

University College Birmingham Higher and Degree Apprenticeship Subcontracting Policy

Purpose:

This Policy sets out the University's approach to subcontracting its higher and degree apprenticeship provision in specific sectors. It outlines the framework that the University uses in selecting and regulating subcontractors including the financial arrangements for subcontracted provision.

Introduction

1. For University College Birmingham (the "University"), higher and degree apprenticeships continue to represent a natural extension of our work in supporting employers to develop the skills of their workforce on the basis of organisational needs.
2. This policy applies to all subcontracted provision funded by the ESFA. The Subcontracting Policy is a mandatory requirement for subcontracting activity. The policy's content has been developed to comply with the ESFA Apprenticeship and Performance Management Rules for Training Providers and Addendum to the Apprenticeship and performance management rules.
3. This policy will be updated to reflect in year amendments to ESFA regulations with any significant changes submitted to the Pro Vice Chancellor Curriculum and Quality for consideration.

Rationale for subcontracting

4. The main reason that the University subcontracts higher and degree apprenticeship provision is to enhance the scope, reach and quality of our apprenticeship offer within specific sectors. The specific reasons for choosing to subcontract would be one or more of the following:

- that a subcontractor would be able to provide access to specialist staff or other resources that would otherwise not be available
- that a subcontractor can widen access, participation and progression with groups that are hard to engage or geographically removed from the University
- that engaging with a particular subcontractor would bring benefits to the region in terms of knowledge transfer with the University and its stakeholders
- to satisfy particular needs (of employers/ apprentices/ main provider) related to scope, reach or quality of apprenticeship training provision
- to facilitate a seamless learning experience combining elements of provision delivered by the University and its subcontractor.

5. The University is a national and international higher education provider and therefore it may decide to subcontract outside its region in order to work with organisations that will enhance the delivery of particular educational/ skills needs.

Selection, approval and monitoring of subcontractors

6. The selection of subcontractors will be informed by the criteria outlined in point 4 above which may be subject to subcontracting thresholds defined by ESFA funding guidance and University governance processes.

7. A delivery subcontractor may be an existing collaborative academic partner of the University that have already successfully completed the University's process for the Due Diligence and Approval

through this process (supplemented by any additional processes required by ESFA rules applicable at the time) the University collects, and risk assesses, information about a proposed partner or subcontractor to ensure:

- (i) the overall rationale for a proposed subcontract fits with relevant University policies and strategy and the rationale provided in section 3.
- (ii) the subcontractor's capacity and track record in providing high quality provision including that it is able to quality assure and improve relevant provision.
- (iii) appropriate legal and financial due diligence checks are satisfied (including that the organisation is a legal person, it is not subject to legal proceedings to dissolve or wind up the company, it is up to date with submission of its statutory accounts and these have been subject to external audit by an independent and qualified auditor) and measures to identify any conflicts of interest
- (iv) there are effective monitoring and performance review procedures to oversee the subcontract - as determined by the University Quality Framework, Policies and Processes and in line with ESFA rules and requirements
- (v) there are monitoring triggers and processes to intervene and terminate subcontracts as necessary, including continuity arrangements to transfer or support current apprentices.

Compliance with ESFA rules and evidence requirements

9. Proposed subcontractors that are not already approved partners of the University may be considered for approval as a subcontractor via the Due Diligence & Approval Processes ensuring additional processes required by ESFA rules applicable at the time are adhered to in full.

10. The University will only procure the service of subcontractors who are registered on the Register of Apprenticeship Training Providers (RoATP) to deliver services to employers.

11. Subcontractors are required to have robust internal policies to ensure compliance with legislative undertakings and general good practice and make certain that policies are regularly updated and effectively implemented, the requirements of which are identified in the contract. As a minimum any subcontractor will be expected to have a policy or policies covering the following topics approved at an appropriate level in the organisation:

- Employment law & appeals
- Insurance:
 - Employers (compulsory) Liability Insurance
 - Public Liability Insurance Cover
- Data Protection (GDPR compliant)
- Health & Safety
- Equal Opportunity/Equality & Diversity
- Safeguarding
- Prevent
- British Values

12. The University is responsible for ensuring that it satisfies the ESFA's requirements for subcontracting.

13. In line with ESFA funding rules, the University will submit a subcontractor use declaration of ESFA at least twice each year summarising the value of any sub-contracted provision paid for in the previous period. The University will also publish a summary of payments made to sub-contractors in the previous year on its website each year where applicable.

14. Successful sub-contractors will be issued with a legally binding contract eligible for the period from when the contract commences until the planned completion date of an apprenticeship. It will be signed by the subcontractor and the University Vice Chancellor. Terms and conditions will be agreed and included in the contract. The University and the ESFA are granted full permission and rights to monitor the quality of training being provided and visit the subcontractor at their premises, training sites or employer's premises from which they operate.

15. Staff involved in selecting and managing subcontractors will be supported by colleagues in the Centre for Apprenticeships.

16. The University should aim to improve the quality of apprenticeship training and/ or on-programme assessment by contributing to the delivery and/ or assessment of the provision as appropriate to the particular apprenticeship programme.

Fees and charges

17. The University will normally apply standard eligible fees for the management of the apprenticeship and for supporting any academic provision. Further additional charges may be negotiated between the subcontractor and the University to reflect particular additional services or support the University is providing to apprentices. These fees will reflect the University's costs in procuring and managing subcontracts and associated academic provision. The fee and any substantial changes in fees and charges for subcontractors are subject to review and sign off by the Pro Vice-Chancellor Curriculum and Quality.

18. In consideration of the fee, the University will normally provide the following support to the subcontractor

- initial needs assessment
- referral of students by University staff, where appropriate to the needs of the student
- support with learning, teaching and assessment review and enhancement for the apprentice
- support in communicating the apprenticeship offer to employers in related areas for further business development where clear sub-contracting benefits might be identified

19. The University will provide potential subcontractors with full contractual terms to apply to all sub-contractor payments. Fees and charges will be in line with EFSA apprenticeship rules and standard University payment terms.

20. This Policy and an outline subcontract are available to potential subcontractors in certain sectors at the point that discussions are opened for new or reviewed sub-contractor arrangements.