Subcontractor Policy

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Document Control			
Policy Owner		**Head of Performance**	
Version	**Author**	**Date**	**Changes/Updates**
V0.1	James Heaton-Jennings	06.08.24	Draft Policy written
V1			**Approved by Finance & Resource Committee 24.09.24**
		28.07.2025	**No changes – reviewed by H Kain**
V2	Helen Kain	27/07/2026	**Reviewed and updated to reflect the Executive Director leadership structure and current ESFA subcontracting guidance.**

Our subcontracting policy tells you our arrangements with companies and organisations we sub-contract education provision to.

Introduction & Rationale

In line with our Strategic Plan, Camphill Wakefield will enter into subcontracts to enhance the quality and breadth of the offer to students, where the subcontract will support our organisation to achieve our mission *"Students, residents, volunteers and staff are the heart of Camphill Wakefield. In our learning community, nestled amongst fields and woods, we provide enriching learning opportunities, therapeutic care, and the confidence to do our best at work, rest and play"*.

Camphill Wakefield will only enter into subcontracted provision to:

- Enhance the opportunities for the students and residents
- Support an entry point for disadvantaged groups
- Fill gaps in niche or expert provision
- Provide additional geographical access points for our students

The subcontractor approval process will take place annually and take into account the extent to which the subcontract meets the above criteria, the level of risk attached to the subcontract and the impacts and benefits to particular groups, to the local community and to Camphill Wakefield.

Equality & Inclusion Statement

We are committed to encouraging a supportive and inclusive culture across Camphill Wakefield, which promotes diversity and inclusion and eliminates discrimination.
Our aim is to ensure that all our existing and potential subcontractors are given equal opportunity and consideration for selection on the basis of their aptitude and ability to meet the requirements of Camphill Wakefield and our students and residents and that we are representative of all sections of society. All our subcontractors will be treated fairly and with respect.

Purpose & Scope

This policy governs provision subcontracting within Camphill Wakefield. Camphill Wakefield 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 Camphill Wakefield and their subcontractors to refer to the rules and guidance of the relevant funding agency (Education and Skills Funding Agency or relevant Combined Authority) and any future updates in all matters regarding the delivery of the contract.

Roles and responsibilities for Camphill Wakefield and the subcontractors are clearly defined from the outset and all subcontractors are required to agree and sign a contract for the provision of education or training services with Camphill Wakefield.

Procedure

Definitions

Subcontracting: refers to providers delivering education or training on behalf of the College. This encompasses subcontractors listed on the Education and Skills Funding Agency (ESFA) 'Declaration of Subcontractors', together with any updates or subsequent listings from the ESFA or the relevant funding authority.

Responsibilities

. The Executive Directors are responsible for the strategic oversight of all subcontracted provision, ensuring that it meets the required standards for quality, safeguarding, funding compliance and contractual performance. The Board of Trustees provides governance oversight through the Finance & Resource Committee. Operational monitoring may be delegated to appropriate senior leaders; however, accountability remains with the Executive Directors.

Fee Structure

The College retains funding at a maximum rate of 20%* to cover the following:

- Updates and implementation of any ESFA changes on funding and compliance
- Designated points of contact in relation to:
    - Safeguarding
    - Curriculum
    - Quality
    - Contract Management
- Full administrative service in relation to ESFA Bursary and Free Meals distribution
- Health & Safety advice
- Advice on meeting quality expectations
- Training on policies, paperwork, procedures and processes that Camphill Wakefield requires the contractor to employ in performing this contract
- Provide the contractor access to and participation at Camphill Wakefield's programme of annual staff development
- Programme of Meetings to include:

- Quality reviews and spot checks
- Termly Meetings with set Agenda
- Annual Contract Review Meeting
- Partnership development & future Initiatives review

- Provide access to Positive Behaviour Support training on an annual basis for application by staff working with College students*
- Regular reviews on outstanding issues as part of regular contract meetings
- Data reports
- Safeguarding advice
- Compliance advice
- Awarding Organisation support (AO) – where appropriate
- Contract Management Support
- Quarterly review of Annual QIP
- Quality sampling and feedback
- Templates and updates for compliant paperwork required to be completed by the contractor
- Data input and transmission service to the ESFA
- Compliance audit checks and feedback
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*additional costs may need to be made for this service provision in subsequent years.

However, this will be allocated against a risk score for each subcontractor, undertaken at annual due diligence checks and also reviewed throughout the year. This will consider reviews, quality, compliance and data audits. Camphill Wakefield reserves the right to notify the subcontractor and to adjust the retained funding accordingly if clawback for under delivery is required.

Payment Terms

Payment terms and timings are set out within individual Contracts under section 'Payment Terms Schedule 1'. The College pays subcontracting partners by BACS the proportion of fees due in respect of valid paperwork provided by the subcontracting partner to Camphill Wakefield and under the terms of the Contract issued.

The payment is calculated on data submitted to the ESFA (or relevant funding authority) by Camphill Wakefield in the preceding month and paid in line with Contract terms; normally within 30 days of the ILR data return.

Student safety and support

All subcontractors will be expected to share Camphill Wakefield's commitment to Prevent, safeguarding, equality & diversity. Subcontractors may be requested to undertake approved training and refreshers during the life of the contract to ensure both parties continue to provide appropriate levels of care for our students whilst meeting legal and contractual obligations.

Audits and Spot Checks

Audits and spot checks, including unannounced (where appropriate), will be undertaken with the subcontractor, throughout the life of the contract. These will be completed both at the subcontractor's premises and at Camphill Wakefield premises.

Unsatisfactory Compliance or Quality

An unsatisfactory audit in either quality or compliance may result in additional procedures being put in place for both the subcontractor and Camphill Wakefield, or termination of the contract, in line with the terms and conditions of the Contract. Non-compliant subcontractors will be subject to appropriate action plans and undergo intensive monitoring until satisfactory progress is made.

Annual Due Diligence Review

An Annual Due Diligence Review will be undertaken with the subcontractor prior to the renewal of a contract. This will be undertaken during the summer term before the commencement of the Academic year.

Data Protection

Camphill Wakefield and the Subcontractor both acknowledge that they work in accordance with the General Data Protection Regulations 25th May 2018 and the Data Protection Act 2018 and any amendments hereafter. Camphill Wakefield has produced a set of supporting documents available to both the Subcontractor and the Student at any time on the website. Camphill Wakefield is a Data Controller. Camphill Wakefield acknowledges that the Subcontractor may also be considered a Data Controller, therefore the Subcontractor will want to produce a privacy notice to share with all students.

Data Breach

A data breach is defined as any unauthorised access to, loss of, sharing of, or loss of access to any personal information. Camphill Wakefield takes any data breach very seriously and has a procedure to investigate and notify individuals as necessary. Any confirmed or potential data breach must be reported to Camphill Wakefield within 24 hours of identification.

Monitoring Arrangements

A schedule of reviews and audits will be developed for the length of the contract, which will also encompass student feedback. This will ensure the student is receiving quality delivery and support from the subcontractor.

Review Meetings

A schedule of review meetings will be completed in accordance with the subcontractor's risk assessment and will be agreed at the commencement of the contract. Unannounced visits or observations may be made to the subcontractors by Camphill Wakefield throughout the term of the contract.

Review meetings may include:

- progress of delivery and student progress and targets against profiles
- a review of Organisational Policies and External Quality Assurance reports
- a selection of student files may be sampled for compliance with the Education and Skills Funding Agency rules
- discussions and monitoring of issues including safeguarding, equality and diversity, Prevent and health and safety
- the monitoring of embedding of safeguarding, equality and diversity, Prevent, Maths and English
- review of study programme delivery
- monitoring of quality processes
- data checks against students on the Individualised Learner Record (ILR)
- financial transaction checks

Data Monitoring and Audit compliance will ensure:

- monitoring of targets against profiles
- monitoring of achievement rates
- compliance with the Education and Skills Funding Agency rules

Financial Monitoring will ensure:

- notifications of high-risk credit ratings on financial positions are monitored throughout the Academic year as these may lead to suspension of recruitment and an increased risk rating

Contingency Planning

Contingency plans will be implemented where a subcontractor's actions or inaction has been assessed and it is deemed necessary to trigger any one of the relevant clauses as set out in the Subcontractor's 'Contract for the Delivery of Education & Training'.

In the event that the Contract has been terminated or either party withdraws early from the subcontracting arrangement, Camphill Wakefield will take appropriate action to ensure students are able to continue their programmes of study where appropriate.

Camphill Wakefield will look to take a combination of the following actions:

- In all instances, the Education and Skills Funding Agency (ESFA) will be informed along with any other key stakeholder (e.g. Local Authority and Trustees)
- A full review will be undertaken of a student's progress against agreed objectives
- An initial report of the impact to the students and Camphill Wakefield will be presented to senior post holders.
- Any data, document or other property held by the delivery Subcontractor will be retrieved
- An assessment will be made regarding the most appropriate routes, or a mixed solution:
    - Delivery Subcontractor staff – We will work with staff belonging to the existing delivery subcontractor to review options, including the possibility of directly employing staff on a temporary basis.
    - Deliver the provision through Camphill Wakefield – Camphill Wakefield will deliver the provision directly at either an existing site or another out-centre utilising college staff.
    - Deliver the provision through an existing subcontractor – Camphill Wakefield will identify an existing subcontractor who has suitable staffing, resources and expertise and once agreed, put additional contractual arrangements in place.
    - Deliver the provision through a new subcontracting arrangement – Camphill Wakefield may engage with a new subcontractor, for provision that Camphill Wakefield or any current subcontractor does not have the skills or capacity to deliver.
    - Transfer the students to another provider – If Camphill Wakefield is unable to meet the needs of the students through either direct delivery, using an existing subcontractor or engaging with a new subcontractor, it will work with the ESFA and key stakeholders to identify an alternative provider to transfer the students to.

Communication

Camphill Wakefield will ensure that all Subcontractors have sight of this policy and it is shared with them ahead of the academic year or contract commencement. Its discussion will form part of an agenda item at one of the review meetings.

Review

This policy will be reviewed annually by the Executive Directors and, where there are significant changes, presented to the Finance & Resource Committee for approval before publication on the Camphill Wakefield website.