



# **Employment, Learning and Skills**

## **Subcontractor Policy**

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## **1.SCOPE**

This policy applies to all subcontracting activity that is supported by funds from the Education and Skills Funding Agency (ESFA), the Education Funding Agency (EFA) or their successor organisations or other funding body for the delivery of Adult & Community Learning. The aims of this policy are to provide existing and potential subcontractors with information about Stoke-on-Trent City Council's Adult & Community Learning Service's reasons for subcontracting, how we select our potential delivery partners, fees and charges, the services we provide and our terms for payment

## **2. POLICY STATEMENT**

As part of Stoke-on-Trent City Council's Strategy to provide high quality learning experiences to learners and to bridge identified skills and provision gaps, a proportion of the City Council's delivery will be undertaken by local sub-contracted providers. Stoke-on-Trent City Council will work closely with its sub-contracted providers to optimise the impact and effectiveness of adult and community learning within Stoke-on-Trent.

Stoke-on-Trent City Council will at all times undertake fair and transparent procurement activities, conduct robust due diligence procedures on potential subcontractors and to ensure the highest quality of learning delivery is made available, demonstrating value for money and a positive impact on communities and learners' lives. The funding that is retained by the council will be relative to the costs of the services provided.

The delivery of the Adult and Community learning services is to be carried out in a safe manner without risk to the Health, Safety and Welfare of the Sub-Contractors, City Council Employees, Learners or Visitors.

Stoke-on-Trent City Council will take all reasonable steps to ensure that the delivery of education and training by the sub-contractor adheres to the City Council's Equality and Diversity Policy and any legislation relating to that policy.

Stoke-on-Trent City Council will take all reasonable steps to safeguard learners and vulnerable adults by expecting sub-contractors to conform to the standards established by the City Council's Safeguarding Policy although the City Council recognises that this does not absolve its legal responsibilities or obligations of Safeguarding.

## **3.RATIONALE FOR SUBCONTRACTING**

The aims and objectives of the Stoke-on-Trent City Councils Learning provision both reflect and contribute to the delivery of the Stronger Together. Stronger Together being the city councils' vision, aims and objectives for the period 2020-2024. Stronger Together sets out the long-term ambition and aspirations for the City and aims to:

- Support vulnerable people in our communities to live their lives well;
- Enable our residents to fulfil their potential;
- Work with our communities to make them healthier, safer and more sustainable;
- Develop an innovative and commercial council, providing effective leadership to help transform outcomes;
- Help businesses to thrive and make our City more prosperous;

Employment, Learning and Skills contributes to this vision by improving the quality and accessibility of education and skills levels for all residents. This then contributes to movement towards further education and / or into sustainable, secure employment. Employment, Learning & Skills recognises it cannot do this on its own, to be successful it recognises that it needs to involve partners and stakeholders who bring additional

skills, strengths and benefits to the curriculum. Part of this partnership working involves subcontracting services to assist in delivery of its service. Subcontracting takes place to enable:

- specialist courses to be delivered outside the adult and community education core curriculum;
- the scope of provision to be diverse enough to meet market demand, enhance and enrich the experiences of our learners of all characteristics;
- to provide access to education and support for disadvantaged groups
- delivery to take place in a wider range of locations / venues across the City;
- community support and integration to be championed;
- individuals within the City that would not wish to engage with the City Council or other official education centres are able to access provision;

and

- we contribute to the growth, development and expertise of the organisations we subcontract with;
- consider value for money

## **4. DEFINITIONS**

### **4.1 Lead provider**

A lead provider is an organisation or employer that has a direct contractual relationship with the ESFA. In this instance Stoke-on-Trent City Council is the 'lead provider'. As 'lead provider' the City council is responsible for the quality and performance of all provision delivered.

### **4.2 Learner,**

Any third-party including students, apprentices, or similar to whom a service is delivered.

### **4.3 Sub-contractor**

In this policy, sub-contractor (also known as the Provider) means a separate legal entity or individual, selected, and awarded a legal agreement by Stoke-on-Trent City Council to work with the City council to provide education and training to learners.

### **4.4 Competence**

In this policy, competence means the acquisition of sufficient skills, knowledge and experience of current best practice to fulfil the role as detailed in the Sub-Contractor Agreement.

### **4.5 Education and Skills Funding Agency (ESFA)**

The Education and Skills Funding Agency is a partner organisation of the Department of Business Innovation and Skills (BIS) and it exists to fund and promote the Adult Education Budget (including Traineeships 19+) and Apprenticeships in England.

### **4.6 Contract**

A Contract or Agreement is where a lead provider has entered into a contract with a third party to carry out all or part of the services that are funded by the Education and Skills Funding Agency.

### **4.7 UK Register of Learning Providers (UKRLP)**

All organisations wishing to become a subcontractor with Stoke-on-Trent City Council must register on the UK Register of Learning Providers (UKRLP) and hold a valid UK Provider Reference Number (UKPRN).

## **5.SELECTING AND APPOINTING SUBCONTRACTORS**

### **5.1 In selecting subcontractors the City council will consider the following:**

- Specialism: subcontractors may offer a unique and or niche provisions;
- Geographic location: we will always endeavour to support local providers;
- Quality measure: this will include previous delivery quality and success rates, inclusive where applicable of an Ofsted grading;
- Responsiveness: to meeting the needs of learners;
- The presence of Safeguarding and Prevent Agendas and policies;
- Reputation: subcontractors may be referred to us by other organisations as able to meet a need;
- Evidential and successful history of delivering education and training.
- Ability to be flexible and delivery face to face/ on line or blended learning;

### **5.2 Due diligence**

Stoke-on-Trent City Council will undertake a full due diligence check on potential subcontractors prior to awarding them a contract to deliver education and training services. Information will be requested as part of the tender process and further due diligence checks will be completed prior to a contract being issued. These checks are required to meet ESFA funding rules and Ofsted standards and will include information such as (is not limited to these examples):

- Copies of annual financial accounts;
- Financial health checks;
- Details of the teaching / delivery staff;
- Details of awarding body accreditation;
- Details of policies and procedures;
- Details of insurance policies including Employer, Public and Professional Indemnity Insurance;
- Details of the directors and the ownership of the organisation;
- Details of the organisation's UK Provider Reference Number (UKPRN);
- Trade references;
- DBS / Vetting and Barring Service approval for delivery / contact staff;
- Details of Ofsted Inspections either direct or indirectly;
- Details of other quality standards held e.g. ISO / IIP;
- Details of registration with the Information Commissioners Office;
- Details of safeguarding policies and procedures;
- Details of other organisational policies and procedures;
- Details of the Continuous Professional Development (CPD) policies, procedures and processes;
- Details of Organisational Staffs Right to Work in the UK and DBS checks;
- External Assurance where the subcontracted value exceeds £100,000/ £500,000 (ESFA funding rules);

## **6.SUBCONTRACTOR QUALITY ASSURANCE PROCESS**

### **6.1 Sub-contracted activity**

Subcontractor activity is a fundamental part of the Employment, Learning and Skills provision. The quality of the provision will be monitored and managed through the Employment and Skills quality assurance processes and procedures, are amended in order to fully encompass all sub-contracted activity.

This policy positions sub-contracted provision as a core part of Employment, Learning and Skills activity to enable continuous improvements in the quality of education for

Employment, Learning and Skills and its sub- contractors. This will be achieved through the sharing of effective practice across the supply chain, for example through the Self-Assessment Report process.

As a minimum Employment, Learning and Skills will carry out the following Quality Assurance measures with sub- contractors;

Desk top checks and due diligence visit for new providers;

- An annual due diligence review for existing providers;
- Quarterly / Termly contract monitoring visits (as applicable);
- Three quality assurance meetings per year of which one will be a short notice visit (these may coincide with the contract monitoring visits);
- A minimum of three sample file checks – at least one will be a short-notice sample (where applicable);
- Observations of advice & guidance, assessment and teaching and learning practice. This will be a minimum of 1 per academic year, additional observations will be conducted if teaching standards are not deemed adequate and improvement is required;
- Employment, Learning and Skills will provide a programme for each visit as follows;
- Standard visit agenda;
- Short Notice visit agenda;
- Annual survey of learners;
- Annual survey of employers where applicable;
- Annual audit of MIS data including enrolment forms and attendance records;
- Annual review of learner documents including tracking records, reviews and ILPs;
- Quarterly review of the sub-contractor success rates, self-assessment process and Quality Improvement Development Plan (QIDP);

The City Councils Employment, Learning and Skills service may require the sub-contractor to undergo the following quality improvement measures:

- Additional standard or short notice visits;
- Additional survey of learner or employer views;
- Session or tutor/ assessor observations;
- Staff CPD;
- Consultancy from Employment, Learning and Skills or another external consultant;

## **7.RENUMERATION / FEES AND CHARGES**

Stoke-on-City Council will pay the sub-contractor a percentage of the funding that it is paid to the City Council by the ESFA, (value as detailed in the tender process) a management fee will be deducted from this value by Stoke-on-Trent City Council. This management fee is fixed at fifteen percent (15%) of the contract value for non-accredited learning and twenty percent (20%) for accredited learning. If the subcontractor delivers an identified and unrectified poor-quality service and / or submits a high percentage of paperwork with errors / omissions Stoke-on-Trent City Council reserves the right to either increase the management fee to cover this additional work, or in extreme circumstances permanently withhold funding.

The management fee value retained is the amount required to fund the cost of effective open and competitive tendering, selection of provision and ongoing management of subcontracted provision. It covers the support that is necessary to ensure quality of

teaching, learning, assessment and high success rates and learner satisfaction. The breakdown of these costs is detailed below;

### **Element /Activity- Proportion of cost as % 2023-2024**

Procurement-7%  
Contract Management and Monitoring Services-16%  
Quality Management and Services-27%  
CPD-2%  
Finance and Data Support-25%  
Management and Administrative Support-16%  
Legal Services-8%  
Total 100%

### **7.1 Distributing income between Subcontractors and the City Council**

We have provided further information about costs in the table below, this details the specific activities involved that generate costs and the justification for them.

Payment to Sub-Contractors will be to an agreed timetable and will be detailed in individual contracts of service with the sub-contractor.

Invoices will be paid within 30 days.

Distributing income between the Subcontractor and the City Council 2022-2023		
Event /Activity	Description	Justification for expenditure
Procurement	Commissioning Processes Including:- Ensuring compliance with legislation (Public procurement /Social values), curriculum planning / development of tender paperwork and	Compliance with ESFA funding rules for commissioning and Stoke on Trent City Councils internal procurement rules and the Public Contracts Regulations 2015
	Scoring	Tenders scored by multiple staff to meet ensure all requirements are met. I.e. value for money, quality
	Due Diligence checks	Compliance with ESFA funding rules and Ofsted Framework
Contract Management and Monitoring	Allocation of a Contract Manager	Allocation of a dedicated contact for subcontractors
	Individual subcontractor Contract Monitoring including:- Termly Monitoring / performance to targets/ quality of teaching and learning/outcomes for learners	Compliance, understanding of ESFA funding rules/OFSTED framework/contract monitoring and best practise/support for tutors /relationships and support for subcontractors
	Ensuring Compliance with ESFA funding rules/policy updates	Consistent and regular monitoring of ESFA funding rules as they are updated. Sharing this with subcontractors including review of subcontractor policy/ management fee justification. Compliance with new subcontractor standard
	Quality attendance at Monitoring	Compliance with ESFA funding Rules relating to the quality of subcontractor provision. Compliance with OFSTED Inspection framework
	Quality Support with lesson plans Scheme of work	Ensuring quality of subcontractor courses contributing to ESFA funding requirements and OFSTED framework for the subcontracting organisations.
Quality Management and Services	Lesson Observations and follow up paperwork	Ensuring Quality of teaching and learning / learner outcomes
	RARPA Audit	Ensuring quality of subcontractor courses and learner outcomes
	Learning Walks	Maintaining standards of teaching, attendance, safeguarding and health and safety
	Other quality activities including;- contribution to SAR/QUIP/learner feedback	Improve the quality of subcontractors and Stoke on Trent City Council/ contribute to Stronger Together
CPD	Annual CPD	Improving the quality of teaching and learner outcomes
	CPD events throughout the year	On going Improving the quality of teaching and learner outcomes
Finance and data support	Inputting enrolment forms and associated forms (registers, learner survey)	Compliance with ESFA funding rules to evidence enrolment and course completion
	Data provision / preparation for claims and monitoring	Generating data for Monitoring visits
	Processing of purchase orders and invoices	Compliance with funding rules. Payment of subcontractors for activity completed
Management / Administrative Support	Processing of courses on the booking system /register learner interest in a course / coding	Compliance with ESFA funding to enable a learner to be registered /uploaded to ESFA
	Marketing Time to make accesable documents for website HS/Fran Bloor)	Marketing of subcontractor programmes through Stoke on Trent councils websites
	Enrolment of learners at a subcontractor venue (daytime/evening/weekend)	Stoke on Trent City Councils staff support to learners when completing the enrolment process
	Senior Management responsibility i.e. ACL leadership and management/ Governance board including H&S / Safeguarding etc.	Overall management / leadership of Adult and Community Learning / Reasons for subcontracting. Compliance with ESFA funding rules and senior Management responsibility to meet legislation.
Legal Services	Issuing of contracts	Compliance with ESFA funding rules and Stoke on Trent City councils procurement rules for each subcontract to have an individual contract for services
	Specification included in the contract.	Writing of the specification for this contract

## **8.PRINCIPLES**

This policy applies to all sub-contractors and their staff. The policy identifies both internal and external stakeholders and their role in relation to policies, procedures and standards expected by Stoke-on-Trent City Council whilst delivering education and training programmes on our behalf.



## **9. EXTENT & LIMITATIONS**

- Sub-Contractors achieve a minimum standard to be considered a suitable partner and able to work with Stoke on Trent City Council;
- The delivery of education and training meets City Council, awarding body and ESFA standards;
- Learners and employers benefit through the delivery of high-quality education and training programmes;
- This policy is a working document and will be updated and amended as required in order to respond to external factors;

## **10. RESPONSIBILITIES**

### **10.1 Strategic Manager Employment, Learning and Skills – Delivery**

The Strategic Manager, Inward Investment has the overall responsibility for matters, involving the Subcontracting Policy. This responsibility includes ensuring that audit and quality compliance matters are seen as an important priority for Stoke-on-Trent City Council, addressed through comprehensive policies and procedures. The Strategic Manager for Inward Investment is responsible for implementation and delivery of subcontracted provision, ensuring that it is appropriately resourced within the overall financial position of the City Council.

### **10.2 Quality, Funding and Compliance Team**

The Quality, Funding and Compliance Team are responsible for the application of the Subcontracting Policy. They must maintain close liaison with key staff in these matters. The Quality, Funding and Compliance Team is also responsible for ensuring that delivery partners and sub-contractors are compliant, competent and adequately resourced to satisfy the requirements of internal and external audit, quality standards and the requirements of the different external regulatory bodies.

Sub-contractors must comply with the City Council's Policies including safety standards, and meet their statutory obligations with regards to health, safety and wellbeing, ensuring that any accident, incident or near miss arising is reported in line with the City Councils procedures.

### **10.3 Subcontractors and their employees**

All sub-contractors and their employees have a responsibility to fulfil the requirements of the agreement relating to all City Council policies including Health, Safety & Wellbeing, Safeguarding, Equality and Diversity, Prevent and audit and quality compliance.

The sub-contractor is responsible for:

- Providing the information requested by the City Council as a part of the due diligence process;
- Providing information to the City Council about how its activities will affect City Council learners, and others for whom the City Council has a responsibility prior to any work being undertaken;
- Providing the City Council documentation to enable the City Council to make a judgement as to the suitability to enter into a sub-contract agreement. The documentation is to be updated on a timely basis and at the request of the City Council for the duration of the agreement;

- Ensuring that learners are eligible for funding in accordance with ESFA Funding Rules 2023-2024 and any subsequent amendments;
- Informing the City Council to any changes of:
  - Ownership of the organisation;
  - The management structure of the organisation;
  - Loss of centre accreditation / direct claim status;
  - Status in relation to winding up orders;
  - If there is evidence of irregular financial or delivery activity;
- Details of any accidents / dangerous occurrences affecting learners or a learning environment;
- Details of any safeguarding or prevent issues;
- Details of any criminal offences of learners prior to any learning taking place;
- Their registration onto UKRLP;
- Compliance with the current Education Skills Funding Agency rules and regulations;
- If applicable compliance with European Social Fund requirements of funding;
- Completion of an annual Self-Assessment Report (SAR) and Quality Improvement Development Plan (QIDP);
- Submission of enrolments, registers and completion;
- Submission of enrolments, registers and completion documentary evidence in a timely and with minimal errors or omissions;

## **11.IMPLEMENTATION ARRANGEMENTS**

To ensure the subcontracted provision not only meets the standards set out in the Education Inspection Framework and meets expectations of the learner and the employer, Stoke on Trent City Council will at all times contribute to improving a subcontractor's quality of teaching and learning by undertaking:

- Monitoring of provision by making announced and unaccounted visits to the premises where delivery is taking place to satisfy quality audit requirements;
- Observation of teaching, learning and assessment where delivery is taking place;
- Monitoring of attendance evidence, IAG, accreditation and achievement;
- Learner Paperwork, including Initial Assessment documentation, Individualised Learning Plans and Progress Reviews;
- To verify learner authenticity;
- Review meetings;
- Data analysis;
- Health and Safety, audit and quality trail including enrolment, progression and destination;
- Compliments and complaints procedure and review;
- Internal verification;

Stoke-on-Trent City Council will provide to the subcontractor:

- All required documentation to complete and satisfy the requirements of quality assurance, audit and inspection;
- Learner access to Additional Learner Support and Bursary funds where applicable;
- Sample paperwork, including Initial Assessment documentation, Individualised Learning Plans and Progress Reviews upon request;
- Data relating to the sub-contractors learners;
- Remuneration for services provided based on information supplied by the subcontractor;

- Remuneration will be based on an agreed management fee, where the subcontractor provides inaccurate documentation which exceeds an agreed percentage the City Council has the right to increase the management fee (please refer to section 7 Remuneration and fees above);
- Subcontractors are responsible for ensuring that they co-operate with Stoke-on-Trent City Council (and its representatives) to ensure compliance with this policy.

### **11.1 Training**

The subcontractor must ensure that all employees linked to the subcontracted service have appropriate qualifications and experience to carry out their role. Notification of Continual Professional Development needs to be provided at the start of the agreement and then on a regular basis thereafter.

Stoke-on-Trent City Council will invite subcontractors to attend CPD training events and inform subcontractors of any mandatory training that may be required.

### **12.POLICY, COMMUNICATION AND REVIEW**

Policies including this document, changes to policies and the consequences of those changes are discussed at termly meetings with providers.

This policy is made available to potential subcontractors as part of the commissioning process and is included in the “tender pack”.

The policy is made available to view on the Stoke-on-Trent City Council Website <https://www.stoke.gov.uk>.

This policy will be reviewed after any change to statutory requirements, organisational or management change, ESFA guidance or otherwise after 1 year.

This policy will next be reviewed in June 2024.