

# Subcontracting Policy 2024/2025

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<b>Approving Body:</b> Corporation	<b>ELT contact:</b> Chief Financial Operations Officer
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\*This procedure may need to be reviewed before the review date stated, to reflect changes in government and other agencies' advice, guidance and legislation.

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## 1. Introduction

- 1.1 City College Plymouth (the 'College') is a leading provider of vocational, professional, and technical training in the South West, that strives to provide a learning environment and organisational culture that positively impacts the health, wellbeing, and sustainability of our community, to enable all our students and staff to achieve their full potential.
- 1.2 The term 'College Community' includes all staff, governors, students, parents/carers, volunteers and visitors.

### **Our Vision:**

- To be the learning destination of choice

### **Our Core Values:**

- Respect
- Ownership
- Integrity

## 2. Policy Statement

- 2.1 This policy is a mandatory requirement that must be in place before participating in any subcontracting activity. The policy has been written per the Education Skills Funding Agency's (DFE) requirements set out in the current [Funding Rules](#). The policy is written from the most recent DFE government and Ofsted Guidance documentation available; there needs to be an awareness that the government guidelines and standards could change in the year. The College will need to adapt to these changes yet they may not be included in this current policy.
- 2.2 The policy should be read with the Supply Chain, Fees and Charges Policy, which sets out the current subcontracting arrangements which will underpin the budget and financial plan for the College. Any variations to these current arrangements will be pre-approved by ELT and the Corporation and reflected in the policy.
- 2.3 Each year this policy will be reviewed and renewed, including the rationale, and validated signed off by those charged with overall responsibility. Once reviewed, the updated policy must be published on the College website by 31 October each year.
- 2.4 The DFE is looking to focus on overseeing the national approach to subcontracting across the sector. They aim to: strengthen the monitoring and improve the assessment of risk to identify problems earlier and intervene more quickly and decisively; harmonise and clarify the rules and requirements across post-16 funding streams; reduce the overall volume of subcontracted activity in the sector; eliminate subcontracting that is undertaken for purely financial reasons whilst retaining subcontracting that meets niche or specialised needs, improves access and provides opportunities for disadvantaged learners.
- 2.5 These aims will assist in mitigating the risk of:
  - inadequate (contract) management of subcontractors
  - non-compliance with DFE funding rules by subcontractors
  - fraudulent and incorrect funding claims
- 2.6 From the 2022 to 2023 funding year onwards, subcontracting in any given funding stream may only be up to 25% of that funding stream unless the express permission of DFE has been sought and granted via an exemption case. It is clear from the outset that the DFE wishes to see a significant reduction in the overall volume of subcontracted delivery.

### **3. Definition**

- 3.1 A subcontractor is defined as a separate legal entity that has an agreement with the College to deliver any element of the education and training for which we draw funding from the DFE. A separate legal entity includes any companies owned by the College or part of a College group, other associated companies and sole traders. It also includes individuals who are self-employed or supplied by an employment agency, unless those individuals are working under our direction and control, in the same way as our employees.

### **4. Rationale**

- 4.1 City College Plymouth will only subcontract provisions in the following circumstances:
- To enhance the quality of our learner offer.
  - Where the provision is aimed at engaging hard to reach or NEET learners.
  - Establishing Strategic Partnerships enabling growth opportunities.
  - To enable learners to have better geographical access to their education and support all learners who may be disadvantaged to enter into education.
- 4.2 By subcontracting we enhance the opportunities available to learners, we use the expertise to provide better access to facilities or to fill a gap in expertise or niche or expert provision.
- 4.3 All subcontractors undertake a due diligence process that allows City College Plymouth to review policies and procedures, delivery, quality and performance before entering into any contract arrangement. City College Plymouth will ensure contracts are legally compliant.
- 4.4 City College will only award contracts for delivering funded provisions to legal entities. If the legal entity is a registered company, it must be recorded as 'Active' on the Companies House database.
- 4.5 The College 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.
  - It has an Ofsted grade of inadequate.
  - Does not appear on UKRLP.

### **5. Scope of Provision**

- 5.1 The level of subcontracted provision will be determined as part of the College's annual business planning and ongoing review throughout the year. This level may vary necessarily from year to year in the volume of partners, curriculum offered, and the value of overall contracts in line with current DFE guidance.
- 5.2 Partnerships will be explored by the Executive Leadership Team, where there is an identified benefit to the community or employers.
- 5.3 For DFE work, all relevant procurement and tendering procedures will be followed and reported to the Executive Leadership Team and the Corporation Board (Governors) throughout the year.

## **6. Significant Changes to the Policy and Impact**

- 6.1 Breakdown of the Fees: This is reviewed annually to ensure that it follows the College's financial and strategic plan. It ensures the finances are appropriate for the needs of the College - Section 18.
- 6.2 Scope of Provision: This is a new section added to ensure clarity on the responsibility of the Executive Leadership team and prevent any member of staff from establishing subcontracts - Section 5.
- 6.3 Significant Changes to the Policy: This section provides a summary of the alterations from one year to the next to assist with the reading and identification of new regulations - Section 6.
- 6.4 Subcontract Monitoring: This is a new section added to outline the role of the monitoring committee - Section 7.
- 6.5 Quality Processes: A new section is added to clarify the quality processes that are undertaken to ensure the subcontracting provision matches those of the College - Section 17, forming (a).
- 6.6 Removal of the ROTO section as this is now outdated and has been replaced by the Monitoring Standard.
- 6.7 Due Diligence, Section 10: The College will comply with all Ofsted requests when a direct inspection of a subcontract is requested. This right is generally reserved for a single subcontractor that is over £3 million.
- 6.8 Due Diligence, Section 10: The learner's outcome will be a measure for the DFE to determine whether the College needs to reduce the value or volume of the subcontracting provision with any of our institutions.
- 6.9 Section 17: The College Approach to Subcontracting two subheadings have been added regarding Quality processes and Data Protection.

## **7. Subcontracting Monitoring Standard**

- 7.1 The DFE sub-contracting standard was introduced in the 2022/23 funding year and will effectively act as a licence to subcontract.
- 7.2 The subcontracting standard provides a framework for the oversight and management of public funds, ensuring that these are used to the best effect, to maximise the value of those funds to benefit the learner.
- 7.3 The framework will ensure that there is a clear and consistent approach for the contract management of subcontractors by the College and that there are robust assurance review arrangements.
- 7.4 It will assist in mitigating the risk of:
  - inadequate (contract) management of subcontractors
  - non-compliance with DFE funding rules by subcontractors; and
  - fraudulent and incorrect funding claims

## 8. Regulations, Fees and Charges

- 8.1 Each subcontract/agreement the College has must include the rationale for the subcontracting provision.
- 8.2 For each subcontract/agreement the College has, it must set out the full range of fees retained and charges that apply, including:
- Retained funding for quality assurance and oversight.
  - Retained funding for administrative functions, such as data returns.
  - Retained funding for mandatory training delivered to subcontractor staff by the directly funded provided.
  - Clawback for under delivery or other reasons.
  - How the College will determine that each cost claimed by a subcontractor is reasonable and proportionate to the delivery of their teaching or learning and how each cost contributes to delivering high quality learning.
- 8.3 The College's governing body and our accounting officer must agree to the policy for delivery.
- 8.4 The College uses qualified and senior staff to select the subcontractors, they are experienced and qualified. The College only uses subcontractors for delivery provision if:
- Subcontracts are in line with the funding requirements of the DFE
  - Contracts are actively managed.
  - The accounting officer determines the subcontractors as high quality and low risk to public funds.
  - A robust procedure is in place to ensure subcontracting does not lead to the inadvertent funding of extremist organisations.
- 8.5 The College will inform the DFE if a subcontractor falls into administration or liquidation. (This is a requirement to at least 31st December 2034).
- 8.6 It is the College's responsibility to ensure the subcontractors are aware of the requirement to:
- Maintain evidence and audit trail as required, and provide access to this, until at least 31st December 2034.
  - Comply with the [European Social Fund cross-cutting themes guidance](#) for sustainable development and equality programme guidance.
- 8.7 All contract documentation remains the property of the Secretary of State. If the subcontractor ceases trading, the College must recover all contract paperwork and reconcile any claims to DFE against the recovered paperwork.
- 8.8 The College's standard Management fee is 20%. The DFE has the right to require an explanation where the funding you have retained as your management fee exceeds 20%.

## 9. Selection and Procurement of Subcontractors

- 9.1 The College has a responsibility to notify the DFE about any circumstances which might lead to an actual or perceived conflict of interest. The College will not award the contract without written permission from the DFE and will keep all evidence relating to the actual or perceived conflict.

- 9.2 The College will not subcontract to any institute/organisation which is not permitted to recruit 16-18 year old learners and/or 19 to 25 year old high needs students without written permission from the DFE.
- 9.3 The College will ensure that subcontracting will comply with current and relevant procurement regulations. Including, if relevant the Public Contracts Regulations 2015. The College will take legal advice, as necessary.
- 9.4 The College will ensure that we select subcontractor(s) fairly transparently and without discrimination and that potential subcontractors have sufficient capacity, quality and business standing to deliver the provision that is being subcontracted.

## **10. Due diligence Requirements**

- 10.1 The College will carry out our own thorough due diligence checks when appointing delivery subcontractors and will continue to undertake and review these checks on an annual/ongoing basis with each of your delivery subcontractors.
- 10.2 The College Due Diligence checks will include:
- A review of the circumstances and criteria which would consider subcontractors to be a high-risk provider, as a result, the College will not consider a contract.
  - An assurance that the subcontractor has the financial ability to deliver the requirements of the subcontract. (If a subcontractor does not meet, or continues to meet, the minimum due diligence and financial health checks required we will suspend the right of the subcontractor to recruit new learners.)
- 10.3 The College will not contract with a brand new company that has yet to submit its first statutory accounts unless they can thoroughly verify the new company's financial capability.
- 10.4 The College must consider the subcontracting credit rating. Where this is above average, the College will ensure that the subcontractor is available to deliver the needs of the contract and manage the risks associated with the contract.
- 10.5 The College will not award or renew a subcontract to any organisation that has passed a resolution (or the court has made an order) to wind up or liquidate the company, administrators have been appointed, or its statutory accounts are overdue.
- 10.6 The College should refer to the list of declared subcontractors to determine if a subcontractor that we intend to use or are using already holds subcontracts with other organisations.
- 10.7 The College must only award subcontracts to legal entities. If the entity is a registered company it must be recorded as 'active on the Companies House database. Subcontractors must register on the UK Register of Learning Providers (UKRLP) and hold a valid reference number, to be eligible for funding.
- 10.8 The College will comply with all Ofsted requests when a direct inspection of a subcontract is requested. This right is generally reserved for a single subcontractor that is over £3 million.
- 10.9 The learner's outcome will be a measure for the DFE to determine whether the College needs to reduce the value or volume of the subcontracting provision with any of our institutions.

## **11. Entering into a Subcontract**

- 11.1 The College will not make an artificial distinction or distortions when describing delivery arrangements to avoid the application of these rules.
- 11.2 The College will not engage in a subcontract provision not previously subcontracted. If the College is looking to engage new provision you must get DFE written permission.
- 11.3 The College will not enter into any agreement for brokerage.
- 11.4 The College will not engage in any subcontract where we would be required to fund a second level of subcontractor. We must have a direct subcontract, each subcontractor must have a direct subcontract with the College. This is to ensure that the college has clear and transparent accountability of the quality of provision, proper and appropriate controls are in place, and that value for money is achieved for the benefit of the student experience.
- 11.5 The College will ensure all learners are aware of the roles of the subcontractors and the College in supporting them through their learning journey.
- 11.6 If the College enters into a new partnership or subcontract the College will select subcontractors through an open, fair and transparent process. If the College adds a new subcontractor during the life of our contracts, we will submit an updated subcontractor declaration form.

## **12. Terms that must be included in contracts with Subcontractors**

- 12.1 Before any subcontractor starts delivery of the subcontracted provision, the subcontractor must have a legally binding written subcontract with the College.
- 12.2 The subcontract must entitle the College to exercise management controls over the subcontractor's activity including access by auditors appointed by either your organisation or DFE.

### **The following paragraphs must be included in each subcontract:**

- A list of all services the College will provide to the subcontractor and the associated costs for doing so.
- A list of individually itemised, specific costs that the College will charge for managing the subcontractor and how these are reasonable and proportionate to the delivery of subcontracted provision.
- Specific costs for quality monitoring activities and specific costs for any other support activities offered by the College to the subcontractor and how these contribute to the delivery of high-quality learning.
- Reference to the College's delivery subcontracting policy, including our rationale for subcontracting and where it can be found on our website.
- A requirement to give DFE and any other person nominated in writing by DFE, access to its premises and all documents related to their subcontracted delivery.
- A section that sets out what will happen if the subcontract ends for any reason to ensure that there is continuity of learning.
- A requirement for the subcontractor to inform the College if evidence of irregular financial or delivery issues arises. This could include, but is not limited to: Non-delivery of training when funds have been paid; Sanctions imposed by an awarding organisation; Allegations of fraud; An inadequate Ofsted grade; Allegations or complaints by learners, staff members, or other relevant parties.



- A requirement for the subcontractor to inform you of any changes that impact its ability to meet the due diligence or financial health/required standards with a clear statement that states the College may as a result be required to terminate the subcontract with them.
  - A section that enables the College to terminate the subcontract should our subcontractor fail to meet the required due diligence or financial health requirements/standards.
  - A section that enables the College to take appropriate action in line with the funding higher risk organisations policy, for only if we the college feel it is appropriate but also where the DFE requires the college to take action.
- 12.3 The subcontractor must be under an obligation to provide you with ILR data so that your organisation's data returns to DFE accurately reflect your subcontractor's delivery information.
- 12.4 The subcontractor must provide you with sufficient evidence to allow the college to:
- Assess its performance against Ofsted's common inspection framework.
  - Incorporate the evidence it provides you with into your self-assessment report; and
  - Make judgements and grades within our self-assessment reporting system.
- 12.5 The subcontractor must always have suitably qualified staff available to provide the education and training.
- 12.6 The subcontractor must not use DFE funding to make bids for, or claims from, any European funding on its behalf or on behalf of DFE, including match funding for ESF projects.
- 12.7 The subcontractor must be bound by ESF clauses within our contract, even if the provision being subcontracted is not funded by the ESF.
- 12.8 The College should take legal advice to best incorporate the above provisions along with wider terms and conditions into our subcontracts.

### **13. Monitoring Subcontractors and Provision**

- 13.1 The College is responsible for the actions of our subcontractors connected to, or arising out of, the delivery of the services, which we subcontract. If our subcontractor fails to deliver, we are responsible for making alternative arrangements for the delivery of education and training, protecting the audit trail, and/or repaying DFE or ESF funding.
- 13.2 The College manages and monitors all our subcontractors to ensure that high-quality delivery is taking place that meets the requirements of the contract we have entered into. The College must ensure safeguarding is rigorously policed.
- 13.3 It is not acceptable for any staff with a direct or indirect financial interest in the subcontractor to undertake any management control activities This includes signing time sheets or invoices, as well as organising and/or carrying out monitoring activity or visits to check the subcontractor delivery.
- 13.4 The College must carry out a regular and substantial programme of quality assurance checks on the education and training provided by subcontractors including spot checks and face to face interviews with staff and learners. The programme must:
- Include verifying that learners exist and meet the eligibility criteria for DFE Funding.

- Involve direct observation of initial guidance, assessment and delivery of learning programmes, training, and/or direct observation of assessment.
  - The findings of your assurance checks must be consistent with your expectations and the subcontractor's records.
- 13.5 The Prevent duty applies to subcontracted provisions. It is the College's responsibility to ensure all statutory responsibilities associated with the delivery of education and safeguarding of students, are included in the subcontracting arrangements.
- 13.6 The College must monitor our subcontracted learners to ensure they have full access to free funded education and training, including information about and access to, 16 to 19 bursary and other student support funding, information, advice, guidance and learning support if required.
- 13.7 The College must ensure our subcontractor's evidence meets the requirements of the ESF funding rules and is maintained and accessible until at least 31 December 2034.

## **14. Subcontracting Reporting and External Audit Requirements**

- 14.1 The College must record subcontracted provisions in line with the published guidance for the College census and the individualised learner record (ILR) data returns. This includes submitting a fully completed subcontractor declaration by the dates given to us by DFE. This will be at least twice during the funding year.
- 14.2 The College must also update our subcontractor declaration if our subcontracting arrangements change during the year. This is to be done via our MyESF account.
- 14.3 Per our DFE contract(s), the college must meet DFE subcontracting standards as detailed in the [subcontracting standard guidance](#), if the aggregate total of all subcontractors delivering DFE funded provision on your behalf exceeds or is anticipated to exceed £100,000 in any single funding year. Whilst otherwise excluded from these rules, for calculation of the aggregate total of subcontractor delivery we must include delivery of apprenticeships.
- 14.4 The College will use the auditor's [guidance](#) available to help reporting accountants understand DFE's expectations in terms of reasonableness and proportionality. The auditor's guidance explains the process as to how the standard will be achieved and provides examples of evidence requirements and expectations on what is required if the standard is not achieved.
- 14.5 The College sent a copy of the external auditor's final report including the action plan of agreed recommendations and assurance declaration via DFE Document Exchange by any given year. DFE reviewed this as part of their overall assurance arrangements. This only needs to be reapplied yearly if there are significant changes to subcontracting or a change in our executive team. The next audit should be in 2025-26, excluding any independent audit from the DfE.
- 14.6 If DFE does not receive the auditor's report on the subcontracting standard by the 31st of July on any given year, the College as the lead provider will be deemed as non-compliant if no subcontracting report on the subcontractor is provided by this date and funding may be affected/delayed.

## **15. DFE 16 to 19 Annex**

- 15.1 DFE will reserve the right to require an explanation where the funding the College has retained as our management fee for a subcontract exceeds 20% of the overall contract but offers little value.
- 15.2 For the avoidance of doubt, all DFE funded provisions, including enrichment, employment, and pastoral (EEP) activity are a funded part of a study programme or T Level. Any provision that is provided by a third party is deemed as a subcontractor.
- 15.3 Where T Level providers are passing T Level Industry Placement Employer Incentive payments on to employers this ended in the year 2021/22. The College must complete and upload the employer declaration to the digital tool capturing this information but does not need to also account for these in the subcontractor declaration. This funding is not included as part of the programme funding allocated for T Levels.
- 15.4 Controls over students, tutors, and provision - The College must be able to demonstrate that we exercise all the following key controls:
- Enrol or reject learners as we would do if the learners were to be taught on our site.
  - A learning agreement, signed by the learners at the time of enrolment; the agreement must reflect the outcome of initial guidance and assessment for an individual student and set out their study programme and any learning support to be provided.
  - Learners' eligibility for DFE funding is confirmed through an enrolment form and/or learning agreement, which must include our name and our logo, signed at the start of their programme.
  - A learning programme and its means of delivery have been clearly specified by the College.
  - There are arrangements for assessing the progress of individual learners.
  - There are procedures for the College to regularly monitor the delivery of programmes provided.
- 15.5 Subcontractors with contracts with multiple institutions. The College must establish whether any of our subcontractors work with other directly funded DFE lead providers. This is to ensure that the college is the only provider that is claiming DFE funding for our learners. Learners must not be enrolled at more than one directly funded DFE provider.
- 15.6 If learners are attending several different directly funded providers for different components of their programme of study, the lead provider must record all the components and indicate on the ILR which elements are delivered via subcontracting. (There is an exception to this when a learner is enrolled on a Diploma in Sporting Excellence in addition to their main study programme.)
- 15.7 Distance subcontracted delivery. Only in exceptional circumstances should the college make subcontracting arrangements for delivery outside their normal recruitment area. The College will seek approval to continue with or embark on new arrangements for distance subcontracting. If the college is subcontracting at a distance, the College must ensure the same level of monitoring, management, control, and safeguarding of learners.
- 15.8 Whole programme subcontracting. The College must seek approval to continue with or embark on new arrangements for the whole programme subcontracting.
- 15.9 The College must not enter into a subcontract agreement with special schools for whole or partial provision where students are 19-25 years old.

- 15.10 When a subcontractor wants to appoint and work with a third party, which could include a sports club, it is the College as the provider who must have a direct contractual relationship with the third party and not the subcontractor. Third parties must not be appointed or managed by the subcontractor. There must be no financial transactions between a subcontractor and a third party.
- 15.11 The College is responsible and must take steps to assure ourselves that the third party has:
- Facilities that are safe, suitable, and fit for purpose.
  - Safeguarding arrangements that are robust and reviewed regularly, at least on an annual basis.
  - A clear understanding of what activities are suitable for and not suitable for DFE funding.

## 16. Further information

- 16.1 The Auditor's guidance has been reviewed and a monitoring system across the academic year is in place to meet the new monitoring standard set out in August 2022.
- 16.2 Templates of the certificate the College must return, as well as guidance and information on expectations can be found on GOV.UK webpage [providing external assurance on subcontracting controls](#).
- 16.3 The Register of Training Organisations (ROTO) was formally decommissioned on the 31st July 2021. The introduction of Subcontracting Monitoring Standard was introduced in September 2022.

## 17. The College Approach to Subcontracting 2024/2025

- 17.1 The College currently expects to contract with two subcontractors in 2024/25, both of which the College has worked with for a number of years:
- ATL – Subsidiary Company
  - Plymouth Argyle Football in the Community Trust
- 17.2 The College has prepared its annual supply chain fees and charges policy for approval by the Board having regard to the new requirements outlined by the DFE.
- 17.3 It is confirmed:
- All subcontracting undertaken meets College strategic aims centred on employability, enterprise, key strategic/sectoral priorities for the city, and travel to learn the area, specifically, sector work based academies addressing skills gaps and enhancing the quality of our offer to learners. For example, One of our subcontracting providers provides a number of employability programmes (including work based academies) which are highly valued by Job Centre Plus and help address skills gaps, particularly in the Health & Social Care sector. The Sports subcontracting has a long history of running education provisions from the highly successful Football Scholarship Programme to foundation provisions supporting NEETs to enter the world of work or further training.
  - The College will only wish to work with partners that are of a high quality and low risk. As determined by the Due Diligence.
  - The College has staff within its finance, legal, and MIS teams with appropriate knowledge, skills, and experience to successfully procure, contract with, and manage

subcontractors. A legally binding contract will be in place for subcontractors and includes requisite terms set out in the funding guidance; contracts are reviewed and renewed annually.

- Subcontractors are robustly managed and monitored to ensure that high-quality delivery is taking place that meets and is compliant with the specific funding requirements for each programme. The quality of the provision will be monitored and managed through the existing College Quality Assurance processes and procedures and compliance with all Quality Assurance processes is expected.
- Through the College's established systems and processes for PREVENT, we have robust procedures in place to ensure that subcontracting does not lead to the inadvertent funding of extremist organisations.
- It is acknowledged that all learners who are provided with education and training under a subcontract remain the College's responsibility; no differentiation is made between funded learners or those with Advanced Learning Loans.
- Through the IAG process, any learners and employers supported through subcontracting arrangements are made aware of the respective roles and responsibilities of the College and the company.
- The College has contingency plans in place to support learners in the event of certain circumstances. These are well developed having previously provided support to DFE and learners/employers when subcontracting arrangements between other organisations in our travel to learn area have failed. These can be found in the Confidential: Emergency Continuity Plan.
- The College does not use subcontracting to meet short-term funding objectives.

#### **a) Quality Processes**

As the main provider, the College will work with partners to ensure that all provision is high quality. The College will offer its partners:

- A contract mirroring funding body requirement.
- Professional training and development for partner staff.
- Access to learning resources and materials.
- Participation in the College Learning, Teaching, and Innovation Processes.
- Participation in the College Self-Assessment Processes including Curriculum Quality Review Panels (CQRP).
- Access to the range of in-house training delivered by the College
- Monitoring of initial guidance, assessment, and delivery of learning programs.
- Safeguarding advice, guidance, and support.

Learners enrolled at subcontracted providers will be able to:

- Access IAG services pre, on course, and at exit.
- Utilise the College libraries and use self-organised learning environments.
- Use College support services such as the Student Union, Lighthouse Facilities, and the Wellbeing Support.

As the Lead provider, we will assure ourselves that:

- All facilities are safe, suitable, and fit for purpose.

- All safeguarding arrangements are robust.
- Parties are clear on the dividing line between activities for which the DfE funding is being claimed and activities that do not attract DfE funding.
- Ensure all activities of the subcontracting institutions, including non-qualification activities are recorded on the ILR as employment, enrichment, and pastoral (EEP) activity.

Partners will collect, retain, and submit to the College on request all relevant documents and evidence of learner activity. This will be in line with Data Protection regulations.

## **b) Data Protection**

The College and its partners need to comply with the Data Protection Act 2018 and the UK GDPR. As the lead organisation the College will act as the main Data Controller. The College acknowledges that the partner may also be considered a Data Controller, therefore the partner will need to produce a privacy notice to share with all learners.

Each partner needs to ensure that transmissions of personal data are undertaken on a secure basis.

Any data breach must be reported to the College immediately upon discovery.

## **18. Subcontract values 2024/2025**

18.1 The Tender for the subcontracts has been published and has been reviewed and at this point, we can confirm that the subcontractors for 2024/2025 are 'Achievement Training Limited' and 'Plymouth Argyle Football in the Community Trust'. We ensure the process is fair and all practices are transparent in line with the DfE regulations.

18.2 The estimated subcontract values for 2024/2025 are as follows:

Subcontractor ATL: Lot 1

16-19	£256,000
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AEB	£533,400
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Potential Subcontractor ACT: Lot 2

16-19 and AEB	£420,357
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As a % of the College total delivery/approval this equates to:

16-18	4.55%
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AEB	7.8%
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## **19. External Assurance**

19.1 The College commissions an external assurance review of controls over subcontracting, aligned to our ESFA risk rating. The assurance review is undertaken by the external auditors. The next College audit is planned for 2025/2026, excluding any independent audit from the DfE or other external agencies.

19.2 If the DfE does not receive the auditor's report on the subcontracting standard by the 31st July on any given year that it is expected, the College as the lead provider will be deemed as non-compliant if no subcontracting report on the subcontractor is provided by this date and funding may be affected/delayed.

## 20. Glossary

Term	Definition
Adult Education Budget	Where we reference the Adult Education Budget (AEB) this is for learners resident in non-devolved areas. In areas where the AEB has been devolved, Mayoral Combined Authority (MCAs) /Greater London Authority (GLA) are responsible for the funding rules (including any rules on subcontracting) which apply in their areas.
Brokerage	Means the provision by a third party of services, for a fee, to source subcontractors to provide the services on behalf of the contractor.
Department	Means the Secretary of State for Education acting through the Department for Education.
Distance subcontracted delivery	Means where the delivery location of the subcontractor is outside the lead provider's normal recruitment area.
Exemption case	Means the case submitted by the college to the department in accordance with paragraphs 29 to 31 of the subcontracting funding rules for permission to exceed the subcontracting threshold.
Funding year	Means a period of 12 months starting on 1 August and ending on 31 July.
Learners	Means any third party including any student, apprentice (under an apprenticeship), trainee or similar to whom the college is required to deliver any of the services;
<a href="#">List of declared subcontractors</a>	Means the register of subcontractors that hold contracts worth at least £100,000 in aggregate with one or more DFE-funded providers of post-16 education and training services, including apprenticeships and traineeships as set out at:
MYESF	Manage Your Education and Skills Funding is an ESFA service to sign documents, view funding allocations and funding received, manage apprenticeship details and declare subcontracting arrangements.
Prevent	Means the prevent strategy, published by the government in 2011, which is part of our overall strategy to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism.
Subcontractor	A separate legal entity or an individual (not an employee) that has an agreement (called a 'subcontract') with you to deliver any element of the education and training we fund. A separate legal entity includes, but is not limited to, companies in your group, other associated companies and sole traders. An individual could include a person who is a sole trader, self-employed, a freelancer or someone who is employed by an agency, unless those individuals are working under your direct management and control in the same way as your own employees. This does not include relationships between the lead provider and other third parties providing services such as marketing.

Subcontract	An agreement entered into between DFE lead provider and a subcontractor for the purposes of engaging the subcontractor to deliver part of the services on behalf of the lead provider.
Subcontracting	Any delivery to a learner's programme of learning by a separate legal entity. It does not matter if this is by a third party recruited to deliver on site (travel to teach), online learning or whether it is described as a service. A separate legal entity or an individual that has an agreement (called a subcontract) with you to deliver any element of the education and training we fund. A separate legal entity includes companies in your group, other associated companies and sole traders. An individual could include a person who is a sole trader, self-employed, freelancers or employed by an agency.
Subcontracting threshold	25% of the learners in each funding stream under this contract in any given funding year.
Those charged with governance	Those with responsibility for overseeing the strategic direction of the provider and obligations related to the accountability of the provider. This includes overseeing the financial reporting process. Those charged with governance can include but are not limited to: College Governors/Boards, Executive Board of Directors, Audit Committee.
Whole programme subcontracting	Where every element of each individual learner's programme is delivered by the subcontractor.