

# Questions & Answers

## **Joint Investment Programme**

Growth and Innovation Fund

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## **Introduction**

1 This document includes answers to all questions raised specifically regarding the Joint Investment Programme (JIP) strand of activity within the Growth and Innovation Fund (GIF). This document will be updated regularly with the questions and answers which are raised and answered via the Joint Investment Programme email box.

2 Questions and enquiries regarding the Growth and Innovation Fund can be submitted through the following routes:

For general questions:

[gif.questions@ukces.org.uk](mailto:gif.questions@ukces.org.uk)

For Best Market Solutions related questions:

[gif.questions@ukces.org.uk](mailto:gif.questions@ukces.org.uk)

For Joint Investment Programme related questions:

[jointinvestmentprogramme@skillsfundingagency.bis.gov.uk](mailto:jointinvestmentprogramme@skillsfundingagency.bis.gov.uk)

For National Skills Academies related questions:

[nationalskillsacademies@skillsfundingagency.bis.gov.uk](mailto:nationalskillsacademies@skillsfundingagency.bis.gov.uk)

Questions submitted will be responded to within two working days and responses will be shared publicly through the [Growth and Innovation Fund website](#).

3 Applicants should ensure they have taken account of the information provided in this document when preparing their application(s). The names of the applicant submitting questions will remain anonymous.

### **Skills Funding Agency**

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An agency of the Department for Business, Innovation & Skills

# Question Themes

The questions in this document have been grouped into the following themes / sections

1. The Programme .....	3
2. Application Process .....	4
3. Provider Questions .....	6
4. Qualifications and what can be funded? .....	12
5. Delivery .....	14
6. Employer Engagement and Investment.....	14
7. Eligibility .....	15

# 1. The Programme

Q1.1. What is different about the Joint Investment Programme and mainstream Further Education (FE)?

The flexibilities available in the Joint Investment Programme are:

- Funding for FE provision which is not eligible for funding support through mainstream programmes – including for example units and also qualifications at award level.
- Relaxed eligibility to fund repeat qualifications for re-skilling and up-skilling, which is not available through mainstream. These are also available to employers of all sizes which is not the case in mainstream
- Funding ring-fenced for the specific qualifications and available exclusively through specific providers agreed through the Joint Investment Programme.

Q1.2. What are the benefits / added value of the Joint Investment Programme?

The benefits in the Joint Investment Programme arise from the flexibilities to fund units and qualifications not available in mainstream and from the ring fencing of funding to support specific qualifications, or the restricting of this funding to a specific group of providers. This enables, amongst other benefits:

- Minimised risk for both employers and providers in creating / developing new markets as this can be developed over the life of the Joint Investment Programme
- Opportunity to testing new qualifications or developing demand for new skills or to establish the impact and benefits of new skills
- Development of capacity and expertise in the provider network for emerging skills; for example as new technology emerges

Q1.3. Can Joint Investment Programme be used to fill the gap in provision following the removal of Train to Gain and reductions in funding?

Joint Investment Programme will support provision costs for identified and specific skills gaps and will not support generic programmes of activity. The Joint Investment Programme presents the opportunity for a rapid short-term intervention for employers to work with Government to meet an identified skills need. We welcome proposals which:

- Stimulate demand from employers and establish capacity which provides a skills solution which is likely to be fully-funded by employers and individuals in the future

- considers a variable or greater employer contribution model to the limit of the Skills Funding Agency rate which supports the transition from co-funding to fully-funded by employers.

## 2. Application Process

Q2.1. If an application falls just short of the criteria will there be any negotiation?

No, formal written feedback will be issued following the meeting of the Growth and Innovation Fund Investment Board. The applicant may choose to reconsider the application and submit at a later invitation. Each application will always be judged on its own merits and in the context of the mix and totality of all applications at that time.

Q2.2. Can a sector / organisation submit more than one Joint Investment Programme application?

Yes.

Q2.3. What can we learn from the Joint Investment Programme 2010 and where can we find information?

The Joint Investment Programme 2010 had a different application process, delivery model and was judged against different criteria. You can however read about [Joint Investment Programme 2010](#) projects on the Skills Funding Agency website.

Q2.4. Is there a minimum size/value of learners or money acceptable for Joint Investment Programme applications?

No, there is no minimum size. The Skills Funding Agency will focus on the size and scale of the impact compared with the volumes and costs required to achieve the impact.

Q2.5. Will you accept applications from organisations representing groups of employers for a cross cutting skills need?

We will only accept applications from organisations that meet the eligibility criteria as set out on page 13 of the [prospectus](#).

Q2.6. Can individual organisations for example, employers bid?

No, we will only accept applications from organisations that meet the eligibility criteria as set out on page 13 of the [prospectus](#).

Q2.7. How prescriptive are you on the England only geographical focus of the Joint Investment Programme?

The Joint Investment Programme is available for employers and learners in England only.

Q2.8. Our application is based on a number of essential units required in the sector however at this stage employers have not committed to the individual units how do we present this in the application?

It is essential that as much detail is provided to enable the Skills Funding Agency to fully cost the activity required for the JIP. In a JIP focussed on units of delivery we do understand employers may not be able to commit at the level of detail until engagement with the provider has taken place.

To assist you with this we suggest in section 2.1.1 bullet d of the application form you may, for units only, list all units and where similar merge the enrolments fields to put a number of project enrolments which spread across the units. You must however do this for each of the columns as per the example below, columns must not be merged:

Example:

d) Please detail the projected volume of learner enrolments as detailed below.\*

Qualification / Unit / Apprenticeship Component Title	Projected Enrolments			
	Learners Commencing in the Academic Year (Between 1st Sept 2011 and 31st July 2012)		Learners Commencing in the Academic Year (Between 1st August 2012 and 31st July 2013)	
	In employers with <250 Staff	In employers with 250+ Staff	In employers with <250 Staff	In employers with 250+ Staff
Unit A				
Unit B	400	100	500	75
Unit C				
<b>SUB-TOTAL</b>	400	100	500	75
<b>TOTALS</b>	500		575	

\*please add additional rows as necessary

It is important to remember that the Joint Investment Programme is a targeted offer to meet specific identified skills needs and we therefore would not expect to see an extensive list of units which do not directly relate to the specified skills need.

### 3. Provider Questions

Q3.1. How can providers best place themselves to become a lead provider?

Lead providers will be selected following the mini-competition<sup>1</sup> process explained in the [briefing note issued 22 February 2011](#), a copy of which can be found on the Approved College and Training Organisation Register (ACTOR) page of the [Skills Funding Agency website](#). Only Providers registered, evaluated and moderated on ACTOR will be invited to tender. Interested providers should also read Joint Investment Programme guidance materials available on the [Skills Funding Agency website](#) and keep abreast of sector organisations application progress.

Q3.2. Will provider tendering be sectoral?

Yes, the Skills Funding Agency will require the lead provider to have a history of working within the sectoral area in which the Joint Investment Programme will operate. This will be questioned and evidenced through delivery performance in the relevant qualification Sector Subject Areas in which the provider is delivering and a track record of working with employers in this area.

Q3.3. If a provider is a delivery partner in another strand of Growth and Innovation Fund which is also related to the Joint Investment Programme what impact will this have?

Providers that are a partner within other strands of Growth and Innovation Fund activity will have no impact on the provider delivery network and lead provider selected to deliver for an agreed Joint Investment Programme. Selection will be done through the mini-competition process. Only Providers registered, evaluated and moderated on ACTOR will be invited to tender.

Q3.4. Can a provider lead or act as a subcontractor for more than one Joint Investment Programme?

Yes, providers can deliver in more than one Joint Investment Programme however the Skills Funding Agency will consider and take a view on the providers' capacity to do so.

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<sup>1</sup> Mini-competition – a shorter bespoke sub tender to the Adult Skills Budget ITT on ACTOR which is a requirement for all providers considering the mini-competition for JIP.

Q3.5. Are private providers eligible for a lead provider role?

Yes. The Skills Funding Agency contracts with both colleges and training organisations and therefore includes private providers. There is no restriction on the type of provider eligible to carry out the role of a lead provider. Providers must be registered on ACTOR and evaluated and moderated against the Single Adult Skills Budget invitation to tender (ITT) to be considered for the mini-competition.

Q3.6. If a provider is not on ACTOR can they bid?

No. Providers must be registered on ACTOR and evaluated and moderated against the Single Adult Skills Budget ITT to be invited to tender. The last opportunity for providers to register on ACTOR ahead of the mini-competition is 15 April 2011.

Q3.7. Why can't the Skills Funding Agency issue a single tender to the provider the Applicant chooses?

The Skills Funding Agency has to follow the appropriate EU Procurement Directives for any procurement we seek to carry out. In certain circumstances it is possible to carry out a Single Tender Process but given the nature of the provision eligible within the Joint Investment Programme it is very unlikely that these criteria would be fulfilled. This would also add considerable time and resource to the process as this would require individual single tender processes for every successful Joint Investment Programme. The single tender criteria are:

Either

- We have to know (not suspect or assume) that only one organisation can deliver what we are seeking to procure

OR

- It can be openly and fairly demonstrated that continuity of supply is paramount and any savings that could arise from procuring from another organisation

OR

- Following an unsolicited approach by an organisation the Skills Funding Agency decides that it would be in everyone's best interest not to tender

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- We have to take cognisance of the fact that the maximum amount of any single tender allowed in the Skills Funding Agency currently is £25000.

Q3.8. If the applicant has an approved network of providers are these excluded from tendering to become a lead provider?

No, but Providers must be registered on ACTOR and evaluated and moderated against the Single Adult Skills Budget ITT to be invited to tender.

Q3.9. If a National Skills Academy submits an application does this cause a conflict of interest for Academy approved providers tendering to be a lead provider?

No, however the role of the applicant in supporting the Skills Funding Agency in the selection of the lead provider through the mini-competition process must not be compromised. The Skills Funding Agency will put controls in place to ensure conflicts of interest are managed and a fair and transparent process is applied at all times. This may result in a limited role for the applicant in this selection process.

Q3.10. Does the Skills Funding Agency expect to judge the lead provider tenders on the level of cost / management fees applied to any subcontractors?

Yes. The Skills Funding Agency will be looking for value for money and for the majority of funding to pass to support the cost of delivery to learners. Management fees for subcontracting will therefore be a key consideration.

Q3.11. Will all providers evaluated and moderated on ACTOR be invited to the mini-competition?

Any organisation that is evaluated and moderated against Single Adult Skills Budget ITT on ACTOR could be invited to the mini-competition however, we may choose to sift them in the first instance based on published criteria and resulting from advice of the applicant.

Q3.12. What evidence will the Skills Funding Agency use to select lead providers for the Joint Investment Programme?

In the first instance they will be selected from ACTOR once their ITT submission has been evaluated and moderated. We will then sift these organisations using the information provided in the ITT and published selection criteria. These organisations will then be invited to tender.

Q3.13. What might real evidence of partnerships as requested in the tender look like?

The Skills Funding Agency will use a formal tender process to request information and evidence to demonstrate the providers' abilities and qualities. For further information please see the provider briefing on the [Skills Funding Agency website](#).

Q3.14. How much control will the Skills Funding Agency or Applicant have over the lead provider and the value of business they deliver/subcontract?

The applicant is responsible for the Joint Investment Programme and is the lead partner. The lead provider is the key partner to the Joint Investment Programme, responsible for working with the applicant on Joint Investment Programme delivery. The partnership created in the Joint Investment Programme does not create a control mechanism, and any disputes and issues will need to be resolved by the applicant and lead provider working together.

The expectation is that the partnership created in the Joint Investment Programme will ensure that an appropriate mix of providers needed to ensure successful delivery is created. The final decision on who to subcontract with remains the responsibility of the lead provider. The Skills Funding Agency does however reserve the right, in its sole discretion, to refuse to accept any organisation as a subcontractor and this statement runs true throughout the life of any contract that is signed. One selection criteria the Skills Funding Agency will seek to make use of is; appointment of the lead provider based on their experience and track record of partnership working, we would expect the provider to work in partnership with the applicant.

Normal Skills Funding Agency performance management processes will be used by the Skills Funding Agency which enables the questioning and challenging of the delivery both of the partnership and the quality of delivery subcontracted or otherwise.

Q3.15. National Skills Academies already have provider networks – how would you see these working with the Joint Investment Programme delivery network?

If the providers are well recognised in the sector area we would typically expect them to either tender to be a lead provider or for the applicant and lead provider to consider them as part of a subcontracted network.

Q3.16. Can a Lead Provider subcontract with a provider who is not registered on ACTOR?

Yes, subject to Skills Funding Agency agreement. The Skills Funding Agency does however reserve the right, in its sole discretion, to refuse to accept any organisation as a subcontractor and this statement runs true throughout the life of any contract that is signed.

Q3.17. What happens if there are no successful providers in the mini-competition for the lead provider?

In the unlikely event there are no successful providers identified through the mini-competition the Skills Funding Agency will advise the applicant and consider alternative options, these may differ depending on the nature of the Joint Investment Programme.

Q3.18. Does the provider typically collect the employer contribution?

Yes, this is a contractual requirement of the provider. The provider is required to collect the 50% contribution (or agreed contribution) of the total funding rate of each aim from all employers. The provider is required to invoice the employer for its contribution and contributions must be made in cash.

Q3.19. Will the minimum contract level apply to the lead provider?

Yes, minimum contract levels (MCL) will apply to the lead provider. Please see Skills Funding Agency [Guidance Note 6](#) for further information on MCL.

Q3.20. What are the benefits of having a lead provider model?

A lead provider model is the most effective and flexible delivery model for this type of programme. This model enables the lead provider to contract with other providers not currently listed on ACTOR, which the Skills Funding Agency, through direct contracting with providers, cannot do. It also allows for the provider network to flex reacting to the needs of employers as efficiently and effectively as possible.

For you and your employers this provides you with an opportunity to build a network of providers with specialist expertise which will hopefully be sustained post Joint Investment Programme.

Q3.21. Some Applicant organisations may have preferred providers they wish to have as lead providers. Why won't the Skills Funding Agency consider these?

All organisations seeking consideration for direct funding by the Skills Funding Agency must be on ACTOR as part of Skills Funding Agency and external procurement arrangements for public funded provisions. If these organisations are on ACTOR they will be considered along with others.

Q3.22. Asking an employer to commit investment without knowing who the delivery partner is won't be easy – why can't employers specify which provider delivers the provision?

The Skills Funding Agency must conduct fair, open and competitive tendering processes for publicly funded provision. All organisations seeking consideration for funding by the Skills Funding Agency must therefore be on ACTOR. If these organisations are on ACTOR they will be considered along with all others, and it is expected that the delivery network created by applicant and lead provider will encompass the most successful providers. Employers are still able at any point to go direct to their preferred provider and fully fund any provision needed if they prefer, but the Skills Funding Agency cannot procure publicly funded provision through this route.

Q3.23. Employers already have established relationships with providers. Why won't the Skills Funding Agency allow these providers to act as deliverers for Joint Investment Programme?

All organisations seeking consideration for funding by the Skills Funding Agency must be on ACTOR. If these organisations are on ACTOR they will be considered along with all others and of course the Skills Funding Agency must comply with EU Procurement rules and therefore a tender process will be undertaken to select the best and most appropriate providers.

Q3.24. What influence does an applicant organisation have on securing a lead provider organisation that they have an existing relationships with?

The decision on a lead provider will be made by the Skills Funding Agency, however, some of the criteria applicants are asked for as part of their application will be applied to requirements of a lead provider for their JIP. This will be compared to the information we have on ACTOR to decide which providers would be capable of the task before a mini-competition takes place between those providers.

Where we identify a provider who has a relationship/interest with the applicant organisation, we will do all we can to avoid influencing the process. This could mean that we do not evaluate the mini-competition returns for those providers. We do, however, hope to be able to actively involve the applicant organisation in the final selection and this could, if appropriate, consist of formal presentations. The Agency will absolutely take into consideration the applicant organisation's views and would hope to be in agreement, however the final decision does rest with the Agency as this is our contractual agreement and risk.

Q3.25. In the context of provider payments what does 'payment on actuals' mean?

All payments will be made to providers based on data returns submitted through the Individualised Learner Record. Payments will be made monthly in arrears for learners who have started and are actively on programme.

Q3.27. What are the key elements do providers need to take into account if they wish to tender as a lead provider?

Any provider wishing to tender as a lead provider should note that:

- They should be registered on ACTOR at the very latest by 13<sup>th</sup> May.
- Not all organisations registered on ACTOR will be considered for this activity. The Agency will carry out an initial selection of those we deem capable to deliver in this type of arrangement which will include initial assessments on readiness to deliver, sub-contracting arrangements and current activity.
- Minimum contract levels will apply, therefore contractors will hold an annual contract of at least £500K and the Skills Funding Agency JIP funds will be in addition to this.

Q3.28. Where does State Aid responsibility lie in the lead provider model?

The lead provider is responsible for making subcontracted providers and their employees aware of their obligations under State Aid. All State Aid returns will come to the Skills Funding Agency via the lead provider.

#### **4. Qualifications and what can be funded?**

Q4.1. What is the latest point the qualifications need to be on the QCF?

28 April 2011 – see paragraph 18 of [Further Guidance – Joint Investment Programme](#) for further information.

Q4.2. Would an SASE-compliant Apprenticeship framework need to be issued and available by 28 April 2011?

Yes, the SASE-compliant Apprenticeship framework needs to be issued And available to learners by 28 April 2011 in order for the Skills Funding Agency to consider investing.

Q4.3. Where can I access a list of qualifications in our sector?

[Sector Skills Councils](#) are best placed to advise you on the qualifications available in your sector.

Q4.4. Are there any restrictions on levels of qualifications / units?

Skills Funding Agency funds provision from Levels 1–4. The Skills Funding Agency does not fund prescribed HE.

Q4.5. Will you fund 16-18 Apprenticeships?

No, the Joint Investment Programme is for Adults over the age of 19. Funding is available for 16-18 year old apprentices within mainstream activity.

Q4.6. How do I calculate the cost of QCF qualifications and units?

Please see [Further Guidance – Joint Investment Programme](#) Section 2.

Q4.7. Does the qualification have to be based on National Occupational Standards (NOS)?

Yes, unless a relevant NOS is not available.

Q4.8. Is pre-employment provision funded under Joint Investment Programme?

No, learners engaging in Joint Investment Programme must be employed.

Q4.9. Is ESOL supported as part of a solution?

No.

Q4.10. Is there any funding for the applicant role in Joint Investment Programme?

No, Joint Investment Programme funding is available to support the costs of learner participation on agreed programmes of learning only.

Q4.11. What does the Joint Investment Programme offer beyond the existing funding available for Apprenticeships?

The Joint Investment Programme offers ring-fenced funding for specific frameworks available through specific providers identified through the JIP. Please refer to Q 1.2. for further information.

Q4.12 If a qualification expires on the QCF during the life of the JIP, is it acceptable to switch to the successor qualification?

When developing the qualifications part of your application, you need to take the following into account:

- Qualifications on the QCF will not be funded once they expire.
- If qualifications are not live on the QCF on receipt of your Application, they will not be acceptable as part of the JIP
- The list of qualifications agreed as part of a JIP application are the only eligible ones – this means expired qualifications cannot be replaced during the course of the JIP

- If a qualification is due to expire, then you would either need to extend its life for the duration of the JIP or consider using the successor qualification as part of a future JIP.

## 5. Delivery

Q5.1. In some sectors learner starts in October will not be possible for example the retail sector where November – January is a peak time for sales and time for learning is not available is this acceptable?

Where a valid case can be demonstrated of an employer impact yes, this is acceptable. Simply needing more time to engage with employers / providers will not be considered acceptable.

Q5.2 Is it acceptable to use different flexible models of delivery based on the the needs of the employer and employee and does this impact on the funding rate?

Yes, subject to employer and provider agreement. This would not impact the funding rate. It would be helpful to detail delivery requirements as part of your application to aid the procurement process.

## 6. Employer Engagement and Investment

Q6.1. Experience from previous Joint Investment Programme activity suggests employer engagement takes longer than anticipated, is it really possible to get learner engaged and started on programme by October?

Yes we believe it is possible. We have changed the model since the Joint Investment Programme 2010 and we now require formal written commitment for 25% of the learners for the totality of your programme at point of application. Employer commitment is not intended to be in principle but a real commitment to starting learners on programme at a specific point in the year. Presumably the first 25% committed will be expecting to start between October 2011 and February 2012.

Q6.2. What mix of employer size (SMEs / large) are you expecting?

Ideally the majority of employees engaging in Joint Investment Programme will be employed by SMEs. We do however recognise that this is not reflective of all sectors and applicants should do what they can to ensure the mix of employer sizes within the Joint Investment Programme is representative of the sector overall.

Q6.3. The terminology “public / private match” is used – does this exclude public sector organisations where the employer funds are inevitably also public, for example the NHS?

The “private” funds must be employer monies to deploy as part of its normal business. This employer contribution can come from employers in the private, third or public sector.

## **7. Eligibility**

Q7.1. Are volunteers and self-employed workers able to benefit from Joint Investment Programme?

Yes for qualifications and units.

### **Self-employed**

Self-employed workers (defined as being an individual responsible for their own tax and national insurance contributions, working independently, or for a company on a self-employed basis) are eligible to participate in Joint Investment Programme. This applies to both self-employed individuals working at/for an employer and self-employed individuals who are not based with an employer.

Normal funding and eligibility rules apply to self-employed learners (apart from the requirement to have a contract of employment). Self-employed learners must confirm they are self-employed. The self-employed individual will be expected to make the full employer cash contribution themselves.

### **Volunteers**

Although Joint Investment Programme is primarily aimed at employed individuals, it is recognised that there is a community of unpaid volunteers who perform similar tasks to those of an employee.

For the purposes of Joint Investment Programme a volunteer:

- Is an individual giving unpaid help as part of a group, club or organisation to benefit others or the environment (but not family members)
- Has a regular pattern of volunteering over a period of weeks or months
- Continues with their volunteering activity after they have completed their learning aim, in all but exceptional cases.

A volunteer is not:

- An employee
- In a volunteering role which has been specifically created for the purpose of accessing Joint Investment Programme funding
- A general helper who has no defined purpose or responsibilities

- Someone who has been instructed to volunteer by a third party and is compelled to do so.

The group, club or organisation will be identifiable in its own right. It can be a formally constituted entity, such as a charity or company, but does not have to be. Informal community based organisations must have at least a statement of function or purpose and a governance structure. Where no formal record exists, such as listings at the Charity Commission or Companies House, then naturally occurring evidence must be used in identifying the group, club or organisation. This could, for example, be a copy of a Statement of Principle signed by the management committee, a copy of a signed Mission Statement or other document of a similar nature. This is not an exhaustive list and other suitable documentation could be used.

The learner would also have similar documentation in relation to their purpose and role but this would also be in the form of naturally occurring evidence and could include induction material, formal agreements or role descriptions.

Where a volunteer engages in Joint Investment Programme and follows a vocational qualification it must be related to their volunteering activity.

A volunteer must be capable of completing and achieving the qualification being followed within the time constraints spent volunteering.

Any learning must take place during the time in which the volunteer usually spends at the organisation. The volunteer must not be required to undertake learning outside of this time unless agreed in advance with the learner. This would be seen as an exception, and reasons and agreement must be recorded as to why this is happening. All learning must take place within the learners 'place of work'.

A volunteer learner may be in receipt of state benefits but must not be in receipt of any enhancements due to this volunteering activity. Payment of any enhancements to benefits, for example by Jobcentre Plus, would render the learner ineligible for Joint Investment Programme.

The employer contribution is payable by the group, club or organisation and is non-negotiable.

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