

WEST MIDLANDS COMBINED AUTHORITY
Adult Education Budget
AEB Provider Payment & Performance
Management Framework
(For the funding year 1 August 2022 to 31 July
2023)

Version 1 - DRAFT

This document sets out the payment and performance rules that apply to all providers of education and training who receive adult education budget funding for residents residing in the West Midlands Combined Authority (WMCA) area.

Issue date;	July 2022
Amendments made from previous academic year;	Refer to Annex x of this document.
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Introduction and purpose of the document

1. This document provides Payment and Performance management guidance for Independent Training Providers (ITPs), and Grant-funded providers who receive either devolved AEB funding or delegated Free Courses for Jobs (FCFJ) or NSF Technical Bootcamp funding from the WMCA for the 2022/23 funding year. This document should be read alongside your Contract or Grant Agreement, the detailed [WMCA funding rules 2022/2023](#), the [ESFA Individualised Learner Record \(ILR\) specification](#) and provider manual for 2022/23, [WMCA Skills Programme Coding Guidance](#), and any other relevant documents referred to in those documents.
2. We will use our approach to funding to make sure learning provision is of a high quality. We will use your ongoing track record to assess your ability to deliver education and training to the required standard. The standards include Ofsted grades, in-year performance, minimum standards, financial health, financial management and control, and delivery against your contract, where this information is available.
3. This guidance has been updated in July 2022 to reflect changes and will be reviewed again before July 2023 at the latest. If you have this guidance in a saved offline or hard copy format, you are advised to check on the WMCA website to ensure you are using the most up-to-date version of the publication.
4. WMCA reserves the right to make changes to these rules and will publish any updated policies and rules on the [WMCA website](#)

Overview

5. It is really important to us that we establish local delivery networks and clear progression pathways for residents. Whilst WMCA will work with you to manage contract performance and compliance, we also expect our providers to work collaboratively with local authorities and other key stakeholders to deliver a more strategic and joined-up offer that better meets local needs.
6. At the centre of our provider management approach is the delivery plan that we agree with each individual provider across all provider types. The delivery plan, once agreed, will form the basis of monitoring and performance management throughout the year. Performance against the delivery plan will inform decisions related to intervention and funding increases and decreases.
7. We will continue to bring a sharper focus on outcomes for our residents related to job outcomes for the unemployed, and in-work progression leading to better pay for the low waged. As set out in the funding rules and as part of the conditions of funding, the accuracy of recording destinations will be key across all provider types.
8. WMCA have set out clear data review points in which we will be monitoring destinations across all providers. More information on this is included below in **Destination and Progression Tracking**. In turn, there will be a clear focus on sustainable employment for Pre-Employment Training courses such as SWAP, and Sector Gateway, Construction Gateways and Digital bootcamps.
9. Our performance management approach is risk-based, and we will use regular performance management points to test progress against the delivery plan and associated funding profile. More information can be found in the section on **Provider Management Review and Monitoring**.
10. To enable this dialogue, each provider has a nominated lead Skills Delivery Officer to manage the relationship and implement this approach. Grant providers will also be allocated a Relationship Manager.
11. Providers do not need to wait for these performance management points and can discuss performance with their Skills Delivery Officer if they identify that they're not meeting profile or when they are experiencing higher demand. Growth isn't guaranteed and will depend on the funding available and the providers performance to contract; providers are reminded that growth is linked to impact, and we will need to see clear destination data before we can look to re-distribute funding throughout the year.
12. We have two means of purchasing AEB:
 - 12.1. Grant-funded provision (underpinned by a delivery plan) for local authorities, FE colleges and the Workers Education Association (WEA).
 - 12.2. Procured provision via a Dynamic Purchasing System (underpinned by a delivery plan) delivered through a Contract for Service, for all other providers.
13. The principles of how we want to work will be the same for both sets of providers – open, transparent and in partnership but there are technical and process differences in how we apply our performance management framework. It does not mean we value any provider over another.

Grant-funded providers

14. The WMCA will award Grant agreements on an annual academic basis. Where there is under-performance, we reserve the right to rebase providers' allocations. Where providers have identified and worked with us to manage this underperformance, we will discuss the requirement for re-basing, where providers do not declare underperformance, we may rebase allocations automatically.
15. We will pay providers operating under grant agreement a standard profile in line with the ESFA national funding arrangements (set out in paragraph 71). We will continue to consult with Colleges West Midlands (CWM) and Adult and Community Learning Alliance (ACLA) during the year on the appropriateness of this profile and will consider alternative arrangements should they be proposed.
16. We will hold performance management meetings up to three times a year, which will focus on strategic and future plans, and how you are progressing towards achieving the activity set out in your Delivery Plan, and funding returns. At these points, significant under-delivery may be re-deployed and payments re-profiled in discussion with you.
17. We will be open to discussions about growth in year but there is no guarantee that we will be able to award this. Any growth requests will need to follow the WMCA business case process and will need to be in line with the AEB Strategy. Equally, there is no guarantee that any over delivery will be funded.
18. Over delivery and/or delivery towards non approved qualifications will not be funded unless an appropriate business case has been submitted and approved in writing by WMCA.

Financial Intervention Regime for FE Colleges

19. To be successful, colleges need to be well managed and financially resilient. Over the last few years, the area review programme and the investment Government has made in restructuring has helped make many colleges more sustainable. However, the Department for Education (DfE) at a national level knows there is a risk that colleges may still get into financial difficulty. So, DfE have published additional guidance on College oversight, support and intervention, information on this can be found [here](#).
20. While the WMCA will be performance-managing its FE colleges in relation to delivery of AEB, the DfE will continue to monitor FE colleges nationally. We will always look to offer supportive and preventative approaches to support colleges in difficulty.
21. If the DfE and/or the WMCA has evidence of risk, underperformance or non-compliance with funding requirements, they will work together to intervene in proportion to the seriousness of the issues and the college's context and circumstances. The WMCA will be working with the DfE territorial teams and would be part of any review team, whether that is early intervention or working with the FE Commissioner. This approach will reduce the need for any separate review to be undertaken. The DfE and WMCA will be looking to ensure that any action taken:
 - 21.1. is in the interest of the learner
 - 21.2. protects public money
 - 21.3. achieves resolution of financial or quality concerns at pace

Contract for service providers

22. The WMCA has awarded Contracts to independent training providers following procurement exercises. Each contract for service is awarded in line with the specification for the relevant Lot. Contract for services providers should review the contract term as set out in the specification. Contract allocation is subject to an agreed delivery plan.
23. The WMCA will pay on actual delivery, paid monthly in arrears. Individual delivery profiles will be developed for each provider in receipt of a Contract in order to monitor performance.
24. We will hold performance management meetings up to three times a year which will focus on how you are progressing towards achieving the activity set out in your Delivery Plan, and funding returns. We will reserve the right to also monitor how you are delivering against your social value metrics.
25. At these points, significant under-delivery may result in contract reductions. You can voluntarily reduce your AEB funding allocation. If you want to do this, please have a conversation with your Relationship Manager, AEB Performance Manager or Skills Delivery Officer as soon as you are aware that you may have potential under-delivery.

26. We will be open to discussions about growth in year but there is no guarantee that we will be able to award this. Any growth requests will need to follow the WMCA business case process and will need to be in line with the AEB Investment in line with the Investment Plan.
27. Over delivery and/or delivery towards non approved qualifications will not be funded unless an appropriate Business case has been submitted and approved in writing by WMCA.

Financial due diligence

Providers in receipt of a Contract

28. In 2021/22 the WMCA implemented a new approach to financial due diligence and financial health assessment and will maintain this in 2022/23.
29. We test financial health to gain comfort that providers are financially resilient and to enable us to work collaboratively with providers to put in place early intervention to ensure that learning will continue to be delivered and address the potential risk of failure.
30. It is mandatory for all providers to submit the information requested by the deadlines set and we expect that this information is provided in full. Failure to meet deadlines may result in the withholding of payment and/or result in serious breach of contract related financial probity.
31. This guidance has been reviewed in July 2022, with no updates required and will be reviewed again before July 2023 at the latest.
32. More information on the Financial Due Diligence and Financial Health Monitoring for Independent Training Providers (ITPs) can be found [here](#).

ESFA Oversight of Independent Training Providers (ITP)

33. Independent training providers are a key part of the WMCA delivery base supporting our residents and employers. Although the ESFA's oversight model is not contractual, its contract management approach is similar to the WMCA and we will work together to take early action to address the potential risk of failure.

Community Learning

34. If you are delivering Community Learning (CL) activity, we expect this to be delivered in line with what we have set out in our Community learning strategy and community learning investment plans. Providers should continue to use the 'non-formula funded' approach.
35. ILR data must be recorded using the WMCA source of funding code 112 and the Funding Model Code 10.
36. CL will continue to be funded under grant to those local authorities and colleges recognised by the WMCA as community learning providers.
37. It's key that CL provides support to those that have been out of education for an extended period of time or those that are furthest away from the labour market.
38. Our intent for CL is to ensure that an offer exists within each local authority area to support education for employment and education for the well-being of our residents.
39. The purpose of CL is to develop the skills, confidence, motivation and resilience of adults of different ages and backgrounds in order to:
 - 39.1. Improved Health and Wellbeing
 - 39.2. Improved confidence
 - 39.3. Improved inclusion and integration
 - 39.4. Developed key life skills
 - 39.5. prepared towards employment
40. Each community learning provider will complete a community plan and outcomes statement on an annual basis which the WMCA will monitor against at Performance Management Points.
41. We expect the community plan and outcomes statement to align with Local Authority plans as well as. our community learning priorities outlined in AEB strategy (2022-2025) digital inclusion, family learning, sustainability and health & wellbeing, with clear progression routes into further education.

Supply chain and consortia

42. As part of agreeing on your yearly delivery plan, the decision to enable you to use supply chain partners and values to which you can, will have been confirmed.
43. You cannot enter into a supply chain relationship without the express written agreement of the WMCA at any point in the year. If you wish to review any part of your supply chain midyear, including supply chain values, please submit a business case.
44. The WMCA considers the term 'supply chain delivery member' to encompass all third-party arrangements you have with other organisations where they are managing and delivering a proportion of your WMCA delivery plan - this encompasses 'learner find' services, job placement services as well as the delivery of all or elements of the teaching, learning or assessment.
45. If providers intend to source, through procurement or otherwise, additional supply chain members then the WMCA must be notified in advance of publication of procurement opportunity. We would want to understand particularly how this provision would enhance the offer to residents and see alignment to the WMCA Regional Skills Plan priorities.
46. Where the aggregate value of the supply chain delivery partner's delivery exceeds £500,000, we expect the supply chain delivery partner to partake in the standard Performance Management Reviews held between the WMCA and the lead provider.
47. For full details on supply chain, please refer to the Skills programme [Supply chain rules](#).

Data collection

Data submissions

48. As a provider, you must have the capacity and capability for accurate data and evidence collection, management and reporting, and must be able to comply with both the WMCA and the ESFA submission of data. This will include, but is not limited to, the ILR or Earnings Adjustment Statement (EAS) and any associated evidence, with prompt changes to learner data e.g. withdrawals from learning.
49. ILR data must be sent to the ESFA by uploading a file in XML (extensible mark-up language) format to ESFA's secure online portal, 'submit learner data portal' and this should be submitted on a monthly basis, in line with the ESFA data collection timetable. If you do not have an MI system capable of generating an XML file, then you should use the ESFA ILR Learner Entry Tool which will enable you to create an ILR file for upload to the 'submit learner data portal'. ESFA and the WMCA recommend uploading the data as compressed files. The file must contain all Learner records, Learning Delivery records and Learner Destination and Progression records for all WMCA funded residents for the year to date.
50. As a provider, you must submit a single file containing all your learner, learning and destination records for all AEB funding for the year to date. Each file overwrites all previously submitted records by you. This means that you cannot split the data into separate files and transmit each file separately. You cannot send records for learners funded from different funding models in separate files, as these will overwrite one another.
51. Destination and Progression data cannot be sent in a separate file to Learner and Learning Delivery data: doing so would cause the Learner and Learning Delivery records to be deleted from the ILR database. Once you submit a file to the Hub it cannot be deleted, if the file contains incorrect data this can only be corrected by submitting another ILR file to overwrite the incorrect one. The last file submitted by you will be the one loaded into the national database for that return.
52. Providers must ensure that all documentation relating to the enrolment of WMCA residents and the record of learning activity is completed accurately. ILR data submitted for WMCA residents will continue to be sent to the ESFA through "[Submit learner data portal](#)".
53. Providers should refer to the [ILR Specification](#), validation rules and appendices 2022 to 2023 to assist them with uploading the data correctly and in the format required by the ESFA. The ESFA will validate this data in line with their validation rules prior to it being forwarded to the WMCA. If the details for the learner do not pass the ESFA validation, it will not be received by the WMCA and will not generate funding. Further guidance can also be found in the ESFA Provider Support Manual 2021/22.
54. For devolved provision, the ILR has a set of funding codes unique to WMCA delivery can be found in the [Skills Programme Coding guidance](#).
55. It is a requirement of WMCA that data is submitted monthly. Where you do not intend to submit a return for any reason, please notify your Skills Delivery Officer, prior to submission.

56. ILR files will be validated at the point of transmission against both definition and validation rules. If any data fails the validation checks, then the learner record and all associated records for that learner will be rejected. Rejected records are not loaded into the national ILR database and so do not generate funding; these records are reported on the rule violation report. This will ensure that the data received by the WMCA is accurate and complete as the basis for payment.
57. As part of our assurance work, the WMCA will be monitoring the data you submit to the ESFA from the ILR and the EAS. The WMCA will carry out regular desktop reviews of how the national funding system and the WMCA funding rules are operating, allowing us to identify possible errors in the devolved AEB funding claimed for WMCA residents by providers, which might require further investigation. We will contact you where we identify you have submitted data that does not meet our funding rules and ILR requirements. We will require you to correct inaccurate ILR and EAS data; WMCA will exclude related payments until corrected.
58. To provide further assurance, the WMCA may use the services of the ESFA and/or other appointed suppliers to undertake field-based activity as part of our annual assurance programme of work, comprising of funding compliance audits and targeted thematic funding assurance reviews and/or audits.
59. In addition, WMCA will expect providers to regularly review their software systems and processes to check for data accuracy. For 2022/23 you will continue to be able to access the ESFA systems – these are the funding information system (FIS); the Submit learner data portal; Individual Learner Record Reports; and the provider data self-assessment toolkit (PDSAT).

Data validation undertaken by the WMCA

Earning Adjustment Statement (EAS)

60. The use of the EAS for 2022/23 will be further reduced with it being solely used for Prince’s Trust, Excess Learning Support, Additional Learner Support and Discretionary Learner Support going forward.
61. The use of EAS is now only valid for the below where WMCA has given prior approval and is included in the providers delivery plan:
 - 61.1. Excess learning support
 - 61.2. Prince’s Trust
 - 61.3. Learner support
 - 61.4. Discretionary Learner Support
62. EAS claims must be submitted by providers monthly and the values claimed will be reconciled with the occupancy reports, ILR and your agreed delivery plan.

Payment Arrangements

63. The WMCA will run the BACS payments on the 15th working day of each month. You will need to ensure that you have cash flow available to accommodate these payment terms.
64. Grant Providers will be provided, in advance of the start of the funding year, with a payment profile based on your agreed delivery plan, underpinned by your Grant/Contract.
65. Contract for Services Providers will receive payment based on actual delivery.
66. You will be advised in writing in advance of any in-year changes being made to the value of your Grant or Contract. WMCA reserves the right to cease payments, should you be in breach of your Contract/Grant.
67. The normal payment timeline is shown below:

Day of month	Action
Workday 4	Provider submits ILR to ESFA
Workday 5	ESFA runs validation checks
Workday 6	WMCA receives occupancy report
Workday 7 – Workday 14	WMCA checks accuracy of returns
Workday 15	WMCA Bacs run to providers

68. For all providers, funding agreements will span two financial years:
 - 68.1. August 2022 to March 2023: periods 1 to 8 of the 2022 to 2023 funding year

68.2. April 2023 to July 2023: periods 9 to 12 of the 2022 to 2023 funding year

Grant funding arrangements

69. Grant-funded providers will have submitted and agreed a delivery plan for the 2022/23 funding year. The plan includes estimates of volumes, mix of provision, spending across the full range of provision you expect to deliver and reconciles to the total value of your Grant allocation.
70. Grant can be used only to fund new starts for adult skills, non-formula funded community learning (where applicable to you) and learner support. The delivery plan will underpin your performance management dialogue.
71. Providers operating under grant arrangements will be paid on profile. The payment profile for the funding year 1 August 2022 to 31 July 2023 is set out below and includes Community learning:

	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	P11	P12
Monthly profile	14.44	8.56%	8.65%	7.06%	5.67%	7.42%	5.38%	5.34%	12.75	10.26	8.74%	5.77%
Cumulative monthly profile	14.40	22.96	31.61	38.67	44.34	51.76	57.14	62.48	75.23	85.49	94.23	100%

72. Whilst payment mechanisms might be different, the new risk-based performance management principles will apply to all AEB providers, including those funded by Grant.
73. There will be funding review points where we will review allocations in line with the funding claim submissions, which will set out your actual delivery to date and provide a forecast for the remainder of the year.
74. The management points for grant using the most recent set of submitted data will be:

Funding review point	Submission date
Mid-year Claim	February 2023
Year-end Claim	June 2023
Final funding Claim	November 2023

75. The reviews may lead to an adjustment to the maximum contract value. We will work closely with both Colleges West Midlands (CWM) and Adult Community Learning Alliance (ACLA) to re-allocate plan-led funding from underperforming plan-led providers and seek to re-allocate to those who can provide a clear rationale to meeting regional skills priorities through growth cases.

Grant end of year reconciliation

76. For Grant-funded providers, at the end of the 2022 to 2023 funding year, the WMCA will apply a 3% reconciliation tolerance. Where your overall delivery of your WMCA-devolved AEB is at least 97% of your Grant allocation, the WMCA will not make any year-end adjustment and you will not have to pay back any unspent funds.
77. The WMCA calculation of whether a provider has delivered 97% will include delivery confirmed through a review of their ILR, EAS information and their in-year overall performance.
78. Through our in-year monitoring, we will continually test that plan-led providers are focused on meeting their allocation at 100% to inform future changes to the reconciliation tolerances. The WMCA will not pay over 100% unless it agrees to do so through a formal Business case for growth.
79. There will be funding review points where we will review allocations in line with the funding claim submissions, which will set out your actual delivery to date and provide a forecast for the remainder of the year. The management points for Grant providers using the most recent set of submitted data will be:

Funding review point	Submission date
Mid-year Claim	February 2023

Year-end Claim	June 2023
Final funding Claim	October 2023

80. In 2022/23, as part of the Performance and Management rules, we are setting a cut-off date of April (R08), for in year contract reductions, where these may affect end of year outcome and reductions.
81. It should be noted that WMCA will not pay on R13 return and any remaining monies owed to a provider will be paid as part of the R14 reconciliation.

Contract for services funding arrangements

Contract funding principles

82. ITPs who have secured a Contract with the WMCA will be subject to its risk-based financial due diligence and financial health assessment.
83. ITPs who have secured a Contract with the WMCA will be paid on actual delivery, one month in arrears, for the 2022/23 funding year. Your payments will be based on your actual delivery and reconciled against your proposed delivery plan on a monthly basis. At no stage will the cumulative payments made to a provider, breach the maximum value of the contract.
84. Any over-delivery or delivery outside the agreed delivery plan will not be funded. Variations to contract values and delivery plans will need to be formalised through a growth/flexibility business case that has been submitted and formally approved in writing by WMCA.
85. These arrangements will apply to all providers.
86. There will be funding review points where we will review allocations in line with the funding claim submissions, which will set out your actual delivery to date and provide a forecast for the remainder of the year. The management points for Contract for Service providers using the most recent set of submitted data will be:

Funding review point	Submission date
Mid-year Claim	February 2023
Year-end Claim	June 2023
Final funding Claim	October 2023

87. At key funding review points, we reserve the right to recover funds where underperformance against the delivery plan is a significant concern. If any funds are recovered, we may make this available to fund growth requests covered later in this document.
88. The WMCA will use the following tolerances at key performance points during the year when a provider falls outside of the tolerances. We will recover underperformance related to funding value:

Funding review point	Date	Tolerance
R04	December	15%
R08	April	10%
R12	July	5%
R14	October	0%

89. The WMCA will reserve the right to re-profile, reconcile or cease payments at any point during the funding agreement period.
90. Any provider with identified funding under-performance at any of the performance management points must work with their designated WMCA Relationship manager, AEB Performance Manager and Skills Delivery Officer by submitting a plan setting out how they intend to address under-delivery.
91. It should be noted that WMCA will not pay on R13 return and any remaining monies owed to a provider will be paid as part of the R14 reconciliation.

Formal Performance Review arrangements

92. Internal Performance review points are as listed below and will include quality, delivery, finance, compliance and your overall progress against your delivery plan.
93. We will use your delivery plan, profiles, data submissions, destination and compliance and audit assurance to performance manage your contract.
94. You will need to complete a report, which sets out performance to date, forecast to the end of the funding year, along with details of any existing or potential issues/risks relating to under/over performance in terms of expenditure or delivery. This report will provide qualitative information on your progress in terms of delivery, as well as financial and numerical data. WMCA will use these reports alongside your ILR, EAS and any performance review data, to review the overall position of all Grant Agreements and Contracts for Services.
95. Internal review points will be risk graded. This will form the base of your Performance reviews and we will formulate an Action Plan for each provider that we will expect to form part of your AEB strategy.
96. The expectation is that in the 2022/23 academic year, formal performance management reviews will take place two times a year. If the risk profile of the provider changes in-year as listed in the Provider Management Review and Monitoring section, then the WMCA reserves the right to change the performance management arrangements it has with you.

PMR Point	Indicative dates
Review up to R04	January 2023
Review up to R08	April 2023

Provider Management Review and Monitoring

97. Throughout the year and at PMR points, the WMCA will use risk-based RAG rating criteria to assess whether providers meet their obligations as set in the grant/services agreements related to quality assurance and raising standards, this will include but not limited to areas such as:
 - 97.1. Progress in line with your profiled delivery at key monitoring points
 - 97.2. Outcomes including destinations and sustainable employment outcomes
 - 97.3. Ability to respond to WMCA's strategic skills priorities
 - 97.4. Good track record, including accuracy of forecasts you have provided at key monitoring points
 - 97.5. Supply Chain management
 - 97.6. Ofsted inspection result and/or financial control
 - 97.7. Audit and assurance
 - 97.8. Minimum standards and Achievement Rates
 - 97.9. Financial health, management and control
98. An overview of the review points can be seen below:

Review point	Timeline	Areas covered
Start of the contract year	November	<ul style="list-style-type: none"> • Previous year's performance against allocation • The previous years' success rate • Proportion delivered by sub-contractors • Financial Assessment • Due diligence • Ofsted grade
Monthly reviews	Monthly	<ul style="list-style-type: none"> • Delivery against profile • Data error value
Performance management points	R03, R06, R09, R12	<ul style="list-style-type: none"> • Projected earnings against management points (R04, R08, R12) • Review of delivery towards delivery plan • Review of LA spend • Sub-contractor declarations against actuals • Destination and progression data • Community learning review • Return on investment

Ad hoc review	As applicable	<ul style="list-style-type: none"> • Ofsted • ESFA/WMCA audits • Provider change i.e. change of the contract • ESFA intervention • Resident complaints/whistleblowing cases
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99. This will indicate the level and frequency of WMCA monitoring to be undertaken. It is important to note that a provider's RAG rating can change in year, based on actual delivery, performance reviews and compliance checks. Providers will be graded as:
- 99.1. Green – Low to no risk
 - 99.2. Amber – Low to medium risk
 - 99.3. Red – High risk
100. Should you fail to meet the requirements and obligations arising from your Grant/Services agreement, the WMCA may take appropriate informal/formal action against you as required. This involves a three-stage approach as follows:

Level 1- Increased Monitoring

101. Increased management intervention e.g. case conference, increased frequency in engagement, challenging performance and ensuring actions are taken on a timely basis.

Level 2 – Informal

102. If data shows that performance is not in line with your delivery plan and funding profile, we will discuss with you the reasons why and request that you develop a performance action plan to bring about improvement in performance. We will agree the actions with you for performance improvement, including incremental performance and pipeline data that may lead to improving performance levels in line with the agreement/contract. In most cases, a cause for concern letter will be issued to the provider, warning them that their performance is of concern to the WMCA.
103. If the remedial actions captured on the Action Plan are unable to lift your performance in order to meet the delivery profile performance levels, you will be invited to a meeting to discuss performance and receive a management letter to request specific performance improvement. At this stage, you will be informed that formal action could be taken if performance does not improve.
104. The Action Plan will be reviewed as part of your Performance Review. Moving to Level 2 – Informal within the Performance Management Framework will impact your RAG rating, and therefore the level of provider monitoring.

Level 3 – Formal

105. If formal action is required, WMCA will issue a serious breach with remedy notice in accordance with the terms of your Grant Agreement or Contract for Services, to address the minimum standards of service as set out in the grant/contract e.g. delivery plan and quality. WMCA will work with you to support the completion of a Performance Improvement Plan (PIP) and agree the level of management information required with timescales to enable scrutiny of performance improvement against agreed milestones.
106. If performance does not improve sufficiently to meet the performance levels as required by the serious breach with remedy notice underpinned by the PIP, the WMCA may act to terminate your grant/services grant agreement.
107. The serious breach remedy notice will be reviewed as part of your Performance Review. Moving to Level 3 – Formal within the Performance Management Framework will impact your RAG rating, and therefore the level of provider monitoring and scrutiny. It may also impact any request for growth or contract extensions for future years.

Compliance

108. In order to gain this assurance, the WMCA's Skills Delivery team will undertake regular compliance checks of all providers. These compliance checks may also be outsourced to a WMCA partner. The number of compliance checks undertaken per year will be dependent upon the RAG rating assigned to you as outlined above.

109. The compliance checks will include, but not be limited to:
- 109.1. Systems and processes
 - 109.2. ILR Data
 - 109.3. EAS submission
 - 109.4. Sample check of learner files
 - 109.5. Sub-contracting arrangements
 - 109.6. Other contractual requirements
110. WMCA will select a sample of learner files to check randomly using a method chosen by WMCA. The frequency, periodicity and size of the samples may change throughout the contract period. We also reserve the right request compliance audits on specific areas of delivery as part of our financial risk management.
111. As part of our compliance monitoring, we will continue to monitor compliance with the funding rules. We will contact you where we identify you have submitted data that does not meet our funding rules and ILR requirements.
112. We will require you to correct inaccurate ILR and EAS data or to adjust your final funding claim.

Changes to your AEB delivery plan/allocation

113. The WMCA will consider in-year growth and flexibility requests subject to affordability and subject to such requests addressing the priorities. The WMCA will consider the request in line with the following principles:
- 113.1. Our Regional Skills Plan (RSP) will frame priorities for funding
 - 113.2. We will operate within the integrity of the specification and contract award criteria set out in the skills portfolio commissioning and procurement framework
 - 113.3. We will consult with Local Authorities, Jobcentre Plus (JCP) and other stakeholders as appropriate to validate requested changes in the provision or identify gaps in localities
 - 113.4. We will evaluate financial risk and exposure
 - 113.5. Additional allocations and growth will only be considered where providers are meeting the current delivery plan and outcomes (including sustainable job outcomes). This applies to all Lots and contracts being delivered and therefore underperformance on one Lot or contract could result in the WMCA deciding not to approve additional allocations or growth.
114. New funding and funding recycled from underperformance may be offered to Providers who meet the following criteria:
- 114.1. You have evidence of AEB eligible demand for learning that meets local priorities and delivers tangible outcomes in regard to sustainable employment and progression routes for employed residents.
 - 114.2. You have an AEB Grant Funding Agreement, and progressing well against your delivery plan and the priorities set out in the RSP, with focus on Level 3;
 - 114.3. You have an AEB contract for service, the progressing well against your delivery plan with a specific focus on level 3, and you are on profile against the financial profile at the performance management points;
 - 114.4. You have a good track record of accurate forecasting and delivery. Please note you will be judged on the accuracy of your forecasts for any future change requests;
 - 114.5. You are not under notice for failure of inspection or serious breach of contract under remedy notice.
115. In the instances where growth is awarded, the providers delivery plan will be updated to reflect the growth and monitored against the review plan.
116. The Business case process and an application form can be found on our [website](#). These should be discussed and submitted to your Skills Delivery Officer.

Destination and progression tracking

117. As stated in paragraph 41.9 of the WMCA Funding Rules 22/23:
118. ‘...As a condition of funding, all destinations and/or progression details are a mandatory requirement for WMCA residents, this includes Community Learning. Providers must limit ‘unknown’ destination reporting. Destination and progression must be detailed in the defined fields within the ESFA ILR...’
119. WMCA expect all providers to collect and update destination and progression data in the ILR on a monthly basis.
120. Destination data will allow us to test the impact of agreed programmes to ensure we are offering the right provision for our residents and employers in the CA region.

121. Non-collection and recording of destination data could impact future business cases. WMCA also reserve the right to review allocations or move funding, where we feel the impacts are not being met.
122. WMCA expect providers to continue tracking Students. However, once a job outcome has been achieved, there is no further requirement to update the destination field.
- 122.1. However, for 13-week sustainment claims, the appropriate LARS code should be applied
123. Although it is not a requirement to gain further destinations, it would be best practice to continue to follow the learner’s journey and update where possible.
124. All learners must receive a Day One outcome that is relevant to their current employment status.
125. All outcomes are auditable, and Providers must be able to supply the required evidence to support the destination.
126. In the 2021/22 academic year. The WMCA introduced an 8-week rule to allow providers time to collect the outcome and evidence associated with it. For example, if a Student completes on 1st October 2022, we would not include their destination in our data set until 27th November 2022. We will continue to use this rule in 2022/23.
127. WMCA will, however, include any job and education destinations you record in this time to ensure that providers are not penalised by the 8-week rule.
128. KPI’s for destination data are set out as below, providers will be RAG graded on destination in line with the below KPI’s at R03, R06, R09, R12.

Programme Type	KPI into sustainable employment
SWAP’s	65%
Sector Gateways	65%
Construction gateway	65%
Lot 7	In line with contract and set KPI’s in your delivery plan
Lot 3	In line with contract and set KPI’s in your delivery plan
Approved flexibilities	In line with your Business case approval
Lot 8	In line with contract and set KPI’s in your delivery plan
Lot 9	In line with contract and set KPI’s in your delivery plan

129. Please refer to the coding guidance for more information on destination collection.

Contract Extensions

130. For current contract for service providers, Lot 1, 2, 3, 4 and 5 contracts will end 31st January 2023 in line with specifications.
131. Lots 7, 8 and 9 will end in line with the specification. WMCA may extend the contract on up to two occasions (up to a maximum of one year on each occasion), up to a maximum of 2 years. Any extension will be subject to the provider’s performance, government policy and funding availability.
132. In order to inform the decision-making process for contract extension, WMCA will use the quarterly key monitoring points outlined above to review your performance in line with your delivery schedule which forms part of your current contract. This will be considered alongside information collected as part of our Performance Management approach.
133. Decisions and communication for allocations will be in line with WMCA planning cycle and be subject to WMCA funding allocation.
134. WMCA expects all providers to submit a Delivery Plan for each academic year.

Contacting us

135. You can contact us via the following email address; aeb.enquiries@wmca.org.uk
136. Data support can be contacted via the following email address; AEBDataReturns@wmca.org.uk
137. You can also contact your dedicated WMCA Skills Delivery Officer.

Annex X - Amendments made from previous academic year