

Cabinet – 22 July 2015

Walsall Adult and Community College Operational Plan and Budget for 2015/16

Portfolio: Learning skills and apprenticeships

Related portfolios:

Service: Resources

Wards: All

Key decision: No

Forward plan: No

1. Summary

- 1.1 This report sets out Walsall Adult and Community College's Operational Plan and Budget for 2015/16.
- 1.2 In December 2014, the Walsall Council Cabinet approved the College's two stage spin out from the Council. The College will therefore become a wholly owned subsidiary of the Council on 1st August 2015. Prior to the December 2014 Cabinet decision, detailed business planning for a five year period was undertaken. The Operational Plan and Budget for 2015/16 are an update of the December 2014 plans.
- 1.3 This report makes recommendations as to the proposed arrangements for the overseeing and performance management of the operations of the new Walsall Adult and Community College charitable company, in order to ensure that while it remains wholly owned by the Council, the new charitable company complies with its Articles of Association, statutory obligations and the Council's requirements in general and continues to provides high quality services.

2. Recommendations

- 2.1 That the Cabinet approves the Walsall Adult and Community College Operational Plan and Budget for 2015/16.
- 2.2 It is recommended that the Cabinet approve that delegated authority is given to the Executive Director of Resources, or their authorised representative, in consultation with the leader of the Council, to:

- (i) Act as the Council's representative for the purposes of when the Council needs to take any steps or action in its capacity as the sole member of the new charitable company;
- (ii) Act as Walsall Council's representative at all Directors meetings of the new charitable company (including any general meeting);
- (iii) Approve the appointments of the Chairperson and Vice-Chairperson of the new charitable company, on behalf of Cabinet;
- (iv) Approve the final form of the Commercial Transfer Agreement, once this has been negotiated between Walsall Adult and Community College's solicitors and officers on behalf of the Council, so that this can be completed immediately prior to the initial spin-out of Walsall Adult and Community College on 1st August 2015;
- (v) Oversee and performance manage the operation of the new Walsall Adult and Community College charitable company, in order to ensure that while it remains wholly owned by the Council, the new company complies with its Articles of Association, statutory obligations and the Council's requirements in general;
- (vi) Oversee, manage and drive the spin-out of Walsall Adult and Community College to the point that it is able to become completely independent from the Council within a target period of two years from 1st August 2015.
- (vii) To sign or execute any deeds or documents on behalf of the Council pursuant to the spin-out of Walsall Adult and Community College.

3. Report detail

- 3.1 In the last five years, Walsall Adult and Community College has demonstrated its clear strengths and uniqueness in the local market through vigorous pursuit of its Mission, Vision and Values, and by achieving Ofsted 'Outstanding'. The College has made a significant contribution to developing learning and skills in Walsall and surrounding areas, focusing its efforts on those with the highest needs who are furthest away from employment and/or engagement in local communities.
- 3.2 In early 2014, Walsall Council recognised the College to be the main service within the Council for consideration as a spin out. The Council secured 'Delivering Differently' funding from the national Cabinet Office for a 'Structure and Prospects' appraisal via KPMG and Eversheds. This work informed the development of business plans and financial forecasts.
- 3.3 This business development activity culminated in Walsall Council's Cabinet giving approval in December 2014 for the College to become a wholly owned subsidiary of the Council in August 2015, followed two years later by full independence. Arrangements with Walsall Council are being finalised for the College's transition to the first stage of independence on 1st August 2015.

- 3.4 2015/16 will therefore be a year of consolidation for the College, during which it further develops the skills and capacity to manage its own strategic direction and day-to-day operations. In 2016/17, Walsall Council will have minimal involvement in the College's strategic and operational activities, enabling the College to move to full independence in 2017.
- 3.5 The College's Operational Plan and Budget for 2015/16 builds on the business and financial plans developed in 2014. The Operational Plan takes account of key local and regional priorities such as those produced by Walsall Council and the Black Country LEP, in addition to the expected changes to national funding streams and other opportunities and threats. This plan also reflects the College's Strategic Plan and ongoing developments in the curriculum, some of which have emerged through the internal self-assessment process.
- 3.6 The Operational Plan and Budget 2015/16 sets out the key indicators that the College's Senior Leadership Team and the Board of Trustees will monitor monthly throughout 2015/16. The key indicators will also be reviewed by the Walsall Council CMT on a quarterly basis.

4. Council priorities

- 4.1 Walsall Adult and Community College's established role in providing high quality learning and skills first step provision for the most disadvantaged in Walsall ensures that, in 2015/16, it will continue to make an important contribution to the Council's corporate priorities:
- **creating jobs and helping people get new skills** – the College provides a wide range of learning opportunities that enable people to develop new skills and work towards economic independence
 - **improving educational achievements** - the College provides high quality (Ofsted Outstanding) learning opportunities that enable people to achieve qualifications and progress to work, further training or greater independence
 - **promoting health and wellbeing** – many of the College's learners experience an increase in their sense of worth when they progress in their studies, frequently for the first time in their lives; some go on to make a positive contribution to society through reduced dependence on the state. Many learners also increase their understanding of healthy lifestyles through their learning programmes and the advice and support received at college.
- 4.2 Overall, the College's provision meets the needs of local communities and enables individuals and groups to work towards and achieve appropriate qualifications, progress to employment and/or further training and make a positive contribution within the borough.

5. Risk management

5.1 A key risk for the Council has been identified as:

- if the College fails to achieve its contract targets, as stated in the Operational and Financial Plans, there is a risk that the College would face funding claw back and become financially unviable, potentially leading to a financial risk to the Council.

5.2 A key risk for Walsall Adult and Community College has been identified as:

- if the College fails to achieve its contract targets, as stated in the Operational and Financial Plans Operational and Financial Plans, there is a risk that the College would face funding claw back and become financially unviable.

5.3 The above risks will be mitigated through close monitoring of income and expenditure throughout the academic year. Risks have been discussed at meetings between Council Officers and the College. The outcomes of these meetings have informed the recommendations in this Cabinet report.

6. Financial implications

6.1 A summary of the full budget that has been developed for 2015/16 is attached at Appendix B.

The headlines are:

	Budget (£000s)
Education contract income	£3,972
Other income	£607
TOTAL INCOME	£4,579
Staffing costs	£2,919
Other expenditure	£1,930
TOTAL EXPENDITURE	£4,849
Surplus/(Deficit) before Council support	(£270)
Council support	£176
SURPLUS/(DEFICIT) after Council support	(£94)

6.2 In line with the financial plan presented to the Walsall Council Cabinet on 17th December 2014, the College's proposed budget for 2015/16 has a deficit of £94k after Council support of £176k.

6.3 The total budgeted income for 2015/16 is £4,579k; staffing costs are £2,919k; other expenditure £1,930k.

- 6.4 The budget is based on delivering 8,558 enrolments. There are two main growth areas; 16-18 provision and apprenticeships.
- 6.5 It is planned that 15% of education contract income will be sub-contracted to local training providers and community organisations.
- 6.6 Initial contract allocations for 2015/16 totalling £3,793k have been received from the Education Funding Agency (£353k) and Skills Funding Agency (£3,440k) and the curriculum has been planned to deliver these contract amounts.
- 6.7 Additional in year funds for apprenticeship growth amounting to £179k has also been included in the total income budget of £3,972k for 2015/16. This can be broadly split as £353k from the Education Funding Agency for 16-18 provision; £3,259k from the Skills Funding Agency for adult skills provision; and £360k for apprenticeship provision.
- 6.8 Staffing costs of £2,919k have been budgeted for. This represents 64% of income which is 1% lower than the sector average of 65%.
- 6.9 Teaching staff costs represent 51% of the total staffing cost, with Learning Support and Quality representing 17%. The remaining 32% is invested in Business Development and Business Support. A cost of living increase of 1% has been assumed in the budget.
- 6.10 The budget for other expenditure is £1,930k which includes £456k in fees for subcontracted provision.
- 6.11 Capital expenditure of £200k is proposed for 2015/16.
- 6.12 A total of £185k is proposed to be spent directly from reserves. £175k is the agreed investment to support the further growth in apprenticeships planned for 2016/17 onwards.
- 6.13 In addition, it is proposed that the facility of a small innovation fund is made available to support and encourage college staff in the exploration of innovative ways of approaching teaching and learning. Any bids from this fund will be presented to the College's Finance Committee for approval.
- 6.14 The budgeted balance sheet for the year ending 31st July 2016 has net assets of £1,565k and unrestricted cash reserves of £1,308k.
- 6.15 The budgeted level of cash reserves means that the College could continue to operate for 111 days in the event that all income sources ceased.
- 6.16 The College will operate in accordance with the financial plan presented to the Walsall Council Cabinet on 17th December 2014.

7. Legal implications

- 7.1 The main source of funding for the new entity is the Skills Funding Agency (SFA) grant. This will have to remain in the Council's name until such time as the SFA agrees to pay the grant direct to Walsall Adult and Community College when the college completes its full spin out from the Council. In the meantime, the Council will rely on the Teckal exemption which is codified in regulation 12 of the Public Contracts Regulations 2015, in order to procure the services which the SFA grant is intended to fund from the College. This means that the Council can contract direct with the College for these services without having to comply with the EU procurement regime which is set out in the Public Contracts Regulations 2015.
- 7.2 To be compliant with the Teckal exemption in regulation 12 more than 80% of the business activities of the College must be for the Council. WACC's budget and operational plans meet this requirement.
- 7.3 Regulation 12 of the Public Contracts Regulations 2015 also requires that the Council exercises a level of control over WACC similar to that which it exercises over its own departments. These controls are incorporated into WACC's Articles of Association and are the basis for the recommendations in this report.
- 7.4 As part of the Commercial Transfer Agreement all existing contracts and service level agreements which have been entered into by the Council for the College will be reviewed and (where appropriate) novated to WACC. This will be done in consultation with Legal Services and the Procurement Team.

8. Property implications

- 8.1 The College will continue to occupy the Hawbush Centre in Leamore and the Whitehall Centre in Caldmore rent free for 2015/16 and 2016/17. This forms part of the £176k of Council support in both years, approved by the Walsall Council Cabinet at their meeting on 17 December 2014.

9. Health and wellbeing implications

- 9.1 Participating in learning activities through the College enables many learners to reduce their dependence on the state and become positive contributors to their local community.
- 9.2 Many learners also increase their understanding of healthy lifestyles through their learning programmes and the advice and support received at college.

10. Staffing implications

- 10.1 The Operational Plan and Budget for 2015/16 have no direct staffing implications. The College is aiming to increase its turnover in the next three years and therefore may be in a position in future to employ increased numbers of staff. The College is mindful of the need to ensure that staff skills are developed in order that changing curriculum needs and funding agency priorities can be met.

11. Equality implications

- 11.1 Walsall Adult and Community College directly supports inclusion by targeting its learning programmes and support services to the most disadvantaged individuals and groups locally, including those with protected characteristics as defined by the Equality Act 2010.
- 11.2 Many of the College's learning programmes are designed to address worklessness and to reduce the number of local young people who are not accessing education, employment or training. The College also offers a wide range of community provision that encourages those who are not yet ready to access mainstream programmes to attend a local first-step course.
- 11.3 The College supports inclusion by promoting community cohesion and reducing inequalities through the delivery of targeted programmes across the borough via its nine community partners.

12. Consultation

- 12.1 In recent months, consultation has taken place with the College's Board of Directors who formally approved the Operational Plan and Budget for 2015/16 on 30th June 2015.

Appendix A Walsall Adult and Community College Operational Plan 2015/16

Appendix B Walsall Adult and Community College Budget 2015/16

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14 July 2015

Councillor Bird
Leader of the Council

14 July 2015

Appendix A

Walsall Adult and Community College Operational Plan 2015/16

1. Introduction and background

- 1.1 In the last five years, Walsall Adult and Community College has demonstrated its clear strengths and uniqueness in the local market through vigorous pursuit of its Mission, Vision and Values. The College has made a significant contribution to developing learning and skills in Walsall and surrounding areas, focusing its efforts on those with the highest needs who are furthest away from employment and/or engagement in local communities.
- 1.2 Having achieved Ofsted Outstanding just over two years ago, the College's Governing Body recognised that the College was well placed to establish itself as a strong independent provider and renewed its ambition to move the College out of Walsall Council. The move would also enable the College to access other sources of funding, widening its activities and strengthening its future at a time when the Skills Funding Agency is reducing central grants.
- 1.3 In early 2014, Walsall Council recognised the College to be the main service within the Council for consideration as a spin out. The Council secured 'Delivering Differently' funding from the national Cabinet Office for a 'Structure and Prospects' appraisal via KPMG and Eversheds. This work provided the foundations for the development of business plans that proved the College's capacity to 'Deliver Differently'. This 'proving' activity culminated in Walsall Council's Cabinet giving approval for the College's spin out plans at the Cabinet meeting on 17th December 2014. It was agreed that the College would spin out in two stages, firstly to become a wholly owned subsidiary of the Council in August 2015, followed two years later by full independence.
- 1.4 The first half of 2015 has seen the College put in place the key components for the implementation of its new entity, these being the establishment of the new College Company and the creation of a Board of Trustees. Staff consultations have taken place and arrangements with Walsall Council are being finalised for the transition on 1st August 2015 via a Commercial Transfer Agreement. Included within the Agreement are TUPE arrangements for the protection of all College staff.

- 1.5 This Operational Plan therefore builds on the business and financial plans developed in the last year for the new College. The Operational Plan takes account of the external landscape, specifically: key local and regional priorities such as those produced by Walsall Council and the Black Country LEP; the expected changes to national funding streams; and other opportunities and threats. It also reflects the College's Strategic Plan and ongoing developments in the curriculum, some of which have emerged through the self-assessment process.
- 1.6 2015/16 will therefore be a year of consolidation for the College, during which it establishes new ways of working whilst beginning to operate independently from the Council. It is envisaged that by summer 2016, the College will have fully developed the skills and capacity to manage its own strategic direction and day-to-day operations. Therefore, during 2016/17, Walsall Council will be able to step further back prior to the College's full independence in 2017.

2 Operational and Financial Plan for 2015/16

2.1 External drivers

2.1.1 This plan is aligned to key regional and local plans:

- the Black Country Strategic Economic Plan developed by the Black Country Local Enterprise Partnership (LEP)
- the Walsall Council Corporate Plan 2015-19
- the Walsall Plan 2013-16, produced by Walsall Council
- the Walsall Strategic Economic Plan 2015, produced by Walsall Council

The overall focus for these regional and local plans is the strengthening the local economy and the creation of jobs in targeted sectors. However, all of the plans have commitments to developing people, such as 'ensuring Walsall people have the right skills to make the most of opportunities' and also 'ensuring people possess the skills to enter and progress in work' (Walsall Economic Board). The College recognises its key role in the development of people in Walsall through first steps provision.

2.1.2 Furthermore, the Black Country Strategic Economic Plan sets out the aspiration that people in Walsall will 'possess the skills and attitude to meet both today's and tomorrow's business needs' and that 'barriers that prevent people gaining skills or getting a job are understood and removed'. The Walsall Council Corporate Plan 2015-19 states that the Council will 'help

people get new skills', whilst the Walsall Plan 2013-16 has 'supporting local people into work' as a key indicator.

2.1.3 Nationally, the Skills Funding Agency is implementing reductions in Adult Skills funding for all programmes other than apprenticeships, English and mathematics and ESOL Skills Conditionality. Overall, the Adult Skills Budget is reducing by 24% in 2015/16 compared to the current year.

2.1.4 In 2015/16, Community Learning funding will remain at 2014/15 levels, however, this is a reduction in real terms. Funding for 16-18 year olds is continuing via the Education Funding Agency but the funding per learner formula is being maintained at 2014/15 levels.

2.1.5 The College has received its Skills Funding Agency and Education Funding Agency allocations for 2015/16. Although the College has received reductions in funding in line with national changes, increases in funding for ESOL Skills Conditionality provision and apprenticeships have resulted in the overall funding being broadly similar to 2014/15. The College recognises that it must continue to make minor adjustments to its provision and resources in order to meet all of the funding elements in 2015/16.

2.2 Key assumptions for 2015/16

2.2.1 During the development of the College's Curriculum Plan, all courses offered across the organisation have been reviewed against the criteria of suitability, viability and quality. Whilst the majority of courses will continue, some have been removed due to changes in national funding priorities, and/or declining recruitment to specific programmes, and/or concerns about the quality of provision. A number of courses have been adapted to meet different or emerging needs and a number of new courses have been developed.

2.2.2 The key drivers behind the development of the 2015/16 Curriculum Plan have been to:

- increase the efficiency of the curriculum by increasing group sizes, subject to the constraints of accommodation and health and safety considerations
- increase staff utilisation, ensuring all permanent teaching staff meet their target hours

- further increase the College's apprenticeship programme, in response to the government's increasing allocation of resources to this provision. This will be achieved by focusing on the following sectors: Health and Social Care; Children and Young People's Workforce; Construction; Business Administration and ICT. In addition, local providers will be engaged to deliver apprenticeships in Warehousing and Logistics; Digital and Social Media; and Hairdressing and Beauty
- consolidate the College's existing learning pathways by increasing the opportunities for learners to progress from traineeships or apprenticeships at Level 2 to apprenticeships at Level 3
- increase the College's capacity to deliver ESOL Skills Conditionality programmes, working closely with local Job Centres to ensure that those who meet eligibility criteria are directed to the College and receive the intensive teaching and support that they need, through extended delivery hours
- further develop Study Programmes for 16-19 year olds in areas such as Business Enterprise and Social Media that are in line with the College's existing curriculum and resources and will support our future aspirations to increase provision in these sectors
- grow new provision in Supported Learning by:
 - developing a full-time life skills programme for young people aged 16-23 with moderate learning difficulties and disabilities
 - exploring the options for developing full cost programmes and services for adults with learning difficulties and disabilities
- increase the 'value for money' obtained from Community Learning funding by increasing learner recruitment and introducing more short taster courses, thereby enabling the College to engage with more people and encourage more community learners to progress to vocational or full cost provision, where appropriate
- develop full cost provision for adults who wish to engage in leisure pursuits, or personal learning and development, and who are willing and able to pay for these programmes.

2.3 Consolidation of the new College in 2015/16

2.3.1 Following the first stage of the College's spin out on 1st August 2015, the College will take over a number of business support functions previously undertaken on its behalf by the Council. These functions include finance, human resources, legal, insurance and estate management. The College will either deliver these functions internally or source them externally, in some cases purchasing the service from the Council.

2.3.2 The College already has teams of staff who operate business support functions such as finance, human resources and estate management in conjunction with the Council. These teams will take over the full operation of these services during 2015/16, with support from the Council reducing accordingly. The intention is that the College will have reduced its dependency on the Council to zero by the second year of spin out, enabling it to demonstrate the ability to manage all aspect of the business effectively prior to full independence.

2.4 Strengthening other cross college functions

2.4.1 The College already operates other business support functions independently of the Council, such as Management Information Systems data reporting and general administration. During 2015/16, these functions will continue to develop to ensure they are operating efficiently and effectively, and are able to meet the full demands of the College when independent.

2.5 Partnerships and sub-contracting

2.5.1 The College leads a highly effective partnership of nine local training organisations that deliver provision on behalf of the College. Our nine partners offer a wide variety of provision, extending the reach of the College in to local communities and engaging people who might not otherwise join a course at the College.

2.5.2 Termly Network Meetings are held for partners at which updates are given on levels of recruitment, retention and success across the partnership. National changes are discussed and partners share their success stories and organisational changes. The College has facilitated joint bidding and project work (e.g. Talent Match, City Deal Working Together) amongst partners.

- 2.5.3 Partners acknowledge that they benefit from membership of this network. The strength of the network lies in the shared vision and values of all partners, the focus on Walsall communities with the highest levels of need, and the willingness of partners to share strategic and operational developments in an open and supportive way.
- 2.5.4 In addition to the established sub-contracting arrangements with community partners, the College is developing other approaches to sub-contracting that will enable engagement with new markets and products, such as apprenticeships. Further work will be undertaken in 2015/16 with the Council's Procurement Team to ensure that the new College has effective and compliant sub-contracting arrangements that meet its local aspirations, both in terms of community delivery and with local employers.
- 2.5.5 The College selects all of its partners on the basis of close alignment of Mission and Values, and where there is potential for longevity in the relationship. The College has a very clear vision of the purpose of its sub-contracting arrangements and the added benefit to local people through the development of provision that will have a positive impact in Walsall communities and in supporting routes to work for local people.

2.6 Key operational targets

- 2.6.1 Contribution in 2015/16 to central overheads varies across the different types of provision offered by the College. Direct classroom delivery contributes 46% of income, whilst apprenticeships delivered directly by the college contribute 54%. All work with partners, including apprenticeships, contributes 21%, whilst Learning Support activities contribute 25%.
- 2.6.2 Although partnership work results in the lowest level of contribution, the College is committed to this activity as it extends the College's reach in to local communities, engaging those least likely to be in work or to be actively contributing to the community.
- 2.6.3 The College's target enrolments numbers for 16-18 year old learners are 154 for classroom delivery and 36 apprenticeships; both of these figures are slightly higher than the current year.

- 2.6.4 Classroom delivery for adults is significantly reduced in 2015/16 to 1851 from 2146 in the previous academic year. However, the numbers of adults on apprenticeships is expected to rise from 96 currently to 128. This increase is due to the College's enhanced employer engagement strategy in recent months.
- 2.6.5 The numbers of adults on ESOL Skills Conditionality programmes is expected to increase, from 200 this year to 468 in 2015/16. The funding received from the Skills Funding Agency for this programme is increasingly significantly and is ring fenced for this type of ESOL delivery.
- 2.6.6 The College is planning to increase the number of adults accessing Community Learning from 4736 in 2014/15 to 5192 in 2015/16. There is no additional funding to support this increase, instead, shorter courses will be offered at a wider range of venues, with the aim of attracting new learners. Some existing learners will be encouraged to move on to accredited or full cost provision.
- 2.6.7 The number of enrolments generated by all provision will increase from 8,352 this year to 8,558 in 2015/16. Partners' contribution to the enrolment numbers will be: 324 adult skills enrolments, 1,947 Community Learning enrolments and the enrolments associated with 7 apprenticeships for 16-18 year olds and 54 apprenticeships for adults aged 19+.
- 2.6.8 The College will deliver 38,693 teaching hours in 2015/16, not including delivery by partners. Just over 50% of this delivery is by permanent staff, the remainder by sessional staff.
- 2.6.9 The College will have 68.22 full-time equivalent permanent staff in 2015/16 compared to 70.72 this year and 21.81 full-time equivalent sessional staff compared to 15.98 this year.
- 2.6.10 Overall in 2015/16, staffing costs will be 64% of income, compared to a target of 68% this year.

2.7 Summary of proposed actions in 2015/16 to support the College's operational plans

2.7.1 The proposed actions for 2015/16 are to:

- ensure effective implementation of business support services previously operated by Walsall Council e.g finance and human resources
- continue to procure and implement a CRM system to support employer engagement and business development
- procure and implement an MIS system, to be operational by 1st August 2016
- develop new sub-contracting arrangements that meet all necessary procurement regulations
- reduce the College's reliance on Skills Funding Agency funding by bidding for European Structural and Investment Funds, and other external sources of funding such as projects
- ensure College provision is in line with LEP and Walsall Council priorities, strengthening the 'line of sight to work' for all courses
- develop learning pathways that enable progression between levels and in to apprenticeships
- further develop apprenticeship provision in target sectors
- further develop ESOL Skills Conditionality programmes
- develop full-time provision for learners aged 16-23 years who have moderate learning difficulties and disabilities
- develop full cost provision and services for adults with learning difficulties and disabilities
- develop full cost leisure programmes for adults who are willing and able to pay
- ensure an effective investment in staff development is in place to support the many changes and new initiatives across the College
- ensure organisational developments are publicised through a high quality marketing campaign.

Walsall Adult and Community College - 2015/16 Budget

£000's

**2015/16 Total
Budget**

INCOME

Education Funding Agency (EFA)

£353

Skills Funding Agency (SFA)

£3,619

Education Contracts Sub Total

£3,972

Other Income

£607

TOTAL INCOME

£4,579

STAFFING COSTS

Contracted Staff

£1,881

Sessional Staff

£493

Employer On Costs

£545

TOTAL STAFFING COSTS

£2,919

OTHER EXPENDITURE

Staff Related Costs

£89

Resources

£868

Premises

£313

Other Costs

£564

Depreciation

£96

TOTAL OTHER EXPENDITURE

£1,930

SURPLUS/(DEFICIT)

(£270)

COUNCIL SUPPORT

£176

SURPLUS/(DEFICIT) AFTER COUNCIL SUPPORT

(£94)

BALANCE SHEET - EXTRACTS

Net Assets

£1,565

Capital Investment

£200

Growth Investment

£175

Innovation Fund

£10

Cash Reserves

£1,308