Title: Sub-Contracting Policy

Type:	Policy
Purpose:	To share with Sub-contractors and potential Sub-contractors the College terms and conditions
Scope:	This policy applies to all Solihull College and University Centre Sub-contracted provision for education and training finance using the West Midlands Combined Authority (WMCA) devolved funds and the Department for Education (DfE) during the review cycle of this policy.
Responsibility:	The Vice Principal of Business, Growth, Skills and Partnerships has overall responsibility for this policy
Legal Context:	No – but it is a requirement of the West Midlands Combined Authority (WMCA) contract and the Department for Education (DfE).

Statutory Compliance Requirements:

Data Protection & GDPR Compliance

- Solihull College and University Centre and its subcontractors will comply fully with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018, and any subsequent legislation relating to data protection.
- Both parties will ensure that all personal data relating to learners, staff, and other stakeholders is collected, processed, stored, and shared lawfully, fairly, and transparently.
- Subcontractors must implement appropriate technical and organisational measures to protect personal data against unauthorised or unlawful processing, accidental loss, destruction, or damage.
- Subcontractors must only process learner data for the purposes set out in the subcontract agreement and must not share data with any third party without prior written consent from the College, unless required to do so by law.
- Both parties will ensure that all staff handling personal data complete annual Data Protection training.
- Any data breaches, suspected breaches, or Subject Access Requests relating to subcontracted provision must be reported to the College's Data Protection Officer immediately, in accordance with the College's Data Breach Reporting Procedure.
- Both parties acknowledge that Solihull College and University Centre is the Data Controller for learner data in relation to DfE funded provision, and subcontractors act as Data Processors.

Safeguarding and Prevent Duty

- Subcontractors must ensure all staff understand their responsibilities under the Prevent Duty and can recognise and respond appropriately to signs of radicalisation.
- Solihull College and University Centre is committed to safeguarding and promoting the welfare of all learners and expects subcontractors to share this commitment.
- All subcontractors must comply with the statutory safeguarding requirements set out in *Keeping Children Safe in Education* (as updated annually), *Working Together to Safeguard Children*, the *Children Act 1989 and 2004*, and the *Counter-Terrorism and Security Act 2015* (Prevent Duty).
- Subcontractors must have in place robust safeguarding and Prevent policies, procedures, and reporting mechanisms, which are reviewed annually and shared with the College.
- All subcontractor staff involved in the delivery of learning must undergo appropriate pre-employment checks, including an enhanced DBS check where required, and complete regular safeguarding and Prevent training.
- Subcontractors must notify the College immediately of any safeguarding concerns, allegations, or incidents involving learners, in line with the College's Safeguarding and Prevent reporting procedures.

Equality, Diversity and Inclusion

- Solihull College and University Centre is committed to providing an inclusive learning environment that promotes equality, values diversity, and eliminates unlawful discrimination in accordance with the Equality Act 2010.
- Subcontractors must ensure that all learners have equal access to high-quality education, support, and resources, regardless of age, disability, gender reassignment, marriage or civil partnership status, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.
- Subcontractors are expected to actively promote equality, foster good relations between different groups, and take positive steps to remove barriers to participation and achievement.
- Subcontractors must monitor and review learner participation, retention, and achievement rates to identify and address any inequalities.
- Subcontractor staff must receive appropriate training to raise awareness of equality, diversity, and inclusion issues and embed these principles into teaching, learning, and assessment.

Scope

This policy applies to all Solihull College and University Centre subcontracted provision for education and training financed using the Department for Education (DfE) or, where applicable, West Midlands Combined Authority (WMCA) devolved funds. Solihull College and University Centre recognises the importance of building effective supply chain relationships to deliver excellent learner outcomes and develops that relationship within a partnership context.

Context

This policy is now a mandatory requirement of the DfE, as stated in the 'Subcontracting funding rules for post-16 education and training 2026 to 2027', and two documents, namely the 'Common Accord in the Working of Supply Chains in the Post-16 Learning and Skills Sector' and the AoC 'Supply Chain Management: a good practice for the post 16 sector'. Where WMCA funding is used the following policy is adhered to: WMCA 2025-2026-supply-chain-funding-rules-final-v1.pdf (awaiting revised 2026-2027 document)

Improving

In accordance with the 'Common Accord', and the overarching principle that the Common Accord describes, Solihull College and University Centre will seek to use its supply chains to optimise the impact and effectiveness of service delivery to the end user. Solihull College and University Centre will therefore ensure that:

- Supply chain management activities align with the principles of best practice in the skills sector.
- Solihull College and University Centre will at all times undertake fair and transparent procurement activities, conducting robust due diligence procedures on potential subcontractors to ensure compliance with the Common Accord at all levels and ensure the highest quality of learning delivery is made available, demonstrating value for money and a positive impact on learner lives.
- The funding for learning that is retained by Solihull College and University Centre will be related to the costs of Solihull College and University Centre. These costs, and the levels of funding being retained for them, will be clearly documented and agreed by all parties. The rates of such retained funding will be commercially viable for both sides and will be negotiated and agreed in a fair and transparent manner and will relate to the actual costs incurred being provided.
- The College does not retain fees or apply charges in the event of clawback due to under delivery.
- Where disputes between Sub-contracting partners cannot be resolved through mutually agreed internal resolution procedures, Solihull College and University Centre will submit the dispute to independent outside arbitration or mediation and abide by its findings. Contract documents will require both parties to agree that the achievements of supply chains are attained through adherence to both the letter and spirit of contracts or partnerships. Signatories therefore commit that all discussions, communications, negotiations and actions undertaken to build, maintain and develop supply chains will be conducted in good faith in accordance with the Common Accord's overarching principle.

Procurement & Risk Management

Solihull College and University Centre will maintain a fair, transparent, and robust procurement process for all subcontracted provision. All potential and existing subcontractors will be subject to thorough due diligence checks in accordance with ESFA, DfE, and WMCA requirements.

Conflict of Interest: Subcontractors must declare any actual or potential conflicts of interest prior to the award of any subcontract agreement and must update the College immediately if such a conflict arises during the contract term.

Notification of Changes
Subcontractors are required to notify the College in writing within five working days of any significant changes in:
Financial standing or solvency
Senior leadership or key delivery staff
Ofsted inspection outcomes or grading
Legal status or ownership of the organisation

Risk-Rating Framework
All subcontractors will be risk-rated annually based on performance data, quality audit findings, financial health, and contract compliance.
The College will adjust the frequency and intensity of monitoring according to this risk rating, with higher-risk subcontractors receiving increased oversight.

Probationary Period for New Subcontractors
All new subcontractors will enter into an initial probationary period of increased monitoring, normally lasting six months, during which time the College will conduct additional site visits, quality checks, and performance reviews before confirming ongoing partnership arrangements.

Reason for Sub-Contracting

Solihull College and University Centre engages with sub-contractors to secure educational opportunities and empower fulfilling careers – for life. The College's new Bold Futures Strategic Plan 2026-2028 incorporates partnerships as a golden-thread throughout with Ambition 2 explicitly stating we will:

- Strengthen collaboration with employers, civic partners, and education providers to co-create pathways to employment and further learning.
- Position the College as a key driver of regional prosperity through skills development, social mobility, and community engagement.
- Develop shared initiatives with partners that address local challenges and celebrate local pride.

Solihull College and University Centre will consider a high-quality sub-contracting offer where a sub-contract partnership aligns to this ambition and enhances the quality of our learner offer.

Contribution to improving the quality of teaching and learning for the College and its Sub-Contractors

The College works in partnership with its sub-contractors towards continuous improvement in the quality of teaching and learning. This is achieved through the sharing of effective practice across the supply chain. In line with quality policies, the College conducts observations of learning and provides constructive feedback to sub-contractor staff. Progress is reviewed at termly quality audits and monthly review meetings between the College and the sub-contractor. As part of their contractual requirements, sub-contractors contribute to the College's annual Self-Assessment Report (SAR) process to identify areas for further improvement such as:

- Benchmarking against sector averages.
- Requirement for subcontractors to participate in annual CPD sessions run by the College.
- Formal process for corrective action plans when performance dips below agreed thresholds.
- The College may withdraw subcontracting arrangements if continuous improvement is not evident.

The typical percentage range of funding retained by the College to monitor Sub-Contractors and how this is calculated

These associated costs are included in the contract issued to each sub-contractor and are discussed during the first contract management meeting to ensure that the sub-contractor agrees that the costs are reasonable and proportionate and understands how they contribute to delivering high quality learning. A detailed costing spreadsheet is maintained for tracking and audit purposes.

Headings for these costs will include:

Monitoring the Sub-Contractor

- Strategic review meetings to identify areas for development.
- Monthly ILR reconciliations to ensure accuracy and timeliness of data.
- Travel to sub-contractor and delivery premises.
- Due diligence checks for potential and existing sub-contractors (regular updates and reviewed annually)
- Data input of learner details for enrolment and completion.
- Checking for learner eligibility, funding, accuracy and timeliness in line with DfE rules.
- Marketing opportunities at College Open Days, and on the College website and social media.

Quality Monitoring

- Monthly meetings to review progress and achievement rates against national averages and targets and focus on any areas for improvement.
- Annual Quality audit in line with the College's QA processes including quality sampling of learners to track learner progress.
- Announced and unannounced observations with checks on student attendance and constructive feedback to improve the quality of teaching, learning and assessment.
- Learner surveys to gain feedback of learner experience and prompt any action.
- Access to ongoing professional development sessions for subcontractor curriculum staff

They may also include additional services:

- Additional support required in preparation of funding submissions from sub-contractor hardcopy data.
- Additional support required in respect of contract or curriculum management generally.

This list of specific charges outlined above is reviewed each year by the College to determine whether it is reasonable and proportionate. Careful consideration will be given to whether these charges contribute positively to an improvement in the quality of teaching and learning delivered by the sub-contractor.

The reason for any differences in retained funding or support provided to different Sub-Contractors

Further funding may be retained to cover the cost to the College of any additional support that the College deems necessary to ensure the quality of teaching and learning and the achievement rates of any subcontracted provision. Additional support will be negotiated with the sub-contractor using a risk-based approach. This may include:

- Additional site visits
- Additional lesson observations
- Additional tutor support
- More rigorous verification

The College may also retain funding to cover the cost of any funded activity that it might undertake on behalf of the subcontractor, such as:

- Awarding Organisation fees and charges
- Hiring of facilities/equipment within/from the College
- Internal Verification

Payment Arrangements

Payments will only be made to the sub-contractor once Solihull College and University Centre has received the funding from the Funding Agency or its successor funding body.

Solihull College and University Centre reserve the right to suspend payment in the event of:

- Audit non-compliance
- Failure to meet agreed quality benchmarks
- Breach of safeguarding requirements

Solihull College and University Centre will calculate the amount payable to the sub-contractor each month as follows:

- Following validation of the evidence in the ILR return, the College will make the appropriate payment to the sub-contractor based on the level of income received from the Funding Agency in that month.
- The College's actual costs will then be deducted from the income.
- The sub-contractor will be notified of the payment and will invoice the College for that amount.
- The College will make payment to the sub-contractor within 30 days of receiving a valid claim for payment.
- Any anomalies that arise following payment will be subject to reconciliation at a later invoice date.

Sub-contracted adult funding is capped at 20% of the maximum contract value and 80% of the sub-contracted funding is passed to the sub-contractor for the delivery of ASF (Adult Social Fund) funded courses.

Policy Communication

This Policy is available on-line at **www.solihull.ac.uk** and can be made available in hard copy upon request. Solihull College and University Centre will ensure all current and potential sub-contractors have sight of this policy and any other relevant documents. The policy will be discussed with potential sub-contractors during the selection process before entering into an agreement. The policy is discussed with current sub-contractors during the first contract management meeting of the academic year.

Publishing Funding Data

In compliance with the Department for Education (DfE) and other agency funding rules that apply, Solihull College and University Centre will publish its Sub-Contracting Policy on its website by 31st October each year following an annual review. Solihull College and University Centre will also send data via the DFE portal on the actual level of funding paid and retained for each of its sub-contractors in 24-25. This data is sent to the DFE within 30 days of the 24-25 Individualised Learner Record (ILR) closing.

Solihull College and University Centre's Sub-Contracting Policy and end-of-year actual figures will only include 'Provision Sub-Contracting'. 'Provision Sub-Contracting' is where Solihull College and University Centre sub-contracts the delivery of full programmes or frameworks. It does not include sub-contracting the delivery of a service as part of the delivery of a programme (for example, buying the delivery of part of an Apprenticeship framework or outreach support).

Timing for Policy Review

The policy will be reviewed on an annual basis, and/or when significant changes in the Funding Rules occur.

Monitoring and Evaluation

Sub-contracted activity is a fundamental part of Solihull College and University Centre's provision. The quality of the provision will be monitored and managed through the existing Solihull College and University Centre's QA processes and procedures, as amended in order to fully encompass all Subcontracted activity.

This policy positions sub-contracted provision as a core part of Solihull College and University Centre's activity to enable continuous improvements in the quality of teaching and learning for both Solihull College and University Centre and its sub-contractors. This will be achieved through the sharing of effective practice across the supply chain.

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