



Brokering New Partnerships: Due Diligence Guidance

| Area of interest | Key questions | Evidence | Commentary | Actions/Next steps |
|--|---|--|------------|--------------------|
| Responsibility and Accountability | Who will hold accredited status? What is their legal status? | <i>Documentary evidence of legal status, named AO, named CFO, evidence of accredited status, Ofsted inspection outcomes, etc.</i> | | |
| | What is the current legal status of the proposed partner organisation? | <i>Documentary evidence of legal status, named AO, named CFO, evidence of accredited status, Ofsted inspection outcomes, etc.</i> | | |
| | What is the proposed new partnership structure? | <i>Include detailed organigram, key named roles, contact details, etc.</i> | | |
| | What role will the partner organisation hold? | <i>Titles, position within management structure, influence on decision making, etc.</i> | | |
| | What is the current size and structure of each party and what changes are anticipated, all being equal, in the short, medium and long term? | <i>Consider for example recruitment levels, number of staff, etc.</i> <i>What programmes are currently offered and what will continue to be offered? (Subject, phase, type – SDS, 'core', apprenticeship, etc.)</i> | | |
| | If apprenticeships are to be offered, are either party registered on the RoATP and what transfer arrangements might be necessary? | | | |
| | What partnership agreements are already in place and can the terms be honoured? | <i>Consider for example exit clauses, length of terms of partnership, ability for partners to withdraw, entitlement to involvement in strategic decision making, etc.</i> | | |
| | What reassurances can be given that existing partnership 'assets' will be retained? Are these expressed in formal or informal terms? | <i>Consider retention of partner school placements, access to expertise in partner schools, financial or 'goodwill' support, etc.</i> | | |

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| | What governance structures are in place and how will partner organisations contribute to these? | <i>Organigram, terms of reference, agendas, schedule of papers, etc.</i> | | |
| | What strategic/leadership structures are in place and how will partnership organisations contribute to decision making? | <i>Organigram, terms of reference, agendas, schedule of papers, etc.</i> | | |
| | How will responsibilities and accountability be distributed for: | <i>Clear delineation of who is responsible for operational aspects and who is accountable for strategy, monitoring, quality assurance, outcomes, etc.</i> | | |
| | <ul style="list-style-type: none"> • Budget setting and monitoring? | | | |
| | <ul style="list-style-type: none"> • Marketing/advertising? | | | |
| | <ul style="list-style-type: none"> • Recruitment of trainees? | | | |
| | <ul style="list-style-type: none"> • Recruitment of mentors and lead mentors? | | | |
| | <ul style="list-style-type: none"> • Record keeping? | | | |
| | <ul style="list-style-type: none"> • Administrative functions? | <i>Such as Publish, Apply, Manage, SFE/SLC, etc.</i> | | |
| | <ul style="list-style-type: none"> • Safeguarding and safer recruitment? | | | |
| | <ul style="list-style-type: none"> • Diversity and inclusion? | | | |
| | <ul style="list-style-type: none"> • Policy development and review/ | | | |
| | <ul style="list-style-type: none"> • Design and review of placement school partnership agreements? | <i>Including key clauses such as selection and deselection, mentor requirements, payments for placements, etc.</i> | | |

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| | <ul style="list-style-type: none"> Data management and retention? | <p><i>Include for example the roles of each organisation. Who is the data controller? Who is the data processor? What data will each partner hold and how will it be safely shared if it is personal or protected data?</i></p> | | |
| | <ul style="list-style-type: none"> Data analysis? | | | |
| | <ul style="list-style-type: none"> Trainee Curriculum design? | | | |
| | <ul style="list-style-type: none"> Trainee Curriculum delivery? | | | |
| | <ul style="list-style-type: none"> Mentor Curriculum design? | | | |
| | <ul style="list-style-type: none"> Mentor Curriculum delivery? | | | |
| | <ul style="list-style-type: none"> Recruitment of internal staff? | | | |
| | <ul style="list-style-type: none"> Appointment of mentors/subject and phase leads/facilitators, etc.? | | | |
| | <ul style="list-style-type: none"> Securing and maintaining school placements? | | | |
| | <ul style="list-style-type: none"> Self-evaluation? | | | |
| | <ul style="list-style-type: none"> Quality assurance and moderation processes? | <p><i>Include all aspects of provision: design and delivery of trainee and mentor curricula, recruitment processes, quality of placements, quality and suitability of mentors and lead mentors, assessment processes, etc.</i></p> | | |
| | <ul style="list-style-type: none"> Writing and actioning improvement plans? | | | |
| | <ul style="list-style-type: none"> Commissioning and management of external partnerships? <i>For example, PGCE, TSH, etc.</i> | | | |

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| | <ul style="list-style-type: none"> Choice over use of external resources such as support materials, subject expertise, video banks, etc.? <i>For example, NASBTT Learn, NNLs, TSH subject networks, subject association resources, etc.</i> | | | |
| | <ul style="list-style-type: none"> Commissioning and implementing technological platforms? <i>For example, LMS, online portfolios, data trackers, etc.</i> | | | |
| | <ul style="list-style-type: none"> Preparation for and involvement in key aspects of Ofsted Inspection? | | | |
| Legal | <p>Have both parties taken independent legal advice, ensuring their interests are protected?</p> | | | |
| | <p>How are the transfer (or otherwise) of tangible assets to be managed? <i>For example, property, buildings, equipment, etc.</i></p> | | | |
| | <p>How is the transfer (or otherwise) of intangible assets to be managed? <i>For example, intellectual property, brand, etc.</i></p> | <p><i>Consider for example rights to use proprietary names in branding, continued ownership of intellectual property such as curriculum maps, resources, etc.</i></p> | | |
| | <p>How is the transfer (or otherwise) of financial assets and liabilities to be managed? <i>For example, cash, debts, financial commitments, etc.</i></p> | | | |
| | <p>What memberships/badges does each party hold and how will these be transferred (if necessary)? <i>For example, ICO, ISO, OIA, cyber essentials, etc.</i></p> | | | |
| | <p>What exit arrangements are in place?</p> | <p><i>On what terms and with what notice can either party exit the partnership?</i></p> | | |

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| HR | Have both parties taken independent legal and HR advice, ensuring their interests, and the interests of any employed staff, are protected? | | | |
| | Will TUPE apply in this instance? (Note, professional advice is strongly advised for all parties) | | | |
| | What staffing structure will be in place immediately post joining and what changes are anticipated in the short, medium and long term? | <i>Consider what is proposed for existing staff in terms of longevity of contract, redistribution of roles and responsibilities, redundancy, etc.</i> | | |
| | | <i>Will staff contract to the new entity or undertake secondment?</i> | | |
| | How are existing staff's contractual arrangements to be handled? | <i>Pension arrangements, private health cover, continuity of service, redundancy entitlement, holiday entitlement, salary and salary scale (maximum band), expectations and processes around pay and progression, typical working patterns, requests for flexible or part time working, staff benefits, entitlement to CPD, enhanced maternity and paternity entitlements, etc. (Note, this is not an exhaustive list; please take independent advice.)</i> | | |
| | Capacity, Knowledge and Expertise: Are all parties assured that the following key personnel have the knowledge and understanding of their role in relation to ITT provision, at the scale proposed , and have the capacity to carry out this role effectively? <ul style="list-style-type: none">• Governing Body | | | |

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| | <ul style="list-style-type: none"> Accounting Officer | | | |
| | <ul style="list-style-type: none"> Finance Director/Business Manager | | | |
| | <ul style="list-style-type: none"> Director of programmes/partnerships (or equivalent) | | | |
| | <ul style="list-style-type: none"> Subject and phase leads (list separately) | | | |
| | <ul style="list-style-type: none"> HR Manager | | | |
| | <ul style="list-style-type: none"> “Lead mentor(s)” (or proposed colleagues in this role as per quality requirements for 2024) | | | |
| | <p>Capacity, Knowledge and Expertise: Are all parties assured that, within the proposed structure there exists sufficient knowledge understanding and capacity across the following key areas?</p> | | | |
| | <ul style="list-style-type: none"> Understanding ITT compliance, Ofsted inspection requirements, financial controls, wider legislation | | | |
| | <ul style="list-style-type: none"> Curriculum design, delivery and implementation (pedagogy) | | | |
| | <ul style="list-style-type: none"> Subject and phase expertise and how this feeds into curriculum design and development | | | |
| | <ul style="list-style-type: none"> Understanding the underpinning research/ evidence base | | | |
| | <ul style="list-style-type: none"> Mentoring capacity and expertise | | | |
| | <ul style="list-style-type: none"> Recruitment and retention | <i>Data, local context, marketing, managing the ‘competition’, engaging schools, legislation (for example the Equalities Act), safer recruitment.</i> | | |
| | <ul style="list-style-type: none"> Negotiating complex relationships (financial and logistical) with for example HEIs | | | |

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| | <ul style="list-style-type: none"> Budget management and financial oversight and controls | | | |
| | <ul style="list-style-type: none"> HR matters | <p><i>Complex due to the nature of accountability without direct management in many cases.</i></p> <ul style="list-style-type: none"> <i>Core team; trainees; mentors; facilitators/visiting tutors, etc.</i> <i>Workload, mental health, financial difficulties, capability issues, sickness, training and development.</i> | | |
| | <ul style="list-style-type: none"> Quality assurance and moderation | | | |
| Quality of Provision | <p>What steps have been taken to assure parties of the quality of aspects of provision such as:</p> <ul style="list-style-type: none"> Recruitment processes? Data storage and management? Quality of curriculum materials? Knowledge, expertise and quality of staff? Knowledge and expertise of mentors? Quality of school placements? Subject/curriculum/phase leads, etc.? Subject specific materials/input? Leadership and management? Self-evaluation processes? Quality assurance processes? Improvement planning and implementation? Policies and procedures? Reporting structures and governance arrangements? | <p><i>This list is not exhaustive. Each party must consider the proposed responsibilities and accountability set out above and assure themselves that the quality of what they are asked to implement is sufficient.</i></p> <p><i>Consider quality, capacity and expertise available in relation to proposed size and scale of partnership.</i></p> | | |
| Financial | <p>Have both parties taken independent legal advice, ensuring their interests are protected?</p> | | | |

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| | <p>In all financial negotiations and discussions, have both parties kept central the requirement for: Probity in Management of Public Funds?</p> <ul style="list-style-type: none"> • Regularity • Propriety • Value for money | <p><i>Note: Accounting Officer holds final accountability.</i></p> | | |
| | <p>What reassurances has each party taken in respect of assuring financial stability of the partner?</p> | <p><i>Consider financial audits, independent examiner reports, Grant Funding Agreements and inspections, etc. (This list is not exhaustive; you are strongly advised to seek professional advice.)</i></p> | | |
| | <p>How are any financial liabilities and assets to be handled?</p> | | | |
| | <p>What is the proposed budget for the next year/three years?</p> | <p><i>Does the proposed budget account for both fixed and variable costs and a range of scenarios based on best, worst and 'middling' futures? Are realistic contingencies built in?</i></p> | | |
| | <p>What is the proposed 'flow' of finances?</p> | <p><i>Ensure detailed agreements are reached for when and how all aspects of provision are funded. Consider cash flow and affordability at every stage (not just overall budget).</i></p> | | |
| | <p>Have all financial policies and processes been reviewed in light of the proposed partnership? What changes (if any) are needed/required/preferred?</p> | | | |
| | <p>What procurement and tendering policies are in place? Do these follow financial guidance for best practice (for example, for securing PGCE partnerships)?</p> | | | |

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| | Are all parties aware of, and can evidence adherence to, DfE Grant Funding Agreements? | | | |
| | What financial risk management is in place to respond to key scenarios? | <i>For example, under-recruitment, increased costs, natural disaster, 'act of God', etc.</i> | | |
| | Have insurance policies been reviewed and updated in light of new partnership arrangements? How is any additional associated cost managed? | <i>Professional indemnity, death in service, maternity cover, public liability, etc.</i> (Note: this list is not exhaustive; please ensure you take professional advice.) | | |
| Communications | What is the proposed plan for the communication of the new partnership arrangements? | <p><i>Timeline, key personnel, key messages and 'lines', method of communication, who is responsible to named stakeholders</i></p> <p><i>Consider:</i></p> <ul style="list-style-type: none"> • <i>Staff</i> • <i>Alumni</i> • <i>Trainees (current)</i> • <i>Trainees (recruited)</i> • <i>Trainees (deferred/extended)</i> • <i>Strategic school partners</i> • <i>Placement school partners</i> • <i>Schools outside the partnership(s)</i> • <i>Other providers in the area/region</i> • <i>Local TSH Curriculum Hubs, etc.</i> • <i>University partners</i> • <i>Professional bodies (NASBTT, UCET, etc.)</i> • <i>Mentors</i> • <i>Seconded/temporary staff/consultants/contractors, for example facilitators, subject advisers, etc.</i> • <i>External moderators/ examiners</i> • <i>Other stakeholders (list as appropriate)</i> | | |

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| | Who is responsible in the event of a challenge to proposed arrangements? | <i>Consider each of the stakeholders above.</i> | | |