

FWD Subcontracting Policy

Approved by Senior Management of FWD Training & Consulting Ltd (“FWD”): April 2018

Current until: April 2019

Review date: April 2019

Post holder responsible for review: Operations Director of FWD

Scope

This policy applies to all supply chain activity supported with funds supplied by the Education and Skills Funding Agency (ESFA), or any successor organisations.

Context

A subcontracting policy is now a mandatory requirement that must be in place prior to participating in any sub- contracting activity from 1 August 2017. The content of this policy has been developed in line with AoC/AELP Common Accord and the ESFA Performance and Management Funding Rules for Training Providers.

Publication of information relating to sub-contracting

In compliance with Education and Skills Funding Agency and other agency funding rules that apply, FWD will publish its provision sub-contracting fees and charges policy on its website before the start of each academic year and will publish actual end-of-year sub-contracting fees and charges on its website as required by ESFA.

Aims

The policy aims to:

- Set high expectations to promote the consistent achievement of outcomes for learners and employers
- Promote equality actively, support diversity and cohesion and tackle discrimination through innovative strategies
- Set out the requirements of subcontracting to compliment the delivery of programmes
- Ensure robust subcontracting systems and controls that provide accountability, financial stability and the effective use of resources

Objectives

Indicative reasons for FWD to subcontract out to partners include:

- Widening participation e.g. the offer of provision in a geographical area in which demand exceeds supply
- To provide niche or specialist delivery where the cost of developing direct delivery would be inappropriate
- To deliver technical components of programme by specialist external organisations
- To deliver provision which is not currently part of the FWD’s existing areas of delivery, or falls outside of FWD’s current areas of expertise
- Retention and progression opportunities
- Increases mutual referral opportunities between the FWD and its Subcontractor
- Strategic, collaborative partnership working and sharing good practice

- Capacity building both organisations provision to respond to identified needs by the employer
- To support another provider to develop capacity/quality
- To provide access to, or engagement with, a new range of customers
- To ensure delivery intention is met where there is a recognised risk in direct provision
- To recognise internal employer learning and development activities that map directly to the Apprenticeship Standard and where the employer is best positioned to deliver these activities

Definition of a Subcontractor

As defined by the ESFA a lead provider is a college, training organisation or employer that has a direct contractual relationship with the ESFA.

A Subcontractor is an organisation that is engaged in a contractual and legally binding arrangement with one or more lead providers, to deliver education and training provision that the ESFA funds.

FWD’s definitions of partners

FWD have four types of external delivery support, these are:

Freelance Coaches	Freelance individuals under FWD control
Associates	Technical subject experts under FWD control
Full Subcontractor	Organisations, such as training providers, delivering all of the Apprenticeship
Part Subcontractor	Organisations, such as training providers, delivering part of the Apprenticeship
Employer Subcontractor	An employer delivering any off the job training and development such as workshops *

* After review of the April 2018 ESFA Subcontractor guidelines FWD have determined that an employer will be considered an Employer Subcontractor if they are delivering any off the job training and development such as workshops and/or face to face training.

Any naturally occurring training and development, such as team meetings, sharing good practice etc FWD do not consider this as a Subcontractor arrangement.

Quality

Subcontractors are supported by FWD to maintain high quality standards to provide an outstanding experience for employer and learners. FWD ensures that Subcontractors are supported in the quality process in accordance with current ESFA funding guidance and the Ofsted Common Inspection Framework (CIF).

Subcontractors are involved in regular meetings with FWD to manage quality and mitigate any risks or issues related to the delivery of the Subcontract as well as ensuring high quality provision is delivered and high levels of achievement are achieved and maintained.

Subcontractors will be subject to a regular programme of quality-assurance checks including audits, visits at short notice and face-to-face interviews with staff and learners, whether the learners exist and are eligible, direct observation of initial information, advice and guidance, assessment, and delivery of learning programmes to ensure continued high-quality delivery of the contracted provision.

New Subcontractors are subject to a Due Diligence process ahead of any contracting. All Subcontractors receive a contract prior to delivery of any provision on behalf of FWD.

Subcontractors are given a key contact at FWD for any issues relating to the subcontract delivery and will be provided with a Subcontractor handbook to support their delivery; updates to the manual are provided as required.

Subcontractors receive on-going support in relation to (where appropriate):

- Performance Management and Review
- Paperwork checks and compliance
- Confirmation of learner eligibility
- Input of data
- Observation of delivery to ensure high standards of teaching and learning. Where this is not the case an action plan is put in place to support and improve teaching and learning
- Data submission, where appropriate
- Learner tracking documents with learner status updates
- Workshop attendance and subsequent workshop feedback
- Survey feedback
- Tracking documents with transparent calculations to detail both the funding claimed by FWD and the payment passed to the Subcontractor
- Regular on programme support meetings
- Audit compliance advice
- Query resolutions
- Shared good practice
- A Subcontractor handbook and regular updates with regards to TLA and ESFA obligations
- Where necessary, Internal Quality Assurance (IQA) and coach/trainer support
- Where necessary, Health & Safety and risk assessments

FWD require all coaches/trainers to have an enhanced DBS as per our obligation for safer recruitment to prevent unsuitable people from working with vulnerable groups, including children.

The DBS must be in place prior to any face to face contact with learners or a risk assessment carried out and placed on file.

Management Fees - where applicable, determined by individual contracts

For Full Subcontractors, the fee retained by FWD is calculated as a percentage of the total contract value agreed with the Subcontractor.

The standard percentage for Full Subcontractors is 15%, however this may be higher dependent on the level of additional support required by the Full Subcontractor over and above the management, administration and quality obligations.

The management fee is calculated following a risk assessment of the Full Subcontractor and will include considerations such as:

- Historical records of the Full Subcontractor to meet recruitment, retention, achievement, success and funding targets
- Records of the Full Subcontractor meeting or exceeding benchmark achievement and success targets

- Quality of provision delivered by the Full Subcontractor
- Existing length of relationship with the Full Subcontractor
- Financial health of the Full Subcontractor and its continued capacity to deliver provision on behalf of FWD
- Adequate resourcing of subcontracted provision
- Size of the contract in terms of finance and volumes of outcomes

For Part Subcontractors, fixed price based on delivery undertaking and this will be clearly outlined in the contract.

For Employer Subcontractors a fixed price will be agreed that is based on the delivery costs, this will need to be evidenced by the Employer Subcontractor.

Payments

Payments to Full Subcontractors are subject to the management fee or fixed price, dependent on the type of contract FWD has with the Full Subcontractor and as indicated in the contract.

The ESFA transmit the main monthly provider payments on the 15th working day, remittances is sent on the 17th working day and payment should be received on the 18th working day of each month. Based on this the Full Subcontractor will be sent a PFR/Funding Report within 5 days of FWD receiving payment. Payment will then be made within 10 working days of payment.

For any payments to be made to any Subcontractor, the Subcontractor must conform to the terms and references within the contract and provide the required paperwork, data and information as requested by FWD.

Contract

All Subcontractors are required to agree and sign a contract between both parties prior to delivery of any provision.

In agreement with both parties, variations to the contract may be issued during the contract period. The variation may relate to, for example:

- Changes in the management fee dependent on the level of support required
- Changes to the volumes of outputs and funding
- Changes to the range and scope of provision delivered by the Subcontractor

In the event that we need to withdraw from a subcontract arrangement; a Subcontractor withdraws from the arrangement; or a Subcontractor goes into liquidation or administration, FWD will either pass the learners to another sub-contractor or deliver the learning directly to ensure they finish their learning programmes or components of the programme. Our due diligence procedure should however ensure we do not contract with an organization at risk of liquidation.

Data Compliance and General Data Protection Regulation Policy

FWD Training & Consultancy Ltd is fully committed to protecting the personal data of learners, employees, suppliers, Subcontractors and other stakeholders in accordance with the requirements of the European Union Data Protection Regulations 2016.

A Data Breach, as defined by the Information Commissioners Office (ICO), is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. Any Data Breach should be reported immediately and without undue delay

to FWD's Data Controller, upon discovery. Steps will then be taken in accordance with FWD's GDPR policy.

Dissemination

This policy is available via FWD's website and referred to and referenced by weblink within each contract.

Potential Subcontractors can access this policy via FWD's website or be referred to it as part of the Due Diligence process.

Disclaimer

FWD reserves the right to amend its subcontracting arrangements at any time in accordance with the terms and conditions contained in its subcontract agreements.

Stakeholder Consultation

Existing Subcontracting organisations of FWD will be consulted prior to review of the policy and we invite and encourage feedback from our partners in respect of the policy.

Monitoring and Reviewing

The policy will be reviewed at least annually by the Operations Director and amendments to the policy will be subject to approval by the FWD Board.