

Subcontracting Policy

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Author: Executive Director of finance and MIS
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Consultation:

Table of Contents

Scope	1
Rationale for Subcontracting	1
Exemptions to the Policy	2
Quality Improvement & Monitoring	2
Management Fee	3
Support Provided to Subcontractors	3
Payment Terms	4
Communication	5
Due Diligence & Tendering	5
Policy Review	5

SUPPLY CHAIN FEES & SUBCONTRACTING POLICY 2024/25

1. SCOPE

- 1.1 This Subcontracting Supply Chain Policy is a mandatory requirement that must be in place prior to participating in any subcontracting activity from 1 August 2024. The content of this policy has been developed in line with the ESFA Funding Rules, the the AoC/AELP Common Accord, Liverpool City Region Combined Authority Adult Education Budget (AEB): Funding and Performance Management Rules and Funding and Management Rules 2014 to 2020 European Social Fund (ESF) Programmes.
- 1.2 This policy relates to activity funded through the Education Skills Funding Agency (ESFA) whereby Hugh Baird College enters into a subcontracting agreement with a supplier for Apprenticeship, 16-18 or Adult Skills recruitment and delivery and for the delivery of ESF programmes.
- 1.3 This policy provides transparency for all sub-contractors, funding bodies and other associated parties or individuals regarding the procurement, due diligence process, support and charging rationale related to the College's sub-contracted provision
- 1.4 Overall responsibility for the management of subcontracting by Hugh Baird College will be led by the Executive Director Finance and MIS

2. RATIONALE FOR SUBCONTRACTING

- 2.1 Hugh Baird College:
 - 2.1.1 Recognises the benefits that effective subcontracting can bring to extending the accessibility of provision for students and thereby contribute to the economic prosperity of our neighbouring local communities.
 - 2.1.2 Uses subcontractors to widen participation amongst student groups that it would otherwise be "hard to reach" and other individuals that face barriers to participation in learning and work.
 - 2.1.3 Uses subcontractors as appropriate to fill gaps in, and to extend the breadth of its provision: for example, through widening the range of apprenticeship frameworks offered to employers and students and broadening the range of sector subject areas or business sectors that can be covered or accessing higher levels of technical and workplace expertise
- 2.2 In publishing this policy, the College recognises that its rationale for all subcontracting by the College meets one or more of the following aims:
 - 2.2.1 Enhances the opportunities available to young people and adults;

- 2.2.2 Fills gaps in niche or expert provision, or provides better access to training facilities;
- 2.2.3 Supports better geographical access for learners;
- 2.2.4 Offers an entry point for disadvantaged groups; and
- 2.2.5 Considers the impact on the individuals who share protected characteristics and in particular where alternative provision may not be available to them or meet their particular needs.

3. EXEMPTIONS TO THE POLICY

- 3.1 From May 2017, the Apprentice Funding and Performance Management rules, passed the responsibility to choose Apprentice Assessment Organisations (AAO's) to Employers and for them to negotiate the fees. Whilst Hugh Baird College will be responsible for payment of the fees, subcontracting to AAO's will be exempt from the policy.

4. QUALITY IMPROVEMENT & MONITORING

- 4.1 Hugh Baird College:
- 4.2 Actively works with subcontractors to improve the quality of the teaching and learning they deliver and thereby improve the overall quality of teaching and learning (following the College's TLA framework) for all College learners.
- 4.3 Undertakes observations on all aspects of teaching and learning including information, advice and guidance, progress reviews and assessment.
- 4.4 Provides timely and meaningful feedback to both subcontractors and their delivery staff and observations are incorporated into the College moderation and standardisation process, in order that improvement actions impact both internal and subcontractor quality.
- 4.5 Carries out learner voice surveys to gather feedback from learners.
- 4.6 Supports subcontractors to implement effective policies and procedures relating to teaching and learning including assessment and verification policies and procedures.
- 4.7 Ensures that subcontractors have appropriate policies and procedures in place to fulfil College safeguarding obligations and duties under PREVENT.
- 4.8 Supports subcontractors to develop an effective Self-Assessment Report (SAR) and Quality Improvement Plan (QIP) for incorporation into the whole College SAR.

5. MANAGEMENT FEE

- 5.1 Hugh Baird College will retain a management fee not exceeding 20% of total funding (grant and fees or levy) in 2024/25.
- 5.2 The management fee is deducted from the funding income received prior to the allocation of funds to the subcontractors.
- 5.3 The management fee represents the costs that Hugh Baird College incurs in identifying, selecting and managing all subcontracting provision, regardless of the level of support provided.
- 5.4 The College may reduce the management fee to reflect the particular circumstances of any individual subcontracting arrangement.

6. SUPPORT PROVIDED TO SUBCONTRACTORS

- 6.1 Hugh Baird College recognises its responsibility to support all subcontracted partners to develop, deliver and sustain high quality provision that meets the needs of the community and learners. The management fee deducted from allocated funds is used directly to provide a comprehensive programme of support and compliance measures to ensure public funds are protected and used effectively.
- 6.2 The mix of support will vary depending on the needs and experience of the individual contractors, and includes:
 - 6.2.1 A nominated senior manager with appropriate skills and capabilities to manage the relationship with the subcontractor and take overall responsibility for the particular subcontracted delivery.
 - 6.2.2 Comprehensive quality management systems and controls, to ensure that the quality of subcontractor's delivery meets its expectations and to support the continuous improvement of the subcontractor's provision.
 - 6.2.3 A commitment to undertake a regular and substantial programme of quality assurance checks on the education and training provided by subcontractors, including visits at short or no notice and face-to-face interviews with staff and learners. These checks include whether the learners exist and are eligible and involve direct observation of initial guidance, assessment and delivery of learning programmes.
 - 6.2.4 A commitment to ensure that all of the subcontractor's delivery meets the ESFA Funding Rules.
 - 6.2.5 Self-assessment report and quality improvement plan review and support as appropriate
 - 6.2.6 Overarching policies for key areas impacting on learners including:
 - safeguarding and Prevent
 - health and safety

- equality and diversity
- 6.2.7 MIS functions relating to the submission of funding claims to the ESFA, led by the Senior Funding & Planning Manager to ensure the timely and accurate recording of student information on the College's ILR.
- 6.2.8 Partnership meetings which include national and local updates regarding funding, policy, quality and curriculum developments; and the opportunity to share good practice
- 6.3 The level of support will be enhanced and performance monitored more frequently on the request of the subcontractor or where concerns regarding the meeting of contractual requirements are identified.

7. PAYMENT TERMS

- 7.1 Payment will be based on agreed profiles.
- 7.2 No payment will be made in relation to a learner where the subcontractor has failed to notify the College of any relevant enrolment, attendance or achievement by that learner in accordance with the provisions of the contract, or where a learner has failed to meet the start criteria in relation to funding eligibility.
- 7.3 The College will not be under any obligation to make payment to the subcontractor in respect of learners over and above any upper limit on the number of learners or the maximum amount of funding allocated to the subcontractor.
- 7.4 If the College pays any amounts to a subcontractor in relation to any learner who is subsequently deemed not to be eligible for payment of funding by the respective funding body, the College will be entitled to be fully refunded by the subcontractor. At the discretion of the College such a refund will either be payable within 30 days of notice by the College to the subcontractor, or may be deducted from the funding payable in relation to a subsequent payment period.
- 7.5 If, in respect of any funded learner, the funding body shall for any reason whatsoever (being a reason outside the control of the College) refuse or fail to pay the funding of any learner the College shall be under no obligation to pay any part of the funds relating to that learner to the subcontractor and any part of the funding relating to the said learner shall be fully refunded to the College by the subcontractor.
- 7.6 The College's payment terms are 30 days from invoice date for study programmes.

8. COMMUNICATION

- 8.1 The Fees Policy will be routinely communicated to and discussed with current subcontractors as part of the contract review process.
- 8.2 The Fees Policy will be communicated to potential subcontractors as part of the procurement process.
- 8.3 The Fees Policy and this Subcontracting Policy will be communicated internally to key managers and senior leaders to ensure internal compliance.
- 8.4 The College Fees Policy will be available on www.hughbaird.ac.uk and the actual fees received and charged will be published on the College website in line with any guidance in force.

9. DUE DILIGENCE & TENDERING

- 9.1 The procurement of delivery subcontractors must adhere to the Public Contracts Regulations 2015 and the Treaty Principles as detailed on the ESIF National Procurement Requirements. Applicants who successfully complete the procurement process must pass due diligence checks and any applicable precontract requirements before a contract is issued. Applicants can be rejected at any stage of this process.
- 9.2 The College has a Due Diligence process that, if successfully completed, approves an organisation to work with the College as a subcontractor for an initial period of 1 year. This includes a review of standard policies and a check of financial stability in relation to future partnership and subcontracting arrangements.
- 9.3 This activity should not be viewed in isolation and other pre-contractual checks should be considered, depending on individual contract requirements, e.g. site visit, full precontract visit.
- 9.4 Once subcontractors are on contract, they are required to complete an annual refresh application of the Due Diligence process to remain on the College's supply chain. The refresh includes a review of standard policies and a check of the organisation's ongoing credit risk rating. Re-assessment of annual accounts also takes place, and a further full financial assessment is completed at this time.

10. POLICY REVIEW

- 10.1 The fees and charges policy will be reviewed annually and presented to the Corporation for approval, however, may be reviewed more frequently in response to changes in government policy or funding rules.

Hugh Baird College

Balliol Road
Bootle
Liverpool
L20 7EW

Telephone

0151 353 4444

Email

enquiries@hughbaird.ac.uk

www.hughbaird.ac.uk