

Sub-Contracting Policy (Apprenticeships)

Procedure owner:	Human Resources
Date approved:	October 2021

Engineering	
Production	0
Operations	0
Stores	0
Cleaning	0
Engineering Services	0
Fleet Delivery	0
Commercial & Customer Services	
On Train	0
Stations	0
Estates	0
Revenue Protection	0
Commercial	0
Customer Service Centre & Sales	0
Marketing	0

Safety & Operations	
Drivers & Resource	1
Performance	0
Train Planning & Access	0
Safety & Environment	0
Operations & Control	0
Operations Strategy	0
Human Resources	
Employee Relations	1
Organisation Development	3
Training & Development	3
Talent Management	1
Employee Wellbeing	1
Finance	
Finance	0
Franchise Compliance	0
Procurement	3
Information Technology	0

0=Not Relevant
1=Information Only
2=Relevant
3=Essential

The publication (included data and information relating thereto), is not to be used, disseminated, reproduced, copied or adapted, either in whole or in part without the express written approval of East Midlands Railway (except for the purpose of preparing tender requested by, or carrying out an order placed by the Procurement Department of East Midlands Railway).

Sub-Contracting Policy (Apprenticeships)

Contents

Section	Title	Page
1	Purpose	3
2	Scope	3
3	Rationale	3
4	Aims	4
5	Responsibilities	5
6	Due Diligence	5-6
7	Compliance	6
8	Fees	6
9	Payment Terms	7

Sub-Contracting Policy (Apprenticeships)

1. Purpose

As part of the East Midlands Railway strategy to provide high quality learning through apprenticeships and to support skills development for our workforce and wider industry a small proportion of our delivery will be undertaken by sub-contractors. We will only enter into a sub-contract where the learning will supplement and underpin our direct delivery to enhance skills development and our curriculum, and all learners will receive exceptional standards of teaching.

We are required by the Education Skills Funding Agency (ESFA) to declare our sub-contracted provision, and to provide information relating to our sub-contracted activity each year.

EMR will take all reasonable measures to ensure our sub-contractors are competent to deliver education and training and this policy sets out our rationale and approach.

2. Scope

This policy relates to the interaction between

- EMR as employer provider and the sub-contractor
- The sub-contractor and employers where EMR are main provider to their apprentices.

We will work with sub-contractors to ensure that:

- Sub-Contractors achieve a minimum standard to be considered a partner with EMR
- The delivery of education and training meets awarding organisations and ESFA standards
- Learners and employers are benefitting through the delivery of high quality education and training programmes.

The policy is a working document and will be updated and amended as required to respond to external factors.

3. Rationale

East Midlands Railway will work with sub-contracted providers for the delivery of Functional Skills English, Maths and ICT and on occasion certain elements of other training.

EMR recognise and value that to offer the best possible learning experience it is necessary to work in partnership with a sub-contracted provider who has the correct level of skill and expertise to deliver qualifications that are otherwise unavailable at EMR.

Sub-Contracting Policy (Apprenticeships)

4. Aims

The delivery is to be carried out in a safe manner without risk to the Health, Safety and Welfare of the sub-contractors, EMR Employees, Learners or Visitors.

EMR will take all reasonable steps to ensure that the delivery of education and training by the sub-contractor adheres to the company’s Diversity & Inclusion Policy and any related legislation.

EMR will take all reasonable steps to safeguard students and vulnerable adults by expecting sub-contractors to conform to the standards established by the company’s Safeguarding & Prevent Policy.

EMR will contribute to the improvement of teaching and learning by the sub-contractor by undertaking regular meetings with the sub-contractor that contribute to the quality improvement cycle.

- EMR will evidence commitment to ongoing improvement of any sub-contractor by:
- pre-contract activity which assesses the capability, capacity and readiness of the subcontractor to deliver the proposed learning
 - contract reviews which are undertaken on a regular basis, dependent on risk, which encompass the quality of provision delivered, learner progress, teaching and learning and contract performance
 - advising on the quality of provision and ways to improve working between East Midlands Railway and the sub-contractor.

Attainment data and feedback will be used to determine subcontractor success and EMR will provide the sub-contractor with all information necessary so that they can carry out their range of services appropriately.

The Policy will be reviewed annually by the Apprenticeship Board and circulated appropriately internally and externally.

Sub-Contracting Policy (Apprenticeships)

5. Responsibilities

Apprenticeship Board (HR)

The Apprenticeship Board has the overall responsibility for all matters, involving the Subcontractors Policy. This responsibility includes ensuring that audit and quality compliance matters are an important priority and addressed through comprehensive policies and procedures that are effectively implemented and appropriately resourced.

Apprenticeship Manager (HR)

Will take overall responsibility for the sub-contracted provision in all funding streams ensuring contracts are issued and that sub-contracted provision meets benchmark data and all sub-contractors are compliant, competent and adequately resourced. They are also responsible for monitoring the provision and its success.

OD Coordinator (HR)

Is responsible for day to day coordination of the provision. They are responsible for arranging account management meetings and quality and compliance visits.

Category Manager (Procurement)

Is responsible for ensuring all sub-contracts are raised in accordance with EMR procurement policies and procedures and signed by an appropriate Director.

The sub-contractors & their employees

All Sub-Contractors and their employees have a responsibility to fulfil the requirements of the Agreement relating to Group policies including Health and Safety, Safeguarding, Equality and Diversity, Audit and Quality compliance. Sub-Contractors must comply with the Group's Policies including safety standards and meet their statutory obligations with regards to Health and Safety. Ensuring that any accident, incident or near miss arising is reported in line with the Group procedures.

6. Due Diligence

EMR undertakes robust due diligence which includes a financial health assessment, Ofsted, safeguarding & prevent check and any relevant risk assessments. This is to mitigate the risk to the business. Any subcontractor with proposed contract values in excess of £100,000 is required to register and pass the ESFA's Register of

Sub-Contracting Policy (Apprenticeships)

Apprenticeship Training Providers (RoATP) before a contract can be issued (for contracts that are in relation to the delivery of apprenticeships).

Further investigations of any subcontractor would be undertaken if any of the following is identified via monitoring or any other means:

- Ofsted has awarded the provider a Grade 3 (requires improvement) or 4 (inadequate)
- Any irregular financial or delivery activity arises such as credit ratings that move to 'above average risk'.
- Sanctions are placed on any subcontractor by an awarding organisation
- Non-delivery of training
- Failure to meet the performance criteria detailed within the contract.

Non-compliance could mean termination of the contract.

7. Compliance

To ensure the Subcontract provision meets the standards set out in the Common Inspection Framework and the expectations of the learner and the Employer, EMR will undertake:

- Monitoring of provision by making announced and unannounced visits to the premises where delivery is taking place to satisfy quality audit requirements.
- Observation of teaching and assessment where delivery is taking place.
- Monitoring of attendance evidence, IAG, reviews, accreditation and achievement.
- To verify student authenticity.
- Review meetings
- Data analysis
- Health and Safety, Audit and Quality trail including enrolment, progression and destination.
- Compliments and complaints procedure and review.
- Moderation/IQA/EQA visits

8. Fees

Abellio East Midlands will retain a fee for subcontracting which will be 10% of the amount of ESFA funding received against each learner in any sub contracted provision.

All fees reflect an actual cost of subcontractor management and will not be used as a means to generate a financial profit.

Sub-Contracting Policy (Apprenticeships)

9. Payment Terms

Unless otherwise stated East Midlands Railway shall pay for the subcontracted services within 60 days after the end of the month of receipt of a proper invoice.

10. Policy Review

EMR will review the entirety of the subcontracting policy on an annual and adhoc basis in line with any advice, guidance or changes set out by the Education, Skills Funding Agency.