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# SUBCONTRACTING POLICY

## 2018/19

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## **SUBCONTRACTING POLICY**

### **1. Introduction and Purpose**

The Principal and Chief Executive of Bury College is committed to making the best use of resources when securing the provision of education and training. The 'subcontracting' out of the Education and Skills Funding Agency (ESFA) provision of training and education is one route to secure provision. This policy describes the principles underpinning the selection and management of subcontracted provision to ensure that it meets the required standard.

Bury College's policy is to follow the ESFA guidelines for procuring high quality subcontract provision that meets the needs of the business. The aim is to build a long term partnership with a culture of continuous improvement.

#### Rationale for Subcontracting

- Subcontracting enables the College to deliver high quality niche provision in areas where subcontractors' have extensive and focused specialist expertise
- Subcontracting ensures cost effectiveness of programme delivery on occasions when it may be desirable for the College to run certain programmes but it is not viable for the College to build up in-house resources and expertise.
- Subcontracting widens the range of progression opportunities for learners, both from Subcontractors' to the College's programmes and vice versa.
- Subcontracting provides good development opportunities for both the College and its Subcontractors, to share good practice and new ways of working.

The college will only work with high quality providers and for any Traineeship provision the subcontractors have to be graded 1 or 2 by Ofsted Inspectors.

Upon commencement of the subcontracting process, Bury College will ensure that:

- The proposed delivery is in the best interests of learners and employers and adds value to the work of the College, to our learners and community.
- The proposed delivery has a clear strategic fit with our mission, objectives and values
- There is sufficient expertise within the College to quality assure the provision throughout the learner journey.
- There is sufficient staff resource in support areas to administer the processes and make alternative arrangements in the event of subcontractor failure to ensure continuation of provision and that learners are not disadvantaged
- The Subcontractor is approved by our due-diligence process
- There is sufficient funding available within our funding contract
- The Subcontractor agrees to work within the terms of our contract and is willing to engage in a mutually supportive relationship

## **2. Implementation**

### **2.1 Due Diligence Process**

The first stage in establishing the partnership is the completion of a rigorous Due Diligence process. This ensures that each partner's financial, quality and learner support arrangements are robust. The Funding and Quality teams will fully support the partner to complete this process.

A Dun and Bradstreet Comprehensive Report will be requested for each partner. Companies House checks on Company Directors will be undertaken. Partners will be asked to refresh their Due Diligence on an annual basis.

The potential subcontractor will have to provide the college with details, including:

- Organisation Details
- Contact names, addresses and telephone numbers of all Company Directors/Secretary/Partners.
- Details of other college contracts
- Performance Data including previous success rates for each cohort/programme, by type of student
- Latest audited accounts for a financial viability health check
- Employer, Public and Product Liability
- Health and Safety Policy
- Equality and Diversity Policy
- Schemes of work for proposed programmes
- Details of approved centres for examinations
- CVs including professional qualifications and CRB checks of all staff
- Evidence that all staff have undertaken safeguarding training
- Data Protection Policy
- Sustainable Development Policy
- Performance Data

Additional information may be requested.

### **2.2 Working with the Employer**

Bury College has a dedicated team working in partnership with providers and employers delivering apprenticeships and work based learning qualifications through subcontracting. As part of Bury College's commitment to quality and ensuring the highest quality of learning is provided, the team support employers and providers throughout the delivery of the programme.

Bury College will work with the partner to ensure that the appropriate paperwork and processes are in place to support learner starts and progression, and to ensure that ESFA

Audit requirements are met. Bury College is able to provide all of the relevant paperwork, however if the partner prefers to use their own paperwork we will review this to ensure that it meets requirements.

### **2.3 Quality Assurance and Improvement**

Bury College is committed to ensuring subcontracting partners are able to deliver quality provision through robust quality assurance and improvement processes and supporting partners in developing QA and QI procedures in order to maximize the benefits, to learners and other stakeholders, of the subcontractors provision.

Managers and Senior Managers at the college will support and encourage the implementation of robust quality assurance and improvement in partner institutions and, where appropriate, other staff will participate in QA and QI procedures.

The college advocates and promotes a rigorous self-assessment model and will require evidence of self –assessment in partner institutions that leads to operational and strategic improvement in provision.

Our Quality & Standards Team undertakes regular Quality & Standard Reviews meetings. We review the copies of partners Quality Assurance documents that we hold centrally and evaluate the most up-to-date reports provided as evidence of the outcomes and impact of quality assurance. Documents to be reviewed include:

- Latest Ofsted Report
- Quality Assurance Policy
- Verification of Assessment Practices and Standard (EV Reports and IV Plan)
- Classroom / Workplace Delivery Methodology and Effectiveness, to include
  - Observation Policy and Procedures
  - Observation of Teaching, Learning and Assessment Criteria
  - Observation of Teaching and Learning Summary Report
  - Samples of Graded Observation Reports
- Learner and Stakeholder Views
  - Learner Voice Policy and Procedures
  - Learner Feedback Report and Analysis
- Self-Assessment and Improvement Planning
- Staff Development Policy
- Monitoring Learner Progress
- Safeguarding
- Prevent and British Values
- Study Programme

A joint Quality Review meeting will be held at least twice a year so that our evaluation can be discussed and any follow-up activity confirmed. The College will carry out regular and substantial quality assurance checks with each subcontractor to ensure high quality delivery is taking place that meets the funding rules. This will include telephone interviews with learners and involve direct observation of initial guidance, assessment, and delivery of learning programmes.

Bury College require that subcontract partners submit dates, times and venues of all training that is scheduled to take place, in both classroom and the workplace. Unannounced visits will take place throughout the duration of the contract.

### **3. Subcontract Fees Policy**

The current recommended management fee for new contracts with new subcontractors will be 15%, however this can vary dependant on the level of support provided. This will fund the administration, the leadership and management time to ensure quality is delivered and to improve the provision if required. The college can also deduct any costs associated with delivery of any education to the learners.

The management fee is calculated using risk assessment of the following factors:

- Track record of the Subcontractor with regard to meeting quality benchmarks, success and funding targets.
- Financial standing of the Subcontractor.
- Anticipated demands of the contract on the College's resources including levels of support.

The payments to the contractor will be based upon the following:-

Actual monthly earnings of the subcontract provision to the college	x
Less the management fee and cost of the college delivering learning as a %	<u>y</u>
Balance payable to the subcontractor	z

The ESFA retain 20% of funding until the learning aim has been successfully achieved, and this is reflected in the payment methodology outlined above. Learner achievement will be claimed once all necessary evidence and paperwork has been submitted to college.

This policy will be discussed with potential subcontractors prior to the Due Diligence process commencing, at the negotiation stage.

Bury College submit an Individualised Learner Record file (ILR) on the 4<sup>th</sup> working day of the month. This return generates the Provider Financial Report (PFR) Report, from which subcontractor payment values are generated. Subcontract partners are advised of the payment value within 5 working days of the ILR submission. Invoices should be dated the last day of the month in which the activity took place. Invoices will be paid within 30 days of the invoice date.

This policy will be reviewed during the 2019 Summer term to reflect any updates to the ESFA funding rules. This policy will be published on Bury College's website.

## Equality Analysis

Screening for effects on equality	
Name of policy, procedure, strategy or decision:	Subcontracting Policy
Project lead completing screening:	Andrew Harrison
Position:	Vice Principal
Directorate:	Finance & Corporate Services
What is the aim, objective or purpose of the policy, procedure, strategy or decision?	
<p>The Principal and Chief Executive of Bury College is committed to making the best use of resources when securing the provision of education and training. The 'subcontracting' out of the Education and Skills Funding Agency (ESFA) provision of training and education is one route to secure provision. This policy describes the principles underpinning the selection and management of subcontracted provision to ensure that it meets the required standard.</p>	
Does the policy affect service users, employees or the wider community, and therefore potentially have a significant effect in terms of equality? <i>(The relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.)</i>	
Yes	
Does it relate to an area with known inequalities? <i>(e.g. access for disabled people, racist/homophobic bullying).</i>	
No	
Have you already consulted with people about this work? If yes briefly describe what you did and with whom. Is there any external or additional research that you can use to support the development of this policy?	
<p>Policy required as per the ESFA Funding Rules.            AoC Training undertaken            AoC and ESFA guidelines for policy content followed.</p>	
Does it relate to a college objective associated to equality? - No	
<p>What data are available to facilitate the screening of the policy?            Subcontract provision profiles, compared to Bury College profiles.            Success Rate data, comparison of data compared to Bury College / National Success Rates</p>	
Is there any evidence of higher or lower participation, uptake, exclusion or impact by the following characteristics	

	Higher	Lower	No difference	Evidence
Age				
Disability				
Gender reassignment				
Pregnancy and maternity				
Race				
Religion or belief				
Sex				
Sexual orientation				
If you have identified adverse impact on any group, could this:				
Be seen as discriminatory (either directly or indirectly)?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Have a negative effect of equality of opportunity between different groups of people?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Prevent or discourage participation by any individual or group due to their protected characteristic	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>If the answer to any of the above questions is yes a full Equality Analysis must be completed</b>				
<b>Full equality analysis to be completed?</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>Equality analysis to be completed by</b>				
<b>Priority</b>	High	Medium	Low	
Please list the outcome following this screening for effects on equality ( <i>i.e. no changes, some changes, further work needed around particular groups or cease development of the policy</i> ).				
Please sign and date this form, keep one copy and send one a copy to the Director of Human Resources and one copy to the Director of Quality				
Signed:		Date:		