

Subcontracting and Partnership Strategy and Policy – 2020/21

Vision and Mission

Cambridge Regional College's (CRC) vision: ***'To be outstanding in enabling students to excel and for serving employers and communities'***

with its mission of 'To transform lives and create prosperity by delivering technical and professional education that meets the needs of students, employers and communities in Cambridgeshire'.

Strategy update

Whilst in recent years CRC has engaged in significant levels of sub-contraction in both apprenticeship and adult classroom provision, changes in the funding rules relating to the sub contraction of apprenticeships and of adult learning loan provision, along with the high levels of risk attached to the sub contraction of long programmes delivered outside of the College's geographical reach, have led to a revision of the strategy for 2019/20 and beyond.

The College will continue to engage in the tactical use of sub-contraction of classroom provision to support local need, and will be open to partnerships which meet niche markets effectively. However, the College will seek to reduce the proportion of sub-contraction over the next two years, particularly in relation to the delivery of classroom provision as it moves to offering a wider choice of programmes to engage adult learners and improve their employability skills. The sub-contraction of apprenticeships will relate only to the finalisation of existing learners as contracts complete with no further recruitment being allowed for sub-contractors/partners. This will therefore relate only to the delivery to and achievement of existing apprentices on contracts currently in place.

Specifically CRC aims to reduce significantly the amount of Subcontractor/Partnership provision delivering AEB in 2019/20 and continue with the reduction in subcontract of apprenticeships as contracts finalise (as no further enrolments) with the majority being phased out by 2018/19, before being phased out completely by 2019/20.

Subcontracted provision relating to adult classroom provision will continue in 2019/20, with a focus on delivering an increased proportion of provision being delivered locally, with 100% of the total provision being delivered within the East of England or London. The process of reducing the volume of sub-contraction will be accelerated in 2019/20, by increasing the options for internally delivered provision, with the aim to reduce subcontracted provision even further in 2020/21.

Scope

Our Subcontracting and Partnership Strategy covers provision delivered with by other providers including that which is wholly subcontracted and that delivered in collaboration with others. It is guided by the College's Curriculum Strategy which is reviewed by Corporation on an annual basis.

This strategy is supported by a Supply Chain Fees and Charges Policy and processes to support procurement, quality and monitoring are applicable to all partners and those with responsibilities for these partners.

Guiding Principles

In determining the curriculum areas to be delivered through partnerships and subcontractors, this strategy is informed by the College's Curriculum Strategy which sets out the intent and impact of the College's curriculum areas. As set out in that strategy, the following principles are considered:

1. Broadening Opportunity

We will seek to widen our curriculum offer to meet the needs and requirements locally and regionally. In order to do this we will endeavour to develop partnerships to utilise expertise, skills and specialisms where we are unable to meet these needs. This may be due to geography, delivery to niche markets, specialist expertise or skills.

2. Quality of Delivery

We will look to ensure all of our delivery is of high quality and consistently meets the needs of learners and employers.

We will take steps to ensure we develop partnerships with organisations with a proven track record of delivering high quality education and training with the best outcomes for learners.

We will comply with best practice models with regard to advertising, procuring, monitoring, support and development of partners.

3. Developing Partnerships

We will actively manage all relationships to ensure growth and development is in line with the organisation's capability and capacity and our resource to control, monitor and support effectively. The anticipated maximum contract value per sub-contract is £1,000,000.

We will develop strong partnerships with organisations who share our ethos.

We will endeavour to work effectively with all our partners to share good practice, learn from each other and support the growth of high quality provision that meets the needs of learners and employers.

In addition to this:

- All partners must successfully pass all procurement and due diligence procedures before delivery starts.
- The market (described in Broadening Opportunity) which, for geographical or specialist delivery reasons, cannot be delivered directly.

- There must be adequate resources and arrangements in place to enable quality assurance to take place.

Opportunities and Risks

Opportunities through successfully delivering the Subcontracting and Partnership Strategy may result in:

- An enhancement in our reputation as a centre of excellence in education, training and skills
- Growth in provision in areas beyond our current expertise and geographical reach
- Improvements in the experience of our learners
- Development of stronger links with a wider range of employers
- Increased opportunities to secure income derived from deeper market penetration

Failure to deliver the Subcontracting and Partnership Strategy may for example result in:

- Loss of income, contracts and potential for delivery areas to be removed from the allocation
- Failure of a partner to deliver which will impact on learner experience and outcomes including success rates
- Damage to relationships with employers
- Loss of reputation should we choose to work with a partner who fails to deliver to an expected standard
- Increased scrutiny by regulatory agencies and funders

Mitigation:

- Fair and transparent procurement process
- Rigorous quality framework to support monitoring and control of partnership delivery
- Sound contract management
- Commitment to continuous learners experience/journey
- Clear targets around key performance supported by strong contractual arrangements – 5% above national averages; delivery volumes
- Recourses proportionate with volume delivery

Resources

The resources to deliver the Subcontracting and Partnership Strategy will be considered in the context of priorities identified through the Strategic Plan for Excellence.

Review arrangements

Our Subcontracting and Partnership Strategy and associated processes will be reviewed annually for continued relevance, and to accommodate updates from the strategic plan and policies, which support its delivery.

Documents associated with this strategy

- Supply Chain Fees and Charges Policy
- Education and Skills Funding Agency (ESFA) / Office for Students (formerly called Higher Education Funding Council for England/HEFCE) and other relevant funding guidance
- Common Accord
- Common Inspection Framework
- Strategic Plan for Excellence
- Partner Processes
- Teaching Learning & Assessment Strategy
- Equality Policy
- Assessment Policies
- Internal Verification Policies
- Sharing Good Practice policy
- Observation of Teaching Learning & Assessment handbooks
- Assessment handbook
- Course files
- Quality Assurance Agency (QAA) Quality Code
- Quality Assurance Strategy

Subcontracting Policy

We will define a subcontractor as a separate legal entity that has an agreement with CRC to deliver any element of the education and training for which funding is received including through Advanced Learner Loans. A separate legal entity includes companies in our group, other associated companies and sole traders. It also includes individuals who are self-employed or supplied by an employment agency, unless those individuals are working under our direction and control, in the same way as our own employees.

The governing body and Principal must be satisfied that all our subcontracting meets our strategic aims and enhances the quality of our learner offer. We will set out the reasons for subcontracting in our published supply chain fees and charges policy to reflect our strategic aims.

We will only use subcontractors:

- If we have the knowledge, skills and experience within our organisation to successfully procure, contract with and manage those subcontractors and can evidence this with the CVs of relevant staff who the governing body and Principal determine as being of high quality and low risk

We will have robust procedures to ensure subcontracting does not lead to the inadvertent funding of extremist organisations

We will be responsible for all the actions of our subcontractors connected to, or arising out of, the delivery of the services which we subcontract.

Selection and procurement

We will get written approval from the funding body before awarding a contract to a subcontractor and keep evidence of this.

We will avoid conflicts of interest and will:

- write to the ESFA through our Central Delivery Service adviser about any circumstances (which might lead to an actual or perceived conflict of interest)
- not award the contract without the ESFA written permission, and keep as evidence both our request and their reply

We will carry out your own due diligence checks when appointing subcontractors and have both the process and the results available for inspection by the ESFA.

We will not appoint any subcontractors with a contract value of £100,000 or greater for each funding year unless they are listed on the Register.

We will obtain this information from each proposed subcontractor and also refer to the latest published List of Declared Subcontractors and the Register.

We will ensure any subcontractor appointed continues to meet the requirements of the Register and that you provide them with all the necessary support.

We will not enter into new subcontracting arrangements or increase the value of our existing arrangements if any of the following circumstances apply. These conditions will continue until any concerns have been addressed and the circumstances shown below no longer apply:

- If Ofsted has rated our leadership and management as inadequate.
- If we do not meet Minimum Standards.
- If the outcome of our annual financial health assessment is inadequate.

We 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.

We will not award a subcontract to any organisation 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

We will make sure that learners and employers supported through subcontracting arrangements know about the College and our subcontractor's roles and responsibilities in providing the learning.

Contingency

The College will provide staffing to ensure that any apprentice will be able to continue their learning in the event of the termination of the subcontract agreement through the use in the short-term of existing staff who will provide cover or through the recruitment of additional staff in the event of specialisms that the College cannot immediately provide. In this instance agency or variable hours staff will be recruited to ensure the continuity of learning and full learning resources will be provided with a contingency budget established to provide resources and protect the learner's education at all times. This is in the event that:

- We need to withdraw from a subcontract arrangement
- A subcontractor withdraws from the arrangement or
- A subcontractor goes into liquidation or administration.

Contract

We will have a legally binding contract with each subcontractor and will make sure that the terms of your subcontracts allow us to:

- monitor the subcontractor's activity
- have control over our subcontractors, and
- monitor the quality of education and training provided by our subcontractors

We make sure your subcontractors:

- keep to the funding rules
- provide us with ILR data so our data returns accurately reflect our subcontractor's delivery information
- give the ESFA, and any other person nominated by them, access to their premises and all documents relating to ESFA-funded provision
- give us sufficient evidence to allow us to:
- assess their performance against Ofsted's Common Inspection Framework
- incorporate the evidence they provide into our self-assessment report, and
- guide the judgements and grades within our self-assessment report
- always have suitably qualified staff available to provide the education and training funded

- co-operate with the College to make sure that there is continuity of learning if the subcontract ends for any reason
- tell us if evidence of any irregular financial or delivery activity arises. Irregular activity could include, but is not limited to:
 - non-delivery of training when funds have been paid
 - sanctions imposed on the subcontractor by an awarding organisation
 - an inadequate Ofsted grade
 - complaints or allegations by learners, people working for the subcontractor or other relevant parties, and
 - allegations of fraud
 - are bound by European Social Fund (ESF) clauses from our funding agreement being then included in the subcontract, even if the provision being subcontracted is not funded by the ESF
 - do not use funding to make bids for, or claims from, any European funding on their own behalf or on our behalf
 - do not use payments made as match funding for ESF co-financing projects

Monitoring

We will manage and monitor all of our subcontractors to ensure that high-quality delivery is taking place that meets the funding rules.

We will carry out a regular and substantial programme of quality-assurance checks on the education and training provided by subcontractors, including visits at short notice and face-to-face interviews with staff and learners. The programme must:

- include whether the learners exist and are eligible
- involve direct observation of initial guidance, assessment, and delivery of learning programmes

The findings of our assurance checks must be consistent with our expectations and the subcontractor's records.

Reporting subcontracting arrangements

We will provide a fully completed Subcontractor Declaration Form by the dates required by the ESFA.

We will update and return our Subcontractor Declaration Form if our subcontracting arrangements change during the year.

Distribution of Income

The College maintains a separate supply-chain fees and charges policy and this will be approved by your governing body and the policy will be published on the College's website before entering into any subcontracting agreements for the funding year.

Match funding requirements relevant to all programmes (except apprenticeship standards)

The ESFA procure and manage contracts for ESF-funded provision on behalf of local enterprise partnerships that meets local needs. This includes matching the ESF contract value to other similar funding and learners, which is reported to the ESF Managing Authority in England. This means any learning activity funded by the ESFA becomes part of the ESF programme, and the ESF programme rules also apply and will be subject to ESF compliance checks and external audit. The College will not use the payments that are made as match funding for any ESF projects with any co-financing organisation or Managing Authority direct bids.

We will return complete data and must only return 'not knowns' in exceptional circumstances. In particular, for employment status prior to starting, household situation, prior attainment and destination, as these are important for match funding. If information is not provided, or 'not known' is not available, then we will use 'learner has withheld this information'.

The College and its subcontractors must follow the Retention of Documents, 'publicity' and Horizontal themes rules and provide evidence as detailed in the ESF 2014 to 2020 funding rules.

The College and its subcontractors must follow the Evaluation, Surveys and Annual Implementation Reporting rules in the ESF 2014 to 2020 funding rules.