University of Cumbria Sub-contracting policy in relation to Education and Skills Funding Agency (ESFA) Funded programmes

(Version 3 – August 2019, Incorporating changes to ESFA Funding Rules for 2019-20)

1. Introduction and purpose

The University of Cumbria offers Higher and Degree Level apprenticeships to employers covering a range of subject areas. A national requirement for all apprenticeships is that prior to completion, apprentices must hold relevant qualifications at a level defined by the ESFA in English and Maths. The University of Cumbria is a widening participation University and as such, it is possible that some apprentices will not hold these qualifications prior to entry onto a programme. Where this is the case, the University will subcontract the delivery of Functional Skills English and math level 2 qualifications as part of the apprenticeship programme.

The purpose of this policy is to provide accurate and comprehensive information to external agencies and potential 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

This policy applies 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 for Main Providers; August 2019 to July 2020, Version 1, Issued July 2019.

3. Fairness in Procurement

The University will at all times undertake fair and transparent procurement activities. Selection and procurement of 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.

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.

At least annually, the University of Cumbria 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

Successful partners will be issued with a legally binding contract eligible for the period from when the contract commences until the planned completion date of an apprenticeship. The requirements of this policy form part of that contractual agreement. 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, 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.

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
- ESFA Apprenticeship and Performance Management Rules for Main Providers; August 2019 to July 2020, Version 1, Issued July 2019
- Any updates to ESFA rules published after these dates.
- Ofsted's Inspection framework for FE and Sills.

6. Quality Assurance (QA) 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 subcontractor to review progress and manage the quality of external provision.

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

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.

The University will take a risk management approach to subcontractor management to ensure that appropriate levels of contact monitoring and Quality Assurance are maintained. This approach will be based on the number of apprentices placed with a subcontractor as follows:

University/Sub-contractor Contract review meeting Schedule:

Number of apprentices placed with sub-contractor	Number of contract review meetings in academic year RoATP registered sub-contractor
Up to 10	1
10 -20	2
20 +	3

In order to enable contract review meetings to be conducted effectively and efficiently, the subcontracted provider will be asked to provide the university the following information at least 3 weeks prior to the review meeting:

- Copies of learner progress records
- An RAG rating assessment of learner's progress to identify those at risk of not completing on time
- A copy of the provider's latest self-assessment report
- Records of delivery staff safeguarding and prevent training

Contract review meetings will be conducted using the review-meeting template in <u>APPENDIX 2</u> as an agenda and record of the meeting. These will be signed by representatives from both organisations and a copy provided to the subcontractor for their records.

Where appropriate, the University may offer the subcontractor's delivery staff working on a UoC programme the opportunity to participate in University of Cumbria CPD events including Safeguarding and Prevent training.

Quality Assurance Check Schedule:

Number of apprentices placed with sub-contractor	Number of QA Visits in academic year RoATP registered sub-contractor		
	Scheduled	Unannounced/ Short notice	
Up to 10	1	0	
10-20	1	2	
20 +	1	3	

In order to make more effective use of Quality Assurance visits, the subcontractor will be asked to provide the following information as a minimum prior to any visit:

- Lesson plans for the lessons to be observed
- Materials
- Examples of learner's work
- Marking criteria
- Progress notes

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.

The QA Visit Report Template at <u>APPENDIX 1</u> will be used as an agenda and record of the QA visit. The QA 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.

Where contract reviews or QA visits 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. If the issues cannot be resolved within 8 weeks of the issue being identified The University reserves the right to reallocate apprentices to a new provider to ensure timely achievement of Functional Skills qualifications.

All subcontractors must agree to this schedule of meetings and QA visits prior to being awarded contracts.

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

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 the University of Cumbria 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
- · Quality policies for deliverers' procedures?
- Insurance:
 - o Employers (compulsory) Liability Insurance = £10,000,000 any one occurrence/number of occurrences.
 - o Public Liability Insurance Cover = £5,000,000 any one occurrence/number of occurrences.

8. Fees and charges

The University makes a maximum charge of 15% of the full contracted value as a management fee for its standard subcontracted provision for English and math. The costs cover the provision of:

- administration
- quality assurance
- MIS function relating to the submission of funding claims to the ESFA
- provision of review meetings
- provision of a dedicated account manager

The subcontractor will be responsible for meeting the costs associated with the registration of candidates with awarding bodies, examination and re-examination fees out of the funds agreed with 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

10. Declaration of Use of Sub-contractors

In line with ESFA funding rules, the University will submit a subcontractor use declaration of 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 web-site each year.

11. Duties within the University of Cumbria

Nominated members of staff with strategic lead responsibility for subcontracting:

• Deputy Director of Finance

Nominated members of staff with responsibility for procurement of subcontractors:

- Finance Manager Operations
- Apprenticeship Development Manager

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

- Apprenticeship Development Manager/Contracts and Compliance Officer Contract reviews
- Managed by AQD QA monitoring visits

Policy Approval:

Student Success and Quality Committee (SSQAC)

12. Contingency Planning

The subcontracted provider is required to notify the University of Cumbria immediately if there are and 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.

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 leaners 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.

13. Policy sign-off and Oversight

This policy is owned and approved on behalf of the University of Cumbria's Senior Management Team on **24/10/2019** by the Student Success and Quality Committee.

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 Apprenticeship Steering Group (ASG). The Apprenticeship Development Manager will provide an update report to each ASG on the following:
 - o Planned QA visits Contract reviews conducted against the schedule
 - o Unplanned QA visits Contract reviews conducted against the schedule arising from any issues
 - o 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 ASG will approve and submit a report to the Student Success and Quality Committee 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.

University of Cumbria

Appendix 1. - Sub-Contractor QA Visit Report Template (October 2018)

Sub-contractor		Providers		Date of Visit	
Name		UKPRN			
Address				Name of UoC	
				Representative	
Programme being deliv	vered				
This visit is		Initial Assessment Visit to confirm acceptance as a subcontractor			
(Tick appropriate box)		Scheduled QA Visit			
ONE BOX ONLY		Unannounced QA Visit			
		Follow up visit following an unsatisfactory QA visit to check			
		progress			

Activities Undertaken

Classroom Observation	Interview with Staff	Interview with Students	
Examination of Student records	Other (Specify)		

Notes

Classroom Observation (Must be at least 15 minutes)

Classiconii Observation (Must be at least 15 ininutes)				
Classroom environment was conducive to learning (e.g. temperature, well lit, tidy, clean, organised,	Yes/No			
suitable furniture and ley out)				
The lesson was planned with structured activities	Yes/No			
Students appeared engaged and interested in the subject	Yes/No			
The teacher responded appropriately to class comments and questions	Yes/No			
If the answer to any of the questions above is NO, Please provide a description of the issues found here				

Interview with staff

the view with state	1. /2.
Teachers hold qualifications appropriate to the subject being taught (Record qualifications)	Yes/No
Teachers hold or are working towards a formal teaching qualification (record qualifications)	Yes/No
Teachers are given opportunities to develop and are encouraged to develop	Yes/No
Teachers are regularly observed by the organisation and provided with feedback	Yes/No
Staff feel supported by the organisation	Yes/No
If the answer to any of the questions above is NO, Please provide a description of the issues found he	ere
Record any relevant comments from staff	

ı	nterviews	with	Stud	ante
ı	III EI VIEWS	WILLI	. TI LI LI	

Students are happy with the way the subject is taught	Yes/No
Students feel they get the support and help they need from their tutors	Yes/No
Students feel they are making progress	Yes/No
Students know when they are expected to take their exam	Yes/No
Students have been taught by the same teacher for the duration of their course	Yes/No
If the answer to any of the questions above is NO, Please provide a description of the issues found her	e
Record any relevant comment from students	

Safeguarding and Prevent

saleguarding and Frevent		
Have staff or students identified any Safeguarding or Prevent issues	Yes/No	
(NOTE!) this question MUST be asked in every visit		
If the answer is yes, record the issues below and immediately notify the University's Apprenticeship Development		
Manager and Head of Student Support. This will result in an immediate review meeting.		

Examination of Student Records

The organisation keeps records of :	
Initial English and Maths assessments	Yes/No
student progress	Yes/No
Student attendance	Yes/No
Attainment	Yes/No
If the answer to any of the questions above is NO, Please provide a des	cription of the issues found here

Record any concerns regarding student progression, for example, any students likely to not complete on time

Student Progression and Attainment

Number/Percentage of first time passes/ Failures in last 6 months	Passes	Failures	
Number/Percentage of retake passes/Failures in last 6 months	Passes	Failures	

Other				
Please note any other observations that affect or indicate the quality of provision below				
NOTE! – If this QA visit is a follow up to assess progress after an unsatisfactory visit, reference must be made to the				
Action Plan drawn up with the subcontractor to address any quality issues				

Findings

As a result of the QA visit, the Subcontractor's provision is	Satisfactory (No Action required)	
judged to be:		
	Needing Development (Advisory Only)	
(Tick one box only. If unsatisfactory an action plan must be		
agreed with the subcontractor to address any issues identified)	Unsatisfactory (Remedial Action Required)	

Subcontractor comments and Signature

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

APPENDIX 2 – University of Cumbria

Sub-Contractor Performance Management Review Template

Introduction

- 1. This form sets out and captures the requirements governing the ongoing performance management of University of Cumbria's sub-contracted delivery as part of our apprenticeship programme for employers.
- 2. We have full responsibility for the quality of all aspects of every apprenticeship delivered for the employer and we are required to carry out formal assessments of our subcontractor's provision as detailed in our contract with you and in accordance with the ESFA's funding rules.

Accountabilities and Principles

- 3. The University is responsible for carrying out the review of your delivery. Reviews will be held in line with the timescales set out in the University's Subcontracting Policy.
- 4. This responsibility includes an annual review of policies and processes concerning subcontracting and the action taken regarding instances of exceptional or poor performance or breach of funding rules. The policy and any occurrences of exceptional achievements or breaches must be reviewed annually as part of our *Student Success and Quality Committee* remit, with any recommendations for action implemented immediately in response.
- 5. Your nominated quality lead [insert name] and/or [insert accountable role title] will be in attendance.

Guidance

- 1. This form should be completed in accordance with the university of Cumbria's subcontracting policy available at https://www.cumbria.ac.uk/media/university-of-cumbria-website/content-assets/public/hla/Sub-contracting-policy-in-relation-to-ESFA-Funded-programmes.docx.
- 2. Signature(s) confirm the record as being true and accurate.
- 3. This record will be held by the University's apprenticeship team and circulated to attendees by email

To be completed by the University									
Subcontractor			UKPRN o	f provider					
In Attendance									
Programme(s)									
Period of Review	[date/trim	date/trimester/module(s)]							
				Maths	English				
Number of Apprentic subcontractor	ces currentl	y placed with							
Number of current A on time									
Number of current apprentices anticipated to miss target completion date									
Agreed actions to su	pport St	udent Name	Planned re	anned remedial action					
those students who may									
miss target completi	on								
date.	nd								
Use specific names a actions	na								
actions									
Changes in Key subco staff since last review		Name of new person	Role		Date of change				

Record any actions required by either the subcontractor or					
university resulting					
changes	ilg il Olli Stali				
Citaliges					
		Maths			
New starts since	last review				
		English			
Commisters since	last variant	Maths			
Completers since	iast review	English			
		English			
	Other Iss				aken/planned, By who
	(if none recor	d none)			ith target date.
				If no	one record none
Record any					
Prevent or					
Safeguarding					
Issues					
Record any					
relevant					
subcontractor					
internal QA					
audit findings					
Record any					
complaints or					
appeals from					
learners					
Findings from Un	iversity of Cumb	oria observation	visits	Actions to be t	aken
1					
2					
3					
4					
5					
Finance					
Invoices					
(record any					
issues with					
invoices and					
actions to be					
taken)					
Payments					
(record any					
issues with					
payments and					
actions to be					
taken)	[dotails] [norte	ormancol [Dacks	oard!		
Milestones / KPIs for next		ormance] [Dashb	iouruj		
period	e.g. - Assessment				
periou	- 4336331116111				

- Achievement
- Progression to KSBs

SUBCONTRACTOR STAFF ATTENDANCE AT RELEVANT CPD EVENTS (e.g Prevent and Safeguarding training, Teacher training).							
Name		Details		Activ	Activity		
	Positive/	No Action			[Reas	ons]	
ACTION		Remedial Action			[Details]		
A Also and a self	Interven	tion			[Deta	ils]	
Authorised Signature				Date			
Name							
Discussion [other] [o		nts] [issues]					
1.							
2.							
3.							
4.							
Action Agreed							
Subcontractor DECLARATION		nfirm that the information given during this ance management review is accurate and true				Date	
Universit		ty Representative Subco		ubconti	contractor Representative		9
Signed							
Name							
Role							
Date and period of next review							

Version Control

Version	•			
1				
Number	Version approved by Student Success and Quality Committee Version 2, Updated following Ofsted Inspection, Audit feedback and UVAC webinar on best practice in April 2019. Summary of Changes: Initial Due Diligence check on all subcontractors will be repeated at least an annually. Such a review will also triggered by significant changes to the organisation to include: 1. Merger with another provider 2. Change of ownership 3. Change of key personnel (e.g. managers, directors, link person) 4. 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. Contingency plans to account for major disruption in subcontracted provider are now included. This will address issues that include: 5. Ceasing to trade 6. Poor Ofsted Inspection 7. Other significant changes that affect the ability of the subcontractor to deliver required programmes. Subcontractors are required to notify the university immediately of any issues that may affect delivery of contracted services to learners.	October 2018 April 2019		
	 The policy incorporates process for gathering information from subcontractor prior to any monitoring visit to allow identification of issues to be explored during the visit. Specifically for lessons, an observation pack to include: 8. Lesson plan 9. Materials 10. Examples of work 11. Marking criteria 12. Progress notes For contract review meetings include: 1. Progress records 2. RAG rating for learners 3. Self-assessment report 4. Staff safeguarding and prevent training record Subcontractor will be required to provide details and CVs of named individuals that will deliver the programme and notify the university if this changes. Subcontractor may be offered the opportunity to access CPD offered to the university's own apprenticeship delivery team. (for example, Safeguarding and Prevent training) A template has been added for Contract review meeting records The number of contract review meetings for higher numbers of learners is increased from 3 to 4 Safeguarding and Prevent has been added as a mandatory area to cover in all visits. The addition of the requirement for the subcontractor to be subject to Ofsted requirements and inspection in addition to ESFA audit. 			
2.1	Addition of Oversight and reporting responsibilities in section 13 following SSAQC meeting on 2/5/19.			

3.0 Revisions for version 3 – Updated 15th August 2019 to reflect new requirement in ESFA 15th August funding rules that all subcontractors should be on the Register of Apprentice Training 2019 Providers (RoATP), including those that provide English and Maths. **Section 2**, Updated reference to current funding rules from ESFA. Section 4, Amended, the university will now ONLY contract with providers on the ESFA Register of Apprentice Training Providers (RoATP) as required in the 2019-20 funding rules. **Section 5**, New funding rules referenced Section 6, Reverence to non-RoATP registered providers removed from text and tables. Number of visits revised **Appendix 1,** QA visit report template has RoATP UK Provider reference number added to table to demonstrate provider in on RoATP Appendix 2, Contract review template has RoATP UK Provider reference number added to table to demonstrate provider in on RoATP