

Subcontracting and Partnership Strategy and Policy 2022/2023

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Associated Documents:	Adult Curriculum Strategy; Supply Chain Fees and Charges Policy

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 and the surrounding area'***.

Strategy update

CRC engages a limited number of subcontractors to deliver its adult education provision in order to widen the curriculum offer to meet skills needs and requirements locally and regionally in line with its Curriculum Strategy. In order to do this, the College endeavours to develop partnerships to utilise expertise, skills and specialisms where it is unable to meet these needs. This may be due to geography, delivery to niche markets, specialist expertise or skills.

It is the College's clear policy to reduce sub contraction as a proportion of its delivery. It no longer subcontracts any apprenticeships and aims to reduce its subcontracted adult education delivery year on year and over time, replacing sub contraction with direct delivery where possible and in line with guidelines set by the Education and Skills Funding Agency (ESFA) and the Cambridge and Peterborough Combined Authority (CPCA) to ensure it meets ESFA and CPCA maximum thresholds.

Scope

This Subcontracting and Partnership Strategy covers provision delivered by other providers including that which is wholly subcontracted and that delivered in collaboration with others. 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, the following principles are considered, as set out in the College's Curriculum Strategy:

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 any growth and development is in line with our Adult Curriculum Strategy, and the organisation's capability and capacity and our resource to control, monitor and support effectively. The anticipated maximum contract value per subcontract 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 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, in line with our Adult Curriculum Strategy
- 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

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

Documents associated with this strategy

- Adult Curriculum Strategy
- Supply Chain Fees and Charges Policy
- Education and Skills Funding Agency (ESFA) / Office for Students) and other relevant funding guidance
- Ofsted Inspection Framework
- Strategic Plan
- Partner Processes
- Teaching Learning & Assessment Strategy
- Equality, Diversity and Inclusion Policy
- Assessment Policies
- Internal Verification Polices
- Sharing Good Practice policy
- Observation of Teaching Learning & Assessment handbooks
- HE Quality Code
- Quality 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.

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 new 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 funding body written permission, and keep as evidence both our request and their reply

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

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 they are provided 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 relevant 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 learner 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 the 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 our 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/CPCA, and any other person nominated by them, access to their premises and all documents relating to ESFA/CPCA-funded provision
- give us sufficient evidence to allow us to:
- assess their performance against Ofsted's Education 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

Governance

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.

Quarterly reports on performance of sub-contractors, including quality and financial measures, are made to the Senior Management Team (SMT) meetings. The Finance and Resources (F&R) Committee will monitor progress of sub-contractors through its termly meetings, including an annual review.

The F&R Committee will review the Subcontracting and Partnership Strategy and associated processes annually for continued relevance and recommend its approval to Corporation. Corporation will ensure that it accommodates updates from the Curriculum Strategy, Adult Education Strategy and other policies which support its delivery.

Reporting subcontracting arrangements

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

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 Corporation 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

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 which has had years 2021 and 2022 included in the Performance Management Timetable.

The College and its subcontractors must follow the Evaluation, Surveys and Annual Implementation Reporting rules in the ESF 2014 to 2020 funding rules which has had years 2021 and 2022 included in the Performance Management Timetable.

Document history

Date	Issue number	Change/Comments	Date Approved	Approved by
15/06/2021	1	Updated to new template and to reflect AEB and Curriculum Strategy		
07/06/2022	1	Updated for minor changes and to reflect funding sources		



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