
POLICY/PROCEDURE: SUBCONTRACTING POLICY

Approval required by:	Executive Team	Y	Governing Body	Y
Senior Lead:	Director of MIS			
Senior Manager:	Director of MIS			
Date approved:	June 2024			
Date to be reviewed:	May 2025			

Relevant to:	Students	N	Staff	Y
	Visitors	N	ITS	Y
Relevant to:	All students	N		
	16-18 Vocational	N	Sixth Form	N
	Higher Education	N	Adults	N
	Apprenticeships	N	14-16	N
	Other	N	
Relevant to:	All staff	Y		
	Board	Y	SPH	Y
	Managers	Y		
	Teaching staff	Y	Support staff	Y

Accessible to	Students	N	Staff	Y
Friendly version	Students	N	Staff	Y

EQIA required	N
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Significant changes to policy

Policy updated to include requirements of the Subcontracting Standard; these include:

- Provider development section added.
 - Contract changes.
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Impact of changes

 None

SCOPE AND PURPOSE

To outline Barnsley College and ITS (“the College”), approval to subcontracting and set a framework within which relationships with subcontracting partners can be developed.

BACKGROUND

This Policy is a mandatory requirement that must be in place prior to participating in any sub-contracting activity. The Policy has been written in accordance with the Education Skills Funding Agency’s (ESFA) and the relevant Combined Authority requirements as set out in the current Funding Rules.

Sub-Contractor Rationale

Subcontracting will be reviewed and awarded annually, and must fulfil at least one of the following aims:

- Enhance the opportunities available to young people and adults.
- Fill gaps in niche or expert provision or provide better access to training facilities.
- Support better geographical access for learners.
- Offer an entry point for disadvantaged groups.
- Provide consideration for the impact on individuals who share protected characteristics.

Provision that meets one or more of the following criteria will be prioritised:

- Where the provision is in a vocational area that the College does not offer.
- Where the provision is aimed at engaging hard to reach or NEET learners.
- Where the provision meets the needs of residents and employers of Barnsley and immediate regional adjacencies.
- As a result of a collaborative bid where Barnsley College has been named as the lead provider.
- Establishing Strategic Partnerships enabling growth opportunities.

Contract Award and Management

Proposed contracts of subcontracting arrangements will be presented to Governors for approval as part of the College’s budgeting cycle before contracts are signed.

The level of sub-contracted provision will be determined as part of the College’s annual business planning and the ongoing review throughout the year. This level may vary necessarily from year to year in the volume of partners, curriculum offer and the value of overall contracts in line with current ESFA guidance.

Partnerships will be explored by the Executive Team, where there is an identified benefit to the community or employers.

All relevant procurement and tendering procedures will be followed and reported to the Executive Team and Governors throughout the year.

The College will communicate the following to its sub-contractors ahead of contract signing:

- The reason for subcontracting;
- The services that the College will provide to the sub-contractor and the associated costs when doing so, including a list of specific costs for managing the sub-contractor, specific costs for quality monitoring activities and specific costs for any other support activities offered by the College to the sub-contractor;

- how each cost is reasonable and proportionate to delivery of the subcontracted teaching or learning and how each cost contributes to delivering high quality learning.

All proposals for “whole programme subcontracting” for 16-18 funding, as defined by the ESFA funding rules will be sent to the ESFA for approval prior to the contract commencing. New contracting relationships that meet these criteria will be submitted to the ESFA within at least 12 weeks of the commencement of the contract.

The College will not subcontract provision outside of its geographical region unless requested to do so under the terms of a national contract.

All partners undertake a due diligence process that allows the College to review policies and procedures, delivery, quality, and performance before entering into any contract arrangement. The College will ensure contracts are legally compliant against relevant procurement law.

The College will only award contracts for delivering funded provision to legal entities. If the legal entity is a registered company, it must be recorded as ‘Active’ on the Companies House database.

The College will not award a contract to a legal entity if:

- It has an above average risk warning from a credit agency;
- It has passed a resolution (or the court has made an order) to wind up or liquidate the company, or administrators have been appointed; or
- Its statutory accounts are overdue.
- Has an Ofsted grade of Inadequate.
- Does not appear on UKRLP.
- The sub-contractor is inadvertently funding extremist or terrorist related organisations as directed under the Prevent statutory guidance.

ESFA Guidance and Review on Subcontracting

The ESFA Subcontracting Standard was a requirement for providers from 2022/23, which the College has successfully achieved until 31 July 2026.

The subcontracting standard provides a framework for the oversight and management of public funds, ensuring that these are used to best effect, to maximise the value of those funds to benefit the learner.

The framework will ensure that there is a clear and consistent approach for the contract management of sub-contractors by the College and that there are robust assurance review arrangements.

It will assist in mitigating the risk of:

- inadequate (contract) management of sub-contractors
- non-compliance with ESFA funding rules by sub-contractors; and
- fraudulent and incorrect funding claims

Appendix 1 outlines the requirements from the Subcontracting Standard that the College is required to follow.

Quality

As an Outstanding provider the College will work with partners to ensure that all provision is outstanding. The College will offer to its partners:

- A contract mirroring funding body requirement.
- Professional training and development for partner staff.
- Access to learning resources and materials.
- Participation in the College Observation of Teaching and Learning process.
- Participation in the College self-assessment process.
- Access to the range of in-house training delivered by the College.
- Monitoring of initial guidance, assessment, and delivery of learning programs.
- Safeguarding advice, guidance, and support.

Learners enrolled at subcontracted providers will be able to:

- Access college IT systems.
- Access IAG services pre, on course and at exit.
- Utilise college libraries and use self-organised learning environments.
- Use college support services such as Enterprise, job search clubs and the Wellbeing Centre.

Partners will collect, retain, and submit to the College on request all relevant documents and evidence of learner activity. This will be in line with Data Protection regulations.

Fees

The College will retain a management fee of up to 20% of the contract value.

Fees are set on an individual basis and may vary dependant on the cost incurred for support and management activity required to mitigate the risk level and ensure the quality and success of the subcontracted provision.

Further additional services may be mutually agreed between the College and the partner. Additional services may be charged as a one-off fee or as a percentage of contract value.

The fees charged reflect the cost of the procurement activities and the management of the contracts. It also covers the cost of partners' delivery staff attending college training events on Safeguarding, FGM and Prevent which are mandatory.

A breakdown of the normal 20% fee is shown below:

College Activity	% Indicative fee (may vary)	Contribution to high quality training	Explanation of how cost is proportionate to subcontracted training
Quality Monitoring	5%	Provides focus on quality of delivery.	Quality: Including observations supporting tutors with improvement/learner feedback and assessment reviews/learner walks/learner calls.

Sub-contractor Management	10%	Provides ongoing compliance with funding rules and regulations with focus on learner progress and success/achievement.	Contract compliance Contracting Contract Reviews Funding reports Performance management Managing Audits Partner review meetings
Support costs	2.5%	Provides quality administrative support for enrolments, data submissions and achievements.	Enrolments/Achievements Monthly reports Management Support
Other – Governance, Funding and data and Finance	2.5%	Ongoing governance and compliance with regulations, submission and audit of ILR returns. Support with audits.	All governance and financial control

The charges outlined above are reviewed each year to determine whether they are reasonable and proportionate. Careful consideration will be given to whether these charges contribute positively to an improvement in the quality of teaching and learning delivered by the sub-contractor. Changes will be made if required.

The specific costs are included in the contract issued to each sub-contractor and are discussed as part of the contract management meetings to ensure that the sub-contractor agrees that the costs are reasonable and proportionate and understands how they contribute to delivering high quality learning.

The College will declare all subcontracting activity and management fees charged at the end of each academic year, publishing this data on the College website.

Payment Terms

The exact form and amount paid will clearly vary from contract to contract. However, the following principles apply:

- On programme funding will be paid on a monthly basis after the learner has become fundable.
- Requests for payment must be accompanied by relevant evidence.
- Payments will not be made in advance of evidence to demonstrate learning activity has been undertaken.
- Sub-contractors will only be paid for the actual funding delivered. Any difference between payments on account and actual funding will be subject to clawback.
- Achievement funding will be paid within 30 days of the College receiving the funding amount.
- The College will charge up to 20% of value of the activity. The exact fee will depend on the extent of the services provided.

Provider Development

The College is committed to developing the partners that they work with and will have processes in place that clearly set out how provider development activities will be planned, managed, and governed.

Data Protection

The College and its partners need to comply with the Data Protection Act 2018 and the UK GDPR. As the lead organisation the College will act as the main Data Controller. The College acknowledges that the partner

may also be considered a Data Controller, therefore the partner will need to produce a privacy notice to share with all learners.

Each partner needs to ensure that transmission of personal data is undertaken on a secure basis.

Any data breach must be reported to the College immediately on discovery.

Safeguarding

With regards to safeguarding, the sub-contractor and relevant staff are responsible for:

- Agreeing to abide by College's suite of safeguarding and prevent related policies and procedures including any amendments or updates made within the duration of the sub-contract.
- Participating in safeguarding training prior to commencing the sub-contract and any additional training requirements as directed by the College.
- Reporting through to the central safeguarding team in the College as per procedure, any safeguarding related cause for concerns, including the actions taken by the sub-contractor to support and safeguard the student.
- Notifying the central safeguarding team if any student is currently or has in the past worked with social care, in particular if they are a looked after child, on a child protection or child in need plan. In addition, if an early help assessment is in place to support the student and wider family.
- Notifying the central safeguarding team if a student declares a criminal conviction, as per procedure, to allow a risk assessment as appropriate, and a decision around risk management.
- The central safeguarding team and Human Resources department must be notified of relevant LADO and Person in Position of Trust (PiPOT) enquiries, concerns, or referrals.
- Informing the College of any external speakers invited in to speak to students, completing the necessary paperwork, and in liaison with the College reaching an agreement on inviting the individual/organisation in.

Contract Changes

Any changes in the contract value may be made, with approval from the Deputy Chief Executive Officer to the extent that the total contract award for that sub-contractor does not exceed the amount approved by Governors through the budgeting process, or through any subsequent approved amendments. Any proposed increases to contract values above amounts already approved must be approved by the Governors.

Changes in contract values will be submitted to the Governors for approval once approved contract addendums will be put into place and must be signed by both parties.

Contingency Plans

A contingency plan safeguards learners in the event that a Partner withdraws from the arrangement or goes into liquidation or administration.

The Colleges contingency plan is outlined in Appendix 2.

Termination

The College will terminate the contract early in the following circumstances:

- When the partner ceases trading
- When the partner is delivering provision outside the scope of the contract

- Where the College has reasonable grounds to believe that the partner is promoting activities that run counter to the Prevent, FGM and Safeguarding agenda.
- Where the College has concerns about the quality of delivery.
- Where the College has concerns that the partners actions conflict with the College values.

EQUALITY AND DIVERSITY

An EqIA is not required for this policy.

LINKED POLICIES AND PROCEDURES

Appendix 1 – ESFA Subcontracting Standard

Appendix 2 – Subcontracting Contingency Plan

Appendix 3 - Subcontracting Responsibilities

LOCATION AND ACCESS TO THIS POLICY

This policy is available on the College's intranet.

APPENDIX 1 – ESFA SUBCONTRACTING STANDARD

The following outlines the requirements of the ESFA Subcontracting Standard.

1. Selection and Review of Sub-contractors

The College will ensure:

- A clear educational rationale/business case is made for subcontracting which aligns to the College's corporate and operational strategies. The business case will set out the policy, business and operational objectives including consultation with stakeholders and research to determine the education rationale. This rationale must consider the expectation ESFA has for colleges to reduce their subcontracted provision. The business case will be approved by the Senior Management Group.
- 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.
- The drafting process for the specification and requirements breaks down the overall scope into more detail and then, progressively, and iteratively, refines it into schedules of detailed requirements, ensuring that the objectives for sub-contracting will be met and the sub-contractor will meet the requirements of this standard, along with the requirements laid out in the funding rules.
- The procurement strategy covers the pre-qualification, qualification, and tendering procedures, including what pre-qualification is required in respect of the criteria, resulting in a Pre-Qualification Questionnaire (PQQ) being produced for those expressing an interest.
- The PQQ is sufficient to collect, but not limited to, the following information:
 - organisation background, including ultimate parent details including identity, ownership and background,
 - principal activities (past and present),
 - organisation chart,
 - contractor/sub-contracting approach,
 - professional/commercial affiliations,
 - legal and financial capability,
 - quality management systems, Ofsted reports
 - experience and track record.
- The procurement strategy/process ensures that a robust assessment process for selecting sub-contractors has been established that will review the sub-contractor's completed PQQ as well as their capability to control quality, delivery, quantity, price and all the other factors contained in the subcontract. Following a successful appraisal, the sub-contractor will be placed on an approved list of contractors.

- The procurement process includes the drafting of the ITT documents, including ensuring the contract document sets out clearly, comprehensively, and unambiguously, the obligations of the parties to the agreement.
- The evaluation process includes not only the analysis of the potential sub-contractor's response to the main subject matter of the requirements set out in the ITT, such as price, delivery, quality, methodology, for example but also, most importantly, the quality of the bidder's offer. There will be a clear rationale for how the tenders are evaluated and scored.
- Following tender evaluation and, where appropriate, negotiation, it is satisfied that an offer has been made which meets its requirements in all respects, including budgetary and capability, and considers that it is able to accept an offer and award the contract to the tenderer who meets the contract specification. At this point an offer of an award will be recommended to the Executive Team.
- The contract management plan which determines how the contract will work once it has been awarded is drawn up in advance of contract award. It will set out how the obligations of all the parties should be carried out effectively and efficiently.
- The proposed sub-contract will meet the agreed educational needs, that it is achievable and affordable, and it addresses the desired outcome(s) of the sub-contract, critical success factors, the possible alternatives, including existing contracts, the risks including the extent and where they may fall, identification of any contingent needs and ramifications of proceeding and timescales.
- It seeks, and retains evidence of, ESFA approval for any agreed sub- contracting terms in relation to distance learning and whole programme sub-contracting for 16- to 19-year-olds.
- Management fees have been determined for the full range of funding retained and charges that they wish to apply, and these have been agreed by the Executive Team and published on the College website. These will only exceed 20% in exceptional circumstances, and it is recognised where they do, the ESFA reserves the right to challenge.

2. Contract Award and Management

The College will ensure:

- All awarded contracts are managed by staff who have clearly defined roles that have been agreed as part of the overall considerations in producing the business case.
- The defined roles ensure that contract ownership is clear, with the budget holder, senior responsible owner (SRO), and contract manager clearly defined.
- There are well defined policies and processes and a clear contract management plan, with a focus on outputs and a 'whole life' approach to performance. This will include evidence of how the College will:
 - Manage and oversee 16 to 19 distance and whole programme provision through the life of each learner's programme of study.
 - Define how whole programme subcontracting for AEB will be agreed and managed.
 - Ensure apprenticeship provision is not delivered solely by a sub- contractor, as per the apprenticeship funding rules with specific regard to substance, leading the relationship, and the subcontracted delivery complimenting the main college's programme.
 - Carry out an annual policy and rationale review and obtain board approval to the revised documents.
- Overall ownership of contract management across the College is clear, with contract management being owned by a senior leader with responsibility for driving College-wide contract

management performance.

- Contract management processes are aligned with, among governance processes, operational boards, and risk structures.
- Contract management issues and performance are reported through the governance structure, including Executive Team involvement.
- Regular assessment and evaluation takes place to ensure that the cost of contract management activities is justified and proportionate to the benefits obtained.
- Knowledge management is embedded, capturing key data and lessons from contract management process and experience both within the College and more widely.
- Professional contract management guidance is developed, or identified from external sources, and made available to contract managers.
- An appropriate assessment is carried out to ensure extremist organisations are not funded through the sub-contracted Department of Education funding.

3. People

The College will have the right people in place to carry out the contract management activities through ensuring:

- Business continuity is ensured by ensuring there are appropriate handover / information sharing procedures in place.
- The contract manager has a detailed knowledge of the contract and other relevant issues, such as service level agreements, requirements in line with ESFA contract and funding rules and current sub-contractor performance.
- The contract manager has the appropriate skills (both specific contract management skills and more general commercial awareness and expertise), with access to relevant training and development.
- The contract manager has an accurate job description, and is positioned at an appropriate level and salary, with a career path.
- The contract manager has clear objectives and reporting lines, and their performance is managed through reviews and appraisals.
- The contract manager has appropriate delegated authority to manage the contract effectively.

4. Administration

In order to manage contracts and the timetable for making key decisions, the College will ensure:

- Signed contracts are stored and logged and are easily accessible when required; for complex contracts, a summary and/or contract operations guide should be produced.
- Key contractual information is recorded appropriately to allow, for example; search capability; documentation of up-to-date contract information; and key dates.
- There are mechanisms in place for identifying key contract 'trigger points', such as notice periods.
- There is schedule of regular as well as ad hoc reporting of contract management information and retention of appropriate documentation such as, minutes of contract meetings, reviews

of teaching and learning etc.

- There are appropriate processes and procedures in place to ensure that contracts are closed and/or terminated efficiently.
- The cost of contract management activities to the sub-contractor has been considered, and the cost is proportionate to the contract size and risk.

5. Managing Relationships

In order to have procedures in place to manage its relationships with sub- contractors, the College will ensure:

- Proactive conversations and/or independent checks are undertaken in relation the sub-contractor at least on an annual basis which cover and document as a minimum:
 - the sub-contractor's current ownership and person of significant control, notification will be made to ESFA where this has changed from a previous year.
 - the sub-contractor's current/ latest financial health position.
 - a review of learning activity delivered, including compliance with the relevant funding rules for each programme.
 - the sub-contractor's business continuity / contingency plan remains relevant or has been updated appropriately.
- The sub-contractor's contract manager understands their own role and has clear visibility of the roles and responsibilities of staff on the sub- contractor side.
- The respective responsibilities of the contract manager and the sub- contractor are clear, and potentially defined in a 'joint statement of intent' or similar document.
- Continuity of key sub-contractor staff is desirable; where this cannot be achieved, there must be a handover from the staff responsible for the tendering process.
- Both regular structured and informal communication routes between the contract manager and sub-contractor are open and used; customer and sub-contractor staff are co-located where appropriate.
- Users are given clear expectations and an understanding of the contract and the services/ performance to be delivered.
- Safeguarding processes in line with up to date legislation and the College's expectations are followed by the sub-contractor to ensure students are not at risk within the provision.
- Communications between the contract manager, sub-contractor, and other stakeholders are effective and stakeholders are involved in contract management processes where appropriate.
- Problem resolution processes are well defined and used and are designed to ensure minor problems do not escalate and cause relationship issues; a 'blame culture' is avoided.

6. Managing Performance

In order to meet the ESFA's expectations around performance related processes and procedures, the College will ensure:

- Service management is well structured; baselines are understood by both parties, and sub-contractors understand the service they are required to deliver. The contract manager ensures that the College furnishes the sub-contractor with the information and contacts needed to deliver the service.
- A performance management framework is in place when the contract is signed. The framework is comprehensive, objective and provides incentives for the sub-contractor to meet or exceed agreed performance standards.
- Service levels agreements are in place, and are linked to business needs, understood by

the sub-contractor, and monitored by the contract manager and/or end users.

- Sub-contractor performance is assessed using clear, objective, and meaningful metrics, linked where appropriate to ESFA's funding rules and/or guidance.
- Clear processes are in place to handle operational problem resolution and resolve issues as quickly as possible.
- Where appropriate, user compliance with the contract is monitored and managed to ensure maximum operational effectiveness and value for money.
- Regular and routine feedback is given to sub-contractors on their performance.
- There are clear contact points for service users both within the sub-contractor organisation and with the contract manager. Users understand what the contract is intended to deliver and are involved in the assessment of sub-contractor performance where relevant. Users understand escalation routes where issues arise.
- Changes in user requirements are captured and considered as part of formal change and contract management processes.
- There are formal performance reviews with sub-contractors, with documented improvement plans agreed where necessary, covering both operational issues and adherence to key contractual requirements, for example, on data security.

7. Payments and Incentives

In order to meet the ESFA's expectations around processes and procedures to effectively monitor financial payments made to sub-contractors, the College will ensure:

- Payment mechanisms are documented and are clear and well understood by all parties (including incentives, penalties, and non-standard charges).
- Payment processes are well defined and efficient; appropriate checks and authorisation processes are in place for paying invoices.
- The costs of the services delivered, and contract management costs are mapped against budgets and allocated appropriately.
- Payment changes after the contract is let, for example from contract variations or benchmarking/ market testing, are made using contractual provisions and demonstrated to provide value for money.
- Payments are not made in advance of evidence to demonstrate learning activity has been undertaken.

8. Risk Management

In order to meet the ESFA's expectations around risk management processes and procedures to effectively manage the payments made to sub-contractors, the College will ensure:

- Contractual/sub-contractor risk management is in place with clear responsibilities and processes, identification of who is best placed to manage risk, and sub-contractor involvement where appropriate.
- Risks are formally identified and monitored regularly, with mitigating actions developed and implemented where possible, and 'obsolete' risks removed from consideration where appropriate.
- Escalation and reporting routes are in place for risk governance.

- Contingency plans are developed to handle sub-contractor failure (temporary or long-term failure/default); exit strategies are developed and updated through the life of the contract.
- Contractual terms around termination are understood and monitored by the contract manager.
- Contractual terms around warranties, indemnities and insurance are understood and monitored by the contract manager.
- Contractual terms around security and confidentiality are understood and monitored by the contract manager, particularly issues relating to the security/confidentiality of personal data.
- Dispute resolution processes are in place, including agreed adjudication procedures, mediation, and arbitration.
- The contract manager monitors the sub-contractor's financial health and business performance (including using credit rating agencies).
- The contract manager monitors the sub-contractor's compliance with contractual 'non-performance' issues e.g. on tax and sustainability targets.

9. Contract Development and/or Termination

In order to ensure changes to the contract or termination of the contract are handled appropriately and efficiently, the College will ensure:

- Analysis is undertaken of its sub-contracted activity each year, to inform the progress made in their plans for a reduction across the 3- year period.
- The subcontract will be regularly reviewed, with a view to updating where necessary, to ensure it meets evolving business and educational needs.
- Processes are in place that clearly lay out the governance of contractual change – who needs to approve what and how it will happen – with a focus on effective and prompt change implementation.
- There are clear processes for the management of minor changes and contract variations, with a focus on the cost/effort being proportionate to the importance and value of the change.
- There are more rigorous processes to handle major contractual changes, including clear approval mechanisms and accountabilities, and controls to demonstrate that changes offer value for money.
- Where appropriate, value for money testing is undertaken of existing services through benchmarking or other processes.
- There are processes to cover the introduction of new services under the contract, including market testing where necessary.
- There are dispute handling processes in place to address any change related issues.
- There are processes to account for various types of contractual changes to enable both parties to have a clear understanding of the arrangements for any extension of the contract, both in scope and time, and related issues.
- There are processes in place to handle commercial (financial) changes to the contract in a fair and structured manner.
- Price changes are managed fairly and effectively with the use of mechanisms such as benchmarking, competitive tendering, for example, for major additional works, or other techniques such as open book pricing as appropriate, to demonstrate value for money.

- Its rationalisation of specifications and demand management are considered as options to achieve better value for money.

10. Provider Development

In order to develop relationships with sub-contractors that leads to improved performance and capability, the College will ensure:

- Processes are in place that clearly set out how College development activities will be planned, managed, and governed.
- Clear processes for benefits measurement and capture are in place to ensure that College development is focused on continuous improvement and achieving value for the College.
- It understands what motivates and drives the sub-contractor and how College development fits with the College's goals.
- The College has operational performance improvement activities.
- Joint working or shared activities are for the benefit of both the College and sub-contractor, e.g., process improvement, shared training, task forces or joint project teams.
- Its improvement activities relate to wider government initiatives, with input or assistance provided by the College e.g. on sustainability, disability employment issues, use of SMEs (Small and Medium Sized Enterprises) and BMEs (Black Minority Ethnic suppliers).
- There are shared risk reduction programmes or activities.
- There are shared management activities to drive performance improvement.

APPENDIX 2 – SUBCONTRACTING CONTINGENCY PLAN

Context

Barnsley College (the College) is a lead provider with a direct contractual relationship with the Education Skills and Funding Agency (ESFA), South Yorkshire Mayoral Combined Authority (SYMCA) and West Yorkshire Combined Authority (WYCA). The College recognises that subcontracting has an important role to play in delivering high-quality teaching and learning.

Terminology

A lead provider is a college, training organisation or employer that has a direct contractual relationship with the ESFA.

A sub-contractor is an organisation that is engaged in a contractual and legally binding arrangement with one or more lead providers, to deliver education and training provision that the ESFA funds via a lead provider.

Scope

This policy applies to all 'delivery subcontracting' activity undertaken by the College.

This policy applies to all provision where all or elements of the programme are delivered by an external organisation, but where overall responsibility is retained by the College.

Plan

The College will take steps to ensure that provision is made to preserve the continuity of the provision and that learners involved are able to complete their qualification and/or training to a high quality. The College's overall aim is to reduce the inconvenience to learners and maximise their achievement and learning outcome.

Following withdrawal from a contract the next step would be for senior managers to hold a planning meeting and determine the best way forward. The sub-contractor may also be invited to the planned meeting. Learners are the responsibility of Barnsley College, and they would be the primary focus of any contingency plan.

The College will use the following plan:

- Informing the funding agency of withdrawal from the subcontracting arrangement.
- A review of learner progress and assessment.
- To ensure learners complete their learning and qualifications, going forward a decision would be made to identify the best delivery plan to ensure continuity of learning and minimise any disruption to learners. One of four possible routes will be identified as set out below:
 - The College would deliver the provision.
 - The College would identify an existing sub-contractor with the capability and capacity to deliver the provision.
 - The College would engage with a new sub-contractor (subject to completion of the due diligence process) to deliver the provision.
 - As a last resort, if the College is unable to meet the needs of the learners through either direct delivery, using an existing sub-contractor or engaging with a new sub-contractor, it will work with the relevant funding bodies (ESFA, SYMCA & WYCA) to identify an alternative provider to transfer the learners to.
- Informing and communicating plans to learners and to employers.
- Awarding Organisation.

- The College will make contact with existing awarding organisation(s) to see if learners can be transferred to the College.
- Ascertain whether existing work can be transferred to an alternative AO and APL applied.
- The College will pay for any registration and certification costs that cannot be transferred from the outgoing sub-contractor's centre.
- Setting clear time scales for identified actions to be implemented.
- Recover and remove all Department (ESFA) data held on systems and recover relevant documentation.
- Allocating key roles and responsibilities to college staff for implementing, monitoring, and reviewing the plan.

Communication

The College will ensure all 'Delivery Sub-contractors' have sight of this contingency plan. This will be reviewed annually and updated as and if required. It will be published on the College website and will be discussed in meetings with 'Delivery Sub-contractors'.

APPENDIX 3 SUBCONTRACTING RESPONSIBILITIES

The College is responsible for the leadership and management of all subcontracted provision. All subcontracted provision must meet the College expectations in terms of quality and outcomes and be managed in line with all College policies and procedures.

The College will ensure effective partnership management is undertaken, which requires an appropriate mix of data analysis, partner meetings, monitoring visits and quality review to ensure that delivery meets the required standard and that any risk to the expected outcomes is mitigated to limit the impact to all involved.

All Partners should have a dedicated Contract Owner this will normally be the Head of Department, they should be supported where possible with appropriate training and guidance.

Responsibilities are outlined below:

The Board

- Approval of the Subcontracting Policy on an annual basis.
- Approval of the annual subcontracting plan.

The Executive Team

- Deputy Chief Executive Officer, ensuring the application of the Policy and overseeing the delivery of the services to partners for the fees charged.
- To review concerns or significant changes to sub-contractor delivery that are raised by a member of staff or student.

Head of Department

- Contract manage the College's partners and partnership provision, including the assessment of quality and the delivery of quality support services.
- Maintain a due diligence review of partners which informs partner selection processes and the exposure/ risk per partner.
- Ensure completion of appropriate procurement activities including the completion of financial and non-financial due diligence reviews.
- Ensure signed contract is in place prior to delivery.
- Ensure Quality Assurance and Performance Management reviews are undertaken and documented throughout the year. Example agenda items:
 - Starts
 - Leavers
 - Learner progress
 - Learner support and access to the College services and support
 - Achievements
 - Quality
 - Issues
 - H&S e.g. accidents
 - Equality and diversity
 - Safeguarding
 - Sub-contractor staff development
 - Course management e.g. attendance
 - Access to systems and use
 - Teaching and learning
 - AoB

- Communicate any substantial changes within the sub-contractor or nature of delivery to ensure senior management oversight and consideration.
- Communicate any concerns raised following Quality Assurance and Performance Management reviews to ensure senior management oversight and consideration.
- Ensure changes to contract are undertaken where required in relation to sub-contractor delivery.
- Ensure timely payment to the sub-contractor.

MIS Team

- The Director of MIS will review and update the Subcontracting Policy for approval.
- Submit subcontracting declarations to the ESFA as and when required.
- Maintain records of partner delivery on the College's student record system in relation to evidence provided.
- Report partner outturns to the ESFA and internally to inform contract management and Partner payments.
- Maintain a due diligence review of partners which informs partner selection processes and the exposure/ risk per partner.
- Oversee completion of appropriate procurement activities including the completion of financial and non-financial due diligence reviews.
- Ensure signed contracts are in place prior to delivery and stored in line with College policies.

Finance & Procurement Team

- Agree a payment timetable to partners.
- Make accurate payments to partners that are timely in accordance with the funding rules.

Sub-Contractors and their employees

- To fulfil the requirements of the Agreement relating to the College policies including Health and Safety, Safeguarding, Equality and Diversity, Audit and Quality compliance.
- To comply with the College's Policies including safety standards and meet their statutory obligations with regards to Health and Safety.
- To ensure that any accident, incident or near miss arising is reported in line with the College procedures.
- To inform the College of any changes of:
 - Ownership of the organisation.
 - The management structure of the organisation.
 - Loss of centre accreditation / direct claim status.
 - Status in relation to winding up orders.