

Sub-contracting Funding Summit

17th May 2011
Morley College, London



Lsect
Learning & skills ~ events,
consultancy and training

Summit programme

- 10.30 Welcome and introductions
- 10.40 MCLs and sub-contracting - where are we now?
- 11.30 Break for refreshments and networking
- 11.50 Managing new relationships - getting due diligence and
- 12.25 Finance and accounting advice for prime and sub-contractors
- 12.55 Data and Funding audit advice for prime and sub-contractors
- 13.10 Break for lunch and networking
- 14.00 Managing disputes and what to do when things don't go to plan
- 14.35 Q&A session - get your questions answered
- 15.00 Impact assessment and final thoughts
- 15.30 Sub-contracting Funding Summit end

Who will you hear from?



Nick Linford

Managing Director of Lsect and author
of *The sub-contracting toolkit*



Dave Hughes

Contract solicitor
Eversheds



Siân Jones-Davies

Associate at Eversheds



Karl Bently

Lead auditor at RSM Tenon



Chris Mantel

National Head of External
Audit at RSM Tenon

Slides will be
emailed this
evening

Meet with the exhibitors and enjoy the refreshments, lunch and ice-cream!



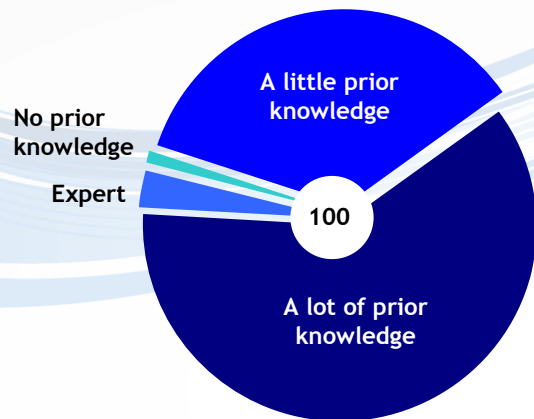
CAPITA

 **Perspective**
SPECIALIST CONTRACTORS

Refreshments
and lunch

And you, 100 delegates

When you registered you were asked how much you already know about funding



So pretty knowledgeable, but lets see if we can ensure everyone is catered for

MCL and sub-contracting ~ where are we now?

New Policy Context

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Many thanks.

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MCL implications for 2011/12

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But...of the 645 below £500k...

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Where are we now on MCL?

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Where are we now on sub-contracting?

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Find out about a potential partner

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Official guidance (being updated)

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Sub-contracting toolkit

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Sub-contracting resources from LSIS

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Managing New Relationships

Getting due diligence and contracting right

Dave Hughes, Eversheds LLP
davehughes@eversheds.com
17 May 2011



Managing New Relationships

Introduction

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The Importance of Getting it Right

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Due Diligence

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Due diligence (2)

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Formation of the Contract: Key Areas

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Formation of the Contract: Key Areas (2)

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Formation of the Contract: Key Areas (3)

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Formation of the Contract: Key Areas (4)

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Formation of the Contract: Key Areas (5)

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Formation of the Contract: Key Areas (6)

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Formation of the Contract: Key Areas (7)

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Pro-active Management Going Forward

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Managing New Relationships

Summary: Key Tips

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RSM Tenon

Chris Mantel
External Audit

**Finance and accounting advice
for prime and sub-contractors**

RSM Tenon

Finance and accounting advice

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Regularity matters

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Management Considerations

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Implications when it goes wrong

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Safeguards

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Keeping me happy aka Data and funding audit advice for prime and sub-contractors

**Karl Bentley
RSM Tenon**

RSM Tenon

Background

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What auditors look for

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Control Framework

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What should you be doing

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Spot visits

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Where and when provision takes place

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Data issues

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Lead College Arrangements

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At the end of the course

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What to do if it goes wrong

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What have we do as funding auditors?

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Internal Audit

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What we do as internal auditors

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Retained funds

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Not always doom and gloom

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Managing disputes and what to do when things don't go to plan

How to manage disputes effectively

Siân Jones-Davies, Eversheds LLP
sianjones-davies@eversheds.com
17 May 2011



Managing disputes and what to do if things don't go to plan

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Disputes

Between institution, provider, funding council

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Avoiding disputes

From the start

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When a dispute is looming

Remember...

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When a dispute is looming

Be proactive (1)

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When a dispute is looming

Be proactive (2)

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When a dispute is looming

What if I'm still concerned?

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Other issues

Think carefully about the following

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Looking after your students

Your no. 1 priority

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Document management

General record keeping

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Document management

Student records (1)

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Document management

Student records (2)

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Document management

Student records (3)

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Document management

Records of contact between the parties

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Document management

When concerns arise

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Document management

Disclosure

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Contingency planning

What if the worst happens?

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Q&A Session



Questions from online survey

What is 'adequate' insurance for a sub-contractor to have?

Is there a limit to what we can sub contract funding to sub contractors? Is EU procurement applicable to sub contracting funding?

What % would a perfect management fee be?

Should we only sub-contract in the future with organisations on the approved list - ACTOR?

How much discretion can a College have in imposing financial penalties/targets within the terms of the contract?

Should all procedures for sub-contracting YPLA & SFA provision be identical?

Questions from online survey

For those entering into consortium arrangements - what do the panel see as the advantages/disadvantages?

How do I know my subcontracting contract is fit for purpose?

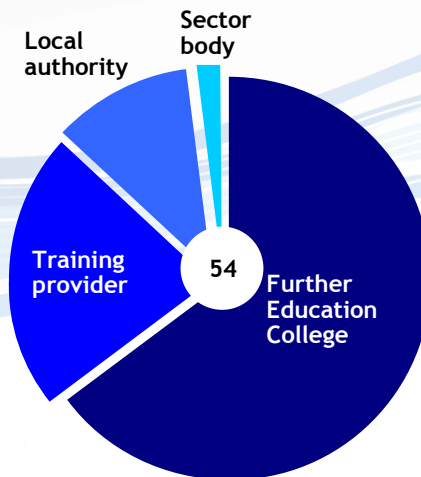
The Due Dilligence process suggested by SFA suggests that subcontract arrangements have gone through an open tender process. Does this have to be the case?

What is the recommended method for calculating payments to sub-contractors?

Impact assessment and final thoughts

Online survey

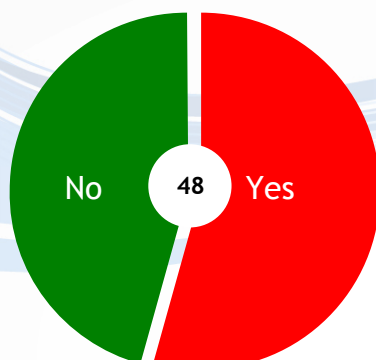
Responses to the pre-conference survey yesterday



And 91% said they were prime contractors

Questions from online survey

If you are a prime-contractor, do you have any concerns about your sub-contractors?

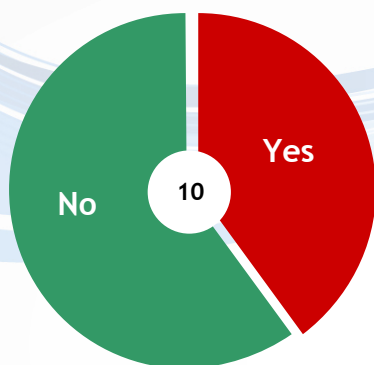


Common reasons for concern:

- Not always delivering what they promise
- Quality and ensuring that they are delivering to our standard.
- Delivery, worries over financial stability
- Late receipt of paperwork/claims for funding
- Adherence to paperwork requirements
- No concerns with existing contractors but concerns about partnering with right new sub-contractors right and getting due diligence / contracts right.

Questions from online survey

If you are a sub-contractor, do you have any concerns about your prime contractor?



Reasons given for concern:

Understanding finances- payment schedules

Lack of standardisation of paperwork and clear guidelines

Not concerns but over zealousness on completion of paperwork for audit purposes

Concerned that lead contractor may not remain in business

Questions from online survey

What are the disadvantages of sub-contracting?

Common themes:

Loss of control to a degree. Risks around quality of delivery.

Managing timely completion, risk management of eligibility for funding, managing quality of learning provided

As the sub we are required to use the larger provider's systems/ resources and often these are poorly managed or just unavailable.

From a sub-contractor's point of view, loss of identity and restriction of opportunities afforded to those with a direct contract

Too many sub-contractors with one prime may reduce quality of provision, create conflict of interest or sabotage a previously good relationship

If not managed properly the quality and performance.

Reduces the funding available to main organisation and can put internal jobs at risk if there is an over reliance on sub-contracting for new curriculum development

Loss of identity

Questions from online survey

What are the benefits of sub-contracting?

Common themes:

Add volume to SFA allocation. Can provide a temporary volume "fix" if recruitment falls, resulting in being unable to use full SFA allocation.

Widening participation and Niche areas of delivery

100% Success Rates (YES! It's TRUE!)

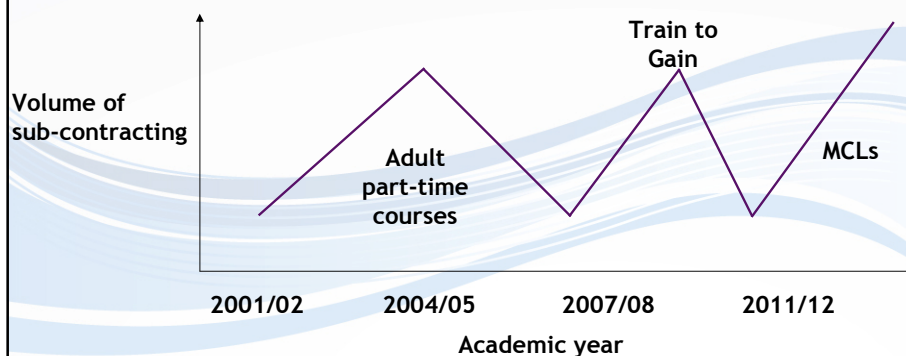
As a smaller provider we have the resource and support of a larger organisation.

Ability to provide a wider offer and enhance geographical coverage

Primes ability to negotiate and pass on substantial discounts on award body fees etc.

Work to the needs of employers and source appropriate provision rather than selling something 'off the shelf'.

History repeating itself?



Risk or reward?

Final remarks

There will be much more sub-contracting in next few years

Risk to public purse inevitably high (risk v reward?)

Proper due diligence and contracting essential

Ongoing review, assessment and audit required

Will the SFA MCL be £1m+ for 2012/13?

Evaluation form

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