

# Learn Ealing Sub-Contracting Fees & Charges Policy

## Appendix 1 Due diligence checklist

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<b>Factor to consider and check</b>	Please provide an answer	Comments and checks
1. What is the subcontractor's <b>financial health</b> – previous accounts, cash flow and solvency?		
Are there any unsatisfied county court judgements against the subcontractor?		
2. Does the <b>legal status</b> (sole trader; limited liability company or partnership; charity; public body etc) of the subcontractor and its governance have implications for the proposed contract and its delivery?		
3. Has the subcontractor <b>disclosed all contracts</b> it holds and has held with the ESFA and the Greater London Authority; and, in the case of terminated agreements, the reasons for the termination of those agreements?		
4. Has the subcontractor <b>disclosed the names</b> of its directors (or trustees) and senior managers together with details of their previous appointments, particularly with organisations who hold or have held funding agreements with the ESFA and the Greater London Authority?		
5. Has the subcontractor sufficient <b>capacity to deliver</b> its commitments under the proposed contract whilst still meeting its other commitments?		
6. Is the subcontractor a <b>party in any litigation</b> which might affect its ability to deliver the proposed contract? For example, any action in the civil or criminal courts, or in an employment tribunal?		
7. To what extent do the lead provider's <b>business strategies</b> (e.g. for growth, diversification) match those of the subcontractor?		
8. Does the subcontractor comply with <b>health and safety legislation</b> ?		
Has it carried out health and safety risk assessments covering the proposed subcontracted learners?		

9. Has the subcontractor declared to the lead provider reportable injuries, diseases and dangerous occurrences covered by the **RIDDOR regulations**, together with the actions they have implemented to prevent reoccurrences? This should cover the previous three years as it is a specific funder requirement.

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10. Does the subcontractor comply with **legislation on employment** (including the use of volunteers)?

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11. Does the subcontractor comply with **legislation on immigration**?

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12. Does the subcontractor have a **policy on equality and diversity** which goes beyond compliance with legislation?

Does this policy promote diversity and make a commitment to raising achievement for all learners?

Does the policy cover all groups: gender; ethnic origin; age (where appropriate); disability; transgender; ex-offenders; any others identified as underachieving?

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13. Does the subcontractor have **policies for safeguarding** young people and vulnerable adults?

Do these policies include staff recruitment and vetting, training of all staff and learners, dealing with allegations and concerns, whistle-blowing, and checking employers and workplaces where appropriate and based on assessment of risk?

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14. Does the subcontractor have a **policy for** preventing and dealing effectively with **bullying and harassment**?

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15. Does the subcontractor comply with **data protection legislation** (including notifying the Information Commissioner's Office that they process personal information)?

Does it have appropriate data protection and security systems for the exchange of personal and financial data with the lead provider?

Does the subcontractor have systems to ensure compliance with the GLA's requirements for data collection and the keeping of records?

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16. Does the subcontractor intend to **subcontract any part of the provision** to another provider? 'Second level subcontracting' requires the approval of GLA?

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17. Does the subcontractor have appropriately **qualified and trained** staff to deliver the proposed contract effectively from its start?

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18. Does the subcontractor have the **physical resources** to deliver the proposed contract effectively from its start?

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19. Does the subcontractor have appropriate **learner support arrangements**, including support for learners with disabilities and learning difficulties?

Does this support include access to, or referral to, counselling or other specific help?

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20. Does the subcontractor have **information, advice and guidance arrangements** for learners?

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21. Does the subcontractor have a **policy on promoting the health and well-being** of learners?

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22. Does the subcontractor have a **policy and processes** for dealing effectively with **complaints and compliments**?

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23. Does the subcontractor have a clear policy **on learner discipline and sanctions**?

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24. How effective are the subcontractor's arrangements for **communicating with learners**?

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25. How effective are the subcontractor's arrangements for **communicating with employers**?

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26. Does the subcontractor have a **policy on environmental sustainability**?

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27. Has the subcontractor a track record of **implementing, reviewing and improving policies**?

Does this review focus on the impact of policies on learners?

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28. Does the subcontractor have appropriate **quality assurance arrangements**: audits, self-assessment reports and improvement plans, internal and external verification of assessment?

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29. Does the subcontractor have at least a satisfactory **Ofsted grade** for any aspect of its overall performance or for the sector-subject area(s) of the proposed sub-contracted provision?

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30. Can the subcontractor provide **evidence and verification** (for example, references) to support the assertions it makes?

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31. Has the subcontractor **taken advice** from its legal adviser(s) and accountant(s) about the proposed contract and the implications of subcontracting?

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32. Does the subcontractor **understand fully** all clauses in the proposed contract? Has it reviewed all the implications of them?

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33. Have lead provider and/or subcontractor **considered support** from the Learning and Skills Improvement Agency's MCL Support Programme?

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For more information see:  
[www.excellencegateway.org.uk/MCLsupport](http://www.excellencegateway.org.uk/MCLsupport)