



BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



**Fees, Charges and Payments Policy
Apprenticeship Sub-contracting 2024/25**

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Purpose

1. The policy is driven by a mandatory requirement of the Education and Skills Funding Agency in relation to subcontracting and the content covered in this policy has been developed in line with ESFA funding rules and Using Subcontractors in the delivery of apprenticeships online guidance.

Applicability and Scope

2. This policy applies to all subcontracting activity supported with funds supplied by the Education and Skills Funding Agency (ESFA). The policy sets out the supply chain fees and charges and aims to ensure transparency around subcontracting and the associated retained fees. The University recognises that it holds full accountability for the delivery of subcontracted activity and that this cannot be assigned to subcontractors. It is the responsibility of both the University as the training provider and their subcontractors to refer to the rules and guidance of the ESFA and any future updates in all matters regarding the delivery of the subcontract.

Overarching Principle

3. In order to ensure that it meets its broader strategic aims and can comply with all its responsibilities as a publicly funded organisation, the University will use subcontractors where appropriate to optimise the impact and effectiveness of service delivery to the end user. The University will therefore ensure that:
4. All subcontracted activity complies with the principles of best practice in the skills sector. In particular they will be guided by the principles given in the Using Subcontractors in the delivery of apprenticeships online guidance and subsequent iterations).
5. the University 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 and funding agency rules at all levels and to ensure the highest quality of learning delivery is made available, demonstrating value for money and a positive impact on learners and employers.
6. Any funding retained by the University will be related to the costs of the services the University provides to their subcontractors. These services and related charges will be clearly documented in the subcontract agreement which will be signed by all parties prior to the commencement of any activity. 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. They will be proportionate to the actual services being provided.
7. Where disputes between supply chain partners cannot be resolved through mutually agreed internal resolution procedures, the University will submit 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 Overarching Principle.

Rationale for sub-contracting

8. The University is the 'Anchor' University for Buckinghamshire and for the local region; consulting and working with Local Economic Partnerships, employers and providers alike to meet the employability skills needs of the region. In order to achieve this strategic aim, the University may from time to time, contract with other parties to ensure local, regional and national needs are best served in a strategic manner. There are related reasons that the University may enter into subcontracting arrangements to achieve this aim, but typically they are:
 - To provide immediate provision whilst expanding direct capacity. This might include working with sub-contractors to explore and learn about new frameworks or sectors prior to investment in resources.
 - To provide access to, or engagement with, a new range of customers.
 - To support another provider to develop capacity/quality.
 - To provide niche delivery where the cost of developing direct delivery would be inappropriate.
 - To support employers with a wide geographic requirement
 - To allow Employer providers with specialist equipment, facilities and capacity to deliver part of an Apprenticeship Standard in-house.
 - To respond to meet stakeholder demands (Learners, Employers and Community)
 - To enhance the opportunities available to students

Buckinghamshire New University does not subcontract to meet short-term funding objectives.

Quality Assurance

9. The University recognises sub-contracted activity as a necessary part of its overall provision. It will be monitored and managed through new or existing University Quality Assurance processes and procedures enabling continuous improvements in the quality of teaching and learning for both the University and its subcontractors.
10. Buckinghamshire New University's approach to ensuring the quality of subcontracted provision is set out in the following key steps:
 - Requesting the complete quality assurance policies, processes and procedures that the subcontractor implements to ensure the quality of their provision.
 - Collecting and examining the output from the above measures – this may include internal and external quality assurance reports, lesson observations, learner and employer feedback, programme reviews and improvement plans, staff CPD records.
 - Validating the quality data received by implementing quality checks and procedures across the subcontracted provision, including our own lesson observations and quality check visits carried out by subject specialist staff, employer and learner feedback

surveys, interviews with subcontractor staff, etc. Buckinghamshire New University will further contribute to quality assurance by:

- Ensuring that subcontractors are included in the Buckinghamshire New University quality process
- Providing subcontractors with a key contact at Buckinghamshire New University for any issues relating to the contract delivery
- Holding regular contract review meetings with subcontractors to performance manage quality and to mitigate any risks related to the provision. The contract reviews will be followed by developmental action plans that build the capacity of the provider to offer the best services to learners
- Working with subcontractors to respond to the employer and student feedback to improve experience
- Identifying and sharing the best practice to improve learners' experience
- Sharing resources and providing learner access to Buckinghamshire New University's facilities, including online learning resources
- Providing staff development opportunities for subcontractor staff.

Fees and Charges

11. The University management fee is deducted from the ESFA rate based on the funding income received. To determine the value of the funding retained, Buckinghamshire New University will work with the partner at the due diligence and contract stage to compile a list of services and products that will be provided to support quality delivery. These will be broken down into three main headings:
 - Managing the subcontract (incorporating management contract meetings, due diligence, software licence costs, contingency planning etc.)
 - Production of compliant funding returns (incorporating exam and data collection and return costs)
 - Quality monitoring activities (incorporating staff development activities, observations, staff and student reviews and feedback etc.)
12. The fees will be agreed as a proportion of time spent by Buckinghamshire New University on that activity where appropriate. Where this cannot be applied (e.g. licence costs) we will calculate the fee by dividing the standard cost to Buckinghamshire New University by the number of planned enrolments in the contract.
13. Each partner will be reviewed against a menu of costs separately to add or remove activities that are bespoke to their delivery model and requirements to ensure that the costs are specific to each and flex up or down depending on the input from Buckinghamshire New University.
14. Each cost/sub-section of costs will be reviewed to outline the way in which each activity supports the delivery of high quality education. The costs will be agreed with the partner to ensure they are proportionate and a declaration explaining why this is the case will be added to the costs breakdown.

Responsibilities

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| Overarching responsibility for Subcontracting strategy | Vice-Chancellor |
| Apprenticeship Governance | Head of Apprenticeships |
| Policy oversight and compliance | Reporting and Compliance Manager – Apprenticeship Hub |

Table of Definitions

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| ESFA | The Education and Skills Funding Agency (ESFA) is a UK government agency responsible for funding education and skills providers in England. It ensures proper allocation and use of public funds for education from early years to adulthood. The ESFA was formed in 2017 by merging the Education Funding Agency and the Skills Funding Agency. |
| Subcontractor | An entity or individual contracted by a main provider to deliver part of the education and training funded by the Education and Skills Funding Agency. The main provider oversees the quality of all aspects of the apprenticeship. |
| Main Provider | A main provider (BNU) is an entity that holds a contract with the Department for Education or with employers using the apprenticeship service to pay for apprenticeship training ¹ . They are responsible for delivering high-quality apprenticeship training and are accountable for the appropriate use of government funds. |

Appendix: Equality Impact Assessment

15. As a university, we are committed to enhancing equality, diversity and inclusion (EDI). We have a legal (Equality Act 2010) and ethical obligation to ensure our policies, systems and processes are fair, inclusive and ensure every member of the BNU community can thrive.
16. Whilst we all have protected characteristics, we know there are certain characteristics and communities that are marginalised and underrepresented in Higher Education and the workplace. These are: different ethnicities (including Gypsy, Roma, Traveller, Showmen and Boaters, migrants, refugees and asylum seekers) Disabled individuals; neurodiverse individuals; pregnancy (including maternity and paternity impact); the LGBT+ community; carers; people of different faiths; people impacted by menopause and individuals from a range of backgrounds including: socio-economic disadvantage, homeless, alcohol and/or substance misuse, people experiencing domestic and/or sexual violence, ex-armed forces, looked after children and care leavers. We also know individuals have multiple intersectional experiences and different points in their lives and careers.
17. **With reference to the above characteristics, in what ways does this policy enhance equality and the access of opportunity at BNU?** By widening participation and utilising expertise to support apprenticeship delivery.
18. **In what ways does the policy adversely impact individuals from marginalised and underrepresented communities?** It does not
19. **How does this proposal work towards achieving the BNU Equality Objectives as outlined in the [Equality Strategy 2023-2028](#)?** Please signpost objectives and actions in the BNU Equality Strategy.

Objective E: Link with other organisations to understand our community and share best practice – By working with subcontractors that are our employer partners for apprenticeships we align with the community and work closely with them to share best practice.

Signed: *Alex Morrison*

Name: Alex Morrison (Apprenticeship Reporting and Compliance Manager)

Date: 15/10/2024



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