


Hampshire Hospitals NHS Foundation Trust Apprenticeships Training

Provider:

Sub-contracting policy in relation to Education and Skills Funding Agency (ESFA) Funded programmes

Policy title	Sub-contracting policy in relation to Education and Skills Funding Agency (ESFA) Funded programmes
Policy type (Internal or Trust-wide)	Internal
Authorisation (signature required for internal policies)	 Jude Davison, Associate Director of Apprenticeships
Date of policy	Updated December 2023 (minor amendments)
Version control (internal policies)	Version 2.3
Linked policies	HHFT Apprenticeship Training Provider Operating Policy Apprenticeship Quality Assurance and Improvement Strategy
How policy will be promoted	Published externally: Apprenticeships at Hampshire Hospitals NHS Foundation Trust (hampshirehospitalscareers.co.uk)
Planned review date	November 2024

1. Introduction and purpose

This policy meets the requirements of the Education and Skills Funding Agency (ESFA) Funding Rules that relate to the sub-contracting of apprenticeship programme delivery. The purpose of this policy is to provide assurances and transparency around the approach of Hampshire Hospitals NHS Foundation Trust (HHFT) to apprenticeship sub-contracting.

HHFT offers a range of clinical and non-clinical apprenticeships within the Health and Higher Education Institution (HEI) sector both internally as an employer-provider and to other employers as a main provider.

A national requirement for all apprenticeships is that prior to completion, apprentices must hold relevant qualifications at a level defined by the ESFA in English and Maths Functional Skills. HHFT is committed to widening participation and as such, it is possible that some apprentices will not hold these qualifications prior to entry onto a programme. Where this is the case, HHFT will sub-contract the delivery of Functional Skills qualifications as part of the apprenticeship programme.

2. Scope and context

This policy applies to all apprenticeship sub-contracting activity that HHFT undertakes that is supported with funds supplied by the ESFA or any successor organisations. The only current sub-contracting arrangement is for apprentice Functional Skills training.

As the sub-contracting of Functional Skills currently falls below the £100,000 ESFA threshold, this falls out of scope of the ESFA Sub-contracting Standard.

3. Fairness in procurement

HHFT will undertake fair and transparent procurement activities. Selection and procurement of sub-contractors will be carried out in accordance with the Trust's Procurement Policy.

4. Due Diligence

Before using any delivery sub-contractors, HHFT will carry out comprehensive due diligence checks, which will include consideration of any relevant Ofsted reports. In line with ESFA Guidance, HHFT will also only procure the service of sub-contractors who are registered on the Apprenticeship Provider and Assessment Register (APAR)¹ to deliver services to employers.

HHFT will follow the [ESFA Guidance for conducting due diligence checks on sub-contractors](#).

As a minimum, HHFT will:

- Carry out due diligence checks on sub-contractors and apply the criteria in the funding higher risk organisations and sub-contractors' policy - GOV.UK. This sets out when a provider is high risk and therefore not eligible to be appointed as a sub-contractor.
- Ensure any sub-contractor has the financial ability to deliver the requirements of the sub-contract as per [undertaking financial assessment of the sub-contractor](#) guidance.

¹ Previously the Register of Apprenticeship Training Providers (RoATP)

- Refer to the list of declared sub-contractors to determine if a sub-contractor that we intend to use or are using already holds sub-contracts with other organisations.

5. Contracting arrangements

HHFT will negotiate a legally binding contract eligible for the period from when the contract commences until the planned completion date of an apprenticeship. The requirements of this policy form part of that contractual agreement. It will be signed and witnessed by the sub-contractor and HHFT. Terms and conditions will be agreed and included in the contract.

HHFT, Ofsted and the ESFA are granted full permission and rights to monitor the quality of training being provided and visit the sub-contractor at their premises, training sites or employer’s premises from which they operate. All Sub-contracting will reflect the following:

- ESFA Apprenticeship funding rules for main providers, including any updates
- Ofsted’s Further Education and Skills Inspection Framework for FE and Skills.

6. Quality Assurance (QA) of delivery

HHFT is committed to delivering high quality teaching and learning for the Apprentice and Employer across its provision and will manage the sub-contractor and review progress to assure the quality of external provision.

All new sub-contractors will be subject to an initial visit to confirm approval of appointment as a sub-contractor.

The following processes will be used to monitor the quality of sub-contracted provision and actively improve quality on an on-going basis:

- Regular contract review meetings between HHFT and its sub-contractors
- Regular planned and unplanned observation visits to check on the quality of teaching, learning, assessment and progress.

HHFT will take a risk-based approach to sub-contractor management to ensure that appropriate levels of contract monitoring and Quality Assurance are maintained. This approach will be based on the number of apprentices placed with a sub-contractor as follows:

Number of learners placed with the sub-contractor	Number of contract monitoring review meetings per year
1-10	1
11-100	2

The number of QA review meetings and teaching observations will be based on the number of tutors. Each tutor will be observed at least once per year (see Appendix 2) and HHFT will request to

see and discuss summaries of internal QA observations carried out by the sub-contractor in line with their Internal Quality Assurance policy as part of regular sub-contract QA review.

Where contract review meetings or QA review meetings highlight areas of concern, the sub-contractor will draw up an action plan to address the concerns that will need to be agreed by HHFT. Additional meetings will be arranged as required by HHFT until the issues have been resolved in line with the written agreement in place between HHFT and the sub-contractor.

7. Prevent and Safeguarding

The Prevent Duty applies to sub-contracted provision. The sub-contractor will have due regard to the need to prevent people from being drawn into terrorism. The sub-contractor must comply with relevant legislation and any statutory responsibilities associated with the delivery of education and safeguarding of apprentices.

Active communication channels between the lead and sub-contractor safeguarding teams are maintained.

The sub-contractor should inform HHFT, as the lead provider, of any safeguarding or Prevent concerns or disclosures related to HHFT apprentices through the HHFT Designated Apprenticeship Safeguarding Lead (safeguarding.apprentices@hhft.nhs.uk).

8. Data Protection

The lead provider and sub-contractor will ensure that information acquired by them under the delivery of the sub-contract will comply with the provisions and obligations imposed by the UK Data Protection Laws and the GDPR UK Principles in storing and Processing Personal Data.

The sub-contractor's Designated Data Protection Officer should inform HHFT, as the lead provider, of any data protection concerns or breaches related to HHFT apprentices through the HHFT Designated Data Protection Officer (information.governance@hhft.nhs.uk).

9. Internal policies

Sub-contractors must have the following policies in place which are maintained, reviewed and updated regularly:

- Staff Recruitment and Development
- Data Protection (GDPR compliant)
- Health & Safety
- Equality & Diversity
- Safeguarding & Prevent
- Insurance (Employer compulsory liability insurance cover = £10,000,000 any one occurrence/number of occurrences)
- Insurance (Public liability insurance cover = £5,000,000 any one occurrence/number of occurrences)

10. Fees and charges

HHFT includes a charge of 20% of the full contracted value as a management fee for its standard sub-contracted provision for English and Maths. The costs cover the provision of:

- Facilitating programmes and administration
- Quality assurance and compliance monitoring
- MIS function relating to the submission of funding claims to the ESFA
- Account review meetings
- A dedicated account manager and single point of contact for FS tutors, apprenticeship assessors and apprentices.

The sub-contractor will be responsible for meeting the costs associated with the registration of candidates with awarding bodies, examination and re-examination fees out of the funds agreed with HHFT. Non-standard charges may be applied to other sub-contracting agreements in the future where costs savings can be mutually identified and agreed between the sub-contractor and HHFT.

See Appendix 1 for the value of current sub-contractors.

11. Payment

Payment to sub-contractors will be made within 30 days of the invoice being received by the NHS Shared Business Service (SBS), subject to the inclusion of the correct purchase order number and invoicing address, and registration with SBS:

Hampshire Hospitals NHS Foundation Trust
RN5 Payable
Phoenix House
Topcliff Lane
Wakefield
WF3 1WE

sbs.apinvoicing@nhs.net

12. Policy review and communication

HHFT will review this policy annually. Any changes to the policy will be communicated to existing sub-contractors at the contract management meetings. The policy will be discussed with new sub-contractors prior to their engagement. An up-to-date copy of this policy will be posted on HHFT's website and paper copies will be made available upon request.

13. Declaration of use of sub-contractors

HHFT will complete a delivery sub-contractor declaration at the dates requested from the ESFA to ensure that payments to HHFT are made on time. This sub-contractor declaration will be updated if there are any sub-contracting changes during the year.

14. Duties within the Trust

Nominated members of staff with strategic lead responsibility for sub-contracting and policy approval:

- Associate Director of Apprenticeships

Nominated members of staff with responsibility for performance management of sub-contractors:

- Apprenticeship Lead/Internal Quality Assurer
- Lead for Commissioned Apprenticeships and Functional Skills.

15. Contingency Planning

The sub-contracted provider is required to notify HHFT immediately if there are any changes that may cause a risk to the contracted delivery. These include but are not limited to:

- The possibility of the provider ceasing to trade
- Poor Ofsted Inspection
- Poor ESFA audit
- Other significant changes that affect the ability of the sub-contractor to deliver required programmes.

In these circumstances, HHFT will conduct an immediate contract review and reserves the right to seek alternative provision of services to ensure continuity for learners. HHFT may also conduct an immediate contract review and/or move learners to another provider if it is made aware of potential issues from other sources of circumstances that may affect timely delivery of the contracted provision.

Appendix 1 – Value of sub-contracts

Funding streams breakdown

Source of funding	Apprenticeships Levy 19+
Current sub-contractor	South Hampshire Colleges (Eastleigh College):
Sub-contracted delivery	Level 1 and 2 Functional Skills Maths and English
Full rate per learner for each qualification	£471
80% payment for the College for each English and/or maths qualification:	£376.80
20% fees and charges for the Lead Provider for each English and/or maths qualification:	£94.20
Declared value of sub-contract for 1st August 2023 to 31st July 2024	£13,188
Number of learners	35
Location	South East

From January 2024 for new learners:

Full rate per learner for each qualification	£724
80% payment for the College for each English and/or maths qualification:	£579.20
20% fees and charges for the Lead Provider for each English and/or maths qualification:	£144.80

Appendix 2 – Sub-Contractor QA Visit Report Template

IQA Record of Apprenticeship Training Observation

Trainer/Facilitator:	
Observer:	
Apprenticeship/Qualification and Level:	
Lesson Title:	
Unit(s)/relevant assessment criteria:	
Number of apprentices attending:	
Date:	

Training Criteria Observed	Yes	No	Examples and feedback
Learning outcomes explained at start and why each is important			
Effective rapport built with group and ensured participation from whole group throughout – promoting equality, raising awareness of diversity and tackling discrimination			
Training style and materials enhance learning: methods and resources inspired and challenged all learners and meet their different needs			

<p>Learning outcomes systematically covered throughout lesson – learners encouraged to relate lesson content to qualification/assessment criteria</p>			
<p>Added value from own experience/knowledge: trainer reflects good industry practice and HHFT priorities</p>			
<p>Skills/understanding checked throughout: clear and encouraging questions and suitable assessment methods to embed learning – accelerating progress/ supporting anyone struggling</p>			
<p>Constructive feedback given to learners – learners are supported to achieve their learning goals and know what they have to do to improve their skills, knowledge and understanding</p>			
<p>Focus given to functional skills and employability skills – including CARE values</p>			
<p>Knowledge, Skills and Behaviour of learners – is the trainer assessing progress of KSBs throughout the session? Provide examples and evidence.</p>			

Reasonable adjustments for disability made where appropriate			
General Comments			
Observer signature			Date:
Trainer signature			Date:

Ofsted criteria for quality of teaching, learning and assessment

- Teaching and assessment methods and resources inspire and challenge all learners and meet their different needs, including the most able and the most disadvantaged, enabling them to enjoy learning and develop their knowledge, skills and understanding
- Learners are supported to achieve their learning goals, both in and between learning sessions
- Staff have qualifications, training, subject knowledge and experience relevant to their roles and use these to plan and deliver learning appropriate to learners of all abilities, reflect good industry practice and meet employers’ needs
- Staff identify learners’ support and additional learning needs quickly and accurately through effective initial assessment, leading to the provision of high quality and effective support to help learners achieve as well as they can
- Staff work with learners to ensure that teaching, learning and assessment are tailored to enable all learners to make good progress and prepare for their next steps
- Staff assess learners’ progress and performance and ensure that assessments and reviews are timely, frequent, fair, informative and reliable
- Learners receive clear and constructive feedback through assessment and progress reviews and/or during personal tutorials so that they know what they have to do to improve their skills, knowledge and understanding to achieve their full potential
- Employers, parents and carers, as appropriate, are engaged in planning learners’ development; they are kept informed by the provider of each learner’s attendance, progress and improvement, where appropriate
- Teaching, learning and assessment promote equality, raise awareness of diversity and tackle discrimination, victimisation, harassment, stereotyping, radicalisation and bullying
- Staff are aware of and plan for individual learners’ diverse needs in teaching or training sessions and provide effective support, including making reasonable adjustments for learners who have special educational needs and/or disabilities
- Teaching promotes learners’ spiritual, moral, social and cultural development
- Teaching, learning and assessment support learners to develop their skills in English, mathematics and ICT and their employability skills, including appropriate attitudes and behaviours for work, in order to achieve their learning goals and career aims.