



**Buckinghamshire
College Group**

Subcontracting Principles, Funding and Payment Policy

2019-2020

Responsible Officer:	Vice Principal Corporate Services
Date:	October 2019
Review date:	October 2020 (unless preceded by legislation)
Procedure available:	Intranet
Policy Authorised by:	Corporation
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 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).
- 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 the Common Accord and 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 transparently 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. Contract documents will require both parties to agree that the partner achievement is attained through adherence to both 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 the Overarching Principle.
- e. This policy is written in line with the Equality and Diversity Policy of Buckinghamshire College Group.

Rationale for sub-contracting

The College contracts with other parties that will primarily meet local and regional needs but on occasion may be national needs. 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 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 JCP 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 will be apportioned between the College and the subcontractor – this apportionment will recognise the respective services that the two partners jointly provide to the student.

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

The apportionment will be reviewed by the partners on no less than an annual basis to ensure it still reflects the activities being carried out by each partner.

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
- 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 – New Contract Due Diligence Checklist

To include all the following as appropriate:

1. References
2. Insurance evidence
3. Financial accounts
4. Quality and achievement rates
5. Self-assessment report
6. Ofsted report (where relevant)
7. Credit check (college to source)
8. Organisation structure
9. Relevant certification e.g. matrix
10. Relevant policies and procedures
11. Staff CVs and training records
12. DBS checks
13. Health and safety record
14. Confirmation of being on Register of Training Organisations and / or Register of Apprenticeship Training Providers

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.
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.