

GENERAL POLICY: DELIVERY SUBCONTRACTING CONTINGENCY PLAN 2023-2024

This policy is annually reviewed to ensure compliance with current regulations

Approved/reviewed by	
Approved by: Vice Principal: Finance and Corporate Services Reviewed by: Registry & Data Manager	
Date of next review	August 2024

This policy and procedure is subject to The Equality Act 2010 which recognises the following Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex, Sexual orientation and Disability

1. Document Control

1.1. Document Details

Title	Delivery Subcontracting Contingency Plan
Author	Debbie Holland / Kirsty Beresford
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1.2. Revision History

Version	Date	Author	Comments
1.0	August 2020	Debbie Holland	Definitive Release
2.0	August 2021	Debbie Holland	Definitive Release
3.0	July 2022	Debbie Holland	Definitive Release
4.0	August 2023	Debbie Holland	Definitive Release

1.3. Distribution

Name	Email	Organisation
All Staff	Uploaded to SharePoint	Boston College

CONTEXT

Boston College is a lead provider with a direct contractual relationship with the Education Skills and Funding Agency (ESFA). Boston College recognises that subcontracting has an important role to play in delivering high-quality teaching and learning.

Boston College will monitor the delivery subcontractors' activities and have control over delivery, monitoring the quality of education and training provided. This policy outlines the contingency plan that Boston College will follow in the event of:

- Withdrawal of Contract by Boston College due to malpractice or maladministration
- Withdrawal of Contract by Boston College due to financial concerns or collapse
- Withdrawal of contract by Boston College due to quality of provision falls below 90% retention and/or 90% achievement and teaching and learning has been deemed inadequate.
- Withdrawal of Contract by the Delivery Subcontractor
- Delivery Subcontractor goes into Liquidation or Administration
- Delivery Subcontractor ceases trading

TERMINOLOGY

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

A subcontractor 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 for Adult Education Budget in respect of new starts for 2023/24.

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

Boston 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. Boston College's overall aim is to reduce the inconvenience

to learners and maximise their achievement and learning outcome. Boston College will use the following plan:

The relevant funding agency to be notified - The College will notify the relevant Funding Agency of any withdrawal from a subcontracting arrangement by either the College or the subcontractor.

Review of the current learner position - A full review of the learner's enrolment to take place, and an assessment made of the level of progress to date on each individual qualification.

Inform and report on impact to the College – A full review of financial and learner impact will be presented to the Executive and steps will be taken to recover relevant materials.

Recover relevant data and documentation – Recover and remove all Department (ESFA) data held on systems and recover relevant documentation.

Establishment of next steps - Following a review of the learners, a decision will be made to identify the best delivery plan to ensure continuity of learning and minimise any disruption to the learners. One of five possible routes will be identified as set out below:

- **Staff belonging to the Delivery Subcontractor** – We will work with staff belonging to the existing delivery subcontractor to identify a local mode of delivery, including the possibility of directly employing staff.
- **Deliver the provision through College** - The College will deliver the provision directly at either a main college site or an out-centre using college staff.

Deliver the provision through an existing subcontractor - The College will identify an existing subcontractor who has a record of delivery of the relevant provision with successful outcomes and increase the capacity of their existing contract to allow them to take on additional learners.

- **Deliver the provision through a new subcontracting arrangement** - The College may engage with a new subcontractor (subject to the formal procurement process), for provision that the College or any current subcontractor does not have the skills or capacity to deliver.
- **Transfer the learners to another provider** - If the College is unable to meet the needs of the learners through either direct delivery, using an existing subcontractor

or engaging with a new subcontractor, it will work with the ESFA to identify an alternative provider to transfer the learners to.

COMMUNICATION

Boston College will ensure all 'Delivery Subcontractors' have sight of this policy. This policy will be reviewed annually and updated as and if required. It will be published on the Boston College website and will be discussed in meetings with 'Delivery Subcontractors'.