

Subcontracting Contingency Plan 2026–27 Academic Year

1. Purpose

This contingency plan sets out the actions the Council will take in the event of subcontractor underperformance, service disruption, financial failure, safeguarding concerns, quality concerns, or cessation of delivery.

The primary purpose of this plan is to protect learners, safeguard public funding, ensure continuity of learning, and minimise disruption to delivery.

The Council operates a robust contract management framework designed to identify and address risks at the earliest opportunity. This includes:

- Comprehensive due diligence prior to contract award
- Robust contractual arrangements with clearly defined expectations and performance measures
- Regular contract monitoring and review meetings
- Ongoing quality assurance, safeguarding and compliance activity
- Performance and risk monitoring through data, learner feedback and observation activity
- Open and constructive dialogue with subcontractors to promote transparency, accountability and early intervention

Where risks are identified, the Council will seek to work proactively with providers to implement corrective actions and avoid disruption to learners.

2. Identification of Risk

Potential indicators of subcontractor failure may include:

- Failure to meet agreed delivery targets
- Persistent underperformance against quality measures
- Safeguarding or Prevent concerns
- Financial instability or insolvency
- Significant staffing shortages
- Failure to comply with funding rules or contractual requirements
- Poor learner feedback or learner outcomes
- Regulatory action by Ofsted, an Awarding Organisation, the DfE, GLA or another regulatory body
- Failure to provide accurate or timely data

Risks will be monitored through the Council's contract management, quality assurance and performance monitoring arrangements.

3. Response to Supply Chain Failure

In the event of actual or anticipated subcontractor failure, the Council will prioritise:

- Protection of learners currently in learning
- Continuity of provision wherever possible
- Protection of public funding
- Maintenance of quality standards
- Appropriate communication with learners and stakeholders

Immediate actions may include:

- Enhanced monitoring and support
- Formal improvement notices and corrective action plans
- Temporary suspension of new learner recruitment
- Reprofileing or reduction of delivery volumes
- Transfer of learners to an alternative provider where appropriate
- Invocation of business continuity arrangements

4. Learner Protection Arrangements

Where a subcontractor is unable to continue delivery, the Council will seek to ensure that learners are able to complete their programme of learning with minimal disruption.

This may include:

- Transfer of learners to another approved provider
- Commissioning alternative delivery from an existing subcontractor
- Procuring replacement provision through the Council's procurement and commissioning arrangements
- Supporting online or blended delivery arrangements where appropriate
- Providing information, advice and guidance to affected learners

Priority will be given to learners who are nearing completion, undertaking accredited qualifications, or who may be vulnerable to disengagement from learning.

5. Employer Engagement

Where provision involves employers, work placements or work-based learning activity, the Council will work with employers and delivery partners to minimise disruption and maintain learner progression.

The Council will communicate any changes promptly and seek alternative delivery arrangements where required.

6. Termination and Replacement of Provision

Where a subcontractor is unable or unwilling to rectify identified issues, the Council reserves the right to suspend or terminate contractual arrangements in accordance with the terms of the contract.

In such circumstances the Council will:

- Implement learner protection arrangements
- Recover any funding where appropriate
- Procure replacement provision where required
- Reallocate delivery volumes to alternative providers
- Notify relevant funding bodies and stakeholders where necessary

All decisions will be made based on the best interests of learners, contractual obligations and funding compliance requirements.

7. Dispute Resolution

The Council will seek to resolve disputes through open discussion and constructive engagement in the first instance.

Where resolution cannot be achieved informally, the Council will follow the dispute resolution procedures set out within the subcontract agreement. This may include escalation, mediation and formal contractual remedies.

8. Review

This contingency plan will be reviewed annually and updated where required to reflect changes in funding rules, subcontracting arrangements, or identified risks.

Owner: Adult Learning Service

Review Date: April 2027