



**Somerset
Council**

**Adult Community Learning
Sub-Contracting Policy 2024/25**

Organisation	Somerset Council
Title	Adult Community Learning Sub-Contracting Policy 2024/25
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Owner	Melanie Roberts
Protective Marking	
Primary Legislation	Adult skills fund: funding rules 2024 to 2025 - GOV.UK (www.gov.uk)

Somerset Council's Economy, Employment and Planning Service (the Council), from 1 August 2024, will receive Adult Skills Fund (ASF) funding from the Education and Skills Funding Agency (ESFA) to provide non-accredited learning opportunities (referred to as 'Tailored Learning' in the Adult Skills Fund Funding Rules) for adults* living in Somerset

**An adult is an individual aged 19 and over on 1st August of the given academic year.*

The ESFA Funding Rules 2024-2025 define how the funding can be used [Adult skills fund: funding rules 2024 to 2025 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/adult-skills-fund-funding-rules-2024-to-2025)

The overarching ambition of the Council, through an Adult Community Education Programme, is to maximise and widen adult participation that will:

- Enrich the stability, prosperity, and social cohesion of our communities.
- Empower the personal responsibility of individuals to become independent, healthy and maintain their own social well-being.
- Increase social mobility and aspirations based on an ethos of lifelong learning
- Support an inclusive, flourishing, and resilient economy.
- Maximise social value by generating benefits to society, the economy and positive impacts to the environment and local communities.

This will be achieved by offering flexible and responsive learning opportunities that are both accessible and inclusive; which empowers people to make intelligent choices; and helps them to succeed in personal, social, and economic aspirational goals contributing to the resilience, ambitions, wellbeing and growth of Somerset reducing reliance on the state and public service by:

- Working with a range of organisations and strategic partners to identify clear Adult Community Learning delivery objectives with measurable outcomes.
- Engaging with a wide range of groups and individuals through learning activities relevant to their personal circumstances and local priorities whilst meeting Somerset Council and the ESFA's priorities.
- Delivering a variety of learning activities based on the identified needs of local communities.
- Commissioning the delivery of learning activities where partners are better placed to identify and engage those who would benefit most from Community Learning.

Somerset Council does not deliver ESFA Adult Skills Fund funded learning directly, instead it operates a commissioning model to secure the provision of high-quality learning to meet the needs of our communities.

Rationale for sub-contracting

- Widens participation through partnerships with locally based organisations to respond to targeted and local needs for the benefit of our communities.
- Fills gaps in niche or expert provision and provides better access to facilities.
- Supports targeted and tailored provision to meet the needs of our priority groups.
- Supports established and trusted organisations already established in communities to reach out and engage learners more quickly.
- Supports smaller voluntary and community organisations to access resources to deliver learning to their client users.
- Increases accessibility for learners who are living in more rural areas or marginalised communities in Somerset.
- Provides a first stage entry point for disadvantaged groups.
- Supports individuals who share protected characteristics, where there might otherwise be gaps in provision.

Somerset Council has not led on the delivery of adult community education since 2015 when the adult learning function was transferred out of the Council into a community interest company, Somerset Skills and Learning (SS&L).

In the 2023-2024 academic year, the Community Learning Grant moved from a Nationally led competitive procurement process back to a direct grant to Somerset Council bringing the Council in line with other local authorities as Somerset is the only area where tailored learning is directly procured by the DfE.

In 2024/2025 Somerset Council will put in place subcontracting arrangements, with one core provider (Somerset Skills & Learning, SS&L) and a range of local delivery partners through Community Learning Partnership arrangements via a robust procurement process .

Community based subcontractors will ensure effective localised delivery which is especially important in some of our more rural areas and among the harder to reach population ensuring a wider participation for our communities.

Selecting subcontractors

The Council has well developed and established procedures relating to the safeguarding of learners, which include ensuring that subcontracting/grant funding does not lead to the inadvertent funding of extremist organisations.

All potential subcontractors will undergo Council due diligence checks before being appointed and we will continue to undertake and review these checks on an annual basis with each of our delivery sub-contractors.

The Council will ensure any subcontractor has the financial ability to deliver the requirements of the subcontract.

We will select our subcontractors fairly, transparently and without discrimination in line with the Council's Contract Procedure Rules and Standing Orders. We will ensure that potential subcontractors have sufficient capacity, quality and business standing to deliver the provision that is being subcontracted.

The Council will only subcontract and award grant allocations to organisations that have a UKPRN number and are classed as a 'legal entity' in their own right. This will be evaluated in terms of risk and status, as part of the due diligence process. Should the Council have concerns about either aspect it will not allocate funds to a potential subcontractor or partner.

Maintaining standards

Subcontractors will be contracted only when the best interests of the community and the individuals are served using partners. The Council will only use subcontractors when it has the appropriate knowledge, skills, and experience within the organisation to successfully procure, contract with and manage these sub-contractors.

Subcontractors and partners are reminded that the Service is subject to Ofsted inspection and that they must deliver consistently good or better quality of provision as set out in the Common Inspection Framework.

Once appointed, subcontractors are subject to a challenging and supportive monitoring, review and evaluation process aimed at raising standards and improving outcomes for learners.

Through its monitoring and review process, the Council enables subcontractors to share good practice and to learn from each other. Where areas for improvement are identified, the Service works with the subcontractor to build their capacity and capability to offer the best possible services to learners, thus reducing risk and improving performance.

Services for delivery partners

The Council will provide the following services to all subcontractors:

Planning and procurement process

- Support programme planning based on local, regional and national priorities.
- Provide specification and procurement authorisation documentation and process
- Tender and/or procurement evaluation and awarding of contracts
- Provision of a contract management senior responsible owner with responsibility for driving organisation-wide contract management performance.
- Pre-contract site visit and risk assessment
- Contract development, negotiation and agreement.
- Setting up of procurement facility for contract payments
- Regular assessment and evaluation of the contract to ensure that the cost of contract management activities is justified and proportionate to the benefits obtained.

Due Diligence

- Management of the Due Diligence process in accordance with funding agency rules
- Assessment of Due Diligence information
- Support to complete the Service Due Diligence process
- Support to pass the Skills Funding Agency Due Diligence Gateway (if applicable)

Provider Induction

Training in:

- Funding policy, rules and regulations
- Quality standards, including Ofsted standards as set out in the Education Inspection Framework Completion of Service paperwork to Service standards, e.g. Learning

Agreement, Register, Individual Learning Plan, Recognising and Recording Progress and Achievement in non-accredited learning etc. Audit requirements for the type(s) of provision offered.

- Quality: Individual Learning Plans, Scheme of Work and registers.
- The development and implementation of robust policies and processes in relation to safeguarding and prevent, health and safety, equal opportunities, data management and protection.
- Completion of enrolment forms and eligibility checks
- The collection of learner destination data.

Funding and data management

- Maintain awareness of and implement funding agency policy, rules and regulations
- Maintain the Service's relationship with the funding agencies
- Develop documentation and paperwork in accordance with the requirements of the funding agencies.
- Purchase and maintain a specialist Management Information System
- Ensure data requirements are collected and recorded on the Management Information System. Submit accurate funding returns to the Education & Skills Funding Agency
- Carry out ongoing internal audit
- Manage external audits.
- Manage communication between the various Council functions (finance, MIS, Admin and Quality) and the partner, while offering continued advice, guidance, and support on any feedback.
- Ensure clear processes are in place to handle operational problem resolution and resolve issues as quickly as possible.
- Ensure payment mechanisms are documented, are clear and well understood and payment processes are well defined and efficient; appropriate checks and authorisation processes are in place for paying invoices.

Monthly monitoring visits

- Monthly telephone review meetings carried out as a minimum (frequency based on level of performance and quality of delivery)
- Manage the contract
- Termly reviews of performance against targets
- Review quality assurance processes
- Provide ongoing support to remedy issues identified

Quality Assurance

- Manage provision in accordance with the quality standards set out by Ofsted in the common Inspection framework
- Act as lead in an Ofsted inspection
- Provide a named Community Learning Partner Manager (CLPM) to offer advice, guidance & support and ensure all queries and concerns are managed effectively and efficiently, without the need for partners to contact multiple departments.
- Carry out observations of teaching and learning, assessment and initial advice and guidance.
- Provide feedback on observation of teaching and learning and the facilitation of Learning Walks/Listening to Learner sessions through the assigned CLPM.
- Ongoing training and access to high quality resource library

- Carry out audits to check the implementation of policies and processes in relation to safeguarding and prevent, health and safety, equal opportunities, data management and protection and sustainable development.
- Provide ongoing support to remedy issues identified.
- Manage the self-assessment process.
- Manage and monitor the continuous Quality Improvement Plan
- Collect feedback from learners on the quality of provision and learner destination data and submit it to the funding agencies and Ofsted as required.
- Increase joint working or shared activities for the benefit of the Council and the subcontractor.
- Provide connections with other services and partners to encourage extension of the programme (i.e.. housing).
- Provide market intelligence to inform targeted provision.

Regular Subcontractor Meetings

The Service lead will arrange regular meetings with subcontractors and partner organisations in order to:

- Disseminate changes in policy and regulations.
- Share and exchange good practice.
- Support subcontractors in meeting and understanding Skills Funding Agency, Ofsted, Somerset Council adult learning requirements.
- Monitor compliance with contractual obligations.

Annual Contract Review Meeting

- Carry out an end of year review of performance
- Evaluation of the contract

Retained funding

The Council sets the direction of travel and delivery priorities for the Adult Community Learning programme and is responsible for the overall quality and performance of all provision delivered. The Council retains 20% as a contribution to the overall cost it incurs as follows:

Contract management and administration.	20%
Quality Assurance oversight and improvement	15%
Purchase of Management Information System (MIS) and associated set up support.	10%
Administrative functions including collation of Individualised Learning Records (ILR) and associated inputting of data including Management Information System (MIS).	15%
Community engagement and outreach networking	10%
Professional development (providers and tutors	10%
Funding retained for mandatory training delivered to subcontractor staff by the lead provider.	10%
Clawback for under delivery or other reasons.	10%

Total	100%
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Payment

Main delivery partner subcontract

Following a successful application, a contract is awarded. The contract value will be spread across the contract year and will be paid monthly upon the successful submission, validation and approval of the required paperwork. The final payment is made at the end of the project, pending verification of essential learner paperwork and confirmation that the learners are eligible under the ESFA's eligibility requirements and have achieved their key objectives. Final learner numbers for the project are confirmed and a final payment is made in line with the financial annex of the contract.

Community Learning subcontractors.

Following a successful application, a contract is awarded. On completion of each course, the delivery partner will upload all paperwork to be verified. Payment will be made at the end of each course and will be based on the attendance and achievement of actual learner numbers against target enrolments and the completion and submission of the correct and checked paperwork associated with each learner/course (enrolment form, register, individual learning plan, risk assessment, venue check list, and scheme of work).

Payments will be made on the following cumulative achievements:

Achieve >90% of target enrolments, then 100% of the payment due will be made.

Achieve >85% and <90% of the target enrolments, then 95% of the payment due will be made.

Achieve <85% of the target enrolments, then 90% of the payment due will be made.

Somerset Council aims to make payment within 30 days of approval of a valid claim.

The policy is shared with all existing and potential sub-contractors as part of the procurement process and is published on our website.

This policy will be reviewed and updated annually prior to each procurement process and published by 31 October each year.

[PO-terms-and-conditions.docx](#)

Publication of Information relating to Subcontracting

In compliance with the Education and Skills Funding Agency and other agency funding rules that apply, the Council will publish the associated subcontracting/fees and charges policy on its website.

Version History

Revision Date	Author	Version	Description of Revision
10 th June 2024	Rebecca Brown	2	New Policy

Document Notification

Issued by: Melanie Roberts

Issued Date: August 2024

Approval	Name	Date
Member Key Decision: Adult Community Education Programme		3 August 2023