

Record of officer decision

Decision title:	Education and Skills Funding Agency (ESFA) Adult Education Budget and 16-19 Funding Contract for the Academic Year 2022/2023
Date of decision:	29 July 2022
Decision maker:	Corporate Director, Children and Young People
Authority for delegated decision:	<p>The decision is within the directorate scheme of delegation (line 139) and 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>In addition, the delegated authority within the financial procedure rules is sufficient for the decision to be taken by the Corporate Director, Children and Young People, previous job title Director for Children and Families.</p>
Ward:	Countywide
Consultation:	Legal and Finance
Decision made:	<p>Acceptance of the Secretary of State for Education acting through the Education and Skills Funding Agency (ESFA) Conditions of Funding Grant for the funding year 1 August 2022 to 31 July 2023 for the following:</p> <ul style="list-style-type: none"> • £538,652 for the delivery of adult and community learning • £3,619 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, 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 current adult and community plan is being reviewed and revised.</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> <p>The ESFA grant contributes to the Herefordshire County Plan, in particular the ambition for communities: strengthen communities to ensure everyone lives well and safely together; and the economy ambition to support an economy, which, builds on the county's strengths and</p>

	<p>resources. It will contribute to the delivery plan's priority to invest in education and the skills needed by employers and supports the action to work with partners to increase the Skills and Workforce in the county (supporting objective EC3).</p> <p>Adult and community learning programmes also contribute to the ambitions of the Herefordshire Children and Young People's Partnership plan 2019-20204 by:</p> <ul style="list-style-type: none"> • Targeting resources and supporting vulnerable people aged 19 and over into learning including care leavers • Improving the emotional and mental health and wellbeing of adults including parents and carers • Achieving success in life, learning and future employment e.g. family learning, English, maths and employability programmes
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>Agreeing to the ESFA grant enables the continuation of the council's adult and community learning provision in Herefordshire.</p> <p>Risk Management: The adult and community learning service (ACLS) has a risk register in place and a business continuity plan. Identified risks include:</p> <ol style="list-style-type: none"> 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 the council have satisfactory systems and controls in place to manage sub-contractors delivering education training funded by the ESFA. The last audit undertaken by Per4mance Solutions in July 2022 provided satisfactory assurance. 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. In addition, the council undertakes course monitoring visits, annual Observation of Teaching, Learning and Assessment undertaken by independent assessors and learner feedback. d) Learner Health and Safety and Welfare – 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 Safeguarding, PREVENT and risk assessment. PAT testing of equipment is undertaken. <p>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. The council does not tolerate discriminatory behaviour or harassment.</p> <p>The council requires all our sub-contracted providers to comply with the Equality Act 2010 and actively promote Equality and Diversity in the delivery of ACLS provision.</p> <p>Staff, sub -contracted providers and tutors are supported and developed through equality and diversity mandatory training. Equality and Diversity is embedded within the Observation of Teaching, Learning and Assessment process.</p>

	<p>The council monitor sub-contracted provider performance, including equality and diversity targets, policies and procedures. Any inequalities highlighted are acted upon.</p> <p>Sixth Form funding – As a local authority maintained school bursary funding for Westfield School Sixth Form is paid by the Department for Education (DFE) through the ESFA grant. Signing the contract is accepting the ESFA grant terms and conditions. The grant is paid in full directly to the school.</p> <p>The grant monies to be provided under this agreement will be used to pay for the provision of these services</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 standard and there is little scope for negotiation by the local authority.</p>
Details of any alternative options considered and rejected:	<p>If the council does 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 re-allocated to another provider for Herefordshire. This could result in a loss of £538,652 to invest in funding education and training provision in our most deprived wards and for our most disadvantage residents.</p> <p>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 member for Children and Families 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 the council does not accept this grant then Westfield School will not receive their bursary funding for the academic year 2022/2023, which will have an impact on the education of young people aged 16 to 18 in Herefordshire.</p>
Details of any declarations of interest made:	None

Signed..... Date: 29 July 2022

Darryl Freeman, Corporate Director, Children and Young People