



Skills Funding
Agency

Community Learning 2013/14

Questions and Answers Version H0

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Of interest to colleges and training organisations

Notes

1. We will update these questions and answers regularly. Please note the version number when referring to the document.
2. Please read these questions and answers in conjunction with other supporting material, such as the presentation on [Community Learning 2013/14](#) and the [Funding Rules 2013/2014](#) on our website.
3. If you have any questions that are not covered in this document, please inform your Agency relationship manager so that we can include them in our mailing lists when we publish a subsequent version.

Changes from Version 2

1. **Question 6:** question and answer revised.

Letter to Community Learning Colleges and Training Organisations

1. If you are a college or training organisation offering Community Learning and by the end of February 2013 you have not received a letter from your relationship team, please notify your Agency relationship manager. Copies of the letter are available on the [Community Learning](#) section of our website.

Allocations

2. **When will Community Learning colleges and training organisations receive notification of their Community Learning allocation for 2013/14?**

Final allocations to Community Learning colleges and training organisations were issued before the end of March 2013. The [Skills Funding Statement](#) and the [letter to Community Learning providers](#) have already confirmed that allocations for 2013/14 will be at least the same value as those in 2012/13.

3. **Will allocations for Community Learning colleges and training organisations be reconciled in 2013/14?**

We intend to give as much notice as possible to the further education (FE) sector on the approach to reconciliation in 2013/14. The Funding Rules for 2013/2014 already set out that colleges and training organisations in receipt of Community Learning funding must complete annually a Funding Claim of their expenditure of Community Learning funding. We strongly encourage college and training organisations to use 100 per cent of their allocation.

4. **How have Community Learning allocations been agreed? If a college or training organisation would like to deliver Community Learning, how can they access funds to do so?**

Community Learning funding has remained static for a number of years (£210 million each year) and allocations were based on historical information about colleges and training organisations that delivered this curriculum area. Accordingly, there is no scope in 2013/14 for other colleges and training

organisations to access Community Learning funds as direct contractors, unless, by exception, there is a procurement exercise to address a gap in the market resulting from the exit or closure of a college or training organisation. However, within the network of 320 colleges and training organisations that deliver Community Learning, there may be scope to access funding through subcontracting arrangements. For a list of colleges and training organisations delivering Community Learning, please refer to the [our published allocations](#).

Funding Rules 2013/2014

5. Are there any changes to the Agency's Funding Rules for Community Learning in 2013/14 that colleges and training organisations need to be aware of?

Our [Funding Rules](#) are contractual and every college and training organisation should be fully informed about them. For 2013/14, we have removed the separate references to Personal and Community Development Learning (PCDL), Neighbourhood Learning in Deprived Communities (NLDC), Wider Family Learning (WFL) and Family English, Maths and Language (FEML).

The rationale for this change was twofold. Firstly, the distinct aims of the four programmes are comprehensively encompassed within the objectives set out in [New Challenges, New Chances](#). Secondly, this approach gives colleges and training organisations the maximum amount of flexibility to determine how best to deploy their allocations to meet the balance of their identified 2013/14 delivery priorities. However, it is important that colleges and training organisations continue to record learner delivery within their Individualised Learner Record (ILR) returns against the four component lines. This is so that we can also continue to monitor and record levels of participation.

6. Can colleges and training organisations use Community Learning funding to support English for Speakers of Other Languages (ESOL) provision?

We recognise that having access to non-regulated provision (within a wider Community Learning offer) for some individuals to help them achieve English language skills could be part of an agreed local strategy for how a provider uses a small proportion of their Community Learning funding allocation. Where a provider seeks to use Community Learning funding to support non-regulated ESOL, they can do so *provided that*:

- it is part of a wider, agreed Community Learning strategy and
- this flexibility is not used to fund provision that could legitimately be supported through the Adult Skills Budget.

As such, we will continue to monitor enrolments onto ESOL aims during the coming year to ensure there is no significant increase in the volume of activity (or displacement of ASB funds) compared with what was delivered through Community Learning in 2012/13.

7. Can colleges and training organisations use the Community Learning budget to fund Qualification and Credit Framework qualifications?

Colleges and training organisations should only use Qualification and Credit Framework (QCF) qualifications (and units) where a non-regulated learning aim is not suitable or the learner wishes to attain accreditation for their learning. Colleges and training organisations should note that they must not use the Community Learning budget to fund courses leading to outcomes otherwise eligible for funding through the Adult Skills Budget (ASB).

In cases where a community need has been identified but a local college or training organisation in receipt of an ASB is not meeting this need, please inform your relationship manager, since this may be a gap in provision.

Delivery

8. Within which areas can Community Learning colleges and training organisations operate?

Generally, Community Learning Trust Pilots have worked within defined local authority areas, but there is no Agency requirement for this. Colleges and training organisations need to follow their own protocols on this but avoid duplicating learning offers in the same area.

9. Do Community Learning colleges and training organisations have to set up formal partnerships, structures or Trusts in 2013/14?

It is the strategic approach and ways of working of Community Learning Trust Pilots that are being rolled out more widely, not a single or fixed 'model'. Our Funding Rules for 2013/2014 set out that colleges and training organisations will have to *“evidence how they will operate in strong local partnerships to ensure their objectives are underpinned by engagement and consultation with communities, local authorities, Local Enterprise Partnerships and other key local stakeholders.”* It is for each college or training organisation to determine how they wish to configure themselves, their partners and their networks to meet their balance of objectives. There was no requirement for the Pilots to be legal entities and this remains the case for all colleges and training organisations in 2013/14. In any arrangement, the lead college or training organisation must hold a direct contract with the Agency for Community Learning.

10. Do Community Learning colleges and training organisations have to produce a plan and will the Agency sign this off?

Our Funding Rules for 2013/2014 set out that colleges and training organisations will have to *“have in place a strategy that sets out how they will deliver a relevant balance of the objectives set out in New Challenges, New Chances.”* It is for colleges and training organisations to determine how they

document this strategy, ensuring that proper engagement and consultation occurs with learners and stakeholders, in accordance with the Funding Rules and policy objectives. There is no expectation that any organisation, including the Agency, will formally endorse or sign off strategies for colleges and training organisations. However, we will discuss strategies with them as part of our normal review process. Robust consultation is expected with those stakeholders that have an interest in Community Learning – and of course with learners and potential learners.

11. Will the Agency set any requirements for how Community Learning colleges and training organisations “develop clear outcomes and appropriate measures capable of evaluation by their community and local stakeholders” in accordance with the Funding Rules?

No. It is for colleges and training organisations to determine the most effective means to achieve this.

12. How best can colleges and training organisations develop and implement a robust financial strategy that adds to their Community Learning allocation in accordance with the Funding Rules?

Please refer to the ‘Pound Plus’ section of the presentation on the [Community Learning](#) section of our website. This encourages colleges and training organisations to review and baseline previous years’ activity and then determine a strategy for growth that will enable them to ‘add’ to their allocation by generating investment or by achieving efficiencies. Over the coming months we will share lessons learned from Community Learning Trust Pilots on their experiences of developing ‘Pound Plus’ strategies.

13. How will the Agency monitor the progress of colleges and training organisations delivering Community Learning?

Relationship teams will work with Community Learning colleges and training organisations in the usual way, offering support and appropriate levels of challenge together with monitoring progress through its usual relationship

management processes. To achieve this, we are developing our approach, internally and with the FE sector, on how effectively to assess colleges' and training organisations' progress and levels of success.

14. What action will the Agency take with colleges and training organisations that do not work towards meeting the new objectives?

Colleges and training organisations are bound by their contractual terms and conditions to use their Community Learning budget to deliver the objectives set out in the contractual Funding Rules. If a college or training organisation is unable to provide evidence that it is making efforts to meet its objectives, ultimately we will withdraw funding. Where a college or training organisation is concerned about its ability to meet its objectives, it should raise this with its relationship team at the earliest opportunity.

Community Learning Trust Pilots

15. Where can colleges and training organisations access more information about Community Learning Trust Pilots?

The [presentation](#) on our website contains an overview of Community Learning Trust Pilots. More background information is available from the [Community Learning Trust Pilot Prospectus](#). We will update our website regularly with information on the Pilots, including findings from the formal evaluation.

16. What is happening to Community Learning Trust Pilots in 2013/14?

In 2013/14, Community Learning Trust Pilots will not be considered 'Pilot Trusts' but more mature and experienced delivery agents of the mainstream approach. They will no longer be subject to any additional evaluation or data gathering. We expect the Pilots to help other Community Learning colleges and training organisations prepare for 2013/14 by sharing their experiences.

Contracting

17. Can colleges and training organisations novate all or part of their Community Learning funding to another college or training organisation?

Yes, through an agreed process with the Agency, which we detail below.

However, there is no requirement for them to do so. To be clear, it is the strategic approach and ways of working of Community Learning Trust Pilots that are being rolled out more widely, not a single or fixed 'model'.

A 'novation' is a tripartite agreement which transfers all of the rights and obligations of one party to a contract to a third party. A novation is the act of replacing one party to a contract with another party.

A college or training organisation with a Community Learning allocation is able to make a formal novation request to the Agency, which we and the proposed transferee have to agree for the novation to take place.

Any college or training organisation considering whether to make a novation request should inform their relationship team at the earliest opportunity.

18. Can Community Learning colleges and training organisations subcontract Community Learning provision?

Yes, provided that they follow all of our rules on subcontracting. These are set out in our [Funding Rules 2013/2014](#) and on the [Subcontracting](#) section of our website. Any subcontractor in receipt of Community Learning funding must use that funding on Community Learning provision. All organisations included on the Subcontracting Register (those with an aggregate value of at least £100,000 of contracts from one or more lead college or training organisation) are required to complete the Due Diligence Assurance Gateway and be approved for inclusion on the Register of Training Organisations.

19. Can Community Learning colleges and training organisations undertake limited second-tier subcontracting?

Yes, but colleges and training organisations have to obtain formal agreement beforehand. Second-level subcontracting is allowed only with the express

consent of the Chief Executive of Skills Funding and then only in exceptional circumstances. Please refer to the [second-tier subcontracting](#) section of our website for further guidance.

20. If a Community Learning college and training organisation wishes to form a new legal structure or entity with (or without) other colleges or training organisations, what process should they follow?

The Chief Executive of Skills Funding only funds organisations that have passed the Due Diligence Assurance Gateway and are entered on the Register of Training Organisations. Any change to legal structure/status or the formation of a new legal structure/status (that is, where a new company has been formed) requires that the new organisation is entered onto the Register before they receive funding. For more information, please refer to the [Register](#) section of our website.

21. Can Community Learning colleges and training organisations administer small grants to support specific activities?

Yes. We are supportive of colleges' and training organisations' strategies that legitimately allow them to make small grants to support niche or specific activities carried out by organisations that contribute to the overarching policy objectives for Community Learning.

Colleges and training organisations must have an open and transparent process for awarding a grant. Recipients must use grant funding expressly for the purposes for which it is given and colleges and training organisation will need to have evidence to demonstrate this for audit purposes.

Please note that colleges and training organisations should not give grants where the delivery of provision would otherwise be regarded as forming a subcontracting arrangement with another learning organisation. In this case, our subcontracting rules will apply.

22. Will the Minimum Contract Level apply to Community Learning colleges and training organisations in 2013/14?

Please refer to the letter to colleges and training organisations (available on the [Community Learning](#) section of our website) for confirmation that the Minimum Contract Level will not apply in 2013/14.

23. If a college or training organisation decides not to deliver Community Learning in 2013/14, what action should they take?

Any college or training organisation considering whether to withdraw from Community Learning should inform their relationship team at the earliest opportunity. We will then follow our formal business process to manage this request.

Data

24. Are there any changes to data requirements for Community Learning colleges and training organisations in 2013/14?

It is vital that colleges and training organisations make timely and accurate ILR returns. There are no new or additional data requirements planned for Community Learning provision for 2013/14. There are some changes to ILR fields for Community Learning provision in 2013/14 (including the removal of some fields that were previously optional). For more information, please refer to the [ILR section](#) of *the information authority's* website.

25. Can colleges and training organisations record activity of fewer than nine guided learning hours on their Community Learning Individualised Learner Record returns?

Yes. Furthermore, we wish to ensure that colleges and training organisations report *all* of their Community Learning delivery, whatever the duration. All activity recorded on the ILR will be captured in reports such as the Statistical First Release.

26. Can colleges and training organisations record self-organised activity on the Individualised Learner Record (that is, activity that is not funded)?

Currently, we are looking into whether this is possible and how to capture it.

We will provide an update in a subsequent version of this document.

Audit

27. Will there be any change to the Agency's audit regime on Community Learning for provision delivered in 2013/14?

There are no planned changes to the audit arrangements for this budget. Colleges and training organisations will need to continue to work within the terms of the Funding Rules and their contracts, ensuring that they use Community Learning funds for the purpose for which they are intended. Where we have any concerns about a particular college or training organisation, we will deal with these through the usual channels. Internal audit arrangements are a matter for individual colleges and training organisations to determine.

Inspection

28. What are the arrangements for Ofsted inspection of Community Learning for 2013/14?

Current Community Learning and skills inspection arrangements will stand for 2013/14. Within this provision, Ofsted inspectors are briefed on the context of Community Learning, including the new objectives of such provision published in *New Challenges, New Chances*. Judgements will be made against the Common Inspection Framework that started for learning and skills inspections in September 2012.

European Social Funding

29. Can colleges and training organisations use their Community Learning funding as match funding for European Social Funding?

No. We are not able to approve any requests for colleges or training organisations to use Community Learning funding as a match to draw down their own European funding. We use Agency-funded provision as a match for our own programmes and this would create too many audit risks in terms of duplication and eligibility.

We will clarify the position on the 2014-20 European Social Fund round at a later date.

Professional Qualifications

30. What expectations do the Department for Business, Innovation and Skills and the Agency have on professional qualifications for staff delivering Community Learning?

Currently, the Department for Business, Innovation and Skills (BIS) is confirming the position for 2013/14 and we will provide an answer in a subsequent version of this document.



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