



# Subcontracting Policy

June 2023

This policy will be updated as our business changes in line with new legislation. It will be reviewed and updated as necessary, as a minimum of once a year.



Rob Colbourne  
CEO

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## **1.0 General Statement of Policy**

### **1.1**

#### **Policy Purpose**

The purpose of this document is to define the basis on which any subcontracting arrangements will be managed. Where appropriate, PTP will contract with other Providers to deliver programmes and activities funded by the Government through its funding bodies. The organisation with which it contracts will be subject to the requirements set out below.

The management of subcontractors will be based upon the application of the risk principle. All subcontractors will be risk assessed in relation to the performance standards set for capacity, capability, quality and finance and will have a risk rating. This rating will determine the level of intervention and management from PTP Training.

### **1.2**

#### **Policy Development**

The Supply Chain Manager, supported by the Business Support Manager and the Safeguarding, Health, Equality & Diversity Committee, has been charged with developing and updating the Subcontracting Policy and to communicate the arrangements contained within it.

### **1.3**

#### **Policy Review**

The Policy will be reviewed on an ongoing basis in accordance with changes to requirements and the needs of the business, but as a minimum once a year. The formal review and ongoing development of the policy will be led by the Supply Chain Manager and approved by the Directors. The Policy will be published on our website.

## **2.0 Subcontracting - Roles and Responsibilities**

### **2.1 PTP Board**

Responsible for ensuring subcontracting in the company meets the strategic aims of PTP and only high quality Providers are selected.

### **2.2 CEO**

Has overall and final responsibility for ensuring that subcontracting meets the strategic aims of the company and will enhance the quality of the learner offer. They will have responsibility for monitoring subcontractor activity and reporting any issues or concerns to the PTP Board. Also responsible for maintaining contingency plans for all subcontractors

### **2.3 Operations Director & Business Development Director**

Will deal with issues or concerns in the absence of the Supply Chain Manager.

## **2.4 Supply Chain Manager**

Will lead on subcontracting for PTP, managing the supply chain on a day-to-day basis. The Supply Chain Manager will ensure:

- The subcontracting procedures as dictated by the policy are adhered to.
- The policy is developed and reviewed.
- The Directors are kept up-to-date with subcontracting arrangements and any policy changes required.
- The subcontractors are kept up-to-date with relevant communications, guidance and documentation.
- Best practice is promoted across the supply chain.
- Delivery meets the strategic aims of the business
- PTP meets the requirements of ESFA as detailed in Funding Rules

## **2.5 Business Support Manager**

Will support the Supply Chain Manager, provide data, manage processes in line with funding body requirements.

## **3.0 Management of Subcontracting**

### **3.1 Proposal to use a Subcontractor**

When working with employers PTP will identify when it is appropriate to use the services of a subcontractor in order to fulfil a contract. The strategy for using a subcontractor is based upon the fact that PTP does not have the expertise to deliver a particular specialism or a footprint in the location.

PTP Training Limited will engage with a current Subcontractor or engage the services of a new provider in order to meet the needs of the employers we work with. When engaging a new provider, a due diligence process is followed. We would discuss with each Subcontractor what is to be delivered, the sequence of delivery, support, monitoring, financial arrangements. When proposing to use a new Subcontractor we would always discuss our policy for Subcontracting and why the proposal meets our strategic aims. We would also identify the benefit to our learners.

### **3.2 Due Diligence**

All subcontractors will supply PTP with all relevant information requested to protect learners and to ensure the subcontractor is a legally, financially and educationally sound organisation, prior to a contract being signed. Subcontractors will also supply details of any previous or similar contract delivery which will be reviewed as part of the process. This process is compliant with the requirements of ESFA Funding Rules.

### **3.3 Business Case**

The Supply Chain Manager submits a business case to the CEO. All new Providers are authorised by the CEO and approved by the PTP Board, in order to ensure that

the strategic aims of the business are being met and the process will enhance the quality of the learner offer.

### **3.4 Performance Data**

Subcontractors will provide the information and data required to the frequencies specified in the Subcontract Agreement and PTP's Specification for Subcontractors. Should Subcontractors fail to deliver consistently, PTP may impose financial penalties. Data will be provided internally through an e-dashboard.

### **3.5 Quality of Delivery**

PTP will ensure that all learners are given inductions to their programmes. The induction given will be consistent with the standards specified in PTP's Specification for Subcontractors.

All programmes will include an initial assessment process that enables learners and staff to identify what they want to achieve from the programme.

This process will ensure that:

- Learners have the necessary aptitudes, attributes and abilities to help them successfully complete the programme for which they are applying.
- Any learning support needs are accurately identified.
- Learners have the information they need to help them make well informed judgements about the relevance of their programme to their short- and longer-term employment and learning goals.
- The 20% off the job requirement will be achieved.
- Curriculum is planned and sequenced effectively.
- An Appendix 1 is completed with each employer that details delivery plans for the Subcontractor and PTP. What will be delivered by which partner, timescales, funding allocated, number of learners.

PTP Training will provide support for each Subcontractor to develop their delivery staff, we will offer opportunities in the following areas:

- Subcontractors will have access to resources where appropriate
- We will deliver paired teaching in each employer setting
- We will offer CPD activity through workshops for Functional Skills and Ofsted preparation and any other area identified through quality monitoring where appropriate
- In each occupational sector, teaching staff will support delivery and the development of teaching resources where appropriate

In order to establish retained funding, we will determine what is delivered by each partner and agree this through an Appendix 1. The amount of funding paid is proportionate to the costs of delivery. The amount of funding retained is proportionate to the level of support and monitoring provided by PTP Training.

We will detail in Schedule 2 and 3 of the Contract what each Subcontractor will receive from PTP in relation to retained funds. This will include:

- Provide quality assurance support through contract management and quality visits
- Provide coaching and feedback in relation to observations and learning walks
- Support with curriculum development from our Curriculum Manager where appropriate
- Subcontractors will have access to resources where appropriate
- We will deliver paired teaching in each employer setting
- We will offer CPD activity through workshops for Functional Skills and Ofsted preparation and any other area identified through quality monitoring where appropriate
- In each occupational sector, teaching staff will support delivery and the development of teaching resources where appropriate

Payment terms are defined in each contract:

- On the 30th of each month and based on satisfactory performance as outlined in the Specification for Subcontractors, the Main Contractor will credit the Subcontractor's bank account with the amount due for the previous month's activity, emailing a Financial Data Report to support payment.

PTP's Health & Safety policy and workplace assessment requirements must be adhered to.

Tutors must maintain learner progress records at an appropriate level of detail, in relation to the context and length of the programme. PTP documents provide the benchmark for the detail of records required.

Delivery content will be defined within a scheme of work and sessions will be planned using an appropriate lesson/session plan. Both of these should be consistent with the quality requirements defined by PTP.

Requirements in relation to "Deep Dives" and observation of teaching and learning are defined in PTP's Quality documents.

Subcontractors will register their learners with the appropriate Awarding Organisations for EPA and qualifications, within agreed timescales and abide by awarding organisation regulations. Subcontractors will adhere to EPAO and AO requirements.

Subcontractors must ensure that appropriate staff attend PTP's best practice events and meetings, and any training organised by PTP which has been put in place to address issues identified in quality or compliance action plans. Failure to attend such events will result in the organisation's risk assessment rating being increased. This action is likely to increase the frequency of quality and/or compliance audits undertaken.

“Appropriate staff” are normally defined as individuals who have relevant managerial authority and responsibility for the subject being addressed through the training.

Subcontractors will ensure that they maintain effective employer engagement, in support of PTP’s role as Main Provider to the employer. Employer engagement processes must be consistent with the standards specified in PTP’s Specification for Subcontractors.

### **3.6 Health & Safety**

Subcontractors must provide details on request to PTP of how they ensure that facilities used to deliver learning meet all Health & Safety regulatory and legislative requirements, including where required specific Health & Safety policies, reports, audits and risk assessments.

Subcontractor Tutors must be capable of and must undertake activity and facility and workplace assessments at a frequency consistent with the type of activity and the nature of the facility being used.

Subcontractors must ensure that appropriate staff attend PTP’s best practice events and any training organised by PTP which has been put in place to address issues identified in quality or compliance action plans relating to Health & Safety.

Failure to attend such events will result in the organisation’s risk assessment rating being increased. This action is likely to increase the frequency of quality and/or compliance audits undertaken. Other penalties may also be applied.

“Appropriate staff” in this instance are normally defined as individuals who have relevant managerial authority and responsibility for Health & Safety.

### **3.7 Information, Advice and Guidance**

Subcontractors will be required to demonstrate that they provide information, advice and guidance (IAG) at an appropriate range of venues and through a range of media, to a standard consistent with that offered by PTP. IAG should include, as appropriate:

- Initial advice and guidance to inform the learner’s choice of programme or course.
- On-programme and exit advice and guidance to help learners:
  - Develop ideas for future learning or employment.
  - Who have personal issues, identify and make contact with relevant organisations.
  - Make specific choices about future learning or employment.

### **3.8 Facilities and Resources**

All facilities and resources used must be “fit for purpose” and comply with all current Health & Safety legislation.

### **3.9 Self-Assessment**

All subcontractors will be required to undertake a self-assessment process in relation to the Education Inspection Framework and produce a SAR which clearly and specifically identifies and evaluates the programmes which they are contracted to deliver. The SAR and resulting action plan must be submitted as specified in the Subcontract Agreement.

### **3.10 Service Standards**

All subcontractors will be required to demonstrate how they will meet PTP's service standards in relation to providing a high-quality service at all relevant points of a learner's journey and how they will communicate these standards to learners.

Subcontractors will be required to meet the performance targets set out in their Contract.

PTP staff will support those Subcontractors who require further development to reach the required standard in the expectation that Subcontractor staff will subsequently maintain this standard.

### **3.11 Safeguarding**

Subcontractors will be required to have in place safeguarding arrangements which conform with requirements to ensure learners are protected and safe.

### **3.12 Equality & Diversity**

Subcontractors will be required to have in place equality & diversity arrangements which ensure equality and fairness, value diversity and meet legislative requirements.

### **3.13 Delivery Profiles**

Subcontractors are required to ensure that provision is delivered in line with Appendix 1 documents issued by PTP.

### **3.14 Audit/Observation Procedures**

PTP will conduct audits, "Deep Dives" and observations of Subcontractors as specified in PTP's Quality Assurance arrangements.

PTP will provide reasonable advance notice of planned audit/observation visits to the Subcontractor of the scope and date of each visit. PTP will also carry out unannounced or short notice visits in line with PTP's Quality Assurance arrangements.

Post-audit/observation action plans will be produced where necessary and Subcontractors will be supported through training and mentoring to achieve the aims set out in the action plans. Subcontractors who consistently fail to attend training or



engage in the mentoring scheme may be financially penalised or their contract with PTP may be terminated.

### **3.15 Policy and Procedures**

Subcontractors will be required to demonstrate that they have robust quality audit arrangements, consistent with the requirements related to the audit activities undertaken by PTP as specified above.

They will be required to maintain, review and update policies and procedures in line with national legislation and as appropriate to the nature of their provision in the following areas:

- Health & Safety
- Equal Opportunities (including British values)
- Safeguarding (including Prevent)
- Sustainable Development
- Business Continuity
- Quality Assurance, including performance monitoring and development of:
  - Teaching practice
  - Initial assessment
  - Additional learning support
  - Information, advice and guidance
  - Self-assessment
  - Service standards
  - Performance management information
  - Data protection
  - Staff recruitment and development
  - Financial management

### **3.16 Contract Monitoring and Review**

Subcontractor performance will be monitored on an ongoing basis. Feedback on performance will be provided in writing, by phone or e-mail. The methods used will depend upon the circumstances at any point in time. Feedback will also be provided at monthly contract management meetings. The frequency of these meetings may change and will depend upon the performance of the Subcontractor.

Where performance falls below the standard required, subcontractors will be issued with a notice to improve and improvement plan. Support will be provided to help subcontractors develop and enhance the quality of their delivery. If a Subcontractor fails to meet the necessary improvements within the agreed timescales, it may be necessary to implement contract termination procedures.

### **3.17 Feedback and Complaints**

Subcontractors are responsible for obtaining and reviewing feedback from customers and investigating complaints in line with the requirements in the Subcontract Contract.

### **3.18 Best Practice**

Subcontractors are encouraged to promote and share best practice across PTP's supply chain. Subcontractors must ensure that appropriate staff attend the best practice events organised by PTP.

"Appropriate staff" are normally defined as individuals who have relevant managerial authority and responsibility for the subject being discussed.

### **3.19 Contract Termination and Exit Strategy**

PTP will work with its Subcontractors to ensure that all learners receive high quality, safe and inspiring training, with all the necessary support for individuals to achieve their aims and progress in or maintain employment.

Should a subcontractor consistently fail to improve any element of its performance which is deemed to be unsatisfactory or inadequate, or consistently fail to engage in training or with the quality support systems which are in place, PTP reserves the right to terminate the contract to protect the learners. The contract termination process is as detailed in the Subcontract Agreement.

If contract termination procedures are implemented, subcontractors are contractually required to co-operate fully with this process. Failure to comply with the requirements will result in significant penalties.

Where a provider is removed for whatever reason from the supply chain, there will be an action plan in place to ensure a smooth transition for learners. The Quality Assurance Lead will oversee the transition and any completion activity. A full audit will be conducted prior to any settlement by the compliance team. Alternative provision will be sought in the same location to meet the skills needs.