

# **Subcontracting Supply Chain Policy 2023-2024**

## Contents

	<b>Section</b>	<b>Page</b>
1	Scope	3
2	Rationale for Subcontracting	3
3	Subcontracting Standard – Subcontracting assurance arrangement for all post-16 Providers (July 2021)	3
4	Quality Improvement	4
5	Management Fees	4
6	Support Provided to Subcontractors	4
7	Payment Terms	5
8	Communication	5
9	Policy Review	5
10	Invitation to Tendering and Due Diligence	5
11	Intervention	6
12	Using Subcontractors in the Delivery of Apprenticeships	6

## 1. Scope

This Subcontracting Supply Chain Policy is a mandatory requirement that must be in place prior to participating in any subcontracting activity from 1st August 2023. The content of this policy has been developed in line with the ESFA Funding Rules, the LSIS Supply Chain Management document and the AOC/AELP Common Accord.

This policy relates to activity funded through the **Education Skills Funding Agency (ESFA)** and **West Yorkshire Combined Authority (WYCA)**, whereby Kirklees College enters into a subcontracting agreement with a supplier for Apprenticeship, 16-18 or Adult Skills recruitment and delivery.

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 sub-contracted provision under Kirklees College's direct contract with the ESFA.

## 2. Rationale for Subcontracting

Before Kirklees College enters into a subcontract arrangement, we ensure there is a clear educational rationale/business case for subcontracting which aligns to our corporate and operational strategies. Our business case sets out the policy, business and operational objectives including consultation with stakeholders and undertaking research to determine the education rationale, where appropriate. This rationale considers the expectation ESFA has for Providers to reduce their subcontracted provision. Our business case is presented and approved at executive/board level for sign-off.

Kirklees College will align all subcontracting arrangements to the Combined Authority's AEB strategy.

Kirklees College will only subcontract when the education rationale meets one or more of the following aims:

- enhances the opportunities available for learners
- fills gaps in niche or expert provision or provides better access to training facilities
- supports better geographical access for learners
- offers an entry point for disadvantaged groups; or
- gives consideration of the impact on individuals with shared protected characteristics, where there might otherwise be gaps

## 3. Subcontracting Standard – Subcontracting assurance arrangement for all post-16 Providers (July 2021)

Kirklees College has ensured that, for non-devolved ESFA funded AEB provision, its subcontracting delivery is aligned to the requirements of the standard and has appropriate evidence in place to ensure that it can demonstrate compliance with all aspects of the standard.

## **4. Quality Improvement**

Kirklees College:

- 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 for all College learners.
- Undertakes observations on all aspects of teaching and learning following the college's TLA framework.
- Undertake triangulation activities to monitor and improve the intent, implementation and impact of services delivered by subcontractors such as safeguarding, information, advice and guidance, progress reviews and assessment.
- Provides timely, meaningful feedback to both subcontractors and their delivery staff in order to develop quality improvement plans which are then monitored on an ongoing basis.
- Carries out learner voice surveys to gather feedback from learners.
- Subcontracted Apprenticeship programmes will also be subject to employer feedback being gathered and used to support ongoing quality assurance and improvement.
- Supports subcontractors to implement effective policies and procedures relating to teaching and learning including assessment and verification policies and procedures.
- Supports subcontractors by providing access to all college staff development, CPD and other support resources regarding TLA and quality assurance.
- Supports subcontractors to develop an effective Self-Assessment Report (SAR) and Quality Improvement Plan (QIP) for incorporation into the whole College SAR.

## **5. Management Fees**

- Management Fees will be calculated based on all services the College will provide the Subcontractor and will detail all associated costs. This will include a list of specific costs for managing the subcontractor, quality monitoring activities, and for any other support provided by the College to the subcontractor.
- No Management Fee will exceed the maximum amount applicable of 20% of the maximum contract value.
- All costs will be individually itemised and will show how each cost contributes to delivering high-quality learning. The College will always ensure that costs are reasonable and proportionate to the delivery of the learning or apprenticeship training and will include a breakdown of all services and costs in each, individual subcontract's contract.

## **6. Support Provided to Subcontractors**

Kirklees College:

- Has an Apprenticeships & Subcontracting Manager to manage the relationship with every subcontractor, including the co-ordination of any Invitation to Tender (ITT), Due Diligence process and regular Contract Monitoring Meetings with every subcontractor.

- Has a Head of Quality and Programme Quality Leads, to ensure that the quality of every subcontractor's teaching, learning and assessment meets the College standards and to support the continuous improvement of the subcontractor's provision, including any relevant staff training and CPD opportunities.
- Has a Head of Funding & Management Information to ensure the timely and accurate recording of student information on the College's ILR.
- Commits 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 students. These checks include whether the learners exist and are eligible, and involve direct observation of initial guidance, assessment and delivery of learning programmes.
- Ensures that all of the subcontractor's delivery meets the ESFA's Funding Rules.

## 7. Payment Terms

Payment terms and method of calculation are made in line with the contract. Payments will be made on a monthly basis, at the end of the month following the delivery period, which has been validated and payment confirmed by the ESFA. Payments will be made based on the funding confirmed and received, less the applicable Management Fee.

## 8. Communication

The College Fees Policy will be routinely communicated to and discussed with current subcontractors as part of the contract review process.

The College Fees Policy will be communicated to potential subcontractors as part of the procurement process.

The College Fees Policy is available on the College website [www.kirkleescollege.ac.uk](http://www.kirkleescollege.ac.uk)

## 9. Policy Review

This policy will be routinely reviewed annually, however, may be reviewed in-year in response to any relevant changes in government policy or funding rules.

## 10. Invitation to Tendering and Due Diligence

The college has a due diligence framework. To be considered for subcontracting please contact the College at [mconnolly@kirkleescollege.ac.uk](mailto:mconnolly@kirkleescollege.ac.uk). The process for bidding to become a subcontractor will involve, as a minimum:

- Completion of **Due Diligence Application** Form
- Completion of **Invitation To Tender** Form
- Two satisfactory and current references
- Satisfactory annual accounts for the last three years
- Satisfactory track record of delivering government funded training e.g. achievement rates

In addition, in order to pass the Due Diligence stage, the Provider will need to pass a quality assurance visit by an appropriate member of College staff.

As a minimum, all subcontractors will be required to re-validate their due diligence every three years.

## 11. Intervention

When a subcontractor is not performing according to contract, or there have been other significant issues and/or 'causes for concern' identified which may be of a financial, quality or audit nature, the Apprenticeship & Subcontracting Manager will refer the matter to the Assistant Principal (Apprenticeships), Executive Director of Finance or Vice-Principal (Curriculum and Innovation), as appropriate.

Action taken may include, but not limited to:

- The production of an Action Plan, with or without identified support.
- Financial penalty
- An Improvement Notice issued
- Higher Management Fee imposed, with mandatory support
- Termination of contract

## 12. Using Subcontractors in the Delivery of Apprenticeships


From the outset of each apprenticeship, the College and employer will agree a plan for its delivery. The College must directly deliver some of the apprenticeship training and/or on-programme assessment associated with each employer's apprenticeship programme. The volume of training and/or on-programme assessment that the College will deliver for each employer will have some substance and will not be a token amount

The College may use delivery subcontractors to complement its own delivery, if requested by an employer and agreed at the start of an apprenticeship. Within an employer's apprenticeship programme, delivery subcontractors will deliver either substantial or part-apprenticeship training for frameworks and standards. The scale and make-up of an employer's programme may vary from month to month or from year to year.

When an employer's apprenticeship programme includes subcontracted delivery, the College will draw up a Training Services Agreement, specifically to set out which parts of the programme will be delivered by the College and which parts by the delivery subcontractor.



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Palvinder Singh  
Principal and Chief Executive



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Gerard Hetherington  
Chair of the Corporation