



Bolton College Sub-Contracting Policy

SUB-CONTRACTING POLICY OVERVIEW

1. Scope

This Policy Statement details how Bolton College will apply fees and charges to contracts with organisations sub-contracted to deliver training on behalf of the College.

This policy is limited to 'whole provision sub-contracting' which means the delivery of full study programmes; it does not include sub-contracting the delivery of a service as part of the delivery of a programme (for example, buying the delivery of a service as part of enrichment activity which is not deemed as sub-contracting). The policy applies to all supply chain activity supported with funds supplied by the Education and Skills Funding Agency.

2. Policy Details

Bolton College sub-contracts provision to meet the strategic priorities outlined in the Strategic Plan. The College aims to ensure high quality teaching and learning as a result of the sub-contractors' extensive and focused experience in specialist areas.

Sub-contracting ensures cost effectiveness of programme delivery on occasions when it may be desirable for the College to run certain programmes where it is not viable for the Group to build up in-house resources and expertise.

Sub-contracting contributes towards the sustainability of the College provision overall, as it helps to respond flexibly to changing market demands and emergent opportunities.

Sub-contracting widens the range of progression opportunities for learners particularly as the College is part of the University of Bolton group.

Sub-contracting provides good development opportunities for both the College and its sub-contractors to share good practice and new ways of working.

In order to achieve this, Bolton College has taken the strategic decision to sub-contract part of its provision to partners who can support the delivery of its strategy.

3. Documentation

The policy will be made available on the College web site, intranet and hard copies will be available on request.

4. Monitoring and Review

The policy will be reviewed on a regular basis in accordance with legislative developments and the need for good practice.

In line with the updated guidance on the sub-contracting of whole provision, the College will seek approval to continue with or embark on new arrangements on an annual basis.

Responsibility for review: Deputy Principal

Review Date: July 2022

Endorsed by: Principal, Executive Team and Board of Governors

Owned and Authorised by: Deputy Principal

SUB-CONTRACTING POLICY

1. Overarching Principle

This policy outlines the approach Bolton College will take in regards to sub-contracting Education and Skills Funding Agency (ESFA) provision. The ESFA Funding Guidance will be adhered to at all times and sub-contracted provision is expected to comply with ESFA Guidance and funding rules for 2021/22.

This policy compliments our strategic priorities to grow in key markets. Our aim is to build long term partnerships with providers who can complement and strengthen our offer to meet local needs and support Government priorities, and who can engage with learners for whom the College environment is not conducive to their cultural and social needs.

The College will use sub-contracting to optimise the impact and effectiveness of service delivery to the end user. The College will therefore ensure that:

- 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 Common Accord at all levels 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.

2. Reasons for sub-contracting

The College recognises the need to offer as diverse a range of provision as possible, in as flexible and cost effective a way as possible. By working in partnership with sub-contractors the College is able to do the following:

- Training linked to employer demand throughout the Bolton and Greater Manchester region.
- Opportunity to develop the College offer in new markets.
- Access to new cohorts of learners who would not otherwise be able access the College
- Opportunity to increase the College's reach, including those who are unable/unwilling to attend main College sites, by offering flexibility in delivery of provision at times and venues convenient to learners and employers
- Access to key target learner groups throughout Greater Manchester.
- Progression into employment or education, particularly onto College and University of Bolton programmes.
- Well established, bespoke facilities and staff expertise to support good teaching and learning.

3. Due Diligence

A robust process is in place to identify and contract with new partners. The sub-contracting policy is discussed with potential partners during early negotiations. A due diligence process takes place that includes (but is not limited to) legal, financial and quality checks, includes an initial quality visit, declaration of any conflicts of interest and reference checks. Credit checks are obtained for all sub- contractors and a risk based approach would be used for any businesses for which the credit rating was low or the company was newly formed.

All this information would be considered before the College made a decision of whether to contract with the partner.

In line with ESFA policies, all organisations considered for sub-contracted provision must hold a valid UKPRN number, and if the contract value exceeds £100,000 enter and be approved on the UK Register of Training Organisations. This also applies if the contract would take the total value of sub-contracts that the sub-contractor holds to deliver education and training to £100,000 or more.

During the contracting year, as required by the ESFA, we will complete the Sub- Contractor Declaration Form. At the end of the year, the College will publish data on actual level of funding paid and retained for each sub-contractor.

4. Improving the Quality of Teaching and Learning

The College will ensure that sub-contractors are included in the quality cycle and provided help and support in the Self- Assessment Reporting (SAR) and the Quality Improvement Plan (QiP). Sub-contractors will be expected to discuss the completed SAR and QiP with the Deputy Principal. Any actions arising will be addressed in co-operation between the College and the sub-contractor.

The College will validate the outcomes of sub-contractors' own quality monitoring processes. Bolton College is committed to continual improvement in teaching and learning, both in its own direct provision and in its sub-contracted provision. A range of approaches are employed in order to do this, such as session observations and Self-Assessment Reports. In terms of sub-contracting provision specifically, the following processes will be in place to help monitor quality of provision, and actively improve quality on an on- going basis:

- A robust schedule of Quality Assurance Audits that are carried out throughout the year
- Annual Reviews with target setting
- Regular monitoring meetings between the College and sub-contractors (with a minimum of one per term)
- Training and Development workshops (as appropriate)

5. Fees

A standard College management fee of 15% of all funding drawn down against the provision will be applied. This figure has been calculated as a representative cost to the College in effectively identifying, selecting and managing these contracts. The College will individually assess each sub-contractor prior to any and each agreement with that sub-contractor and an open rationale will be used to determine the level of management fee retained by the College.

In some cases an Additional Management Fee may be charged if the College undertakes further functions in terms of managing the sub-contracted provision, such as, but not limited to:

- Registering learners with awarding bodies

- Incurring the cost of examination fees
- Responsibility for Internal Quality Assurance of provision
- Increased Quality Assurance Audits if provision is new or is underperforming
- Additional support necessitated due to sub-contractors poor performance (in relation to delivery of provision, poor success rates or administration processes linked to provision)
- Type of provision, for example more resources will be required to manage the administration of apprenticeship programmes than some other types of programmes
- New subcontractor due to the increased administrative burden and higher risk

6. Support for Sub-contractors

In return for the management fee charged by the College, sub-contractors will receive:

- Advice and guidance
- Regular meetings to discuss a wide range of issues which would include contract planning, audit feedback, performance monitoring reports etc.
- Teaching and learning quality updates and training sessions.
- Regular monitoring visits with detailed feedback identifying good practice and areas for improvement.
- Enrolment and audit compliance training.
- Safeguarding service
- SAR support.
- On-going administration support including in-depth checks of evidence submitted and regular feedback on issues identified.
- Ofsted guidance and requirements
- Input of enrolment documentation submitted.
- Submissions of data to funding agencies.
- On-going data checks and support to resolve data queries.
- On-going support to address any areas for improvement.

In these cases an Additional Management Fee will be applied to the sub-contracted provision as well as the Standard Management Fee. This fee will be agreed with sub- contractors prior to the issuing of contracts, and will be reviewed prior to annual re- contracting.

7. Payment Terms

Payment terms will be dependent upon the type and length of provision sub- contracted. Payments will be made monthly based on income generated in the latest ILR submission, and upon receipt of a signed claim form from the partner, confirming all details on the claim form are correct. When the learner achieves, a certificate of achievement or other acceptable awarding body documentation must be submitted, this will trigger final payments due.

8. Intervention

When a sub-contractor is not performing according to contract or there have been other significant issues identified which may be of a financial, quality or audit nature, intervention by the College may include:

- Action plan with or without identified support
- Financial penalty
- Quality “Formal notice to improve” issued
- Higher management fee imposed with mandatory support
- Immediate termination of contract

If, for any reason, either party terminates the contract, the College would assume responsibility for the delivery of the remainder of the learner programme. Should the College not have the relevant resources to perform this, the College would source an alternative provider or retain specialist teaching expertise and/or specialist equipment to ensure that the learners complete their programmes without disruption, whichever is more cost-effective. Any provision planned but not yet started will be cancelled and the project closed.

Any major concerns raised with regard to financial irregularity or misuse of funding will be immediately reported to the relevant authority.

9. Safeguarding & Prevent

It is essential that all Sub-contractors have a clear and appropriate Safeguarding policy and procedures which are in line with the current College policy and processes. This includes how the Sub-contractor will deal with allegations made against staff and the code of conduct covering the abuse of trust.

The College will work with sub-contractors to promote the Prevent Strategy and establish suitable arrangements conducive with College measures.

10. Policy Review

The College will review this policy annually.