

Subcontracting Policy

1. Introduction

This policy applies to all subcontracted education provision supported by funds (16- 19 yrs and Adult Education Budget) from the Education & Skills Funding Agency (ESFA) or any successor organisations for Ambitious about Autism (AaA) and Ambitious about Autism Schools Trust (AaAST) educational settings. Throughout this policy the term 'organisation' refers to AaA and AaAST and its educational settings.

It applies to delivery subcontractors, that is any separate legal entity that has an agreement with the organisation to deliver any element of the education and training funded by the ESFA.

The appointment of subcontractors would be in alignment with the Excellent education pillar of the Ambitious about Autism strategy for the right of all autistic children and young people to an excellent and inclusive education.

2. Rationale for Subcontracting

The organisation rationale for the use of subcontractors is to enhance the educational opportunities available for the learners and to support an entry point for autistic young people to access education beyond what the organisation itself can provide.

3. Quality Assurance

Subcontracted provision is an important part of the setting's activity. The quality of all subcontracted provision will be monitored and managed through mutually agreed Quality Assurance (QA) processes in order to fully encompass all subcontracted activity. To enable continuous improvements in the quality of teaching and learning for both the setting and its subcontractors the organisation will seek to promote the sharing of effective practice, for example through the Self-Assessment Report process.

4. Funding retained by the organisation

As lead provider the organisation is committed to maximising the amount of funding that reaches front-line delivery of high-quality learning. The organisation can retain up to 15% of the funding drawn down against the provision to be delivered to cover the following:

- Preparation of all subcontract documentation and processes (2%)
- Quality framework, including support for improving the quality of teaching, learning and assessment (1%)
- Subcontract monitoring, review and performance management, including financial arrangements (5%)
- Mandatory training to subcontractor staff (1%)
- Services provided by the College's/6TH form MIS team (6%)

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Funding retained by the organisation may differ by individual subcontractors as the organisation has the discretion to agree different rates in the interest of negotiating value for money commercial arrangements with sub-contractors.

We will determine that each cost claimed by a subcontractor is reasonable and proportionate to the delivery of their teaching or learning by using a benchmarking process to similar providers.

5. Due diligence

In addition to the standard procurement procedures set out in the organisational Purchasing Policy, the organisation will carry out due diligence checks when appointing subcontractors and will undertake these checks on an annual/ongoing basis which can include:

- Financial assessment of the subcontractor.
- Companies House database
- Subcontractors must register on the UK Register of Learning Providers (UKRLP) and hold a valid UK Provider Reference Number (UKPRN) to be eligible to receive funding
- Ofsted and or Care Quality Commission (CQC) reports.
- If a subcontractor is deemed as a high-risk organisation or where the Department of Education requires the organisation to do so will consider ceasing the subcontracting agreement.
- Reference to the Department of Education List of Declared Subcontractors.
- Review of policies and procedures to ensure satisfactory processes such as recruitment of staff, safeguarding, insurance, data protection, health and safety.

The organisation will only subcontract provision to prospective partners deemed to be of high quality and low risk.

Where the ESFA determines the level of exposure with a subcontractor is too high we will be required to reduce the value/volume of the subcontract.

We will publish on the organisational website the list of subcontractors and support pupils/learners and/or their parents/carers as appropriate to understand the responsibilities of the organisation and the subcontractor in providing the learning.

6. Declaration of Subcontractors

We will gain written approval from the ESFA before awarding a contract to a delivery subcontractor and we will keep evidence of the written approval. See guidance document "[Subcontracting for the First Time – Seeking Written Approval from the Education and Skills Funding Agency](#)".

We will submit to the ESFA a fully completed subcontractor declaration by the dates given by the Department for Education. This will be at least twice during the funding year. We will update the subcontractor declaration if the subcontracting arrangements change during the year.

If we subcontract more than 25% of the pupils/learners (based on statutory returns) within any given funding stream, we will by 31 March of each funding year, submit an exemption case to the Department of Education to obtain the Department's agreement.

The organisation will plan to reduce the use of subcontractors where this does not reduce access to education for autistic young people beyond what the organisation itself can provide.

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7. Monitoring

We will manage and monitor all the subcontractors to ensure that high-quality delivery is taking place that meets the requirements of the contract for the provision of funded delivery (which includes compliance with funding rules). We will ensure safeguarding is rigorously policed.

If any cases are identified where a subcontractor has not met the standards expected of them as per this policy or have been in breach of organisational policies in relation to safeguarding, prompt action will be taken to either resolve the issues or terminate the subcontracting arrangement.

The subcontractor is to provide the setting with data so that the organisation's data returns to the accurately reflect the subcontractor's delivery information. The subcontractor is to provide the organisation with sufficient evidence to allow us to assess its performance against Ofsted's common inspection framework, incorporate the evidence it provides into the settings self-assessment report to inform the judgements and grades within the self-assessment report.

The subcontractor is to give the Department of Education, and any other person nominated in writing by the Department, access to its premises and to all documents related to their subcontracted delivery.

8. Additional Information

[Subcontracting post-16 education and training - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/subcontracting-funding-rules-for-esfa-funded-post-16-funding-excluding-apprenticeships)

Subcontracting funding rules for post-16 education and training (excluding apprenticeships) 1 August 2023 to 31 July 2024

<https://www.gov.uk/government/publications/subcontracting-funding-rules-for-esfa-funded-post-16-funding-excluding-apprenticeships>

Subcontracting standard guidance

[DfE external document template \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/publications/subcontracting-standard-guidance)

Subcontracting post-16 education and training for the first time

[Subcontracting post-16 education and training for the first time - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/subcontracting-post-16-education-and-training-for-the-first-time)

ESFA financial health assessment

[ESFA financial health assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/esfa-financial-health-assessment)

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