

Forward Plan reference number: Not applicable

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| Report title: Covid-19 Response - Suspension of Adult Community Learning Classroom based provision | |
| Report to: Councillor Ray Gooding - Cabinet Member for Education and Skills and Councillor David Finch – Leader of the Council | |
| Report author: Mike Gogarty - Director, Wellbeing, Public Health and Communities | |
| Date: 20 March 2020 | For: Decision |
| Enquiries to: Katherine Burns, Adult Community Learning Principal | |
| County Divisions affected: All Essex | |

1. Purpose of Report

- 1.1 Following the announcement by the Secretary of State on 18 March 2020 stating that all schools and colleges are to close with effect from 20 March 2020, formal authorisation is sought to suspend all classroom-based provision for Essex Adult Community Learning (ACL) from all centres across the county until further notice.

2. Recommendations

Cabinet Member for Education and Skills:

- 2.1 Agree that all classroom-based provision for ACL, including outreach and subcontracted provision, is suspended until further notice in line with Government direction.
- 2.2 Agree that where practical ACL can extend their in-house delivery of online course provision for both accredited and non-accredited learning to mitigate the impact of suspension on learners
- 2.3 Agree that approval to refund fees paid by learners that have paid for courses currently taking place and for those who have paid in advance for courses due to start after 23 March is delegated to Director Wellbeing, Public Health & Communities
- 2.4 Agree that the Director Wellbeing, Public Health & Communities may re-commence the service once he is satisfied that all provision is finished.

Leader of the Council:

- 2.3 Pending the Government determination of emergency funding, agree the draw down of £650,000 from the Emergency Contingency Reserve to fund the anticipated loss in income as a result of suspension

3. Summary of issue

- 3.1 Adult Community Learning (ACL) Essex is ECC's in-house adult education service. It delivers learning to the residents and businesses of Essex in order to support the Council's strategic objectives. ACL Essex is principally a direct delivery service with a local focus.
- 3.2 ACL is given funding by the Education and Skills Funding Agency to deliver provision that leads to a qualification and provision that is not qualification-based.
- 3.3 A small amount of delivery is carried out by sub-contractors to extend the reach of the service within the County.
- 3.4 ACL Essex delivered across the whole of Essex via ten main centres, as well as different outcentres and through sub-contractors in the communities. Childcare for learners and staff is available in 3 centres.
- 3.5 Due to the COVID-19 the Government is putting measures in place to mitigate the spread of the virus and in particular help protect those over 70 or have an underlying health condition (<https://www.gov.uk/government/topical-events/coronavirus-covid-19-uk-government-response>).
- 3.6 On 18 March 2020 the Secretary of State for Education announced that as part of these measures, schools, colleges and nurseries would be closed with effect from 20 March, except for children of key workers and those considered vulnerable.
- 3.7 This closure is not legally binding on ACL Essex. However, on 19 March 2020 the Coronavirus Bill was introduced to Parliament and it is expected to pass quickly into law. It will introduce the power for the Secretary of State to direct the closure of every educational institution.
- 3.8 It is proposed to retain the provision for vulnerable learners as this aligns with the government's proposals for vulnerable children, although it is possible that this provision could have to be discontinued if directed to do so by the secretary of state.

4. Options

Option 1: Do nothing. This would be a decision against Government and Department for Education announcement for mitigating the spread of COVID-19.

Option 2: (recommended) Suspend all classroom-based courses that are currently running, as well as ones starting on or after 23 March 2020, until

further notice. Courses for learners on 'Supported Learning' provision will be maintained and we will seek alternative provision for vulnerable learners.

5. Issues for consideration

5.1 Financial implications

5.1.1 Adult Community Learning has a revenue budget envelope of (£1.1m) for 2020/21 made up as follows;

| 2020/21 Budget | £000s |
|----------------------------------|--------------|
| Staff Costs | 7.7 |
| Non-Staff Costs | 1.9 |
| <i>Sub-total Expenditure</i> | 9.6 |
| | |
| Income | (2.9) |
| Grant Funding | (7.8) |
| <i>Sub-total Income</i> | (10.7) |
| | |
| Total Controllable Budget | (1.1) |

5.1.2 The key financial risks in the event of closure of classroom provisions to both expenditure and income will be as follows;

- Income
 - £450,000 tuition fee income reduction, this is based on the service not offering Community Learning courses from April to August. On average 60% of tuition fee income is earned during this period which is peak for the service. Should this continue for a 12-month cessation of Community Learning courses than this increases to £750,000.
 - Commissioned work for third parties, the majority of which is for health and wellbeing courses for Adult Social Care, could be lost if funding from ASC needs to be diverted elsewhere. A full year contract is worth circa £300,000.
 - Refunds totalling £95,000 will need to be made due to course closure. These could be made via vouchers or cash refunds. Either way the impact is a loss of income from 2020/21.
 - Whilst current apprenticeship schemes are able to continue within the short term, given current conditions it is unlikely that any new starters will be added to the scheme, of which the impact is circa £130,000. In addition, there could be a knock-on impact to the levy funding that is currently accessed which is time limited. There has been no indication from Central Government as to whether these criteria will be relaxed in the current circumstances.
- Grant Funding

- There has been no clear steer given by the awarding body at the current time as to what their intention is with regards to continuation of funding for this year or how the funding allocation for future years may be impacted.
- For Community Learning assuming that the grant profile and the allocation amount remain unchanged from previous years then any removal of the grant may have the following impact;

| Period of Closure | Risk: Amount of funding |
|--------------------------|--------------------------------|
| April – August 2020 | £1.8m |
| April – December 2020 | £3.9m |
| Full 12 months | £4.8m |

- For Adult Education budget funding, where the impact of a reduction in learner numbers could be partially mitigated by a switch to an online provision, the loss of funding could be kept to below £500,000. This is assuming that 60% of learners still choose to participate. Online provision is claimable from the awarding body.
- **Expenditure**
 - There is potential for a decrease in the use of sessional staff where agreed. Circa £325,000 could be saved on untimetabled sessional staff across a 6 month period depending on the decision to close classroom provision rather than to redeploy.
 - Due to the uncertainty surrounding exams and whether or not they will be sat, there could be a reduction in the amount of exam fees that are paid on behalf of learners. Further detail of proposals from exam bodies will be required before the financial implications of this can be given.
 - The number of classrooms that will be in use will fall across the suite of ACL centres. This has a small beneficial impact on the amount of energy and utilities that will be required.

Funding Requirement

5.1.3 From the flow of risks above, it is anticipated that impact of the closure of classroom based provision over the next 6 months will be £650,000 on the basis that the following assumptions occur,

1. The ESFA funding continues in line with the profiles and allocations that have previously been agreed,
2. The income loss encompasses the 6 month impact on tuition fees of £450,000, the loss of Third Party/Commissioned work £300,000, refunds to learners of £95,000 and the lack of new apprenticeship starters of £130,000,
3. The expenditure on untimetabled sessional staff of £325,000 can be saved
4. Exam fees are paid to awarding bodies.

- 5.1.4 It is proposed that this will be funded from the Emergency Contingency reserve pending the Government determination of emergency funding.

5.2 Legal implications

- 5.2.1 By temporarily closing ACL in this way we are taking steps to improve the health of the people of Essex in accordance with section 2B of the National Health Service Act 2006.

- 5.2.2 The Council may also be breaking commitments made to learners and it is important that refunds are given. It should be noted that it is likely that the Council will be required by law to close the service once the Coronavirus Bill comes into law, meaning that within a short period of time the service will be required to close anyway.

6. Equality and Diversity implications

- 6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 6.3 To ensure learners with learning disabilities are not disadvantaged by closure of courses, wherever possible they have been consulted by phone and asked the question 'If ACL closes will this cause you any difficulties?' As many such learners fall within the list of people who have been advised to self-isolate, a lot of them responded to say that cancellation would have no impact as they are unable to attend in any event, this is backed up by the current low attendance in classes.
- 6.4 The majority of learners who weren't self-isolating already, stated that it would not cause them difficulties. A small number of learners replied 'yes'. We to this question are being offered supported classes where Centres are open where possible or being referred to Adult Social Care who are working with us to support them in other ways.

7. List of appendices

None

8. List of Background papers

None

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| I approve the above recommendations set out above relating to my portfolio for the reasons set out in the report. | Date |
| Councillor Ray Gooding, Cabinet Member for Education and Skills | 20/3/20 |
| I approve the above recommendations set out above relating to my portfolio for the reasons set out in the report. | Date |
| Councillor David Finch, Leader of the Council | 20/3/20 |

In consultation with:

| Role | Date |
|--|---------|
| Executive Director for Finance and Technology (S151 Officer) | 19/3/20 |
| Nicole Wood | |
| Director, Legal and Assurance (Monitoring Officer) | 19/3/20 |
| Paul Turner | |
| Executive Director, Place and Public Health | 19/3/20 |
| Mark Carroll | |

Exemption from call in

I agree that it is in the best interests of the Council for this decision to be implemented urgently and therefore this decision is not subject to call in (paragraph 20.15(xix) of the constitution applies).

Councillor Mike Mackrory
Chairman of the Corporate Policy and Scrutiny Committee

Date: 20/3/20

