

WEST MIDLANDS COMBINED AUTHORITY

Adult Skills Fund Programmes Contract for Services for Services and VCS Organisations Provider Operational Plan

(For the funding year 1 August 2025 to 31 July 2026)

Version 1

This document sets out the Operational Plan that applies to all WMCA VCS Organisations and procured Contract for Services for service providers, of education and training who receive Adult Skills Fund Programmes funding, including Adult Skills Fund (ASF), Free Courses for Jobs (FCFJ) and Skills Bootcamps funding for residents residing in the West Midlands Combined Authority (WMCA) area

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Purpose

This document applies to all VCS Organisations and Contract for Services providers who receive WMCA-funded Adult Skills Funding Programme funding for the year 2025 to 2026 (1 August 2025 to 31 July 2026).

This document forms part of the terms and conditions of funding, and you should read it in conjunction with your Contract for Services, the [Adult Skills Funding Rules](#) and the associated documents listed within them and in Annexe A (which all form part of this Operational Plan/Contract for Services and must be adhered to). You must operate within the terms and conditions of the Contract for Services, these rules, rates and formula and the [Individualised Learner Record](#) (ILR) specification. If you do not, you are in breach of your Contract for Services with us.

All information, including any hyperlinks, is correct at the time of publishing. This document will be kept under review to reflect how WMCA may need to respond to the changing economic context.

We reserve the right to make changes to these funding rules and will publish any updated versions on the [WMCA website](#). It is Your responsibility to ensure that you regularly visit the website and comply with the current version of these funding rules and associated documents.

Understanding the Terminology

The terms 'We', 'Our' and 'Us' refers to the West Midlands Combined Authority (WMCA)

When we refer to 'You', 'Your', or 'Providers', this includes VCS organisations and Contract for Services providers who receive WMCA Integrated Settlement (IS) funded Adult Skills Funds (ASF), including Free Courses for Jobs (FCFJ) and/or Bootcamps from us to deliver education and training to WMCA residents. This may also be referred to as WMCA Integrated Settlement Funding.

We will use the generic term 'You', 'Your' or 'Provider' unless the requirements only apply to a specific provider type. We use the term 'Contract for Services' to include:

- Conditions of Funding
- Call-off Contract
- Grant Agreement

We use the terms 'individual', 'resident' and 'learner' to cover those whose provision is funded by Us.

Funding

Through our [Employment and Skills Strategy](#), which supports the [West Midlands Growth Plan](#), we aim to build on our existing successes by articulating a clear vision for an integrated employment and skills system across the region. This system is designed to stimulate economic growth, improve outcomes for both residents and businesses, and foster healthier, more prosperous communities.

Over the next three years, our work will focus on four strategic priorities:

- building strong and inclusive communities.
- providing a good education up to level 2.
- moving residents into employment and supporting career progression.
- meeting future skills needs through upskilling and reskilling.

We place great importance on the development of local delivery networks and the establishment of clear progression pathways for residents. While the WMCA will work with you to oversee performance and compliance, we also expect providers to collaborate closely with key stakeholders. This collaborative approach is essential to delivering a more strategic, cohesive offer that effectively meets local needs.

Your ongoing track record will continue to inform our assessment of your capacity to deliver education and training to the required standards. These standards encompass Ofsted ratings, quality and compliance metrics, in-year performance, minimum standards, financial health, financial management and control, and delivery against Contractual obligations, where such data is available.

At the core of our provider management approach is the Delivery Plan. Once agreed, this plan will serve as the foundation for monitoring and performance management throughout the year. Performance against the Delivery Plan and other quality benchmarks will guide decisions regarding interventions and potential funding adjustments.

To support this process, each provider will be assigned a dedicated Skills Delivery Officer responsible for managing the relationship and overseeing the implementation of this approach.

We will maintain a strong focus on outcomes for our residents, particularly in relation to job placements and in-work progression that leads to improved earnings for those in low-wage roles. As a condition of funding, the accuracy and timeliness of destination data recording will be critical across all provider types.

The WMCA has established clear data review points for monitoring destinations. Further details can be found in the Destination and Progression Tracking section below. Additionally, there will be a continued emphasis on sustainable employment outcomes across programmes such as Into Employment programmes and Skills Bootcamps.

The WMCA will issue a Contract for Services in line with the Contract for Services term. Where underperformance exists, we reserve the right to rebase provider allocations in year.

Payments to Providers

Providers will be paid monthly in arrears based on actual delivery for the 2025/26 funding year. Payments will be reconciled against the approved Delivery Plan each month, and at no point will cumulative payments exceed the maximum Contract for Services value.

Performance will be monitored using the following tolerances at key funding review points, based on actual delivery submitted via the Individualised Learner Record (ILR) and the approved payment profile:

| Funding Review Point | Tolerance |
|----------------------|-----------|
| R04 | 15% |
| R08 | 10% |
| R12 | 5% |
| R14 | 0% |

WMCA reserves the right to re-profile, reconcile, or suspend payments at any time during the Contract for Services period.

Where under-performance is identified, either at scheduled performance management points or upon request, providers must submit a remedial plan outlining how they intend to address the shortfall in delivery.

To minimise overpayments and ensure accurate reconciliation, R13 payments will be withheld while providers complete data cleansing and end-of-year claims. Any outstanding payments will be processed as part of the R14 reconciliation, during which any overpayments will also be recovered. Providers are responsible for ensuring timely and accurate data submissions to avoid discrepancies.

The standard monthly payment timeline is as follows:

| Day of month | Action |
|------------------------|-------------------------------------|
| Workday 4 | Provider submits ILR to DfE |
| Workday 5 | DfE runs validation checks |
| Workday 6 | WMCA receives occupancy report |
| Workday 7 – Workday 12 | WMCA checks the accuracy of returns |
| Workday 15 | WMCA Bacs run to providers |

Performance Monitoring

Performance Management and Funding Arrangements Overview

WMCA will conduct performance management meetings with Contract for Services for Service providers monthly as a minimum. These meetings may cover a broad range of areas, including, but not limited to, delivery performance, quality of provision, financial management, compliance with funding rules, and overall progress against the agreed delivery plan and intended outcomes. Significant under-delivery may result in the redeployment of funds and the re-profiling of payments.

Where underperformance is identified, WMCA will make every effort to work collaboratively with providers to address the issues, which may include increasing the frequency of meetings as covered in the RAG Criteria and Interventions section. However, where necessary, we reserve the right to automatically rebalance allocations.

Providers are not required to wait for scheduled performance management meetings to initiate discussions around re-profiling. If underperformance is identified, early engagement is encouraged.

The WMCA are currently reviewing its position in respect of additional funding/growth awards. Once agreed, an update will be provided to providers.

Over-delivery and/or delivery of non-approved qualifications is at the provider's own risk and will not be funded.

Performance Reporting

Destination and Progression Reporting Requirements

As outlined in the Skills Programme Funding Rules 2025/26, the collection and reporting of destination and progression data is a mandatory requirement for all WMCA-funded learners. The provider must accurately record information in the WMCA Destination Portal, using the defined fields. Guidance on the completion of the Destination Portal can be found [here](#), along with the Outcomes Framework Coding 2025/26.

Providers must:

- Update destination and progression data monthly via the portal.
- Ensure all learners have a Day One outcome recorded that reflects their current status.
- Continue tracking learners' post-completion for 6 months, though no further updates are required once a job outcome has been achieved.
- Retain auditable evidence to support all reported outcomes as set out in your Contract for Services.

An 8-week rule remains in place, allowing providers time to collect and evidence destination data. Any job or education outcomes recorded within this period will be included in performance assessments to ensure providers are not penalised.

Destination data is critical for WMCA to assess the impact of funded programmes and ensure alignment with regional priorities. Failure to collect and report this data may affect future change requests and could result in a review or reallocation of funding. Providers will be RAG-rated on destination performance against the outcomes/ outputs KPIs detailed in your Contract for Services.

Failure to comply with these requirements will be treated as a material breach of your Contract for Services.

Management Information

Learner Data Submission and Reporting Requirements

Providers must submit learner-level data to the Department for Education (DfE) in accordance with the timelines set out in the Data Collection Timetable, as detailed in the Appendices, Validation Rules and Schema, and the Provider Support Manual. These documents, which are regularly updated, are available on the DfE's website under the [Individualised Learner Record \(ILR\) technical documents, guidance and requirements](#).

Providers are required to report new learner starts within two months of commencement of their course and must report all withdrawals and achievements within three months of the learner's completion. All changes must be submitted by the final collection point of the funding year. Failure to report withdrawals by this deadline will result in the recovery of funding. Providers must ensure that all learners have seen the WMCA's privacy notice as part of their enrolment process.

ILR data and Earnings Adjustment Statements (EAS) must be submitted via the DfE's secure web portal, [Submit Learner Data](#). Providers must comply with the portal's conditions of use and the requirements set out in the ILR Specification and Provider Support Manual. Once submitted, the data is validated against national rules. The DfE will confirm successful submissions through Funding Reports available on the portal. Providers are responsible for correcting or removing any data that fails validation, as only the most recent ILR file submitted will be loaded into the national database. Failure to comply with these requirements will be treated as a material breach.

In addition to national ILR requirements and validation, WMCA applies its own funding codes and guidance, which are detailed in the [Skills Programme Coding Guidance](#). All ILR files will be validated upon submission against WMCA-specific rules. Records that fail validation will be rejected and will not generate funding. WMCA will conduct additional checks to ensure data submissions align with the provider's funding allocation and delivery plan. Providers will be notified of any discrepancies and required to correct inaccurate data in the subsequent funding return. Related payments may be withheld until corrections are made.

You must ensure that secure and reliable backups of all data are performed regularly and stored in accordance with your Business Continuity Plan. These backups must be maintained in a manner that ensures data integrity, availability and must be accessible to

the WMCA upon request in a format specified by us. In the event of data loss, corruption, or other incidents requiring recovery, you may be required, at your own expense, to restore or arrange the restoration of the data using the most recent backup.

Where applicable, providers must use the EAS to claim funding that cannot be recorded through the ILR. All EAS submissions must be supported by evidence and submitted in accordance with the guidance available on GOV.UK.

Providers must verify the accuracy of their EAS submissions via the Submit Learner Data service and correct any errors immediately. The EAS must also be used to repay any funding claimed in error during the funding year. WMCA approval is required in advance for EAS claims related to:

- Excess Learning Support
- King's Trust
- Wraparound Funding

EAS claims must be submitted monthly and will be reconciled against ILR data, occupancy reports, and the provider's agreed delivery plan.

For Skills Bootcamps, providers are required to submit:

- A monthly ILR return in line with the Skills Programme Coding Guidance
- A completed DfE Datasheet (Wave 5 only), as outlined in the Skills Bootcamp guidance, including monthly submission deadlines. Providers must ensure that the Datasheet aligns with their ILR return.

Data Monitoring and Assurance Activities

As part of its assurance responsibilities, the WMCA will actively monitor the data submitted by providers. This is essential to ensure the integrity and accuracy of funding claims and delivery performance.

To support this, WMCA will conduct regular audits, compliance and thematic reviews in accordance with the [Quality and Standards Framework](#). These reviews will apply to all providers and may include, but are not limited to, the following areas:

- Review of systems and processes
- Verification of data submissions, including ILR and EAS and any other data systems relevant to the funding claimed
- Sample checks of learner files
- Evaluation of supply chain (subcontracting) arrangements
- Financial health and assurance checks
- Compliance with other Contractual obligations
- Data error reports such as PDSAT and FRM reports

In addition, WMCA will carry out routine desktop reviews to assess how the funding system is being applied. These reviews help identify potential anomalies or errors in Skills Programme funding claims made for WMCA residents, which may require further

investigation. The WMCA may, at its discretion, require the provider to undertake and fund any work it considers necessary to improve the quality and validity of data submitted.

Where data submitted does not meet WMCA's funding requirements, providers will be contacted and required to make the necessary corrections. Related payments may be withheld until the data is corrected, or WMCA may seek to reconcile any overpayments.

To further strengthen assurance, WMCA may engage external audit partners to conduct field-based activities as part of its annual assurance programme. This may include funding compliance audits and targeted thematic reviews.

Providers are also expected to regularly review their internal systems and processes to ensure the ongoing accuracy and reliability of data submissions.

Where WMCA conducts reviews, investigations, or audits of evidence submitted by the provider to support payments under the Contract for Services (or any preceding agreement). Where material errors are identified, WMCA reserves the right, at its sole discretion, to require the provider to carry out, at its own cost, a full audit (100%) of all or part of the Funded Activities, within a timescale specified by WMCA. Alternatively, WMCA may carry out the audit itself or appoint a third party to do so, with the cost recharged to the provider.

Where errors are found, WMCA will seek to recover funds, which may be recovered based on the error rate and the total value of the agreement. Recovery may be made through data adjustments, invoicing, or deductions from future payments, with timescales specified by WMCA. Failure to repay any amounts due will be treated as a material breach of the Contract for Services, and WMCA's decision on the amount to be recovered will be final.

WMCA may conduct ongoing reviews of the provider's internal controls and processes to ensure that similar errors do not recur. If further assurance work is required, this will also be at the provider's expense (or procured and recharged by WMCA). If a funding audit results in an "unsatisfactory" rating, this will be considered a material breach of the agreement.

Outputs and Outcomes

Funded activity deliverables are as set out in your approved Delivery Plan. The Delivery Plan will serve as the foundation for ongoing performance management discussions.

Through the delivery of funded activities at the programme level, it is expected that the outcomes will be achieved. These will contribute towards the Local Growth and Place Integrated Settlement Outcomes Framework.

All providers will have submitted and agreed upon a Delivery Plan for the funding year. This plan outlines projected volumes and expenditure across the full range of provision. The total value of the Delivery Plan must correspond to the provider's full allocation, including any allocations for the Discretionary Learner Support Fund (DLSF) and/or Additional Learning Support (ALS).

The Delivery Plan will serve as the foundation for ongoing performance management discussions.

Change Requests/Variations

Growth Considerations

The WMCA are currently reviewing our position in respect of additional funding/growth awards. Once agreed, an update will be provided.

Delivery Plan Flexibility Requests

Providers may submit flexibility requests within their existing funding allocation at any point during the year by completing and submitting a business case, provided there is sufficient time to deliver the flexibility within the remainder of the term of the Agreement. All requests will be reviewed by the Skills Delivery Team Business Case Panel.

You may be asked to provide additional information to support your request. All requests will be assessed in line with the principles outlined above, including alignment with strategic priorities, funding availability, and delivery performance.

Learner Welfare

Safeguarding and Personnel Requirements

You must not employ or engage any individual if that individual is subject to a prohibition order under section 141B of the Education Act 2002 or an interim prohibition order under regulation 14 of the Teachers' Disciplinary (England) Regulations 2012.

The provider must ensure that all Funded Activities are delivered in a way that safeguards and promotes the welfare of learners, including those in environments outside the provider's direct control. This includes adopting safer recruitment practices and having regard to relevant guidance issued by the Secretary of State for Education. Where guidance uses the term "must," it should be interpreted as "should" unless it refers to legal

obligations, such as those under the Safeguarding Vulnerable Groups Act 2006. The provider must ensure that it complies with the Safeguarding Vulnerable Groups Act 2006 at all times.

All provider personnel or potential personnel who may come into contact with learners or access learner information must be subject to appropriate checks. This includes any convictions and obtaining the most extensive DBS background checks available (from the Disclosure and Barring Service), and, where permitted by law, sharing the results with WMCA upon request. For overseas applicants, the provider must follow the relevant government guidance on criminal records checks. These checks must be completed before any individual begins work with the provider.

No one who appears on a Barred List may be employed or engaged in delivering the Funded Activities. The provider and its supply chain must comply with all DBS reporting requirements. If a referral is made to the DBS, the provider must inform WMCA that a referral has been submitted. If any personnel are added to a Barred List, they must be immediately removed from delivery of the Funded Activities.

Pending the outcome of background checks, provider personnel must not be used in the delivery of the Funded Activities. Failure to comply with these requirements will be treated as a material breach in accordance with your Contract for Services. The provider must also supply details of its recruitment, training, supervision, and employment policies when requested by WMCA.

The provider must ensure that there is always a sufficient number of appropriately skilled and experienced staff, including supervisory staff, to deliver the Funded Activities effectively. This includes having adequate staffing levels to cover holidays, sickness, other absences, and both anticipated and actual peaks in demand. All personnel must receive the necessary training and supervision to ensure the proper delivery of the Funded Activities under this agreement.

Learning Environment

Providers must ensure that all Funded Activities are delivered in environments that are safe, healthy, and supportive, going beyond basic legal health and safety requirements. This includes informing the funder if residential accommodation is provided and complying with national minimum standards as if operating under the Children Act 1989. The Provider must also promote British values, such as democracy, the rule of law, and mutual respect, and ensure equality of opportunity for all learners.

In line with the Counter-Terrorism and Security Act 2015, the provider must comply with both the Prevent duty and the Channel duty. This involves following statutory guidance to prevent individuals from being drawn into terrorism and cooperating with relevant panels when necessary. Any incidents or referrals related to these duties must be reported to the Funder promptly. Failure to comply with these requirements will be treated as a material breach in accordance with your Contract for Services.

You are responsible for monitoring and addressing any harm that may affect learners. This includes incidents resulting in absence from learning, physical or mental injury, disfigurement, bullying, or harassment. Cooperating with the funder and the Department for

Work and Pensions regarding Industrial Injuries Disablement Benefit (IIDB) and maintaining robust safeguarding and health and safety records, supported by regular checks.

Where providers refer safeguarding concerns, such as sexual harm or abuse allegations, to social care services or the police, the WMCA must be notified by email with a high-level summary. Similarly, any incidents undermining British values or Prevent compliance, or referrals of staff under the Counter-Terrorism Act, must also be reported. Failure to comply with these requirements will be treated as a material breach.

All the above responsibilities must be passed on to any supply chain partners involved in delivering the Funded Activities and the Provider must ensure that the above provisions are included in its Contract for Services with supply chain partners.

Health and Safety

Providers must comply with all relevant health and safety legislation, including regulations set by the Health and Safety Executive (HSE). This involves implementing and maintaining safe systems of work and appropriate safety policies to protect staff, learners, and the public.

When delivering the Funded Activities in environments outside the Provider's direct control, reasonable steps must be taken to ensure the safety of learners. This includes working collaboratively with other organisations, clearly defining responsibilities, and documenting arrangements to ensure mutual understanding and accountability. Providers must investigate or assess all learner-related incidents using competent individuals and in line with HSE guidance to identify causes and implement lessons learned.

In the event of a learner's death during service delivery, the Provider must notify the WMCA immediately by phone or email. Additionally, if any part of the Funded Activities is subcontracted, the Provider must ensure that all health and safety obligations are fully reflected in the Supply Chain agreements.

Failure to comply with these requirements will be treated as a material breach in accordance with your Contract for Services.

People and Skills

Adult Skills Funded Programmes as part of the WMCA's Employment and Skills Strategy are designed to support individuals who face barriers to employment, lack foundational qualifications, or need to reskill for emerging job opportunities. These programmes are particularly focused on residents who have not yet achieved a Level 2 qualification, those in low-paid or insecure work, and individuals seeking to transition into more sustainable and higher-paying careers. By targeting these groups, the WMCA aims to build strong and inclusive communities where everyone has the opportunity to thrive economically and socially.

The Adult Skills Fund, including Skills Bootcamps, is aligned with the WMCA's strategic pillars to support residents into employment and enable career progression. These

initiatives provide flexible, employer-responsive training that meets current and future labour market demands. Skills Bootcamps, in particular, offer intensive, short-term training in high-demand sectors such as digital, construction, and green technologies, helping residents quickly gain the skills needed for in-demand roles. The Adult Skills Fund complements this by offering broader foundational and vocational learning opportunities, ensuring that residents can access a clear progression pathway from basic education to advanced skills and employment.

To ensure the effectiveness of these programmes, the WMCA emphasises collaboration between providers, employers, and local stakeholders. Providers are expected to deliver high-quality, compliant education and training, with a strong focus on outcomes such as job placements and in-work progression. Through the use of Delivery Plans and robust data tracking ensures that programmes remain responsive to local needs and deliver measurable impact.

Financial Monitoring

Financial Due Diligence

In order to evaluate the financial stability and risk associated with contracting organisations, primarily through analysis of annual financial statements, the WMCA has updated its [Financial Health Guidance to](#) outline its approach to assessing the financial health of organisations applying for or holding Contract for Services under the Adult Skills Fund Programmes.

This guidance applies to independent training providers (ITPs), special post-16 institutions (SPIs), non-maintained special schools (NMSS), and other entities involved in procurement or tendering processes, including VCS organisations. It does not apply to general FE colleges, sixth form colleges, or local authorities.

Submission Requirements

Providers must submit full, signed financial statements, not abbreviated versions, along with detailed breakdowns of creditors and borrowings. Parent company accounts are also required, where applicable. Failure to submit complete and timely financial information may result in an 'Inadequate' financial health grade.

The WMCA reserves the right to use external sources such as Companies House and credit agencies to verify financial data and may moderate grades based on various criteria, including audit opinions, overdue filings, or discrepancies in submitted information.

Assessment and Grading

Financial health is assessed using three key ratios: profitability, solvency, and gearing.

Each element is scored out of 100, and the total score determines the grade: Outstanding, Good, Satisfactory, or Inadequate.

WMCA moderation may adjust grades based on specific circumstances, such as pension deficits, secured long-term borrowings, or exceptional events like COVID-19. Organisations graded as 'Inadequate' will face engagement reviews and restrictions on funding.

The WMCA uses these grades to determine the Recommended Funding Limit (RFL), which caps the total Adult Skills funding a provider can receive based on their financial capacity.

Funding Implications and Exemptions

The RFL is calculated as a percentage of turnover, ranging from 150% for Outstanding providers to 0% for those graded Inadequate.

From August 2025, new providers rated Inadequate will not receive funding, and existing providers will face contract restrictions from 1 April 2026.

Some large organisations with turnover above £75 million and minimal WMCA funding may be exempt from full assessments; however, they must still submit financial statements for validation.

The WMCA retains discretion to review exemption status if financial risks arise. For full details and support, providers should refer to the Financial Health 2025/26 Guidance document on the WMCA's website.

Ofsted Inspections

As part of its commitment to continuous improvement, the provider must strive to enhance the quality of Funded Activities and raise standards for the benefit of learners. The provider holds primary responsibility for driving these improvements and must be able to demonstrate to the WMCA that it has a robust and effective quality assurance system in place, underpinned by its own quality improvement processes.

To support this, the WMCA may request evidence from Ofsted (the Office for Standards in Education, Children's Services and Skills) or other relevant sources to verify the effectiveness of the Provider's quality assurance and improvement activities. The Provider is expected to take all reasonable steps to ensure high standards are maintained across all aspects of service delivery.

This includes minimising learner dropout rates, achieving high completion and progression outcomes, ensuring equality of access and closing achievement gaps, providing strong leadership and management, and delivering value for money. Where the Funded Activities are delivered through supply chain partners, the Provider must also ensure that these standards are upheld throughout the supply chain.

During the term of the Contract for Services, Ofsted may inspect the provider at any time. Upon receiving notification of an inspection, the provider must:

- Immediately inform WMCA via email to skills.programmes@wmca.org.uk

- Provide, upon request, relevant quality improvement documentation within the timescales set by the Inspectorate.
 - Notify WMCA of the date of the feedback meeting and allow a WMCA representative to attend.
 - Where this is not possible, the provider must confirm to the WMCA, in writing, the outcome of the inspection within 5 (five) Working Days of receiving the feedback from the Inspectorate.
- Failure to do so will result in a material breach.

The WMCA will consider the published outcomes of Ofsted inspections and may take the following actions based on the grading:

Please note: The Grading refers to the Ofsted assessments/gradings in place at the time this document was published. In the event that Ofsted assessments/gradings change, WMCA reserves the right to modify this section accordingly.

Requires Improvement (in part or overall)

If Ofsted rates any part or the overall service as "Requires Improvement" in two consecutive inspections, WMCA may, at its discretion:

- Impose additional funding conditions.
- Suspend or cap learner recruitment in affected areas.
- Adjust future funding allocations.
- Reduce, suspend, or recover payments.
- Terminate the Contract for Services.

Inadequate (in part)

If any graded sub-judgement is rated "Inadequate", WMCA may:

- Impose immediate improvement conditions.
- Suspend or cap learner recruitment in affected areas.
- Adjust future funding allocations.
- Reduce, suspend, or recover payments.
- Terminate the Contract for Services.

Inadequate (overall)

If Ofsted provisionally or formally assesses the overall service as "Inadequate", WMCA will:

- Initiate discussions with the provider and relevant regulatory bodies.
- Impose additional funding conditions.
- Suspend or cap learner recruitment.
- Adjust future funding allocations.
- Reduce, suspend, or recover payments.
- Terminate the Contract for Services.

Failure to comply with any imposed conditions or recruitment restrictions within a reasonable timeframe may result in further action, including termination of the Contract for Services. If the provider disputes the Ofsted outcome, WMCA will

continue to assess its position but will review any decisions once the complaint outcome is known. If an Ofsted rating is based on incorrect or fraudulent data, this will be treated as a material breach of the Contract for Services and may result in immediate termination.

Ofsted Monitoring Visits

If Ofsted publishes a finding of “Insufficient Progress” in any inspection theme, WMCA may:

- Suspend funding for current or new learners.
- Require subcontracting to another main provider to protect learners.
- Impose additional funding conditions aligned with Ofsted recommendations.
- Require temporary suspension of learner recruitment.
- Require the Provider to notify all existing delivery partners of the outcome.
- Terminate the Contract for Services if there are safeguarding concerns or if learners are at risk of not achieving their objectives.
- Terminate the Agreement if two consecutive monitoring visits result in “Insufficient Progress”.

Management of Underspends and Underperformance

RAG Criteria and Intervention

The WMCA applies a RAG (Red, Amber, Green) rating process to assess and monitor provider performance throughout the academic year. This rating determines the level and frequency of oversight and intervention. A provider’s RAG status may change in-year based on actual delivery, performance reviews, and compliance outcomes. The RAG categories are defined as follows:

- Low – Minimal or no risk
- Medium – Low to moderate risk
- High – Significant but manageable risk
- Very High – Critical risk, including potential or actual breach of Contract for Services/agreement.

Performance Monitoring Scope

WMCA conducts performance monitoring at key points throughout the year:

| Review Point | Timeline | Areas Covered |
|-------------------------------|------------------|--|
| Start of Agreement Year | November | Previous year's allocation and performance, success rates, supply chain delivery levels |
| Monthly Reviews | Monthly | Delivery against profile, data accuracy, Integrated Settlement outputs, learner outcomes, destinations, and employment impact |
| Performance Management Points | November and May | Forecasted delivery, delivery plan progress, Local Authority spend, data accuracy, supply chain declarations, achievement and retention rates. |
| Ad Hoc Reviews | As applicable | Ofsted inspections, DfE/WMCA audits, Contract for Services changes, DfE interventions, complaints or whistleblowing cases |

Intervention Levels and Timescales

WMCA operates a simplified three-tier intervention model with timescales to support sustainable improvement. Please note actions stated below are not an exhaustive list:

Level 1 – Enhanced Monitoring and Support

- Trigger: Early signs of underperformance, data issues, or delivery slippage.
- Actions:
WMCA will issue a written notification to the provider specifying the nature of the default or issue identified. Following this, the following actions may be initiated:
 - Increased engagement with the Skills Delivery Officer
 - Development of a light-touch support plan
 - Monthly progress reviews
- Timescale: Up to 8 weeks (or within the period specified in the notification) to demonstrate improvement before escalation.

Level 2 – Formal Support and Action Planning

- Trigger: Continued underperformance or failure to meet the Level 1 milestones as set out in the support plan.
- Actions:
WMCA will issue a written notification to the provider specifying the nature of the default or issue identified. Following this, the following actions may be initiated:
 - Joint development of a formal Action Plan
 - Bi-weekly monitoring and milestone tracking
- Timescale: Up to 12 weeks (or within the period specified in the notification) to meet improvement targets. Failure to do so may result in escalation to Level 3.

Level 3 – Formal Intervention and Contractual Action

- Trigger: material breach of Contract for Services, persistent non-compliance, or failure to meet Level 2 targets.
- Actions:
WMCA will issue a written notification to the provider of a material breach or suspension notice. Following this, the following actions may be initiated:
 - Issuance of a material breach or suspension notice
 - Implementation of a Performance Improvement Plan (PIP)
 - Formal review of progress against agreed milestones
- Timescale: Typically, 12–16 weeks (or within the period specified in the notification), depending on the severity of issues. Continued failure may result in Contract for Services termination or ineligibility for future growth or extensions.
- Providers can be escalated to Level 3 if deemed to be Very High Risk.

Please be advised that levels 2 and 3 will be escalated to the WMCA's Quality and Standards Panel, which will review the matters and determine any necessary additional actions.

In instances where high-risk factors are identified, the WMCA reserves the right to suspend all or part of the delivery. The specific timeframe for such actions will be contingent upon the extent of the necessary areas for improvement.

Fraud and Irregularity

The provider must immediately notify the WMCA if it becomes aware of any suspected fraud or financial irregularity in the delivery of Funded Activities in line with the WMCA's [Anti-Fraud and Corruption Policy and Procedures](#). This includes, but is not limited to, collusion with staff from the WMCA or regulatory bodies, computer fraud, submission of false or misleading funding claims, and fraud involving awarding organisations or subcontractors.

If the WMCA has reasonable grounds to suspect fraud or irregularity, it reserves the right to access the provider's premises, or those of any subcontractors, at any reasonable time, with or without notice. This access includes the right to examine, copy, or remove relevant

documents and electronic records, and to interview staff or agents involved in service delivery.

In such cases, the funder may also require the provider to commission an independent investigation by a qualified professional at the provider's expense. Alternatively, the WMCA may appoint its own investigator and recharge the provider for the cost. Where fraud or irregularity is suspected, the WMCA may suspend payments and/or require the provider to pause learner recruitment under this or any other agreement between the parties.

If the Provider is a registered or exempt charity, it must inform the funder of any official warnings, schemes, or orders issued by the Charity Commission. Failure to do so will be treated as a serious breach of the agreement.

End-of-year reconciliation

Final delivery will be assessed based on the Individualised Learner Record (ILR) data submitted at R14. The reconciliation process will begin in November 2026. Any funds owed to the WMCA as part of this reconciliation process must be paid within 30 days of receipt of the invoice.

Branding and Publicity

WMCA publicity and branding requirements must be followed. Detailed guidance can be located in the [Media Assets](#) section of the WMCA website. This covers such areas as photography and images, videos, brand guidelines, logos and other brand assets.

All residents on Adult Skills Funded Programmes must be informed that their training is supported by the WMCA, and evidence of this must be in the residents' evidence pack. All provider documents held in the resident's evidence pack must display the WMCA logo.

Policies Due Diligence and Data Protection

WMCA requires providers to apply due diligence across all aspects of Adult Skills Funding and to comply with Procurement Regulations and the Public Sector Equality Duty, ensuring that you comply with legislation to ensure individuals' safety and well-being, equal treatment and access to provision and correct handling of data and information.

Providers must ensure they have in place evidence in the form of policies, which may from time to time be required for WMCA audit & compliance purposes. Failure to comply with these requirements will be treated as a material breach in accordance with your Contract for Services.

Policies that will be required are listed, but not limited to:

- Safeguarding,
- Prevent,

- Health & Safety,
- Equality & Diversity,
- GDPR,
- Freedom of Information and Whistleblowing,
- Indemnity Insurance
- Subsidy Control
- Modern Slavery
- Complaints

The requirements around intellectual property, confidentiality, data protection and freedom of information between WMCA and Local Authorities and other relevant parties are detailed in your Contract for Services.

On the expiry or termination date, the provider must also ensure that all documents and digital records related to the Funded Activities are made available to WMCA upon request. This includes any such records held by supply chain partners involved in the delivery of the Funded Activities. All information must be complete, accurate, and accessible to support a smooth transition or audit process.

High-Risk Provider and Subcontractor Policy

As the accountable body, the WMCA is required to exercise appropriate oversight and control over the public funding it administers. This responsibility includes ensuring that:

- Public funds are used appropriately and in accordance with relevant regulations.
- Funded Activities are delivered in line with the terms and conditions of Contract for Services.
- Value for money is achieved for the taxpayer, and
- Funding is directed towards delivering the policies and priorities approved by the WMCA and its delegated authorities.

The allocation of funding is contingent upon the WMCA being satisfied that providers do not present a high level of financial or operational risk, as defined in [the High-Risk Provider Policy](#) and the terms of the relevant Contract for Services.

This policy applies to both public and private sector providers, including supply chain partners, where services are procured or grant funding is issued under WMCA's role as the lead or accountable body. In cases where WMCA does not have a direct Contractual relationship with a provider, such as supply chain partners, but determines that the supply chain partner poses a high risk, WMCA may require the lead provider to take immediate and appropriate action. This may include the removal of the supply chain partner from all WMCA-funded delivery.

Complaints and Whistleblowing

Providers are responsible for receiving, investigating, and resolving complaints related to the delivery of the Funded Activities. You must have a clear and effective complaints framework in place. This framework should enable you to gather feedback and respond to

complaints from learners, their representatives, employers, and the wider community. A log of all complaints must be maintained and made available to the WMCA upon request.

You must ensure that learners are fully informed of your complaint's procedure. This procedure should be clear, accessible, and communicated during the enrolment process. It must also be published on your organisation's website so that learners and other stakeholders can easily access it. In addition, you are required to follow and publicise the WMCA's Complaints Procedure, which outlines how complaints should be handled and escalated where necessary. The WMCA's complaints policy is available [here](#).

All complaints must be handled in line with your internal procedures and any guidance issued by the WMCA. Once your investigation is complete, including any appeals process, you must inform the complainant of the outcome in writing. If the complaint remains unresolved to the complainant's satisfaction, you must advise them of their right to escalate the matter to the WMCA. You are expected to cooperate fully with any investigation the WMCA undertakes and act on any recommendations provided.

You must also ensure that an effective whistleblowing procedure is in place and followed. This procedure should allow staff and learners to raise concerns about possible malpractice in confidence, without fear of victimisation, discrimination, or disadvantage. The whistleblowing process must be clearly communicated and accessible to all relevant parties. Additionally, you are required to follow and publicise the WMCA Whistleblowing Policy, which can be accessed [here](#).

Failure to comply with these requirements will be treated as a material breach in accordance with your Contract for Services.

Procurement, Subcontracting and Supply Chain

When engaging supply chain partners (subcontractors), providers must ensure full compliance with the following:

- The Skills Programme Funding Rules
- The Supply Chain Funding Rules
- The WMCA's Higher Risk Provider Policy

Providers are required to select their supply chain partners fairly, transparently, and without discrimination. Where applicable, providers must adhere to all relevant procurement legislation, particularly if they are classified as Contracting authorities under procurement law. It is the provider's responsibility to ensure that any proposed delivery partners possess the necessary financial stability, capacity, and capability to deliver the subcontracted Funded Activities effectively.

Providers must obtain formal written approval from WMCA on an annual basis before entering into any supply chain contract. No subcontracted delivery may commence until this approval has been granted. This requirement applies to all third-party arrangements, including those involving learner recruitment, job placement services, and the delivery of teaching, learning, or assessment.

Subcontracting is permitted only to one level. Providers must ensure that their subcontractors do not further subcontract any part of the Funded Activities. Any in-year changes to supply chain arrangements, including changes to subcontracting values or the addition of new partners, must follow WMCA's business case process. Furthermore, if a provider intends to procure additional supply chain partners the WMCA must be notified in advance of any procurement activity. Providers are expected to ensure that any procurement follows the Procurement Regulations. WMCA will assess how the proposed provision enhances the offer to residents and aligns with the Employment and Skills Strategy 2024–2027.

For further guidance, providers should refer to the Supply Chain Funding Rules.

Failure to comply with these requirements will be treated as a material breach in accordance with your Contract for Services.

Impact and Evaluation

Information may be collected to support both processes and impact evaluations of Adult Skills Funded Programmes. Providers will be expected to supply relevant data to facilitate evaluation activities conducted by the WMCA and must also provide learner case studies upon request.

Annexe A - Additional Guidance

2025/26 Skills Programme Funding Rules

Skills Programme Coding Guidance

2025/26 Supply Chain Funding rules

Destination Portal Guidance

Outcomes Framework Coding 2025/2026

Privacy Notice

Financial Health 2025/26 Guidance

Links to the above guidance can be found [here](#)

[Skills Bootcamp Guidance](#)

[Whistleblowing policy and process](#)

[Complaints policy and process](#)

[Quality and Standards Framework](#)