

# Swindon Borough Council Adult Community Learning

## Subcontracting Policy 2022-23

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## 1. Purpose of Policy

The purpose of this document is to outline the rationale for subcontracting Swindon Borough Council Adult (SBC) Community Learning (ACL) funding, the management of subcontracted provision and any fees charged to subcontractors. In addition this policy ensures compliance with the ESFA Funding Rules and the new Subcontracting Standard requirements that come into effect in 2022/23.

## 2. Definitions

### Subcontractors

An organisation who is contracted to Swindon Borough Council to deliver Adult Community Learning. Swindon Borough Council is the prime contractor to the ESFA. The subcontractor holds its own funded allocation profile and is contracted to achieve starts and outcomes against a predetermined delivery specification.

## 3. Context

Swindon Borough Council Adult Community Learning is funded by the Education and Skills Funding Agency (ESFA) and the contract for 2022/23 is £485,045.

The Adult Community Learning vision is to:

**To provide high quality learning to support learners develop the skills and knowledge to achieve outstanding outcomes to enable them to progress in life, work and well-being regardless of their starting points.**

The strategic priorities of ACL are to:

**Target provision** to widen participation and meet the needs of people who are disadvantaged and least likely to participate in learning or to be able to self-help, including people on low incomes, those with low skills, at risk of social isolation and/or those furthest away from the labour market, for whatever reason.

**Aspire** for all our learners to achieve outstanding outcomes no matter what their starting point, supporting all adults to achieve their first L2 English and maths qualification.

**Progress** learners by working with partners and stakeholders to develop accessible progression routes that meet all learner's needs.

*Swindon Adult Community Learning Plan 2018-21*

Since 2018/19 SBC has moved away from 100% subcontracted provision to a mix of subcontracted and direct delivery provision. Over the last 4 years we have steadily reduced our number of

subcontractors and the percentage of subcontracted provision, as a result no more than 20% of the ACL contract will be subcontracted for 2022/23. This development was introduced in response to:

- Swindon's commitment to delivering Organisational Excellence
- A commitment to make rapid and continuous progress towards being 'Good' and subsequently 'Outstanding'
- The targeting of adults known to SBC requiring an intensive approach to planning and joint working that is easier to achieve with internal staff.

The retention of some subcontracted provision is designed to provide us with the breadth of specialisms and innovation to achieve a progressive and responsive curriculum. The subcontractors that we work with are published on our [website](#).

ACL are fully responsible for the actions of our delivery subcontractors connected to, or arising out of, the delivery of the services, which we subcontract.

#### **4. Rational for subcontracting**

Subcontracting provision enables us to meet our strategic aims and enhance the quality of our offer to learners, this includes:

- Enhancing the opportunities available to our priority learners
- Offering an entry point for disadvantaged groups including those with protected characteristics
- Maintaining delivery of niche or expert provision.

These aims reflect those included as appropriate rational for subcontracting as detailed in the new ESFA Subcontracting Standard July 2021.

In addition subcontracting provision also enables us to:

- Build capacity
- Build flexibility and responsiveness
- Engage with new markets
- Share best practice and develop a culture of continuous improvement

We aim for our direct delivery and our subcontracted provision to be responsive, flexible, innovative, of high quality and delivered to our priority communities. Subcontracting will **not** be used to meet short-term funding objectives.

#### **5. Management fees**

The vast majority of subcontracted provision is unaccredited learning funded from the ESFA Community Learning Grant, as such subcontractors submit detailed pricing schedules as part of the tendering process; their price is part of the tender evaluation and selection process, no management fee is charged against this pricing schedule. For the very small proportion of accredited learning delivered by subcontractors no management fee is charged. The zero fee policy is intended to maximise the amount of funding that reaches front line delivery of high quality learning. Management costs are 'sunk' within the ACL direct delivery costs.

## **6. Procurement of subcontracted provision**

Procurement of subcontractors will comply with current SBC commissioning and contracting process including taking legal advice when appropriate to ensure compliance with the Public Contracts Requirements 2015. The requirements of our ESFA Contract for Service and the Subcontracting Standard will also be met, this includes ensuring subcontracting does not lead to the inadvertent funding of extremist organisations.

## **7. Management of subcontracted provision**

Using staff with the knowledge, skills and experience to effectively manage and monitor our subcontractors we will ensure that high-quality delivery is taking place that meets the requirements of our ESFA contract including compliance with the funding rules. We will carry out a regular and substantial quality assurance checks on the education and training provided by subcontractors, including visits at short/no notice and face-to-face interviews with staff and learners.

We work with subcontractors to:

- Adhere to the SBC commissioning and contracting process that is fair, open and transparent; and the ESFA funding and contractual requirements as detailed in the Prime contract
- Have a clear strategy that is shared with subcontractors at the time of commissioning and updated throughout the contracting lifecycle
- Conduct robust due diligence procedures on potential subcontractors to ensure compliance with funding rules and to ensure that the highest quality of learning is made available, demonstrating value for money and a positive impact on learners' lives.
- Assess and support subcontractors to meet the required quality standard and develop operating processes and policies to the highest standard
- Learn from our subcontractors, recognising and make an example of their good practice
- Have regular and recorded subcontractor reviews that are supported by development action plans that build the capacity of the subcontractor to offer the best possible service to learners
- Encourage a relationship with subcontractors that is supportive, co-working and transparent and based on national best practice, for example: Best Practice Guidance for a Relationship between a Prime Provider and a Subcontractor Aelp / Hoxley / Collab Group, March 2018  
[https://www.aelp.org.uk/media/1978/best-practice-guidance-for-a-relationship-between-a-lead-provider-and-a-subcontractor-march2018\\_1.pdf](https://www.aelp.org.uk/media/1978/best-practice-guidance-for-a-relationship-between-a-lead-provider-and-a-subcontractor-march2018_1.pdf)

Subcontractors receive the following support, guidance and challenge:

- A named contract manager as first point of contact who will respond quickly to any queries and monitor the contract throughout its duration;
- Facilitated partner networking;
- Scheme of work development support;
- Three monitoring meetings per year where provider performance against contract and the quality of the delivery are reviewed and action plans for improvement agreed;
- Monthly tutor meetings, including sharing of good practice;

- Observations of the quality of education and developmental feedback to support continuous improvement
- File audits and developmental feedback to inform continuous improvement;
- Support and challenge as part of the continuous improvement process, self-assessment process and quality improvement planning;
- Access to tools and resources, eg. padlet, shared drive, IT equipment, English and maths toolkits;
- Access to relevant CPD activities as identified to achieve outstanding (where relevant attendance at CPD events is paid at £10 per hour);
- Learner Welcome packs, induction videos, and other delivery support;
- Celebrations of learner success
- Course code set-ups for all courses to be delivered;
- Enrolment of learners on to the MI system;
- Monthly MI reports on KPIs;
- Follow up learner destination surveys undertaken and outcomes shared;
- ILR returns, data validation and reporting to ESFA

## **8. Payment Terms**

SBC payment terms are detailed in the Invitation to Tender, at the time of contracting and annually.

Payment Terms are reviewed annually and where possible are responsive to feedback from subcontractors.

## **9. Policy review and publication**

In line with ESFA funding requirements this policy is reviewed and agreed annually via our governance procedures, including members of the senior leadership team and our accounting officer. The policy is made available to current subcontractors and is also available on our [ACL website](#).

## 10. Timing for policy review

The policy is reviewed annually.

### Version Control

Version Number	Date changed	Summary of the change	Who changed	Has it been communicated / how
V1	August 2017	New (previously we had a letter that was updated annually)	LG	Website Provider network
V1.1	January 2018	Added overall management fee	LG	Website Provider network
V1.2	September 2018	Reviewed and updated for 2018-19	LG	Website Provider network
V1.3	September 2019	Reviewed and updated for 2019-20	LG	Website Providers
V1.4	September 2020	Reviewed and updated to reflect new ESFA requirements	RL	Website Providers
V1.5	September 2021	Reviewed	RL	Website Providers
V1.6	June 2022	Reviewed and updated to reflect new ESFA Subcontracting Standard	RL	Website Providers