



SUPPORTED BY
MAYOR OF LONDON



South Bank Colleges Subcontractor Policy

This policy outlines how South Bank Colleges will apply fees and charges to contracts with organisations subcontracted to deliver education and training provision on behalf of the college.

1. SCOPE

- 1.1 This policy statement details how the South Bank Colleges will apply fees and charges to contracts with subcontracted to deliver education and training provision.
- 1.2 This document outlines South Bank Colleges' Subcontractor Policy for the 2023/24 academic year.
- 1.3 This policy has been written in accordance with the Education and Skills Funding Agency and the Greater London Authority, Adult Education Budget (AEB): funding rules for the 2023 to 2024 funding year (1st August 2023 to 31st July 2024).

2. DISCLAIMER

- 2.1 South Bank Colleges reserves the right to amend its subcontracting arrangements at any time in accordance with the requirements of the Funding Bodies and the terms and conditions contained in its standard contract for subcontracted provision.

3. RATIONALE FOR SUB-CONTRACTING

- 3.1 The College will enter into sub-contracts with organisations to undertake provision that fits with its strategic objectives, where the College cannot provide this directly for reasons of resourcing, efficiency or effectiveness.
- 3.2 By working with sub-contractors such as:
 - Providing niche delivery where the cost of the College developing direct delivery would be inappropriate.
 - Engaging with the wider community and so increasing participation by:
 - (i) Attracting learners who are unable or unwilling to attend provision offered on college campuses.
 - (ii) Widening the range of progression opportunities for learners, both from sub- contractor's provision to the College's and vice versa.
 - (iii) Offering flexibility by delivering provision at times and venues convenient to learners and employers.

- Contributing towards the sustainability of the College's provision overall by helping the College to respond to changing market demands and emerging opportunities.
- Supporting employers with a wide geographic requirement; in so doing, increase participation in education and training
- Enabling the College to respond quickly to employer and learner demands, so providing a greater choice for learners.
- Providing good development opportunities for both South Bank Colleges and its sub-contractors, to share good practice and explore ways of working.
- Temporarily expanding local and regional development opportunities to meet a short-term need.
- Providing immediate provision whilst expanding direct capacity, including exploring and learning about new frameworks or sectors prior to investment in resources.
- Enabling the College to gain access to intellectual property required to enhance the College's curriculum offer.

4. SELECTION PROCESS

- 4.1 Organisations must be able to demonstrate that they meet all the requirements of South Bank Colleges to fulfil their commitments to quality assurance and financial and legal viability. Potential sub-contractors will be required to complete a Pre-Qualification Questionnaire (PQQ) to enable South Bank Colleges to assess the quality of the applicant's organisation.
- 4.2 Where an organisation meets both the required standards and a business need a full due diligence process will be undertaken before confirming suitability.
- 4.3 The Executive Principal will undertake the final authorisation of all potential sub-contractor proposals and must be satisfied that the proposed contract meets strategic aims and enhances the quality of South Bank Colleges' offer to learners.
- 4.4 Final approval of the subcontractors will be made by the South Bank Colleges Board of Governors.
- 4.5 All subcontractors selected will be required to sign a legally binding contract.

5. CONTRACTING

- 5.1 Based on approval and through discussion or negotiation, both South Bank Colleges and the subcontractor will agree the contract financial value and learner numbers by funding stream(s). The following core contract components will be agreed:
 - Sub-contractor profile
 - Sub-contractor duty (and KPIs)
 - College duty College service offer
 - College management and service charges based on due diligence results.
 - Contract volume and value.
- 5.2 The contract will reflect the in-year Funding Rules and updates. All contracts are legally binding and will need to be signed by all parties prior to the commencement of delivery.

6. QUALITY ASSURANCE

- 6.1 To ensure that all sub-contracted provisions are of the highest quality all partners will be included in South Bank Colleges' Quality Assurance Cycle and will be guided and supported to follow this process.
- 6.2 South Bank Colleges will provide training, guidance and support to improve the quality of teaching, learning and assessment (TLA), including observation training and the implementation of post observation action plans.
- 6.3 South Bank Colleges will provide opportunities for subcontractors to share good practice through quality monitoring and audit compliance visits including observations of teaching, learning and assessment and utilising learner and employer feedback.
- 6.4 Subcontractors are required to hold course centre approvals and fully liaise with the awarding bodies. Sub-contracted provision may be required to undergo course approval with South Bank Colleges. In addition, South Bank Colleges will regularly review External Moderator reports submitted by subcontractors and monitor actions arising from these as required.
- 6.5 South Bank Colleges will regularly validate the outcomes of subcontractors' own quality monitoring processes.
- 6.6 Full details of South Bank Colleges' requirements are identified in the contract between South Bank Colleges and the subcontractor.

7. PUBLICATION OF INFORMATION

- 7.1 In compliance with the Education & Skills Funding Agency and other agency funding rules that apply, the College will publish its fees and charges policy on its website. The College will return data on the level of funding paid and retained for each of its delivery partners in 2023/24 to the ESFA as and when required. This will only relate to 'provision subcontracting' i.e., subcontracted delivery of full programmes or frameworks/standards. It will not include the delivery of a service as part of the delivery of a programme (for example, buying the delivery of part of an Apprenticeship framework/standard or outreach support).

8. MANAGEMENT FEE AND CHARGES 2023-2024

- 8.1 South Bank Colleges retains a percentage of the total funding allocated to enable it to discharge its responsibilities in respect of its students.
- 8.2 The management fee retained by South Bank Colleges is calculated as a percentage of the total contract value agreed with the sub-contractor, which is reviewed and published on an annual basis.
- 8.3 The total cost of providing this service to the subcontractor amounts to 20% of the gross fee paid to the College by the Education & Skills Funding and Agency. This cost is reasonable and proportionate in order to carry out necessary quality monitoring activities and support the subcontractor deliver high quality teaching and learning.

- Any variations to this management fee are agreed on a contract and case by case basis and will only be undertaken by negotiation and agreement by both parties. Any variation will be authorised by the Principal.

- **SOUTH BANK COLLEGES SUPPORT FOR SUBCONTRACTORS**

- The management fee charged will cover the cost of South Bank Colleges providing the subcontractor with overall management and administration of their contract, and specifically including the following services:
 - ○ Advice and guidance and due diligence assessment at pre-contract stage
 - ○ Assigned Manager and Co-ordinator to oversee the provision and to ensure subcontractor is meeting all aspects of the contract
 - ○ Learner support including: paperwork, advice and guidance on eligibility, processing enrolment documents, on-programme and completion support
 - ○ Complete data management and entry of learner data onto ILR to ensure timely and accurate processing and submission of data to funding body
 - ○ Financial management including calculation of fees due, processing of invoices and calculation
 - ○ Monthly monitoring of learner achievements and success rates
 - ○ Regular and on-going provision of administrative, technical and management
 - ○ Information support, from initial starts, on programme support, through to completion and achievement Quality assurance visits and learning walks with detailed feedback identifying good practice and areas for improvement
 - ○ Audit visits – announced and unannounced
 - ○ Contract performance and monitoring visits
 - ○ Standard Review meetings
 - ○ Specific training including: Self-Assessment preparation and completion, Teaching, Learning & Assessment and audit compliance
 - ○ Access to South Bank Colleges' staff development and training sessions for staff employed by the subcontractor, where appropriate
 - ○ Annual survey of learners
 - ○ Annual audit of MIS data including enrolment forms and attendance records
 - ○ Review of learner documentation including tracking records, reviews and ILPs
- The responsibilities of subcontractors
 - ○ All learners provided with education and training under a subcontractor engaged by South Bank Colleges remain the responsibility of South Bank Colleges.
 - ○ Subcontractors must ensure that they meet all the requirements of South Bank Colleges to fulfil its commitments to quality assurance, financial and legal viability and learner success and achievement.
 - ○ Providing all essential information requested by the College as part of the Due Diligence process. The documentation must be updated regularly at South Bank Colleges' request for the duration of the contract.
- ● Informing South Bank Colleges of any changes of ownership of the organisation, management structure, loss of centre accreditation and/or

direct claim status.

- Ensuring learners are eligible for funding in accordance with ESFA Funding Rules (and, where appropriate, ESF funding rules).
- Ensuring that their organisation's systems and processes are robust and appropriate to enable full compliance with the above funding rules.
- South Bank Colleges and, if necessary, the ESFA (or their nominated representatives) must be given reasonable access to their premises and their documentation for the purposes of quality assuring the training delivery falling under the scope of this sub-contract.
- Providing suitably qualified and competent staff for the delivery of the qualifications and training under this sub-contract arrangement. South Bank Colleges will require evidence of staff qualifications and experience.
- Informing South Bank Colleges if they discover any irregular financial or delivery activity in their organisation including: (i) non-delivery of training when funds have been paid, (ii) Sanctions imposed by an awarding organization (iii) An inadequate Ofsted grade (iv) Complaints or allegations by learners, staff or other relevant parties (v) Allegations of fraud.
- Submission of learner enrolments, registers, and completion of all documentary evidence in a timely manner and with minimal errors or omissions.
- Learner registration and certification processes for external verification activity
- Providing details of any accidents or dangerous occurrences affecting learners or the learning environment.
- Providing details of any Safeguarding issues.
- Providing an annual Self-Assessment Report.
- Informing and encouraging learners and employers benefitting from this contractual arrangement of the requirement to participate in South Bank Colleges' Quality Monitoring activities and surveys when required. They may also be required to participate in an OFSTED inspection, or other external quality assurance activity.

Should either party need to withdraw from this contract, the subcontractor must agree to co-operate with the South Bank Colleges to ensure there is continuity of learning for the learners. All learner details, files, paperwork and or electronic records should be passed to South Bank Colleges at the earliest possible convenience for the purposes of finding and supporting suitable, high quality alternative provision.

10. PAYMENT TERMS

- 10.1 Subject to South Bank Colleges receiving all necessary paperwork from the Subcontractor and subsequent payment in full from the Agency or the Employer, South Bank Colleges will pay to the Subcontractor, by BACS to a bank account nominated by the Subcontractor, such part of the price due to the Subcontractor as relates to each Programme or fraction of a Programme completed in respect of the preceding Month. Payment shall be made by South Bank Colleges to the Subcontractor within 30 calendar days of period end provided valid paperwork from the Subcontractor has been received. South Bank Colleges shall have the right in any subsequent Month to withhold, suspend or set off an appropriate proportion of the Price due in the event of non-completion of a programme or a fraction of a programme by the Subcontractor in a preceding month.

- 10.2 Payments to subcontractors are calculated as a percentage of the funding generated by actual activity recorded in South Bank Colleges' Individual Learner Record (ILR) up to the maximum contract value. All percentages are outlined and agreed by South Bank Colleges and subcontractor on contracts and schedule of services.
- 10.3 Payments are calculated on a monthly basis and are based on actual funding generated, Subcontractor delivering the Programmes in accordance with the Funding Rules, the management fee, any audit hold-back (see 10.6), payments to date and the delivery of agreed services in accordance with the contract.
- 10.4 In exceptional circumstances, for example where there has been a failure relating to systems or processes to enable generation of funds, South Bank Colleges may authorise a payment on profile. This payment will be authorised by the Chief Financial Officer.
- 10.5 Where there is evidence of non-compliance with the conditions of the contract or this policy, or related issues or concerns, South Bank Colleges reserves the right to withhold payment until conditions are fully met.
- 10.6 If there are any concerns about impact on the outcome of external or internal audit, South Bank Colleges reserves the right to withhold 10% of payments due to the subcontractor as audit holdback. This audit holdback will be paid to the subcontractor at the end of the financial year, subject to submission of all evidence and successful external or internal audit.
- 10.7 No payment will be made in relation to a Learner unless South Bank Colleges has received evidence satisfactory to it to support the making of such payments in accordance with the Funding Rules including, but not limited to, evidence of any relevant Enrolment, Attendance or Achievement by that Learner in accordance with the provisions set out in the subcontractor contract.

11. POLICY DISSEMINATION

- 11.1 This policy will be disseminated to current subcontractors via email and a Website link.
- 11.2 All potential subcontractors will be made aware of the policy as part of any tendering process.
- 11.3 South Bank Colleges will publish the actual level of funding paid and retained for each subcontractor annually on South Bank Colleges' websites.

12. POLICY REVIEW

- 12.1 This policy will be reviewed by the Corporation to ensure it reflects any changes in funding rules and requirements.
- 12.2 Any changes to this policy that are required mid-contract will be discussed with the subcontractors, prior to changes being implemented.

Document Review Date: July 2024