


Hampshire Hospitals NHS Foundation Trust Apprenticeships Training

Provider:

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

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| 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, Designated Associate Director of Apprenticeships |
| Date of policy | September 2021 |
| Version control (internal policies) | Version 2.1 (minor amendments 03/2022) |
| Linked policies | HHFT Apprenticeship Training Provider Operating Policy Apprenticeship Quality Assurance and Improvement Strategy v2021-12 |
| How policy will be promoted | Published externally: Apprenticeships at Hampshire Hospitals NHS Foundation Trust (hampshirehospitalscareers.co.uk) |
| Planned review date | September 2022 |

1. Introduction and purpose

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

HHFT offers a range of clinical and non-clinical apprenticeships within the Health 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. 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 subcontract the delivery of Functional Skills English and math level 2 qualifications as part of the apprenticeship programme.

2. Scope and Context

This policy applies to all apprenticeship subcontracting activity that HHFT undertakes that is supported with funds supplied by the ESFA or any successor organisations. Wider subcontracting activity does not fall within the scope of this policy.

3. Fairness in Procurement

HHFT will, at all times, undertake fair and transparent procurement activities. Selection and procurement of subcontractor will be carried out in accordance with the Trust's Procurement Policy.

4. Due diligence

Before using any delivery subcontractors 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 subcontractors who are registered on the Register of Apprenticeship Training Providers (RoATP) to deliver services to employers.

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

As a minimum, HHFT will:

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

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 subcontractor 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 subcontractor at their premises, training sites or employer’s premises from which they operate. All Subcontracting 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 Sills.

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 work with subcontractor to review progress and manage the quality of external provision.

All new subcontractors will be subject to an initial visit to confirm approval of appointment as a subcontractor.

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

- Regular contract review meetings between HHFT and its subcontractors
- 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 subcontractor 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 subcontractor as follows:

| Number of learners placed with the subcontractor | Number of contract review meetings per year |
|--|---|
| 1-10 | 1 |
| 11+ | 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 1) and HHFT will request to see and discuss summaries of internal QA observations carried out by the subcontractor in line with their Internal Quality Assurance policy as part of regular subcontract QA review.

Where contract review meetings or QA review meetings highlight areas of concern the subcontractor 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 subcontractor.

7. Internal policies

Subcontractors 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)

8. Fees and charges

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

- Administration
- quality assurance
- MIS function relating to the submission of funding claims to the ESFA
- provision of review meetings
- provision of a dedicated account manager.

The subcontractor 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 subcontracting agreements in the future where costs savings can be mutually identified and agreed between the subcontractor and HHFT.

9. Payment

Payment to subcontractors 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

10. Policy review and communication

HHFT will review this policy annually. Any changes to the policy will be communicated to existing subcontractors at the contract management meetings. The policy will be discussed with new subcontractors 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

11. Declaration of Use of Sub-contractors

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

12. Duties within the Trust

Nominated members of staff with strategic lead responsibility for subcontracting and policy approval:

- Associate Director of Apprenticeships

Nominated members of staff with responsibility for performance management of subcontractors:

- Apprenticeship Lead/Internal Quality Assurer
- Lead for commissioned apprenticeships and functional skills

13. Contingency Planning

The subcontracted provider is required to notify the University of Cumbria immediately if there are and 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 subcontractor 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 – 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.