**Education & Skills Funding Agency (ESFA) provision - Subcontracting Policy to cover the period 1st August 2020 to 31st July 2021**
**1. Introduction and purpose**

The purpose of this policy is to provide accurate and comprehensive information to external agencies on how the University procures its subcontracted services and the pricing framework used.

The University of Wolverhampton currently works with one subcontractor (see below) as part of the apprenticeship programme. This is an area of delivery the University is not currently delivering and requires the expertise of others to deliver.

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| **Sub-contractor** | **Contract Value** | **Delivering** |
| Serco Ltd (trading as Serco Education) | Up to £100,000  | Functional Skills in English Level 2Functional Skills in Maths Level 2 |

This policy will publish contract values for all subcontractors.

**2. Scope and Context**

This policy applies to all subcontracted provision supported with the funds supplied by the ESFA.  The Subcontracting Policy is a mandatory requirement for subcontracting activity. The policy’s content has been developed to comply with the ESFA Apprenticeship Funding and Performance Management Rules for Training Providers; 1st August 2020 to 31st July 2021 and to comply with any future updates to the funding rules to cover the period of this policy.

 **3. Fairness in Procurement**

The University will at all times undertake fair and transparent procurement activities. Should the need to increase the number of subcontractors be identified, future opportunities will be advertised and procured in accordance with the University's Procurement Policy and Public Contracts Regulations 2015. Where appropriate, before appointing subcontractors the University may seek its own legal advice about the impact of Public Contracts Regulations 2015 on the recruitment of delivery subcontractors. This would only occur where the expertise does not already exist within the Procurement team or University Legal department.

The University will inform the Chief Executive of the ESFA in writing, about any circumstances which might lead to an actual or perceived conflict of interest.

**4. Due diligence**

The University will undertake a robust process of due diligence when selecting potential subcontractors to ensure the highest quality of learning delivery is made available which demonstrates value for money and has a positive impact on the experience of both Employers and Learners. Information is gathered through the ‘Apprenticeship Sub-Contracting Due Diligence Form’ and then processed through relevant the University departments for assessing.

The University will not procure the service of subcontractors who are not registered on the Register of Apprenticeship Training Providers (RoATP) to deliver services to levy paying employers. It is a requirement for the subcontractor to provide up to date data for continued RoATP accreditation.

**5. Contracting arrangements**

Successful partners will be issued with a legally binding contract eligible for the period from when the contract commences and ends which may be determined as part of a procurement process. It will be signed and witnessed by the subcontractor and the University. Terms and conditions will be agreed and included in the contract. The University and the ESFA are granted full permission and rights to monitor the quality of training being provided and visit the subcontractor at their premises, training sites or employer’s premises from which they operate.

The subcontract will reflect completely and accurately the ESFA Apprenticeship Funding and Performance Management Rules for Training Providers; 1st August 2020 to 31st July 2021 and will comply with any future updates to the funding rules to cover the period of this policy.

**6. Improving quality**

The University is committed to improving the quality of teaching and learning and the Apprentice and Employer experience across its provision and will work with the subcontractor to ensure continuous improvements are put in place across the range of provision offered. The following processes are in place to help monitor the quality of subcontracted provision and actively improve quality on an on-going basis:

* regular management meetings between the University and its subcontractors
* support for training and development of subcontractors and their employees (where required)
* regular support to ensure information, advice and guidance meets ESFA requirements

All subcontractors are required to undertake a self-assessment process in accordance with the Common Inspection Framework and the Education and Skills Inspection Framework and produce a Self-Assessment Report (SAR). The University of Wolverhampton will support partners in this process and in the setting of clear targets for improvement.

**7. Educational Rationale**

The University of Wolverhampton currently sub-contracts the teaching and delivery of English and Maths Functional skills as this is an area of delivery the University is not currently delivering and requires the expertise of others to deliver. By offering the sub-contracting delivery for Functional skills we are ensuring that we are providing learners the maximum opportunity to complete their Apprenticeship where English and/or Maths Level 2 has not been achieved prior to joining the programme. The University works closely with its sub-contractor to monitor performance and progression of learners and to ensure adequate support is in place for the attainment of these qualifications.

 **8. Internal policies**

Subcontractors are required to have robust internal policies to ensure compliance with legislative undertakings and general good practice and make certain that policies are regularly updated and effectively implemented, the requirements of which are identified in the contract.

 **9. Fees and charges**

The University makes a charge of 2% of the full contracted value as a management fee for its standard sub-contracted provision for English and Math. The costs cover the provision of:

* administration
* quality assurance and compliance
* MIS function relating to the submission of funding claims to the ESFA
* provision of management meetings
* provision of a dedicated account manager

The costs to the University in relation to the above provision would total more than the 2% charge, however the University has taken the decision not to charge above 2% on the basis that it does not wish to make a profit from the sub-contracting provision. The University’s overall aim is that learners engaged with the sub-contractor achieve the maximum benefit from the provision.

The subcontractor will be responsible for meeting the costs associated with the registration of candidates with awarding bodies and examination fees.

Non-standard charges may be applied to other subcontracting agreements in the future where costs savings can be mutually identified and agreed between the subcontractor and the University.

**10. Payment**

Payment to subcontractors will be made within 30 days of the invoice been received, subject to all necessary paperwork and records having been submitted within the required time scale.  A checklist of key dates and deadlines for the paperwork to be received for inclusion in the return to the Education Skills Funding Agency will be provided. Payment details are also included in the contract schedules issued to subcontractors at the start of the new contract year.

**11. Reporting the use of delivery subcontractors**

The University will provide a fully completed delivery subcontractor declaration by the dates given by the ESFA. This will be at least twice between 1 April to 31 March each year. The University will update the subcontractor declaration if subcontracting arrangements change during the year.

**12. Policy review and communication**

The University will review this policy annually. Any changes to the policy will be communicated to existing subcontractors at the contract management meetings.  The policy will be discussed with new subcontractors prior to their engagement.  An up-to-date copy of this policy will be posted on the University's website and paper copies will be made available upon request

**13. Duties within the University of Wolverhampton**

Nominated members of staff with strategic lead responsibility for subcontracting:

* The Director of External Engagement
* University of Wolverhampton Academic Registrar

Nominated member of staff with responsibility for performance management of subcontractors:

* Head of Apprenticeship Hub

Policy Approval:

* The University’s Academic Board

**Policy sign-off**

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| Author (role) | Michele Roberts – Head of Apprenticeship Hub | Date of approval | 17/09/2020 |
| Approving committee | Academic Board | Review date | August 2021 |