are clear synergies across the service portfolios with high levels of volunteer involvement and community engagement that can enhance the overall service delivery and create economies of scale to ensure the longer term sustainability. Community Learning services are a key feature of a number of other large charitable Leisure Trusts established by Scottish Councils. LA have taken on responsibility to chair the preparation and implementation of the next CLD plan and through the SLA will continue to operate as a valued and trusted partner in achieving key strategic outcomes in Argyll and Bute. At the time of implementing the Leisure and Libraries Trust in November 2016 it was envisaged that in the longer term further service areas could be transferred to LA and the proposal to transfer CLD Services is the first of these.
- 4.5 The CLD Service in Argyll and Bute currently operates using a generic delivery model that incorporates community based Adult Learning and Youth Work. There are 14.5 FTE within the potential scope of the transfer and, following initial consultation with employees, it is anticipated that all will TUPE transfer with the exception of 1 FTE. There will be a material change in this role and it is expected that the postholder will opt for voluntary redundancy. The total budget transferring to LA is £654,848 (£551,746 Employee / £103,103 Non-Employee). This funding, together with the CLD Service, will be added to the current contract as an addendum.
- 4.6 Pending approval of the transfer of resources to LA, a working group has been established to ensure that all necessary preparations are put in place to facilitate the transfer of CLD Services by 30th June 2021, including;
- i. All relevant actions pertaining to the TUPE transfer of 13.5 FTE – including consultation and engagement with Trade Unions and employees within scope of the transfer;
 - ii. Development of service specification for LA contract – this has been drafted in line with the contract documentation that currently exists for the other service areas managed by LA.
 - iii. Establishment of appropriate governance /structure;
 - There are established governance structures in place for contract management/performance scrutiny, as per 4.2 above;
 - The Education Service will undertake the client role and remain as the key contact for liaison with Education Scotland;

- LA will be responsible for ensuring that the four statutory obligations, as set out in the Community Learning and Development (Scotland) Regulations 2013, are met:-
 - 1) *To be clear about what CLD is and who the priority groups for CLD provision are within their authority – LA will deliver all CLD service requirements that meet both the service specification set out by the Council and Education Scotland requirements.*
 - 2) *To secure provision in the area by looking at the needs of the priority groups and individuals;*
 - 3) *To involve and consult with priority groups, individuals and stakeholders to find out what they need and want – an extensive consultation process will take place as part of the development of the new CLD plan priorities.*
 - 4) *To create and publish a CLD plan every 3 years – LA have taken on the lead role in the development of the new plan, which is due by September 2021. Regular progress reports are prepared for the Community Services Committee, with latest tabled on 11th March 2021.*

4.7 The Community Services Committee, on 11th March 2021, considered a report which advised that:-

In order to provide the governance and reporting structures necessary to support the development of CLD provision in Argyll and Bute, the following will be implemented:

- *A dedicated Argyll and Bute Community Learning Partnership will be established to co-ordinate the provision of CLD with stakeholders. A working group is currently carrying out preparatory work on the plan, which will be presented to the new partnership at the appropriate time;*
- *Along with the Employability Partnership the CLD Partnership will report to the Outcome 3 lead (Anthony Standing) who will in turn report on the work of the partnerships to the CPP Management Committee.*
- *The CLD Partnership will also report to Community Services Committee and Local Area Planning Groups.*
- *Plans to transfer the Community Learning Service to Live Argyll are at an advanced stage. The projected date of the transfer is June 2021. The task of producing and implementing the CLD Plan on behalf of Argyll and Bute Council will be included in the transfer and consequently it has been agreed that Live Argyll will assume the lead in the CLD Plan working group and CLD Partnership from January 2021.*

A report will be produced for members relating to any further matters concerning the governance of the CLD Team's transfer to Live Argyll.

4.8 This report is brought to the Council for approval because of the policy implications.

5.0 CONCLUSION

- 5.1 As part of the budget planning process for 2021-22 an appraisal of future delivery options for CLD Services was undertaken, which has concluded that there would be merit in this service area transferring to LA. Members are asked to approve the transfer of the financial and staffing resources, to enable Officers to put in place the final arrangements ahead of the anticipated transfer date of 30th June 2021.

6.0 IMPLICATIONS

- 6.1 Policy – The Community Learning Service and CLD provision make a significant contribution to Outcomes 3, 4, 5 and 6 of the Argyll and Bute SOA. Amendment of the arrangements between the Council and LA requires policy approval by Council.
- 6.2 Financial – Potential Voluntary Redundancy costs associated with 1 FTE
- 6.3 Legal – Transfer will be carried out in line with the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) Regulations and the requirements of Community Learning and Development (Scotland) Regulations 2013.
- 6.4 HR – HR Representative on the working group to advise on all relevant matters pertaining to the transfer
- 6.5 Equalities/Fairer Scotland Duty – It is not anticipated that any of the recommendations in this report will have a potential negative impact on any particular group or discriminate on the basis of age, disability, gender, race, sexual orientation, pregnancy and maternity or religion and belief.
- 6.6 Socio-economic Duty – none
- 6.7 Risk – any potential risks minimised via contract management/performance scrutiny governance arrangements
- 6.8 Islands – none
- 6.9 Customer Services – the needs of priority groups and individuals will be met in line with the Community Learning and Development (Scotland) Regulations 2013

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23rd March 2021

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