

Policy: Sub Contract Policy 2022-2023

Approved By: Governing Body

Responsible Person: Sharon Rogers

Date of Last Review: 12/10/2022

Date of Next Review: 20/10/2023

Approval Date: 22/03/21

Scope

The policy applies to all supply chain activity supported with funds supplied by the ESFA or any successor organisations and is reviewed each year prior to publication on our Website.

Context

The policy is now a mandatory requirement that must be in place prior to participating in any sub-contracting activity. This policy and the sub contractors' fees structure is displayed on our website under <http://www.lcwc.ac.uk/college/college-policies-procedures/sub-contract-policy/> and is shared with current sub contract partners each operating year.

Overarching Principle

The college will use its supply chain to optimise the impact and effectiveness of service delivery to the end user. The college will therefore ensure that:

- We will only enter into sub-contracts arrangement whereby evidence confirms they are registered on the RoTO (Register of Training Organisations or RoATP Register of Apprenticeship Training Providers (ROATP)).
- Supply chain management activities comply with the principles of best practice in the skills sector. In particular they will follow best practice in the ESFA funding rules.
- The college will at all times undertake fair and transparent procurement activities, conducting robust due diligence procedures on potential sub-contractors to ensure compliance with the funding rules and to ensure the highest quality of learning delivery is made available, demonstrating value for money and a positive impact on learner lives.

- The funding that is retained by the college will be related to the costs of the services provided. These services, and the levels of funding being retained for them, will be clearly documented and agreed by all parties. The rates of such retained funding will be commercially viable for both sides and will be negotiated and agreed in a fair and transparent manner. They will be proportionate to the actual services being provided.
- 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. Contract documents will require both parties to agree that the achievements of supply chains are 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.

Rationale for Sub-Contracting

The College's strategy outlines its vision for the provision of high-quality vocational education focused on employment skills. With its active participation in the provision of education and training at a national level, the College aspires to further extend its geographical reach and to meet any skills gaps. It engages with sub-contractors to this end, which offers the following benefits.

- To support better geographical access for learners (noting that many parts of the North West are rural in nature including Cumbria) for the mutual benefit of both local and virtual communities;
- To fill gaps in niche or expert provision;
- To support strategic partnerships in addressing the national skills agenda;
- To offer flexible opportunities for reskilling and upskilling in a changing workplace (including post pandemic circumstances);
- To meet employer need and support employers with a wide geographical requirement;
- to work cooperatively with other providers to satisfy employer and learner demand;
- to exchange mutual learning and professional development between the College and its providers.

Quality Assurance (QA)

Sub contracted activity is a part of the College's provision and the quality of the provision will be monitored and managed through the existing College QA processes and procedures, with regular reviews scheduled.

This Policy positions sub contracted provision as an important part of College activity to enable continuous improvements in the quality of teaching and learning for both the college and its sub contractors.

This will be achieved through the sharing of effective practice, with expectations that sub-contract partners will follow college quality processes, with their key procedures moderated.

Publication of information relating to sub contracting

The College will publish its sub-contracting fees and charges policy and actual end-of-year sub-contracting fees and charges on its website before the start of each academic year (and in the case of actual end of year data, as required).

This will only relate to 'provision sub contracting' i.e. sub contracted delivery of full programmes. It will not include the delivery of a service as part of the delivery of a programme (for example, buying the delivery of part of an Apprenticeship outreach support). Provision sub contracting lists will be agreed with ESFA Officials through submission of the sub contract declaration.

Standard college management fee is 20/30% of all funding drawn down against the provision to be delivered depending on risk. This figure represents the total cost that the College incurs in effectively identifying, selecting and managing all sub contracted provision.

This covers the cost to the College of any additional support that the College deems necessary to ensure the quality of teaching and learning and the achievement rates of any sub contracted provision, following a risk assessment.

The college will also promote sharing of good practice across the partnership and help improve delivery to our customers.

The College will enter into a formal contract with the sub-contractor partner, who will be expected to carry out several actions to cover performance, payments, and quality assurance matters. Regular reviews meetings will be conducted to monitor action points.

Payment terms between the college and sub contractors will be detailed in the contract, but will not exceed 30 days following receiving the approved invoice from the sub contract partner.

The College will ensure all actual and potential sub contractors have sight of this policy and any other relevant documents.