

## **POLICY/PROCEDURE: SUBCONTRACTING POLICY**

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Approval required by: Managing Director  
Date approved: May 2019  
Date to be reviewed: May 2020

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### **SCOPE AND PURPOSE**

To outline ITS's approval to subcontracting and set a framework within which relationships with subcontracting partners can be developed.

### **BACKGROUND**

#### **Rationale**

ITS will only subcontract provision in the following circumstances:

- Where the provision is in a vocational area that the ITS does not offer.
- Where the provision is aimed at engaging hard to reach or NEET learners.
- As a result of a collaborative bid where ITS has been named as the lead provider.
- Establishing Strategic Partnerships enabling growth opportunities.

ITS will only subcontract provision outside of Yorkshire and Humber unless requested to do so under the terms of a national contract.

All sub-contractors undertake a due diligence process that allows ITS to review policies and procedures, delivery, quality and performance before entering into any contract arrangement.

ITS will only award contracts for delivering funded provision to legal entities. If the legal entity is a registered company, it must be recorded as 'Active' on the Companies House database.

ITS will not award a contract to a legal entity if:

- It has an above average risk warning from a credit agency;
- It has passed a resolution (or the court has made an order) to wind up or liquidate the company, or administrators have been appointed; or
- Its statutory accounts are overdue.
- Has an Ofsted grade of inadequate.
- Does not appear on UKRLP.

## Quality

As an outstanding provider ITS will work with partners to ensure that all provision is outstanding. ITS will offer to its partners:

- A contract mirroring funding body requirement.
- Professional training and development for partner staff.
- Access to learning resources and materials.
- Participation in ITS Observation of Teaching and Learning process.
- Participation in ITS self-assessment process.
- Access to the range of in-house training delivered by ITS eg Teachers' Fair.
- Monitoring of initial guidance, assessment and delivery of learning programs.

Learners enrolled at subcontracted providers will be able to:

- Access college IT systems.
- Access IAG services pre, on course and at exit.
- Utilise college libraries and use self-organised learning environments.
- Use college support services such as Enterprise, job search clubs and the Wellbeing Centre.

## Fees

ITS's standard Management fee is 15%. The maximum charge by ITS will be 40% of the activity funded.

Further additional services may be mutually agreed between ITS and the Sub-contractor. Additional services may be charged as a one off fee or as a percentage of contract value.

The fees charged reflect the cost of the procurement process and the management of the contracts. It also covers the cost of partners' delivery staff attending training events on Safeguarding, FGM and Prevent which are mandatory.

## Termination

ITS will terminate the contract early in the following circumstances:

- When the partner ceases trading
- When the partner is delivering provision outside the scope of the contract
- Where ITS has reasonable grounds to believe that the partner is promoting activities that run counter to the PREVENT, FGM and Safeguarding agenda.
- Where ITS has concerns about the quality of delivery.

### **Payment Terms**

The exact form and amount paid will clearly vary from contract to contract. However, the following principles used apply:

- On programme funding will be paid on a monthly basis after the learner has become fundable.
- Requests for payment must be accompanied by relevant evidence.
- Achievement funding will be paid within 30 days of ITS receiving the funding amount.
- ITS will charge between 15% and 40% of value of the activity. The exact fee will depend on the extent of the services provided.

### **Data Protection**

ITS and its partners need to comply with the General Data Protection Regulations. As the lead organisation ITS will act as the Data Controller. Each partner will act as a data processor.

Each partner needs to ensure that transmission of personal data is undertaken on a secure basis. Any data breach must be reported to ITS as soon as possible.

### **Equality And Diversity**

An Equality and Diversity policy is not required for this policy.

### **Linked Policies And Procedures**

None.

### **Location And Access To This Policy**

This policy is available on the ITS website