

College of West Anglia



Partnership Management Policy

2024 - 2025



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Introduction

This policy aligns with the ESFA's Subcontracting Standard; subcontracting assurance arrangements for all post 16 providers, published by the Education & Skills Funding Agency in July 2021 and should be read alongside the Partnership Agreement. The standard is separate from, and different in purpose, to Ofsted's Education Inspection Framework, and does not replace or overlap with Ofsted's remit.

The subcontracting standard is about oversight and management of public funds and ensuring that these are used to best effect, to maximise the value of funds to benefit the learner. This ensures that the College has a clear and consistent approach for the contract management of subcontractors by lead providers and that there are robust assurance review arrangements.

The College will review this policy in May of each year in advance of the final Finance & General Purposes Sub-committee meeting of the Corporation in readiness for the next academic year. Any policy revisions will be completed and published prior to the commencement of the next academic year.

This Policy [Ver 1/24] will be adopted subject to approval at the first meeting of the Finance & General Purposes Committee of the Colleges Corporation on 2nd October 2024.

Definitions

Lead provider - A lead provider is a college, training organisation or employer that has a direct contractual relationship with ESFA.

Subcontractor - A subcontractor is 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, or employed by an agency unless those individuals are working under your direct management and control in the same way as your own employees. Each lead provider and subcontractor must have a valid UK Provider Registration Number (UKPRN).

Partner provider – A term used by the College of West Anglia to describe subcontractors as set out above.

External auditor - An external auditor is a professionally qualified person from an organisation external to the provider that is able to provide an independent report on their subcontracting systems and controls. The person should be registered with an appropriate professional body. For the sake of clarity, the external auditor cannot be an employee, director, trustee, shareholder or any other similar party with a vested interest in the provider, irrespective of whether their normal role is to carry out their audit work. The external auditor does not necessarily have to be a provider's existing external auditor.

The term 'the College' is used throughout this document to indicate the College of West Anglia.

Related Documentation

The following documentation should be referred to in addition to this policy:

- Supply Chain Fees & Charges Policy
- College of West Anglia Partnership Agreement 2024-2025
- Work Instructions and Expectations – Partnerships Procedure LNG08 Rev 11
- Procurement Documentation
- Contract Management Meeting Agenda
- Record of Management Meeting
- Partnership Annual Performance Review/Quality Improvement Plan
- Accountability Agreement (Colleges) Version 2 – July 2024

Pre-Award Activities

Prior to commencing a subcontracting arrangement, the College's Finance and General-Purposes Committee will consider whether the educational rationale for subcontracting is robust and aligns with the College's Strategic Plan at the time of procurement. All subcontracting arrangements will comply with ESFA funding/compliance requirements as per the appropriate funding stream.

Opportunities to subcontract with the College will be managed by the Finance and Procurement Officer in line with college financial procedures and will be entered onto the electronic In-Tend portal. Procurement activity will include pre-qualification and a robust tendering process, ensuring that the provision being subcontracted will meet one or more of the ESFA's education rationales:

- Enhances the opportunities available for learners
- Fills gaps in niche or expert provision or provides better access to training facilities
- Supports better geographical access for learners
- Offers an entry point for disadvantaged groups; or
- Gives consideration of the impact on individuals with shared protected characteristics, where there might otherwise be gaps

The above metrics are used to initially scope and formulate the tender document which then informs the Invitation to Tender [ITT], tender questions and the detailed Partner provider selection questionnaire.

Detailed guidance on the above will be provided during the tendering process.

Contract Award and Management

The College will award the contract to the tenderer that satisfies all respects of the contract specification being offered, including budgets, capability and capacity.

A panel including partnerships, the Finance and Procurement Officer and SMT will meet to review the applications using pre-defined criteria (see Pre Award Activities). Following the panel's decision, organisations who have successfully met the specification will be invited for further detailed dialogue. This will ultimately lead to a contract management and planning phase that is discussed in detail. The final Agreement will be informed by the funding stream, information gathered during the tender process and the required provision. This approach ensures that each aspect of the process is shared by both parties as the contract evolves. The Agreement will be generated and signed by all parties in advance of any enrolment/learner engagement.

Following satisfactory completion of the Pre-award activities detailed dialogue will commence, aligned to the Work Instructions and Expectations – Partnerships Procedure LNG08 Rev 11. At this stage a dedicated Partnership Liaison Officer (PLO) will be assigned to the Partner provider for operational purposes. The senior responsible owner for all subcontracting is the Head of Employer Liaison, Partnerships and Commercial Training, who oversees high-level and strategic contract management. This work is supported by the Partnership and Business Liaison Supervisor. All personnel will liaise to ensure end-to-end contract management, assessment and evaluation (supported by data where beneficial) takes place throughout the year.

Reference should be made to the related documentation listed on page 5.

All Partner providers will be required to meet the following criteria as a minimum on an ongoing basis:

- Meet all procurement requirements
- Meet all due diligence requirements
- Meet or exceed all KPIs as specified in the Agreement
- Comply with all contractual requirements
- Participate in Quality Assurance Audits [QAA] as specified in the Agreement
- Engage with all aspects relating to Further Education inspection requirements
- Manage risk to minimise any impact on learning outcomes

The subcontracting relationship will be managed in line with the College's Partnership Agreement as outlined in the sections below:

- Section 1 – Partner Providers
- Section 2 - General
- Section 3 - Venue of Provision
- Section 4 - Outline of Provision
- Section 5 - Services to be provided by the Partner Provider
- Section 6 - Services to be provided by the Lead Provider
- Section 7 - Staffing
- Section 8 - Quality Assurance
- Section 9 - Payments

- Section 10 - Programme Details & Funding
- Section 11 - Meeting Arrangements
- Section 12 - Maximum Learner Numbers & Achievement Profile
- Section 13 - Maximum Contract Value (MCV)
- Section 14 - Failure to Secure Funds & Recovery of Funds
- Section 15 - Termination of Agreement
- Section 16 - Partner Provider Declaration
- Section 17 - Signatories to this Agreement
- Annex A - Agreement for Services Amendment Record
- Annex B - Extract from Accountability Agreement (Colleges) V 2 – July 2024
- Annex C - Data Protection Act 2018 [UK GDPR]
- Annex D - Partner Provider Due Diligence Documentation Checklist
- Annex E - Management Meetings

Regular formal contractual Management Meetings will take place termly at the Partner provider's delivery site as appropriate; as with QA processes, these are risk based. Management Meetings include the following standardised elements:

- Review of Actions from Previous Meeting
- Funding Update
- Learner Performance
- Safeguarding/Serious Concerns/Complaints
- Due Diligence Processes
- Qualification & Curriculum Offer Update
- Review of Key Performance Indicators
- Finance
- Staffing
- Quality Assurance/Inspection
- APR/QIP
- Policy Updates
- Confirmation of any In-Year Changes to Section 16 of Partnership Agreement
- Date of next meeting

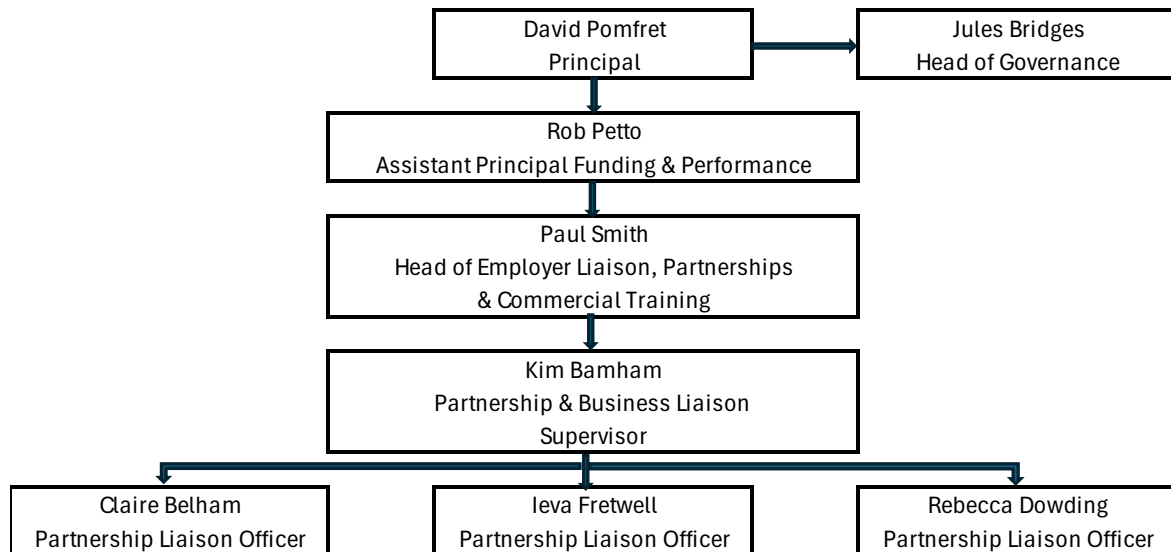
Due to the College's approach of enhanced management oversight, the need for additional monitoring is negated regardless of funding stream, Partner provider delivery model or location. Examples include 16-19 learners/SEN/High Needs/Education Health & Care Plan [EHCP]/ Whole Programme/Distance.

Where apprenticeship provision is being subcontracted, the College will lead the relationship with the employer to ensure provision is not solely delivered by the partner. Initial dialogue will take place between the employer, Partner provider and College, with delivery being fully mapped to the Standard and compliant with the funding rules. Regular dialogue will take place throughout the apprenticeship journey, from initial engagement to End Point Assessment and certification.

Issues relating to contract performance are discussed in Management Meetings with clear actions being agreed by all parties. In the event of a dispute, college senior managers will be involved, with the ESFA being informed and included in the dialogue if appropriate. Where agreement cannot be reached a third-party resolution/mediation service will be engaged.

People

The Partnership team consists of a Head of Department, a supervisor and three Partnership Liaison Officers [PLOs] as shown below with the senior reporting lines and governance:



There are clear reporting lines and oversight of subcontracting with the Head of Department reporting to the Vice Principal Corporate Services who in turn reports to the Principal / CEO. The Head of Department briefs the Senior Management Team [SMT] monthly as a standing agenda item, including performance [both academic and financial], quality assurance, compliance and any operational issues that could impact overall performance.

Administration

Signed Agreements are stored electronically and as hard copies and are accessible to the Partnership team overseeing the subcontracting arrangements.

Regular formal contractual Management Meetings will take place termly at the Partner provider's delivery site as appropriate; as with Quality Assurance processes, these are risk based. Dates/times are specified in the Agreement for the full academic year.

Any changes to the policy will be communicated to existing partners at contract management meetings. Furthermore, the College will distribute a copy of this policy to all potential new Partner providers and discuss it with them as part of the College's pre-contracting process.

Efficiencies and Cost Control - Staffing and related costs, such as training and CPD, will be carefully considered to ensure maximum return on investment. Best practice will be shared across partners either face-to-face or electronically. The cost of any training activity will be minimised, with training delivered across the organisation and with Partner providers synchronously where possible.

The cost of contract management activities are considered by the College; costs are proportionate to the contract size and risk.

Managing Relationships

The Partnership Annual Area Performance Review [APR] report is formulated on an iterative basis covering all aspects of Partner provider performance. This process is overseen by the Deputy CEO/Vice Principal Curriculum & Quality, with regular meetings taking place to support the drafting process, challenge poor performance and celebrate success. Each Partner provider will provide an APR/QIP document on an annual basis; this will contribute to the wider Quality Improvement Plan [QIP] that is used as a framework to address areas for improvement across the College. The Partner provider APR/QIP will be reviewed on an ongoing basis at Partner Management Meetings.

The Partnership Agreement sets out the points of contacts for Partner providers. Service users are provided with details of key contacts within their Information, Advice and Guidance documentation.

Changes in partner personnel or the college team will be recorded within the Agreement for Services Amendment Record within the current contract year.

Managing Performance

To ensure operational effectiveness and optimal value for money, the Partnership Agreement will include clearly defined and agreed Key Performance Indicators [KPIs] that have been tailored to the specific Partner provider. The KPIs are monitored on a monthly basis and discussed at termly Management Meetings, with feedback being provided as appropriate. Where the partner fails to meet KPI benchmarks, actions to address shortcomings will be agreed between the College and the Partner provider.

Learner programmes must be fully completed and all completion paperwork must be received within agreed timescales set out in the Partnership Agreement.

The Partnership Agreement will set out the maximum learner numbers, an achievement profile and the Maximum Contract Value (MCV) at the start of the contract period. Progress against performance in meeting these targets will be reviewed quarterly. The MCV may be amended following consideration of performance during the year.

All Partner providers will provide the College with evidence to enable their performance to be assessed against Ofsted's Education Inspection Framework.

Quality Assurance Audits [QAA] are undertaken independently of the Partnership Team and auditors observe the quality of teaching, learning and assessment. This function is carried out by internal college colleagues in Learning Improvement, this being overseen by the Head of Learning Improvement. This provides a level of separation from the day-to-day management of Partner providers, ensuring an objective approach is upheld.

The College's QAA process provides opportunities to speak directly to sub-contracted staff and college learners in areas such as learner progress, attendance, support, assessment and IQA, careers guidance and work experience. The findings of QAAs are discussed within termly contract management meetings and through operational support provided by the Partnership Team. Additional planned or short notice audits can be arranged based on risk. A detailed report will be generated following the audit and shared with all parties.

This process is detailed in the Work Instructions and Expectations – Partnerships Procedure LNG08 Rev 11. Partner providers will be obligated to fully comply with all aspects pertaining to audit and inspection.

Payments and Incentives

The College's approach to payments is specified in the Supply Chain Fees & Charges Policy with specific detail being given in the Partnership Agreement. The College's approach is fully open and transparent and aligned to the College's financial rules and regulations.

Risk Management

The College has comprehensive due diligence processes to mitigate any risk with subcontracting, this includes internet searches of potential and established Partner provider to ensure the organisations and their senior staff are not involved with any extremist organisations or other inappropriate activities.

Checks are carried out on an annual basis to ascertain the current/latest financial health position of each Partner provider.

Partnership arrangements at the College are overseen by a dedicated and experienced team. The Finance & General Purposes [F&GP] sub-committee of the Corporation are charged to oversee and report on all aspects relating to subcontracting from a governance perspective.

On a quarterly basis the Head of Employer Liaison, Partnerships & Commercial Training formally reports to F&GP on procurement, educational rationale, performance against KPIs, compliance, and review of the Supply Chain Fees and Charges Policy.

Contract Development and/or Termination

The Partnership Agreement [Contract] has been developed using key terms, conditions, and schedules to provide consistency and clarity between the lead provider and the partner provider.

The Agreement specification outlines the detailed requirements and expectations from the providers, and are tailored to the type of education or training provision required. The

Agreement includes key performance indicators that will be monitored and evaluated against the contractual specifications. Risks associated with contract delivery, such as non-compliance with ESFA funding rules and financial risk will be identified and managed in line with the Agreement.

CWA reserves the right to terminate the subcontracting arrangement at any time should operational performance fall below minimum levels of performance expected by the Education & Skills Funding Agency [ESFA], Ofsted or KPIs set within the Agreement. The partnership will always be withdrawn in such a way as to ensure minimum impact on learner outcomes. Should the agreement be terminated on any of the grounds specified above, CWA reserves the right to obtain access and retain all learner documentation and related records held by the Partner provider in its capacity to obtain a positive learner outcome and satisfy funding audit and ESFA requirements.

Should the Partner provider wish to terminate the agreement for any reason then it is expected that active learners will complete their programme of study, the minimum notice period being nine months. The Partner provider must co-operate to make sure that there is continuity of learning if the subcontract agreement ends, irrespective of the reasons for cessation.

Further details on termination of the contract are included in the Partnership Agreement.

Provider Development

CWA provides training opportunities as appropriate for our Partner providers in strategic, operational, quality and added value aspects. For example, in the last year we have made available the following briefing and training opportunities:

- Mental Health First Aid
- Teaching, Learning and Assessment [TLA] strategies
- Embedding safeguarding into the curriculum
- Preparing for inspection
- Reporting of safeguarding concerns
- Joint attendance at employer forums and sector bodies
- Behaviour Techniques for Attention Deficit Hyperactivity Disorder
- Creating a Positive Culture of Behaviour