



# Business Continuity Plan: Ensuring The Provision Of Adult Education

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## 1 Policy Statement

Cheshire West and Chester Council (CW&C) delivers an Adult Education programme across the borough using both direct and sub-contracted delivery through a range of trusted learning provider partners. We believe in the value of sub-contracting as a significant methodology for delivering adult education across the borough as our contracted providers are already in the communities where the learners are; responding to learners' needs in venues which are comfortable, safe and familiar places for learners. Through good leadership and management, CW&C's Skills and Employment team can deliver this community-centric, sub-contracted learning within a robust framework of quality assurance in harmony with our own directly delivered teaching and learning. Having a mix of our own tutors and venues, and some sub-contracted provision allows us to respond to local needs flexibly and responsively and to spread the positive impact of participation in learning as widely as possible.

This model of delivery relies on a central management team overseeing a wide range of disparate partners - all operating within their own set of circumstances - alongside our own direct delivery sites that also contain a mixture of direct delivery and sub-contracted provision. This policy statement details our overarching approach to minimising the impact of any disruption or potential disruption to service delivery. There is a specific focus on ensuring continuity for the learners' journey. Disruption to service continuity can potentially arise from key national or international events (such as Covid-19), the loss of key personnel, loss of a contracted partner, quality issues and/or instances of learner data falling below ESFA set minimum standards relating to a specific sub-contracted provider and potentially threatening the viability of the overarching ESFA contract.

## 2 Scope

This policy statement applies to all CW&C Adult Education provision: both direct delivery and supply chain activity, supported by funds allocated by the Education and Skills Funding Agency (ESFA). It covers Adult Education provision sub-contracting where there is the delivery of full qualifications, units and non-accredited learning by the sub-contractor. CW&C retains the full accountability for contract delivery and in turn the quality of the learner's experience.

## 3 Overarching Principles

CW&C Adult Education sub-contracted provision is considered by the Local Authority as its own provision. Our sub-contracted provider partners are considered both as providers that benefits from being part of their own distinct organisation, and also as contract holders of ours whose contract compliance, including quality assurance, must be performance monitored. We do not see these positions as contradictory; instead they work together to bring added value from us as the primary contract holder and the values and operating model of the sub-contracted organisation itself.



We have a framework of overarching assurances built in from the commissioning stage to the closure of the contract that minimise risks to the viability of the contract as a whole but there may be in-year circumstances that could threaten business continuity and additional actions are required to minimise contractual risk.

The learners' safety and success will be our overriding principle in ensuring business continuity and we will work to ensure that any business risk does not impact negatively on any individual or groups of participants' learning journeys.

#### **4 Key National Or International Event**

Events such as the Covid-19 pandemic and subsequent lockdown are, by their nature difficult to plan for in detail. However, the recent Covid-19 crisis has shown that flexible resources, blended delivery models and strong management and communication are key to being able to weather and then overcome a crisis.

In the event of a crisis CW&C will take all necessary actions to ensure learners, provider staff and CW&C staff are kept as safe as possible. We will minimise disruption to learners' programmes through managing close-down arrangements on a course by course basis and switching to online support to ensure achievement. We will utilise a virtual learning platform and other technologies to provide blended models of delivery to work safely within government guidelines. The Skills and Employment management team will meet more often (online if needed) and will co-ordinate and control emergency responses taking account of local council responses and central government requirements and guidance and develop and implement a Recovery Plan.

#### **5 Business Continuity – Loss Of Key Personnel**

All members of the central Local Authority management team have succession contingencies built into their teams as well as taking a 'shared leadership' responsibility for the service, so the loss of a key member of the team could be managed successfully in the short term. For any longer absence, the team may need to secure additional support from outside of the team. In some areas, this additional capacity would come from the wider council eg Finance. Where specialist support is required that has no equivalent within the wider council eg the management of our learner data systems, we have partnership networks with all the North West Local Authorities where we could source additional capacity as required.

#### **6 Business Continuity – Quality Assurance Issues**

Our contract sets out the Quality Assurance requirements for delivering an Adult Education programme under contract to Cheshire West and Chester Council. All partners are allocated a support officer from our Quality, Performance and Curriculum (QPC) team who provide day to day support and challenge to assure the quality of the learning experience. Partners are monitored against a key set of performance indicators and this process is managed by our central portal. All remedial actions required by a partner are logged here and monitored for completion. We operate an overarching partner assurance system that monitors performance across 3 dimensions: contract



performance including finance, quality assurance of teaching, learning and assessment, and learner data. All partners are given a mid-year position and notice to improve as required. Any failure to meet the required standards and could result in the ending of the contractual relationship with the council or future funding bids being rejected.

## **7 Business Continuity – Contractual Under-Performance And Minimum Standards**

We strive to ensure that our sub-contracting procedures are as flexible and responsive as possible to local need and we monitor contract performance on an ongoing basis. Partners are contracted at the start of the academic year and their performance is monitored regularly against clear contractual profiles. Through the QPC Senior Officer role, we provide day to day support and performance monitoring with partners; we become aware of any potential issues early in the contracting year. In addition to this, we have rigorous ongoing data checks. For Community Learning providers, we receive learner data at the end of each term, if not more regularly. At this point we will address any contractual under-performance following discussion with the partner. We would then either reprofile the contract to increase the following period's performance requirements or if we felt that the partner could not make up the under-performance, we would pay for the delivery that had taken place, reprofile the contract down accordingly and would make the additional funding available to other partners.

In the case of accredited provision, performance is paid on an ongoing basis and according to actual learner levels ie in real time. Qualification Success rates are monitored on a monthly basis. Although the Education and Skills Funding Agency no longer use Minimum Standards as a threshold for intervention on 19+ education and training, we will continue to use previously set thresholds within the bi-weekly Skills and Employment team meetings and benchmarked against best- and worst-case scenarios. The QPC officer responsible for the partner causing concern would then investigate the cause of any identified problem and support the partner to bring achievement rates up to the required standard, in order that annually published overall Achievement Rates are unaffected. Remedial actions may include Quality Assurance support for the teaching and learning, reprofiling the contract down, ending delivery on a particular learning aim for a particular partner or ending the whole contract at the nearest point that does not disadvantage any learners still on programme.

We operate a 4 year framework re-procurement of partners so have a pool of partners we can call upon. We also have the facility to procure short term contracts under £25k outside of the normal procurement framework. This can be used to ensure sufficiency of provision as required with the minimum of time and administration needed to secure the new provision.

## **8 Business Continuity - Loss Of Data Or Loss Of Access To Data**

Our Learner Data team manage thousands of learner records per year. All data transfer between partners is via a secure server, Cryptex. All hard copies are stored according to data management best practice and our process is compliant with GDPR 2018. Electronic input is on a local secure server with full back up and also on the ESFA server via the ILR. All staff receive annual Data Protection training.



For temporary breaks in service due to eg council server malfunction, the Management Information team operates dual IT systems to ensure we can continue operating. If our MI database provider (Terms) systems failed, we hold the return data set outside of Terms (on AWS servers in London) so we could reconstruct the data set on an alternative platform.

The Skills and Employment management team operate flexible and mobile working that includes home working using communication technology under the council's systems. Outside of this we have a personal WhatsApp group to ensure we maintain contact regardless of council telephony system failure; any short-term actions that need taking can be communicated.

## **8 Business Continuity – Loss Of Partner In Year**

There are rare cases of a partner withdrawing from a contract or ceasing to exist mid-way through the delivery of a qualification programme. If unable to fulfil their contractual performance (ie learners still enrolled on the programme and their learning goals not yet achieved), we would work with the partner to collect all the learner paperwork and source another suitable partner to finish the learning programme in a convenient location. We would notify the awarding body concerned regarding any changes in personnel involved in the assessment and moderation of the qualification programme in question. In some circumstances, we could use our own teaching staff to finish any outstanding learning to ensure no learner was disadvantaged by the original partner's closure.

In the most extreme case and assuming we had no other choice but to transfer the learners to a different provider's ESFA contract (eg a transfer to an FE college) we would withdraw all the learners from our ILR so they could be re-enrolled on the new provider's ILR. We would inform the ESFA that this was a transfer rather than a withdrawal so as not to impact on our Success Rates. The council's Legal department would be notified of any in-contract closures and support would be sought as required.

Our procurement processes include due diligence including credit ratings checks. We receive in year updates via credit reference agencies regarding any negative changes to our partners' financial stability and we are able to increase scrutiny.

All in-year contractual changes would be subject to approval of the Skills and Employment Manager and administratively overseen by the QPC Senior Officer to ensure payments and contracting amendments were managed appropriately.

ESFA would be notified of any in-year changes to our sub-contracting arrangements by email and our Declaration of Sub-Contracting arrangements updated at the nearest opportunity via the Information Management Services Hub.