

ESFA SUB-CONTRACTING &  
FORMAL PARTNERSHIPS  
(INC SUB-CONTRACTING  
SUPPLY CHAIN FEES AND  
CHARGES)



## **1.0 INTRODUCTION/PURPOSE**

Hartpury College is committed to providing high quality provision and this is reflected when we use sub-contractors to deliver some of this.

This policy covers the requirements for operating an ESFA 16-19 sub-contract and any formal partnerships relating to ESFA funded students. It outlines roles and responsibilities for key aspects of operation. The policy also sets out the details of our subcontracting supply-chain fees and charges. More specific contractual obligations will be imbedded within each subcontractor's agreement.

For the purposes of this Policy, a Sub-contract is defined as Hartpury, as the Prime, drawing down ESFA funding and assuming accountability for learners where the delivery is sub-contracted to an external party.

For the purposes of this Policy, a formal Partnership is a partnership that involves Hartpury employing external specialists to deliver specific elements of a directly funded Programme rather than a sub-contract.

Hartpury College will support, develop and share good practice through quality reviews; operational meetings; observations of teaching, learning and assessment and learner and employer feedback.

## **2.0 REASON FOR SUB-CONTRACTING**

The College will enter into sub-contracts where it fits with its strategic objectives and where the College cannot provide this directly for reasons of resourcing, efficiency or effectiveness.

In certain circumstances, sub-contracting enables the College to meet the needs of its customers better, these include:

- Providing niche delivery where the costs to the College of providing it directly would be prohibitive;
- Attracting learners who might not attend provision at the College;
- Offering flexibility to the wider community by delivering programmes at times and venues more convenient to employers and learners

### **3.0 SCOPE**

This Policy covers the following areas of sub-contracting and formal partnership provision:

- Initial Sub-contract or Formal Partnership approval
- Annual Review and Issue of Contract or Partnership Agreement
- Quality Improvement and Compliance
- Governance Oversight
- Safeguarding
- ESFA approval requirements
- Management Fees
- Payment Arrangements
- Submitting Funding Data
- Contingency Planning and Management of Risk
- Equality, Diversity and Inclusivity

### **4.0 INITIAL SUB-CONTRACT OR FORMAL PARTNERSHIP APPROVAL**

Any new sub-contract or partnership proposal must align with the College's Strategy and follow the Course Approval Process as outlined in the related Policy which includes involvement from the Board of Governors. This ensures that there is a clear rationale and a business case for delivery of any Partnership or Sub-contract inclusive of evidence of industry demand and assessment of value for money. Long standing Sub-contracts or Partnerships will have already demonstrated this so therefore only the annual review requirements apply.

### **5.0 ANNUAL REVIEW AND ISSUE OF CONTRACT**

Annual review and signing of the annual Contract must be undertaken by the appropriate Hartpury personnel.

The Deputy Principal FE will review the quality and compliance documentation required from the Sub-contractor or Partner and determine whether it meets the ESFA and Hartpury requirements and expectations prior to signing of the Contract or Partnership Agreement (using the tables detailed in Appendix A to document compliance and actions required prior to the contract being signed).

The relevant Director is responsible for ensuring accuracy of content in the Contract or Partnership Agreement. The Chief Operating Officer is responsible for final review and signing of the Contract or Partnership Agreement following financial, contractual compliance and reputational validation of the Sub-contractor or Partner undertaken as part of the Due Diligence requirements for procurement.

The Contract or Partnership Agreement clearly sets out expectations for each party inclusive of retention of funding by the prime and management fees.

### **6.0 QUALITY IMPROVEMENT AND COMPLIANCE**

The Deputy Principal FE and Chief Operating Officer are responsible for overseeing the operation of this Policy and ensuring appropriately qualified and skilled personnel are utilised for delivery and operational management.

Following initial approval of required documentation and intended implementation as outlined above, table 1 is used to monitor headline compliance.

The Deputy Principal FE is responsible for reviewing and monitoring overall quality, compliance and curriculum aspects, meeting a minimum of 3 times a year with the key personnel from the Sub-contractor to assess headline performance and contract compliance.

The relevant Director is responsible for the operational management of the Sub-contract and Formal Partnership and for providing National Governing Organisation related updates that impact the Sub-contract or Partnership where related to DiSE.

The relevant Programme Manager is responsible for implementation of the Sub-contract or Partnership Programme inclusive of monitoring completion of learner reviews, course delivery, internal verification, learner satisfaction, MIS liaison for ILR purposes, monitoring student progress against target end dates and ensuring timely intervention when needed. This includes regular formal and informal meetings with the Sub-contractor or Partner. The Programme Manager is also responsible for ensuring access to appropriate training, CPD or briefing sessions considering accessibility of all.

Quality aspects mirror the College 16-19 Policies and Operating Procedures incorporated and implemented as per the Quality Cycle.

## **7.0 GOVERNANCE OVERSIGHT**

The Board of Governors monitors performance of the sub-contracted students through KPIs presented to the Quality Committee 3 times per year and via an annual Quality Improvement Plan submitted each June.

## **8.0 SAFEGUARDING**

Safeguarding at Hartpury is about putting the learners first and being proactive in implementing and sustaining excellent practice to ensure learners are safe and free from harm. One of our corporate values is striving for excellence and we look for continual improvement with regard to our safeguarding practices.

All those involved with Sub-contract or Partnership delivery are subject to a DBS prior to their involvement. This is monitored very carefully and all our DBS records are held on our Single Central Record.

## **9.0 ESFA APPROVAL AND REQUIREMENTS**

ESFA Approval must be obtained annually prior to the commencement of any sub-contract. The Chief Operating Officer is responsible for ensuring approval prior to the signing of the Contract.

The ESFA requires specific information about the sub-contract to be published on the website of the institution following approval by the Board of Governors. The Chief Operating Officer is responsible for this. This includes any management charges and retention of funding by the Prime, this detail is included within this policy in section 9.0 and 10.0.

## **9.0 MANAGEMENT FEES**

Hartpury College retains a management fee from all subcontracted partner organisations, this is typically around 25%. The fees charged reflect the cost of the procurement process and the management of the contracts which typically involve a very high volume of learner agreements.

Subcontractors working with Hartpury College receive a high level of support and guidance and access to College systems, including:

- Quality management systems
- Certification and registration with awarding bodies if required
- Management Information Services and data control advice – subject to information governance requirements
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- Audit of management systems and delivery and observation of teaching, learning and assessment
- Safeguarding of Young People and Vulnerable Adults procedures including Prevent
- Equality, diversity and inclusion
- Teaching, Learning and Assessment coaching
- CPD Opportunities and planned training and development
- Policy development
- Support with Funding Rules compliance
- Regular national updates regarding funding and policy guidance

Not all subcontractors are charged the same management fee, differences in fees are dependent upon the level of support required, the experience of the subcontractor, their target learners; their track record, published success rates and the level of risk as determined by the due diligence process.

## **10.0 PAYMENT ARRANGEMENTS**

Payments will only be made to the Subcontractor once the College has received the funding from the Funding Agency.

Apprenticeship start payments are subject to a minimum stay of 6 weeks. No start payment will be made until after the minimum stay period.

The College will calculate the amount payable to the Subcontractor each month as follows:

*Following validation of the evidence in the ILR return, the College will make the appropriate payment to the Subcontractor based on the level of income received from the Funding Agency per quarter minus any deductions agreed in the contract. The Subcontractor will be notified of the payment and will invoice the College for that amount. The College will pay the Subcontractor within 30 days of receiving an invoice for the agreed amount. Any anomalies that arise following payment will be subject to reconciliation at a later invoice date.*

## **11.0 SUBMITTING FUNDING DATA**

Data regarding the level of funding earned by each Subcontractor will be submitted via the ILR according to Funding Agency requirements.

## **12.0 CONTINGENCY AND MANAGEMENT OF RISK**

As the Chief Operating Officer and Director of Sport, or equivalent depending on the area of the contract, have key roles to play, in addition to the Deputy Principal as contract lead, there is sufficient contingency if needed. Operationally, the internal Sports team would be redeployed to protect learner experience in the event the Sub-contractor was unable to meet its contractual requirements. This would ensure cohort completion and protection of the quality of student experience.

As detailed above in addition to the long-standing sub-contract and partnership relationship, the risk is low but referenced in the Hartpury Risk Register.

## **EQUALITY, DIVERSITY AND INCLUSION**

As with all Hartpury policies and procedures, due care has been taken to ensure that this policy is appropriate to all members of staff regardless of their age, disability, ethnicity, gender, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation and transgender status.

The policy will be applied fairly and consistently whilst upholding Hartpury's commitment to providing equality to all. If any employee feels that this or any other policy does not meet this aim, please contact the HR Department.

Hartpury is committed towards promoting positive mental health by working towards the MINDFUL EMPLOYER Charter. Hartpury aims to create a culture of support within the workplace where employees can talk about mental health problems without the fear of stigma or discrimination.

## **POLICY COMMUNICATION**

The Policy is available on-line at [www.hartpury.ac.uk](http://www.hartpury.ac.uk) and can be made available in hard copy upon request. The Policy will be discussed with all current and future subcontractors during contract negotiation meetings.

## **POLICY REVIEW**

The Policy will be reviewed on a regular basis and/or when significant changes in the Funding Rules occur.

Edward Keene  
**On behalf of the Governing Body**

Andy Collop  
**Principal and Accounting Officer**

## **APPROVAL & REVIEW CYCLE**

<b>DATE LAST APPROVED</b>	September 2024
<b>POLICY OWNER</b>	Chief Operating Officer
<b>APPROVING COMMITTEE</b>	Strategy Finance Resource Committee
<b>STATUS</b>	
<b>EFFECTIVE FROM</b>	September 2024
<b>NEXT REVIEW DATE</b>	September 2025

## Appendix A

Table 1: Annual Review and setting out ongoing requirements

Area	Action	Responsibility	Time frame	2024-2025 check
DBS	Provide all DBS details of those involved with the contract (to include policy owners and educational lead)			
DBS	Ensure all DBS details sent to HR for inclusion on SCR			
Hartpury Safeguarding Documentation Inclusive of details of DSL at Hartpury  Process: SG issues to go through DSL at Sub-contractor and reported to Hartpury DSL	All those involved with delivery & contract management to read and sign provided documentation  (Safeguarding Policy Acknowledgement form & NGB Safeguarding Certificate), provide CVs			
Keeping Children Safe in Education inclusive of sexual violence & peer on peer abuse/healthy relationships/consent/online safety, racism & Prevent – tutors and students	All those involved with delivery to undertake online session provided  Hartpury Deputy DSL to provide PP training session for all those involved in delivery:  Hartpury or sub-contractor Deputy DSL to provide training session for students – Sub-contractor DSL will need to provide a live session to allow for discussion following use of the PPP  Sub-contractor to submit confirmation that each student (Y1&Y2) has completed the training and had time for discussion supported by appropriate personnel			
Confirm DSL training	Confirm all safeguarding related training DSL has received and training provided to team for start			
Hotel / private accommodation use for camps / any overnight stays	Sub-contractor to provide a list of all plans for overnight stay using Hartpury paperwork 4 weeks prior to the overnight stay  To be reviewed by the Hartpury Safeguarding Committee			
SG/ medical concerns / reporting / risk assessments	Email <a href="mailto:safeguarding@hartpury.ac.uk">safeguarding@hartpury.ac.uk</a> with any disclosed safeguarding/medical concerns that will may require Hartpury wellbeing support (where appropriate)  Ensure and confirm that all medical requirements have been considered as part of individual risk assessments prior to the activity commencing – to be available for spot audit			
List of learners and main school providers	Sub-contractor to provide details of main school/education provider attended by each student			
Parent/carer/student letter	Provide a parent/carer letter detailing the Hartpury/ sub-contractor link, processes, safeguarding/wellbeing support following enrolment/how to access policies, etc			
DLS support	Session with Hartpury DSL/DDSL			
Contract confirmation	Signed by both parties and all relevant actions taken			
Course list calendar	Provide timing, location of camps and all contract related 'touch points' / delivery plan			

Quality Assurance – observations and compliance	Undertake observations and compliance checks at course locations  Observer to be observer refresher trained by Hartpury			
Quality Assurance – assessment records	Undertake lead IV of assessment records (learner work assessment, assessment records and IV records in accordance with the Hartpury Policy			
Contract, progress and quality review meetings	Every 6 weeks  Hartpury Senior DSL to attend first contract meeting with sub-contract DSL			
Candidate satisfaction survey	2-3 formal points per year in line with Survey calendar  Must include 'feeling safe'			
'External' QA audit of DISE student records	To include all records – compliance, accuracy, quality			
Hartpury logos	Sub-contract to ensure all course material supplied to students contains the Hartpury logo and on course commencement it is made clear that the course is a Hartpury: Sub-contractor programme			
Hartpury Operating Procedure for sub-contracts including risk management and contingency planning	Share with Sub-contractor			
Information Governance Compliance	Share with Sub-contractor as appropriate depending on any agreed system access.			

Table 2: Annual Review Checklist of Policies required for a Sub-contract

<b>Policy Name</b>	<b>When Updated</b>	<b>Quality Check by Deputy Principal</b>	<b>Next Update / Quality Check</b>	<b>2024-2025 Hartpury review and update/action required</b>
<b>Learner Appeals Procedure</b>				
<b>Safeguarding Strategy</b>				
<b>Learner Complaints Procedure</b>				
<b>Malpractice Statement</b>				
<b>Data Protection</b>				
<b>Health and Safety</b>				
<b>Internal Quality Assurance/Verification</b>				
<b>Sustainability / Environmental Policy</b>				
<b>Document Retention Policy</b>				
<b>Equality, Diversity and Inclusion</b>				
<b>COVID-19 Risk Assessments and Online Safety</b>				
<b>Safer Recruitment</b>				
<b>Cyber security</b>				

**HARTPURY COLLEGE SUB-CONTRACTED PROVISION**

<b>Sub-contractor name</b>	<b>UKPRN of Sub-contractor</b>	<b>Contract start date</b>	<b>Contract end date</b>	<b>Type of provision</b>	<b>Funding paid by ESFA in relation to provision delivered by sub-contractor on an annual basis £</b>	<b>Funding paid to sub-contractor £</b>	<b>Funding retained by the College £</b>
<b>British Rowing</b>	10027646	1 <sup>st</sup> September 2024	31 <sup>st</sup> August 2025	Classroom based learning	Maximum of £97,812	Maximum of £73,359	Maximum of £24,453