



Adult Community Learning Essex

Subcontracting, Supply-chain Fees and Charges Policy 2022/23

Control of Document: ACL Senior Leadership Team (SLT)

Responsibility Group: ACL Senior Leadership Team (SLT)

Date of Acceptance: August 2022

Date of next review August 2023

1. Subcontracting

ACL Essex recognises the importance of ensuring that potential learners have access to relevant and appropriate learning opportunities regardless of their circumstances. The Service is committed to growing and diversifying the range of provision on offer, whilst also ensuring that the most disadvantaged and excluded individuals and groups can be reached through an alternative option to mainstream provision.

ACL Essex will only commission activity that is identified within its curriculum strategies and that it is not able to deliver itself.

ACL Essex will use its commissioning to contribute to Essex County Council priorities and those of the Local Enterprise Partnership (LEP).

ACL Essex will only commission provision where it has the funding capacity to do so. This policy covers:

The delivery of ESFA funded Community Learning programmes by the Third Sector (Voluntary, Community and Social Enterprise). Integral to this element is a commitment to develop the capacity of such organisations to deliver learning programmes.

ACL Essex will retain full accountability for all subcontracted delivery.

2. Procurement

ACL Essex will use the ECC Open Procedure One Stage Buyer process which requires applicants to use the ECC online portal.

This process ensures that an appropriate level of Due Diligence is undertaken prior to applications being considered, and a fair, open and transparent process is in place for the awarding of subcontracts.

ACL Essex will ensure that:

- The proposed delivery is in the best interests of learners
- The proposed delivery has a clear strategic fit with ECC priorities
- The proposed delivery contributes to the ECC Outcome Framework
- The proposed delivery will conform to quality assurance frameworks



3. Supply-chain Fees and Charges

ACL Essex does not apply a management fee to Community Learning subcontracts:

- the management of these contracts is an integral part of the Support Package for Voluntary, Community and Social Enterprise subcontractors. ACL do not charge for services or support provided to subcontractors.
- Subcontractors will receive 100% of funding on successful completion of contract

4. Payment Profile

Payment Profile 2022/2023	
Community Learning	
20%	Paid at beginning of project (pump-priming)
10%	Held until end of project pending confirmation of achievement through RARPA
30%	Held until end of project pending delivery of agreed learner number targets
40%	Paid in equal instalments across length of project

The Service commits to carrying out the following activities:

- Planning and procurement process
- Due diligence process
- Provider induction
- Funding and data management
- Monitoring visits
- Quality Assurance
- Termly subcontractor meetings
- Annual contract review meeting

5. Monitoring, Evaluating and Effectiveness of Policy

The Curriculum and Learning Manager or Vice Principal Curriculum and Learning will advise all staff involved in the management of subcontracts for Community Learning funding on the implementation of this policy.

The Service will provide the following services to all providers:

Planning and Procurement Process

- Programme planning based on local and national priorities
- Development of tenders and/or procurement authorisation documentation
- Tender and/or procurement authorisation process
- Tender and/or procurement evaluation and award of contracts
- Pre-contract site visit and risk assessment
- Contract development, negotiation and agreement Setting
- up of procurement facility for contract payments



Due Diligence Process

The Service will implement a robust due diligence process in order to be assured that all subcontractors and partner organisations meet the Register of Training Organisations requirements where applicable.

Development, implementation and management of the Due Diligence process in accordance with funding agency rules

Assessment of Due Diligence information

Support to complete the Service Due Diligence process and

Support to meet the requirements set out by the Register Of Training Organisations

- Support to pass the Education and Skills Funding Agency Due Diligence Gateway if applicable

Provider Induction

Training in:

- Funding policy, rules and regulations
- Quality standards, including Ofsted standards as set out in the Common Inspection Framework
- Completion of Service paperwork to Service standards, e.g. Learning Agreement, Register, Individual Learning Plan, Recognising and Recording Progress and Achievement in non-accredited learning etc.
- Audit requirements for the type(s) of provision offered
- Application processes for Discretionary Learner Support Fund, Additional Learning Support funding and Advanced Learning Loans
- The development and implementation of robust policies and processes in relation to safeguarding and prevent, health and safety, equal opportunities, data management and protection and sustainable development
- The collection of learner destination data
- Professional development of staff, including teacher training and safeguarding

Funding and Data Management

- Maintain awareness of and implement funding agency policy, rules and regulations
- Maintain the Service's relationship with the funding agencies
- Develop documentation and paperwork in accordance with the requirements of the funding agencies
- Purchase and maintain a specialist Management Information System
- Collect data, record it on the Service's Management Information System and submit accurate funding returns to the Education and Skills Funding Agency
- Manage the Service's funding
- Carry out ongoing internal audit
- Manage external audits

- Manage invoices and process contract payments to partner providers
- Assess, process and administer Discretionary Learner Support Fund, Additional Learner Support and 24+ Advanced Learning Loans applications
- Promote awareness of the need to keep all learner data and documents until the end of the document retention period for the 2014 to 2020 Programme (at least until 31 December 2029)

Monitoring Visits

- Manage the contract
- Review performance against targets
- Review quality assurance processes
- Provide ongoing support to remedy issues identified
- To ensure ongoing compliance with the standards set out by the Register of Training Organisations

Quality Assurance

- Manage provision in accordance with the quality standards set out by Ofsted in the Education Inspection Framework
- Act as lead in an Ofsted inspection
- Carry out observations of teaching and learning, assessment and initial advice and guidance
- Carry out audits to check the implementation of policies and processes in relation to safeguarding and prevent, health and safety, equal opportunities, data management and protection and sustainable development
- Provide ongoing support to remedy issues identified
- Manage the self-assessment process
- Manage and monitor the continuous improvement plan
- Collect feedback from learners and employers on the quality of provision and learner destination data and submit it to the funding agencies and Ofsted as required

Regular Subcontractor Meetings

The Service lead will arrange regular meetings with subcontractors and partner organisations in order to:

- Disseminate changes in policy and regulations
- Share and exchange good practice
- Support subcontractors in meeting and understanding Education and Skills Funding Agency, Ofsted, Essex County Council and Adult Education requirements
- Monitor compliance with contractual obligations.

Annual Contract Review

- Carry out an end of year review of performance
- Evaluate the contract.



6. Communication

This policy will be communicated as follows:

- At the subcontractor meeting (existing subcontractors)
- At the annual contract review with each subcontractor (existing subcontractors)
- On the Service's website
- At contract negotiation

The policy will be reviewed annually or more frequently should changes in funding guidance require it.

7. Related Policies

- a. ECC Procurement Policy and Procedures
<http://www.essex.gov.uk/BusinessPartners/Supplying-Council/Pages/Essex-Procurement-GuidanceDocuments.aspx>
- b. ESFA subcontracting: using funding to offer education and training
<https://www.aov.uk/aovernment/collections/sfa-subcontracting-using-funding-tooffer-education-and-training>

Principal

A handwritten signature in black ink, appearing to be 'Ken Allen', is written over a faint, larger version of the same signature.

Date: 01/08/2022

Funding values for subcontracted delivery in 2021-22

UKPRN	Subcontractor	Funding Stream	Learners	Payments	Location	Contract Start Date	Contract End Date
10009673	Interact Chelmsford	Community Learning	490	£49,896	South East	01/08/2021	31/07/2022
10053247	Abberton Rural Training	Community Learning	533	£49,997.25	South East	01/08/2021	31/07/2022
10025975	First Stop	Community Learning	410	£34,590	South East	01/08/2021	31/07/2022

Subcontractor Supply Chain Fees

Stage 1 Planning and preparation	Stage 2 Contract monitoring	Stage 3 Funding and Data Management
Preparation of Information Governance Impact Assessment Preparation of Documents Invitation to tender and compliance Review of Safeguarding Contract Preparation and award Validations & Benefits Transition	Provider Induction Risk Assessment Safeguarding and Prevent Training and Review Monitoring Visits (2 x 3 hours) Observation of Teaching and Learning Observation of Teaching and Learning Report Writing Tutor CPD Subcontractor Meetings (Termly) Annual Contract Review Meeting SAR & QIP Review Data Review (performance against targets)	Funding and Data Management Payment management End of contract documentation Audit Preparation