

Record of officer decision

Decision title:	Education and Skills Funding Agency (ESFA) Adult Education Budget and 16-19 Funding Contract for the Academic Year 2019/2020
Date of decision:	8 August 2019
Decision maker:	Director for Children and Families
Authority for delegated decision:	<p>Within the directorate scheme of delegation (line 140) provides the necessary authority to take the decision; Funding to be received from the ESFA in order to provide adult and community learning.</p> <p>Line 126 local authority acts as the strategic commissioner of provision for young people aged 16 to 19. In addition the delegated authority within the financial procedure rules is sufficient for the decision to be taken by the Director for Children and Families.</p>
Ward:	Countywide
Consultation:	Finance and Legal
Decision made:	<p>Acceptance of the Secretary of State for Education acting through the Education and Skills Funding Agency (ESFA) Conditions of Funding Grant 2019/2020 for the following:</p> <ul style="list-style-type: none"> • £504,480 for the delivery of adult and community learning • £87,393 on behalf of the maintained school sixth form of Earl Mortimer College and Sixth Form Centre and £1,502 on behalf of Westfield school for bursary support.
Reasons for decision:	<p>The council has received funding from the ESFA and predecessor organisations annually since 2001 to deliver adult and community learning. Agreeing to the ESFA grant enables the continuation of the council's adult and community learning provision in Herefordshire.</p> <p>The council's Adult and Community Learning Plan sets out the plans for delivery in Herefordshire for the period 2019-2022 and was agreed by the cabinet member for Children and Families on 2 May 2019. https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?Id=5929</p> <p>The aim of the plan is to deploy the ESFA funding to ensure that Herefordshire residents have access to a range of appropriate learning opportunities that will contribute to their personal, social, educational and economic development.</p> <p>The local authority is responsible for receiving the grant allocation for maintained school sixth forms in Herefordshire and paying these schools for delivery of education provision for students aged 16 to 19 as per the ESFA funding guidance.</p>

Highlight any associated risks/finance/legal/equality considerations:

Agreeing to the ESFA grant enables the continuation of the council's adult and community learning provision in Herefordshire. There are over 25 learners whose programme of learning continues into the academic year 2019/2020 for whom we would have to find alternative provision. There is no alternative provision being delivered outside of Hereford city.

Risk Management: The ACLS service has a risk register in place and a business continuity plan. Identified risks include:

- a) Sub-contractor underperformance or failure – mitigated by robust contract management processes and procedures and business continuity plan.
- b) 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 training funded by the ESFA. The last audit undertaken by Grant Thornton provided satisfactory assurance and was signed off September 2018.
- c) Poor Ofsted inspection result – mitigated through the high focus on quality improvement within the service – having a rolling self-assessment report and quality improvement plan in place. Annual Observation of Teaching, Learning and Assessment is undertaken by independent assessors.
- d) Learner Health and Safety – All contracts have specific clauses relating to the health, safety and welfare of learners and staff and include all venues, courses and learners being risk assessed. Tutors undertake mandatory training on risk assessment. PAT testing of equipment is undertaken.

Equality and Diversity: The ACLS seeks to provide high quality learning opportunities that are inclusive and free from discrimination. The ACLS aims to provide learning that is safe, accessible and welcoming. Discriminatory behaviour or harassment will not be tolerated.

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.

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, Learning and Assessment process.

Equality and Diversity provider performance is monitored against targets, policies and procedures and act on any inequalities highlighted

Sixth Form funding for local authority maintained schools such as Earl Mortimer College and Sixth Form Centre and Westfield School is paid by Department for Education (DFE) grant through the ESFA. Signing the contract is accepting the ESFA grant terms and conditions and the grant funding will be passported through to the two schools.

The local authority has a duty to provide further education and training opportunities for those young people who are over compulsory school age (5 – 16 years old) but who are 19 years old and under (or 25 and under if young person has a relevant EHCP).

	<p>The grant monies to be provided under this agreement will be used to pay for the provision of these services</p> <p>Section 31 of the Local Government Act 2003 states that a Minister of the Crown may pay a grant to a local authority towards expenditure incurred or to be incurred by the local authority. The section further defines amounts payable and provisions for grant conditions.</p> <p>The contents of the funding agreement sets out the terms under which the grant is provided, including amounts to be paid and how payment will be made; what the grant is to be used for; the local authority's obligations (including reporting and monitoring requirements); breach procedures for both minor and serious breaches and termination clauses.</p> <p>The terms set out in this agreement are acceptable to the local authority.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>If we do not accept the adult education grant, this will have an impact on vulnerable people who would normally access the service. It would mean giving notice and handing the contract back to the Education and Skills Funding Agency. There is no guarantee that this funding would be reallocated to another provider in Herefordshire and could result in a loss of £504,480 to invest in funding education and training provision in our most deprived wards and for our most disadvantaged residents. This funding enables the council to continue to successfully deliver adult and community learning across Herefordshire as per the council's Adult and Community Learning Plan 2019 – 2022, approved by Cabinet on 2 May 2019.</p> <p>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</p> <p>If we do not accept this grant then the Earl Mortimer College and Sixth Form Centre will not receive their sixth form funding and Westfield School will not receive their bursary funding for the academic year 2019/2020, which will have an impact on the education of young people aged 16 to 18 in Herefordshire.</p>
<p>Details of any declarations of interest made:</p>	<p>None</p>

Signed

Date: 8 August 2019