

Conditions of Funding (Grant)

Table of changes 2012-13

May 2012

Of interest to Providers; Local Authorities and Colleges who have funding from the Skills Funding Agency

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Table of changes 2012-13

Throughout the document “Funding Requirements 2011/12” replaced throughout by “**Funding Rules 2012/13**”

The following clauses have also been updated for 2012/13:-

2011/12 Clause Reference	2012/14 Clause Reference	Nature of Change	2012/13 Revised Clause
2.1	2.1	Amended	The breakdown of funds which the Chief Executive agrees to pay to the Body is set out in Appendix 1 of this Agreement.
4.1	4.1	Amended	Where the Body sub-contracts or intends to sub-contract any duties or obligations arising out of this Agreement the Body must provide the Chief Executive with details of all sub-contractors bi-annually by fully and accurately completing the Declaration of Subcontractors form in accordance with the deadline set out in the Funding Rules. If the Body is not sub-contracting then a nil return must be received by the deadline date. The Body must notify the Chief Executive of any within year changes to its sub-contractors. The Chief Executive reserves the right to require the Body not to enter into or to terminate any sub-contract to deliver the Provision under this Agreement.
4.3	4.3	Amended	The delivery of the Provision under this Agreement may only be sub-contracted to one level.
	4.7	Added	The Body must seek the approval of the Chief Executive where it has not previously used sub-contractors and wishes to do so. This approval must be sought before awarding any services under this contract to a sub-contractor that is new to the Body.
4.7	4.8	No change in narrative	The Body may not assign any duties or obligations under this Agreement without the consent of the Chief Executive.
4.8	4.9	Amended	The Body must notify the Chief Executive if there is a change in its name and/or ownership . The Chief Executive reserves the right to terminate the Agreement if they consider in their absolute discretion that the change in ownership would prejudice the Body’s ability to deliver the Provision.

5.1.1	5.1.1	Amended	informing the Chief Executive's representative by telephone or email immediately The Body becomes aware of the event; and
5.1.2		Deleted	
6.1	6.1	Revised	The Body shall ensure so far as reasonably practicable that learning takes place in safe, healthy and supportive environments, which meet the needs of learners. The Body shall provide information to the Chief Executive, as and when specifically requested, to give assurance that adequate arrangements exist for learner health safety and welfare.
6.2	6.2	Revised	Where part of the learning takes place in an environment outside the direct control of the Body, the Body shall take all reasonable steps to ensure that adequate arrangements are in place to ensure the health and safety of Learners.
6.2.1 – 6.2.8		Deleted	
9.1.2	9.1.2	Amended	to at least meet the minimum quality standards that apply to the Learning Programmes delivered. These minimum quality standards and other types of underperformance will be set out by the Chief Executive;
9.1.3	9.1.3	Amended	to ensure competent and appropriately qualified staff deliver and assess learning. The Body shall be responsible for the professional development and training of its staff and for meeting any minimum requirements which may be required by OFSTED or other regulatory authority.
9.2	9.2	Amended	The Body must take all reasonable steps to meet the relevant requirements for data gathering for the FE Choices Performance Indicators as outlined currently at: http://fepi.skillsfundingagency.bis.gov.uk/ and in any subsequent updates to these web pages.
9.3	9.3	Revised	Where appropriate the Body shall confirm in writing to the Chief Executive that it has formal approval from relevant awarding bodies to deliver the qualifications, which form part of the Provision.
9.4	9.4	Amended	When the Body receives notification from OFSTED that the Provision (including leadership and management) is to be inspected, the Body shall provide the Chief Executive with a copy of its quality improvement activity, and any other relevant information in accordance with the required timescale of OFSTED.
9.5	9.5	Amended	The Chief Executive will issue the Body with a

			Notice of Concerns in the following circumstances:
	9.5.1	Added	The Body receives an inadequate OFSTED inspection rating (including leadership and management)
	9.5.2	Added	All or any part of the Provision delivered under this part of the Financial Memorandum falls below the minimum quality standards or other standards which may be set by the Chief Executive.
	9.5.3	Added	The Body is rated inadequate by the Chief Executive for financial health or financial control.
9.6	9.6	Amended	The Notice of Concerns will set out the reasons for the issue of the Notice of Concerns and the actions the Chief Executive requires the Body to take to address the concerns together with the timescales within which that action must be taken. The Notice of Concern may include additional conditions of funding.
9.7	9.7	Amended	The Chief Executive will notify LSIS that a Notice of Concern has been issued and LSIS will provide support to the Body to enable it to comply with the Notice of Concern.
9.7.1 – 9.7.5		Deleted	
9.8	9.8	Amended	The Notice of Concern and any additional funding conditions will be lifted once the Body has taken the required action to address the concerns within the timescales set out.
9.8.1 – 9.8.4		Deleted	
9.9	9.9	Revised	If the Body fails to take the actions set out in the Notice of Concern within the timescales set out, the Chief Executive will issue a Notice of Withdrawal of Funding. The Notice of Withdrawal of Funding will require the Body to carry out a fundamental review of its structures, leadership and operations to address the concerns set out in the Notice of Concerns. The Body will have the option of support from LSIS in carrying out this review.
9.10	9.10	Revised	Where the Body develops a robust plan that has the support of stakeholders and has been subject to a transparent and, if appropriate, competitive process, the Chief Executive will lift the Notice of Withdrawal of Funding. The Notice of Concern will remain in place until the plan has been implemented.
	9.11	Added	In the event that the Body fails to comply with the Notice of Withdrawal of Funding, the Chief

			Executive will issue a Confirmation of Withdrawal of Funding.
	9.12	Added	Once a Confirmation of Withdrawal of Funding has been issued the Body will be removed from the Register of Training Organisations and the Chief Executive will secure another training provider to deliver the Provision.
9.11	9.13	Revised	The Body shall for those staff delivering the services be responsible for their professional development and training and meeting any legal requirements to ensure that they are appropriately qualified and trained. The Body will ensure that its staff are trained in accordance with the Further Education Teachers Qualification (England) Regulations 2007 and the Further Education Teachers Continuing Professional and Registration (England) Regulations 2007 and LLUK Standards.

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