



**External guide to
policies & procedures
for Supply Chain Management
of Sub-contracting & Sub-contractors**

(2021 - 2022)

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SECTION 1

1.1 Background & Context

Supply chain management is a way of operating a systematic and strategic supply chain, for the common purpose of improving long term relationships and delivering a high quality learning experience.

Different types of 'supply chain' arrangements exist, as shown in the table below:

| | |
|------------------------------|--|
| Prime Contractor | The principle contract holder is at primary level and identifies their internal capacity and capability, and any gaps are delivered through a sub-contract |
| Managing agent | One single contract where the sole purpose of the contract holder is to deliver through multiple sub-contracts using a competitive procurement process |
| Community Interest Companies | The Contract Holder is a company limited by guarantee specifically designed for enterprises such as learning consortia that conduct business or other activity for community benefit, and not purely for private advantage |
| Consortium | One single contract where its delivery components are shared among a range of providers by shared agreement |
| Sub contractor | The sub-contract holder is at secondary level. The sub-contractor delivers components of the main contract either for a prime, managing agent or consortium |
| Co-operative consortium | Is formed when a group of businesses join together as a co-operative |
| Acquisition / merger | Is where existing organisations are either being acquired or merged into a lead organisation |
| Provision sub-contract | A prime contractor has agreed a sub-contract with a provider and allocated part of their provision. The sub-contractor will hold its own funded allocation profile to achieve starts and outcomes |
| Services sub-contract | A prime contractor has purchased a specialism from a provider to deliver a service from a prime. The prime retains all of its provision but uses the sub-contractors services for its delivery |

1.2 Strategy & key objectives

The Vision of the College is:

To be an outstanding provider of further and higher education and training

The Mission of the College is:

Providing inspirational, high quality education and training which meets the needs of individuals, employers and our local and wider communities

The Aims of the College are:

1. Outstanding student success
2. Excellence in teaching and learning
3. Increasing participation of young people in vocational learning
4. Responsive solutions to adult and employer learning and training needs
5. Commitment to embedding employability skills and entrepreneurial activity
6. Value for money in the use of public funds

1.3 Roles & Responsibilities

| Role / Contact | Responsibility |
|--|--|
| Jayne Dickinson Chief Executive Officer (College Group) & Principal (ESC) | Oversight of contract |
| Rebecca Taylor Vice Principal - Curriculum & Standards (College Group) | Oversight of curriculum |
| Jyoti Baker Chief Operating Officer (College Group) | Financial oversight and strategy |
| Mitzi Gibson Exec Director of HR & Professional Development | Staffing policy |
| Kam Dehal Vice Principal Business Development (College Group) | Due diligence, contract management, oversight of contract and relationship |
| Frances Harris Vice Principal – Vice Principal - Interventions, Projects, Student Support & DSL (College Group) | Learner support, PREVENT and Safeguarding, advice and guidance |
| Mike Burgess Head of MIS (College Group) | Data Management & Audit |
| Paul Banthorpe- Head of Teaching and Learning (College Group) | Observation of teaching, learning and assessment |
| Frances Harris Vice Principal - Interventions, Projects, Student Support & DSL (College Group) | Quality assurance processes and paperwork |

Section 2

2.1 Selecting a sub-contractor

The key principles of selecting a new sub-contracting partner are whether they:

1. Fit with the strategic objectives of the College
2. Bring positive local community benefits / widening participation (attracting learners who would not normally go to a FE college)
3. Add value to the work the College does
4. Complement but not compete with the existing product portfolio of the College
5. Are aligned to key sectors that the College or Government has prioritised
6. Have potential for grade 1 provision
7. Have a track record of high success rates and high standards in all category areas
8. Are willing to engage in a mutually supportive relationship built on trust and respect
9. Have reputation and standing in the sector / market
10. Comply with UK and EU sub-contracting regulations across the appropriate funding agency

Currently sub-contractors may not further sub-contract provision except in exceptional circumstances, and then only with the written approval of the Chief Executive of the Education Skills and Funding Agency. (This is referred to as **2nd Tier Sub Contracting**, which the College will not enter into).

2.2 Due Diligence

To comply with the Education & Skills Funding Agency funding rules, the College will need to be reassured that sub-contractors satisfy a control test, the key elements of which are:

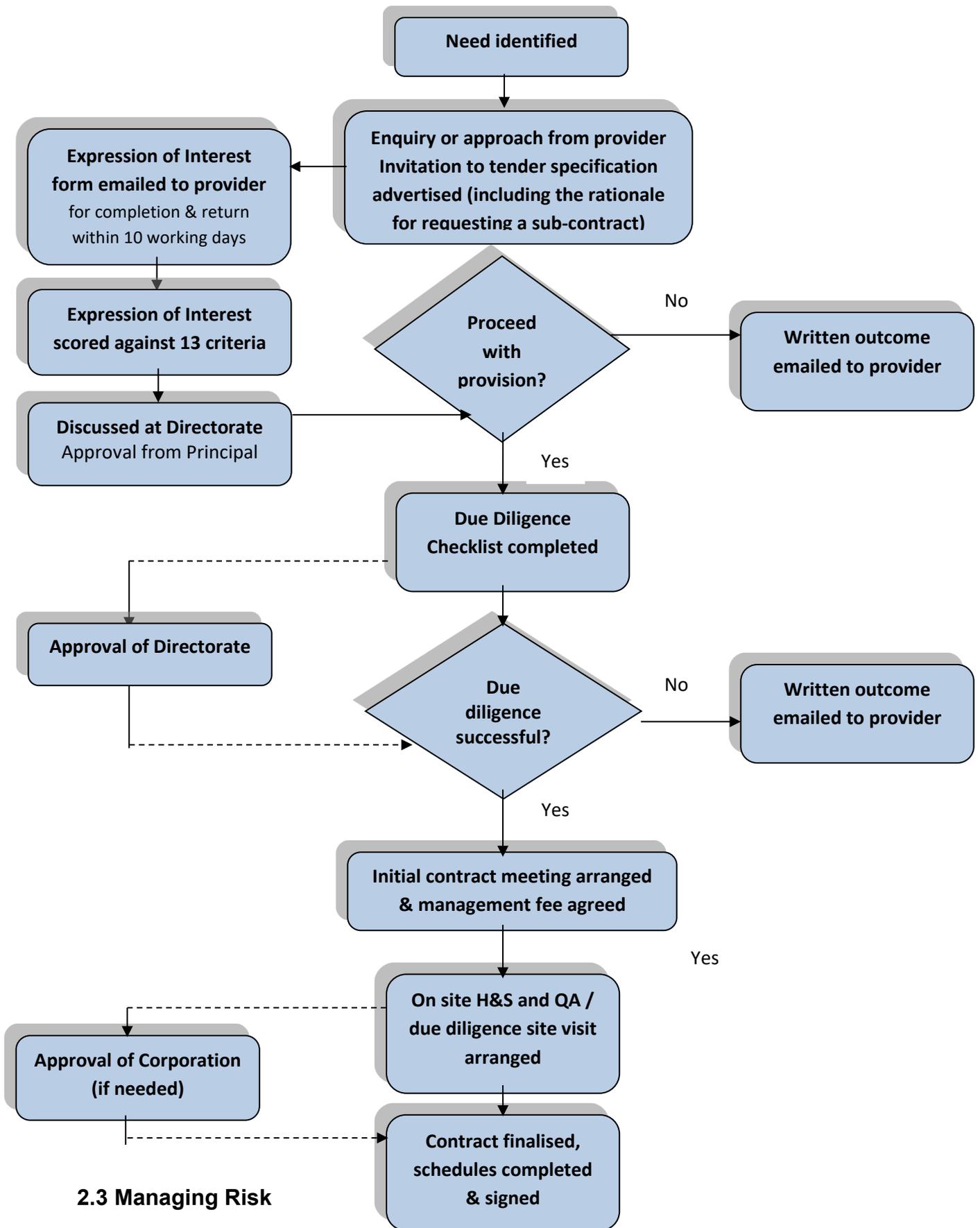
- The College is able to ensure that learners are enrolled on appropriate programmes in the name of the College not the sub-contractor(s)
- The provider has the capability and capacity to deliver to the tender specification
- There is a written learning agreement, entered into at the time of enrolment which is prepared and agreed with each learner and that reflects the outcome of the learner's initial guidance and assessment
- A learning programme and its means of delivery have been clearly specified by the College
- There are arrangements for assessing the progress of individual learners
- Adequate measures are in place to ensure the health and safety of learners
- Procedures exist for the College to regularly monitor the quality and delivery of programmes

To ensure compliance with these elements the initial **Expression of Interest** document and the **Due Diligence Checklist** are key sources of information for new partners (See Appendix 1 &2) Included in these documents is the need to record the '**business case**' or rationale for entering into a sub contracting arrangement with a new partner

Other Independent sources of information about potential providers include:

- Ofsted inspection reports (www.ofsted.gov.uk)
- Register of UK Training Providers
- FE Choices results

The process for selecting a sub-contractor is as follows:



2.3 Managing Risk

East Surrey College retains ultimate responsibility for all aspects of the provision that it is contracted to deliver, including any elements that it chooses to sub-contract. The risks for the College include the sub-contractor:

- Achieving poor success rates, which reduces the College's overall performance
- Generally putting the College's reputation and achievement of the contract in jeopardy
- Not achieving funding targets, leading to lower than budgeted management fees and reductions in future allocation
- Underestimating the costs of administering the provision and contract
- Further sub-contracting without the written approval of the Funding Agency
- Competing for employers and learners with other contracted provision
- Failing to complete within the contract period, leaving learners on-programme
- Staff turnover of the sub-contractor, impacting on their capacity to deliver to the contract
- Risks associated with health and safety, safeguarding or equality and diversity issues.
- Negative publicity associated with the sub-contractor

A complete Risk Register can be found in **Appendix 5**

2.4 Audit & Data

A key element of the audit trail is the process undertaken to sub contract with a new partner. To this end the following evidence is required:

- Details of sub-contract
 - What is the nature of the provision and the contractual relationship involved
- Data sharing protocols
 - Ensuring the College, the appointed auditors and the Funding Agency have access to all information
- Business Case
 - What is the rationale behind the College's decision to appoint a particular sub-contractor

The Funding Agency have the right to audit all documentation in relation to the sub contracted provision. A satisfactory audit is essential to avoid loss of funding through claw back or termination of contracts. The College's audit principles include:

- A sample audit will be conducted on a half termly basis to ensure records are valid and credible
- All paperwork from sub-contractors must be originals (not photocopies or scanned copies)
- DSATS will be used to test integrity of data submitted by the sub-contractor

Controls to ensure no double funding include:

- Gaining information on other prime contractors at due diligence stage
- Regular (monthly) DSATS testing
- Communicating with any other Prime contractors the subcontractor is working with

Section 3

3.1 Contracts

The following terms are contained in all contracts (see **Appendix 7** for an example contract)

1. Agreement date and parties
2. Definitions and interpretations
3. Commencement and continuation
4. Appointed representative
5. Subcontractors obligations
6. Assignment and sub-contracting
7. Freedom of information and confidentiality
8. Equality of opportunity and health and safeguarding
9. Warranty and indemnity
10. Insurance
11. Access and monitoring
12. Payment
13. Prohibited activities
14. Data protection
15. Quality Assurance
16. Fraud and irregularity
17. Funding
18. Breach
19. Termination
20. Transfer of responsibilities
21. Force Majeure
22. Specific learner incident reporting
23. Intellectual property rights
24. Public relations
25. Status
26. Waiver
27. Third party rights
28. Governing / Jurisdiction

Originals of all subcontractor contracts will be held centrally in the Directorate.

3.2 Management Fees

As part of the College's funding agreement with the Agency, the College is required to submit details of sub-contracting arrangements by returning the '**Declaration of Sub-contractors**' spreadsheet, including details of the management fees charged to sub-contracting partners clearly identified in the contract and published on the College website.

Management fees will be set according to the level of risk associated with the sub-contractor. This is shown in the table below:

All partners will have a standard '**Invoice Profile**' prepared, detailing the payment amounts, payment dates, invoicing requirements and how to deal with disputed invoices

| Fees | Costs | Charges |
|--|---|--|
| Rationale | Services provided within fee | Additional services (additional fees may apply but will be outlined in the contract if applicable) |
| <p>Low risk (15%)</p> <ul style="list-style-type: none"> ▪ Established partner with minimum 3 years relationship ▪ Contract minimum of 10% of total sub-contracted allocation ▪ Provision meets priority needs of the Funding Agency or local community ▪ High success rates 10%> than Minimum Level of Performance (MLP) ▪ High cost of delivery ▪ Delivery close proximity | <p>Annual contract review and planning meetings</p> <p>Monthly monitoring meetings (telephone / face to face)</p> <p>Registration support</p> <p>Training and support on administrative process, systems and paperwork</p> <p>Timely records, payments , invoicing arrangements</p> | <p>Exam registration</p> <p>Internal Verification services</p> <p>Liaison with External Verification</p> <p>Exam centre registration</p> <p>Purchase of resources</p> <p>Additional checks on destination or progression of students</p> |
| <p>Medium risk (20%)</p> <ul style="list-style-type: none"> ▪ Established partner with minimum 2 years relationship ▪ Contract minimum of 5% of total sub-contracted provision ▪ Provision meets priority needs of local / community or sector priorities ▪ High success rates 5%> than MLP ▪ Medium cost of delivery ▪ Mixed delivery matrix | <p>Single point of contact for queries and account management</p> <p>Access to Safeguarding/PREVENT/ Equality & Diversity training and support materials</p> <p>TLA dual observations and spot checks, including travel</p> | <p>College part delivery of training</p> |
| <p>High risk (25%)</p> <ul style="list-style-type: none"> ▪ New partner, or partner with less than 2 years relationship ▪ Low contract value (<5% of total provision) ▪ New provision, or provision with higher risks (eg Apprenticeships) ▪ In year decrease in retention ▪ Poor student feedback ▪ Distance delivery model | <p>H&S on site check and sign off</p> <p>MIS and ILR monthly administration and reconciliation</p> <p>SAR and QIP support and training with reviews</p> | |

3.3 Equality & Diversity

The College Equality & Diversity (E&D) Checklist states that:

- **Sub-contracted provision is set appropriate standards for equality and diversity and these are assessed.**

To ensure this is complied with, the following will be implemented:

- Subcontractors will be asked to supply a copy of their Equality & Diversity Policy
- Subcontractors will be sent the College E&D, Safeguarding Policy and PREVENT and will be asked for written confirmation that they will accept the terms contained in these
- The contract will contain explicit reference to E&D policies, Safeguarding and Criminal Records Bureau checks
- All on-site assessments (Quality Assurance, Audit and Contractual) will record E&D compliance as part of the assessment process

3.4 Communication Strategy

The main principles of communicating with sub-contractors are:

- Schedule of regular meetings set up and contained in contract
- Sub-contractor provides a named contact to the College
- Notes / minutes of meetings kept on file and shared with sub-contractor
- Records of e-mails, correspondence etc kept on file
- Notes from audit / monitoring visits kept on file and shared with sub-contractor

The table below illustrates the main contact points for sub-contractors

| Purpose | Contact |
|--|---|
| Main contact for day-to-day enquiries | Vice Principal Interventions, Projects, Student Support & DSL |
| Contract issues / complaints | Vice Principal Business Development |
| Due diligence, initial set up and on-going contract management | Vice Principal Business Development |
| Curriculum advice and guidance, Quality assurance | Vice Principal Interventions, Projects, Student Support & DSL |

Section 4

4.1 Education Quality Framework

'Education Inspection Framework' (Refer to Appendix 7)

The quality improvement arrangements for sub-contracted provision are as rigorous as those for site based programmes and wherever possible replicate procedures.

Within the College's organisational structure, sub-contracted provision is owned by the Department responsible for the curriculum area into which it falls but with activity and generation of activity firmly communicated through the Heads of Department and Vice Principal who oversee the arrangement of contracts. No partnership working can commence without Executive approval. This ensures that the following aspects of the Education Inspection Framework are applied:

- Programme approval
- Target setting
- Inclusion in performance review, self-assessment and quality improvement planning
- Assessment, internal and external verification
- Client/stakeholder/ learner evaluation
- Observation of teaching and learning
- Safeguarding, PREVENT and British Values are embedded into the learning and culture of the organisation

Quality assurance will break into broadly two areas; the auditing of the College's statutory reporting requirements to ensure that they are an accurate record; and the quality assurance process which will be more reflective of a partnership with the sub-contractor and the College working together to ensure high quality provision is delivered that is reflected by excellent retention and success rates.

4.2 Quality Assurance Process

4.2.1 Quality Calendar

Term 1 (Autumn)

Quality Reviews take place in November before the Performance Reviews with Governors in December. In these meetings the SARs is presented with progress against areas for improvement. The College SAR is reviewed and moderated in this term, including sections on subcontractor performance. This document is then uploaded to the provider gateway by the end of December.

Enrolment/ induction surveys for all learners take place early in the term

Observations of teaching and learning commence

Term 2 (Spring)

Quality and Performance Reviews take place in March/April and progress against areas for improvement are again monitored.

EV dates are requested and reports received, with actions reviewed and monitored to completion and sign off

Learner surveys using conducted during this term

Term 3 (Summer)

Course evaluations / reviews completed in May/ June ready to inform the SARs for that year

Quality and Performance Reviews takes place in June when the current year SAR/ QIP document is signed off and the strengths and areas for improvement going forward are proposed

Achievement is also a key focus of this term (dependent on EV visits in some cases)

End of course learner surveys and destination information is gathered and collated to review impact of progress and sustainability of outcomes

4.2.2 The Teaching and Learning Policy

- Quality Assurance will involve both prearranged and unannounced visits in order to sample the sub-contractors records in order to ensure that they meet the College's reporting, statutory and quality assurance requirements.
- Prearranged (audit) visits dates will be agreed with the sub-contractor on an annual basis, conducted by the Quality and Standards Co-ordinator or an appointed nominee.
- The College will require joint observations of teaching and learning for subcontracted provision undertaken by the subcontractor and the College, to take place at times to be agreed between the Parties, accordance with the Observation of Teaching & Learning policy, which is available on request.
- The depth and frequency of the audit visits will reflect the annual fee tariff of the sub-contractor but will normally be on a termly basis and a typical visit will include:
 - A discussion with tutors / trainers
 - A discussion with learners on their experience and knowledge
 - Checks on registers and attendance and reporting
 - Checks on adequacy of resources
 - Checks on GDPR protocols
 - Tracking of learner progress
 - Safeguarding and PREVENT and knowledge of processes and reporting
 - Recognition of the responsibility of the Prime as the lead training provider
 - Destinations and impact
 - Complaints & Compliments procedures
- The main areas that will form part of the audit will be shared with the sub-contractor at the beginning of the contract however the College reserves the right change this without notice.
- Each visit will be followed by a written report within 2 weeks and the sub-contractor must follow up any observations with an action plan to address any issues raised within 2 weeks of the receipt of the written report. The action plan will be monitored.

4.2.3 Staff

- Staff CVs will be forwarded to the College and teaching staff should be qualified teachers or working towards a teaching qualification in accordance with sector requirements. Similarly staff involved in assessing students should have an A1 Award

or equivalent or be working towards that Award and achieve it within 18 months of the start of the contract

- Staff having internal verifying or lead assessing duties should have a V1 award or equivalent or be working towards that award and achieve it within 18 months of the start of the contract.
- Copies of teaching staff CPD should be lodged with the College annually.
- Copies of CRB checks for all staff should be made available to the College

4.2.4 Quality

- Performance targets will be agreed annually between the College and subcontractor for retention and success rates and monitored by the College.
- The sub-contractor will operate an effective monitoring policy approved by the College or alternatively adopt the Colleges' monitoring requirements.
- Copies of EQA (EV) reports must be lodged with the College's Quality and Standards Co-ordinator together with action plans immediately on receipt.
- The sub-contractor must have effective appeal and complaints procedures approved by the College with a final appeal for all learners to the College.
- The sub-contractor must operate a system of teaching observations and teaching and learning support to staff approved by the College and submit copies of these observations to the College
- Team/staff meetings must take place regularly and formal minutes kept.
- The subcontractor will produce Course Reviews leading to an annual Self-Assessment Report (SAR) and Quality Improvement Plan (QIP) plan (updated monthly) in accordance with the Colleges' requirements.
- The subcontractor must ensure their provision meets all Ofsted requirements and work with the College to achieve a good grade. **(Refer to Appendix 6)**
- Performance Reviews with Senior Management Team will take place termly.

4.2.5 Learner / Employer Voice

The learner and employer voice will be captured using the mechanisms outlined in the Quality Improvement Framework, including on-line surveys, on-programme and end of programme evaluations, focus groups and learner forums.

The subcontractor will provide copies of learner and employer feedback on a regular and timely basis to the Quality and Standards Co-ordinator. Details of any action plans to address points raised in the feedback will be given to the College.

The College will conduct its own surveys of learner and employer views as part of the overall Teaching and Learning policy (see section 4.2.1)

4.3. Key staff:

Head of Teaching and Learning

Teaching, learning and assessment

Interventions, Projects, Student Support & DSL
(College Group)

Quality assurance, Safeguarding and
strategic lead on Teaching & Learning

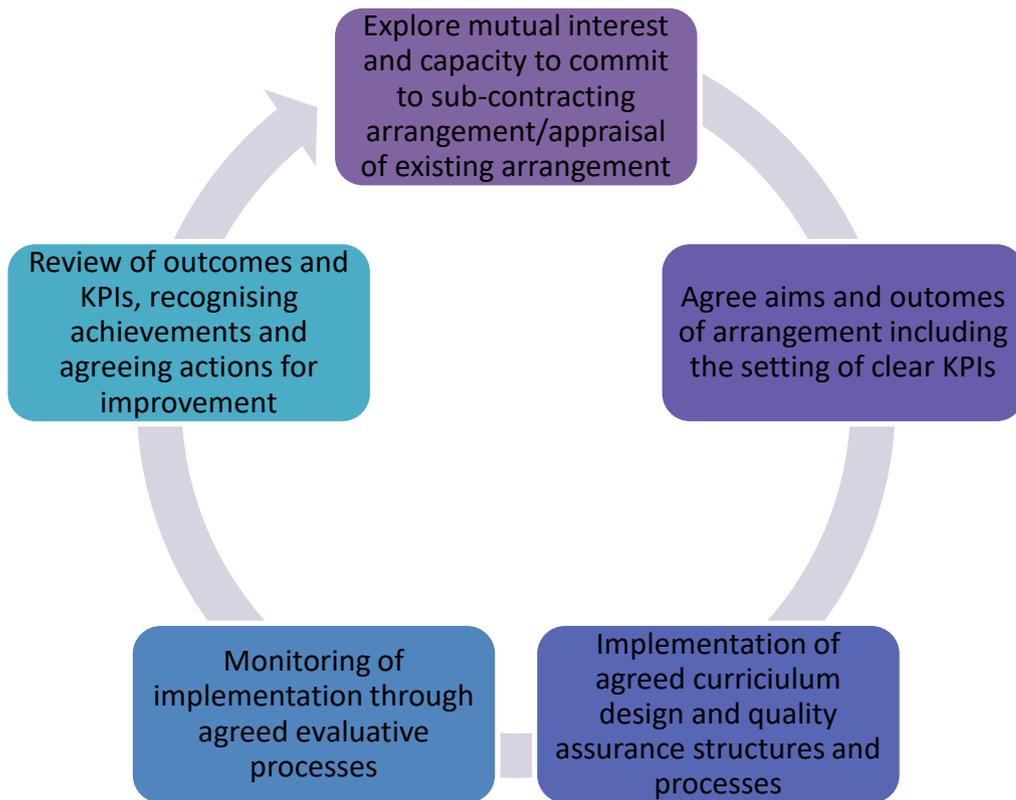
| | |
|--|--|
| Vice Principal Curriculum & Standards (ESC) | Curriculum and standards |
| Assistant Principal Quality & Innovation (College Group) | Quality and implementation of digital strategy |
| Director of Curriculum | Subject and awarding body expertise |
| Head of MIS | Data Management & Audit |

4.4 Monitoring & Reviewing Performance

The monitoring and review cycle will ensure a process of continuous improvement, allowing the college and the sub-contractor to have a collaborative and constructive approach to managing the quality of provision throughout the life of the contract.

The following model sets out a structured process for the establishment of the contractual arrangement to be made, and from this how a partnership of collaboration can lead to sustained high performance levels





Section 5

5.1 Termination of sub-contracting provision & managing disputes

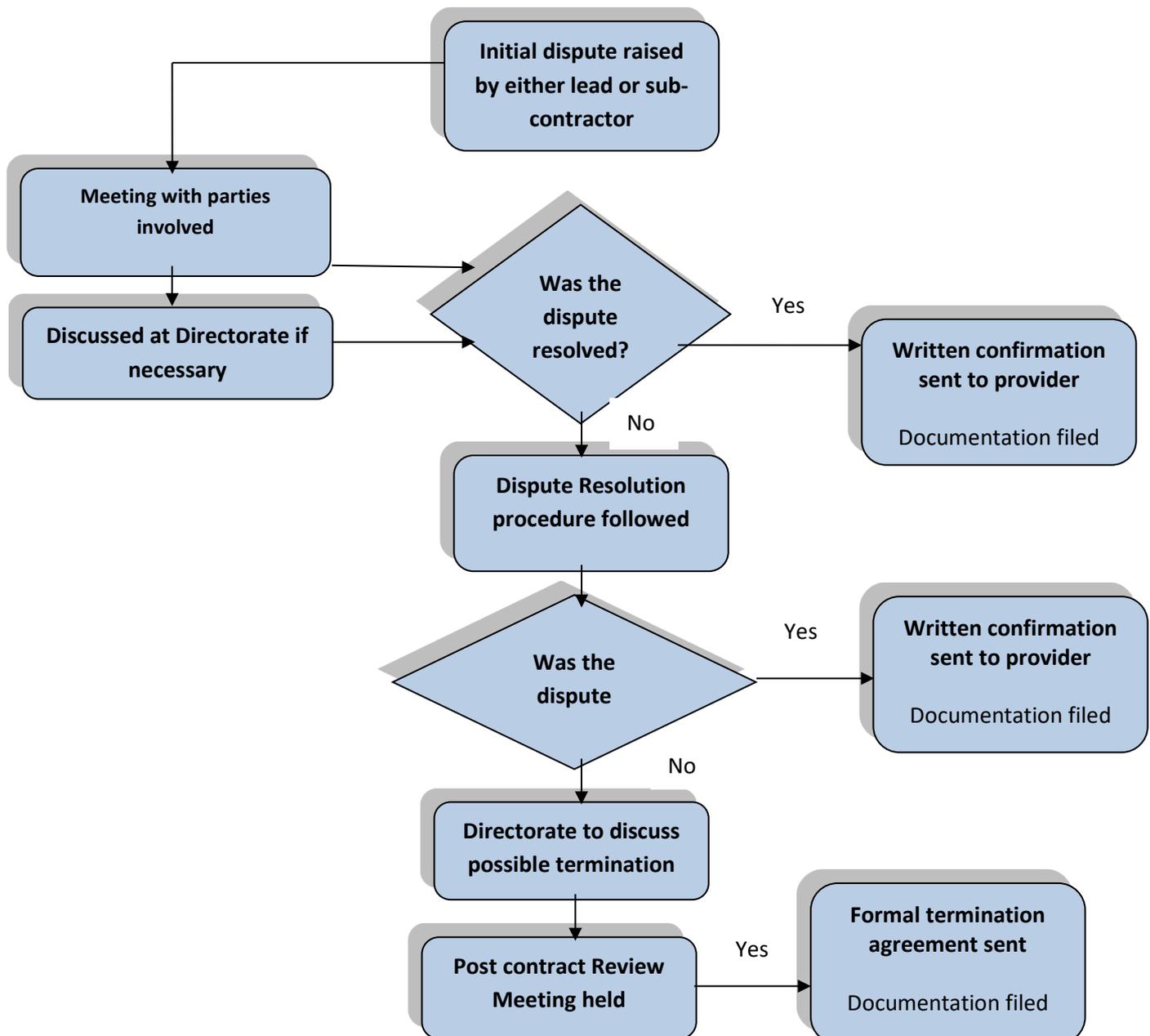
5.1.1 Disputes

Provision for resolving disputes is contained in section 30 of the contract. This sets out how disputes will be resolved, the escalation procedures and any recourse to arbitration

5.1.2 Termination:

Provision for termination of a contract is contained in section 19 of the contract.

The process for resolving disputes / terminating contracts is shown below:



Appendices

1. Expression of Interest application
2. Due Diligence Checklist
3. Checklist
4. Key dates for subcontractors
5. Risk Register
6. Ofsted best practice
7. Education Inspection Framework
8. Example Contract
9. Funding Guidance on sub-contracting

APPENDIX 1

Sub-Contractor Expression of Interest

The document is in two parts :

- Section 1-10 Financial and technical
- Section 11-13 specific criteria

You must complete all parts to be considered and failure to complete any part of this document or meet the specific criteria could result in your expression of interest being rejected.

East Surrey College does not undertake to accept any expression of interest and will not be responsible, nor pay, for any expenses or losses which may be incurred by you in the preparation of this document.

In order to simplify this process, you do not need to provide supporting documents, for example, accounts, certificates, statements or policies with this document. However, we will ask to see these documents at a later stage. You may also be asked to clarify your answers or provide more details.

Please submit your expression of interest to KDehal@esc.ac.uk by the deadline stated on the advertisement. Any questions you may have can be directed to the same e mail address.

East Surrey College will not guarantee any funding in respect of any expression of interest or request received.

| 1 | BASIC DETAILS OF YOUR ORGANISATION | |
|-----|---|--|
| 1.1 | Name of the organisation in whose name the expression of interest would be submitted: | |
| 1.2 | Contact name for enquiries about this expression of interest: | |
| 1.3 | Contact position (Job Title): | |
| 1.4 | Address: Post Code: | |
| 1.5 | Telephone number: | |
| 1.6 | Fax number: | |
| 1.7 | E-mail address: | |
| 1.8 | Website address (if any): | |

| | | | |
|------|---|------------------------------|--|
| 1.9 | Company Registration number (if this applies): | | |
| 1.10 | Charities or Housing Association or other Registration number (if this applies). Please specify registering body: | | |
| 1.11 | Date of Registration: | | |
| 1.12 | Registered address if different from the above: Post Code: | | |
| 1.13 | VAT Registration number: | | |
| 1.14 | Is your organisation: (Please tick one) | i) a public limited company? | |
| | | ii) a limited company? | |
| | | iii) a partnership | |
| | | iv) a sole trader | |
| | | v) other (please specify) | |
| 1.15 | Name of (ultimate) parent company (if this applies): | | |
| 1.16 | Companies House Registration number of parent company (if this applies): | | |
| 1.17 | Construction and related businesses only: Are you registered with Construction line? If "Yes", what is your registration number? | | |

| | | | |
|----------|--|--|--|
| 2 | FINANCIAL INFORMATION | | |
| 2.1 | What was your turnover in the last two years (if this applies)? | | |
| 2.2 | Has your organisation met the terms of its banking facilities and loan agreements (if any) during the past year? | | |

| | | |
|-----|---|------------------|
| 2.3 | If "No" what were the reasons, and what has been done to put things right? | |
| 2.4 | Has your organisation met all its obligations to pay its creditors and staff during the past year? | |
| 2.5 | If "No" please explain why not: | |
| 2.6 | What is the name and branch of your bankers (who could provide a reference)? | Name: |
| | | Branch: |
| | | Contact details: |
| 2.7 | If asked, would you be able to provide at least one of the following? | |
| | <i>A copy of your most recent audited accounts (for the last two years if this applies)</i> | |
| | <i>A statement of your turnover, profit & loss account and cash flow for the most recent year of trading</i> | |
| | <i>A statement of your cash flow forecast for the current year and a bank letter outlining the current cash and credit position</i> | |

| | | |
|----------|--|--|
| 3 | BUSINESS ACTIVITIES | |
| 3.1 | What are the main business activities of your organisation? | |
| 3.2 | How many staff does your organisation have? (If you are a sole trader, please say so) | |

| 4 | | REFERENCES | | |
|-----|--|--|-------------|-------------|
| | | Please provide details of three recent contracts that are relevant to your delivery / funding requirement. Where possible at least one should be from the public sector. If you cannot provide three references, please explain why. | | |
| | | Reference 1 | Reference 2 | Reference 3 |
| 4.1 | Customer Organisation (name): | | | |
| 4.2 | Customer contact name, phone number and email: | | | |
| 4.3 | Date contract awarded: | | | |
| 4.4 | Contract reference and brief description: | | | |
| 4.5 | Contract Value: | | | |
| 4.6 | Date contract was completed: | | | |
| 4.7 | Have you had any contracts terminated for poor performance in the last three years, or any contracts where damages have been claimed by the contracting authority? | | | |
| 4.8 | If "Yes", please give details: | | | |

| 5 | | INSURANCE | |
|-----|--|-----------|--|
| | Please provide details of your current insurance cover | Value | |
| 5.1 | Employer's Liability: | | |
| 5.2 | Public Liability: | | |
| 5.3 | Other (please provide details): Professional Indemnity | | |

| | | |
|-----|---|--|
| 6 | QUALITY ASSURANCE | |
| 6.1 | Does your organisation hold a recognised quality management certification for example BS/EN/ISO 9000 or equivalent? | |
| 6.2 | If not, does your organisation have a quality management system*? | |
| 6.3 | If you do not have quality certification or a quality management system, please explain why: | |
| 6.4 | Is your organisation IIP accredited? | |

| | | |
|-----|---|--|
| 7 | Health and Safety, Safeguarding & Prevent | |
| 7.1 | Does your organisation have a written health and safety at work policy? Safeguarding/Prevent? (<i>see notes at end of questionnaire</i>) | |
| 7.2 | Does your organisation have a health and safety at work management system*? | |
| 7.3 | Does your organisation have appropriately qualified staff to assess employers / clients compliance with The Funding Agency Health & Safety Procurement Standards? | |
| 7.4 | If " No ", to any of the above please explain why: | |

| | | |
|---|--|--|
| 8 | EQUAL OPPORTUNITIES | |
| | Does your organisation have a written equal opportunities policy, to avoid discrimination? | |

| | | |
|---|--|--|
| 9 | ENVIRONMENTAL MANAGEMENT | |
| | Does your organisation have a sustainability policy? | |

| 10 | PROFESSIONAL AND BUSINESS STANDING | |
|------|--|--|
| | Do any of the following apply to your organisation, or to (any of) the director(s) / partners / proprietor(s)? | |
| 10.1 | Is in a state of bankruptcy, insolvency, compulsory winding up, receivership, composition with creditors, or subject to relevant proceedings | |
| 10.2 | Has been convicted of a criminal offence related to business or professional conduct | |
| 10.3 | Has committed an act of grave misconduct in the course of business | |
| 10.4 | Has not fulfilled obligations related to payment of social security contributions | |
| 10.5 | Has not fulfilled obligations related to payment of taxes | |
| 10.6 | Is guilty of serious misrepresentation in supplying information | |
| 10.7 | Is not in possession of relevant licences or membership of an appropriate organisation where required by law | |
| 10.8 | If the answer to any of these is “Yes” please give brief details below, including what has been done to put things right. | |
| | | |

| 11 | REQUIREMENT SPECIFIC QUESTIONS | |
|------|---|---|
| 11.1 | Is your organisation currently accessing the Funding Agency funding in any of the follow regions? | East of England East Midlands London North East North West South East South West West Midlands Yorks & Humberside |
| 11.2 | Are you an approved training provider of NVQ's & other accredited qualifications? | |

| | | | |
|-------|---|------------|--|
| | <p>If yes please state the awarding body & date of approval.</p> <p>How many Assessors / Trainers does your company employ?</p> | | |
| 11.3 | Does your organisation currently have any restrictions / sanctions placed upon it by the awarding body? | | |
| 11.4 | If "yes" please give the details: | | |
| 11.5 | <p>Construction and related businesses only:</p> <p>Is your organisation currently a Construction Skills registered OSAT / EWPA provider?</p> | | |
| 11.6 | Does your organisation currently use Skill match to profile all candidates? | | |
| 11.7 | <p>Is your organisation IAG Matrix accredited, or working towards accreditation?</p> <p>When did you receive accreditation or when do you expect to receive it?</p> | | |
| 11.8 | Has your organisation been inspected by OFSTED? | | |
| 11.9 | If "yes" what grades did your organisation achieve: (and state date of Inspection) | | |
| 11.10 | What qualifications is your organisation approved to deliver? (Please provide details of Awarding Body and LARA Code) | Name/Level | |
| 11.11 | Are the qualifications / training offered by your organisation detailed in the Employer Guide to Training Providers? | | |
| 11.12 | How many learner starts have you registered within the past 12 months? | | |
| 11.13 | How many learner starts can you register immediately or over the next twelve months? | | |

| | | |
|-------|---|--|
| 11.14 | What percentage of your organisation's candidates achieve their qualification within 1 month of the planned end date? (Retention, Success & Achievement rates) | |
| 11.15 | What percentage of your organisations candidates do not achieve their qualification? | |

| | | | | | | |
|-----------|--|-----------|--------|-------------------|------------------------------------|-------------------|
| 12 | Planned Provision | | | | | |
| | Please provide details of the qualification aims, learner volumes, profiles and location of provision, you are proposing to deliver as part of any sub-contracting arrangement | | | | | |
| 12.1 | Learning Aim | LARS Code | Volume | Age (19+ / 16-18) | Delivery Profile (start/end dates) | Delivery Location |
| 12.2 | | | | | | |

| | | |
|-----------|--|--|
| 13 | I declare that to the best of my knowledge the answers submitted in this document (and any supporting modules) are correct. I understand that the information will be used in the evaluation process to assess my organisation's suitability to be a Sub-Contractor of the Learning World Group. | |
| | FORM COMPLETED BY | |
| 13.1 | Name: | |
| 13.2 | Position (Job Title): | |
| 13.3 | Date: | |
| 13.4 | Telephone number: | |
| 13.5 | Signature: | |

Notes:

* "system" means processes and procedures to ensure that the subject is properly managed. This includes making sure that legal requirements are met.

APPENDIX 2 Due Diligence Checklist

| | |
|---------------------------------------|--|
| Provider name/delivery address | |
| | |
| | |
| Provider Contact name: | |
| Years in operation: | |

| | Activity * indicates 'if applicable' | Description | Completed √ | Submitted to lead provider (date) | Comments | | | | | | | | | | |
|----------------------------|--|---|-----------------------|--|-----------------|--|------|--|------|--|-----------|--|--|--|--|
| Background research | | | | | | | | | | | | | | | |
| 1* | Allocations spreadsheet ESFA Allocations www.gov.uk | Own contract Yes / No Value £ | | | | | | | | | | | | | |
| 2* | Employer feedback from the National Apprenticeship Service | <table border="1"> <tr> <td></td> <td>Number of reviews</td> </tr> <tr> <td>Excellent</td> <td></td> </tr> <tr> <td>Good</td> <td></td> </tr> <tr> <td>Poor</td> <td></td> </tr> <tr> <td>Very Poor</td> <td></td> </tr> </table> | | Number of reviews | Excellent | | Good | | Poor | | Very Poor | | | | |
| | Number of reviews | | | | | | | | | | | | | | |
| Excellent | | | | | | | | | | | | | | | |
| Good | | | | | | | | | | | | | | | |
| Poor | | | | | | | | | | | | | | | |
| Very Poor | | | | | | | | | | | | | | | |
| 3* | Ofsted www.ofsted.gov.uk | Grade profile: Date: | | | | | | | | | | | | | |

| | | | | | | |
|-------------------------|---|-----------------|----------|--|--|--|
| 4 | UK Register of Learning Providers www.ukrlp.co.uk | Registered | Yes / No | | | |
| 5* | Companies House http://tinyurl.com/5afua | Registered | Yes / No | | | |
| | | Reg No. | | | | |
| 6* | Audit outcome (internal / external) | Recommendations | Yes / No | | | |
| 7 | Most Recent SAR and QIP | | | | | |
| 8 | Proposed Training Plan | | | | | |
| Financial Health | | | | | | |
| 9 | Last 3 year's audited accounts, and in year summary accounts | | | | | |
| 10 | County Court Judgements | Any held | Yes / No | | | |
| 11 | Qual. funding eligibility checked | LARS codes | | | | |
| 12 | Names of Directors & Senior Managers (summary of roles and responsibilities, qualifications held, employment status and an overview of conditions of service) | | | | | |
| 13 | Other contracts held with ESFA and or other funding agencies | Yes / No | | | | |
| | | AEB | | | | |

| | | | | | |
|--|--|--|--|--|--|
| | (& reasons for termination if applicable) | ESFA ESIF | | | |
| Training Provision & Staffing | | | | | |
| 14 | Tutor CV's (qualifications held, employment status and an overview of conditions of service) | | | | |
| 15 | References from other partners / clients | | | | |
| 16 | Awarding Organisation accreditation and EV outcomes Expected success rates for the qualifications in Eol | | | | |
| 17 | Details of your systems and processes to ensure compliance with Education & Skills Funding Agency or other associated funding requirements | Information on how you would submit the ILR data and assurance on the accuracy of reporting and the funding claim and regular reporting throughout the process | | | |
| Health & Safety | | | | | |
| 18 | Premises H&S check | Separate site visit if applicable | | | |
| 19 | FESH document completed | | | | |

| | | | | | |
|--------------------------|--|--|--|--|--|
| 20 | Current Public Liability ins. Cert rec'd | | | | |
| 21 | RIDDOR information and plan | | | | |
| Policy Statements | | | | | |
| 22 | IAG Policy | | | | |
| 23 | Quality Assurance Policy | | | | |
| 24 | Grievance and Compliments Procedure | | | | |
| 25 | Health & Safety Policy | | | | |
| 26 | Sustainability Policy | | | | |
| 27 | Equality & Diversity Policy | | | | |
| 28 | Safeguarding and PREVENT Policy | | | | |
| 29 | Data Protection and GDPR Policy | | | | |
| 30 | Data Security Plan | | | | |
| 31 | Modern Slavery Policy | | | | |

| | | | | | |
|----|------------------------------------|--|--|--|--|
| 32 | Work Placement Policy and Guidance | | | | |
|----|------------------------------------|--|--|--|--|

| Business Case | |
|--|--|
| Rationale for proceeding with sub-contractor / | |
| Reasons for not proceeding | |

Approved for delivery by

.....
 Kam Dehal
 Vice Principal Business Development (College Group)

.....
 Jyoti Baker
 Chief Operating Officer (College Group)

.....
 Jayne Dickinson
 Chief Executive Officer (College Group) & Principal (ESC)

.....
 Rebecca Taylor
 Vice Principal - Curriculum & Standards (College Group)

.....
 Frances Harris
 Vice Principal - Interventions, Projects, Student Support & DSL
 (College Group)

APPENDIX 3 Checklist

| TITLE OF SECTION | IN PLACE (y/n)? | AMEND (y/n)? | COMPLETED (y/n)? | ACTIONS/ COMMENTS |
|---|-----------------|--------------|------------------|-------------------|
| 1) Programme(s) to be delivered This could be a table to include learner numbers, dates, and accreditation | | | | |
| 2) Compliance with the Education & Skills Funding Agency or other applicable agencies Agency or other funding organisation(s) requirements Include details of the financial requirements of the funding organisations, and how they impact on sub-contractors. You may want to include a general statement that sub-contractors must comply with all future requirements, which the lead contractor is required to comply with | | | | |
| 3) Payment details Who pays for what; the fee/price rates/breakdown of costs including subcontracting fees | | | | |
| 4) Payment dates These may be specific dates or refer to completion of parts or all of the programme; specify in payments in advance | | | | |
| 5) Requirements to trigger Payments What audit or monitoring requirements trigger payments; payments related to achievement rates | | | | |
| 6) Invoicing requirements Details to include on invoices including reference numbers, company details and tax details | | | | |

| | | | | |
|---|--|--|--|--|
| 7) Payment of invoices Payment terms: for example, within x days of receipt of properly prepared invoice | | | | |
| 8) Audit requirements/agreement What all parties agree to disclose and make available for audit and to ensure that the terms of the agreement are carried out | | | | |
| 9) Other Specify other issues and to agree them in writing, rather than risk misunderstandings and disputes | | | | |

APPENDIX 4 – Key dates for sub-contractor provision

| Date | | Pre-contract | Period 1 | P2 | P3 | P4 | P5 | P6 | P7 | P8 | P9 | P10 | P11 | P12 |
|---------------------|----------------|--|--|-----------------------------|----|----|---------------------|-----------------------------|----|----|---------------------|-----------------------------|-----|-----|
| Contracts / Finance | Action | Contract negotiation meetings | ESFA subcontractor declaration submitted | | | | | | | | | | | |
| | Responsibility | Chief Operating Officer Vice Principal Business Development | Chief Operating Officer Vice Principal Business Development | | | | | | | | | | | |
| Quality Assurance | Action | | QA Monitoring visit | Post monitoring Action Plan | | | QA Monitoring visit | Post monitoring Action Plan | | | QA Monitoring visit | Post monitoring Action Plan | | |
| | Responsibility | | Head of Department | Head of Department | | | Head of Department | Head of Department | | | Head of Department | Head of Department | | |

APPENDIX 5

RISK REGISTER

| RISK IDENTIFIED | DETAIL OF RISK | | RANKING | | |
|---|---|--|------------|--------|-------|
| | CAUSE | IMPLICATION | LIKELIHOOD | IMPACT | SCORE |
| Achieving poor success rates, which reduces the College's overall performance | Insufficient quality assurance checks and student monitoring | Impact on College performance statistics and overall Qualification Success Rate | 3 | 5 | 15 |
| Generally putting the College reputation and contract in jeopardy | Poor management of relationship | Loss of reputation, possible loss / reduction of ESFA/AEB/ESIF contract | 2 | 4 | 8 |
| Not achieving funding targets, leading to lower than budgeted management fees and reductions in future allocation | Under recruitment, poor contract management and performance checks | Possible claw-back of funds from the Agency Pressure of college budget Need to increase direct provision | 5 | 4 | 20 |
| Underestimating the costs of administering the provision and contract | Higher administration costs | Pressure on College budget | 2 | 3 | 6 |
| Further sub-contracting without the written approval of the Agency | Lack of due diligence checks to establish sub-contractors other relationships | Fail audit and possible claw-back of funds | 2 | 4 | 8 |
| Competing for employers and learners with other contracted provision | Poor communication over target markets, duplication of provision | Under-achievement of learner targets Loss of reputation with employers | 3 | 2 | 6 |
| Failing to complete the contract period, leaving learners on-programme | Insufficient tracking of performance during contract year | Impact on learner success rates Pressure on College budget | 2 | 4 | 8 |

Appendix 6

OFSTED Guidelines & Best Practice

An OFSTED inspector will look at how the way we manage subcontractors compares with that of the most effective provision seen on inspection? The following strengths and areas for improvement have been taken from recent inspection reports across the OFSTED Education Inspection Framework

Common inspection strengths

- Good selection and management of subcontractors
- Good quality monitoring of subcontractors

Common inspection areas for improvement

- Ineffective management of subcontractors
- Inadequate monitoring of subcontractors

Particularly effective practice identified in inspections includes:

- Selecting subcontractors because of their reputation in providing good training or service in a particular area.
- Identifying the things that you might do better than a subcontractor, such as literacy and numeracy support or initial assessment.
- Widening participation in training and learning by subcontracting to more local delivery. Some colleges have successfully attracted learners who would not go into a large college but would go into a smaller local centre.
- Subcontracting part of the training to another provider, for example if unable to provide all of the necessary training themselves, such as key skills. Work-based providers may subcontract because they do not have workshop facilities or a subcontractor is located closer to the learners' workplace than the main provider.
- Further education colleges often act as subcontractors for off-the-job training, leaving work-based providers to focus on managing the other aspects of the programme.
- Some FE colleges have improved their services to learners by subcontracting work-based learning to a local training provider, or assessment to an organisation that provides assessment services. They often act as subcontractors for Jobcentre Plus longer training programmes.
- Having a formal written agreement between the main provider and the subcontractor which clearly identifies:
 - the parts of the education and training process for which the subcontractor is responsible
 - the timetable for training and/or assessment
 - expected qualifications and experience of the subcontractor's staff
 - performance targets, such as those for retention and success rates
 - requirements for promoting and monitoring equality of opportunity
 - health and safety; PREVENT and Safeguarding requirements
 - access to reports from external bodies such as external verifiers
 - financial details
 - arrangements for discussing the learners' progress with the subcontractor
 - arrangements for monitoring the quality of the subcontracted provision
 - expectation to take part in self-assessment activities and external inspection

- Working in partnership with subcontractors, building a relationship of trust and co-operation. Identifying particular provider managers who work with the subcontractor and get to know them.
- Meeting formerly with them on a regular basis, taking written minutes so that key points and actions are recorded, providing a reminder to subcontractors of important information and what is expected of them.
- Setting agreed written targets with the subcontractor and monitoring performance against them on a monthly basis.
- Taking action if a subcontractor's performance falls short.
- Having transparent arrangements in place to enable learners within subcontracted provision to be able to complain directly to the main provider or Prime
- Having comprehensive provider quality improvement arrangements in place (such as observation and learner surveys) of subcontracted provision, or ensuring that subcontractor quality procedures are robust enough to give the same information.
- Some examples of robust "internal inspections" of subcontractors on an annual basis, leading to post inspection action plans (replicating "real" inspection).
- Including subcontractor staff in provider staff development and self-assessment activities.
- Where there are several subcontractors, having arrangements in place to identify and share good practice between subcontractors and the lead prime.

Questions that a potential OFSTED Inspector may ask, include:

- How do written contracts with the subcontractor detail expected performance and monitoring arrangements?
- Who are the named managers who lead on monitoring and review arrangements with the subcontractor?
- Look at the recent minutes formal meetings with subcontractors, how are agreed action points followed up?
- How are your quality systems applied to the subcontractor?
- How does this include their input into your self-assessment report?
- How is good practice identified and shared?
- Are your complaints procedures available to learners with the subcontractor (check to see if they are being used and if any recent outcomes still need to be resolved)?
- How do you measure the effectiveness of your subcontractors?
- How do your subcontractors keep you informed about the progress of your learners and any problems?
- Do you resolve problems swiftly and effectively (give examples)?
- How do you check external reports of the subcontractor, such as external verification?
- Are you confident that learners have just as much chance of success with the subcontractor as they have with you? What is your evidence *for this*?
- *Do learners feel safe and know who to refer concerns or ask for support*
- *How do Subcontractors add value to learning, ensure progression and sustainability in the outcomes for learners*

Appendix 7

Section 1 Education Inspection Framework (EIF)

1.1 Introduction

The Education Inspection Framework sets out the systems and procedures that the College uses, together with target-setting and data analysis, to ensure high quality standards and continuous improvement. The Framework is affected in conjunction with the 'Curriculum Quality Procedures' which contain templates for all curriculum quality processes cited here. The Education Inspection framework and the Curriculum Quality Procedures documentation are reviewed annually to ensure that they remain fit for purpose in light of new developments in curriculum delivery, to take into account agreed suggestions for improvement and as a result of extensive external consultation. The Education Inspection Framework (EIF) applies to all accredited programmes from Entry to Level 5.

1.2 College Vision, Mission and Values

The College Vision, Mission and Values are fundamental to the quality improvement process.

Vision Statement - To be an outstanding provider of further and higher education and training.

Mission Statement - Providing inspirational, high quality education and training which meets the needs of individuals, employers and our local and wider communities.

Values

- Clarity
- Quality
- Responsibility
- Openness
- Innovation
- Aspiration

1.3 The Quality Improvement Process

Quality improvement and quality of service is the responsibility of every member of staff in the College, no matter what their role. Heads of Department and managers have responsibility for checking the quality of their own departments, their development, improvement and evaluation with reporting lines to senior managers. Overall responsibility for managing and developing quality systems lies with the Vice Principal who, with the support of the Quality and Standards Coordinator, will put in place auditing systems for monitoring the quality improvement process and ensure that key deadlines in the Quality Calendar are met.

The College model of quality improvement involves:

- Identifying and prioritising learners, employers and other stakeholders - assessing their needs and expectations and using these to inform and set strategic objectives
- Robustness and quality of data - informing development and improvement
- Establishing and developing systems to support the delivery of effective teaching and training
- Measuring performance through learner feedback and self-evaluation
- Self-assessment and action planning for improvement
- Performance management and continuing professional development for all staff within a culture of cutting edge vocational delivery
- Peer referencing, extensive collaborative working and external benchmarking to ensure pace of change and security of judgements
- Extensive consultation, both internal and external, to harness best practice which informs further improvement

1.4 Quality Improvement Policy

The Quality Improvement Policy outlines the College's approach to quality improvement. The Policy is reviewed annually and can be accessed via the college website at www.esc.ac.uk. Staff are invited to comment on the Policy in order to maintain its validity and currency. Central to the Policy are the requirements to:

- Seek and implement the views of learners, employers and other stakeholders
- Engage in regular self-evaluation
- Establish standards and performance indicators to aid evaluation and improvement
- Set targets and action plans for improvement with regular monitoring
- Use data and benchmarking to inform judgements

1.5 College Calendar

A College Calendar is produced each year giving key dates in the quality and performance monitoring cycle and other events in the academic year. The first draft is produced in May for the following year and is updated as appropriate. The current College Calendar is available on the College website: www.esc.ac.uk. As more events are brought in and finalised, the Calendar is updated.

A supplementary Quality Calendar, detailing specific quality events and activities, is distributed to Managers by the Quality and Standards Coordinator at the start of each term. It is the Heads of Departments' responsibility to ensure that all staff, including sessional staff, are aware of key dates in the Quality year. The Quality Calendar and regular staff bulletin emails serve to inform Departmental meetings. Heads of Department maintain their own Department calendar of key dates, milestones and visits informed by both the College and Quality Calendars.

1.6 Collaborative and Partnership Working

The quality improvement arrangements for collaborative and partnership provision are as rigorous as those for site based programmes and wherever possible replicate procedures.

Within the College's organisational structure, collaborative and partnership provision is owned by the Department responsible for the curriculum area into which it falls but with activity and generation of activity firmly communicated through the Vice Principal, Business Development who oversees the arrangement of contracts. No partnership working can commence without Executive approval. This ensures that the following aspects of the quality improvement framework are applied:

- Programme approval
- Target setting
- Inclusion in performance review, self-assessment and quality improvement planning
- Assessment, internal and external verification
- Client/stakeholder/ learner evaluation
- Observation of teaching and learning

1.7 Quality Improvement – implementation and compliance

All College employees, whatever their role or function, are responsible for the implementation of the Education Inspection Framework. Compliance with quality processes is an expectation of all members of staff and this is articulated within the roles, responsibilities and systems that form the job descriptions of managers and staff. Implementation and monitoring of processes is through:

- The College structures of management and accountability
- The defined responsibilities for the delivery of quality in each area of operation
- Line management and formally recorded Personal Performance Development Reviews and follow up reviews
- College planning linked to the self-assessment and quality improvement cycle
- The schedules and agendas of:
 - Curriculum and Support Quality Reviews
 - Performance Reviews – with Governor and/or external involvement
 - Audit, internal and external verification
 - Reporting to Executive, SMT and the Corporation
- Lesson/assessment observation processes
- Monitoring and auditing by the Vice Principal who may delegate some aspects of this to other key College staff

1.8 College Charter

The College Charter sets out the expectations of learners and prospective learners together with what the College expects from learners. The Charter explains what information a learner should receive before enrolling and when attending the College. It also outlines the customer feedback procedure.

The College Charter is published in the Student Handbook and on the College website: www.esc.ac.uk.

Appendix 8

Attached Sample contract

Appendix 9

List of website references and links to the Funding Agency guidance on Subcontracting Rules:

Funding Guidance for Young people - subcontractors Handbook
2019/20

ESFA funded (AEB): Funding & Performance Management Rules
2019/20

Apprenticeship Funding Rules for Subcontractors 2019/20

Last updated: July 2021

