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## Policy statement

The purpose of this document is to define the basis on which any subcontracting arrangements will be managed. Where appropriate, Heritage Skills Academy will contract with other parties to deliver programmes and activities funded by the Education Skills Funding Agency through its funding bodies. The organisation with which it contracts will be subject to the requirements set out below.

HSA recognises it has a duty to provide a quality service and learning experience to both apprentices and trainees. HSA will only subcontract, where doing so will:

- Enhance the quality of offer
- Enhance opportunities available
- Fill gaps in niche or expert provision, or provide better access to training provision
- Support better geographical access for apprentices or trainees
- To offer an entry point for disadvantaged apprentices or trainees
- Consideration of the impact on individuals who share protected characteristics

## **1. Due Diligence**

Heritage Skills Academy will conduct a rigorous due diligence and the Subcontractor will provide Heritage Skills Academy with all relevant information requested to protect apprentices and trainees and to ensure the subcontractor is a legally, financially, and educationally sound organisation, prior to a contract being signed.

And to ensure that the Subcontractor is present on the RoATP (Register of Apprenticeship Training Providers) or on any other public register of database, as an indicator that they are suitable to deliver to Heritage Skills Academy specific requirements.

Heritage Skills Academy will also ensure any due diligence checks will be made available to the ESFA for inspection.

Any subcontractor Heritage Skills Academy appoint continues to meet the requirements of the register and Heritage Skills Academy will provide them with the necessary support.

Heritage Skills Academy must not appoint any delivery subcontractor with a contract value of £100,000 or greater for each funding year unless they are listed on the RoATP (Register of Apprenticeship Training Providers) first.

On completion of due diligence Heritage Skills Academy will then review all evidence requirements as stated within this policy to determine the risk and compliance.

Depending on findings the following action/s will apply:

If the Subcontractor passes Due Diligence, Heritage Skills Academy will arrange a meeting to discuss opportunities and better understand their organisation. A visit to their organisation may also be conducted during this period.

If the Subcontractor does not meet Due Diligence requirements they will be notified, and no further actions will be taken.

## **2. Contract management**

For managing this Contract both Parties shall appoint a Contract Manager and shall notify the other Party in writing of the name and contact details of its respective Contract Manager.

The Sub Contractor's Contract Manager shall co-operate with Heritage Skills Academy's Contract Manager to ensure that the Services are delivered as specified in the SLA (Service Level Agreement).

The Sub Contractor shall promptly comply with all reasonable requests or directions of the Heritage Skills Academy's Contract Manager.

## **3. IAG & Induction**

Subcontractors will ensure that all apprentices or trainees are given inductions to their courses or programme and are fully aware of Heritage Skills Academy and the subcontractors roles and responsibilities through learning and delivery.

All courses should include an initial assessment process that enables apprentices, trainees and staff to identify what they want to achieve from the course.

This process should ensure that:

- Apprentices or Trainees have the necessary aptitudes, attributes and abilities to help them successfully complete the courses for which they are applying.
- Any learning support needs are accurately identified and planned.

- ILP in place to giving clear structure and guidance as to the starting and end points of all components of the programme and how they will be delivered.
- Apprentices and Trainees have the information, advice and guidance they need to help them make well informed judgements about the relevance of their training to their short and longer-term employment and learning goals.

#### **4. Teaching and Learning**

The Subcontractor will ensure all courses have their content defined within a scheme of work and all sessions planned are using appropriate lesson/session plan documentation.

Ensure teaching and assessment is mapped to the specification of the awarding body and complies with its requirements.

The Subcontractor will ensure that during teaching and learning sessions the tutor identifies opportunities to discuss health and safety, equality and diversity and safeguarding via the national standards or naturally occurring evidence.

The Subcontractor will ensure that during teaching and learning session British Values, Radicalisation and Extremism are promoted and discussed.

The Subcontractor will ensure teaching, learning and assessment is of a high quality and enables the apprentice or trainee to maximise their attainment in a timely manner through detailed, timely and constructive feedback.

The Subcontractor will ensure all subcontractor staff are appropriately trained and engage with continuous professional development as appropriate, to enhance the quality of teaching, learning and assessment.

The Subcontractor will ensure that regular progress reviews are completed in accordance with ESFA regulations and Heritage Skills Academy requirements.

The Subcontractor will ensure all facilities and resources are 'fit for purpose' and comply with all current Health and Safety Legislation.

#### **5. Quality Assurance**

Heritage Skills Academy will ensure a robust process is in place to quality assure the subcontractor provision including:

- Observations of teaching & learning, assessment and progress reviews.
- Evidence of staff training records, personal development plans.
- Evidence of awarding body approval.
- Evidence of apprentices or trainees interviews and stakeholder feedback.
- Evidence of regular standardisation activities.
- Evidence of EQA reports including development points and these being actioned.
- Completion of self-assessment report and quality improvement plan.
- Policies and Procedures

Based upon the roles and responsibilities of the Main Provider and Subcontractor, and the sharing of responsibilities and resources, the subcontractor must have the following policies and procedures (as agreed) in place which are maintained, reviewed and updated regularly:

- Complaints and Harassment
- Conflict of interest
- Disciplinary and Grievance
- Environmental and Sustainability
- Equal Opportunities
- Equality and Diversity
- Financial Management
- GDPR Data Protection
- Guest Speaker
- Health and safety
- ICT
- Malpractice and Maladministration
- Plagiarism
- Prevent and Safeguarding
- Retention
- Whistle blowing
- Quality assurance, including performance monitoring and development of
- Additional learning support
- Assessment verification
- Information, Advice and Guidance
- Initial Assessment
- Self–assessment
- Teaching and learning practice
- Prevent and Safeguarding

The Subcontractor must have:

- A named DSO (Designated Safety Officer) within the organisation for all matters relating to Prevent and Safeguarding.
- A clear commitment by senior leadership team to the importance of Prevent and Safeguarding.
- A clear line of accountability and defined roles and responsibilities within the organisation for Prevent and Safeguarding.
- Recruitment and selection procedures that consider the need to Safeguard apprentices or trainees, including arrangements for appropriate checks on new staff.
- Safe working practices which staff have read and understood including appropriate referral procedure.
- Arrangements to ensure that all staff undertake appropriate training and keep this up to date by refresher training at regular intervals; and that all staff who work with apprentices or trainees, are made aware of the organisations arrangements for Safeguarding and their responsibilities for that.

- Appropriate whistle-blowing procedures and policy which enable issues about Prevent or Safeguarding to be addressed.
- A prevent risk assessment and action plan ensuring organisation has identified levels of risk of apprentices or trainees becoming radicalised, and that all relevant policies and procedures are in place to minimise that risk.
- Sufficient care, facilities and support for all apprentices and trainees, for example, considering multifaith chaplaincy as another form of welfare support if you have many apprentices or trainees of different faiths and providing them with prayer facilities.
- An external speakers protocol to ensure that the organisations is aware of who is speaking and have clear protocols to the gives organisation time to intervene if it is found that any proposed content would stand to harm apprentices or trainees in any way.
- Clear policies and procedures focusing on online safety and how the organisation ensures apprentices and trainees are aware of those dangers, what to do and how to report.

Quality assurance of sub – contracted provision:

Heritage Skills Academy will quality assure subcontracted provision through the following processes:

- Rigorous Due Diligence process
- Review of documentation received including:
  - Audits on application forms, learning agreements, register, ILPs, progress reviews
  - Apprentice or trainee observation records
  - Monthly performance reports and information from subcontractor
  - Annual self – assessment report and quality improvement plan updated in year
  - Performance monitoring visits as per subcontracting calendar with a minimum of an initial visit within the first 4 weeks of the contract start date and further subsequent visits to review will take place (Subject to restrictions for COVID-19 pandemic and following Government guidance, this may be a remote session).
  - These may include the following as appropriate:
    - Tutor/ Assessor files (Schemes of work and lesson plans)
    - Tutor feedback to apprentices or trainees documenting progress, achievement and areas for development
    - Initial assessment documentation
    - Complaints records, including documentation illustrating how these were dealt with
    - Apprentice or Trainee progress monitoring records
    - Apprentice or Trainee survey data and survey documents

- Apprentice or Trainee course evaluation documents and tutor (summative) evaluation records
- Observations of teaching & learning, assessment and progress reviews in accordance with subcontracting calendar.
  
- Reporting & monitoring requirements
- Monthly reports:
- Performance data
- Health and safety:
  
- Number of sites
- Number completed
- Number outstanding
- Quality data/ report
  
- Number of observations
- Summary of observations & assessor / tutor grades
- Apprentice / Trainee / Stakeholder feedback
- Audit reports
- EQA reports
- Staff CPD for that month including standardisation
- Additional learning support records
- Number of progress reviews completed
- Heritage Skills Academy to use PDSAT as part of this monthly reporting process.
- Issues arising that month:
  
- Any changes to staff
- Safeguarding /Prevent
- Accidents/incidents
- Complaints
- Accreditation
- Financial
- Resources
- Security/data protection/subcontracting/
- Monthly sub – contracting meeting

Heritage Skills Academy Contracts Manager for the Subcontractor and Subcontractors delivery team to meet up monthly.

The purpose of these meetings is to oversee all aspects of the Subcontractor provision, review the Subcontractors performance against monthly or quarterly (as appropriate) reports and data and identify any under/over performance against contract.

Resulting actions are agreed at the meeting with an opportunity to share any audit/visit outcomes and discuss and subsequent concerns.

The meeting is also a platform for initial discussions for new subcontracted provision.

Identification of under/over performance against contract and resulting action

A discussion between Heritage Skills Academy and the subcontractor will take place because of under or over performance against contract value to determine future action which could include:

- Variation to contract (increase or decrease)

- Payment to contract value and terms only
- Continued under/over performance against the contract terms as specified in the contract could include contract termination

## 6. Management Fees

Heritage Skills Academy retains a management fee (ranging from 2.5% to 20%) from all subcontracted partner organisations; this is based on:

- Their performance record,
- Published success rates
- The level of risk as determined through the Due Diligence Process
- The division of responsibilities of both parties
- Costs of the procurement process and the management support needs of the contracts.

Subcontractors working with Heritage Skills Academy will receive a high level of support and guidance and access to systems, including:

- Quality management systems
- Certification and registration with awarding bodies (if required)
- Management Information Services and data control advice and guidance
- Audit of management systems and delivery and observation of teaching, learning and assessment
- Safeguarding, Prevent, British Values, Equality and Diversity support
- Teaching, Learning and Assessment training, coaching and observations
- CPD Opportunities and planned training and development
- Policy development
- Support with Education Skills Funding Rules compliance
- Regular national updates regarding funding and policy guidance

An achievement element, at the rate specified in the Education Skills Funding Rules, will be applied to subcontractors delivering ESFA-funded Adult Skills Budget provision

## 7. Payment Arrangements

Payments will only be made to the Subcontractor after Heritage Skills Academy has received the funding from the Education Skills Funding Agency or its successor funding body.

Apprenticeship start payments are subject to a minimum stay of 6 weeks. No start payment will be made until after the minimum stay period.

Heritage Skills Academy will calculate the net amount payable to the Subcontractor each month as follows:

Following validation of the evidence in the ILR return, and subject to complaint evidence of learning being submitted by the subcontractor to Heritage Skills Academy. Heritage Skills Academy will send the validated data to the Subcontractor to enable them to raise an invoice (VAT Exempt) to Heritage Skills Academy for the appropriate funded amount drawn down in the period.

Heritage Skills Academy will raise an invoice to the Subcontractor for the management fees of funding drawn down + VAT at standard rate (if applicable).

Heritage Skills Academy will pay the Subcontractor the NET amount (the funding amount minus the management fee if applicable) in a timely manner when all the financial checks and controls are validated.

Heritage Skills Academy will notify the Subcontractor of the payment date. All payments are via BACS transfer.

Any anomalies identified during the financial controls validation process may result in a delay to the payment being released.

Final payments are subject to a full reconciliation and submission by the subcontractor of all compliant evidence being submitted to HSA.

## **8. Intervention process**

- To enable HSA to take corrective action where a subcontractor is assessed as being of risk. The outcome of any intervention is to enable the effective completion of any subcontracted apprentices or trainees.
- Intervention is required if a subcontractor:
- Fails to provide suitable evidence of learning and progress in a sample to support the funding claim as part of the monthly apprentice or trainee progress process.
- Fails to submit evidence as part of an audit or investigation commissioned by Heritage Skills Academy
- Gives cause for concern regarding a breakdown of trust
- Fails to comply with reasonable requests for information
- Demonstrates poor or declining achievement rates based on apprentice or trainee progress updates.
- In any of the circumstances above the subcontractor will be deemed to be of HIGH RISK and a Notice of Concern will be issued.

### **Stage 1 – RISK ASSESSMENT**

During this stage, no further payments will be released to the subcontractor.

The subcontractor will be required to provide a sample of evidence to support learning, visit or review activity for the apprentices or trainees selected.

The sample may range from 25% to 100%.

There will be 14 days to provide all the necessary evidence at stage 1 Risk assessment if this is not adhered to then Heritage Skills Academy will go straight to stage 2.

#### **Outcome      Evidenced by Intervention**

Evidence satisfies the requirements of the ESFA funding guidance - Sampled evidence is %100 compliant with guidance - Funding reinstated – Subcontractor Intervention Ceases

Evidence does not fully meet the requirements of the ESFA funding guidance - Sampled evidence is not fully compliant - Implement stage 2 Intervention action

Evidence is wholly unsatisfactory in meeting the requirements of the ESFA funding guidance - Sampled evidence is non – compliant - Implement stage 3 – Intervention action

### **Stage 2 – INTERVENTION ACTION**



Heritage Skills Academy will work with the subcontractor on a range of support measures.

The funding proportion paid to the subcontractor will reduce by a further 15% plus vat at standard rate to cover the costs of such intervention.

The support measures will be agreed with the subcontractor and may include:

- Increased monitoring and audit activity
- Increased support visits
- Further audits to check that learning/visits are taking place

### **Stage 3 – TERMINATION OF CONTRACT**

If the evidence of learning provided by a subcontractor does not provide adequate and compliant evidence that apprentices or trainees are actively engaged in learning, Heritage Skills Academy will terminate the contract.

Contingency for termination of contract

Heritage Skills Academy will enable the completion of apprenticeship or traineeship where a subcontractor's contract has been terminated.

Heritage Skills Academy will assess the best option, from those listed below, for completing the apprentice or trainee learning programme:

Deliver the remaining programme as a Main Provider using HSA employees or self-employed consultants.

Seek a suitable alternative partner to deliver the remaining programme as a new or extended subcontracting arrangement.

Heritage Skills Academy will assess the best method based on variables such as employer location, apprentice or trainee location, the proportion of the programme left to complete.