

## Subcontracting Policy

August 2014	Version 1	
May 2017	Version 2	
January 2019	Version 3	Reviewed, added text regarding GDPR and agreed
June 2019	Version 4	Updated with contingency plan
December 2019	Version 5	Updated with fees

Next review due: December 2020

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## **Subcontracting Policy**

The purpose of this document is to define the basis on which any subcontracting arrangements will be managed. Where appropriate, kickstart2employment will contract with other parties to deliver programmes and activities. 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 in the quality framework. Information about the performance standards can be obtained from the kickstart2employment Contract Manager. All subcontractors will have a risk rating. This rating will determine the frequency and scope of the quality audits undertaken by Kickstart2employment staff.

## **Due Diligence**

Subcontractors will supply kickstart2employment 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.

## **Performance Data**

Subcontractors will provide a range of data, at the frequencies specified in the contract. Should Subcontractors fail to deliver the data consistently, kickstart2employment will impose financial penalties.

## **Delivery Quality**

Subcontractors will ensure that all learners are given inductions to their courses or programme. The induction given must be consistent with the standards specified in kickstart2employment guidance on the management and delivery of learner inductions.

All courses should include an initial assessment process that enables learners and staff to identify what they want to achieve from the course. This process should ensure that:

- Learners have the necessary aptitudes, attributes and abilities to help them successfully complete the courses 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 courses to their short and longer term employment and learning goals.

Any identified support needs will be fed back to kickstart2employment, who will approve the additional support and any extra cost involved. Subcontractors must have access to appropriate learner support arrangements.

Where appropriate the assessment should also gather necessary information about health and medical records, previous relevant experience, depending on the nature of the course itself and specifically where the nature of the course presents significant health and safety issues. Kickstart2employment Health & Safety policy and risk assessments must be adhered to.

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Tutors must maintain learner progress records at an appropriate level of detail, in relation to the context and length of the course or programme.

Kickstart2employment Quality documents provide the benchmark for the detail of records required.

All courses will have their content defined within a scheme of work and their sessions will be planned using an appropriate lesson/session plan. Both these should be consistent with the requirements defined in Kickstart2employment Quality documents.

Requirements in relation to observation of Tutor and learning are defined in kickstart2employment Quality documents.

Subcontractors will register their learners with the appropriate examination boards within agreed timescales and abide by awarding body regulations. Subcontractors will maintain assessment and verification, and/or moderation arrangements that are consistent with the requirements of the awarding bodies, examination boards and the Sector Skills Councils, where the latter make recommendations regarding assessment and verification arrangements.

Subcontractors must ensure that appropriate staff attend Kickstart2employment best practice events and any training organised by Kickstart2employment which has been put in place to address issues identified in quality or compliance post-audit 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. Other penalties may also be applied.

"Appropriate staff" are normally defined as individuals who have relevant managerial authority and responsibility for the subject being addressed through the training. The exception to this definition will be where training is designed for practitioners.

Subcontractors will ensure that they maintain effective employer engagement. Employer engagement processes must be consistent with the standards specified in kickstart2employment guidance on the management and delivery of learner inductions.

## **Health & Safety**

Subcontractors must provide details on request to kickstart2employment, of how they ensure that facilities used to deliver learning meet all Health & Safety regulatory and legislative requirements, including where required specific health & safety reports, audits and risk assessments.

Subcontractor tutors must be capable of and must undertake activity and facility risk 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 Kickstart2employment best practice events and any training organised by kickstart2employment which has been put in place to address issues identified in quality or compliance post-audit 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.

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

## **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, including the internet, to a standard consistent with that offered by kickstart2employment. IAG should include:

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

## **Facilities and Resources**

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

## **Self-Assessment**

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

## **Service Standards**

All subcontractors will be required to demonstrate how they will meet the kickstart2employment service standards in relation to providing a high quality service at all 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 individual contracts.

Kickstart2employment 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.

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## **Safeguarding**

Subcontractors will be required to have in place safeguarding arrangements which are consistent with the standards specified in the guidance documentation provided by Kickstart2employment.

## **Recruitment Profiles and Delivery Locations**

Subcontractors may be required to ensure that programmes are delivered in specific localities, depending upon the nature of the contract. They may be required to recruit learners from a specific profile e.g. age, ethnicity, gender, disability, NEET.

## **Audit Procedures**

Kickstart2employment will conduct audits of subcontractors as specified in the Quality Assurance arrangements.

Kickstart2employment will provide reasonable advance notice in writing of proposed visits to the subcontractor of the scope and date of each audit.

Post-audit 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 will be financially penalised.

## **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 Kickstart2employment 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 contract in the following areas:

- Health & Safety
- Equality & Diversity
- Safeguarding
- Sustainability
- Prevent
- GDPR
- Quality Assurance, including performance monitoring and development of:
  - Tutor 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

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## **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 periodic contract performance review meetings. The frequency of these meetings will depend upon the performance of the subcontractor.

Where performance falls below the standard required, subcontractors will be issued with a notice to improve. 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.

Alongside the Contract Manager our Head Office support Team consists of:

- Quality, Audit and Assurance
- Curriculum development
- Claims Management; processing and compliance
- Health & Safety
- Safeguarding including Prevent
- Information Security
- Operations
- Finance

The above teams are there to support you as a subcontracting partner.

## **Contracting and Fees**

All sub-contractors will have a formal signed sub-contract agreement before they commence delivery. Our prime contract with the relevant funding body will be the basis for the body of the agreement. The agreement will contain all contract particulars identifying indicative volumes, regional delivery profiles, delivery targets, role and responsibilities.

Management fees charged by for legitimate management overheads for quality and contractual compliance aspects will be to a maximum of 20%. This is as per industry best practice and governance code and is dependent on volumes, level of support required etc. and will form part of the overall contract negotiation.

Part of our contracting process requires our providers to regularly update us on any external accreditations and/or standards they are involved in and the Grades awarded for their leadership and management. These can include, but are not limited to, OFSTED, PAT, Merlin, Matrix and Awarding Organisation visits. We also check that any provision meets minimum standards for ESFA contracting and ESFA financial health assessments. We only award Delivery Partner/Sub-Contractor contracts to legal entities. The legal entity must be a registered company: it must be recorded as 'active' on the Companies House database.

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## **Contract Termination**

Kickstart2employment 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 on to 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, Kickstart2employment reserves the right to terminate the contract to protect the learners.

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.

## **Contingency Arrangements**

Learners would continue to be supported by K2e, or one of its partners, in the event that:

- K2e withdraws from a subcontracting arrangement
- A subcontractor withdraws from an arrangement
- A subcontractor goes into liquidation or administration

A contingency plan would be agreed, taking account of the circumstances that resulted in the subcontractor being unable to continue delivering services to learners. All learners are the responsibility of K2e; learners and their interests would be the focus of any contingency plan. Subcontractors must report any issue that puts the contract and delivery to learners at risk, to the K2e contract manager. The Contract Manager would convene a planning meeting with the relevant Senior Managers. Information on the reasons and circumstances that affect the delivery of the subcontract would be obtained prior to this meeting. Information from the subcontractor would be gathered to clarify severity of risk and timescales. The subcontractor may be asked to attend the contingency planning meeting.

A plan would cover the following:

- Securing relevant documentation from the subcontractor in relation to the contract and learners
- Defining how learners would be supported to enable them to complete their learning
- Communicating proposed plan to learners and employers
- Identified the timescales for action
- Identifying roles and responsibilities for implementing, monitoring and reviewing the contingency plan.

There are different options that may be considered including the following Short-term delivery by a subcontractor to ensure on programme learners are supported to achieve. Engaging with another subcontractor to ensure on programme learners are supported to achieve K2e directly delivering to ensure on programme learners are supported to achieve