

Supply Chain & Subcontractor Policy

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0.3	Ann-Marie Liddiard	Annual Review	20.08.21
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1.0 SCOPE

1.1 This Subcontracting Supply Chain Policy is a mandatory requirement that must be in place prior to B2W group participating in any subcontracting activity of over £100,000 in accordance with ESFA sub-contracting guidance for 2021/2022. The content of this policy has been developed in line with the current ESFA Funding Rules, and the AoC/AELP Common Accord. This policy statement, which is reviewed annually, outlines B2W group's rationale for sub-contracting with partners for the delivery of education and training. It also describes B2W Group, approach to the selection of suitable partners and how B2W will manage and monitor sub-contracted provision to ensure the delivery of high-quality education and training. B2W group will not undertake Subcontracting to meet short term funding objectives. Note: organisations that may be in receipt of more than £500,000 from B2W, they may be subject to additional financial checks by the ESFA.

1.2 This policy relates to activity funded through the Education Skills Funding Agency (ESFA), ESF and Mayoral Combined Authorities whereby B2W enters into a subcontracting agreement with a supplier for recruitment and training delivery.

1.3 This policy provides transparency for all sub-contractors, funding bodies and other associated parties or individuals regarding the procurement, due diligence process, support and charging rationale related to sub-contracted provision. A copy of this policy will be made available on the B2W Group SharePoint and hard copies will be available on request.

2.0 RATIONALE FOR SUBCONTRACTING

2.1 B2W in accordance with ESFA guidance will not normally subcontract more than 25% of its funding, unless, the agreement has been subject to an external tender process or from 2022/23 has agreement from ESFA / Funding organisations to enter into such arrangements.

2.2 B2W Group:

- Recognises the benefits that effective subcontracting can bring in providing better geographical access to learners through extending the accessibility of provision for learners / participants and thereby contribute to the economic prosperity of communities.
- Uses subcontractors to widen participation amongst learner groups, including those with protected characteristics, that would otherwise be "hard to reach", and other individuals that face barriers to participation in learning and work, supporting entry points for disadvantaged groups.
- Uses subcontractors as appropriate to fill gaps in and extend the breadth of its provision: for example, through widening the range of apprenticeship standards offered to employers and apprentices, broadening the range of sector subject areas or employer sectors that can be covered.
- Fill gaps in niche or expert provision and/or provide better access to training facilities
- In response to tender opportunities, where B2W intends to lead a submission, and where the potential sub-contractor must complete due diligence as part of the tender process.

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3.0 EXEMPTIONS TO THE POLICY

3.1 From May 2017, the Apprentice Funding and Performance Management rules, passed the responsibility to choose Apprentice Assessment Organisations (IAAO's) to Employers. The employer will work with B2W or its subcontractor partner to decide which End Point Assessment Organisation (EPAO) they want to work with; however, it is the responsibility of the lead training provider to contract with the EPAO on their behalf and, work with the employer / EPAO to negotiate the EPA fees. Levy paying employers will pay for End-point Assessment (EPA) with apprenticeship levy funds. Whilst B2W will be responsible for payment of the fees, subcontracting to EPAO's will be exempt from the policy.

4.0 QUALITY IMPROVEMENT

4.1 B2W Group will:

- Actively works with subcontractors to improve the quality of the teaching and learning they deliver and thereby improve the overall quality of teaching and learning for all learners.
- Undertakes observations on all aspects of teaching and learning including information, advice and guidance, progress reviews and assessment.
- Provide timely and meaningful feedback to both subcontractor and their delivery staff with observations being incorporated into the overall moderation and standardisation process, in order that improvement actions impact both internal and subcontractor quality.
- Carry out 'learner voice' surveys, through a multi-channelled approach to gather feedback from learners / participants.
- Carry out employer / stakeholder surveys, through a multi-channelled approach to gather feed-back to continue to meet employer demand for excellence in skills provision.
- Support subcontractors to implement effective policies and procedures relating to teaching and learning including assessment, verification, quality assurance and data recording.
- Ensures that subcontractors have appropriate and effective policies and procedures in place to fulfil safeguarding obligations and duties under PREVENT. This should include an effective CPD plan for all staff engaged in B2W delivery.
- Support subcontractors to develop an effective Self-Assessment Report (SAR) and Quality Improvement Plan (QIP). B2W will incorporate subcontractors SARs and QIPs into the whole B2W SAR.

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5.0 MANAGEMENT FEE

5.1 B2W Group will retain a Management Fee not exceeding 20% of total funding (grant and fees or levy) in 2022/2023

5.2 The Management Fee is calculated based on the level of resource required to manage the subcontractor relationship and contract and includes:

- Administration
- Quality assurance
- Data Services functions relating to the submission of funding claims to the ESFA
- Provision of management meetings
- Provision of professional advice regarding ESFA/funding matters
- Due Diligence support, guidance and checking, ensuring that high quality delivery to public funded learners / participants is maintained and that any risk to B2W and associated funding bodies is mitigated.

6.0 SUPPORT PROVIDED TO SUBCONTRACTORS

6.1 B2W Group has:

- A Head of Contracts and Performance to manage the relationship with the subcontractor, engage with monthly and quarterly performance management reviews with all subcontractors and take overall responsibility for subcontracting alongside the Group CEO
- A Head of Quality to ensure that the quality of subcontractor's delivery meets its expectations and to support the continuous improvement of the subcontractor's provision.
- A Head of Data Services to ensure the timely and accurate recording of student information on B2W's ILR.
- A commitment to undertake a regular and substantial programme of quality assurance checks on the teaching and learning provided by sub-contractors, including visits at short or no notice and face-to-face interviews with staff and learners. These checks include evidence of eligibility, proof of existence and right to access UK funding, and involve direct observation of initial guidance, assessment and delivery of learning programmes.
- A commitment to ensure that all of the subcontractor's delivery meets Funding Rules, in a timely manner.

7.0 PAYMENT TERMS

7.1 Payment will be based on agreed profiles.

7.2 No payment will be made in relation to a learner where the subcontractor has failed to notify of any relevant enrolment, attendance or achievement by that learner in accordance with the provisions of the contract, or where a learner has failed to meet the start criteria in relation to funding eligibility.

7.3 B2W will not be under any obligation to make payment to the subcontractor in respect of learners over and above any upper limit on the number of learners or the maximum amount of funding allocated to the subcontractor.

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7.4 If B2W pays any amounts to a subcontractor in relation to any learner who is subsequently deemed not to be eligible for payment of funding by the respective funding body, B2W will be entitled to be fully refunded by the Subcontractor. At the discretion of B2W such a refund will either be payable within 30 days of notice to the subcontractor, or may be deducted from the funding payable in relation to a subsequent payment period.

7.5 If, in respect of any funded learner, the funding body shall for any reason whatsoever (being a reason outside the control of B2W) refuse or fail to pay the funding of any learner B2W shall be under no obligation to pay any part of the funds relating to that learner to the subcontractor and any part of the funding relating to the said learner shall be fully refunded to B2W by the subcontractor.

7.6 B2W's payment terms are 30 days from invoice date.

8.0 COMMUNICATION

8.1 The Fees and Charges Policy will be routinely communicated to and discussed with current subcontractors as part of the contract review process.

8.2 The Fees and Charges Policy will be communicated to potential subcontractors as part of the procurement process.

9.0 DUE DILIGENCE. SELECTION & TENDERING

9.1 B2W has a due diligence framework that approves a contractor for a maximum period of 3 years extendable on a year-by-year basis and subject to: - Acceptable delivery of previous years contract - Confirmation of updated due diligence information - Supply of annual accounts.

9.2 Stage 1 – Annual Credit Check Contractors who wish to become a subcontractor must complete or provide, as a minimum, the documentation listed below: - Due diligence application form - Two current references - Annual accounts for the last three years - Success rates for all types of programmes delivered

9.3 Stage 2 – Full Site Visit if the potential sub-contractor successfully passes due diligence, this will enable the submission of a response to any tenders. Approval of a contractor does not guarantee an offer of funding. Contracts are offered subject to: - B2W funding awards, successful tender applications - Submission of specific documents, upon request - Attendance at contract meetings upon request

10 POLICY REVIEW

10.1 The fees and charges policy will be reviewed annually, however may be reviewed more frequently in response to changes in government policy or funding.