

Apprenticeships sub-contracting – Education and Skills Funding Agency (ESFA) funded programmes

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1 Introduction and purpose

- 1.1 De Montfort University offers Higher and Degree Level apprenticeships to employers covering a range of subject areas. The University undertakes subcontracting agreements as part of its apprenticeship offer where a subcontracting arrangement will add value to the quality of its own or another lead provider's apprenticeship delivery. The University operates its apprenticeship subcontracting arrangements in-line with the Education and Skills Funding Agency (ESFA) apprenticeship funding rules and associated guidance for subcontracting with delivery partners. The University operates apprenticeship subcontracting in one of two ways:
- The University acts as the lead training provider and sub-contracts some of the training to a partner institution for delivery. The University retains oversight of the whole apprenticeship
 - The University acts as a subcontractor to another lead training provider for parts of the training. The lead provider retains oversight of the whole apprenticeship.
- 1.2 The purpose of this policy is to provide accurate and comprehensive information to external agencies and potential apprenticeship sub-contractors on how the University procures its subcontracted services, the pricing framework used and how quality will be managed and monitored.

2 Scope and context

- 2.1 This policy applies to all subcontracted provision funded by the ESFA. The Apprenticeships Subcontracting Policy is a mandatory requirement for subcontracting activity. The University operates its apprenticeship subcontracting arrangements in-line with Education and Skills Funding Agency (ESFA) apprenticeship funding rules and associated guidance for subcontracting with delivery partners.

3 Fairness in procurement

- 3.1 The University will at all times undertake fair and transparent procurement activities. Selection and procurement of subcontractors will be carried out in accordance with the University's Procurement Policy.
- 3.2 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

- 4.1 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.
- 4.2 In line with revised ESFA Guidance, the University will only procure the service of subcontractors who are registered on the Register of Apprenticeship Training Providers (RoATP) to deliver services to employers.

- 4.3 At least annually, De Montfort University will conduct a review of its due diligence checks on each subcontractor to ensure that the subcontracted provider continues to be able to deliver contracted services. The university will also conduct further due diligence checks if there is any material change in the subcontracted provider that has the potential to impact on its ability to deliver subcontracted services. These include but are not limited to:
- Merger with another provider
 - Change of ownership
 - Change of key personnel (e.g. managers, directors, link person)
 - Any issues that may raise concern about the subcontractor's ability to deliver the programme (e.g. infrequent updates, poor student progress, student or employer complaints). These will also trigger an immediate review meeting.

5 Contracting arrangements

- 5.1 The University has a standard legal agreement template for apprenticeship subcontracting and this is used/adapted for all subcontracting agreements. Agreements are signed after approval has taken place, and before the subcontracting arrangement commences. The requirements of this policy form part of that contractual agreement. It will be signed by the subcontractor and the University. Terms and conditions will be agreed and included in the contract. The University, Ofsted 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.
- 5.2 The University retains responsibility for all of the actions of our delivery subcontractors that are connected to, or arise out of, all the apprenticeship training and on-programme assessment that is subcontracted to them.
- 5.3 In accordance with ESFA funding rules, as the lead training provider the University will undertake a substantive portion of the delivery of any apprenticeship where a subcontracting arrangement is in place.
- 5.4 The University shall only use delivery subcontractors who satisfy one of the following two criteria:
- a. they are on the published Register of Apprenticeship Training Providers (RoATP) and have applied by the main or supporting application routes
 - b. they are either the apprentice's employer, a connected company or charity as defined by HMRC and are on the published Register of Apprenticeship Training Providers, having applied through the employer-provider application route.
- 5.5 Serial subcontracting is not allowable under the apprenticeship funding rules. Therefore, as the lead training provider, the University will take steps to ensure that any subcontracting arrangement it enters into with a delivery subcontractor does not require this type of arrangement.

5.6 The University is required to obtain an external auditor's report where the total apprenticeship contracts with delivery subcontractors exceed £100,000 in any one financial year, as set out in the ESFA apprenticeships funding rules.

5.7 The University is required to declare its use of delivery subcontractors to the ESFA.

6 Quality assurance and performance management meetings

6.1 The University is committed to delivering high quality teaching and learning for the Apprentice and Employer across its provision and will work with subcontractors to review progress and manage the quality of external provision.

6.2 All new subcontractors will be subject to an initial visit to confirm approval of appointment as a subcontractor.

6.3 The following processes will be used to monitor the quality of subcontracted provision and actively improve quality on an on-going basis:

- Regular contract review meetings between the University and its subcontractors
- Regular planned and unplanned observation visits to check on the quality of teaching, learning, assessment and progress.

6.4 These mechanisms are designed to ensure the quality of delivery, that apprentices exist and that they are eligible for funding under the ESFA apprenticeship funding rules.

6.5 There two types of meetings which form part of the quality assurance: Quality Assurance (appendix A) and Performance Management meetings (appendix B). Quality Assurance meetings support subcontractors to implement and maintain high quality teaching, learning and assessment. Its focus is to ensure students have a positive learning experience, allowing individuals to make individualised progress to achieve their career goals. Performance Management meetings ensure data and statutory compliance is upheld to ensure accuracy and transparency of ILR data whilst monitoring quality assurance relating to the delivery programme(s). Quality assurance procedures are taken from the Further education and skills inspection framework and handbook respectively Education inspection framework (EIF) - GOV.UK (www.gov.uk) Further education and skills inspection handbook - GOV.UK (www.gov.uk)

6.6 The 2 scheduled Quality Assurance meetings will be held over each academic year in negotiation with the subcontractor. In addition, there can be up to 3 unannounced/short notice meetings equally, over the academic year. To facilitate the efficiency and accuracy of these meetings, subcontractors will be asked to provide the required information at least 2 weeks prior to any scheduled meetings. (Specific details will be communicated accordingly). Appendix A.

6.7 The 3 Performance Management meetings are scheduled towards the beginning of each term. DMU will take a risk management approach to subcontractor management to ensure that appropriate levels of contract monitoring are maintained, therefore additional visits as required may be discussed where appropriate. In order to enable Performance Management meetings to be conducted effectively and efficiently, the subcontractor will be asked to provide the

required information at least 2 weeks prior to any scheduled meetings. (Specific details will be communicated accordingly).

- 6.8 Where a subcontractor permanently changes delivery staff on a programme, they should inform the university of this change immediately and send a copy of the new trainer's CV to the university.
- 6.9 The visit report templates appendix A and B will be used as an agenda and record the type of meeting. The visit may cover all or a selection of the areas on the template. The focus of the visit will be based on an assessment of the information provided by the subcontractor prior to the visit taking place. A copy of this will be signed by a representative from both organisations and a copy provided to the subcontractor for their records.
- 6.10 Where Contract Reviews or QA meetings highlight areas of concern, an action plan will be drawn up by the subcontractor, and agreed by the University, to address the areas of concern. Additional meetings and QA visits will be scheduled as required by the University until the issues have been resolved.
- 6.11 All subcontractors must agree to this schedule of meetings and QA visits prior to being awarded contracts.
- 6.12 The University will also take into account feedback, both solicited and unsolicited, from apprentices in its quality assurance of a sub-contractor.

7 Internal policies

- 7.1 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. As a minimum any subcontractor will be expected to have a policy or policies covering the following topics approved at an appropriate level in the organisation, copies of which will be held by De Montfort University for Audit and Inspection purposes and made available to ESFA and Ofsted as part of their inspection and Audit regime:
- Employment law & appeals
 - Data Protection (DGRP compliant)
 - Health & Safety
 - Equal Opportunity/Equality & Diversity
 - Assessment & Internal Validation
 - Safeguarding & Prevent
 - Insurance:
 - Employers (compulsory) Liability Insurance = £10,000,000 any one occurrence/number of occurrences
 - Public Liability Insurance Cover = £5,000,000 any one occurrence/number of occurrences.
- 7.2 The University will consider the subcontractor's quality management procedures and experience to determine whether the subcontractor will use their own or be required to use the University's procedures.

8 Fees and charges

8.1 In some cases, the University will retain some of the delivery costs in order to manage, administrate and quality assure a subcontracting arrangement. Where this is the case, all associated costs are clearly identified within the Employer Agreement and employers are provided with an itemised breakdown of the costs. 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

9.1 Payment to subcontractors will be made within 30 days of a valid invoice having 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

10.1 The University will review this policy and the subcontracting rationale annually. The subcontracting rationale should be amended by the 31st July each year and needs to be approved by the governors. 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

11.1 In line with ESFA funding rules, the University will submit a subcontractor use declaration to ESFA at least twice each year summarising the value of any sub-contracted provision paid for in the previous period. The University will also publish a summary of payments made to sub-contractors in the previous year on its website each year.

12 Duties within the university

- 12.1 Nominated members of staff with strategic lead responsibility for subcontracting:
- Deputy Chief Finance Officer
- 12.2 Nominated members of staff with responsibility for procurement of subcontractors:
- Head of Procurement
 - Supported by Head of Apprenticeships and Head of Commercial Partnerships – Contract reviews
- 12.3 Nominated member of staff with responsibility for performance management of subcontractors:
- Managed by DAQ – QA monitoring visits

- Supported by Head of Apprenticeships

12.4 Policy Approval:

- Executive Board

13 Contingency planning

13.1 The subcontracted provider is required to notify De Montfort University immediately if there are any changes that may cause a risk to the contracted delivery. These include but are not limited to:

- The possibility of the provider ceasing to trade
- Poor Ofsted Inspection
- Poor ESFA audit
- Other significant changes that affect the ability of the subcontractor to deliver required programmes.

13.2 In these circumstances, the University will conduct an immediate contract review and reserves the right to seek alternative provision of services to ensure continuity for learners. The university may also conduct an immediate contract review and/or move learners to another provider if it is made aware of potential issues from other sources of circumstances that may affect timely delivery of the contracted provision.

14 Policy sign-off and oversight

14.1 This policy is owned and approved by De Montfort University's Executive Board.

14.2 Oversight of application of the policy will be achieved by:

- An annual schedule of planned QA and contract review visits will be produced each year and reported to the University's Education Inspection Framework Oversight Group. The Quality Assurance Manager (Apprenticeships) will provide an update report to each Education Inspection Framework Oversight Group on the following:
 - Planned QA visits Contract reviews conducted against the schedule
 - Unplanned QA visits Contract reviews conducted against the schedule arising from any issues
 - Any risks or issues identified and mitigating action taking place
 - Updates on any previously reported issues
 - Any changes to the planned reviews for the rest of the year.
- Each year the Education Inspection Framework Oversight Group will approve and submit a report to the Academic Quality Committee (AQC) on compliance with the policy and any issues arising from the QA or Contract reviews. This report will also recommend any required revisions to the policy.

Appendix A: Sub-Contractor Quality Assurance Meeting

Sub-Contractor Quality Assurance Meeting:

Quality Assurance Date:		Sub-Contractor Name:	
DMU Representative:		Sub-Contractor Manager:	
Type of Visit: Scheduled QA/Unannounced QA		Copy of Report to:	
Internal Follow Up Review Date:		Programmes Reviewed:	

Safeguarding and Careers Information and Advice: (How well do managers provide robust arrangements for the safeguarding of students)

Quality Aspect	Status	In Place	AFI	Improvements Required:	Review
Safeguarding arrangements					
General Health and Safety compliance					
Careers advice and guidance processes					

Teaching Learning and Assessment Documentation: (How well do managers ensure that the apprenticeship curriculum meets the principles and requirements)

Quality Aspect	Status	In Place	AFI	Improvements Required:	Review
Curriculum Quality File (which contain the highlighted evidence)					
Commitment Statement and initial Skills Scans					
Scheme of Work/Implementation Plan					
Group Profiles					
Assessment and progress monitoring trackers main/FS elements					
Delivery Timetables					
Individual Learning Plans (ILP)					
Monthly and quarterly reviews					
Monitoring of OTJ hours					
Attendance registers in place					
Learning Support arrangements					
Learner feedback mechanisms					

Deep Dive curriculum support/planning and progress					
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Student Folders: (apprentices acquire the required skills and behaviours than enable them to complete their programme and fulfil their career aims)					
Quality Aspect	Status	In Place	AFI	Improvements Required:	Review
Monthly and quarterly reviews					
Prevent and British values, E&D evidence					
Feedback clearly showing improvements required and development of English and maths					
Folders are of a high quality, clearly evidencing progress					

Observation of Teaching and Learning: (How does the provider improve the quality of teaching, learning and assessment)					
Quality Aspect	Status	In Place	AFI	Improvements Required:	Review
Teaching and Learning Policy and Procedures					
Number of staff observed by Sub-Contractor /staff outstanding. Quality of feedback and action planning					
Number of qualified teaching staff and arrangements for CPD development/staff appraisals					
Number and details of Co-observed observations to date					

Self-Assessment and Quality Improvement Plan: (Strategic leadership creating a strong accountability and oversight to ensure continuous and sustainable improvement)					
Quality Aspect	Status	In Place	AFI	Improvements Required:	Review
Progress against SAR and QIP					
AOB					

Learner Questions:	Summary of Findings
What apprenticeship are you studying?	
How do you know the progress you are making?	
Outline some of the targets you have been set?	
What information have you been given regarding your EPA?	
What aspects of the training do you like/dislike?	
How are you developing your maths and English?	
Who would you speak to about any safeguarding concerns?	
How has your knowledge of British values and the Prevent Strategy increased?	
What are your responsibilities for Equality and Diversity?	

Further Action Required:		
As a result of the Quality Assurance meeting the subcontractor's provision is judged to be:	Good (No action required)	
	Requires Improvement (Advisory only)	
	Required significant improvement (Remedial action required)	
Follow Up Meeting Date:		

Subcontractor comments and signatures:	
I have received this feedback at the time of the visit and agree/disagree with the findings	
Name:	Signature:
Role:	Date:
Comments:	

Appendix B: Sub-Contractor Performance Management Meeting

Sub-Contractor Performance Management Meeting:

Performance Management Date:		Sub-Contractor:	
DMU Representative and staff present at meeting:		Sub-Contractor Manager and staff present at meeting:	
Copy of Report to:		Programmes Reviewed:	
Internal Follow Up Review Date:			

Contract Numbers:

N° of learners with subcontractor:		Additional learners since last meeting:		N° of Learners on Break in Learning: (BIL)		Current total: (including BIL)	
N° of learners studying for functional skills:		N° of learners on target to achieve fs:		N° of learners not on target to achieve fs:		Current retention rate:	
Learner names and action plan not on target FS:							
N° on target for EPA:		N° not on target for EPA:		In year achievements:			
Learner names and action plan not on target for EPA:							

Safeguarding and Administration:

Quality Aspect	Details	Action taken/planned with timescale	Further action required with timescale	Internal review progress
Safeguarding and Health and Safety incidences				
Health and Safety compliance/complaints from students				
Faculty holds staff's up to date safeguarding and Prevent training records				
Delivery staff vocational/teaching qualifications				
Details of changes for key subcontractor staff since last meeting and any actions as a result				

Curriculum Quality:				
Quality Aspect	Details	Action taken/planned with timescale	Further action required with timescale	Internal review progress
Organisation Ready for Deep Dives and ESFA audit				
Commitment Statement and initial Skills Scan				
Scheme of Work/Implementation Plan				
Group Profiles				
Assessment and progress monitoring trackers main/FS elements. RAG Rating				
Delivery Timetables				
Individual Learning Plans (ILP)				
4 weekly tutorial and quarterly reviews				
Monitoring of OTJ hours				
Attendance registers in place				
Learning Support arrangements in place				
Summary of findings from DMU observations and action plans				
Learner feedback mechanisms				

Observation of Teaching and Learning and Assessment:				
Quality Aspect	Details	Action taken/planned with timescale	Further action required with timescale	Internal review progress
Teaching and Learning Policy and Procedures				
Number of qualified teaching staff and arrangements for CPD development/staff appraisals				
Number of staff observed by Subcontractor /staff outstanding. Quality of feedback and action planning				
Number and quality of co-observed observations undertaken				

Governance - Self-Assessment and Quality Improvement Plan:				
Quality Aspect	Details	Action taken/planned with timescale	Further action required with timescale	Internal review progress
Progress against SAR and QIP				
AOB				



Further Action Required:		
As a result of the Quality Assurance meeting the subcontractor's provision is judged to be:	Good (No action required)	
	Requires Improvement (Advisory only)	
	Required significant improvement (Remedial action required)	
Follow Up Meeting Date:		
Subcontractor comments and signatures:		
I confirm that the information provided during this performance management meeting review is accurate and true.		
Name:	Signature:	
Role:	Date:	
Comments:		