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Guidance

Maintaining education and skills training provision: further education providers

Updated 24 April 2020

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Introduction

This operational guidance provides further detailed information on new arrangements and responses to questions for organisations delivering further education (FE) including general FE colleges, sixth form colleges, and other providers.

The guidance relates to the announcement made by the Secretary of State for Education on 18 March 2020 regarding cessation of classroom delivery for most learners due to outbreak of coronavirus (COVID-19). It also covers wider areas as announced subsequently. The guidance will be updated and expanded as further information becomes available and in response to questions from colleges and other providers.

Guidance for apprentices, employers, training providers and assessment organisations (<https://www.gov.uk/government/publications/coronavirus-covid-19-apprenticeship-programme-response>) relating to the apprenticeships programme in response to the impact of coronavirus (COVID-19) is available.

Further information on the financial support that is available for different types of education, early years and children's social care providers in England is available in Coronavirus (COVID-19): financial support for education, early years and children's social care (<https://www.gov.uk/government/publications/coronavirus-covid-19-financial-support-for-education-early-years-and-childrens-social-care/coronavirus-covid-19-financial-support-for-education-early-years-and-childrens-social-care>). This includes information on access to the Coronavirus Job Retention Scheme (CJRS) for furloughed workers and the Education and Skills Funding Agency (ESFA's) response to the Cabinet Office's Procurement Policy Note 02/20.

For colleges in significant financial difficulties, the existing support arrangements remain in place including short term solvency support through emergency funding.

We are immensely grateful to providers for the vital role they are playing in supporting the national response to coronavirus (COVID-19). We recognise the significant efforts the vast majority of FE providers have taken to shift to delivering remote teaching and learning, and know that many have stayed open to support vulnerable learners and dependents of critical workers.

1. Changes to delivery

Colleges and other providers were asked to stop classroom delivery of education and training from Monday 23 March for all ages of learners. Providers are not, however, being asked to close their doors and stop all delivery.

Colleges and other providers are being asked to continue to provide care for a limited number of children and young people:

- dependents of critical workers
- vulnerable children and young people

2. Dependents of critical workers

Parents whose work is critical to the coronavirus (COVID-19) response include those who work in health and social care and in other key sectors outlined in maintaining educational provision (<https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision>).

We recommend you ask for simple evidence that the parent in question is a critical worker, such as their work ID badge or pay slip. It would be overly burdensome on key sectors at this critical time to ask employers to write a letter on behalf of their employees.

3. Information on vulnerable young people

We are clear that all colleges and other providers should have measures in place to support vulnerable learners.

The definition of vulnerable young people can be found in the advice outlined in Supporting vulnerable children and young people during the coronavirus (COVID-19) outbreak (<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people>). The guidance sets out the different groups of vulnerable children and young people who may benefit from being encouraged to attend, where appropriate.

Many colleges and providers have already taken steps to support vulnerable young people, and the children of critical workers who cannot be supported elsewhere, and we are grateful to providers for the vital role they are playing in supporting the national response to COVID-19.

Specifically, we are asking that colleges and other providers:

a) Encourage attendance and provide a safe space: Being in an education setting can be an important lifeline for many vulnerable young people, particularly where their needs cannot be met safely at home or where they may be at risk of harm.

The government is asking colleges and other providers to remain open where possible for vulnerable young people to attend, where appropriate for them to do so. Special post-16 institutions should remain open to meet the need of vulnerable learners who cannot be safely accommodated at home.

Providers are expected to follow the process set out on encouraging, enabling and monitoring attendance and following up on non-attendance, see Supporting vulnerable children and young people during the coronavirus (COVID-19) outbreak (<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people>).

We appreciate that decisions on attendance will likely be based on finely balanced discussions between the education provider, the parent/carer and others, including social workers, local authorities and other relevant professionals where applicable. We also appreciate that circumstances do change and therefore attendance decisions should be kept under review.

However, where appropriate and as part of regular communications, we are asking colleges and other providers to encourage vulnerable young people to attend an education setting.

If a safe space in an education setting is required for a vulnerable learner, then where it is possible to do so, providers that are closed should consider re-opening in order to make provision available.

b) Make alternative arrangements: Where it is not possible to remain open or re-open, providers should work with the local authority to ensure that the vulnerable children and young people who normally attend can be found a place in another educational setting. Providers can also contact their local ESFA team to discuss which other local providers it may be possible for them to work with. Where a setting is closed or planning to close, the provider should notify the local authority/social worker.

c) Keep in contact: Where learners cannot be persuaded to attend education settings, or where it is not safe for vulnerable learners to attend education settings, colleges and other providers should maintain regular communication with social workers, vulnerable learners and their families to ensure they know where their vulnerable learners are and that they are safe, and to encourage engagement with education where appropriate. The frequency of contact required will depend on the individual's circumstances and needs. Social workers will remain in contact with vulnerable learners and their families, including remotely if needed.

There is further information in Supporting vulnerable children and young people during the coronavirus (COVID-19) outbreak (<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people>).

Colleges and other providers should continue to comply with the Keeping children safe in education statutory guidance (<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>). There is further information on safeguarding in Coronavirus (COVID-19): safeguarding in schools, colleges and other providers (<https://www.gov.uk/government/publications/covid-19-safeguarding-in-schools-colleges-and-other-providers>).

4. Residential providers

We are expecting residential further education providers to keep their residential provision open where necessary, and decisions will have to happen on a case by case basis. It is especially important that residential providers remain open to those who have particular needs that cannot be accommodated safely at home, and those who do not have suitable alternative accommodation.

In collaboration with Public Health England and the Department of Health and Social Care, we have produced guidance on isolation for residential educational settings (<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-isolation-for-residential-educational-settings>), including further education providers with residential accommodation and residential special colleges. This contains advice on managing the setting in the case of self-isolation or infection.

5a. Funding

We recognise that the coronavirus (COVID-19) outbreak carries financial implications for many providers, and we are working to make changes where we can. We set out below the flexibilities we are introducing to support grant funded providers to continue to deliver learning.

To help manage the financial implications, we can confirm that the ESFA will continue to pay grant funded providers their scheduled monthly profiled payments for the remainder of the 2019 to 2020 funding year.

ESFA allocations for 2020 to 2021 have been confirmed, and payments will be made in line with the national profile, which will be confirmed in the relevant 2020 to 2021 funding rules.

16 to 19 funding arrangements (grant funded providers)

As we will use data from the 2019 to 2020 academic year to calculate 16 to 19 allocations for 2021 to 2022, the ESFA may need to apply a different approach to a number of elements within 16 to 19 funding. Where appropriate we will therefore use alternative data sources to calculate allocations for 2021 to 2022 to ensure, as far as possible, that there is not a disproportionate impact on funding.

The retention factor

If students are unable to complete their study programme as a result of coronavirus (COVID-19) and are recorded as withdrawn in end-year data, this could impact on the retention factor used to calculate 16 to 19 allocations for 2021 to 2022. We will therefore review the data we use to calculate this as the impact of coronavirus (COVID-19) becomes clearer.

In-year recruitment of students

We currently use the profile of recruitment throughout the year to determine the lagged student numbers used in 16 to 19 allocations. For providers who recruit students later in the year rather than purely at the beginning of the academic year, and whose enrolment of new students in the summer term will have ceased, we will determine a way to ensure this does not have an unfairly detrimental impact on future allocations. For example, we could still apply the current approach of identifying what proportion of student numbers were recruited after we take the initial data return in the autumn but use full year data from 2018 to 2019.

Student prior attainment in English and/or maths GCSEs

Three elements within the 16 to 19 funding formula use students' prior attainment in English and/or maths, namely:

- the condition of funding
- disadvantage funding - block 2
- level 3 programme maths and English payment

We anticipate that these will continue to be calculated as now following the alternative plans that have now been published to award grades to students in the absence of GCSE exams this summer, and so providers will still be allocated additional funding for young people with low prior attainment in GCSE English or maths. As further details are published for how the replacement for exams will work, we will consider these elements in more detail.

Funding to prepare for and deliver T levels

Allocations have been made to providers who will be delivering the first wave of T levels in 2020 to 2021 based on planned T level student numbers. We have already published the approach for applying a tolerance where enrolment of T level students is below the planned number.

Due to the lagged student number approach, where the level of T level students recruited means the tolerance would be implemented, only the numbers above the tolerance would be converted to a full-time band 5 student. Read more about the tolerance in the How T levels will be funded in 2020 to 2021 (<https://www.gov.uk/guidance/how-t-levels-will-be-funded-in-academic-year-2020-to-2021>) guidance.

We will monitor the suitability of this approach over the coming months as we get nearer to the introduction of T levels.

Industry Placement Capacity and Delivery Fund 2019 to 2020

The unprecedented impact of coronavirus (COVID-19) has meant that it is currently extremely difficult for providers to continue to organise and deliver industry placements through the Capacity and Delivery Fund (CDF).

Given these exceptional and unprecedented circumstances, providers will not be penalised for missing specific CDF industry placement targets this academic year. Funding will not be clawed back if providers can demonstrate how the funding has and will continue to support your work on industry placement delivery. We want to make sure that providers are able to maximise the activity that they are able to carry out during this period to continue to support the delivery of placements, and to prepare to deliver placements in 2020 to 2021. Activities we would expect to continue to go ahead:

- continuing to build relationships with employers and developing engagement strategies for different industries
- preparing students for placements (such as through virtual training for work programmes)
- ensuring alignment between curriculum planning and industry placement provision
- developing matching processes for when students can go on placements again

We will ask for evidence of this through the usual autumn CDF monitoring process in order to minimise reporting burdens, and we will still look to claw back funding under the usual arrangements should providers fail to demonstrate they have continued to support the delivery of industry placements.

Providers must avoid the risk of double funding. We will seek to claw back funding should providers furlough staff involved in these activities.

Free meals in further education

We expect further education institutions to continue to support students who are eligible for, and usually receive, free meals in further education, or are newly eligible, whether they are continuing to attend the provider or are studying remotely due to coronavirus (COVID-19) related issues. Read further guidance on free meals in further education funded institutions for 2019 to 2020 (<https://www.gov.uk/guidance/16-to-19-funding-free-meals-in-further-education-funded-institutions-for-2019-to-2020>).

Education and Skills Funding Agency (ESFA), adult education budget (AEB) funding (grant funded providers) and advanced learner loans bursary fund

Year-end reconciliation

For 2019 to 2020 only, the ESFA will not carry out the final reconciliation for grant funded providers in receipt of ESFA funded AEB (adult skills, community learning, learner and learning support and 19 to 24 traineeships) and the advanced learner loans bursary fund. These providers will be funded in line with the current agreement schedule with no clawback.

Providers must:

- continue to deliver learning online wherever possible including for ESFA funded AEB via existing subcontracting arrangements to support existing learners to successfully complete their courses/qualifications or retain evidence where this is not possible
- support furloughed workers to enhance existing or develop new skills

Where it is not possible to deliver online, for example where learning requires physical access to specialist equipment or materials, providers should keep and provide records of where this applies and keep evidence of efforts made to remain in contact with learners and prepare them for a return to learning in the future.

However, there will be exceptions for grant funded providers who had already forecast significant under-delivery in their mid-year returns for ESFA funded AEB and/or advanced learner loans bursary fund, in advance of the impact of coronavirus (COVID-19). ESFA will contact affected providers to discuss their forecasts and potential clawback. We also reserve the right to clawback funds where it can be demonstrated that a grant funded provider has not sought to continue delivery wherever possible online or otherwise, either directly or for ESFA funded AEB through their existing subcontractors.

When planning ESFA funded AEB allocations for 2021 to 2022, we will consider how we set a fair baseline given our default position would have been to use funded delivery in 2019 to 2020.

Advanced learner loans

With regard to advanced learner loans, the Student Loans Company (SLC) will continue to make scheduled fee payments to all providers with a loans facility. Providers must continue to inform the SLC if and when a learner's circumstances change.

Devolved AEB

From 1 August 2019, the AEB is apportioned between the ESFA and 6 mayoral combined authorities (MCAs) and the Greater London Authority (GLA) and the ESFA is no longer accountable for administering AEB in those devolved areas. The MCA or GLA will be responsible for agreeing arrangements with their providers in respect of devolved AEB.

5b. Data collection and recording

Disruption to training

It is our priority to support learners and providers to continue with their learning online during this period, ensuring that where breaks in learning are required, learners are able to resume their 'classroom' learning and continue to a successful completion, while maintaining quality.

Breaks in learning

ESFA funded AEB and advanced learner loans (including bursary fund) funding rules for 2019 to 2020 already make provision for 'breaks in learning' for a range of circumstances.

You and the learner can agree to suspend learning while the learner takes a break. This allows the learner to continue later with the same eligibility that applied when they first started their learning.

We are extending the current breaks in learning rules for ESFA funded AEB and advanced learner loans to:

- allow a break in learning at the learner's request where a learner is self-isolating, or caring for others affected by coronavirus (COVID-19) and is unable to continue by distance learning and/or an online offer
- allow a break in learning to be recorded where a provider is unable to deliver because of the impact of coronavirus (COVID-19) on their own business and there is no possible delivery by distance and/or online learning

Where some learning aims have been delivered, this should be evidenced in the usual way. However, where a break in learning is now beginning or expected, providers should include these learners in their individualised learner record (ILR) submission and record breaks in learning as starting on the date of the last learning activity for the aim. It is likely that these aims will have been suspended knowing that it will be reviewed at stages over the coming months. Under no circumstances should the current planned end date be changed.

To record breaks in learning for coronavirus (COVID-19) reasons, providers should:

- include these learners in their ILR submissions
- record, retain and submit evidence in the usual way
- record a break in learning in their ILR submission
- ensure that the affected learners are not recorded as permanently withdrawn from their learning, by entering the 'completion status' field of the ILR as '6', denoting that the learner has temporarily withdrawn from learning due to an agreed break in learning as a direct impact of COVID-19

Further information on data collection is included in reducing burdens on educational and care settings (<https://www.gov.uk/government/publications/coronavirus-covid-19-reducing-burdens-on-educational-and-care-settings/reducing-burdens-on-educational-and-care-settings#data-services-which-will-continue>).

6. Ongoing learning

We want learners to be able to continue to study. Colleges and providers are moving more learning online to allow students to continue their studies remotely. For some, this is an extension to their existing online provision while for others this is a new step. Two DfE grant funded organisations - Jisc and the Education and Training Foundation (ETF) - are well placed to advise and support colleges and staff regarding remote teaching and learning.

Jisc (<https://www.jisc.ac.uk/coronavirus>) runs the Janet network which connects all FE providers across the UK and provides practical advice to college ICT staff on how to ensure continuity of teaching and learning. Support available includes free content, blogs, and community support. The ETF's Enhance

Digital Teaching Platform offers free training to teachers in how to use ed tech. ETF is also running webinars for FE providers (<https://www.et-foundation.co.uk/news/new-series-of-free-webinars-to-support-online-learning/>) on how to make the most of online learning.

Providers' strategies for ongoing learning should be informed by the needs of teachers and students, and their respective home teaching and learning environments. Where possible, colleges and other providers should:

- a) Prepare staff on remote learning practice through bitesize/refresher training sessions focused on how to use college virtual learning environments (VLEs), communication tools and digital and non-digital resources.
- b) Use tools already available at your college including physical and digital resources, and how to make use of cloud storage systems (for example, Office 365 or Google G Suite). Ensure staff and students have log-in details and know how to access online content.
- c) Provide students with accessible guides on remote learning, focusing on where, when and how they are expected to engage and demonstrate their learning and how assessment and feedback will be delivered. Consider how to support disadvantaged learners.
- d) Consider provision for partnership working with the relevant agencies (including Health and Social Care) to help ensure support for vulnerable children and children with special educational needs and disabilities.
- e) Consider how you will deploy your staff to ensure safeguarding, Prevent and security policies are maintained. The National Cyber Security Centre (NCSC) provides guidance on how to work from home while adhering to these policies.
- f) Consider lesson capture to allow students to dip in and out of lessons at their own pace.
- g) Be sensitive and adaptive to the wellbeing and wellness of both students and teachers, recognising that health and caring responsibilities will disrupt the teaching delivery and learning journey for individuals during the closure period.

We understand that what providers can offer during this period will vary. Some colleges and FE providers have shifted much of their provision online and are delivering classes and other teacher led activity to a regular timetable. This is excellent practice if it can be reasonably maintained.

The local ESFA teams will also provide support and you can submit enquiries through the ESFA enquiries service.

Richard Atkins, the FE Commissioner (FEC), and his team of highly experienced deputy FECs and FE advisers have offered their services to college leaders that would like to talk through plans, concerns and issues. Our pool of National Leaders of Governance (NLGs) also stand ready to offer any support they can. If you would like to arrange a phone conversation between yourself and a member of the FEC team or a NLG, email FEC.OPERATIONS@education.gov.uk.

We continue to collect examples of good practice and will share these through our usual communications channels.

Support for young people unable to access remote education

On 19 April, the Secretary of State for Education announced new support for schools, colleges and young people to access remote education. 16 to 19 year olds in education without a suitable device and/or connectivity to study remotely, and whose family cannot afford these costs, will be eligible for support via the 16 to 19 Bursary Fund. Providers should consider supporting them, for example, by providing a device where necessary to access remote education.

As set out in 16 to 19 Bursary Fund guidance, decisions on support should continue to be made on the basis of an individual assessment, in line with bursary fund rules that all support must be based on individual circumstances and needs.

Providers should use their existing 16 to 19 Bursary Fund (and any spare resources from their FE free meals grant) to pay for this support. Where providers need additional resources to support young people to access education remotely, they should submit a business case to the ESFA

(<https://www.gov.uk/guidance/16-to-19-bursary-fund-guide-2019-to-2020-academic-year>) setting out:

- the amount of bursary fund and/or free meals funding carried forward from previous years
- the amount of funding already spent in the 2019 to 2020 academic year
- the amount of funding already irrevocably committed but not yet spent
- the amount of funding the provider has available to support disadvantaged students, in line with the criteria above
- the number of students assessed as requiring additional support
- the support and funding the provider has assessed is required to support the needs of individual students, in line with the criteria set out in the 16 to 19 Bursary Fund guidance

(<https://www.gov.uk/guidance/16-to-19-bursary-fund-guide-2019-to-2020-academic-year>)

Local authorities will receive devices for children and young people who have a social worker or are care leavers. 16 to 19 education providers should work with local authorities to ensure that any students in these categories can access education and to ensure that support for them from the local authority and education institution is co-ordinated.

Support from your provider associations

Provider associations are also offering information and links to resources via their websites:

- Association of Colleges (AoC) (<https://www.aoc.co.uk/covid-19-resources-coronavirus>) can offer support and advice with questions relating to business continuity at covid19@aoc.co.uk. AoC has also published guidance on governance (<https://www.aoc.co.uk/publications/governance-note-fe-colleges>)
- Association of Employment and Learning Providers (AELP) (<https://www.aelp.org.uk/covid-19-coronavirus-guidance-and-patron-support/>) has collated guidance and support
- Halex (<https://halex.org.uk/coronavirus-resources/>) has produced a checklist for partially closing or closing an adult education centre
- Natspec (<https://natspec.org.uk/about-us/publications/covid-19-and-colleges-natspec-briefing/>) is updating a regular briefing page

- Sixth Form Colleges Association (SFCA) (<https://www.sixthformcolleges.org/380/comment-1/post/47/covid-19-latest-advice-for-colleges?preview>) has an online learning hub (<https://www.sixthformcolleges.org/1237/online-learning-hub>) with resources that will be updated on a regular basis

7. Examinations and assessments

No exams will be taking place in schools and FE providers this summer.

Our priority is to ensure that students and adult learners can move on as planned to the next stage of their lives, including starting university, college or sixth form courses, or apprenticeships in the autumn or getting a job or progressing in work.

For academic qualifications, Ofqual will develop and set out a process that will provide a calculated grade to each student which reflects their performance as fairly as possible, and will work with the exam boards to ensure this is consistently applied for all students. The exam boards will be asking teachers, who know their students well, to submit, for each student, a set of evidence, which will include performance in mock results as well as their judgement about the grade that they believe the student would have received if exams had gone ahead.

Ofqual and exam boards will be talking to teachers' representatives before finalising an approach, to ensure that the approach taken is as fair as possible. Ofqual has published further guidance (<https://www.gov.uk/government/publications/gcses-as-and-a-level-awarding-summer-2020>) on this on 3 April.

There is a very wide range of vocational and technical qualifications as well as other qualifications for which students were expecting to undertake final assessment and/or sit exams this summer. These are offered by a large number of awarding organisations and have differing assessment approaches.

On 9 April, the Department for Education and Ofqual set out further detail in relation to the approach to vocational and technical qualifications. As far as possible, qualifications used for progression to higher and further education will be treated in a similar way to GCSEs, AS and A levels, with students receiving a calculated result. Similarly, learners due to take assessments for functional skills qualifications before the end of the summer will receive a calculated result.

For other qualifications, adapting assessment may be a more appropriate approach. But for some qualifications, for example those which have a narrow occupational focus, adapting assessments may not be appropriate. The Department for Education continues to work with Ofqual and the awarding organisations to agree, in these cases, what the best approach is to ensure that students are not disadvantaged.

The Department for Education's direction to Ofqual (<https://www.gov.uk/government/publications/direction-issued-to-the-chief-regulator-of-ofqual>) and Ofqual's guidance (<https://www.gov.uk/government/publications/awarding-qualifications-in-summer-2020>) are available.

Ofqual and awarding bodies are working through the detail, with further information to be issued in the coming days and weeks.

8. Regulation, accountability and audit

We have suspended routine Ofsted inspections and FE Commissioner Intervention visits and non-critical ESFA intervention. The Secretary of State has allowed Her Majesty's Chief Inspector to do this (<https://www.gov.uk/government/news/ofsted-suspends-all-routine-inspections>).

Guidance from Ofsted (<https://www.gov.uk/guidance/ofsted-coronavirus-covid-19-rolling-update>) has confirmed that urgent inspections where specific concerns have been raised can still go ahead. This will allow Ofsted to prioritise the immediate safety of young people where necessary.

Qualification achievement rates

As part of steps taken to fight the spread of coronavirus (COVID-19), the government announced that all exams due to take place in schools and colleges in England in summer 2020 are cancelled, and that it will not publish any school or college level educational performance data based on tests, assessments or exams for 2020.

The Department for Education will not hold schools/colleges to account on the basis of exams and assessment data from summer 2020 and data will not be used by others, such as Ofsted and local authorities, to hold schools/colleges to account. Further information can be found at Coronavirus (COVID-19): school and college performance measures

(<https://www.gov.uk/government/publications/coronavirus-covid-19-school-and-college-performance-measures>).

Audit

Prior to the Prime Minister's announcement of the new coronavirus (COVID-19) restrictions on Monday 23 March 2020, we made the decision to pause the start of any new routine funding audits for all post-16 providers for the short term, as a result of the coronavirus (COVID-19) outbreak. We have now extended this pause to cover the period for, at least, the duration of the lockdown.

Where funding audits and investigations were already in progress, we have sought to complete the work, taking into account providers' capacity to resolve any issues. We understand the challenges providers face as a result of the coronavirus (COVID-19) outbreak and have been sensitive to these challenges when contacting providers.

It may be necessary for the ESFA to contact providers during the coronavirus (COVID-19) outbreak in order to continue to maintain effective oversight and protection of public funds. Where such contact is necessary, we will continue to be sensitive to the challenges providers face as a result of coronavirus (COVID-19).

We will continue to monitor and review the situation in the light of the circumstances. When the coronavirus (COVID-19) lockdown measures are reduced and there is a return to office-based working across the country, we will assess when it is appropriate to restart routine funding audits.

Alternative evidence for wet signatures

This guidance applies to evidence for learners who are funded through apprenticeship, 16 to 19 education, adult education budget (AEB) and advanced learner loans funding rules.

It is expected that where providers already have a digital/electronic signature process, they must continue to utilise their existing processes in accordance with the respective funding rules above for 16 to 19, adults and apprenticeship learners.

A wet signature is created when a person physically 'marks' a document. Where a provider has no digital or electronic systems and processes in place to capture a learner or employer signature, then under normal circumstances a wet signature is required for recruitment and evidence of continuing learning.

It is recognised that providers delivering training and/or recruiting learners during the COVID-19 pandemic will experience difficulty in obtaining learner and employer wet signatures. Therefore, for the funded programmes listed above, where providers do not have systems and processes in place for electronic/digital signatures, during the COVID-19 restrictions, we will allow confirmation and evidence to be obtained through email as detailed below.

For the purpose of audit evidence, we expect a record of acknowledgement or adoption of a genuine electronic message or document. Acceptable alternative evidence includes:

- an email from the learner and/or employer email address with details of the confirmation and their typed name at the end of the message
- a typed name on an electronic form or document emailed from the learner and/or employer
- a signed scanned document attached to an email from the learner and/or employer
- a photo taken on a camera/digital medium of the signed document attached to an email from the learner and/or employer

We are allowing providers to use this type of electronic confirmation (as detailed above) during the period of restrictions due to COVID-19 only where no other useable digital or electronic processes exist. This is not to be used as alternative evidence as part of the provider's business as usual process once the COVID-19 restrictions are lifted.

Following the period of COVID-19 restrictions, providers using the above alternative evidence must resume their usual process for obtaining wet signatures on relevant documentation. Providers must ensure that all alternative evidence replacing wet signatures received during the COVID-19 restrictions is genuine and irrefutable, and the evidence is retained for audit purposes.

9. Governance

Holding meetings online or by telephone

Some FE and sixth form college corporations, and other providers which are charities, may not be able to make amendments to their governing documents to allow for board meetings online or by telephone, rather than face to face. We recommend following the Charity Commission advice to record your decision to proceed with other ways of meeting in the interests of good governance.

Using reserves and restricted funds

We recommend that FE and sixth form college corporations, together with other providers which are charities, read the Charity Commission guidance on using reserves to cope with the current crisis (https://www.gov.uk/guidance/coronavirus-covid-19-guidance-for-the-charity-sector?utm_source=068663df-d4f1-42de-

8cc1-8d00f73cfbce&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate#charity-objects-understand-if-you-can-help-with-coronavirus-efforts). The guidance also tells you about the limitations on using any restricted funds.

10. European Social Fund

For European Social Fund (ESF) provision, the following easements have been agreed.

Delivery postcode for remote learning

The managing authority has confirmed that where delivery is occurring remotely, ESF providers can now use the postcode of their physical base within the local enterprise partnership (LEP) area relating to the contract as the delivery postcode recorded on the ILR. This means that where remote delivery is taking place that is now falling outside the LEP area relating to the contract, it will be considered eligible.

Evidencing remote enrolment and remote learning

Currently projects must have wet signatures from participants, on both enrolment forms and any contact sheets, demonstrating they are in receipt of support and to declare relevant information. The ESF managing authority recognises that this is not possible given current social distancing measures. Therefore, ESF providers can, from 1 February 2020, provide participant verification by alternative means, such as email.

Day progression requirement

It is a requirement of the ESF programme that all programme progression related deliverables are achieved within 28 days of leaving the ESF programme. This timeline starts when all ESF funded intervention/activity has ceased. Providers may wish to consider how they utilise non-regulated activity to continue to engage and support learners regularly during the COVID-19 pandemic.

Contract extensions

It is still our intention to extend ESF contracts to March 2023, where funding is available and with consideration to contract performance. It is planned to action this as part of the April 2020 performance management process. This is currently in development, along with the associated timelines which we will share as soon as possible. We are proposing to implement a simplified and streamlined process to minimise the burden and input required from the provider base during this challenging period.

External audit testing

The Government Internal Audit Agency (AS GIAA the ESF Audit Authority (AA)), has agreed that all provider level (AA based) audit testing, relating to ESF provision, funded through the ESFA, will be temporarily paused until the current restrictions are lifted. This extends beyond physical visits to cover remote audit testing approaches, based on the wider potential impacts. We will update providers in due course regarding the resumption of this work, as it continues to constitute a key requirement within the current regulatory framework.

Compliance and performance reviews

Compliance and performance visits (unless previously agreed) have been suspended until further notice. This is in recognition of the difficulties in accessing physical documentation and premises currently.

11. Broader support to the community

Further education providers are major community institutions and have greater capacity and organisational resilience than smaller schools.

We know a number of colleges have already taken steps to support vulnerable learners, or the children of critical workers who cannot be supported elsewhere.

This is a hugely valuable contribution. Colleges have a vital role to play in holding communities together and supporting our broader national response to coronavirus (COVID-19).

Remember that, if your organisation is a charity, any help you provide for the national effort must be consistent with your organisation's charitable purposes. If your organisation is a registered charity, see the Charity Commission guidance on how charities can help while keeping within their objects (<https://www.gov.uk/guidance/coronavirus-covid-19-guidance-for-the-charity-sector#holding-meetings-online-or-by-telephone>).

FE and sixth form college corporations which are helping the national effort in ways other than education, such as giving surplus food to a food bank or allowing key workers to use unoccupied student accommodation, are to be applauded for contributing in this way. Governors must be satisfied that such assistance is in their corporation's interests, and does not create additional risk or significant one-off or ongoing costs to the corporation, and should record the basis for their decision.