


Document title:	Subcontracting Policy	Owner:	Beverley Ellis, Operations Director
Version Number:	23-1	Previous Version:	21-1
Date of Issue:	30/09/23	Date for review:	29/9/24
This policy has been reviewed and approved by the Operations Director:			

SUB CONTRACTING POLICY

1. Policy Statement

- 1.1. The purpose of this document is to define the basis on which any subcontracting arrangements will be managed by TRS Training Limited.
- 1.2. TRS Training Limited wants to be able to meet our employers' training needs and expectations. Whilst we do not specifically promote subcontracted provision, we recognise that if a training request is received from a current or new employer and they ask us to manage all of their training provision, then we may need to acquire the services of other high-quality training providers.

2. Scope of Policy

- 2.1. This policy relates to all funded provision.

3. TRS Values

- 3.1. This policy underpins our commitment to our values, with particular reference to:
 - SPECIALISE – Utilising our vast experience and expertise in logistics to benefit learners and employers
 - RESPOND – Listening to our customers, partners and stakeholders and being equipped to meet their changing needs
 - PARTNERS – Developing sustainable partnerships where everyone involved benefits from the relationship
 - QUALITY – Providing outstanding teaching, learning and customer service for all
 - ACHIEVEMENT – Recognising and celebrating success with learners and staff
 - DEVELOPMENT – Supporting continuous professional development for all staff

4. Implementation Principles

- 4.1. We will ensure that:
 - Any proposal fits within TRS Training Limited's strategic plan and our mission and objectives
 - Any proposed delivery is fit for purpose and in the best interests of learners and employers
 - It enables us to expand and grow our provision mix in areas, or markets, where we are currently not equipped to deliver

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- The activities means we can deliver a whole employer solution
 - The partnership work gives greater cost efficiencies
 - There is appropriate internal resource to support the subcontractor fully
 - Contracts are awarded in line with ESFA Funding Rules and ESFA Subcontracting Standard, including the Public Procurement Regulations 2015
 - The subcontractor is approved by our due diligence process
 - There is sufficient funding available
 - The subcontractor can demonstrate high levels of timeliness and quality of delivery
 - The subcontractor signs up to our contractual agreement and processes

4.2. TRS Training Limited will undertake fair and transparent procurement activities, conducting robust due diligence procedures on potential subcontractors to ensure compliance.

4.3. The due diligence process will include financial, social media and other relevant checks to ensure that the funds provided is not used to support extremist or inappropriate activities.

4.4. The funding allocated to the partner will depend upon the programme being delivered, the services that TRS Training Limited will provide, and the level of activity TRS Training Limited needs to undertake to monitor the quality of the provision.

4.5. The management of subcontractors will be based upon the application of the risk principle. All subcontractors will be risk assessed and be given a risk rating. This rating will determine the risk so we can judge how often the subcontractor needs to be monitored and how much support we need to give them in return.

4.6. Fees are set out in the Contract for Services agreement.

4.7. The management fee covers the support provided to the subcontractor, which includes:

- Funding and delivery advice or support
- Safeguarding, Prevent and related activities monitoring and support
- Quality monitoring and observations
- Internal Training and sharing of best practice (subcontractors will be invited to attend development days and other training that supports delivery or addresses emerging needs)
- Enrolment form templates
- Eligibility checks & audit compliance
- Internal administration and enrolment validation,
- ILR input, validation checks and data submissions
- Finance/invoice requirements
- Management support - where identified through checks or initial risk assessment the subcontractor will be supported by enhanced visits and checks

A higher fee may also be charged for programmes that require increased support, monitoring, audits and/or shared delivery from TRS Training Limited but this will be agreed during the pre-contract discussions.

TRS Training Limited reserves the right to set the management fee based on the level of additional support required by the subcontractor over and above the normal management, administration and quality requirements.

4.8. Subcontractors will be required to supply TRS Training Limited with all relevant information as documented in our staged due diligence process. This process is designed to ensure that all required financial, quality, legislative and policy checks are completed to a satisfactory level before any contractual agreements are signed.

4.9. The Funding and Compliance Manager is the first point of contact for formally reviewing any potential subcontractor delivery proposals. This will be done as follows:

- Identify if the proposal addresses the strategic objectives of TRS Training Limited and is filling a gap or niche market that TRS Training Limited cannot deliver internally
- Identify if there is capacity within the relevant funding budget
- Next stage is to identify if the subcontractor has a UKPRN and is approved on the APAR. If not currently on APAR, TRS will consider if an application to use a provider under DfE exemptions if appropriate
- Where there is potential funding available within our allocation then the Funding and Compliance Manager will put forward the proposal to the Board so the due diligence check can be formally completed.
- After successful due diligence a Framework for Services Agreement will be completed and signed by both parties prior to any delivery commencement.

The due diligence checklists are outlined in Annex 3 & 4

4.10. TRS Training Limited expects the subcontractor to work towards our levels of learner and employer engagement, learner feedback and continual course evaluation to ensure they are meeting the needs of the learner, and enabling them to progress or gain employment. TRS Training Limited will undertake our own internal learner and employer voice monitoring as part of our quality assurance process.

4.11. The subcontractor will be expected to have in place appropriate Safeguarding, Equality, Diversity and Inclusion and Sustainability policies that are reviewed and monitored on a regular basis. They are also expected to have policies and processes in place to support the Prevent Programme and the Government's counter-terrorism strategy.

4.12. TRS Training Limited may undertake funding audits and announced and unannounced visits to check delivery and processes, and will ensure that each member of the subcontractors staff is observed by a TRS Observer against Ofsted EIF standards, feeding back results and supporting any action plans.

4.13. All long-term subcontracted provision must be designed to include the following (as appropriate):

- An appropriate induction to the course
- A formal initial assessment process and appropriate IAG that allows learners and staff to identify what they want to achieve from the course
- It must identify support needs, eligibility for the funded course and progression routes/outcomes
- A detailed Individual Learning Plan that is reviewed at appropriate points to check targets and goals are being achieved
- Appropriate schemes of work and lesson plans
- Progression routes and job outcomes
- A timetable of teaching and learning observations
- Direct claim status for qualifications and external verification reports with no serious action points

4.14. The subcontractor will be issued with a schedule of provisional monitoring visits to ensure quality is being monitored against their risk rating. These visits will include, but will not be limited to, the following areas:

- Review meetings with TRS to go through their contractual requirements. This will include monitoring reports, timeliness of data returns, achievements and success rates.
- Review of delivery against targets
- Additional support requirements
- Audit checks and sampling of records for eligibility assurance (such as learners' attendance and progress monitoring)
- Observations
- Monitoring of Safeguarding, Equality, Diversity and Inclusion issues

TRS Training Limited reserves the right to adjust the monitoring schedule in year to reflect any change in requirements due to under or over performance, or issues/risks that have arisen.

- 4.15. An annual audit will be undertaken with the subcontractor to ensure compliance against the contract and the ESFA rules. TRS Training Limited reserves the right to give short notice requests to do additional audits as and when appropriate.
- 4.16. TRS Training Limited will provide quality and observation support to the subcontractor in line with existing internal processes. The subcontractor will be offered:
- Internal training sessions (where appropriate)
 - Resources and on-line tools.
 - Invitations to standardisation and sharing of good practice events
- 4.17. TRS Training Limited will ensure timely reports are provided to the subcontractor which will include confirmation of the data submitted on the ILR returns, financial breakdown and success rate information.
- 4.18. Should TRS Training Limited not be assured that any element in the contract or the subcontracting policy is being adhered to we reserve the right to implement procedures to deal with performance or non-compliance issues. If it is deemed necessary TRS Training Limited will issue a formal development plan for any immediate actions required and any long term changes to the contract. This may include additional controls, higher levels of support or short term stops on recruitment as appropriate. If the non-compliance issues are not resolved satisfactorily then TRS Training Limited may withdraw the contract and act accordingly to recover funding.
- 4.19. The payments to the subcontractor will be made subject to conforming to the terms of the contract and this policy plus the following:
- successful upload of learner data via the monthly ILR returns
 - confirmed eligibility of learners and suitable screening
 - satisfactory audit checks and monitoring visits
 - receipt of a successful upload via the PFR
 - receipt of an invoice
 - achievement funding will only be paid on satisfactory acceptance of all required documentation and evidence
 - evidence of attendance and off-the-job training

TRS Training Limited then allows a 30 day payment period against the submitted invoice. In agreement with both parties, variations to the contract may be issued during the contract period. The variation may relate to agreed changes to the programme offer, the volumes of learners and funding available.

- 4.20. Subcontractor have a responsibility to report any concerns or incidents relating to health and safety, poor practice, safeguarding, radicalisation, equality and diversity or significant risks to us immediately.
- 4.21. TRS Training Limited will take responsibility for the management of the apprenticeship contract with the employer and the raising of any additional cohorts and requests for training. Recruitment to programmes must not be undertaken by the subcontractor without prior agreement.

5. Roles and Responsibilities

- 5.1. The Board are responsible for the approving the use of subcontractors.
- 5.2. The Funding and Compliance Manager is responsible for:
- Maintaining appropriate subcontractor checks and ensuring the due diligence process is followed

- Ensuring (where appropriate) that subcontractors are on The Apprenticeship Provider and Assessment Register (APAR)
- Ensuring subcontractors are aware of their contractual requirements, quality requirements, monitoring timeline and support available
- Ensuring no conflict in delivery and the programme meets TRS Training Limited Strategic Objectives and values.
- Ensuring that the funding is not used to support any extremist organisations or activities
- The management of subcontractor processes and performing quality checks

5.3. The Administration Team is responsible for:

- Ensuring contract paperwork is completed satisfactorily and requirements are met
- Providing subcontractor reports to monitor delivery in year
- Management of quarterly audits and annual audit processes
- Doing process checks, validating data check observations and management of records

5.4. The Quality Manager is responsible for:

- Monitoring the quality of teaching and learning activities and the validation of Observations.
- Ensuring subcontractor observation paperwork mirrors any internal validation changes
- Setting out the timetables and frequency of observations of Teaching and Learning for all subcontractors in relation to risk.
- Checking schemes of work and delivery methods.

6. Policy Monitoring and reporting arrangements

6.1. The policy and due diligence is assessed by the Board on an annual basis for its relevance and effectiveness.

6.2. This policy is published on our website – www.trstrainingltd.com and is subject to annual reviews in line with academic and funding years.

7. Summary of Revisions

Version	Date	Revision
23-1	30/9/2023	Reviewed content and updated around subcontracting requirements and APAR
22-1	27/09/2022	Changed responsibilities as a result of a new role created of Funding and Compliance Manager
22-1	27/09/2022	Updated content to ensure the policy reflects ESFA Subcontracting Standard 2022
22-1	27/09/2022	Included the clause that organisations may be considered as a subcontractor even if they are not approved on RoATP in response to the ESFA relaxation announcement in July 2022
22-1	22/03/2022	Approved for use by Operations Director

SUB-CONTRACTING DUE DILIGENCE CHECK

The purpose of this process is to:

- Ensure that potential partners / subcontractors meet the minimum standards required by TRS Training Limited
- Simplify any applications your organisation may make to subcontract with TRS Training Limited
- Ensure TRS Training Limited holds up to date contact details for your organisation so that you can be kept informed of new opportunities as they arise.

At this stage supporting documents are not required to be provided e.g. Accounts, certificates, statements or policies with the questionnaire. However, TRS Training Limited may ask to see these documents at a later stage, please make sure that they are available upon request.

The submission of the Due Diligence Questionnaire is an initial step to becoming a partner or subcontractor with TRS Training Limited. TRS Training Limited may seek further clarification with regards to certain issues before being accepted as a potential partner or subcontractor.

If accepted, your organisation will be included on TRS Training Limited's list of potential partners / subcontractors and we will keep you informed of any opportunities to apply to work with TRS Training Limited on contracts where TRS Training Limited acts (or proposes to act) as an accountable body. Please note being accepted onto TRS Training Limited's potential partners / subcontractors list does not guarantee that your organisation will be offered a contract

You are advised that nothing in this Partner/ Sub Contractor Due Diligence documentation or any other communication from or with TRS Training Limited shall be taken as constituting a contract or other binding agreement or a representation that any contract shall be offered in accordance herewith or at all.

TRS Training Limited reserves the right to modify, amend or seek further clarification on Partner/ Sub Contractor Due Diligence documentation at any time prior to contracting.

TRS Training Limited will ask partners to refresh their Due Diligence on an annual basis.

Please ensure all questions are answered and where a question is not applicable please indicate by stating N/A.

1 ORGANISATIONAL DETAILS			
Registered name as it appears on UKRLP:			
UKPRN *Please see http://www.ukrlp.co.uk as this is a mandatory requirement			
Legal name of organisation:			
Trading name of organisation: (if different from the above)			
Organisation Type (include SIC code if possible)			
Address as it appears on UKRLP:			
County:		Post Code:	
Key Contact Name			

Email address			
Contact Telephone			
Website address (if any):			
Company Registration number (if this applies):			
Charities or Housing Association or other Registration number (if this applies).			
Are you registered for VAT?		Reg No:	
Is your organisation: (please indicate by ticking the appropriate box)			
i) a public limited company?			
ii) a limited company?			
iii) a limited liability partnership (LLP)?			
iv) Statutory Corporation? e.g. Further Education College			
v) other (please specify the legal status of your organisation)?			
1.2 Is your organisation part of a group of companies? If "YES" please give details below.			
1.3 Name of (ultimate) parent company (if this applies):			
1.4 Companies House registration number of parent company (if this applies):			

2 FINANCIAL INFORMATION

2.1 If you are invited to supply services to TRS Training Limited we may require you to submit evidence of financial stability, usually a set of the last audited accounts for your organisation and details of your banker including a contact name and address from whom we may apply for references. Please indicate which of the following you would be able to provide (please tick a minimum of one)

• A copy of your audited accounts for the most recent two years (if this applies)	
• A statement of your turnover, profit & loss account and cash flow for the most recent year of trading	
• A statement of your cash flow forecast for the current year and a bank letter outlining the current cash and credit position (if trading for less than a year)	
2.2 Has your organisation had any CCJs issued against it within the last 3 years	
2.3 What is your current financial health (as measured using the ESFA Financial Health Toolkit)	

2.4 Are you currently approved as a Provider on the Apprenticeship provider and Assessment register (APAR)?	
If "YES" in what capacity	
If "YES" please provide details of who else you subcontract with and the value of the contracts	
If "YES" have you had enrolments stopped on the RoATP?	
2.5 Please indicate the size of your organisation	
2.6 Please list names of all directors, company secretary, partners or other persons occupying positions of financial authority within your organisation.	
2.7 Have any of the above ever been, or are currently in bankruptcy, insolvency, compulsory winding up, receivership, composition with creditors, or subject to relevant proceedings. If you answer "YES" we will require further details before proceeding to contract.	

3 INSURANCE		
3.1 Please provide the value of insurance for the following types of cover, policy number and expiry date		
Employer's Liability		
P u b l i c L i a b i l i t y		
Professional Indemnity		

4 COMPETENCIES	
4.1 Does your organisation hold approved centre status from relevant awarding organisations to deliver education and training services? Please provide details	
4.2 Does your organisation hold certification from relevant awarding organisations to deliver IAG or other support services? If "YES" please specify	
4.3 Please provide details of who will be delivering on this contract and their past experience and teaching related qualifications	
4.4 Does your organisation hold evidence of other professional qualifications of its staff that it is prepared to submit for verification on request? Please provide details	
4.5 Please describe your CPD process and what training has been planned and is planned for staff over the past year and the year going forward	

5 CONTRACTUAL COMPLIANCE	
5.1 Claims to TRS Training Limited will be made in arrears, based on actual delivery and the submission of the correct documentation within defined timetables. Please confirm that your organisation has the resources and capacity to work within this framework.	
5.2 Do you have a business continuity plan that will cover your ability to continue to deliver the services for which you are or may be contracted with TRS Training Limited?	
5.3 Are you registered with the Information Commissioner's Office for processing or intending to process personal data for educational purposes? If "YES" please give registration number:	
5.4 Please provide brief details of any contracts or sub-contracts funded through the ESFA that are currently held by your organisation (eg direct or indirect contracts, contract amounts, services delivered)	

6 QUALITY ASSURANCE	

6.1 Does your organisation undertake an annual self-assessment of its training activities in accordance with a recognised quality framework and produce results in a written report? If "YES" please state which quality framework is followed:	
6.2 Does your organisation produce a Continuous Improvement Plan based on its annual self-assessment?	
6.3 If the answer to either 6.1 or 6.2 is NO, please explain how your quality improvement processes are assessed and managed (Max 100 words):	
6.4 Describe the systems in place to undertake robust Initial Assessment of learners	
6.5 Describe the systems in place to identify and support learners with additional needs	
6.6 Describe the systems in place to monitor learner progress?	
6.7 Does your organisation have established systems in place to collect and act upon client / learner feedback?	
6.8 Describe the systems in place to collect and act upon employer feedback?	
6.9 Would all personnel used to fulfil any contracts agreed with TRS Training Limited be direct employees of your organisation? If "NO" please describe any arrangements that may be made to fulfil the contract: Note: sub-contracting of any provision delivered on behalf of TRS Training Limited is not permitted	
6.10 Has your organisation had a full inspection by OFSTED? If YES please give grades awarded for each area	

7 HEALTH & SAFETY	
7.1 Does your organisation have a written health and safety policy that demonstrates your compliance with Health and Safety legislation?	
7.2 When were your Health and Safety procedures last reviewed and updated?	
7.3 In the past 5 years has your organisation ever been prosecuted under health & safety legislation or been served prohibition or improvement notices by an	

Enforcing Authority such as the Health & Safety Executive? Please note that if "YES" further details will be required before contracting	
7.4 Do you have systems in place to undertake and / or monitor risk assessments at employer locations	
7.5 Does your health and safety policy make reference to and arrangements for clients / learners?	
7.6 Please name and state the position of the person who will have responsibility for the health and safety of clients / learners:	

8 EQUALITY AND DIVERSITY	
8.1 Do you collect and monitor equality and diversity data relating to your organisation and the services it provides, including that on ethnicity, gender and disability?	
8.2 Where relevant, do you monitor participation and success rates of learners by ethnic origin, gender and disability?	
8.3 Do you produce an action plan with targets based on the analysis of the equality data collected and review progress regularly?	
8.4 In the last three years has any finding of unlawful discrimination been made against your organisation by any court, industrial or employment tribunal or equivalent body?	
8.5 If "YES", what steps did your organisation take as a result of that finding?	
8.6 Do you undertake, in the delivery of services to TRS Training Limited, to actively promote good practice in terms of ensuring equality and eliminating discrimination in all forms through, as a minimum:	
<ul style="list-style-type: none"> The implementation of an organisational Equality and Diversity policy? 	
<ul style="list-style-type: none"> Providing relevant examples of the instructions, documents, recruitment advertisements or other literature with concern to the delivery of the contracted services when requested? 	
<ul style="list-style-type: none"> Issuing appropriate messages to clients / learners concerning recruitment onto provision and / or training progression? 	
8.7 Do you ensure that all staff in your organisation undertake training so that they are aware of their responsibilities under your Equality & Diversity policy and the Equality Act 2010? Sub-contracting Policy Page 15 of 17 9	

9 REFERENCES		
Please provide the names and contact details of two organisations to whom you have delivered training (or services similar to those being offered to TRS Training Limited) within the last three years and who we can approach for a professional reference:		
	Contract 1	Contract 2
Customer Organisation (name): Website (if available)		
Customer contact name, phone number and email		

Date contract awarded:		
Brief description of contract		
Indicative value: e.g. circa £50K		
If you cannot provide at least one reference, please briefly explain why (100 words max)		

10 PROFESSIONAL AND BUSINESS STANDING	
10.1 Has your organisation ever been removed from a contract prior to its intended close date for failure to meet minimum levels of performance or for any other reason? If you answer YES we will require further details before proceeding to contract.	
10.2 Do any of the following apply to your organisation, or to (any of) the director(s) / partners / proprietor(s) or any other person with powers of representation?	
i A conviction (or convictions) for a criminal offence related to business or professional conduct	
ii In a state of insolvency, voluntary administration, compulsory winding up, receivership, composition with creditors, company voluntary arrangements or subject to equivalent proceedings?	
iii Failure to fulfil obligations related to the payment of taxes	
iv Failure to fulfil obligations related to the payment of social security contributions?	
v Legal or administrative finding of commission of an act of grave misconduct in the course of business	
vi Failure to provide information required or providing inaccurate/misleading information when participating in a procurement exercise	
vii Failure to obtain and maintain relevant licences or membership of an appropriate trading or professional organisation where required by law	

Due diligence conducted by:	
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