



Subcontracting Policy

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Key Contact Personnel in College

**Nominated Member of Leadership Staff Responsible for the policy:
Matthew Jones**

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Date for Review: September 2024

This policy will be reviewed annually or following any concerns and/or updates to national and local guidance or procedures.

Purpose: This Policy sets out Grow 19's approach to subcontracting. It outlines the framework that the College uses in selecting and regulating subcontractors including the financial arrangements for subcontracted provision.

Introduction:

At Grow 19, the college may use a subcontractor to represent a natural extension of our work in supporting learners to develop the skills and increase in independence within a work based area where we currently do not have the expertise to deliver directly. For example, industry relevant construction skills. In such circumstances, Grow 19 staff will always be present to support learners needs.

This policy applies to all subcontracted provision funded by the ESFA. The Subcontracting Policy is a mandatory requirement for subcontracting activity. The policy's content has been developed to comply with the ESFA

This policy will be updated annually to reflect in year amendments to ESFA regulations.

Rationale for subcontracting

The main reason that Grow 19 subcontracts is that it is a requirement for some City and Guilds Qualifications that it is led by someone with ongoing industry experience. This also means that the provision can enhance the scope, reach and quality of our offer. The specific reasons for choosing to subcontract would be one or more of the following:

- that a subcontractor would be able to provide access to specialist staff or other resources that would otherwise not be available
- that engaging with a particular subcontractor would bring benefits to the region in terms of business innovation and knowledge transfer with the College and its stakeholders
- to satisfy particular needs (of employers/ apprentices/ main provider) related to scope, reach or quality of provision
- to facilitate a seamless learning experience combining elements of provision delivered by the College and its subcontractor.

Selection, approval and monitoring of subcontractors

The selection of subcontractors will be informed by the criteria outlined in the points above which may be subject to subcontracting thresholds.

The College applies its existing processes for approving and managing collaborative academic partnerships and provision when selecting and managing subcontractors for its provision - supplemented, as appropriate, where ESFA rules require alternative or additional approaches.

The delivery subcontractors will be existing collaborative partners of the College that have already successfully completed the College's process for the Due Diligence, Approval and where an SLA has been drawn up agreed by both parties. Through this process

(supplemented by any additional processes required by ESFA rules applicable at the time) the College collects, and risk assesses, information about a proposed partner or subcontractor to ensure:

- (i) the overall rationale for a proposed subcontract fits with relevant College policies and strategy and the rationale provided
- (ii) the subcontractor's capacity and track record in providing high quality provision including that it is able to quality assure and improve relevant provision.
- (iii) appropriate legal and financial due diligence checks are satisfied (including that the organisation is a legal person, it is not subject to legal proceedings to dissolve or wind up the company, it is up to date with submission of its statutory accounts and these have been subject to external audit by an independent and qualified auditor) and measures to identify any conflicts of interest
- (iv) there are effective monitoring and performance review procedures to oversee the subcontract - as determined by the College Quality of Teaching and Learning Policy, Policies and Processes and in line with EFSA rules and requirements. Monitoring activity includes regular lesson observations and communication with parties to ensure learning is of the highest standards and learners are on target with their qualifications.

Compliance with ESFA rules and evidence requirements

Existing approved College collaborative partner organisations would normally be eligible to be considered for subcontracting arrangements, subject to confirmation that they can meet the specific requirements of the subcontract and can satisfy the requirements of any ESFA rules.

Proposed subcontractors that are not already approved partners of the College may be considered for approval as a subcontractor via the Due Diligence & Approval Process for New Collaborative Partnerships (supplemented by any additional processes required by ESFA rules applicable at the time).

Subcontractors are required to have robust internal policies to ensure compliance with legislative undertakings and general good practice and make certain that policies are regularly updated and effectively implemented, the requirements of which are identified in the contract. As a minimum any subcontractor will be expected to have a policy or policies covering the following topics approved at an appropriate level in the organisation:

- Employment law & appeals
- Data Protection (GDRP compliant)
- Health & Safety
- Equal Opportunity/Equality & Diversity
- Safeguarding & Prevent
- Insurance:
 - Employers (compulsory) Liability Insurance
 - Public Liability Insurance Cover

The College is responsible for ensuring that it satisfies the ESFA's requirements for subcontracting.

In line with ESFA funding rules, the College will submit a subcontractor use declaration of ESFA at least twice each year summarising the value of any sub-contracted provision paid for in the previous period.

Successful partners will be issued with a legally binding contract eligible for the period from when the contract commences until the planned completion date of the learning. It will be signed by the subcontractor and the College. Terms and conditions will be agreed and included in the contract. The College and the ESFA are granted full permission and rights to monitor the quality of training being provided and visit the subcontractor at their premises, training sites or employer's premises from which they operate.

Fees and charges

The College will agree to fees for the delivery of the selected provision. Further additional charges may be negotiated between the subcontractor and the College to reflect particular additional services or support. These fees will reflect the Colleges costs in procuring and managing subcontracts and associated academic provision. The fee and any substantial changes in fees and charges for subcontractors are subject to review and sign off by the board of directors.

In consideration of the fee, the College will normally provide the following support to the subcontractor

- initial needs assessment and sharing of individual risk assessments, vocational profile and personalised support plans.
- support with learning, teaching and assessment review.

The College will provide potential subcontractors with full contractual terms to apply to all sub-contractor payments. Fees and charges will be in line with EFSA apprenticeship rules.

This Policy and an outline subcontract are available to current and potential subcontractors at the point that discussions are opened for new or reviewed sub-contractor arrangements.