

# **Community Learning 2013/14**

Questions and Answers

Version 1.0

February 2013

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](#) on the Agency's 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 a subsequent version.

## Letter to Community Learning Providers

1. If, by the end of February, a Community Learning provider has not received a letter from their Relationship Team, please notify your Agency Relationship Manager. Copies of the letter are available on the [Community Learning](#) section of the Agency's website.

## Allocations

2. **When will Community Learning providers receive notification of their Community Learning allocation for 2013/14?**

We will issue final allocations to Community Learning providers 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 providers be reconciled in 2013/14?**

We intend to give as much notice as possible to the further education sector on the approach to reconciliation in 2013/14. The Funding Rules for 2013/14 already set out that providers in receipt of Community Learning funding must complete annually a Funding Claim of their expenditure of Community Learning funding. The Agency strongly encourages providers to utilise 100 per cent of their allocation.

4. **How have Community Learning allocations been agreed? If a provider 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 providers that delivered this curriculum area. Accordingly, there is no scope in 2013/14 for other providers 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 a provider exit or closure. However, within the network of 320

providers that deliver Community Learning, there may be scope to access funding through subcontracting arrangements. For a list of providers delivering Community Learning, please see the [Agency's published allocations](#).

## **Funding Rules 2013/14**

### **5. Are there any changes to the Agency's Funding Rules for Community Learning in 2013/14 that providers need to be aware of?**

The Agency's [Funding Rules](#) are contractual and every provider should be fully informed about them. For 2013/14, the Agency has 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), as their distinct aims are encompassed within the objectives set out in *New Challenges, New Chances*. Please note that for 2013/14, Individualised Learner Record (ILR) returns will still need to be made against the four programme lines.

## **Delivery**

### **6. What spatial areas can Community Learning providers operate within?**

Community Learning Trust Pilots have generally worked within defined Local Authority areas but there is no Agency requirement for this. Providers need to follow their own principles and practices on this whilst being mindful not to duplicate learning offers in the same area.

### **7. Do Community Learning providers 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'. The Agency's Funding Rules for 2013/14 set out that providers 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 provider to determine how they wish to configure themselves, their partners and their networks in order to meet their balance of objectives. There was no requirement for the Pilots to be legal entities and this remains the case for all providers in 2013/14. In any arrangement, the lead provider must hold a direct contract with the Agency for Community Learning.

### **8. Do Community Learning providers have to produce a plan and will this be signed off by the Agency?**

The Agency's Funding Rules for 2013/14 set out that providers 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 providers 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 provider strategies. However, the Agency will discuss provider strategies as part of its normal review process with them. Robust consultation is expected with those stakeholders that have an interest in Community Learning – and of course with learners and potential learners.

**9. Will the Agency set any requirements for how Community Learning providers “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 providers to determine the most effective means to achieve this.

**10. How best can providers 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 the Agency’s website. This encourages providers to review and baseline previous years’ activity and then determine a strategy for growth that will enable the provider to ‘add’ to its 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.

**11. How will the Agency monitor the progress of providers delivering Community Learning?**

Relationship Teams will work with Community Learning providers in the usual way, offering support and monitoring progress through quarterly review meetings. To support this, the Agency is developing its approach, internally and with the FE sector, on how to effectively assess providers’ progress. Subsequent versions of this document will provide more detail.

**12. What action will the Agency take with providers that do not work towards meeting the new objectives?**

Providers 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 provider is not able to provide evidence that it is making efforts to meet the objectives, ultimately we will withdraw funding. Where a provider is concerned about its ability to meet the objectives, it should raise this with its Relationship Team at the earliest opportunity.

## **Community Learning Trust Pilots**

### **13. Where can providers access more information about Community Learning Trust Pilots?**

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

### **14. 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. The Agency expects the Pilots to help other Community Learning providers prepare for 2013/14 by sharing their experiences.

## **Contracting**

### **15. Can providers novate all or part of their Community Learning funding to another provider if they wish to do so?**

A novation is a tripartite agreement which transfers all of the rights and obligations of one party to a contract to a third party. The current lead provider needs to submit all applications to novate a contract in writing to their relevant Director of Area Relationship Team, who will then follow the Agency's formal business process for these requests. It would be helpful if any provider considering whether to novate could inform their Relationship Team at the earliest opportunity.

### **16. Can Community Learning providers subcontract Community Learning provision?**

Yes, provided that they follow all of the Agency's rules on subcontracting. These are set out in the Agency's [Funding Rules](#) and on the [Subcontracting](#) section of its 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 providers) are required to complete the Due Diligence Assurance Gateway and be approved for inclusion on the Register of Training Organisations.

### **17. Can Community Learning providers undertake limited second-tier subcontracting?**

The Agency will confirm its process on second-tier subcontracting in a subsequent version of this document.

**18. Can Community Learning providers administer small grants to support specific activities?**

The Agency will confirm its process on small grants in a subsequent version of this document.

**19. If a Community Learning provider wishes to form a new legal structure or entity (with or without) other providers, what process should they follow?**

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 adherence to the Due Diligence Assurance Gateway process. This enables providers that pass the Gateway to be listed on the Register of Training Organisations, which is a condition of being eligible to receive Agency funding. For more information, please refer to the [Register](#) section of the Agency's website.

**20. Will the Minimum Contract Level apply to Community Learning providers in 2013/14?**

Please refer to the letter to providers (available on the [Community Learning](#) section of the Agency's website) for confirmation that the Minimum Contract Level will not apply in 2013/14.

**21. If a provider decides they do not wish to deliver Community Learning in 2013/14, what action should they take?**

Any provider considering whether to withdraw from Community Learning should inform their Relationship Team at the earliest opportunity. The Agency will then follow its formal business process to manage this request.

**Data**

**22. Are there any changes to data requirements for Community Learning providers in 2013/14?**

It is vital that providers 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.

## **Audit**

### **23. Will there be any change to the Skills Funding 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. Providers 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 the Agency has any concerns about a particular provider, we will deal with these through the usual channels. Internal audit arrangements are a matter for individual providers to determine.

## **Inspection and Quality**

24. The Department for Business, Innovation and Skills (BIS) is in discussion with Ofsted about inspection arrangements for Community Learning provision. We will provide an update in a subsequent version of this document.

## **European Social Fund**

25. BIS is in discussion with European Social Fund Division (ESFD) about ESF and Community Learning provision. We will provide an update in a subsequent version of this document.

## **Professional Qualifications**

### **26. What expectations do BIS and the Agency have on professional qualifications for staff delivering Community Learning?**

BIS and the Agency are currently in discussions on this issue. We will provide an update in a subsequent version of this document.

Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry CV1 2WT  
T 0845 377 5000  
F 024 7682 3675  
[www.bis.gov.uk/skillsfundingagency](http://www.bis.gov.uk/skillsfundingagency)

**BIS** | Department for Business  
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