

Decision maker:	Cabinet member children and families
Decision date:	25 April 2019
Title of report:	Herefordshire Council Adult and Community Learning Plan 2019 - 2022
Report by:	Post 16 senior advisor

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose and summary

To approve the Herefordshire Council's Adult and Community Learning Plan, Sub-contracting policy and Learner Fees policy for the period August 2019 – July 2022.

The plan identifies the key priorities for Herefordshire Council's Adult and Community Learning Service (ACLS) to achieve its strategic and operational aims for the academic years 2019 – 2022. The plan covers the use of the funding received annually from the Education and Skills Funding Agency (ESFA) to deliver adult skills and community learning opportunities for Herefordshire residents aged 19 and over.

Recommendation(s)

That:

- (a) the Adult and Community Learning Plan for 2019 – 2022 at appendix a be approved;**
- (b) the sub-contracting policy 2019 – 2022 at appendix b be approved; and**
- (c) the local learner fee remission policy for 2019 – 2022 at appendix c be approved.**

Alternative options

1. Herefordshire Council contracts out the delivery of Adult and Community Learning. All delivery of learning is carried out through subcontracts with the council retaining funding for its management of the provision.
2. Direct Delivery – all delivery is done in house by council staff. The council would have to recruit tutoring staff to deliver the learning programmes. The council would be better able to shape and change the provision and direction of the service in order to respond to changing priorities and identified needs. It is also widely acknowledged that local authorities know their communities very well, and are better able to link together the identification of gaps and needs with provision and services that can respond.
3. The main disadvantage to direct-delivery is the potential redundancy costs if external funding is reduced or withdrawn. Additionally there can be niche areas which require specialist skills and knowledge in order to create provision to meet this need, if the organisation does not have those skills within its team it would be difficult to meet the need. In this instance it would be better to contract with an organisation that already had those niche skills.
4. Hybrid – a mixture of both direct delivery and subcontracting. This can vary greatly in the % split between direct and subcontracted provision. The hybrid model can have both the advantages and disadvantages of both direct delivery and sub-contracted models. The extent to which they manifest is largely determined by the percentage of split between direct delivery and subcontracting. We are still able to directly employ sessional tutors if needed due to market failure for example.
5. The council could decide not to deliver adult and community learning and give notice to the Education and Skills Funding Agency and hand back the contract. There is no guarantee that this funding would be reallocated to another provider in Herefordshire and could result in a loss of £512,345 per annum to invest in funding education and training provision in our most deprived wards and disadvantaged residents. It would also mean a loss of funding to sub-contractors the majority of whom are local voluntary and community organisations which in turn would lead to job losses. Furthermore in addition there would be redundancy costs to the council.

Key considerations

6. Herefordshire Council ACLS receives an annual academic year grant for the delivery of adult and community learning from the Education and Skills Funding Agency (ESFA). For the academic year 2019/2022 the grant is £512,345. The council's Adult and Community Learning Plan sets out the plans for the delivery of adult and community learning by the council in Herefordshire. The previous plan for the period 2015 – 2018 was approved by Cabinet on 15 October 2015. This plan expires this academic year 2018/2019 and therefore we are seeking approval of the new plan for the period 2019-2022 see appendix A. The main changes to this plan and the sub-contracting policy and local learner fees remission policy from the previous ones can be found at appendix D.
7. The community learning funding allocation which includes family learning programmes is historical and goes back to the time when Herefordshire and Worcestershire local authority split. Herefordshire Council was a new unitary authority and an allocation was made nationally. This allocation following a business case was increased in 2004. The amount allocated each academic year of £340k has not changed for over 13 years. The Government has invested £210m in community learning nationally every year since 2005. Therefore in real terms it has been eaten away by inflation.

8. The adult skills budget (ASB) allocation is based on the previous academic year's performance, national priorities and national funding settlement. 2013/2014 academic year was the first year of ASB delivery for the adult and community learning (ACL) service.
9. The council does not directly deliver learning provision at present. The adult and community learning provider framework and sub-contracting policy 2016-2019 was agreed by the cabinet member for children's wellbeing on 25 May 2016. This 3 year framework and sub-contracting policy expires in July 2019. Agreeing the adult and community learning plan 2019/2022 will also agree to the ACLS publishing a new tendering opportunity for organisations to join a new approved provider framework for the period August 2019 to July 2022 and the sub-contracting policy 2019-2022 see appendix B.
10. The council remains responsible for contract management and the quality of the provision. The quality is monitored and managed by the council's ACLS and is subject to Ofsted inspection. The service was awarded a grade 2 'Good' for all areas in the last inspection in January 2016.
11. An audit is undertaken annually by external auditors to ensure that we have satisfactory systems and controls in place to manage sub-contractors delivering education and training funded by the ESFA. The last audit undertaken by Grant Thornton provided satisfactory assurance and was signed off in September 2018.
12. 2017/2018 academic year performance - we engaged 550 learners (1,175 enrolments) on community learning courses with a success rate of 96.8% above benchmark of 94.2%. For the adult skills learners a cohort of 285 were supported with an achievement rate of 81.8% above the ESFA minimum level of performance. National Benchmarks are not published yet.
13. There are five recognisable key benefits from participating in adult learning: greater likelihood of finding a job or staying in a job, improvements in health, more likely to volunteer, social value and improving family life chances. Encouragingly unemployment in Herefordshire is falling but we are continuing to work with job seekers to help them to develop their skills and employment opportunities impacting on Herefordshire economy. We target provision at adults with low level skills to support them to increase their Maths, English and ICT skills which have been highlighted as key priorities by local employers. The ICT training supports people to be able to access on-line services essential to Government and Herefordshire Council's digital agenda. Family learning provision is aimed at supporting parents to develop their basic and parenting skills resulting in improving family life chances.
14. We work with communities such as Gypsy Roma Travellers, Care leavers, adults with low level skills, adults with learning difficulties and or disabilities and others who could without adult and community learning provision be at risk of social exclusion.
15. The impact of adult and community learning is irregular and very personal. There is no comparator data as yet. Our challenge is how we document this impact in a clear systematic way. For 2017/2018 we contacted 430 learners to see how they had used the skills that they had gained since leaving their course. 150 (35%) responded of which 10% are looking for work and available, 4% are not looking i.e. retired etc., 10% found paid work, 5% became a volunteer, 3% other FE, 3% into HE.
16. The principle purpose of the ESFA funding is:
 - To engage adults and provide the skills and learning they need to equip them for work, an apprenticeship or further learning

- To develop the skills, confidence and resilience of learners in order to progress towards formal learning or employment, improve their health and wellbeing and or develop stronger communities.
17. The aim of the Herefordshire ACL Plan is to deploy the ESFA funding to ensure that local people have access to a range of appropriate learning opportunities that will contribute to their personal, social, educational and economic development. The strategic aims, objectives and key priorities for 2019-2022 can be found on pages 4 to 6 of the Adult and Community Learning Plan attached at appendix A.
 18. Adult Skills Funding is focussed on qualifications that are part of an approved national regulated framework. Providers must operate within the terms and conditions of the ESFA funding agreement, the funding rules, the performance management rules and the individual learner specification. The funding rules form part of the terms and conditions of funding. The rules set out the requirements that providers must comply with to make sure public funding is protected.
 19. The council does not intend to fund provision above Level 3 or duplicate provision already available from institutions delivering Further or Higher Education within Herefordshire unless a need is clearly identified.
 20. Learner Fees Policy - The community learning curriculum area provides a 'universal offer' (as part of ESFA requirements) for community learning, these courses are open to everyone with the exception of courses within the skills for Independent Living (SfIL) contract. In line with ESFA and the council priorities, learners who can afford to pay should be charged a fee. The main objective of the ACLS to focus provision on those learners most disadvantaged and historically least likely to participate in learning. Therefore, the Council has taken the decision to fully fund all eligible learners on provision funded through ESFA funding streams. However, subcontractors have the option to charge fees, for Community Learning funded courses only, to learners that do not meet one of the key priorities. In this event subcontractors must not enrol a paying learner in place of a learner eligible for funding, and must charge no more than £4.50 per hour of learning. See Appendix C for the Learner Fees Policy.

Community impact

21. Adult and Community Learning engages with people aged 19 and over who are least likely to participate in learning and enables them to access a range of high quality learning opportunities. This can help people to lead more independent lives, support their families, gain a qualification, improve their English, maths and ICT skills, get a job, volunteer and become less socially isolated. Four areas in south Hereford and one in Leominster are in the 10 per cent most deprived in England for adult skills deprivation. Adult skills – which includes qualification levels and the ability to speak English – is a particular issue for the county (Understanding Herefordshire Report 2016).
22. The ACLS work with local partners to deliver a programme of high quality learning, which contributes to the priorities of the council's Corporate Plan 2016/2020 by: enabling residents to live, safe, healthy and independent lives; providing help to families to improve education, health and employment outcomes; supporting the growth of our economy by improving English, maths, ICT and employability skills of local residents.
23. It also contributes to the Health and Wellbeing Strategy vision of 'Herefordshire residents are resilient, lead fulfilling lives, are emotionally and physically healthy and feel safe and

secure' and the Marches Local Enterprise Partnership Skills Plan, European Investment Strategy and Strategic Economic Plan.

24. Learning programmes support the priorities of the Children and Young People's Partnership to make sure that children and young people in the county are given the best possible start in life so that they grow up healthy, happy and safe within supportive family environments by:
- Targeting resources and supporting vulnerable people aged 19 and over into learning including care leavers
 - Improving the emotional and mental health and wellbeing of parents and carers
 - Helping families, parents and carers to help themselves
 - Achieving success in life, learning and future employment e.g. English and maths provision

Equality duty

25. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
26. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services
27. The ACLS seeks to provide high quality learning opportunities that are inclusive and free from discrimination. The Service aims to make learning opportunities available across the county particularly focusing recruiting learners from the most deprived areas of Herefordshire and from key target groups as listed in the adult and community learning plan 2019-2022.
28. Equality of opportunity is an important aspect of raising aspirations, self-esteem and achievement. The ACLS aims to provide learning that is safe, accessible and welcoming. Discriminatory behaviour or harassment will not be tolerated.
29. As a contracted-out service we require all our providers to comply with the Equality Act 2010 and actively promote Equality and Diversity in the delivery of ACLS provision, as outlined in the Ofsted Common Inspection Framework.
30. Staff and providers and tutors are supported and developed through equality and diversity mandatory training and through the tutor handbook. Equality and Diversity is also embedded within the Observation of Teaching and Learning process.
31. Equality and Diversity provider performance is monitored against targets, policies and procedures and act on any inequalities highlighted.

Resource implications

32. The decision does not commit any council funding but provides the strategic framework for the delivery of the ESFA Grant
33. The ESFA grant for the academic year 2019/2020 is £512,325 and it is expected that this will be fully utilised delivering the services set out in the adult and community learning plan 2019/2022. The adult and community learning service team are fully funded by the ESFA grant.
34. ACLS has a sub-contracting policy in place for the delivery of adult and community learning. The aims of this policy are to provide existing and potential sub-contractors with information about the council's ACLS reasons for subcontracting; how we select our potential delivery partners; fees and charges, the services we provide and our terms for payment. The proposed updated policy for 2019/2022 is attached at appendix B.
35. A consistent fees policy is required to ensure that adults within Herefordshire are treated equitably by each delivery partners within the ACLS provider network. The proposed Fee Policy is attached at appendix C

Legal implications

36. The council is required to comply with all relevant legislation and any statutory guidance issued. Policies and fees proposed comply with the ESFA contractual obligations and funding rules.

Risk management

37.

Risk / opportunity	Mitigation
Provider underperformance or failure.	Robust contract management process and procedures in place.
Provider failure	Follow processes within ACLS Business Continuity plan to support the learner into alternative provision.
Poor Ofsted inspection result	Focus on quality improvement through the Observation of Teaching Learning and Assessment (OTLA), self -assessment process and quality improvement plan.

38. Working on the assumption that the recommendations will be approved the risks will be managed at a service level and be entered on the risk register for children and families.

Consultees

39. This plan has been informed by the ESFA Grant funding rules, the Marches Local Enterprise Partnership Skills Plan and Economic Growth Plan; children and young people's partnership plan, the council's economic plan and adult learning disability strategy; these were all developed and consulted upon.
40. As the plan is implemented operational processes will ensure that consultation is undertaken to inform our annual tendering opportunities for delivery against the plan.

Appendices

Appendix A Adult and Community Learning plan 2019-2022

Appendix B Sub-contracting policy 2019-2022

Appendix C Fees Policy 2019-2022

Appendix D Summary of changes

Background papers

None identified