

Subcontracting Policy
Including Fees, Charges and Payments
2020-2021

Contents

1. Scope and Purpose	3
2. Overarching Principles	3
3. Rationale For Subcontracting.....	3
4. Quality Assurance.....	4
5. Publication of Information Relating to Subcontracting	4
6. Communication	4
7. Fees and Charges 2020/21.....	4
8. Disputes	6
9. Payment Terms.....	7
10. Equality Impact Assessment.....	7
11. Data Retention Statement.....	7
12. Policy Review and Ownership	7

1. Scope and Purpose

This policy serves to cover Wiltshire College & University Centre's principles and practices in relation to any government funded subcontracted provision.

2. Overarching Principles

Wiltshire College & University Centre (The College), in order to ensure it can comply with all its responsibilities as a publicly funded organisation, will use subcontractors where appropriate to optimise the impact and effectiveness of their services to the end user. The College will therefore ensure that:

- a. All subcontracted activity complies with the principles of best practice in the skills sector.
- b. All subcontracted activity will comply with the current funding rules and guidance to which it relates.
- c. The College will at all times undertake fair and transparent procurement activities, conducting robust annual due diligence procedures on potential and existing subcontractors to warrant full compliance with the Common Accord at all levels whilst ensuring the highest quality of learning delivery is made available, demonstrating value for money and positive impact on learners.
- d. Any funding retained by the College for subcontracted activity will relate to the costs of the services the College provides. These services and related charges will be clearly documented in the subcontract agreement which will be signed by all parties prior to the commencement of any activity. The College will ensure that the rates will be commercially viable for both sides and will be negotiated and agreed in a fair and transparent manner. They will be proportionate to the actual services being provided.
- e. The policy is written in line with the Equality and Diversity Policy of Wiltshire College & University Centre

3. Rationale For Subcontracting

The College contracts with other parties to ensure local, regional and national needs are best served. There are many reasons that the College enters into subcontracting arrangements as and when the market conditions dictate, but typically they are one or more of the following:

- To fully meet the skills needs of employers and individuals within Wiltshire and surrounding areas
- To provide immediate provision whilst growing internal direct capacity
- To provide access to, or engagement with, a new range of customers and employer bases, related to specific identified needs.
- To support another provider to develop capacity/quality, where the College feels it is appropriate
- To provide niche delivery where the cost of developing direct delivery would be inappropriate
- To support employers with a wide geographic requirement

The key principles of selecting a new sub-contracting partner are whether they:

- Fit with the strategic objectives of the College and the rationale of this policy
- Add value to the work the College does
- Complement but not compete with the existing product portfolio of the College

- Are aligned to key sectors that the College or Government has prioritised
- Have a track record of high success rates
- Are willing to engage in a mutually supportive relationship
- Have reputation and standing in the sector / market
- Comply with EU sub-contracting regulations (OJEU)

The rationale for subcontracting is clearly detailed in the contract schedule of each subcontract along with the services provided by the College, detailed costs of the services, and the impact each service has on the delivery of high quality learning.

4. Quality Assurance

Wiltshire College recognises subcontracted activity as a limited, yet fundamental part of the College's overall provision, and as such will be monitored and managed through the existing College QA processes and procedures.

The policy positions sub-contracted provision as an important part of the College activity to enable continuous improvements in the quality of teaching and learning for both the College and its subcontractors. This is achieved through the sharing of effective practice across the supply chain, for example through the Self-Assessment Report process and partnership networking events. Observation of teaching, learning and assessment will form part of the College/subcontractor quality monitoring visits.

5. Publication of Information Relating to Subcontracting

In compliance with Education Skills Funding Agency (and other agencies') funding rules, that apply, the College will publish its sub-contracting fees and charges policy. It will also publish actual end of year subcontracting fees and charges on its website when end of year data is available (by end of November in the following academic year). This will only relate to 'provision subcontracting' i.e. subcontracted delivery of full programmes or frameworks. It will not include the delivery of a service as part of the delivery of a programme (for example, delivering one element of an Apprenticeship framework).

The College will ensure all actual and potential subcontractors have access and sight of this policy and any other relevant documents relating to any subcontracting arrangements. The documents will be made available on the College website.

6. Communication

The policy will be reviewed and updated each academic year in line with current funding rules and published on the College website.

Potential sub-contractors will be directed to the policy in the first instance prior to any further negotiations.

7. Fees and Charges 2020/21

A College management fee of 20% will be applied to subcontracting in most instances however it will be revised up or down depending on the risk level and resources required to effectively manage individual subcontracts. The 20% figure has been calculated as a representative cost to the College in effectively identifying, selecting and managing sub-

contracted provision as shown in the table below.

Services	Contribution to high quality delivery	% of management fee
Full due diligence on the subcontractor (including financial checks)	Enabling compliant, safe and sustainable delivery for the programme duration	5
Support to write, implement and embed appropriate policies	Guidance to enhance the learner experience (e.g. student voice, safeguarding, e-learning)	0
Observations of teaching, learning and assessment	Practical feedback/actions to ensure high quality teaching and assessment delivery, content, sequencing and resources	15
Quality assurance audit	Holistic review of delivery including initial assessment, IQA, course content, staff CPD, gateway preparation, self-assessment and quality improvement planning	35
Progress monitoring visits	Ensuring that SMART targets are set with the employer and learner. Reporting of "at risk" learners. Appropriate progress monitoring systems	30
Partnership days	Dissemination of industry best practice in delivery including Ofsted, new technologies, rules and regulations	1
Funding management and reporting	Ensuring appropriately planned and timely delivery commensurate with learner ability	2
Funding compliance support	Ensuring that the principles of high quality training and current funding rules are embedded and evidenced in the programme	12

The College will individually assess each subcontractor and their provision prior to any and each agreement with that subcontractor and an open rationale will be used to determine the

level of management fee retained by the College. Variations to the 20% fee is determined by identifying other factors that could have a material impact on risk or College resources required to effectively manage the subcontract. In deciding this, the College will evaluate the subcontractor's complexities of provision, which may include but are not restricted to:

- Historical Data – Overall Timely Success Rates
- Financial Risk Rating – any provider with a higher than average credit rating will not be eligible for a contract with Wiltshire College
- Geographical Location of Teaching and Learning
- Sector Subject Area(s)
- Contract Length
- Type of Programmes
- Type of customers that are to be engaged
- Type of provision that is to be undertaken
- If it is a new subcontractor to Wiltshire College
- Any activities that the College undertake on behalf of the subcontractor, i.e. verification, certification, employer engagement etc.
- The use of College facilities or resources to support the activity

Where the College is co-delivering some of the programme that is being subcontracted, additional charges will apply. These charges may include but are not limited to:

- Enrolment and induction
- Training delivery
- On site (employer visits)
- Progress reviews
- Gateway preparation
- Assessment
- Awarding body fees and exam arrangements

The fee structure detailed above is reasonable and proportionate to ensure the quality of the subcontracted training. The College is a not for profit organisation and all delivery is priced on a cost recovery basis. The management fee services are set out as a percentage of the funding retained to show exact costs. Additional services for co-delivery are based on individual project costings which include:

- Number of workplace visits
- Average visit duration
- Hours of taught delivery
- Hours of other delivery eg induction and gateway preparation
- Cohort sizes and location
- IQA sampling plan
- Exam and other applicable fees

8. Disputes

Where disputes between partners cannot be resolved through mutually agreed internal resolution procedures, the College will submit to independent outside arbitration or mediation and abide by its findings. Contract documents will require both parties to agree that the achievements of the partnership are attained through adherence to both the letter and spirit of contracts or partnerships. Signatories therefore commit that all discussions, communications, negotiations and actions undertaken to build, maintain and develop partnerships will be conducted in good faith in accordance with the Overarching Principles stated in this policy.

9. Payment Terms

The College will pay subcontractors on a monthly basis in line with actual funding drawn down from the relevant funding agency and in line with the individual contract agreement and related schedules. The College will advise of the amount due to the subcontractor and payment will be made within 30 days of invoice.

10. Equality Impact Assessment

Wiltshire College & University Centre strives to ensure equality of opportunity for all students, local people and the workforce. As an employer and a provider of education, the College aims to ensure that none are placed at a disadvantage as a result of its policies and procedures. It is intended that this policy and procedure is fair to all. Where any part could potentially lead to unequal outcomes, the policy then justifies why this is a proportionate means of achieving a legitimate aim.

11. Data Retention Statement

Wiltshire College & University Centre is committed to ensure the data it collects, and holds is in line with the ICO's guidance and meets data protection law. Where appropriate a Data Protection Impact Assessment will be undertaken as and when policies are updated to ensure risks to the individual and college are considered and managed.

For further information please refer to Wiltshire College & University Centre's Data Protection Policy.

12. Policy Review and Ownership

This policy and procedure is owned by the Director of Business Development. It will be reviewed periodically in light of developments in employment legislation, good employment practice or audit; and to ensure it continues to be relevant and supports operational effectiveness. The document is managed by the Campus and Curriculum Admin Team Leader.