



South Gloucestershire and Stroud College

## Subcontracting Policy 2021/22 Academic Year

If you would like this document in an alternate format  
Please contact the Human Resources Department

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<b>Job Title/Role:</b>	Assistant Principal, Apprenticeships
<b>Policy Ref. No.:</b>  <b>Q/P</b>	<b>Date of this version:</b> June 2021  <b>Review date:</b> July 2022  <b>Upload to College website?</b> Yes  <b>Upload to e-Campus?</b> No
<b>Approved by:</b>	
<b>Date of Approval:</b>	

Main aim and purpose of the policy:	To outline the College's policy on service subcontracting				
Is this policy (or its constituent parts) relevant to a general equality duty? (please tick)	This policy development will assist in the elimination of unlawful discrimination and/or harassment of identified groups?	Implementation of this policy will promote equal opportunities for identified groups?	Implementation of this policy will promote positive attitudes and participation between groups?	Implementation of this policy will promote good relations between groups?	
<b>Age</b>	✓	✓			
<b>Disability</b>	✓	✓			
<b>Gender Reassignment</b>	✓	✓			
<b>Race or Ethnicity</b>	✓	✓			
<b>Religion or Belief</b>	✓	✓			
<b>Marriage</b>		✓			
<b>Pregnancy/ Maternity</b>	✓	✓			
<b>Sex</b>	✓	✓			
<b>Sexual Orientation</b>	✓	✓			
<b>Carers/ Care givers</b>	✓	✓			
<b>Persons in care</b>	✓	✓			
Specify any groups for which there is evidence or reason to believe that some groups or individuals could be affected differently:					
How much evidence is there:	None	A little	Some	A lot	
<b>Is there any concern that the policy may operate in a discriminatory way?</b>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	
	None	A little	Some	A lot	
	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Assessed relevance to equality (tick one row only)	High	Med	Low	None	Brief reason for this assessment
Age			✓		
Disability			✓		
Gender Reassignment			✓		
Race or Ethnicity			✓		
Religion or Belief			✓		
Marriage				✓	
Pregnancy/ Maternity			✓		
Sex			✓		
Sexual Orientation			✓		
Carers/ Care givers			✓		
What is the next step? (tick one only)	What priority level is this policy?			Has the Policy been sent for Full EQIA, or do you believe the policy should have a Full EQIA?	
	High <input type="checkbox"/>	Medium <input checked="" type="checkbox"/>	Low <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b><i>I am satisfied that an initial screening has been carried out on this policy/procedure and a full Impact Assessment is not required</i></b>					
Completed by: <b>Gavin Murray</b> Position: Head of Quality, Learning Resources & Performance Date: 06/09/2017					

# Subcontracting Policy

## 1. Policy intent

- 1.1. This Policy explains the approach to Subcontracting at South Gloucestershire and Stroud College (SGS) and the arrangements between SGS and organisations who the College pay to deliver training on its behalf (sub-contractors)
- 1.2. This Policy is not a contract. SGS will hold legal contracts with all sub-contractors and will only subcontract with organisations which are legal entities
- 1.3. The Policy is now a mandatory requirement that must be in place prior to participating in any subcontracting activity. It is reviewed annual by the Corporation and published on the college website.
- 1.4. The content of this Policy has been developed in line with ESFA Subcontracting rules
- 1.5. All subcontracting arrangements will be managed in accordance with the ESFA rules and guidance in place at the time, including any in-year updates to the rules and/or guidance

## 2. Scope

- 2.1. The intended audience is all SGS staff involved with subcontracting arrangements, including management and governor oversight, and other stakeholders including subcontract partners
- 2.2. The policy applies to all SGS subcontracted delivery

## 3. Procedures

- 3.1.1. Supply chain management activities comply with the principles of best practice in the skills sector.
- 3.1.2. The college will at all times undertake fair and transparent procurement activities, conducting robust due diligence procedures on potential sub-contractors to ensure compliance and to ensure the highest quality of learning delivery is made available, demonstrating value for money and a positive impact on learner lives
- 3.1.3. The funding that is retained by the college will be related to the costs of administering the subcontracted provision, due-diligence checks and quality assuring the provision, ensuring the college is able to meet its obligations to the ESFA and complying with the ESFA rules on subcontracting

- 3.1.4. Where disputes between supply chain partners cannot be resolved through mutually agreed internal resolution procedures, the college will submit to independent outside arbitration or mediation and abide by its findings.
- 3.1.5. Contract documents will require both parties to adhere to the letter and spirit of contracts or partnerships. Signatories therefore commit that all discussions, communications, negotiations and actions undertaken to build, maintain and develop supply chains will be conducted in good faith in accordance with best practice

#### **4. Objectives**

- 4.1. SGS College has a strategic aim to minimise the level of subcontracting entered into. The College aims to use its funding allocations to support our local learners, employers and communities through direct delivery
- 4.2. Minimising levels of subcontracting also reduces the college exposure to risk of poor performance by other organisations.

#### **5. Rationale for subcontracting**

- 5.1. SGS will, in the first instance, consider direct delivery. However, the College recognises the benefits that effective subcontracting can bring in extending the range and accessibility of provision for learners and employers and will consider sub-contracting to enhance opportunities in the following circumstances:
  - 5.1.1. Where our existing employers or learners require additional provision which is beyond our existing scope or capacity
  - 5.1.2. To enhance opportunities for disadvantaged groups of learners
  - 5.1.3. Where subcontracting will allow us to capacity-build in new sectors or territories to allow us to move to a position of direct delivery or to grow income such as apprenticeship funding
  - 5.1.4. For very specialist or niche provision which the college would not be able to adequately resource.
  - 5.1.5. Where funding has been awarded for Partnership Delivery such as European Social Fund (ESF) projects
  - 5.1.6. For the Diploma in Sporting Excellence (DiSE) where learner eligibility is under the control of the sport National Governing Body (NGB) as only the NGB in combination with a high-performance club can support the DiSE elite athlete programme

## 5.2. How we select and appoint our sub-contractors

- 5.2.1. In selecting our partner providers, we will consider the following:
  - 5.2.1.1. Reputation – providers may be referred to us by employers or other FE Colleges
  - 5.2.1.2. Specialism – providers may offer niche provision where there are few alternatives;
  - 5.2.1.3. Geographic location – where possible, we will support local partners;
  - 5.2.1.4. Quality measures – based on a range of measures including Ofsted rating, success rates, track record and other quality markers or accreditations
  - 5.2.1.5. Responsiveness – how readily the provider can meet the needs of our learners and employers
  - 5.2.1.6. In partnership with an NGB in determining the best partner to support DiSE provision
- 5.2.2. Lack of a track record, such as providers who are new organisations, or who offer new or immature provision will not necessarily be a barrier to subcontracting. However, the quality assurance measures and associated costs to SGS will reflect the additional risks of new provision
- 5.2.3. SGS will undertake a desk-top due diligence check of potential partners. This will be followed by a due diligence visit to the delivery premises prior to contracts being issued
- 5.2.4. Existing subcontractor partners will undergo an annual due diligence review
- 5.2.5. Full details of the desk-top checks, due diligence visit and annual due diligence review checks are included in **Appendix 1**

## 5.3. How we work with our Sub-contractors

- 5.3.1. SGS aims to deliver outstanding education, including that delivered through our subcontractors
- 5.3.2. A list of the activities and processes that we expect our subcontractors to adhere to is included in **Appendix 1**

- 5.3.3. A full list of the standard processes and quality assurance checks which SGS carries out to monitor subcontracted provision is included in **Appendix 3**
- 5.3.4. There is a comprehensive range of quality assurance measures of subcontracting, which are included in our standard subcontracting terms and in **Appendix 2**
- 5.3.5. SGS will apply a risk banding, A, B or C, to subcontracted provision, based on the partner experience, track record and the type of provision.
- 5.3.6. SGS will not enter into subcontracts for provision deemed to be high risk until measures are put in place to reduce the risk band to A, B or C.
- 5.3.7. Where there is a need for transfer of personal data between an organisation and the College, as controller or processor of personal data, the parties agree to enter into an appropriate data sharing agreement on standard contractual clauses. The data sharing agreement must be in place prior to the sharing of personal data and will seek to implement decision (EU) 2021/915 of 4 June 2021 between controllers and processors under Article 28(7) of Regulation (EU) 2016/679 of the European Parliament and of the Council and Article 29(7) of Regulation (EU) 2018/1725 of the European Parliament and of the Council.

#### 5.4. **Quality Assurance**

- 5.4.1. This Policy positions subcontracted provision as a core part of college activity, to enable continuous improvements in the quality of teaching and learning for both the college and its sub-contractors
- 5.4.2. This will be achieved through the sharing of effective practice across the supply chain, for example, through the Self-Assessment Report (SAR) process

#### 5.5. **Contribution to Improving Teaching and Learning**

- 5.5.1. SGS College prides itself on our approach to collaborative and partnership working. We regard subcontracting as a partnership arrangement where each partner can benefit from the strengths and share the best practices of the other
- 5.5.2. Our Quality Assurance processes aim to be supportive and will provide developmental feedback on how providers can improve. This includes, but is not limited to, lesson and assessor observations, MIS and data audits, learner and employer surveys

- 5.5.3. Equally, SGS expects to benefit from good practices observed within partner organisations, which will be disseminated across SGS and to other partners

## 5.6. Fees and Charges Structure

- 5.6.1. SGS College provides a simple and transparent funding structure for partner providers
- 5.6.2. The college will retain an element of funding to cover SGS costs in supporting the sub-contracted provision. The amount retained will vary depending on costs to SGS in managing and quality-assuring the provision, determined by the volume of the provision and the risk rating of the provider.
- 5.6.3. SGS does not provide a management service to our subcontractor partners. The retained funding covers the costs to SGS to carry out a standard set of pre-contract due diligence checks, contract set-up and quality assurance processes to fulfil our obligations to the funding agency as the lead contract holder.
- 5.6.4. Details of how the risk, volume and fees are calculated are included in **Appendix 3**
- 5.6.5. SGS may retain a greater element of funding where the college incurs additional costs, for example to afford additional quality-monitoring visits as a consequence of poor performance
- 5.6.6. For business reasons, the college may choose to take a different fee, such as entering a new market, in which case this will be agreed by the College Principal and the subcontractor and published within the contract
- 5.6.7. The fee structure recognises the lower costs in sub-contracting with providers who are low risk.
- 5.6.8. In agreeing a subcontract, providers are agreeing to this policy
- 5.6.9. Additional quality assurance activities will result in the college retaining a larger element in accordance with our published list
- 5.6.10. The full list of standard activities and additional quality assurance measures and retained element are included in **Appendix 3**

## 5.7. Payment Terms and Conditions

- 5.7.1. The college will pay the subcontractor in accordance with the contract

- 5.7.2. The fee element will be based on the Individual Learning Record (ILR) amount and will be subject to any changes in funding policy
- 5.7.3. Payment will be in accordance with the standard SGS College terms and conditions, unless previously agreed otherwise in writing by the College Principal

## **6. Related Regulations, Guidance and Legislation**

- 6.1. SGS Financial Regulations
- 6.2. AoC/AELP Best Practice
- 6.3. ESFA Funding Rules

## Appendix 1. Due Diligence Checks and subcontracting requirements

Due Diligence documents required for desk-top assessment	Notes/SGS College Actions
Full legal name of organisation and registered address	Complete Companies House check
Full names of all Directors/Trustees/Senior Managers	Complete Companies House check
Copy of latest set of Audited Accounts	To be reviewed by Director of Finance
Credit reference agency search	SGS will ensure additional contingency plan is in place if subcontracting with organisations with a low or very low rating
Checks that organisation is not linked to any extremist organisations	Web search
Declaration of interests form	Reviewed by Partnerships Manager and referred to Principal if any conflicts
Evidence of registered on ROTO and Register of Apprenticeship Training Providers	Where combined contract values exceed £100k
UK Provider reference no.	Register with <a href="https://www.ukrip.co.uk">https://www.ukrip.co.uk</a>
Copy of most recent Ofsted Report	Require Grade 1 – 3
Copy of most recent Self-Assessment Report (SAR) – where applicable	Require Grade 1 – 3
CVs for all staff delivering training/assessment	To be reviewed by Human Resources department
Copy of Contract of Employment/evidence of Contract of Employment for all staff delivering training/assessment	To be reviewed by Human Resources department
CRB or DBS numbers for all staff delivering training/assessment	To be reviewed by Human Resources department
Copies of staff certificates for the member(s) of staff responsible for training/assessment	To be reviewed by Human Resources department
Copy of Health & Safety Policy	To be reviewed by Health & Safety Advisor
Copies of Risk Assessments	To be reviewed by Health & Safety Advisor
Copy of Disaster Recovery Policy and contingency plan	To be reviewed by Health & Safety Advisor

<b>Due Diligence documents required for desk-top assessment</b>	<b>Notes/SGS College Actions</b>
Copy of Employer's/Public/Occupier's Liability Insurance Certificate	Minimum £10 million for Employer's Liability Insurance and £5 million for Public Liability Insurance. Certificate to be in date
Evidence of Initial Advice and Guidance (IAG) and IAG Policy	To be reviewed in line with SGS College Policy
Copy of Complaints Procedure	To be reviewed in line with SGS College Policy
Copy of Equality and Diversity Policy	To be reviewed in line with SGS College Policy and to meet requirements of Equality Act 2010
Details/Evidence of DDA Compliance	To be reviewed in line with SGS College Policy
Copy of Safeguarding Policy	To be reviewed by Heads of Learner Services
Copy of Sustainability Policy	To be reviewed in line with SGS College Policy
Copy of Mission Statement	To be reviewed in line with SGS College Strategic Plan
Copy of Data Protection Policy	To be reviewed in line with SGS College Policy
Copy of Awarding Body Centre Approval – where appropriate	To match qualifications being delivered
Copy of most recent External/Standards Verifiers Reports – where appropriate	To be reviewed for serious issues

The subcontractor will provide the following:

<b>Required during Academic Year</b>	<b>Frequency/Due by</b>
Return signed contract and appendices	Before 1 <sup>st</sup> August/Start of delivery programme
Complete a data sharing agreement	Before 1 <sup>st</sup> August/Start of delivery programme
Deliver the Programme(s) in accordance with SGS College's quality assurance arrangements	In line with SGS College timetable

<b>Required during Academic Year</b>	<b>Frequency/Due by</b>
Self Assessment Reports in line with SGS College's requirements	In line with SGS College timetable
Learner achievement records	Within 2 weeks of achievement
Signed and fully completed Enrolment Form for each learner <ul style="list-style-type: none"> <li>– Copy of recent Benefits evidence if claiming Fee Remission</li> <li>– Copy of Passport, current Visas and Home Office documentation for possible International learners</li> </ul>	Within 2 weeks of the course commencing
Full Registers or contact records (NVQs)	Every half term (or as soon as a short course ends)
Withdraw any learners who have missed more than 4 consecutive weeks	Within 1 month after missing 4 consecutive weeks
Timetable of delivery, including session times, venues and teaching staff	Before course(s) commence
Notify SGS College of any cancelled sessions and planned absences, e.g. Trips, etc.	By 9am for cancelled sessions and one week prior to planned absences
Copies of achievement certificates as soon as received from the Awarding Body	As soon as received
Copies of all internal and external verification reports	As soon as received
Feedback questionnaires from learners	In line with SGS College timetable
Raise invoices per agreed payment amounts and schedule	Per agreed schedule

## **Appendix 2. Quality Assurance Arrangements**

As a minimum, SGS College will carry out the following Quality Assurance Measures with subcontractors:

- Desk-top checks and due diligence visit for new providers
- Annual due diligence review for existing providers
- A minimum of 3 Quality Assurance visits per year, of which at least 1 site visit will be a short notice visit. SGS will provide an agenda for standard visits, short notice visits and desk-top monitoring.
- Band A partners – a minimum of 3 Quality Assurance visits, of which 2 may be a remote desk-top monitoring visit.
- Band B partners – a minimum of 3 Quality Assurance visits, of which 1 may be a remote desk-top monitoring visit.
- Band C partners – a minimum of 4 Quality Assurance visits, of which 1 may be a remote desk-top monitoring visit.
- Termly Contract Management meetings. These meetings may coincide with Quality Assurance visits
- Annual survey of learners
- Annual survey of employers (if applicable)
- Annual audit of MIS Data, including enrolment forms and attendance records
- Annual review of learner documents, including tracking records, reviews and ILPs
- Annual review of the sub-contractor success rates, Self-Assessment process and Quality Improvement Plan

SGS College may carry out the following additional Quality Assurance measures, in accordance with SGS College's published Supply Chain Funding Element Structure

- Additional Standard or Short Notice visits
- Additional survey of learner or employer views
- Lesson or Assessor observations
- Staff CPD
- Consultancy from SGS College or other external consultant

### Appendix 3. Funding Element Structure

This structure takes account of the volume of provision, the risk rating of the provider and associated costs to SGS. The risk banding is determined from the following table:

Performance Indicator	Risk Band			
	A	B	C	Not Measurable
	1	2	3	4
Delivery experience of the sub-contractor	More than 5 full years	2 to 5 full years	1 to 2 full years	No experience
Previous year's success rate	3% or more above benchmark	Within + or = 2% of benchmark	More than 2% below benchmark	No previous delivery record
Ofsted or SAR grading	Grade 1 or 2	Grade 3	Grade 4	No Ofsted grading or SAR process
Type of Provision	Lower risk e.g. SGS experience plus overseeing organisation (such as NGB)	Medium risk e.g. SGS experienced in managing this type of delivery	Higher risk, e.g. Distance Learning	Higher risk provision plus difficult client group
SGS College Audit and QA measures	Compliant and no actions or recommendations	Mainly compliant but recommendations to improve	Not compliant and actions required to improve	No previous audit or excessive actions to improve

#### Risk Rating

Overall Score	Risk Band
5 – 7	A
8 – 12	B
13 – 15	C
16+	High risk

<b>Funding Element Retained for SGS Costs</b>			
	<b>Risk Banding</b>		
<b>Volume</b>	<b>A</b>	<b>B</b>	<b>C</b>
Under £50,000	18%	22%	25%
£50,000 - £100,000	16.5%	20%	22%
Over £100,000	15%	18%	22%

The following activities are covered by the retained funding element

Activity	Number/Frequency included in standard retained funding element
<b>Due-Diligence Processes</b>	
Due diligence desk-top checks	1 at set-up
Due diligence visit	1 per site, up to 3 sites
Annual due diligence review	1 per year
Issuing standard sub-contract agreement	1 per year
Percentage of retained element for Due Diligence processes	10%
<b>MIS Processes</b>	
Issuing SGS Document templates and forms to be used by the sub-contractor	As and when amended
Agreeing use of sub-contractor templates and forms (if at least as good as SGS Documents)	1 per year
Entering learner data and amendments onto the ILR	All
Entering attendance data and reconciling with ILR	All
Calculating fees due and processing payments received	All
Data-match checks with other main contractors with whom the sub-contractor works	All
Percentage of retained element for MIS Processes	10%
<b>Quality Assurance Processes</b>	
Quality Assurance visits and lesson/assessor observations	3 per year
Contract review meetings	4 per year
Annual survey of learners	1 per year
Annual survey of employers (if applicable)	1 per year
Annual audit of MIS Data, including enrolment forms and attendance records	1 per year
Review of learner documents, including tracking records, reviews and ILPs	3 per year
Annual review of the sub-contractor success rates, Self-Assessment process and Quality Improvement Plan	1 per year

Activity	Number/Frequency included in standard retained funding element
Incorporate the sub-contractor provision within the SGS College Self-Assessment process	Annually
Providing helpline and email support through the partnership manager	Typically 1 or 2 phone calls or emails per week, more for new providers
Sub-contractor staff to attend SGS College CPD activity (if undertaken within own institution evidence to be provided to SGS)	Mandatory training within SGS or own institution
Use of SGS College VLE to post learner materials	
Percentage of retained fee for Quality Assurance Processes	80%

The following costs will be added to the funding element retained if SGS incurs additional costs to address poor performance or to reduce risk

Activity	Cost to Sub-contractor
<b>Pre-Contract Processes</b>	
Additional due diligence investigation, e.g. to investigate financial records or take additional references	£40 per hour
Produce action plan as result of unsatisfactory due diligence checks or visit	£40 per hour
Additional due diligence visit to monitor improvements	£40 per hour
Additional due diligence visit due to additional delivery locations	£40 per hour plus transport cost

<b>MIS Processes</b>	
Returning enrolment forms or other documents due to incorrect completion	Normally no charge, but continued non-compliance will incur non-compliance letter charge
Non-compliance letter from SGS College Head of Offsite Provision requiring improvement	£40
<b>Quality Assurance Processes</b>	
Self-Assessment Report (if not produced to satisfactory standard by sub-contractor)	£40 per hour
Quality Improvement Plan (if not produced to satisfactory standard by sub-contractor)	£40 per hour
Quality Assurance – site visits	£40 per hour plus transport cost
Quality Assurance – remote (desk-top review)	£40 per hour
Contract review meetings	£40 per hour
Additional survey of learners	£200 + external survey cost
Additional survey of employers (if applicable)	£200 + external survey cost
Director level intervention	£60 per hour

If SGS incurs the following costs they will be added to the retained funding element:

<b>Service</b>	<b>Cost</b>
Registration of learners on SGS College centre with Awarding Bodies	Cost +10%
Certification of learners from Awarding Body	Cost +10%
Certification of Apprentices with ACE	Cost +10%
Internal Verification	To be agreed depending on provision
Providing consultancy support (Director level)	£60 per hour