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TRUST

# Subcontracting Policy (LLT)



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# Subcontracting Policy (LLT)

## Scope

This policy details the approach Lydiate Learning Trust will take to subcontracting activity supported with funds supplied by the Education and Skills Funding Agency (ESFA) and describes how the Trust will retain fees and charges to organisations subcontracted to carry out training on its behalf.

This policy will be reviewed annually and may be updated more frequently to take account of changes in legislation, contractual requirements, or circumstances. Where this policy is updated in year, existing subcontractors will be made aware of the updated version.

## Context

The policy is a mandatory requirement that must be in place prior to participating in any subcontracting activity and has been developed in line with the requirements of the ESFA Apprenticeship funding rules for main providers.

The policy is supported by an annual quality assurance cycle. Processes and other documentation are in place to ensure that the policy is implemented in a consistent, fair and timely manner.

## Rationale for Subcontracting

The Trust's rationale for subcontracting is to enhance the opportunities available to learners. to fill gaps in niche or expert provision, or to provide better access to training facilities.

## Due Diligence

All subcontractors are subject to rigorous due diligence before progressing to contract.

Lydiate Learning Trust will conduct a full risk assessment on all potential subcontractors, to ensure high quality, secure provision is established prior to any final negotiation and formal contracting.

The evaluation process is based on a robust due diligence process where the potential partner is required to provide evidence in relation to their company, financial, compliance, quality provision (including teaching and learning) and learner support arrangements.

Decisions made at the due diligence process will be reviewed and a final decision made by the Board, taking the following factors into consideration:

- The proposed delivery is in the best interests of learners.
- The proposed delivery has a clear strategic fit with the Trust's mission, objectives and values.
- The Trust has the necessary expertise available to quality assure the provision throughout the learner journey.
- The Trust has adequate staff resources in support areas to administer quality provision.
- In the event of subcontractor failure, continuation of provision can be ensured by making

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alternative arrangements that do not disadvantage learners.

- The subcontractor agrees to work within the terms of the contract and is willing to engage in a mutually supportive relationship.

## Contracts

Prior to subcontract commencement, Lydiate Learning Trust will discuss, agree and document in full the required expectations, financial arrangements and terms and conditions with the subcontractor.

Once Lydiate Learning Trust is satisfied that the subcontractor meets all of its requirements, then a legally binding contract will be issued. This arrangement will not commence until the contract is signed and returned to Lydiate Learning Trust.

## Fees and Charges

Lydiate Learning Trust is responsible for learners at all times and, to ensure resources are available to effectively manage the supply chain, the Trust reserves the right to retain a proportion of funding to contribute towards the costs associated with providing a tailored suite of support services, in relation to performance management, quality monitoring assurance, administration and compliance, as well as any other additional support activities the Trust may need to undertake.

Prior to any subcontracting relationship, Lydiate Learning Trust will ensure that all relevant management fees and charges are discussed and agreed with the subcontractor, confirming how they are:

- Formulated in a consistent, fair and transparent manner.
- Personalised to the level of anticipated support demands of the contract.
- Broken down into specific costs of how Lydiate Learning Trust will provide support services relating to performance management, quality monitoring, compliance and administration, along with any other support activity.
- Reasonable and proportionate to delivery of the subcontracted teaching or learning.

## Second-level subcontracting

Subcontracting to a second level of subcontractor is not permitted.

## Communication

All existing subcontractors are provided with this policy prior to the start of each academic year. All new subcontractors are provided this policy together with the contract.

This policy is also published on the Lydiate Learning Trust website.

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