

# **Financial Memorandum Part 2**

Table of changes 2012-13

WITHDRAWN

May 2012

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

## Financial Memorandum Part 2

### 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	2011/14 Clause Reference	Nature of Change	2012/13 Revised Clause
1.2	1.2	Amended	The funding allocation(s) by the Chief Executive is made subject to the general conditions of payment of funds by the Chief Executive to the governing <b>Body</b> of the College set out in Part 1 of the Financial Memorandum between the Chief Executive and the College and to the conditions set out in this Part 2 and any other documents referred to herein.
2.1	2.1	Amended	The breakdown of funds which the Chief Executive agrees to pay to the College is set out in <b>Appendix 1</b> of this Financial Memorandum.
4.1	4.1	Amended	Where the College sub-contracts or intends to sub-contract any duties or obligations arising out of this part of the Financial Memorandum the College must provide the Chief Executive with details of all sub-contractors <b>bi-annually</b> , by fully and accurately completing the Declaration of Subcontractors form in accordance with the deadline set out in the Funding Rules. If the College is not sub-contracting then a nil return must be received by the deadline date. The College must notify the Chief Executive of any within year changes to its sub-contractors. The Chief Executive reserves the right to require the College not to enter into or to terminate any sub-contract to deliver the Provision under this part of the Financial Memorandum.
4.3	4.3	Amended	The delivery of the Provision under this part of the Financial Memorandum may only be sub-contracted to one level.
	4.7	Added	The College 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 warding any services under this contract to a sub-contractor that is new to the College.
4.7	4.8	No change in narrative	The College may not assign any duties or obligations under this part of the Financial Memorandum without the consent of the Chief Executive.
5.1.2	5.1.2	Amended	to at least meet the minimum quality standards that apply to the Learning Programmes delivered. These minimum <b>quality standards</b> and other types of underperformance will be set out by the Chief Executive;
5.1.3	5.1.3	Amended	to ensure competent and appropriately qualified staff deliver and assess learning. The College 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.
5.1.8	5.1.8	Amended	to ensure any sub-contractors delivering the Provision comply with the requirements set out in Clauses 5.1.1 to <b>5.1.7</b> above.
5.2	5.2	Revised	The College must take all reasonable steps to meet the relevant requirements for data gathering for the FE Choices Performance Indicators as outlined currently at <a href="http://fepi.skillsfundingagency.bis.gov.uk/">http://fepi.skillsfundingagency.bis.gov.uk/</a> and in any subsequent updates to these web pages.
5.3		Deleted	
	5.3	Added	Where appropriate the College 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.
5.4	5.4	Amended	When the College receives notification from OFSTED that the Provision (including leadership and management) is to be inspected, the College 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.
5.5		Deleted	
	5.5	Added	The Chief Executive will issue the College with a Notice of Concerns in the following circumstances:
5.6	5.5.1	Revised	The College receives an inadequate OFSTED inspection rating (including leadership and management)

	5.5.2	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.
	5.5.3	Added	The College is rated inadequate by the Chief Executive for financial health or financial control.
5.7		Deleted	
	5.6	Added	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 College 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.
5.7		Deleted	
	5.7	Added	The Chief Executive will notify LSIS that a Notice of Concern has been issued and LSIS will provide support to the College to enable it to comply with the Notice of Concern.
5.7.1 – 5.7.75		Deleted	
5.8		Deleted	
	5.8	Added	The Notice of Concern and any additional funding conditions will be lifted once the College has taken the required action to address the concerns within the timescales set out.
5.8.1 – 5.8.4		Deleted	
5.9		Deleted	
	5.9	Added	If the College 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 College to carry out a fundamental review of its structures, leadership and operations to address the concerns set out in the Notice of Concerns. The College will have the option of support from LSIS in carrying out this review.
5.10	5.10	Revised	Where the College 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.
	5.11	Added	In the event that the College fails to comply

			with the Notice of Withdrawal of Funding, the Chief Executive will issue a Confirmation of Withdrawal of Funding following consultation with the Secretary of State who may choose to exercise his statutory intervention powers.
	5.12	Added	Once a Confirmation of Withdrawal of Funding has been issued the College will be removed from the Register of Training Organisations and the Chief Executive will secure another training provider to deliver the Provision.
5.11	5.13	Revised	The College 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 College 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.
6.1.1		Amended	informing the Chief Executive's representative by telephone or <b>email</b> immediately The College becomes aware of the event; and
6.1.2		Deleted	
7.1	7.1	Revised	The College shall ensure so far as reasonably practicable that learning takes place in safe, healthy and supportive environments, which meet the needs of learners. The College 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.
7.2	7.2	Revised	Where part of the learning takes place in an environment outside the direct control of the College, the College shall take all reasonable steps to ensure that adequate arrangements are in place to ensure the health and safety of Learners.
7.3		Deleted	
7.3.1 – 7.3.8		Deleted	
7.4	7.3	No change in narrative	The College shall adopt recruitment processes that comply with the law and will ensure that children and vulnerable adult learners are protected. The College will take all necessary actions to comply with current legal safeguarding requirements. The College must

			<p>make the necessary checks to ensure that employment that involves regular contact with young people under the age of 18 or other vulnerable learners is not offered to or held by anyone who has been convicted of certain specified offences, or whose name is included on lists of people considered unsuitable for such work held by the Department for Education and the Department of Health. Information should also be sought from the Independent Safeguarding Authority (ISA) Vetting and Barring Scheme. The College must undertake an adequate risk assessment to establish what action is required where their employees have regular contact with learners under 18 or other vulnerable learners</p>
7.5	7.4	No change in narrative	<p>The College will carry out criminal records bureau checks on all overseas applicants for employment and seek additional information about an applicant's conduct. The College must review its records and be able to demonstrate it has robust record-keeping procedures in relation to the checks it has undertaken and the staff it employs.</p>
7.6	7.5	No change in narrative	<p>In working with other organisations/bodies, the College shall make arrangements to co-ordinate and co-operate effectively for reasons of learner health, safety and welfare. In particular, respective responsibilities shall be clearly identified and documented as appropriate, to ensure understanding.</p>
7.7	7.6	No change in narrative	<p>The College shall, in circumstances where it sub-contracts the management and/or delivery of the services under this Financial Memorandum, ensure that all the clauses in respect of specific learner incident reporting requirements and learner health safety and welfare are included in its Agreement with sub-contractors.</p>

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