

SUBCONTRACTING

POLICY STATEMENT:

The purpose of this document is to define the basis on which any subcontracting arrangements will be managed. Where appropriate, Leaders in Business will contract with other parties to deliver programmes and activities funded by the Education Skills Funding Agency through its funding bodies. The organisation with which it contracts will be subject to the requirements set out below.

DUE DILIGENCE

Leaders in Business Ltd will conduct a rigorous due diligence and the Subcontractor will supply Leaders in Business Ltd with all relevant information requested to protect learners and to ensure the subcontractor is a legally, financially and educationally sound organisation, prior to a contract being signed.

And to ensure that the Subcontractor is present on the ROTO (Register of Training Organisation) or on any other public register of database, as an indicator that they are suitable to deliver to Leaders in Business Ltd specific requirements.

Leaders in Business Ltd will also ensure any due diligence checks will be made available to the ESFA for inspection.

Any subcontractor Leaders in Business Ltd appoint continues to meet the requirements of the register and Leaders in Business Ltd will provide them with the necessary support.

Leaders in Business Ltd must not appoint any delivery subcontractor with a contract value of £100,000 or greater for each funding year unless they are listed on the ROTO (Register of Training Organisations) first.

On completion of due diligence Leaders in Business Ltd will then review all evidence requirements as stated within this policy to determine the risk and compliance.

Depending on findings the following action/s will apply:

1. If the Subcontractor passes Due Diligence, Leaders in Business Ltd will arrange a meeting to discuss opportunities and better understand their organisation. A visit to their organisation may also be conducted during this period.
2. If the Subcontractor doesn't meet Due Diligence requirements they will be informed and no further actions will be taken.

CONTRACT MANAGEMENT

For managing this Contract both Parties shall appoint a Contract Manager and shall notify the other Party in writing of the name of its respective Contract Manager.

The Sub Contractor's Contract Manager shall co-operate with Icon Training's Contract and Performance Analyst to ensure that the Services are delivered as specified in the Contract.

The Sub Contractor shall promptly comply with all reasonable requests or directions of the Icon Training's Contract and Performance Analyst.

IAG & INDUCTION

Subcontractors will ensure that all learners are given inductions to their courses or programme and are fully aware of Leaders in Business Ltd and the subcontractors roles and responsibilities through learning and delivery.

All courses should include an initial assessment process that enables learners and staff to identify what they want to achieve from the course.

This process should ensure that:

- Learners have the necessary aptitudes, attributes and abilities to help them successfully complete the courses for which they are applying.

- Any learning support needs are accurately identified and planned.
- ILP in place to giving clear structure and guidance as to the starting and end points of all components of the programme and how they will be delivered.

Learners have the information, advice and guidance they need to help them make well informed judgements about the relevance of their courses to their short and longer term employment and learning goals.

TEACHING AND LEARNING

Subcontractor will ensure all courses have their content defined within a scheme of work and all sessions planned using appropriate lesson/session plan documentation.

Ensure teaching and assessment is mapped to the specification of the awarding body and complies with its requirements.

Subcontractor to ensure that during teaching and learning sessions the tutor identifies opportunities to discuss health and safety, equality and diversity and safeguarding via the national standards or naturally occurring evidence.

Subcontractor to ensure that during teaching and learning session British Values, Radicalisation and Extremism are promoted and discussed.

Ensure teaching, learning and assessment is of a high quality and enables learners to maximise their attainment in a timely manner through detailed, timely and constructive feedback.

All subcontractor staff are appropriately trained and engage with continuous professional development to enhance the quality of teaching, learning and assessment.

Subcontractor progress reviews are completed in accordance with ESFA and Leaders in Business Ltd requirements

Ensure all facilities and resources are 'fit for purpose' and comply with all current Health and Safety Legislation.

QUALITY ASSURANCE

Ensure a robust process is in place to quality assure the sub – contractor provision including:

Observations of teaching & learning, assessment and progress reviews.

Evidence of staff training records, personal development plans.

Evidence of awarding body approval.

Evidence of learner interviews and stakeholder feedback.

Evidence of monthly standardisation activities.

Evidence of EQA reports including development points and these being actioned.

Completion of self – assessment report and quality improvement plan.

Policies and Procedures

Subcontractor must have the following policies and procedures in place which are maintained, reviewed and updated regularly:

Financial Management

Environmental and Sustainability

Equality and Diversity

Data Protection

Disciplinary and Grievance

Equal Opportunities

Safeguarding

Prevent

Guest Speaker

Complaints and Harassment

Whistle blowing

Health and safety

Conflict of interest

ICT

Plagiarism

Malpractice and Maladministration

Retention

Quality assurance, including performance monitoring and development of:

- Teaching and learning practice
- Initial Assessment
- Additional learning support
- Information, Advice and Guidance
- Assessment verification
- Self – assessment

SAFEGUARDING

Subcontractor must have:

A clear commitment by senior leadership team to the importance of Safeguarding.

A clear line of accountability and defined roles and responsibilities within the organisation for safeguarding.

Recruitment and selection procedures that consider the need to Safeguard learners, including arrangements for appropriate checks on new staff.

Safe working practice which staff have read and understood including appropriate referral procedure.

Arrangements to ensure that all staff undertake appropriate training, and keep this up to date by refresher training at regular intervals; and that all staff who work with learners, are made aware of the organisations arrangements for Safeguarding and their responsibilities for that.

Appropriate whistle – blowing procedures and procedures which enable issues about Safeguarding to be addressed.

PREVENT

Subcontractor must have:

A clear commitment by senior leadership team to the importance of Prevent.

Arrangements to ensure that all staff undertake appropriate training, and keep this up to date by refresher training at regular intervals; and that all staff who work with learners, are made aware of the organisations arrangements for Prevent and their responsibilities for that.

A defined SPOC (Site Point of Contact) within the organisation for all matters relating to Prevent.

Safe working practice which staff have read and understood including appropriate referral procedure.

A prevent risk assessment and action plan ensuring organisation has identified levels of risk of learners becoming radicalised, and that all relevant policies and procedures are in place to minimise that risk.

Sufficient care, facilities and support for all learners, for example, considering multifaith chaplaincy as another form of welfare support if you have many learners of different faiths and providing them with prayer facilities.

An external speakers protocol to ensure that the organisations is aware of who is speaking and have clear protocols to the gives organisation time to intervene if it is found that any proposed content would stand to harm learners in any way.

Clear policies and procedures focusing on online safety and how the organisation ensures learners are aware of those dangers, what to do and how to report.

QUALITY ASSURANCE OF SUB – CONTRACTED PROVISION

Leaders in Business Ltd will quality assure subcontracted provision through the following processes:

Rigorous Due Diligence process using 3 STEP internal questionnaire.

Review of documentation received including:

- Monthly performance reports and information from subcontractor
- Annual self – assessment report and quality improvement plan updated in year
- Audits on application forms, learning agreements, register, ILPS, progress reviews
- Learner observation records

Performance monitoring visits as per subcontracting calendar with a minimum of initial visit within the first 4 weeks of the contract and further subsequent visit/s to review:

- Tutor/ Assessor files (Schemes of work and lesson plans)
- Tutor feedback to learners documenting progress, achievement and areas for development
- Initial assessment documentation
- Complaints records, including documentation illustrating how these were dealt with
- Learner progress monitoring records
- Learner survey data and survey documents
- Learner course evaluation documents and tutor (summative) evaluation records

Observations of teaching & learning, assessment and progress reviews in accordance with subcontracting calendar.

REPORTING & MONITORING REQUIREMENTS

Monthly reports:

Performance data

Health and safety:

- Number of sites
- Number completed
- Number outstanding

Quality data/ report

- Number of observations
- Summary of observations & assessor / tutor grades
- Learner / stakeholder feedback
- Audit reports
- EQA reports
- Staff CPD for that month including standardisation
- Additional learning support records
- Number of learner progress reviews completed

Leaders in Business Ltd to use PDSAT as part of this monthly reporting process.

Issues arising that month:

Any changes to staff

Safeguarding /Prevent

Accidents/incidents

Complaints

Accreditation

Financial

Resources

Security/data protection

MONTHLY SUB - CONTRACTING MEETING

Leaders in Business Ltd Contract and Performance Analyst, the Contracts manager for the Subcontractor, staff from both Internal Quality Assurance for the region and Subcontractors delivery team to meet up monthly.

The purpose of these meetings is to oversee all aspects of the Subcontractor provision, review the Subcontractors performance against monthly reports and data and identify any under/over performance against contract.

Resulting actions are agreed at the meeting with an opportunity to share any audit/visit outcomes and discuss and subsequent concerns.

The meeting is also a platform for initial discussions for new subcontracted provision.

Identification of under/over performance against contract and resulting action

A discussion between Leaders in Business Ltd and the subcontractor will take place because of under or over performance against contract value to determine future action which could include:

- Variation to contract (increase or decrease)
- Payment to contract value and terms only

Continued under/over performance against the contract terms as specified in the contract could include:

- Contract termination

MANAGEMENT FEES

Leaders in Business Ltd retains a management fee from all subcontracted partner organisations; this ranges from 15% – % 20. The fees charged reflect the costs of the procurement process and the management support needs of the contracts.

Subcontractors working with Leaders in Business Ltd receive a high level of support and guidance and access to systems, including:

- Quality management systems
- Certification and registration with awarding bodies (if required)
- Management Information Services and data control advice and guidance
- Audit of management systems and delivery and observation of teaching, learning and assessment
- Safeguarding, Prevent, British Values, Equality and Diversity support
- Teaching, Learning and Assessment training, coaching and observations
- CPD Opportunities and planned training and development
- Policy development
- Support with Education Skills Funding Rules compliance
- Regular national updates regarding funding and policy guidance

Not all subcontractors are charged the same management fee, differences in fees are dependent upon the level of support required, the experience of the subcontractor, their target learners; their track record, published success rates and the level of risk as determined by the due diligence process.

An achievement element, at the rate specified in the Education Skills Funding Rules, will be applied to subcontractors delivering ESFA-funded Adult Skills Budget provision

PAYMENT ARRANGEMENTS

Payments will only be made to the Subcontractor once Leaders in Business Ltd has received the funding from the Education Skills Funding Agency or its successor funding body.

Apprenticeship start payments are subject to a minimum stay of 6 weeks. No start payment will be made until after the minimum stay period.

Leaders in Business Ltd will calculate the amount payable to the Subcontractor each month as follows:

Following validation of the evidence in the ILR return, Leaders in Business Ltd will send the validated data to the Subcontractor to enable them to create an invoice net of the management fee as agreed in the contract.

Leaders in Business Ltd will pay the Subcontractor within 30 days of the invoice date and will notify the Subcontractor of the payment being made by BACS. Any anomalies that arise following payment will be subject to reconciliation later.

INTERVENTION PROCESS

To enable the collegiate to take corrective action where a subcontractor is assessed as being of risk. The outcome of any intervention is to enable the effective completion of any subcontracted learners.

Intervention is required if a subcontractor:

- Fails to provide suitable evidence of learning and progress in a sample to support the funding claim as part of the monthly Learner Progress process.
- Fails to submit evidence as part of an audit or investigation commissioned by ICON Training
- Gives cause for concern regarding a breakdown of trust
- Fails to comply with reasonable requests for information
- Demonstrates poor or declining achievement rates based on learner progress updates.

In any of the circumstances above the subcontractor will be deemed to be of HIGH RISK and a Notice of Concern will be issued.

Stage 1 – RISK ASSESSMENT

During this stage, no further payments will be made to the subcontractor. The subcontractor will be required to provide a sample of evidence to support learning, visit or review activity for the learners selected. The sample may range from 25% to 100%. There will be 28 days to provide all the necessary evidence at stage 1 Risk assessment if this is not adhered to then Leaders in Business Ltd will go straight to stage 2.

Outcome	Evidenced by	Intervention
Evidence satisfies the requirements of the ESFA funding guidance	Sampled evidence is %100 compliant with guidance	Funding reinstated – Subcontractor Intervention Ceases
Evidence does not fully meet the requirements of the ESFA funding guidance	Sampled learner evidence is not fully compliant	Implement stage 2 – Intervention action
Evidence is wholly unsatisfactory in meeting the requirements of the ESFA funding guidance	Sampled learner evidence is non – compliant	Implement stage 3 – Intervention action

Stage 2 – INTERVENTION ACTION

Leaders in Business Ltd will work with the subcontractor on a range of support measures. The funding proportion paid to the subcontractor will reduce by a further 15% to cover the costs of such intervention. The support measures will be agreed with the subcontractor and may include:

- Increased monitoring and audit activity
- Increased support visits
- Further audits to check that learning/visits are taking place

Stage 3 – TERMINATION OF CONTRACT

If the evidence of learning provided by a subcontractor does not

provide confirmation that learners are actively engaged in learning, Leaders in Business Ltd will decide to terminate this contract.

Contingency for termination of contract

Leaders in Business Ltd will enable the completion of learners where a subcontractor's contract has been terminated. Leaders in Business Ltd will assess the best option, from those listed below, for completing the learners:

- Deliver the remaining programme as a prime provider using collegiate employees or self-employed consultants.
- Seek a suitable alternative partner to deliver the remaining programme as a new or

extended subcontracting arrangement.

Leaders in Business Ltd will assess the best method based on variables such as employer location, learner location, the proportion of the programme left to complete.