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| **Subcontracting Delivery Policy 2020/2021** |  |

**Summary of Policy:**

This policy sets out how Gateshead College engages with subcontractors to deliver education and training provision and the associated fees and charges to be applied

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| Policy Owner | Director of Business Development |
| Date of origin | To commence August 2020 |
| Approval Body | Gateshead College Corporation |
| Date of Approval | October 2020 |
| Date of Review  | July 2021 |



1. **Introduction and Scope**

1.1 Gateshead College successfully engages with business partners - sub-contractors- in order to fulfil the College purpose “To shape and nurture the most highly prized students in the job market”.

1.2 This Policy sets out the framework for the rationale, delivery and charges of subcontracted provision and has been written in accordance with:

* The Education and Skills Funding Agency Apprenticeship Funding and Performance Management Rules 2020/21
* The Educational and Skills Funding Agency Adult Education Budget (AEB) Funding and Performance Management Rules 2020/21
* The GLA AEB Funding and Performance Management Rules 2020/21
* The Tees Valley AEB Funding and Performance Management Rules 2020/21
* The North of Tyne AEB Funding and Performance Management Rules 2020/21

1.3 All subcontractors sign up to the College’s core values of Excellence, Achievement, Positivity, Purposeful, Respect and Partnership and subcontracting is in line with the College’s strategic aims.

1.4 This Policy will be reviewed on an annual basis and approved for adoption and publication by Gateshead College Corporation

**2.0 Disclaimer**

Gateshead College reserves the right to amend its sub-contracting arrangements

at any time in accordance with the requirements of the Funding Bodies and the terms

and conditions contained in any contracts for sub-contracted provision.

**3.0 Policy Details**

3.1 Gateshead College will seek to subcontract with like-minded supply chain

 Partners in niche sectors and to fulfil any gaps in geographical coverage to

 meet the needs of our learners, employers and funders. We will work with

 supply chain partners who can complement our existing provision and offer

 quality driven, industry-recognised qualifications and services to support

 learners, participants and employers.

 3.2 Specifically Gateshead College enters into contracts to support education

 and training where one or more of the following principles apply:

* The qualification or programme is not available as part of the college direct curriculum offer
* To contract expert teaching and resources in a cost-effective manner
* To deliver provision which engages hard to reach learners (eg not in employment, education or training (NEETs) with the ultimate aim of progression into employment or mainstream education
* To widen the range and scope of provision offered by the College in terms of engagement, retention and progression opportunities
* Where expertise is available in terms of niche delivery or facilities
* Where utilising subcontractors to complement College delivery of apprenticeships is requested by an employer
* To increase mutual referral opportunities between the College and its subcontractor
* To share best practice in teaching and learning
* To support employers with a wide geographic operation
* To provide employer choice and meet diverse needs of employers
* To support the North East Local Enterprise Partnership areas of strategic importance

3.3 Each Contract will clearly identify the College’s reason for entering into a subcontracting arrangement.

3.4 Gateshead College primarily supports subcontracted provision within the North East region, exceptionally, extending nationally to support employers’ operations and funding agencies’ specific requirements.

**4.0 Exemptions to the Policy**

4.1 Gateshead College will also be subcontracting the end-point assessment to

 Apprentice Assessment Organisations. Responsibility for selecting

 Apprentice Assessment Organisations and the fee negotiation lies with the

 Employer.

 4.2 Whilst Gateshead College shall be responsible for the payment of the fees,

 Subcontracting to Apprentice Assessment Organisations shall, therefore, be

 exempt from this policy.

 4.3 Should the employer ask Gateshead College to help with the selection of an

 Apprentice Assessment Organisation, Gateshead College will comply with the

 College’s Financial Regulations to procure the Apprentice Assessment

 Organisation for the employer and negotiate the fee.

**5.0 Services provided**

5.1 The College invests resources in supporting subcontracted partners to improve the quality of teaching and learning and ensures that the expectations set for the quality of provision are met at all times.

5.2 Management and administrative resources and support are dedicated to ensuring Gateshead College and subcontractors meet all compliance and regulatory funding and performance rules from Funding Bodies.

5.3 The contractual agreement outlines the roles and responsibilities for both parties. The College undertakes a monthly performance review with each business partner to measure performance against contractual KPIs and agrees support requirements which can include the following;

* **Subcontracting Management**

Gateshead College staff are responsible for the procurement, contract compliance and supporting the operation and monitoring of all subcontracted provision

* **Quality Assurance**

To ensure that all subcontracted provision is of the highest quality, all subcontractors will be included in Gateshead College’s Quality Assurance

Cycle and will be guided and supported by the College to follow this process

* **Management Information and learner data**

Timely monitoring, checking and processing of ILR data including regular communication and/or meetings with the Funding & Data Manager and Business Development Director to ensure completeness and accuracy of ILR data and payments

* **Supporting improvements in quality of Teaching, Learning & Assessment**

A dedicated Quality Reviewer to support and mentor subcontractor staff to improve teaching and learning practice. In line with internal department practice, all subcontractors are subject to annual Teaching, Learning & Assessment Reviews against the Ofsted grading framework and ESIF programme requirements. Observation feedback is recorded and used to inform staff development

* **Subcontractor CPD Programme**

A programme of events and information is in place to support the CPD of subcontractors’ staff. The primary focus is improving teaching, learning and assessment, as well as discussion of key issues facing the sector, for example, Ofsted requirements, funding changes, the sharing of good practice amongst partners and key policy drivers such as the Prevent Agenda, Bribery & Corruption and Designated Safeguarding Lead Training

* **Support with English & mathematics**

The College will support subcontractors in providing opportunities for learners to gain relevant GCSE qualifications where appropriate. Specialist support is also available to assist with English and maths development, including joint delivery

* **Funding and Audit Guidance**

Assistance with interpretation of funding rules for all types of provision and liaison with regard to audit evidence and other Funding Body compliance requirements

* **Learner Services Provision**

Comprehensive support for Initial Advice & Guidance and progression links to and from subcontracted provision. The College can administer bursary payments and other appropriate welfare resources on behalf of subcontractors

* **Internal Audit**

Regular review by the College’s Internal Audit team to ensure that operation of subcontracted provision is in line with College procedures.

* **College Campus Facilities**

Subcontractors may be offered use of the College campus facilities for College funded learners.

5.4 Subcontractors are given key contacts at the College for any issues relating to the contractual or curriculum aspects of the delivery.

5.5 Should either party need to withdraw from the Contract, the subcontractor must agree to cooperate fully with Gateshead College to ensure there is continuity of learning for the learners. All learner details, files, paperwork and/or electronic records will be passed to Gateshead College immediately.

**6.0 Selection, Due Diligence and Appointment Process for Subcontractors**

6.1 The College’s selection and appointment process for subcontracted provision complies with ESFA Funding Rules and meets OJEU and Public Procurement Regulations.

6.2 The College utilises the services of a specialist education procurement organisation to operate an external procurement process to ensure sub-contractors are selected fairly and have sufficient capacity, capability, quality and financial standing to deliver the contracted services.

6.2 A comprehensive due diligence process is completed, covering the potential subcontractors’ organisational policy and practice in key areas such as health and safety, quality assurance, data management, capability of staff, financial standing, equality and diversity.

6.3 Formal approval of subcontracting arrangements or variations to existing contracts is undertaken by the Principal.

6.4 The College ensures that there is in place a legally binding Contract with each subcontractor before delivery commences, that includes terms specified in the Funding Rules.

**7.0 Management Fee and Charges 2020-21**

7.1 Before a subcontractor relationship is agreed, the College agrees a detailed list of costs for managing the subcontractor, outlining specific costs for quality monitoring activities and other support activities listed above. These costs are authorised by the Deputy Principal to ensure they are reasonable and proportionate to the teaching and learning delivered by the subcontractor and how each cost contributes to delivering high quality learning

7.2 The management fee retained by Gateshead College is calculated as a

 percentage of the total contract value agreed with the subcontractor, which is

 reviewed and published on an annual basis.

 7.3 This will include a list of specific costs for managing the subcontractor for

 quality monitoring activities and any other support activities offered by

 Gateshead College to the subcontractor that contributes to delivering high

 quality teaching, learning and assessment.

 7.4 The management fee for subcontracted work has been set at 20%

 7.5 Any variations to this management fee are agreed on a contract and case by

 case basis and will be undertaken by negotiation and agreement of both

 Parties. Any variation will be authorised by the Financial Director.

**8.0 Payment Terms**

8.1 Payments to subcontractors are calculated as a percentage of the funding

 generated by actual activity recorded in Gateshead College’s Individual

 Learner Record (ILP) up to the maximum contract value.

 8.2 Payments are calculated on a monthly basis and based on actual funding

 generated, the management fee, any audit hold-back (see 8.4) payments to

 date and the delivery of agreed services in accordance with the contract.

 8.3 For any funding to be generated for a given month, subcontractors are

 required to submit enrolment and achievement evidence to ensure that data

 is processed by Gateshead College in time for the monthly ILR return and

 subsequent funding calculation.

 8.4 Where there is evidence of non-compliance with the conditions of the

 Contract, or this policy, or related issues or concerns, Gateshead College

 reserves the right to withhold payment until conditions are fully met.

 8.5 If there are any concerns about impact on the outcomes of external or internal

 Audit, Gateshead College reserves the right to withhold 10% of payments due

 to the subcontractor as audit hold back. This audit hold back will be paid to

 the subcontractor at the end of the financial year, subject to submission of

 all evidence and successful audit outcome.

 **9.0 Monitoring Arrangements and Annual Cycle**

9.1 Subcontractors are reviewed against a range of performance criteria and to ensure high-quality delivery is taking place that meets the Funding Rules.

9.2 Regular monitoring visits are undertaken at subcontractor premises and within College. Visits to review provision may include unannounced and short notice visits and will involve observation and assessment of teaching and learning practice, discussion with staff and learners and review of documentation.

9.3 The College sets high expectations for the quality of provision and minimum levels of success are prescribed in the contract. Notices to improve may be issued where the quality of provision does not meet requirements and where there are serious concerns recruitment will be suspended.

9.4 Each subcontractor is required to prepare and submit an annual Self-Assessment Report and Quality Improvement Plan meeting College requirements and reflecting the Ofsted Framework.

**10.0 Policy Dissemination and Review**

10.1 This Subcontracting Delivery Policy will be made available to all Gateshead College staff through the Staff Intranet and for existing and potential subcontractors, and all external stakeholders, on our website
<https://www.gateshead.ac.uk>

10.2 All potential subcontractors will be made aware of this policy as part of any subcontracting tendering process.

10.3 This policy will be reviewed annually by Gateshead College Leadership Team to ensure it reflects any changes in Funding Rules and Requirements.

10.4 This Policy will be presented to Gateshead College Corporation on an annual basis for their review and approval.

10.5 Gateshead College will publish the actual level of funding paid and retained for each subcontractor annually on Gateshead College website.

10.6 Subcontracting arrangements will be outlined in the College’s Subcontractor Declaration Form which is submitted to the ESFA twice an academic year.