

## **Sub-Contracting Policy**

In relation to the Education & Skills Funding Agency (ESFA) funded programmes

### **1. Introduction and purpose**

This policy sets out the University's approval for subcontracting its higher and degree apprenticeship provision. It outlines the framework that the University uses in selecting, procuring and regulating subcontractors for this purpose.

### **2. Scope and Context**

The scope of this policy extends to all subcontracted provision funded 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 and Performance Management Rules May 2017 to March 2019; Version 5 and Addendum to the Apprenticeship and performance management rules; May 2017 to March 2018; issued April 2017.

The main reason that the University subcontracts higher and degree apprenticeship provision is to enhance the scope, reach and quality of its apprenticeship offer. This could include one or more of the following:

- That a subcontractor would be able to provide access to specialist staff or other resources that would otherwise not be available
- That a subcontractor can widen access, participation and progression with groups that the University has been unable to engage with or are geographically removed from the University
- That engaging with a particular subcontractor would bring benefits to the region in terms of business innovation and knowledge transfer with the University
- As a result of a joint bid or similar for higher and degree apprenticeship funding in which the University was the lead provider (eg. To meet the needs of particular employers/sectors or potential apprentices)
- To satisfy particular needs (of employers/apprentices/main provider) related to scope, reach or quality.

The University is a national and international higher education provider and therefore it may decide to subcontract outside its region in order to work with organisations that will enhance particular academic subject areas.

### **3. Fairness in Procurement**

Selection and procurement of the subcontractor will be carried out in accordance with the University's Procurement Policy and the Public Contracts Regulations 2015.

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. York St John has extensive experience in engaging in collaborative partnerships and has clear policy and procedure to

identify, approve and monitor these arrangements. <https://www.yorks.ac.uk/registry/quality-gateway/collaborative-provision/>

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.

## **5. Contracting arrangements**

Successful partners will be issued with a legally binding contract for an agreed duration including a full due diligence review on or before the first anniversary. Terms and conditions will be agreed and included in the contract and signed by both parties. 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.

All subcontracting will reflect completely and accurately the following:

- ESFA Apprenticeship and Performance Management Rules for Training Providers; May 2017 to July 2018, Version 6; Issued March 2018
- ESFA Funding rules for training providers, August 2018 to July 2019, Version 1; issued July 2018
- Any updates to ESFA rules published after these dates.

## **6. Quality Assurance of Delivery**

The University is committed to delivering high quality teaching and learning for the Apprentice and Employer across its provision and will work with the subcontractor to review delivery and ensure continuous improvements are put in place across the range of provision offered.

The following processes are in place to monitor the quality of subcontracted provision and actively improve quality on an on-going basis:

- Regular management meetings between the University and its subcontractors
- Regular planned and unplanned observation checks on the quality of teaching, learning, assessment and progress

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

## **7. Internal policies**

Subcontractors are required to have robust internal policies to ensure compliance with legislative requirements and general good practice and make certain that policies are regularly updated and effectively implemented, the requirements of which are identified in the contract. As a minimum, any subcontractor will be expected to have the following policies in place and approved at an appropriate level in the organisation:

- Health & Safety
- Equality & Diversity
- Safeguarding & Prevent
- Data Protection (GDPR compliant)
- Insurance cover (Employer Liability, Public Liability)

## 8. Fees and charges

Fees and charges can be split between those for the management of the apprenticeship (typically 15%) and those for supporting any academic provision including, where relevant, the design and development of course content and materials. Further additional charges may be negotiated between the subcontractor and the University to reflect particular additional services or support the University is providing to apprentices.

The University will provide potential subcontractors with full contractual terms to apply to all subcontractor payments. Fees and charges will be in line with EFSA apprenticeship rules and standard University payment terms. The fees and any substantial changes in fees are subject to review by the Degree Apprenticeships Steering Group on behalf of the University.

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.

## 9. 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.

## 10. 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.

## 11. Declaration of Use of Sub-contractors

In line with ESFA funding rules, the University will submit a subcontractor declaration to ESFA at least twice each year summarising the value of any sub-contracted provision paid for in the previous period.

## 12. Duties within York St John University

Nominated members of staff with strategic lead responsibility for subcontracting	Pro-Vice Chancellor, Research & Knowledge Exchange, Director of Business Development & Knowledge Exchange, Dean and Heads of Academic Schools
Nominated members of staff with responsibility for procurement of subcontractors	Director of Business Development & Knowledge Exchange, Head of Procurement
Nominated member of staff with responsibility for performance management of subcontractors	Dean and Heads of Academic Schools, Director of Business Development & Knowledge Exchange
Policy Approval	Quality and Standards Committee

## Version Control Statement

Version:	0.2
Document title:	Subcontracting Policy in relation to Education & Skills Funding Agency funded programmes
Author role and department:	Business Development Manager, Academic Alliances
Approved date:	27 March 2019
Approved by:	Quality and Standards Committee
Equality analysis undertaken:	Not undertaken
Amendments since approval	Detail of revision: _____ Date of revision: _____ Revision approved by: _____

