

Siemens Plc Subcontracting Fees & Charges Policy

1. Introduction

1.1 As an ESFA Main Provider Siemens Plc must publish a Subcontractor fees and charges policy on our website before entering into any subcontracting agreements for the 2022/2023 academic year.

2. Scope

2.1 This policy statement details how Siemens Plc will manage subcontractors and apply fees and charges to subcontracting agreements with organisations for the delivery of training on the Company's behalf for 2022/2023. This policy is published in line with ESFA requirements stated in the Apprenticeship Funding Rules for Main Providers 2022/23 and the Subcontracting Standard and is published on our website:

<https://new.siemens.com/uk/en/company/jobs/search-careers/apprenticeships.html>

3. Reasons for Subcontracting

3.1 Siemens Plc subcontracts for one or more of the following reasons:

3.1.1 To deliver niche provision – building on a subcontractors' extensive and focused experience in the specialist areas

3.1.2 Enhance the opportunities available for learners

3.1.3 To capacity build – help Siemens Plc to respond flexibly to changing market demands and emerging opportunities

3.1.4 To engage with new markets – provide access to, or engagement with, a new range of customers

3.1.5 To ensure revenue / margin protection – working with subcontractors to explore and learn about new standards or sectors prior to investment in resources

3.1.6 To ensure greater cost efficiency – to run certain programmes where it would not be viable for Siemens Plc to build up in-house resources and expertise

3.1.7 To provide good development opportunities for both Siemens Plc and its subcontractors, to share good practice and new ways of working as required by employers

4. Contribution to Improving the Quality of Teaching, Learning and Assessment.

4.1 Siemens Plc ensures that subcontractors are made aware of the Company's quality processes and procedures and that they are guided and supported by Siemens Plc to fully comply with the Company's quality assurance and safeguarding/prevent standards.

4.2 Siemens Plc ensures that all subcontractors are made aware of the process of completing the Siemens Plc due diligence process and contracting obligations including processes that ensure Siemens Plc is adhering with the ESFA's Subcontracting Standard. Any actions arising are addressed in co-operation between the Company and the Subcontractor.

4.3 Subcontractors are required to hold course centre approvals in their own right and fully liaise with the awarding bodies. Siemens Plc will regularly review External Verifier's reports submitted by Subcontractors and monitor any follow-up required.

4.4 Siemens Plc will appoint appropriately qualified members of staff for each contract whose responsibilities include undertaking a due diligence check and regular quality assurance monitoring visits to verify contracts and paperwork and conduct Internal Verification. See Appendix 1 – Related documents.

4.5 A number of risk factors are assessed that are derived through the subcontracting with Training Partners/Associates. The quality process and due diligence that Siemens Plc requires includes all potential

subcontractors to undergo checks, including but not exclusively;

- If the potential subcontractor is registered on the Register of Apprenticeship Training Providers (RoATP)
- Anticipated demands of the contract on the Siemens Plc resources.
- Financial standing of the Subcontractor.
- Proven track record of the Subcontractor with regard to meeting success and funding targets.
- Contract size with regard to both funding and learner numbers
- Provision meets priority needs of local / community or sector priorities

5. Range of fees

5.1 The typical range of fees charged by subcontractors is negotiated at a local level and is dependent upon local customs and practice and the level of risk. Siemens Plc does not charge a management fee for the internal apprenticeship provision. Siemens plc does charge a management fee for our customer apprenticeship provision to ensure the high-quality monitoring and management of the programme. The typical percentage range of fees Siemens retains to manage its customer apprenticeship provision is 10-15%. Each employer agreement details the services provided for this management fees including: the full range of fees retained and charges that apply including:

- funding retained for quality assurance and oversight.
- funding retained for administrative functions such as data returns.

These fees calculated are based on the actual cost of providing these services across the Main Provider as a percentage of total income. These costs have then been applied proportionately to the income paid to the subcontractor and is therefore directly proportionate to our actual cost incurred for providing these activities for ourselves.

As an example, the provision is broken down as follows:

College local to Siemens/Employer site	HNC/HND Electrical/Electronic & PEO units	Cost variable dependent on employer's choice of college
Siemens SITRAIN	Siemens Certified Programmer S7 Programming courses 1, 2 and 3	Fixed cost
University element	BEng Controls and Automation	Fixed cost
Siemens	Coaching and mentoring apprentices against KSB's, monitoring and behaviour reviews and local workforce development plan	Fixed cost, applicable only to external provision
EAL	End point assessment	Fixed cost
Funding retained for external provision	Programme Management (Administration and Quality assurance as detailed in Training Agreement with employer)	Variable dependent on % of total income. Applicable only to external provision

5.2 Siemens Plc will publish data on the actual level of funding paid and retained for each of the subcontractors in each contractual year. This data will be published within 30 days of the ILR closing.

6. Reason for differences in fees charged

7.1 Fees charged by individual providers may differ depending on the calculation of local provision

7.2 An employer may state a preference for a particular subcontractor of their choice

7.3 Siemens Plc strives to achieve value for money so its procurement process may result in variations of fees

7. Support for Subcontractors

Siemens Plc will maintain the relationship with each employer at all times and will not allow a delivery subcontractor to lead that relationship. Siemens Plc remain responsible for the actions of the subcontractor. If the subcontractor fails to deliver, Siemens Plc will be responsible for making alternative arrangements for the delivery of education and training, protecting the audit trail, and / or repaying ESFA.

7.1 Subcontractors will receive:

- Designated points of contact and support from the Siemens Plc Contracts Manager
- Advice and guidance at pre-contract stage.
- Regular review meetings with progress reports.
- Specialised information, advice and guidance as required.
- Monitoring visits as required with detailed feedback identifying good practice and areas for improvement.
- Ongoing administration support including in-depth checks of evidence submitted and regular feedback on issues identified.
- Input of induction documentation submitted.
- Submissions of data to funding organisations.
- Ongoing data checks and support to resolve data queries.
- Ongoing support to address any areas for improvement.

8. Payment terms between Siemens Plc and its Subcontractors

8.1 Payments are made as agreed by the schedule outlined in the local Contract for Services & Financial Schedule

8.2 Typically payments are made to subcontractors upfront on a termly basis unless stated otherwise in the agreed Contract for Services schedule.

8.3 Details of any rights by Siemens Plc to withdraw, reduce or withhold funding are published in the Contract for Services and relate to the protection of ESFA funds and not to the benefit of Siemens Plc.

8.4 Siemens Plc expects subcontractors to fully engage in assessing the accuracy of payments and therefore have a responsibility to review their monthly financial reconciliations to identify any inaccuracies.

8.5 Subcontractors are responsible for all registration costs and any associated costs of maintaining Direct Claims Status with their awarding bodies.

8.6 Siemens Plc strives to achieve value for money so its procurement process may result in variations of fees

9. Policy dissemination & publication

9.1 This policy is available on-line at <https://www.siemens.com/uk/en/home/company/jobs/search-careers/apprenticeships.html> and further communicated to subcontractors in the annual pre award & contracting phase

10. Policy review

10.1 This policy will be reviewed at least annually and in addition in-year as needed to reflect any changes in ESFA funding rules.

11. 2022/23 Subcontracting Partners:

1. Salford and Trafford Engineering Group Training Association Limited, UKPRN 10006317

2. Tameside College, UKPRN 10006494
3. The University of Salford, UKPRN 10007156
4. South Thames Colleges Group, UKPRN 10003674

Signed: Joanne Gogerly, Head of Siemens Professional Education



25/07/22


Signed: Valerie Todd, Head of HR

Appendix 1

Related documents-

Subcontracted Provision Flowchart

Subcontractor Due Diligence

	Document type:	No.:	DISPE006
	Department Instruction	Revision/Date:	3 01/07/2020
		Issued by:	SPE (UK)
Title:		Page 2 of 4	
Outsourced Provision			

1 Purpose

The purpose of this procedure is to define critical provision provided by outsourced third parties, and the controls used to ensure the quality of the outputs of such provision.

The individual business units' entry level talent teams or equivalent are responsible for implementation and management of this procedure.

2 Scope

This procedure contains the following sections:


- 4.1 The Contract for Services
- 4.2 Subcontractor due diligence form
- 4.3 Subcontractor review
- 5 Process Flowchart

3 Glossary

- MR Management Representative
- QMS Quality Management System
- IQA Internal Quality Auditor

4 Procedure

The Management Representative (MR) is to ensure the implementation of this procedure and is responsible for maintaining the audit schedules and audit reports. The MR and Internal Quality Auditors (IQA) are responsible for conducting internal quality audits. Records are maintained in accordance with Control of Records Procedure (DISPE002).

	Document type: <p style="text-align: center;">Department Instruction</p>	No.: DISPE006 Revision/Date: 3 01/07/2020 Issued by: SPE (UK)
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4.1 The Contract for Services

The Contract for Services is a contract between a service provider (either internal or external) and the end user that defines the level of service expected from the service provider. Contracts for service are output-based in that their purpose is specifically to define what the customer will receive. Subcontractor due diligence forms (CL005) must be completed before levels of service are discussed and agreed. The Contract for Services template must be used to form the basis of any agreements of outsourced provision and signed by both parties before any services are delivered. The value of all funded provision must be declared on the sub-contractor's declaration form and submitted to the ESFA. It's an ESFA funding rule that we publish our subcontracted policy on our website

<https://new.siemens.com/uk/en/company/jobs/search-careers/apprenticeships.html>


4.2 Subcontractor due diligence form

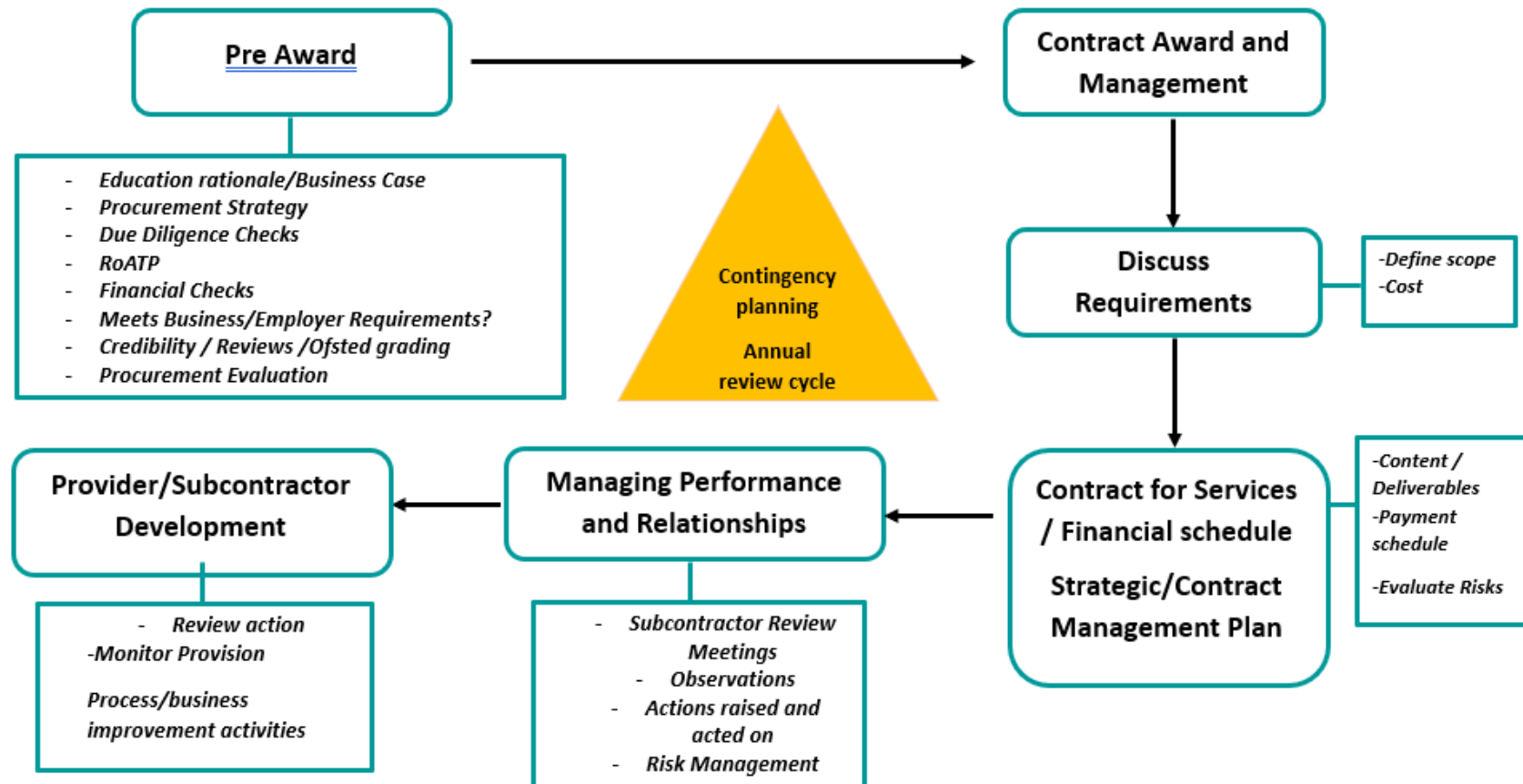
The subcontractor due diligence form (CL005) must be completed with the service provider before the Contract for Services is signed. If the quality or judgements made in evidence supplied in the form causes concern, then the Contract for Services will not be signed, and no service will be procured.

4.3 Subcontractor review

To ensure that the Contract for Services and due diligence forms are being adhered to, suitable staff will conduct periodical review meetings with the sub-contractor. The sub-contractors meeting form (F006) should be used during these meetings.

5. Process Flowchart

	Document type:	No.: Draft	
	Department Instruction	Revision/Date: 2	28/06/2022
Title:	Subcontracted Provision		SPE (UK) Page 1 of 1



	Document type:	No.:	CL005
	Form	Revision/Date: 5	16/06/2021
Issued by:			SPE (UK)
Title:	Subcontractors Due Diligence		Page 1 of 9

The Due Diligence Process

The Education and Skills Funding Agency (ESFA) requires that all arrangements between main providers (those with a direct contract from the Chief Executive of the Education and Skills Funding Agency), and subcontractors are confirmed in legally binding contracts. All contracts, whether or not they are called service level agreements or contracts,

This process identifies key factors to consider before entering into a Contract for Services. They are drafted from the point of view of the main provider. However, they also inform the subcontractors what they should expect to have reviewed and checked by any potential main provider. Subcontractors may like to consider to what extent the main provider itself complies with the conditions in the due diligence process.

Main providers should carry out due diligence before they enter into a contract. The scope and depth of due diligence should be proportionate to the size of the contract and to any other risk factors identified by the main provider, such as the latest Ofsted inspection grade of the potential subcontractor or its previous performance, either in terms of learner outcomes or finance.

It is the responsibility of the main provider to satisfy itself and the Education and Skills Funding Agency that the sub-contractor has been selected fairly through an open and transparent process. It is also necessary to ensure that the sub-contractor has sufficient capacity, capability, quality and business standing to deliver the provision that it being sub-contracted, and in accordance with current funding rules.

	Document type:	No.	CL005
	Form	Revision/Date: 5	16/06/21
Title:			Issued by: SPE (UK)
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Due Diligence Requirements


Factor to consider and check	Needs checking ✓ State reason for decision	Evidence and comment
1. Does the subcontractor comply with health and safety legislation? Evidence of health and safety risk assessments covering the proposed subcontracted learners, and the areas they will be working in? (i.e workshops/classrooms)		
2. Has the subcontractor declared to the main provider reportable injuries, diseases and dangerous occurrences covered by the RIDDOR regulations, together with the actions they have implemented to prevent reoccurrences? Please provide evidence, if applicable.		

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<p>3. Does the subcontractor have a policy on equality and diversity- How is this communicated to learners?</p> <p>Does the policy cover all groups: gender; ethnic origin; age (where appropriate); disability; transgender; ex-offenders; any others identified as underachieving?</p>		
<p>4. Does the subcontractor have policies for safeguarding young people, vulnerable adults and also promotes British Values through its Prevent duty plan- How is this communicated, and awareness measured?</p> <p>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?</p>		
<p>5. Can you confirm as the subcontractor you have due regard to the need to prevent people from being drawn into terrorism, that you comply with relevant legislation and any statutory responsibilities associated with the</p>		

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delivery of education and safeguarding of students?		
6. Does the subcontractor have a policy for preventing and dealing effectively with bullying and harassment? How is this communicated to learners, and effectiveness measured?		
7. Does the subcontractor comply with the new data protection legislation, GDPR? How will they communicate learner information to the mainprovider?		
8. Does the subcontractor intend to subcontract any part of the provision to another provider? '		
9. Does the subcontractor have appropriately qualified and trained staff to deliver the proposed contract effectively from its start? Please provide evidence. What measures are put in place for temporary staff?		
10. Does the subcontractor have the physical resources to deliver the proposed contract		

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effectively from its start? Please provide evidence.		
11. Does the subcontractor have appropriate learner support arrangements, including support for learners with disabilities and learning difficulties? Please provide evidence.		
12. Does the subcontractor have information, advice and guidance arrangements for learners? How is this communicated to the learners?		
13. Does the subcontractor have a policy on promoting the health and wellbeing of learners? How is this communicated to, and promoted with learners?		
14. Does the subcontractor have a policy and processes for dealing effectively with complaints and compliments? What is the processes, and are learners/employers aware of how to do this?		

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15. Does the subcontractor have a clear policy on learner discipline and sanctions? Are the learners aware of this process? How are employers notified of this, if necessary?		
16. How effective are the subcontractor's arrangements for communicating with learners? How is this effectiveness measured?		
17. How effective are the subcontractor's arrangements for communicating with employers? How are arrangements communicated, and how is the effectiveness measured?		
18. Has the subcontractor a track record of implementing, reviewing and improving policies? How often are policies refreshed? Please provide an example of a recently reviewed/improved policy?		

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19. Does this review focus on the impact of policies on learners? How do you measure the impact?		
20. Does the subcontractor have appropriate quality assurance arrangements: audits, self-assessment reports and improvement plans, internal and external verification of assessment? Please provide evidence for each.		
21. Does the subcontractor have at least a "Good" Ofsted grade? When was the last Ofsted full or monitoring visit? Please provide evidence.		
22. Are there any potential conflicts of interest that either party are aware of?		
23. Does the subcontractor have a current RoATP status, and what is the date of registration? Please provide evidence		
24. For registered "supporting providers" please confirm that you do not receive more than		

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£500,000, or £100,000 (if you are a new provider) in any one year? Please provide evidence.		
25. Does the subcontractor confirm that it has not entered into any agreement for brokerage. By brokerage we mean the provision by a third party of services, for a fee, to source delivery subcontractors to deliver, on behalf of yourself.		
26. Does the subcontractor have a Business Continuity Plan, to provide guidance and support to enable them to tackle the impact of severe disruptions due to a variety of one-off, but credible, causes? Please provide evidence.		
27. Can the Subcontractor confirm that there is no slavery or human trafficking in any part of its supply chain?		

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<p>28. Can the subcontractor confirm that they have procedures in place which demonstrate a duty to ensure that they do not inadvertently fund extremist organisations and protect Learners from the risk of giving a platform to unvetted speakers who condone terrorism or other illegal activity, or who express extremist views.</p>		
<p>29. Has the Subcontractor reviewed the Siemens Plc Subcontracting policy/supply chain fees? (accessible at: https://new.siemens.com/uk/en/company/jobs/search-careers/apprenticeships.html)</p>		

Due Diligence conducted by
Siemens Representative _____

In the presence of
Subcontractor Representative _____

Date Due Diligence conducted _____