



Sub Contracting Supply Chain

Fees and Charging Policy

Academic Year 2020-21

DRAFT

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1. PURPOSE

- 1.1. The purpose of this document is to define the College's policy in relation to the engagement and management of sub-contractors and sub-contracted provision. This document forms part of the College's strategic framework and sets out systems in place for the selection and management of sub-contractors and delivery partners in achieving high standards of teaching, learning and assessment. The purpose of engaging with sub-contractors is for the delivery of high quality apprenticeships (non-levy and levy); 19+ Traineeships; and Adult Education Budget (AEB) to enhance the College's curriculum offer.

2. SCOPE

- 2.1. This policy applies to all sub-contracted provision secured by the College.

3. RESPONSIBILITIES

- 3.1. The Director of Strategic Partnerships and Delivery is responsible for implementing and overseeing the operation of this policy.
- 3.2. The Senior Management Team (SMT) is responsible for authorising this policy.
- 3.3. The Corporation is informed of sub-contracting by the SMT.
- 3.4. All staff in Employer Services and all sub-contractors are responsible for ensuring that they operate within the terms and conditions of the policy and to the associated work instructions.

4. RELATED DOCUMENTS

- a) Contract Management Operations Report (CMOR) - Appendix 1.
- b) Quality Assurance and Administration Fees - Appendix 2.
- c) Procurement Process - Appendix 3.
- d) Due Diligence - Appendix 4.
- e) Agreement for the Provision of Learning Programmes and associated annexes and schedules.

5. INTRODUCTION

- 5.1. The College recognises that sub-contracted provision can play an important role in providing a broad and flexible mix of provision for students, employers and the wider community. As such, the College will seek to engage suitable sub-contractors to enhance existing provision. The College will engage with sub-contractors who can demonstrate a high level of quality delivery through KPIs, such as timely achievement rates and retention. Sub-contractors must

be successful in the College's due diligence process, which includes taking references; review of audited accounts; and ensuring that the subcontractor is recorded on Education and Skills Funding Authority (ESFA) registers. All sub-contractors engaged by the College must be registered on the ESFA ROTO and/or RoATP. The ESFA defines a sub-contractor as an organisation that is engaged in a contractual and legally binding contract with the prime provider to deliver provision in accordance with the guidelines published by the ESFA. NESCOL has a long history of successfully delivering provision with selected sub-contractors who deliver high quality teaching and learning with achievement rates well above the national average. Provision includes: 16-18 Apprenticeships for on-levy and levy employers; 19+ Traineeships; Adult Education Budget (AEB); and Community Learning.

As a result of funding changes, the introduction of the apprenticeship levy from May 2017, and an anticipated increase in the proportion of the College's curriculum that is delivered directly, the College has significantly reduced the number of sub-contractors in recent years.

5.2. The decision to engage sub-contractors to deliver learning programmes on behalf of the College is a strategic decision and takes account of the following factors:

- The strategic aims and targets of the College.
- Local, regional and national needs of employers and students.
- The breadth and mix of provision required to meet employer and learner needs.
- The current and planned capacity of the College to deliver its strategic priorities and targets.
- The strategic fit of potential partners with the College's aims and targets.
- The quality of provision from sub-contractors.
- Past performance of sub-contractors.
- The financial health of sub-contractors.
- References from other organisations who work or have been working with the Training Provider.
- The Training Provider is ESF compliant.
- Government and funding agency targets, priorities and regulations.
- Satisfactory completion of the due diligence process including CCJ checks and satisfactory annual financial audit

- If the contract is over £100,000, the sub-contractor to be registered on the ESFA's list on Register of Training Organisations, ROTO and/or RoATP.
- Business plan to support the delivery of curriculum showing monthly profile of learner starts.

6. ENGAGING AND MANAGING SUB-CONTRACTORS

- 6.1. The College will run a rigorous and detailed application process for new sub-contractors prior to engaging any sub-contractor.
- 6.2. Potential sub-contractors will be required to submit all evidence listed in the due diligence document.
- 6.3. The Director of Strategic Partnerships and Delivery and the Head of Finance will ensure that evidence submitted in due diligence meets the College's requirements.
- 6.4. The College will carry out formal lesson observations and learning walks including assessment where applicable.
- 6.5. The Director of Strategic Partnerships and Delivery will review requests from potential new sub-contractors via College procurement and, where appropriate, will recommend potential new sub-contractors to SMT.
- 6.6. Systems reviewed by the Head of Data Services to ensure robust systems are in place for effective contract management.
- 6.7. Potential sub-contractors will be required to deliver a presentation to the SMT focusing on quality of provision.
- 6.8. The sub-contractors are informed of the 'Sub-Contracting Supply Chain, Fees and Charging Policy' during the negotiating stage and that this policy is published on the College website.
- 6.9. Once the sub-contractor has been approved by the SMT, the list of new and existing sub-contractors will be submitted to the Governors at a Corporation meeting along with the standardised contract for their approval.
- 6.10. The College will carry out regular detailed Performance and Quality Reviews on all sub-contracted provision. Sub-contractors will be expected to meet agreed learner profiles and quality targets.
- 6.11. The sub-contractor is paid monthly based on the validation of the PFR. The sub-contractors are invited to invoice. The invoice will be paid within 21 days from the receipt of the invoice.
- 6.12. The sub-contractor will be required to attend monthly Contract Management Operations Meetings (CMOM) to review learner profile, students at risk, success data and finance.

- 6.13. Where sub-contractors do not meet these targets, the College will take action to ensure immediate improvement or to withdraw part or all of the agreed contract value and notify the ESFA.
- 6.14. The sub-contractors will be required to carry out annual employer surveys in accordance with College guidelines.
- 6.15. The engaging and managing of sub-contractors will be carried out by the Employer Services department of the College.
- 6.16. The College will publish details on the College website as required by the ESFA guidelines.

7. MONITORING AND REVIEW OF SUB-CONTRACTED PROVISION

- 7.1. The Commissioning and Contracting team in Employer Services will perform ongoing monitoring and management of sub-contracted provision. This activity will include monitoring the sub-contracted provision against agreed profiles for learner numbers and contract values. It will also involve monitoring the quality of sub-contracted provision and the learner experience of those students on sub-contracted programmes. A member of the Quality team / Director for Strategic Partnership and Delivery will conduct termly unannounced visits to undertake a quality review which will include checking of learner work; ILPs, observe; and ensure all activity is within contract.
- 7.2. The Commissioning and Contracting team will notify the Director of Strategic Partnerships and Delivery of any issues with performance and quality of sub-contracted provision. Actions will be agreed to deal with any issues in provision.
- 7.3. Funding allocated to sub-contracted provision will be regularly monitored in-year and allocation will be moved between sub-contractors and curriculum areas in year where performance is below target or where there are changes in funding circumstances.
- 7.4. The SMT will review sub-contracted provision and the strategic drivers for sub-contracted provision on a regular basis.
- 7.5. The Commissioning and Contracting team will carry out as a minimum one scheduled visit per term and an unannounced monitoring visit.

8. COMMISSIONING AND CONTRACTING TEAM

- 8.1. The Commissioning and Contracting Team will consist of:

Deputy Principal (Curriculum and Quality)
Deputy Principal (Finance & Resources)
Director of Strategic Partnerships and Delivery
Head of Quality
Head of Finance

Head of Data Services
Head of Procurement & Contract Management

- 8.2 The Commissioning approach undertaken by the College will be informed by the needs of the College, the value of any Contract being awarded and the requirements of the Public Contract Regulations 2015 and other UK and EU laws and related directives.

Below the Official Journal of the European Union, OJEU, Procurements

- 8.3 Procurements above £24,999 but below OJEU levels: by invitation to at least three organisations usually drawn from our Preferred Suppliers List which is refreshed annually and by Open competition.

Official Journal of the European Union, OJEU, Procurements:

- 8.4 Generally, by open invitation or by restricted procedure where there are potentially a very large number of bidders in the market (this will be confirmed through market engagement) or there is otherwise a genuine need to pre-qualify suppliers who have responded to a Prior Contract Notice (PCN).

In Both Situations

- 8.5 Where circumstances justify this, via the use of an appropriate framework agreement.
- 8.6 All spend above £25,000 will be reported on Contract Finder, as will any Advert or Contract Award Notice as appropriate and above this threshold.

Further details of the Official Journal of the European Union, OJEU, can be found on the following website: <https://www.ojeu.eu/whatistheojeu.aspx>

9. RISK MANAGEMENT

- 9.1. When the College enters into a contract to deliver Apprenticeships, Work Place Learning or Learner Responsive with a sub-contractor, it needs to minimise risk and have in place approved processes to mitigate the risk.
- 9.2. The College has developed practices and procedures to screen out unqualified subcontractors, monitor subcontractor performance, and protect against subcontractor failure. Some of the common practices used by NESOT with reference to ESFA are:
- I. All subcontractors totalling £100k and above must be listed on the ESFA Register of Training Organisations and Register of Training Apprenticeship Provider, RoTAP. New revised ESFA guidelines may override this clause.
 - II. All subcontractors must be registered with the UK Register of Learning Providers (UKRLP) and hold a valid UKPRN number.

- III. Successful completion of due diligence process and evidence submitted in the folder signed off by a member of SMT.
- IV. Any subcontractor failing to meet any part of the due diligence process will not be considered until such evidence is supplied and approved.
- V. On successful completion of due diligence, NESCOL will carry out the following:
 - a. On site teaching and learning lesson observation
 - b. On site Assessment observation
 - c. On site health and safety checks
 - d. Potential student views about the subcontractor
- VI. The College will only award a contract once the due diligence process has been satisfactorily completed and have also delivered a satisfactory presentation to the SMT.
- VII. The College will not award a contract to a subcontractor if:
 - a. It has an above average risk warning from a credit agency.
 - b. It has passed a resolution (or the court has made an order) to wind up or liquidate the company, or administrators have been appointed.
 - c. Its statutory accounts are overdue.

10. NESCOL QUALITY ASSURANCE AND ADMINISTRATION FEES MATRIX

- i. Management fees vary from 15 to 30%+
- ii. The table below, and Table 1 in Appendix 3, show the scoring required for the setting of the College's quality assurance and administration fees.

11. SUPPLY CHAIN FEES AND CHARGING RATES

The breakdown of the charging rates are explained in detail in Appendix 2. Please contact the Director for Strategic Partnerships and Delivery with any queries.

- i. The charges will be calculated each year.
- ii. The charges cover all processes from course set-up; enrolment; CIS reports; linked Quality OTL; internal audits; monthly CMOM meeting; and training and other related support to ensure the contract is delivered according the agreed KPIs.
- iii. Sub- contractors working with NESCOL prior to the commencement of this policy will retain their agreed management fees.

- iv. Charges will be made in alignment with total weighted scores from the due diligence process:

Total Weighted Score	Quality Assurance and Administration Fees Charged
100-175	15%
176-522	20-25%
523-875	25-30%
876-1280	30-40%

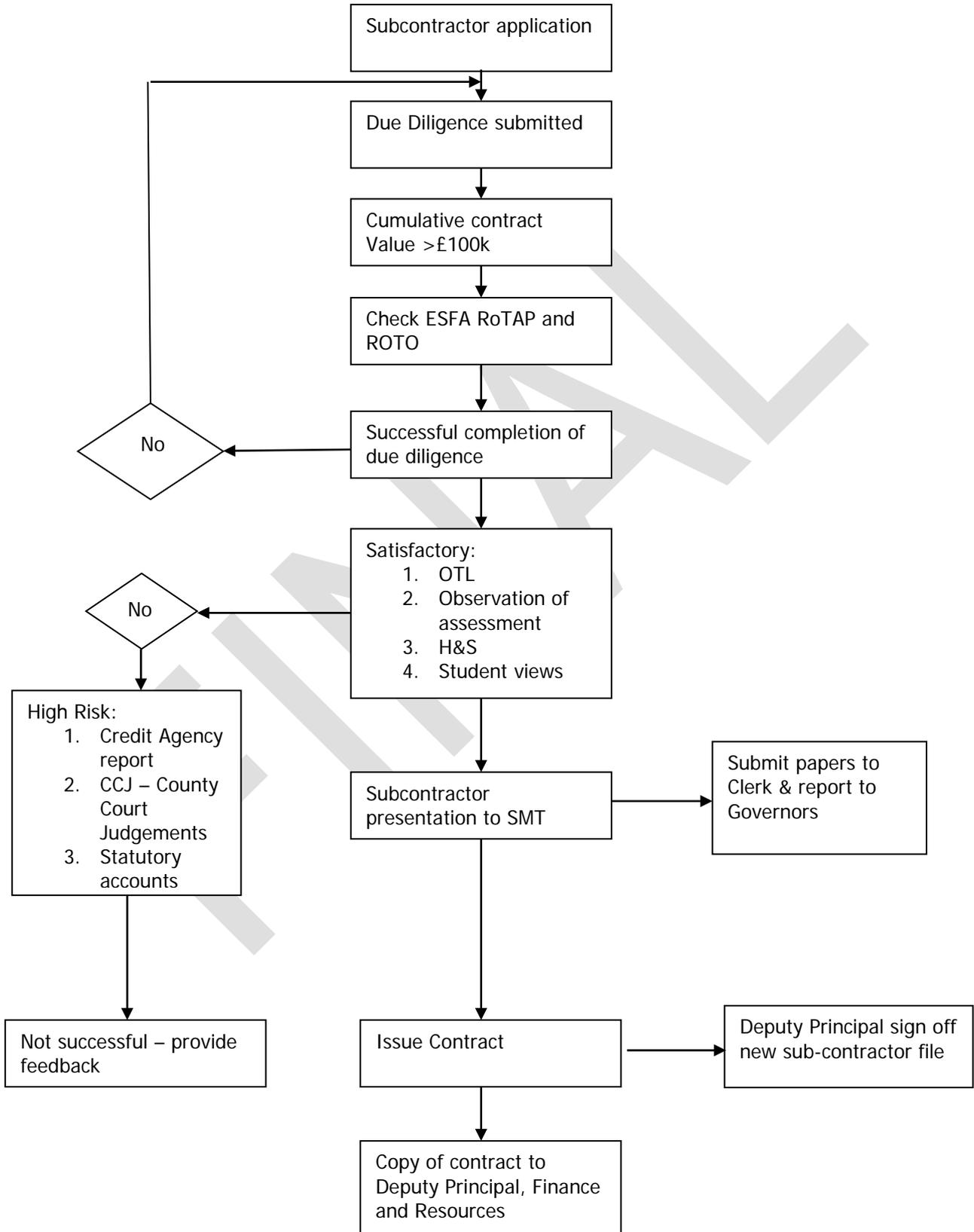
12. CONTINGENCY PLANNING

If a sub-contractor is unable to fulfil the terms of the contract as a result of the following:

- i. Under performance
- ii. Malpractice
- iii. Liquidation
- iv. Poor quality

the College will terminate the agreement and notify the ESFA. The College will contact all learners, staff and Awarding Bodies so that the learners can continue their learning without too many disruptions.

Figure 1: Flow Diagram to show processes in subcontracting



1.4 Executive Summary of Students at Risk (not completing the course etc)

1.5 Issues and Concerns relating to OTL, SV reports / actions

1.6 Director's Overall Summary

1.7 Director's Prediction of Year End (31st July) Timely Success Rates

Your Predicted timely success rates % based on the above information:

List Frameworks here that are not going to come in at 7% above the national average:

Appendix 2 – Quality Assurance and Administration Fees

Extract from NEScot subcontractor contract: All subcontractors are required to read the subcontracting rules using the link provided in this contract to ensure you fully understand the rules and regulations, including compliance especially with the quality and administration fees. Your fees were negotiated at x%, details for which can be found in your approved Business Case.

Extracts from ESFA Subcontracting Funding Rules:

Apprenticeships:

P169 If you and an employer agree the use of delivery subcontractors, you must have an up-to-date written agreement in place with each employer that sets out the following for the delivery of their apprenticeship programme:

- P169.1 The apprenticeship training and/or on-programme assessment that you will directly deliver.
- P169.2 The amount of funding you will retain for your direct delivery.
- P169.3 The apprenticeship training and/or on-programme assessment that each delivery subcontractor will contribute to the employer's apprenticeship programme.
- P169.4 The amount of funding you will pay each delivery subcontractor for their contribution.
- P169.5 The amount of funding you will retain to manage and monitor each delivery subcontractor.
- P169.6 The support you will provide each delivery subcontractor in exchange for the amount of funding you will retain.

Adult Education Budget and Community Learning:

P105 The subcontracting policy and supply chain can be found on the Nescot website www.nescot.ac.uk

P105.2 The reason of subcontracting is available on request from the Director for Strategic Partnerships and Delivery and will be included in the Business Case.

Summary:

NESCOT typically charges a subcontractor fees for quality assurance and administration of between 15% to 20% dependant on the outcome of the subcontract expression of interest, due diligence, Ofsted reports, Awarding Body reports, audited accounts, and a range of other factors including track record and learner volumes. Exceptionally, NEScot may have to provide more support and

thereby incur additional costs for the management of this Agreement and/or the placements associated with it and in these circumstances the Fee may be higher but never more than a maximum ceiling of 30%. The quality assurance and administration fees are deducted from the ESFA funding income received for each element of the subcontract provision.

The Funding Rates are derived from the ESFA Funding Bands for the relevant occupation sectors, Framework or Standards and through negotiation with the employer.

NESCOT provides a designated point of contact, for example, Director for Strategic Partnerships and Delivery, to each of its subcontractors (**8% of the value of MVC**), responsible for:

- The administration and processing of all subcontract documents.
- Due diligence and Business Case.
- Leadership and management of the contract.
- CPD throughout the contract for both subcontractors and employers.
- Remote on-line service for support through Skype and emails.
- Collaboration of the self-assessment report (SAR) and Quality Improvement Plan (QIP).

NESCOT provides a designated administrative support and point of contact for each subcontractor (**5% of the value of the MCV**), responsible for:

- Monthly Contract Management Operations Meetings (CMOM)
- Quality Assurance Systems including Observations, Learning Walks
- Advice on Funding Rules
- Provide occupancy reports
- Provide RAG rating for each learner
- Checking and review of forms and other documents associated with the confirmation and eligibility to study and enrolment of learners
- Review of initial assessment processes to ensure they are robust
- Review of Individual Learning Plans (ILPs) and learner progress
- Checking of registers and attendance
- Checking of Personal Learner Records (PLR) for prior learning
- Liaise with Examinations for the Gateway and End Point Assessments (EPA) for those learners sitting the EPA
- Draw up support timetables by liaising with learner, employer and the subcontractor
- On-going administrative support relevant to the contract throughout learners journey
- Manage with the employer and subcontracting Break In Learning (BIL)

- Home Office checks for all non UK residents

NESCOT will issue and analyse subcontractors performance against their contract and produce Variations of Contract – focus on achievement, Maximum Contract Value (MCV) **(7% of the value of the MCV)**, as follows:

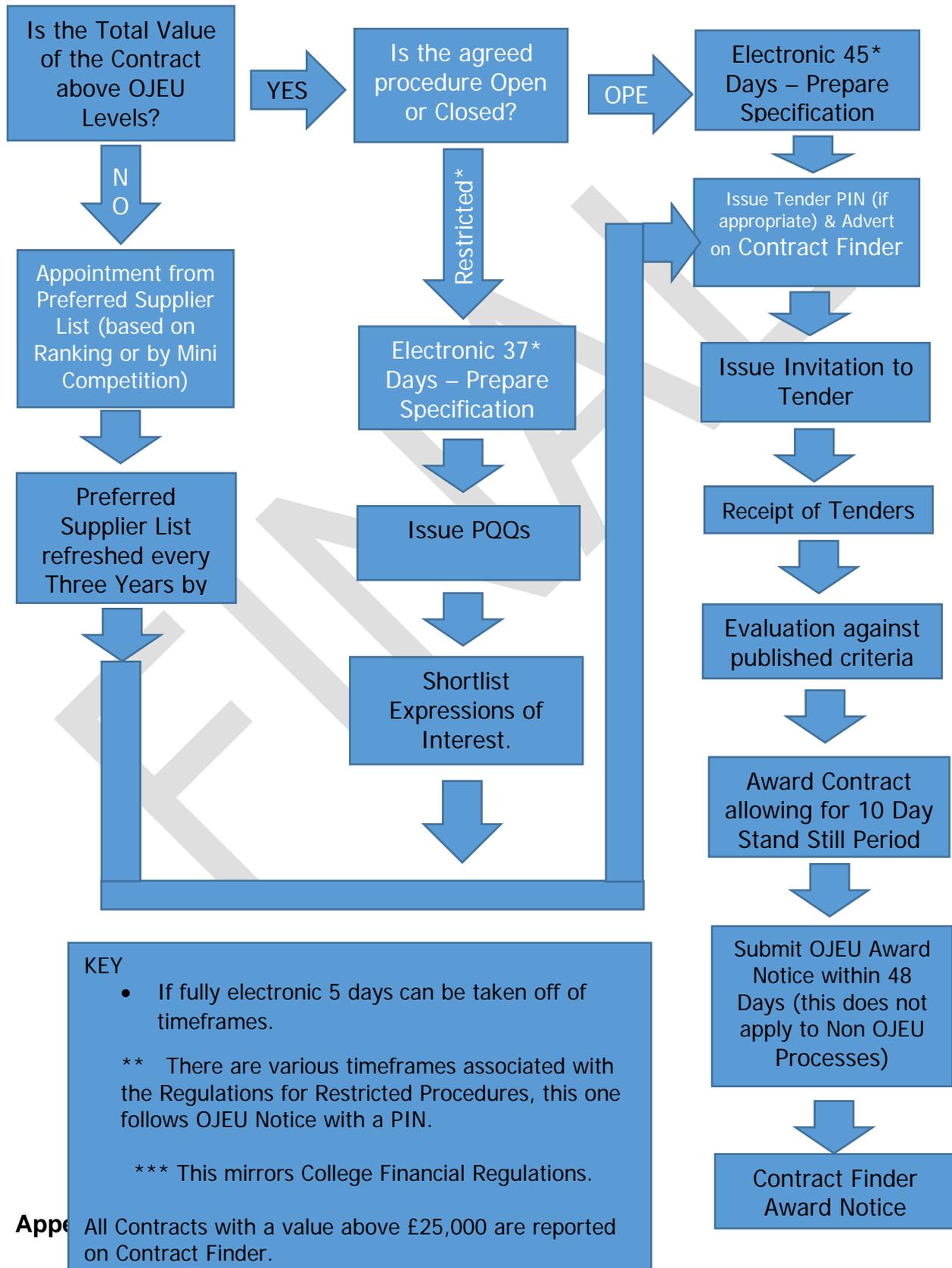
- Conduct regular monthly CMOM meetings and share minutes of meetings.
- Give access to learners and employers on-line training including PREVENT, Safeguarding, equality and diversity, e-Safety and other Distance Learning courses.
- Provide Quality Training including Ofsted Inspection, writing of SAR and QiP.
- Provide monthly financial reports (PFR) to inform invoicing.
- Conduct ongoing data self-assessment (DSAT) checks.
- Carryout double funding concerns by triangulation of learner data with other primes.
- Identify and support areas of improvement.
- Help curriculum planning and profiling.
- Detailed internal audits.
- Support subcontractors on Awarding Body sanctions.
- MATRIX accreditation advice and guidance.
- Audit compliance against ROTO and RoAPT.

Subcontractors and Employers are advised to read and familiarise themselves with the following documents. The College will from time to time alert any updates through email:

- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814659/AEB_2019-20_rules_2_July_Version_2.pdf
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/801046/Apprenticeship_performance-management_rules_Version_2_.pdf
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/786465/apprenticeship_funding_rules_for_training_providers_August_2018_to_July_2019_version_2.pdf

Appendix 3

Procurement Processes for Award of Education & Training Contracts (V1, 3rd June 2020)



Partners Details			
Company Name			
Registered Address			
Company Registration No			
Training Location(s) if different from above			
Partnership Contact Name			
Partnership Contact Details		Tel:	Email:
UKLRP Registration Number			
Companies House Check		Yes / No	Name:
Company References	1		2
	In File	Yes / No	In File Yes / No

Reason for using this Partner	✓
To widen access opportunity and participation by offering provision which complements the current range of programmes offered by the College	
To remove barriers to participation especially in under represented or non-participating groups	
To enhance the quality of the College's provision	
To remove duplication of provision	
To deliver training to key target groups	
To improve cost effectiveness of provision	
Other - attach as Appendix 1	
Has UK and EU Procurement Legislation been adhered to	

Contract Information
Geographical Area to be covered :
How will you find the learners, market the provision:
Are any other lead providers engaged with this partner, if yes please provide name and address:

Health and Safety	Name of Insurer and Policy No	Date of Expiry	Copy in File	Initials
Public Liability				
Employer Liability				
	Reviewed by	Accepted	Copy in File	Initials
Risk Assessments				
Health & Safety Policy				
RIDOR Disclosure				
Declaration of compliance with all EU and UK legislation to include but not restricted to employment, data, immigration, safeguarding and equality and diversity				
Learner Support Policy				
Quality Assurance	Reviewed by	Accepted	Copy in File	Initials
Quality Assurance Policy				
Matrix Accreditation				
Latest Ofsted report				
Latest EV Report(s)				
Qualification Success Rates				
AB Accreditation Certificates				
Current Self Assessment Report				
Learner Documentation Submission Agreement				
Employment Agreement				
Access on Demand Agreement				
Subcontractor Declaration				
Financial	Reviewed by	Accepted	Copy in File	Initials
Contract Signed and Dated				
Details of Contracts and Values with other Colleges and Providers				
Risk Management considered				
Management Fee Agreement				
Declare any CONFLICT of interest by any staff of the partner with this contract.				
Director and Senior Manager Disclosures				
Disclosure of other Public Funds including any expired in last three years				
Declaration of any CCJ's				

Operational Manuals, particularly data collection and record keeping				
Latest Audited accounts				
	Numbers	£ Value		
Proposed Contract Value				
Current Liabilities (Roll Ins)				

F E M N A L

Corporate Social Responsibility	Reviewed by	Accepted	Copy in File	Initials
Safeguarding Policy				
Prevent Policy: The Strategy MUST have 5 key Objectives: 1. To promote and reinforce shared values; 2. To break down segregations amongst different students; 3. To ensure student safety and the College is free from bullying; 4. To provide support for stud				
e-Safety Policy: This policy MUST include: exposure to age-inappropriate material, exposure to in-accurate and misleading information, exposure to socially unacceptable material, exposure to illegal material and illegal downloading of copyrighted material				
Recruitment Policy				
ESF Match Funding	Accepted	Copy in File	Initials	
Are you displaying ESF plaque prominently on each of your main premises? Please provide a list of these premises detailing the postal address and location of the plaque, retaining photographic evidence of display. If no, what are the reasons why the plaq				
Is the current ESF logo displayed prominently on your website? Please supply links to the relevant website pages				
Have you displayed the current ESF logo on your learner enrolment documentation and training materials? Please supply copies of your current enrolment/learner file documents plus also those used for the previous 2 years.				
Do you inform learners during induction that they are on a Agency funded programme that could be used as match and is therefore deemed part-funded by the ESF? Please provide evidence of the current documentation to support this for the current year plus a				
Do you have a document retention policy that ensures that all documents necessary to verify ESF Co-financed provision are retained in line with contractual requirements (currently until 2022)? Please supply a copy of your policy also confirming if you co				
Do you have an equal opportunities policy and action plan in place? Please supply the current version(s).				

Do you have a policy in place for sustainable development (including an environmental implementation plan)? Please supply the current version(s).			

Programme(s) and Level	Geographical area(s)
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9

Person completing the file and checklist		Date	
Signed on behalf of Partner Organisation		Date	

Name in Block Capitals		Position	
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The above has been reviewed and meet the College and Skills Funding Agency Requirements

Signed on behalf of NEScot		Date	
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Name in Block Capitals	Frances Rutter	Position	Principal
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Name in Block Capitals	Maria Vetrone	Position	Deputy Principal
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Accepted

Yes	No
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Table 1. NESCOT Management Fees Matrix

NESCOT Management Fees Matrix

Academic Year: 2020/21

Item	Activity		15-20%	20-25%	30+%	Exception 20-25%	Comments
1	Geographical Location						
1.1	Subcontractor		Local	South East within M25	England outside M25	England outside M25	
1.2	Students		Local	South East within M25	England	England	
1.3	Quality of Provision		Outstanding	Good	Good	Outstanding	
2	Awarding Body						
2.1	DCS Status		In Place	In Place	In Place	In Place	
2.2	Outstanding Actions		No Actions	Some Actions	Some Actions	No Actions	
2.3	Support identified by NESCOT		Minimum	Support indetified		No Support noted	
3	Timely Success Rates						
3.1	Above National Average		Above National Average		Most above National Average	Above National Average	
3.2	On or below National Average			On National Average	Some below National Average		
4	Contract Management Operational Meeting						
4.1	Frequency		Once a month	Once a month +1	Once a month +2	Once a month/or Less	Additional meetings due to volume / Quality
5	Government Priority						
5.1	Apprenticeships		Frameworks Offered Priority	Partial Priority	Partial Priority	Frameworks Offered Priority	
5.2	Adult Skills Budget		ASB QCF Priority	Partial Priority	Partial Priority	ASB QCF Priority	
		Duration	Staff 1	Staff 2	Staff 3		Comments
6	Contract						
6.1	Pre-contract meeting	0.5 day	Director	Administrator	Head		
6.2	Due Diligence-evidence gathering	2 days	Administrator				
6.3	Follow up on shortfall of DD	1 day	Administrator	Director			
6.4	Finalise DD	0.5 day	Administrator				
6.5	Check on DD file	0.5 day	Director				
6.6	Sign off DD file	0.5 day	Finance Director/AP/DP	Principal			
6.7	Resources required for DD						
6.8	Draft Contract	1 week	Director				
6.9	Preparing Profile	3 days	Director	Head			
6.1	Solicitor to check contract	4 days	External				

7	Contract Signing & Profiling					
7.1	Contract Signing & Profiling	1 day	Director	Assistant Principal	Head	
					Administrator	
7.2	Finalise contract exchange	1 day	Administrator	Principal		
				Finance Director		
8	Monitor and Manage Contract	12 days	Director	Head		
8.1	Enrolments - check forms	10 days	Administrator	CIS		
8.2	Input forms onto CIS	10 days	Administrator	CIS		
8.3	Follow on misinformation	1 day	Administrator			
8.4	Register learners onto Awarding B	10 days	Administrator	Administrator		
9	On Program Health Check					
9.1	Liaise with Tribal on learner enquires	10 days	Head			
9.2	Spot checks / Survey	5 days	Administrator			
9.3	Sample telephone survey	5 days	Administrator			
9.4	1:1 meetings: Director - Assistant P/DP	2 days	Director	Assistant Principal		
9.5	Assistant P : Principal	2 days	Assistant Principal	Principal		
9.6	Head : Administrator	15 days	Head	Administrator		
9.7	Lesson Observation checks	4 days	Director			
9.8	Quality Meetings	10 days	Director	Head		
9.9	Management of project	1 FTE	Head	Administrator		
9.1	Input of Results	10 days	Administrator	CIS		
9.11	Send of certificates to Tribal/Learners	4 days	Administrator			
10	Exit Programme					
10.1	Final contract meeting with subcontractor	1 day	Director	Head	Administrator	
10.2	Write SAR, finalise reconciliation					
10.3	Follow up on late certifications	5 days	Head	Administrator	Subcontractor	
11	Facilities & Resources					
11.1	Lighting, Heating, Office, copier	Varies				
11.2	Hospitality, Travel	Varies				

APPROVED BY BOARD OF GOVERNORS AT:

DATE OF BOARD MEETING

SIGNATURES:

..... **CHAIR OF GOVERNORS**

..... **ACCOUNTING OFFICER**

..... **DEPUTY PRINCIPAL (FINANCE & RESOURCES)**

..... **DATE**

