

Business Continuity Plan for Subcontractor Failure

1 BACKGROUND

- 1.1 In the event of a Subcontractor failure, The Manchester College is committed to the continuation of education of the learners enrolled on subcontracted provision affected by such an event. This is why the College has pre-emptive measures in place to mitigate the risk, as well as a continuity plan to address such an event effectively.
- 1.2 The Business Continuity Plan is to be used in any of the following events:
 - a) The College needs to withdraw from a subcontract arrangement at short notice
 - b) A delivery Subcontractor withdraws from the arrangement at short notice
 - c) A delivery Subcontractor goes into liquidation or administration or is unable to fulfill the terms of its subcontract through an unplanned occurrence.
- 1.3 The purpose of this plan is to make students and other relevant stakeholders aware of the measures that the College has taken to mitigate risks and what it would do to support students to continue with the studies in the event of a Subcontractor ceasing to deliver the provision on a temporary or permanent basis.

2 DISCLAIMER

- 2.1 The College reserves the right to amend its subcontracting arrangements at any time in accordance with the terms and conditions contained in its standard contract for subcontracted provision.

3 PRE-EMPTIVE MEASURES TO MITIGATE RISK

3.1 Delivery requirements

In terms of subcontracted provision delivery requirements, the College ensures that:

- 3.1.1 The distance of a subcontract is within reasonable travel of the College and located within the Greater Manchester area.
- 3.1.2 The subjects being delivered by Subcontractors match the expertise of the College's existing teaching staff.
- 3.1.3 The awarding bodies the Subcontracts are using are the same as those used by the College.

3.2 Contract clauses

The College's standard contract used for Subcontracting provision also has clauses to mitigate risk associated with contract termination:

- 3.2.1 The Subcontractor is required to have a Business Continuity Plan in place and

provide updates to the College.

- 3.2.2 The Subcontractor is required to work with the College in good faith to conclude any outstanding administrative, audit or other Learner requirements that may exist prior to the commencement of the following Academic Year to ensure Learners are able to continue with or start new Programmes with the College or any other third party.

4 BUSINESS CONTINUITY PLAN FOR SUBCONTRACTOR FAILURE

4.1 General principles

In the event of subcontracted provision being terminated for any of the reasons outlined in section 1.2, the College will, where possible, endeavour to work with the Subcontractor to effect a phased manner enabling the teach-out of existing learners by the current Subcontractor. However, the College recognises that events may occur when the Subcontractor ceases to operate suddenly or other circumstances bring about a sudden end of subcontracting arrangements, and that in such cases a collaborative gradual phase-out may not be possible and swift remedial action may have to be undertaken solely by the College.

In the event of subcontracted provision being terminated, action will be undertaken in accordance with the table below. The table below covers a generic worst-case scenario where action has to be undertaken solely by the College without any input by the current Subcontractor. In individual cases, actions will be adjusted depending on individual circumstances of each case.

4.2 Contingency plan

No	Item	Details of action	Lead
1.1	Communication (customers affected)	The College to provide timely updates to: a. Students b. Other relevant stakeholders affected by the programme delivery	Contract Manager (CM)

1.2	Communication (management information)	<p>The Senior Responsible Officer (SRO) to report regularly to:</p> <ul style="list-style-type: none"> a. Principalship - On the success of any transition arrangements and associated risk b. Governing Body – Both regarding the transition progress and as part of the risk register reporting c. Funding bodies (e.g. ESFA or GMCA - both in general terms and to share specific reporting documentation outlined in a. and b. above) 	Senior Responsible Officer (SRO)
1.3	Communication (customer relations)	<p>The College to appoint a dedicated Student communication manager, whose responsibility will be to ensure frequent and effective communication with students affected, to minimise disruption of their learning experience, respond to any queries or complaints arising, and provide assurance that students will not be adversely affected by the transition and will be able to complete their studies with The Manchester College or another suitable alternative provider.</p>	VPTSH
2.	Delivery (alternative provider identified)	<p>The College identifies a suitable alternative provider to take over the delivery, which would be either the College or another Subcontractor to the College.</p> <p>In the unlikely event of students not being able to complete their programme of study on The Manchester College provision (direct or subcontracted) during any teach out period, the College would employ measures to facilitate student transfer to other providers to complete their studies.</p>	SRO
3.1	Resources (delivery)	<p>The College either:</p> <ul style="list-style-type: none"> a. Redeploys existing staff or recruits new staff and issues contracts of employment (if the delivery is to be taken over by the College) 	SRO/CM

		<p>Or</p> <p>b. Carries out due diligence and issues a contract to a new Subcontractor (if the delivery is to be taken over by another Subcontractor). To ensure a speedy process whilst ensuring compliance, the College may, for example, use information from any relevant previous tenders that are recent enough to provide satisfactory assurances of an alternative Subcontractor.</p>	SRO
4	Certification	<p>a. The College to transfer learner registrations with the awarding body under the College centre number (for delivery by College)</p> <p>Or</p> <p>b. The College to support the new Subcontractor with the process of transferring learner certification registrations onto the Subcontractor's centre number</p>	CM
5	Data Protection	The College to ensure that any student personal data held by the outgoing Subcontractor will be transferred, archived and/or destroyed as relevant in accordance with current GDPR legislation.	Data Services, Data Protection Officer
6	Monitoring and control	<p>The SRO to introduce and extra level of scrutiny, both for the transition phase and to oversee the new delivery once started. This could include, for example:</p> <p>a. Regular and frequent review meeting with the delivery manager and team</p> <p>b. The appointment of dedicated intervention manager to resolve swiftly any issues emerging</p>	SRO

4.3 Plan review

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

4.3.2 Any changes to this plan that are required mid-contract will be discussed with Subcontractors.

4.4 Plan publication

4.4.1 This plan will be published on the College's external website.