



Apprenticeship Subcontracting - Fees & Charges Policy

2023/2024

1. Scope

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 where relevant Employer 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.

2. Context

The University will at all times undertake fair and transparent procurement activities (<https://www.brookes.ac.uk/fls/procurement/>), conducting robust due diligence procedures on potential and existing subcontractors to ensure the highest quality of learning delivery is made available, whilst demonstrating value for money.

Subcontracting work must meet the requirements laid out in relation to subcontracting in the latest versions of the relevant ESFA funding guidance and policy documents.

3. Rationale for subcontracting

The University engages with subcontractors in order to fill gaps in niche or expert provision, where the cost of developing and delivering directly would be unsustainable.

4. Responsibilities

This policy is owned by the Head of UK Partnerships and Apprenticeships. The Apprenticeship Oversight Group is responsible for approval of this Apprenticeship Subcontracting Fees and Charges Policy. The management of the subcontracting provision of education or training is provided through the Contracts and Compliance Manager who is responsible for the coordination of contract compliance.

5. Subcontracting Partners

1. Runway Training for Functional Skills Qualification provision across all programmes
2. Impact Futures Training Ltd for legacy Functional Skills Qualification provision across all programmes

6. Subcontractor Management Fees

The University will retain a management fee where appropriate which will cover a proportion of the direct costs associated with operating and quality assuring sub-contracted provision and which provides a contribution towards indirect costs such as legal, finance, student support, IT and other curriculum support costs.

The management fee for subcontract partnerships will be determined for each subcontract on a case by case basis and will reflect actual costs incurred by the University. All fees will be calculated in accordance with the Apprenticeship Funding Guidelines.

The management fee will not exceed 10% of the contract value and will cover the following specific costs incurred by the University:

- Preparation of all subcontract documentation and processes, including due diligence
- Provision of funding guidance and support relating to eligibility of learners and provision
- Preparation of funding submissions
- Authorisation of payments
- Subcontract management
- Quality monitoring activities and review meetings
- Monitoring of learner progress
- Ensuring audit compliance

This list will be reviewed each year by the Contracts and Compliance Manager to determine whether it is reasonable and proportionate and changes will be made if required.

Specific costs are included in the contract issued to each subcontractor and are discussed to ensure that the subcontractor agrees that the costs are reasonable and proportionate and understands how they contribute to delivering high quality learning.

The management fee is deducted from the funding income received prior to the allocation of funds to the subcontractor.

7. Subcontractor Monitoring

A record of quality and monitoring activities will be kept and may be provided as evidence to an Employer, the ESFA or its delegated authority at financial assurance review.

8. Payment Terms

The University will make payment to subcontractors retrospectively and within 30 days of the receipt of an invoice which incorporates a valid claim for payment in line with the schedule set out in the subcontract.

9. Communication of the Subcontractor Fees & Charges Policy

The Subcontractor Fees & Charges Policy is published on the [University's website](#) annually by 31st October and is sent to all subcontractors. The policy will be discussed with potential subcontractors during the due diligence process.

10. Reporting

In September each year, a report and updated policy will be presented to the Apprenticeship Oversight Group detailing subcontracting that has taken place for the previous year and what is expected to be subcontracted in the forthcoming year.

11. Policy Review

This policy will be reviewed and updated annually

Date first published: October 2019

Approved: September 2023

Next review date: September 2024

Version: 4