

# Subcontracting Policy

## Scope

The policy applies to all supply chain activity supported with funds supplied by the Education & Skills Funding Agency or any successor organisations.

## Context

The policy is now a mandatory requirement that must be in place prior to participating in any new sub-contracting activity. It is reviewed annually (September) and published on our website.

## Overarching Principle

Popcorn Learning Media will optimise the impact and effectiveness of service delivery to the end user and ensure that:

1. At all times undertake fair and transparent procurement activities, conducting robust due diligence procedures on potential subcontractors to ensure that the highest quality of learning delivery is made available, demonstrating value for money and a positive impact on learners.
2. The levels of funding will be clearly documented and agreed by all parties. They will be proportionate to the actual services being provided.
3. Where disputes between subcontractors cannot be resolved through mutually agreed internal resolution procedures, Popcorn Learning Media will submit to independent outside arbitration or mediation and abide by its findings. Contract documents will require both parties to agree 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 professional relationships will be conducted in good faith.

## Rationale for Sub-Contracting

Popcorn Learning Media will engage with sub-contractors to better meet learners needs. Reasons are varied but could be:

- To temporarily expand provision to meet a short-term need

- To rapidly respond to training needs supporting the bounce back from COVID
- 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
- Widening participation by providing access to, or engagement with, a new range of customers
- To ensure delivery intent is met where there is a recognised risk in relying upon direct provision
- To provide niche delivery where the cost of developing direct delivery would be inappropriate
- To support employers that have a wide geographic need

### **Quality Assurance**

The quality of the provision will be monitored and managed through the existing processes and procedures.

### **Publication of information relating to sub-contracting**

In compliance with Education & Skills Funding Agency rules, Popcorn Learning Media will publish its sub-contracting fees and charges policy and actual end-of-year sub-contracting fees and charges on its website before the start of each programme (and in the case of actual end of year data, as required by ESFA). This will only relate to 'provision subcontracting' i.e., subcontracted delivery of full programmes. It will not include the delivery of a service as part of the delivery of a programme (for example, buying the delivery of part of an Apprenticeship framework or delivery support).

Popcorn Learning Media will ensure all actual and potential subcontractors have sight of this policy and any other relevant documents prior to any subcontracting agreement (i.e., at tender stage) and at the subcontractor induction, prior to delivery.

- Popcorn Learning Media will also promote sharing of good practice across the partnership and help improve delivery to our learners. Regular meetings will take place to cover performance, payments, and quality assurance matters.
- Payment terms between Popcorn Learning Media and subcontractors will be detailed in the agreement but will not exceed 90 days following receiving the approved invoice from the sub-contract partner.

### **Contingency Plans**

If either Popcorn Learning Media or the Subcontractor withdraw from an agreement, the Service will take steps to ensure provision is made to enable learners to continue with their learning.

**Next Review - October 2022**

