

Schedule 1

Contract Responsibilities – 2018/19

1. Delivery and Monitoring of the Contract
Provider Contract Manager responsibilities
<p>1.1 Period of Agreement and Responsibilities</p> <p>The contract covers the period from XXXXXXXXXXXXXXXXXXXX</p> <p>The Provider Contract Manager at PROVIDER HERE is responsible for the delivery of the provision set out in Schedule 2. All courses must meet the curriculum specifications as detailed within this contract unless otherwise agreed in writing between both parties.</p> <p>Name of Provider Contract Manager: NAME HERE</p>
<p>1.2 Deliver the allocated provision in accordance with the contract and the agreed learner and financial profiles, success rates and other key performance indicators as specified in Schedule 2.</p>
<p>1.3 Contact Skills & Learning Bournemouth, Dorset and Poole to discuss contract and course variations and obtain prior agreement before implementing them.</p>
<p>1.4 Respond to requests for information and reports by specified deadlines. This may be inclusive of, but not limited to, access to all learner records including Individual Learning Plans, records of progress and examples of work. The Provider will also allow access to their premises and all documents relating to providing education and training funded under this agreement, by staff nominated by Skills & Learning Bournemouth, Dorset and Poole or the funding body.</p> <p>Give sufficient evidence to allow for:</p> <ul style="list-style-type: none"> ○ The assessment of performance against Ofsted's common inspection framework ○ The incorporation of evidence to feed into Skills & Learning Bournemouth, Dorset and Poole's self-assessment report ○ Guiding the judgements and grades within the self-assessment report
<p>1.5 Implement individual action plans to address any areas of concern if identified by Skills & Learning Bournemouth, Dorset and Poole.</p>
<p>1.6 Attend contract monitoring meetings as required (at least one meeting per term).</p>
<p>1.7 Respond to contract monitoring emails and other reporting formats by the dates specified in order to monitor delivery of contract against targets using key performance indicators (Enrolments, Learners, Attendance, Retention, Success rates) and to report on H&S, Equalities, safeguarding, complaints and other issues as required.</p>
Skills & Learning Bournemouth, Dorset and Poole responsibilities
<p>1A.1 Will provide details of named contacts who will liaise with the Provider Contract Manager to monitor performance and compliance with the terms and conditions of the contract.</p>

1A.2 Provide regular monitoring reports to the Provider Contract Manager on all key performance indicators.

1A.3 Produce appropriate and timely reports to enable provider contract managers to monitor key performance indicators and report on other issues in accordance with 1.7 above.

1A.4 Agree with Provider Managers the implementation of action plans to address any areas of concern identified by the above process.

1A.5 Conduct contract review meetings with Provider Managers at regular intervals to discuss contract issues and performance – see 1.6 above.

1A.6 Report on Strategic and Performance issues relating to the provision in the contract to the Skills Funding Agency, Education Funding Agency or other funding bodies as required.

2. Quality Requirements

Provider Contract Manager responsibilities

2.1 Ensure that all programmes are delivered using Skills & Learning Bournemouth, Dorset and Poole documents and paperwork as provided.

2.2 Ensure that all staff who have begun teaching since September 1st 2007, or are about to start teaching, have at least the Level 3 Award in Education and Training or a teaching qualification that maps to this or a higher current qualification, or are enrolled on the Level 3 Award in Education and Training course. All teachers must have completed the Level 3 Award in Education and Training within 12 months of starting teaching.

2.3 Ensure all teaching staff maintain records of continuing professional development (CPD) in an appropriate format.

Provider contract managers must make sure that records of the CPD undertaken by tutors are updated and made available to Skills & Learning Bournemouth, Dorset and Poole on request.

2.4 Ensure that CVs (detailing all qualifications) for all teaching staff involved in the delivery of the provision are provided to Skills & Learning Bournemouth, Dorset and Poole in advance and that agreement to the use of these teaching staff is given.

2.5 Ensure that all tutors attend or carry out mandatory training programmes either as arranged by Skills & Learning Bournemouth, Dorset and Poole or, subject to approval by Skills & Learning Bournemouth, Dorset and Poole, elsewhere – see 2.A2. Mandatory training includes:

Health & Safety (every 3 years)

Equality & Diversity (every 3 years)

Safeguarding (every 2 years)

GDPR/Data Protection (every 3 years)

Prevent (every 3 years)

The Statutory Duties with Keeping Children Safe in Education – applicable to partners delivering provision to 16-18 year olds (annual updates) <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

2.6 Ensure that all teaching staff on Literacy, Numeracy, ESOL or FLLN courses have the relevant Level 5 subject qualification. Teaching staff on other courses need to be qualified to at least one level higher than that they are teaching or have significant occupational/ vocational expertise at that level.

2.7 Facilitate the observation of teaching and learning in accordance with Skills & Learning

Bournemouth, Dorset and Poole policy and procedures see 2A.3.

Providers wishing to use their own observation scheme must obtain prior approval and carry out observations using the sampling method and grade profile rules specified in the Skills & Learning Bournemouth, Dorset and Poole policy. They must facilitate shadowing and grade moderation of their scheme by Skills & Learning Bournemouth, Dorset and Poole.

2.8 Work with Skills & Learning Bournemouth, Dorset and Poole to facilitate the capture of the impact that learning has had on each learner.

2.9 To make sure that learner, tutor and other complaints are dealt with and reported in accordance with the Skills & Learning Bournemouth, Dorset and Poole complaints policy and procedures.

2.10 Employ staff possessing appropriate specialist qualifications for the delivery of:

- Courses involving the handling of food
- Health, fitness and sport courses

These requirements are specified in the quality standards for these courses.

2.11 Information, Advice and Guidance.

All Learners must receive advice and guidance from an IAG qualified member of staff or, if not qualified, with significant and successful experience in providing IAG, resulting in the production of an appropriate action plan. If providers are unable to deliver this they must inform Skills & Learning Bournemouth, Dorset and Poole so that alternative arrangements can be made.

2.12 Progression Survey (Destination Data)

Work with Skills & Learning Bournemouth, Dorset and Poole to facilitate the capture of progression and destination data for each learner.

Ensure all learners aware that this data will need to be captured.

2.13 Provide a Self Assessment Report, and a quality improvement plan, with evidence of this being monitored and planned improvements made.

2.14 To contribute to the continuous quality improvement of sub-contracted provision by attending the contract monitoring meetings as arranged by Skills & Learning Bournemouth, Dorset and Poole.

Skills & Learning Bournemouth, Dorset and Poole responsibilities

2A.1 Provide paperwork and documents for the delivery of programmes – see 2.1 above.

2A.2 To monitor tutor qualifications, devise tutor and other training programmes, inform provider managers about these and monitor attendance by tutors.

2A.3 To carry out Teaching and Learning observations and other quality visits, feedback results and agree improvement actions with provider managers in accordance with Skills & Learning Bournemouth, Dorset and Poole policies.

2A.4 To collate and summarise the end of course surveys and the learning impact survey and provide regular reports of findings and agree actions for improvement with providers.

2A.5 Ensure appropriate arrangements are in place for dealing effectively with and reporting on learner, tutor and other user complaints and compliments.

2A.6 To include discussions relating to continuous quality improvement within the contract monitoring meetings.

3. Health and Safety

Provider Contract Manager responsibilities

3.1 Ensure that learning takes place in a safe, healthy and supportive environment, which meets the needs of learners. All providers must comply with the arrangements for monitoring and improving learner health and safety as set out in the Skills & Learning Bournemouth, Dorset and Poole Learner Health and Safety policy.

3.2 Provide information to Skills & Learning Bournemouth, Dorset and Poole, as and when specifically requested, to give assurance that adequate arrangements exist for learner health, safety & welfare.

3.3 The Provider shall inform Skills & Learning Bournemouth, Dorset and Poole of the death of any learner which is as a result of work undertaken whilst in employment and who is undertaking a related learning programme.

3.4 The Provider shall report all RIDDOR reportable accidents in line with the Regulations, and shall investigate or assess the circumstances of all learner incidents within the scope of RIDDOR and follow HSE guidance.

Skills & Learning Bournemouth, Dorset and Poole responsibilities

3A.1 Provide H&S advice and support & monitor and report H&S incidents to the Skills Funding Agency and/or Education Funding Agency – in accordance with the Skills & Learning Bournemouth, Dorset and Poole Health and Safety policy.

4. Safeguarding & PREVENT (Duty to prevent people from being drawn into terrorism)

Provider Contract Manager responsibilities

4.1 The Provider will adopt recruitment processes that comply with law and ensure that children and vulnerable adult learners are protected. Ensure that all tutors coming into regular contact with young people aged 18 and below have a valid DBS check in place. The Provider will undertake adequate risk assessments to establish what action is required where their employees have regular contact with learners under 18 or other vulnerable learners.

4.2 Provide a designated member of staff for safeguarding issues.

4.3 Ensure that all safeguarding concerns are reported via the arrangements set out in the Skills & Learning Bournemouth, Dorset and Poole policy.

4.4 Ensure that all staff attend or carry out appropriate safeguarding training as arranged or agreed by Skills & Learning Bournemouth, Dorset and Poole.

4.5 Provide details of DBS checks and staff safeguarding training to Skills & Learning Bournemouth, Dorset and Poole by specified deadlines. Detail of the DBS check will include the unique identifier number from the certificate, full name of applicant and their date of birth.

4.6 Ensure that you will commit to work with Skills & Learning in fulfilling our duty to prevent people from being drawn into terrorism as a part of the government's counter-terrorism strategy (Prevent) relating to educational/community groups. This will include demonstrating Prevent training for all front line staff.

Skills & Learning Bournemouth, Dorset and Poole responsibilities

4A.1 Maintain a central record of DBS checks and Safeguarding training undertaken by members of staff in all sub-contracted provision.

4A.2 Provide designated members of staff to advise, report and record safeguarding concerns.

4A.3 Provide regular safeguarding training for tutors and managers.

5. Equality & Diversity

Provider Contract Manager responsibilities

5.1 To maintain an Equality and Diversity policy, and procedures, in line with the Equality Act 2010 and ensure equality of opportunity is built into all aspects of the provision.

5.2 To provide data relating to equalities as required by Skills & Learning Bournemouth, Dorset and Poole

5.3 To take agreed actions to address any equalities and diversity issues as identified by Skills & Learning Bournemouth, Dorset and Poole.

Skills & Learning Bournemouth, Dorset and Poole responsibilities

5A.1 To provide regular and timely reports to enable the monitoring of equality and diversity issues.

5A.2 To devise and agree actions with providers to address any identified equality and diversity issues.

5A.3 To monitor and record all complaints relating to equality and diversity issues.

6. Data Gathering & Reporting Requirements

Provider Contract Manager responsibilities

6.1 Provide proposed course schedules and course information.

6.2 All providers must enrol learners using the Skills & Learning Bournemouth, Dorset and Poole enrolment and learning agreement forms.

6.3 The provider manager must make sure that data and enrolment forms/learning agreements are submitted in accordance with the format agreed with Skills & Learning Bournemouth, Dorset and Poole.

6.4 The provider must facilitate any audits of data, enrolment, attendance and other evidence as required by Skills & Learning Bournemouth, Dorset and Poole – see 6A.2.

6.5 Maintain records of learner enrolment, attendance and evidence of learner achievement for seven years to meet skills funding agency audit requirements.

6.6 Provide monthly learner monitoring reports to Skills & Learning Bournemouth, Dorset and Poole in a format to be provided.

Attendance on all courses must be closely monitored. All unexpected absences must be followed up by making contact with the learner to investigate the reason and encourage future attendance.

Withdrawals must be reported to Skills & Learning Bournemouth, Dorset and Poole within one week.

Attendance rates (measured as a % of all possible attendances) must be at least 80%. Where rates fall below the Provider contract manager will be required to investigate and report on actions taken to

improve future attendance.

Skills & Learning Bournemouth, Dorset and Poole will agree further key performance indicators with the Provider contract manager covering retention rates, achievement rates and success rates.

Skills & Learning Bournemouth, Dorset and Poole responsibilities

6A.1 Provide copies of enrolment forms to providers on a timely basis.

6A.2 To undertake auditing activity to ensure that providers are compliant with agreed processes and core documentation at the point of delivery. Audit activities may include visits to ensure that contractual requirements are being adhered to; for example, that Individual or Group Learning Logs are in place and data and learner information requirements are being met.

6A.3 To compile the Skills Funding Agency data returns for provision delivered to meet Data Service / Education & Skills Funding Agency deadlines and requirements.

6A.4 To ensure that attendance is monitored across all sub-contractors in accordance with 6.6 above.

7. Financial Requirements

Provider Contract Manager responsibilities

7.1 The Provider will raise and issue invoices to Skills & Learning Bournemouth, Dorset and Poole for the amounts of the agreed funding according to the timetable set out in Schedule 2.

7.2 The Provider will keep full written records and accounts detailing how the funding is used in the provision of services together with records specifying any other matters in connection with the provision of the services as Skills & Learning Bournemouth, Dorset and Poole may from time to time reasonably specify.

7.3 The Provider should offer fee remissions/reductions to qualifying learners in accordance with Education & Skills Funding Agency Funding Rules as amended and updated from time to time.

Skills & Learning Bournemouth, Dorset and Poole responsibilities

7A.1 Skills & Learning Bournemouth, Dorset and Poole shall pay the Provider the funding in accordance with the payment details set out in Schedule 2.

7A.2 Skills & Learning Bournemouth, Dorset and Poole will make payments for the provision of services according to the timetable set out in Schedule 2. In circumstances where the provider has not provided the services in accordance with the provisions of Schedule 2, Skills & Learning Bournemouth, Dorset and Poole reserves the right to make suitable and reasonable amendments to the schedule of payments at any time.

If data returns are not submitted in accordance with the contract Skills & Learning Bournemouth, Dorset and Poole reserves the right to withhold the charges payable for the services for that period and to pay those charges at the next period at which data returns are properly completed and submitted in accordance with Schedule 2.

Final payments will not be made until all data for the year has been submitted to Skills & Learning Bournemouth, Dorset and Poole, and Skills & Learning Bournemouth, Dorset and Poole reserves the right to amend the payments in accordance with actual Provider performance for the year.

8. Publicity, Marketing and Branding Requirements

Provider Contract Manager responsibilities

8.1 Partner organisations must acknowledge their relationship with Skills & Learning Bournemouth,

Dorset and Poole when marketing or promoting learning products or services governed by this contract.

This includes the display of the Skills & Learning, ESFA logos and ensuring learners and employers supported by this Agreement know about your and our roles and responsibilities in providing the learning.

Skills & Learning Bournemouth, Dorset and Poole monitors branding compliance by partners through its contract management processes, including contract review meetings and visits to providers by Skills & Learning Bournemouth, Dorset and Poole staff.

Skills & Learning Bournemouth, Dorset and Poole responsibilities

8A.1 As part of its marketing strategy Skills & Learning Bournemouth, Dorset and Poole will promote learning products and services delivered by partner-providers and governed by this agreement using a variety of communications channels and media, including an online course search directory, as well as digital and print advertising where appropriate.

Skills & Learning Bournemouth, Dorset and Poole will undertake promotional initiatives, including hosting learner awards ceremonies, and public relations activities to maximise awareness and widen the appeal of adult learning in target markets.

Skills & Learning Bournemouth, Dorset and Poole will assist in creating opportunities for partner-providers to showcase achievement by their learners and thereby promote learning products and services governed by this agreement.

Skills & Learning Bournemouth, Dorset and Poole will engage with learners in target markets to improve understanding of individual learner experiences, identify barriers and opportunities for learning, and will make the findings available to partner-providers to inform partner marketing activity.

Skills & Learning Bournemouth, Dorset and Poole will provide, where available, materials for external events such as learning fares, workshops, and educational conferences to increase awareness of learning opportunities among target markets.

9. Other Requirements

Provider Contract Manager responsibilities

9.1 To attend contract induction training as and when provided by Skills & Learning Bournemouth, Dorset and Poole.

9.2 Fully contribute to the development of strategies relevant to the provision in the contract as required by Skills & Learning Bournemouth, Dorset and Poole.

9.3 To fully facilitate the inspection of the provision in the contract as required by Ofsted.

The provision in this contract will be subject to an Ofsted Inspection of Skills & Learning Bournemouth, Dorset and Poole with just two working days notice.

Extracts from the Further Education & Skills Inspection Handbook – for use from July 17, Updated April 18

“As part of the inspection, inspectors may sample:

Subcontracted provision that is part of the direct contract/ grant holder’s responsibility is also in scope of inspection.

Inspectors may inspect any provision carried out on behalf of the provider through subcontract(s) or

partnership arrangements, including by subcontractors that hold additional direct contracts of their own.

Provider Contract Managers must make certain that they have plans in place so that are able to fully facilitate short notice inspections, allowing inspector's access to provision as required. It is also vital that all course schedules, tutor details and other relevant information held by Skills & Learning Bournemouth, Dorset and Poole are accurate and up to date to ensure that inspections can be planned with only two working day's notice.

9.4 To provide Skills & Learning Bournemouth, Dorset and Poole with all external verifier and other awarding body reports relevant to the provision in the contract.

Skills & Learning Bournemouth, Dorset and Poole responsibilities

9A.1 To provide appropriate contract induction training for all Provider Contract Managers.

9A.2 To take the lead in developing strategies relevant to the provision in the contract.

9A.3 To take the lead in organising Ofsted inspections and providing feedback to providers about the outcomes of such inspections.

AS WITNESS the hands of the Parties the day and year first before written.

Signed on behalf of the Council

Name.....

Position

Date

Signed on behalf of the Provider

Name.....

Position

Date