



**Buckinghamshire  
College Group**

# **Subcontracting Principles, Funding and Payment Policy**

**2022-23**

Responsible Officer:	Vice Principal Corporate Services
Date:	October 2022
Review date:	October 2023 (unless preceded by legislation)
Procedure available:	Intranet and Website
Policy Authorised by:	Finance Committee
Owner:	Vice Principal Corporate Services

**Scope**

The policy applies to all supply chain activity supported with funds supplied by the Education and Skills Funding Agency (ESFA), or any successor organisations.

**Context**

The policy is a mandatory requirement of the ESFA that must be in place prior to participating in any subcontracting activity with effect from August 2018. The content covered in this policy has been developed in line with AoC/AELP Common Accord, the ESFA Funding rules and the LSIS Supply Chain Management document.

**Overarching Principle**

In order to ensure it can comply with all its responsibilities as a publicly funded organisation, Buckinghamshire College Group will use partners where appropriate to optimise the impact and effectiveness of service delivery to the end user. The College will therefore ensure that:

- a. All subcontracted activity complies with the principles of best practice in the skills sector. In particular, they will be guided by the principles given in the LSIS publication "*Supply Chain Management – a good practice guide for the post-16 skills sector*" (Nov 2013 and subsequent iterations). The College will also take account and apply the principles being applied by the funding agency in its 'Subcontracting Standards' in recognition of the consultation on subcontracting reforms carried out in 2020.
- b. The College will at all times undertake fair and transparent procurement activities, conducting due diligence procedures (see Appendix for further information) on potential subcontractors to ensure compliance with funding agency rules at all levels and to ensure the highest quality of learning delivery is made available, demonstrating value for money and a positive impact on students and employers.
- c. The funding shared between the College and the partner will reflect the appropriate split of roles, responsibilities, activities and costs in relation to the services provided to students. This will be agreed and documented in the subcontract agreement that will be signed by all parties as part of any activity.
- d. Where disputes between the College and any partner cannot be resolved through mutually agreed internal resolution procedures, the College will submit to independent outside arbitration or mediation and abide by its findings.

### **Rationale for sub-contracting**

The College contracts with other parties that will primarily meet local and regional needs but on occasion may involve a wider geographic basis (for example in order to meet need). There are many reasons that Buckinghamshire College Group enter into subcontracting arrangements as and when the market conditions dictate, but typically are:

- To expand provision to meet an employer or sector need in line with Local Enterprise Partnership priorities.
- To provide immediate provision whilst expanding direct capacity. This might include working with partners to explore and learn about new frameworks / standards or sectors prior to investment in resources.
- To provide access to, or engagement with, a new range of customers.
- To ensure delivery intention is met where there is a recognised risk in direct provision (e.g. through Job Centre Plus referrals not being realised).
- To provide niche delivery where the cost of developing direct delivery would be inappropriate.
- To enhance the opportunities available to young people and adults especially those in any disadvantaged groups.

### **Quality Assurance**

Buckinghamshire College Group recognises subcontracted activity as a fundamental part of the College's overall provision. As such it will be monitored and managed through the existing College Quality Assurance processes and procedures.

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 subcontractors. This will be achieved through the sharing of effective practice across the supply chain, for example through the Self-Assessment Report process and partnership networking events.

### **Apportionment of Funding**

The funding received from the ESFA is apportioned between the College and the subcontractor – this apportionment will recognise the respective services that the two partners jointly provide.

A typical apportionment of the funding would be 20% to the College and 80% to the subcontractor. However, this may vary from contract to contract dependent upon the roles, responsibilities, activities and risk profile that each partner undertakes or bears.

The apportionment will be reviewed by the partners on no less than an annual basis to ensure it is still appropriate.

A non-exhaustive list of the types of activities that will determine the apportionment of the funding will include the following:

- Dealing with funding body and other queries
- Advice and support related to national agencies and funding bodies
- Preparation of the contract agreement, including all appropriate due diligence
- Management of contract and performance
- Paperwork checks and audit compliance
- Information, Advice and Guidance (IAG) provided to the student including, where relevant, the management or oversight of students with Special Educational Needs
- Delivery of tuition to student
- Ensuring the wellbeing and safeguarding of the student
- Monitoring of student progress
- Quality and compliance monitoring
- Coordinating self-assessment processes
- Data submission via the Individual Learner Record (ILR)
- Management of funding and finances

### **Payment Terms**

The College will receive funding from the ESFA for correctly registered students on a monthly basis. It will then pass on the relevant portion of that funding to the subcontractors on a monthly basis in line with the relevant contract agreement.

### **Communication**

This policy will be reviewed and updated in line with current funding guidance and published on the college website, in the partner's portal prior to the start of each academic year. Potential subcontractors will be directed to it as the starting point in any relationship.

### **Publication of information relating to sub-contracting**

In compliance with ESFA and other agency funding rules that apply, the College will publish its sub-contracting fees and charges policy at the start of each academic year.

### **Appendix – Due Diligence Checklist**

To include the following as appropriate:

1. References (for new contracts only)
2. Insurances
3. Financial accounts
4. Credit check
5. Organisation structure
6. Relevant certification (e.g. awarding body)
7. Relevant policies and procedures
8. Staffing lists (relevant to contract) and DBS listing
9. Quality reporting
10. Self-assessment report, including focus on the quality of leadership and management
11. Ofsted report (where relevant)
12. Confirmation of being on Register of Training Organisations and / or Register of Apprenticeship Training Providers as required.

## Equality Impact Statement

We have a duty to consider the impact of changes on groups with Protected Characteristics (race, disability, age, sexual orientation, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership)

What are the overall aims of the change? Why are you proposing it?	To provide a framework for managing subcontracted tuition to the college.
Given the aims of your proposal, what issues does your data/information highlight?	The requirement to effectively manage the financial and quality risk in this delivery as if it were the college's own provision.
How could the proposed change affect positively/negatively on groups with protected characteristics?	The policy aims to ensure that all groups are considered and treated equally and have an overall positive impact.
What actions will you take to mitigate any negative impact?	None envisaged.
Is there any potential negative impact justified in light of wider benefits of the proposal	None envisaged.
Recording final decision	This policy requires the approval of the Corporation's Finance Committee.
Has the policy taken into consideration the requirements of GDPR regulations? Are there any actions that need addressing, e.g.; data sharing agreement; has data consent been considered; data retention timescales?	Student information that is collated for the purposes of informing the work of the policy is collated with their consent and held in line with the principles of the college's Data Protection Policy.