

Birmingham City Council

Report to Cabinet

13 February 2024



Subject: WMCA GRANT FUNDING: COMMONWEALTH GAMES LEGACY ENHANCEMENT FUND – PROVISION OF WIDER JOBS & SKILLS IN BIRMINGHAM

Report of: Sue Harrison, Executive Director Children and Families

Relevant Cabinet Member: Cllr Sharon Thompson, Deputy Leader

Relevant O &S Chair(s): Cllr Sir Albert Bore, Chair - Co-ordinating O&S Committee

Report author: Maria Lopez
Interim Programme Manager – Employment & Skills
Email: Maria.Lopez@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 012419/2024		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 This report seeks approval for acceptance of Grant Funding from West Midlands Combined Authority (WMCA) and deployment of this funding to enable 'provision relating to the Commonwealth Games Legacy (CWGL) Enhancement Fund - Wider Jobs & Skills & Wellbeing activity' in Birmingham.
- 1.2 In April 2023, the WMCA advised that each Local Authority would be allocated £801,714.28 of Commonwealth Games Legacy Enhancement Funds in relation to

Jobs and Skills Projects. The funding needs to be spent across two financial years, from 1 September 2023 to 31 March 2025: to deliver against one or more of six WMCA defined priority employment, skills and careers activities. In addition, the WMCA requested that £125,485.71 of the £801,714.28 funding should be specifically spent against the Mentoring programme (mental health) support priority activity.

The final profiled proposal submitted to the WMCA from Birmingham City Council includes funding activity for three of the six priority projects as follows:

- a) **Regional Careers Programme for 14–19-year-olds** (NEET prevention and outreach gap not covered by National Careers Service) (£335,000.00) NB. This will provide £171,545 requisite match funding against the CEC Enterprise Co-Ordinator funded provision (also grant funded by WMCA); thereby supporting careers targets & KPIs allocation in Birmingham.

The remaining allocation for regional Careers Programme will fund activity suggested by Birmingham Careers Service in the 2024/25 delivery year.

- b) **An all-age Jobs and Skills Hub sitting in deprived localities with a multi-service ethos** (1 exists in each Local Authority area), run by community boards and resident governance – it also builds on Jobs Centre Plus partnership and connecting communities’ activity (£341,228.57).

One Community Organisation led ‘All-age Jobs and Skills Hub’ has been identified as the only pilot JCP ‘All Age Hub and JCP Youth Hub’ in Birmingham meeting the required definition provided by WMCA.

- c) **‘Mentor Me - a mentoring programme, targeted at disadvantaged young people**, including both end-to-end activities and wraparound mental health and wellbeing support (£125,485.71).

Supporting young people with mental health issues to access employment, training, and education, both specialised end-to-end mental health support for young people with significant barriers and wraparound support offered alongside the other CWGL projects and the Shared Prosperity Funding projects in 2024/25 targeting NEETs aged 16–24 across Birmingham.

TOTAL Funds = £801,714.28, activity from 1 September 2023 to 31 March 2025
5% of above funds have been allocated to internal staff project management costs.

- 1.3 Some of the funded activity identified in **this Cabinet Report is directly linked to the Cabinet Report** for ‘WMCA Grant Funding: Enterprise Co-Ordinator Services in Birmingham’. Part of Birmingham’s CWGL Funding in the ‘careers programme for 14–19-year olds’ activity will provide a £171,545 match funding requirement for the remaining 50% funds towards ‘Enterprise Co-Ordinator Services’ salary costs.

2. Recommendations

It is recommended that Cabinet provide:

- 2.1 Approval for Birmingham City Council to enter into an Agreement with and accept funding from WMCA for the Commonwealth Games Legacy (CWGL) Enhancement Fund - Wider Jobs & Skills & Wellbeing activity' in Birmingham and deployment of this funding.
- 2.2 Authorisation for a negotiated procedure of contracts without competition to commence in accord with the Procurement and Contract Governance Rules. This would provide £324,167.14 funding for an '**all-age Jobs & Skills Hub in deprived localities with a multi service ethos**', acknowledging that only one organisation meets the activity provision parameters in Birmingham.
- 2.3 Acknowledgment that a waiver approach is being requested from specific elements of the Procurement and Contract Governance Rules for the '**Mentor Me**' project. This is below the threshold for Cabinet approval requirement.
- 2.4 Approval for award of contracts following the negotiated procedure and waiver of procedure conclusion and to consequently enter into back-to-back Agreements with organisations to provide the project activities following the procedures, as above.
- 2.5 Delegation of authority to the Deputy Leader to work with the Executive Director for Children and Families, and the Chief Finance Officer, Finance & Governance to accept the funding offer and enter into the Agreements.
- 2.6 Authority or delegation to the City Solicitor to execute and complete all necessary legal documents to give effect to the above, including noting the satisfactory Contract Awards by the Head of Procurement.

3. Background

- 3.1 The Commonwealth Games Legacy Enhancement Fund is funded by the Department for Digital, Culture, Media, and Sport (DCMS) and is double devolved via the WMCA to Birmingham City Council, to deliver activity and enhance the legacy of the Birmingham 2022 Commonwealth Games.

The Commonwealth Games legacy activities are divided into 4 pillars:

- Economy, trade, and tourism
- Culture and heritage
- Inclusive communities; and
- Wellbeing and sustainability.

- 3.2 The Jobs & Skills and Wellbeing projects are aligned to the Economy Trade and Tourism pillar which aims to add to the benefits that the Games have already delivered for the region by converting the inward investment pipeline, developing the West Midlands' strategic tourism offer, attracting other major events, and

delivering targeted jobs and skills training focusing particularly on disadvantaged communities.

- 3.3 The Jobs & Skills and Wellbeing projects bring together two elements of the legacy funding to deliver employment support projects that include mental health and well-being as an integral part of their activity. Delivery will build on the projects delivered as part of the 2022 Commonwealth Games, addressing barriers for residents who do not benefit from the economic prosperity that major events bring to the region and supporting the response to the regional Mental Health Commission recommendations.
- 3.4 Since April 2023, several project proposals have been developed within Birmingham City Council (BCC) and submitted to the WMCA for consideration, as more programme and process information has been shared. The WMCA indicated that no funding carryover will be allowed from Year 1 to Year 2, therefore three projects have been developed to reflect an overall funding split of 30:70 for the activities in 2023/24 and 2024/25 years. Thereby reducing risk of loss of funding by the inability to carry over unspent funding from year to year.
- 3.5 The WMCA Agreement was received by BCC in December, three months later than originally anticipated. This has created significant pressure to undertake procurement regulated activity swiftly and put in place back-to-back Agreements to enable delivery of the activities and outputs in the reduced timescale.
- 3.6 Following discussions with legal services and procurement regarding the urgency to swiftly provide back-to-back Agreements, authorisation for a negotiated procedure of contracts without competition and a waiver of procedure in accordance with the Procurement and Contract Governance Rules have been suggested by procurement as an optimum way forward. More detail is available in **Appendix 1 – Negotiated Procedure: All-age Jobs & Skills Hub**

4. Options considered and Recommended Proposal

- 4.1 The proposal for CWGL Enhancement Fund activities in Birmingham has been developed in consultation with CSLT, Birmingham Careers Service, Childrens Trust, mental health provision colleagues and WMCA. The grant Agreement was provided by WMCA in mid-December 2023. The options available are:
- Accept the grant funding offer, through the executing of the deed.
 - Reject the offer through not executing the deed.
 - Look to redesign the offer in some way.
- 4.2 The third option of redesign has already been carried out since April to plan delivery activities that reflect the six activities on offer and respond to employment, skills, careers and wellbeing needs identified by Birmingham City Council.
- 4.3 Rejecting the offer would cause the loss of Birmingham City Council's involvement in three projects. It would also require the Council to identify other funding sources

to use in order to provide the required £171,545 match funding requirement for the remaining 50% funds towards 'Enterprise Co-Ordinator Services' salary costs.

- 4.4 Accordingly, it is recommended that Cabinet Member approves the acceptance of the funding offer and executing of the associated deed.

5. Consultation

- 5.1 Consultation within BCC (and externally) relating to this proposal was extensive throughout 2023, with Cabinet Member Briefings taking place and CSLT being briefed and approving of activity. Consultation has also taken place in depth with Birmingham Careers Service, WMCA and BEP to determine an optimum approach reflecting employment, skills, careers and wellbeing needs in Birmingham.

6. Risk Management

- 6.1 All risks associated with this project will be appropriately managed through the appropriate governance systems of Birmingham City Council.
- 6.2 The delivery proposal has been developed in such a way to note any risk and delivery and minimise that risk, through specific CWGL contractual and delivery plan activity and BCC staff involvement in Project Management.
- 6.4 Section 151/spend control approval was received in relation to CWGL Enhancement Fund – 'wider Jobs & Skills & Wellbeing activity' (including the match funding element for CEC Enterprise Co-Ordinator Funds) on 03 November 2023.

7. Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 As the proposal is essentially adding value to BCC provision for employment, skills careers and wellbeing support to residents, it is designed to be consistent with strategies, plans and priorities. These include:
- **Breaking Down Barriers:** in overcoming those barriers faced by young people in addressing careers, employment, skills and mental health issues.
 - **Social Value/Good Employment:** a key part of the funding provides £171,545 match funding requirement for the CEC Enterprise Co-Ordinator Services' salary costs. This activity will support employer engagement and the Cornerstone Employer Group involvement and activity to support knowledge of careers to School Career Leaders and economically disadvantaged young people (Free School Meals (FSM)) and those who face barriers. Social value and good employment support are being developed via the EA Team to ensure involvement of key employers and work opportunities in project activity.
 - **Levelling Up and Disadvantaged Areas:** The 'all-age Jobs & Skills Hub in deprived localities with a multi service ethos' activity was chosen to provide much needed support in areas of need.

7.2 Legal Implications

- 7.2.1 Legal implications are all outlined and addressed in the associated grant deed and acceptance thereof.
- 7.2.2 Section 151/spend control approval was received in relation to CWGL Enhancement Fund – ‘wider Jobs & Skills & Wellbeing activity’ (including match funding element for CEC Funds) on 03 November 2023.
- 7.2.3 Legal advice is being taken in respect of the WMCA Agreement and the back-to-back Agreement being prepared to deploy the CWGL Enhancement Funds. Despite sitting within the Children and Families directorate there are no aspects of education law within this proposal and therefore legal advice will be sought from Legal Services whenever appropriate throughout the project’s lifetime.
- 7.2.4 Under the general power of competence set out in Section 1 of the Localism Act 2011, a Local Authority has a general power to do anything that individuals generally may do. The Council has the power to enter into the arrangements set out in this report and they are within the boundaries and limits of the general power of competence Section 2 and 4 of the Localism Act 2011.

7.3 Financial Implications

- 7.3.1 This proposal will see a total £801,714.28 investment in careers and enterprise co-ordinator activity in Birmingham via the Council’s subsequent back-to-back Agreement for the period 1 September 2023 to 31 August 2024.
- 7.3.2 Section 151/spend control approval was received in relation to CWGL Enhancement Fund – ‘wider Jobs & Skills & Wellbeing activity’ (including match funding element for CEC Funds) on 03 November 2023.

7.4 Procurement Implications (if required)

- 7.4.1 Procurement advice has been sought in relation to swiftly deploying £801,714.28 funding relating to CWGL Enhancement Fund to meet the timescales involved, whilst complying with appropriate procurement rules and regulations.
- 7.4.2 The recommended solution is to seek authorisation for a ‘negotiated procedure of contracts without competition’ to commence in accordance with the Procurement and Contract Governance Rules, and Regulation 32 of the Public Contract Regulations 2015: based on there being one single delivery organisation. The activities are of a specialised nature which are carried out by only one supplier, and it can be evidenced that there is no reasonably satisfactory alternative available. The approval for award of contract will follow the conclusion of satisfactory negotiations to provide £324,167.14 funding for an ‘all-age Jobs & Skills Hub in deprived localities with a multi service ethos’ to the sole organisation that meets the provision parameters.

Furthermore, a waiver to the procedure from specific elements of the Procurement and Contract Governance Rules for the £119,211.42 ‘Mentor Me’ project. This is based on the justification that there is both i) an

efficiency/expediency requirement in relation to the procurement process, and iii) time constraints involved that are beyond the control of the Council which would create unreasonable time pressures to deliver the outcomes required.

See Appendix 1 for more details.

7.5 Human Resources Implications (if required)

- 7.5.1 BCC staff will be involved in the project management of the Agreement, co-ordination with internal services, and partnership liaison with the delivery organisations appointed, as well as other associated duties. The BCC staff involved comprises permanent, fixed term and agency workers. Staffing costs are supported with agreed management costs applied to eligible external grant funding.
- 7.5.2 The recruitment, redeployment or termination of any staff or workers involved with the project will be in line with BCC policy and contractual obligations and/or the relevant employer's policy and contractual obligations for non-BCC staff or workers.
- 7.5.3 Section 151/Spend Control approval received for the BCC Employment and Skills staffing team was granted on 26 September 2023 for the period January to March 2024 and on 12 December 2023 for the 2024/25 year costs.

7.6 Public Sector Equality Duty

- 7.6.1 Public Sector Equality Duty will be embedded in all activity associated with this proposal. This Duty will be undertaken in each aspect of delivery as it seeks to remove barriers and ensure equality of opportunity and prosperity in relation to all employment, careers, skills and wellbeing activities.

7.7 Environmental and Sustainability Implications

- 7.7.1 Embedded within all activities will be environmental and sustainability implications and the opportunities to improve wherever possible with ideas and solutions shared with the delivery organisations appointed to implement, if they are not already doing so.

8. Appendices

- 8.1 **Appendix 1** - Negotiated Procedure Contract Report for CWGL funded 'all-age Jobs & Skills Hub in deprived localities with a multi service ethos'.
- 8.2 **Appendix 2** - Equality Impact Assessment
- 8.3 **Appendix 3** - Environmental Impact Assessment

9. Background Documents

None