

GENERAL POLICY: DELIVERY SUBCONTRACTING POLICY 2023/24

This policy is annually reviewed to ensure compliance with current regulations

Approved/reviewed by

**Vice Principal: Finance & Corporate
Services**

Date of next review

July 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

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Author	Debbie Holland
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Version	Date	Author	Comments
1.0	July 2022	Debbie Holland	Definitive Release

1.3. Distribution

Name	Email	Organisation
All Staff	Uploaded to SharePoint and website	Boston College

INTRODUCTION

Boston College may engage with partners or sub-contractors to meet its mission 'To inspire lifelong learning, growing people to be their brilliant best, energising our communities and brightening all our futures' and we will engage with organisations who can help achieve this goal. We will do so where the subcontracted provision is relevant to our core business objectives, values, and business offer.

This policy governs provision subcontracting within the college. The college recognises that it holds full accountability for the delivery of subcontracted activity and that this cannot be assigned to subcontractors.

It is the responsibility of both the college and their subcontractors to refer to the rules and guidance of the Education and Skills Funding Agency (ESFA) and any future updates in all matters regarding the delivery of the contract.

DEFINITIONS

Subcontracting refers to providers delivering education or training on behalf of the college. This encompasses subcontractors listed on Education and Skills Funding Agency (ESFA) 'Declaration of Subcontractors', together with any updates or subsequent listings from the ESFA.

RATIONALE FOR SUB-CONTRACTING

The corporation agrees that sub-contracting provision is aligned to the strategic aims of Boston College and ESFA and enhances quality of the education offer for our learners. All partners or subcontractors engaged provide high quality provision and are minimal risk.

Boston college recognises the contribution which partners / subcontractors make in providing a diverse range of learning and training programmes which may not be available within Boston College and will enter into contract arrangements if one or more of the following apply:

- Qualifications or programmes not readily available as part of our direct curriculum or training offer
- Expertise is available or has specialist niche provision / facilities.
- Add or complement our current offer.
- Prove that they have the capacity and financial viability to sustain high quality training programme.
- Can demonstrate a commitment to improving the quality of teaching and learning through collaborative working.

DUE DILIGENCE

A comprehensive due diligence process will be implemented for new partners covering key areas such as quality assurance, data management, health and safety, staffing capability and capacity, finance, and safeguarding. There will be a legally binding contract in place prior to delivery commencing that includes the terms specified in the Funding Rules. Boston College engages with external auditors to undertake an annual assurance review of the procurement and contracting processes to manage and control sub-contracting.

MONITORING ARRANGEMENTS

Business Partners/Sub Contractors are reviewed against a range of performance criteria to ensure high quality delivery is being delivered against the Funding Rules. Regular contract performance meetings will be scheduled, and reports produced for Executive Leadership Team.

Regular monitoring visits at Business Partners/Subcontractor premises will be scheduled. Visits to discuss performance may also include announced, short notice and unannounced observations and assessment of teaching and learning, discussions with staff and learners and a review and audit of documentation.

There will be set standards in terms of performance and where there are areas for improvement notification will be provided to make and implement suggested improvements. Where the quality of provision fails to improve then financial penalties and / or withdrawal of contract could be applied.

A Learner Contingency Plan will be agreed and implemented in circumstances where sub-contract arrangement ceases, or the Business Partner goes into liquidation or administration, or the contract is removed due to quality concerns.

Sub-contractors will be required to prepare and submit an annual Self-Assessment Report and Quality Improvement Plan which reflects the Common Inspection Framework and any other relevant guidance. The sub-contractor will also be required to submit a copy of their annual SAR and QIP.

FEES AND CHARGES

The standard management fee is up to 20% of the funding value of the provision, as recorded in the Individual Learner Record (ILR). In instances of apprenticeship subcontracting, where the employer is the delivery subcontractor the actual costs of delivery will be paid to the subcontractor.

PAYMENT TERMS

Payment to be made to the subcontractor monthly in arrears on receipt of contract payment to the College from the ESFA.

CONTINGENCY PLAN

If for any reason, financial or otherwise, a subcontractor is unable to continue delivery either temporarily or permanently; the college will work with the subcontractor to ensure the continuity of delivery for learners enrolled on college programmes appropriate to the circumstances. Options may include, but are not limited to:

- Delivery at college, or other appropriate premises
- Delivery using college staff.
- Transfer of delivery to an alternative subcontractor


POLICY PUBLICATION AND REVIEW

The ESFA require publication of subcontractor and partnership activity including actual level of funding paid and retained. This will be made available on our website.

The policy will be reviewed and updated annually in August. Sub-contractors will be made aware of any changes. The policy will be provided to all subcontractors and is available on request. Boston College will submit details of all subcontracted provision to the ESFA who publish a subcontractor register twice annually.

APPROVAL

This policy has been approved by our governing body and our accounting officer which is the Principal and Chief Executive.

	DEBBIE HOLLAND, PRINCIPAL FINANCE AND CORPORATE SERVICES	VICE AND
DATE:	5th July 2023	