

Contract Management Standard (Subcontracting Information Source)

Curriculum Delivery: Subcontracting and Collaboration Agreements

1. Purpose and Commitment

- 1.1. Loughborough College, trading as the Loughborough College Group, provides high-quality education across a very wide range of curriculum areas and levels, including A Levels, T Levels, BTEC and vocational qualifications, apprenticeships and degree-level provision.
- 1.2. The vast majority of this provision is delivered directly by Loughborough College staff. In some circumstances, it is appropriate to involve other providers in the delivery of elements of the curriculum, or to provide extra-curricular opportunities for learners. The College also provides education on behalf of other providers.
- 1.3. These types of collaboration in curriculum delivery take place within overlapping frameworks of internal control and external regulation, including by the Department for Education (DfE), Office for Standards in Education, Children's Services and Skills (OFSTED), Office for Students (OfS), and Awarding Bodies, as well as procurement rules.
- 1.4. This Contract Management Standard will be reviewed annually or following significant changes to the regulatory framework.
- 1.5. For subcontracted Higher Education provision, this Contract Management Standard incorporates the single Subcontracting Information Source (SIS) required by OfS condition E10. To the extent that any provision of this Contract Management Standard relating to HE subcontracted provision conflicts with the minimum content requirements of OfS Condition E10, the minimum content requirements (found here) take precedence. The College will retain

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the pre-existing version of this SIS for a minimum period of five years following changes being made to it.

2. Scope

2.1. This Contract Management Standard sets out the College's framework for subcontracting and collaborative arrangements in curriculum delivery. It reflects the requirements of internal and external regulatory guidance, including:

- [Subcontracting Standard - Subcontracting Assurance Arrangements for All Post-16 providers](#), as amended (DfE)
- [Subcontracting Funding Rules for DfE Funded Post-16 Funding](#), as amended (excluding apprenticeships) (DfE)
- [Apprenticeship Funding Rules](#), as amended (DfE/DWP)
- [Adult Skills Fund: Funding and Performance Management Rules](#), as amended (DfE/DWP)
- [Conditions of Registration](#), as amended esp. E10 (Office for Students)
- [Procurement Act 2023](#), and any regulations made thereunder, as amended
- [Financial Regulations](#) (Loughborough College)

2.2. This policy applies to Loughborough College Group, its colleges, and its subsidiaries.

3. Definitions

3.1. Definitions are intended to help readers understand this guidance document and should be interpreted in a reasonable and supportive way, rather than used to make assumptions about individuals or situations. Where there is uncertainty about how a term should be understood, individuals are encouraged to seek clarification from the College Group.

Key Term/Acronym	Definition
"Collaboration"	Working together with an external partner where the College provides all of the curriculum delivery and the partner provides additional services, opportunities, extra-curricular activities or premises (as distinct from sub-contracting, where the partner provides some/all of the curriculum delivery).

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“Due Diligence”	Checks carried out by the College on a potential or existing partner, to discover and evaluate any financial, quality, delivery, compliance or reputational risks associated with that partner or its key personnel, including risks to students and/or the public purse. The extent and frequency of due diligence checks may be prescribed by regulatory requirements.
“Lead Provider”	The organisation directly in receipt of funding from government, from a commissioning body or from learners themselves, to deliver education, and accountable directly to the funding provider for the use of that funding. Usually this will be the College but may be another provider where provision is subcontracted in for delivery by the College.
“Partner / Partnership”	An organisation that the College works with as a party to a subcontract or collaboration agreement. “Partner” and “partnership” are used here in the broadest sense and do not under any circumstances signify that the College and the other organisation have joined together to create a new trading body (formal legal partnership).
“Prime”	Has a similar meaning to Lead Provider
“Subcontract”	Formal contractual arrangement for the engagement by one organisation (A) of another organisation (B) to deliver some or all of organisation A’s teaching, learning and assessment responsibilities to one or more groups of learners. Where the College is “organisation A”, this will be subcontracting out; where the College is “organisation B”, this will be subcontracting in. Where there is no TLA delivery by organisation B, this is referred to locally as collaboration not subcontracting.
“Subcontracting In”	Engagement of the College by another organisation to deliver some or all of that organisations TLA responsibilities in respect of one or more learners.

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“Subcontracting Out”	Engagement by the College of another organisation to deliver some or all of the College’s TLA responsibilities in respect of one or more learners.
“Subcontractor Declaration”	Formal return made to DfE by the College as prime setting out the details of any subcontracting out arrangements made by the College for DfE-funded delivery.

- 3.2. Unless the context requires otherwise, singular words include the plural and vice versa, references to a person include an individual or legal entity, and references to legislation include any amendments or replacements.
- 3.3. The terms "including", "include", and similar expressions are illustrative and do not limit the meaning of the preceding words. References to the Group or College refer to all parts of the group.

4. Roles & Responsibilities

Role	Position	Responsibility
Accounting Officer	Group CEO	Responsible to Parliament for proper use of public funds; manages Executive leads for contracts and for curriculum
Executive Lead for Contracts	Director of Governance & Legal Services	Executive responsibility for contracts management and contracting arrangements, contract signatory
Executive Lead for Curriculum	Deputy CEO/Executive Principal	Executive responsibility for curriculum design and delivery and for quality management; Business case sponsor; Senior Responsible Owner
Senior Contracts Manager	Contracts & Governance Manager	Oversight and coordination of contracts management; Contract Manager

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Contracts Officer	Contracts & Governance Manager / Contracts & Governance Officer - Legal	Day to day contracts management, preparation of contracts, tracking of performance, authorising payment
Contract Administrator	Contracts & Governance Officer / Business Administrator - Legal	Collation and updating of due diligence, maintaining tracking system, filing system
Curriculum Head of Department	Director of Sport / Head of Sixth Form / Assistant Principal for Apprenticeships	Budget holder, relationship development/new opportunities, issue resolution
Curriculum Partnership Manager	Deputy Head of Sport / Deputy Head of HE / Curriculum Head / Elite Sport Manager / Business & Dev Manager / HE Partnerships Manager	Liaison with contractor, ongoing monitoring of provision "on the ground".
Curriculum Administrator	Administrator / Senior Administrator	Enrolments, recording of learner hours, purchase orders
Quality Manager	Vice Principal – Learner Services & Quality/Head of Quality	Inspection and monitoring of quality of contracted delivery
Executive	Executive	Approval of business case for new contracted delivery or significant changes; monitoring of contracted delivery outputs and performance
Governors	Governor committee / Board	Approval of Subcontracting Policy, List of approved subcontractors, Subcontracting Fees & Charges Policy; governance oversight of contracted delivery outputs and performance; review of audits against Contract Management Standard

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5. Types of Arrangements

- 5.1. The following descriptions are the College's classification of contract types, used as a basis for identifying contract templates, monitoring and reporting arrangements. These are not sector-wide descriptions and may not be externally understood.

Contract Type	Definition
DfE Subcontract (out)	Engaging external partner to deliver part or whole of College's responsibility for DfE-funded teaching/learning/assessment for 16-19 (including DiSE), ASF or Apprenticeships. Contract requirements and regulatory framework may vary between funding streams. College as Prime/Lead Provider remains responsible for delivery, contract management and reporting.
DfE Subcontract (in)	Engagement by external partner to deliver part or whole of their DfE-funded teaching/learning/assessment, for 16-19 (including DiSE), ASF or Apprenticeships. Contract requirements and regulatory framework may vary between funding streams. College is the subcontractor. External partner as Prime/Lead Provider remains responsible for delivery, contract management and reporting.
FE Collaboration Agreement	Engaging external partner to provide additional services, opportunities, extra-curricular activities and/or premises to enhance the curriculum or as part of blended provision, in each case where the services fall outside of DfE funding or subcontracting rules.
FE Subcontract (in)	Engagement by external partner to deliver part or whole of an FE qualification to learners, where non-DfE-funded learners (e.g. international) are either enrolled with the partner or enrolled at the College but funded via the partner.
HE Delivery Contract	Engaging external partner to deliver whole or part of College's responsibility for HE teaching/learning/assessment, including (but not limited to) all HE subcontracted arrangements within scope of OfS Condition of Registration E10. The partner may also

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	provide additional services etc described within HE Collaboration Agreement below.
HE Collaboration Agreement	Engaging external partner to provide additional services, opportunities, extra-curricular activities and/or premises to enhance the curriculum or as part of blended provision or may engage in recruitment on behalf of the College.
HE Contracting In	Engagement by external partner to deliver whole or part of an HE qualification to learners, where either the learners are enrolled with the partner or are enrolled at the College but funded via the partner.

5.2. Contracts considered out of scope:

Contract Type	Definition
Consultancy Agreement	Using agency staff or consultant working under College's direct management or control in similar way to a College employee.
Delivery support contract	Engaging external person or organisation, not to deliver teaching/learning/assessment but to provide services or resources to enable delivery by the College, e.g. curriculum design, staff training, IT platform.
Bespoke contracts	Contracts drafted for specific purposes to enable community work and partnerships.

6. Policy Impact Assessments

- 6.1. This document has been assessed for its impact on equal opportunities and will be informed by the aim to eliminate all forms of discrimination in all strands of the equal opportunities' legislation.
- 6.2. This document has been assessed for potential risk on data subjects due to the processing of personally identifiable information. All processing has been reviewed and is in line with all current Data protection laws and appropriate safeguards implemented to ensure that the policy has privacy by design as its underlying approach.

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- 6.3. This document has been impact assessed where appropriate for Safeguarding, Health and Safety and Sustainability Factors to ensure that all potential risks are identified and mitigated, and that the policy supports a safe, inclusive, and environmentally responsible learning and working environment.

7. Identifying Business Need

- 7.1. The College will only enter into a subcontract or collaboration agreement for curriculum delivery where this meets the needs of the curriculum. The Executive Lead for Curriculum or Curriculum Head of Department will first identify where a new strand of delivery, growth of existing provision or a change of delivery model is required and will then consider how best that need will be met. Proposals will be considered in the light of the College's Strategic Objectives, Leadership Business Plan and relevant Curriculum Plans. The proposal will require Executive approval, whatever the delivery model.

8. When to work with others

- 8.1. Delivery should normally be by the College. DfE expects that colleges will minimise subcontracted provision of DfE-funded delivery. Regardless of funding stream, subcontracting is only appropriate where ALL of the following five requirements are met:

- 8.1.1. It meets one or more of the following aims, which cannot better be met by direct College provision:

- Enhancing the opportunities available to learners.
- Filling gaps in niche or expert provision or provide better access to facilities.
- Supporting better geographical access for learners.
- Supporting an entry point for disadvantaged groups.
- Supporting individuals who share protected characteristics, where there might otherwise be gaps.

- 8.1.2. The College has staff with the knowledge, skills and experience successfully to select contractors, contract with, and actively manage the contractors.

- 8.1.3. The College has determined through due diligence that:

- the intended delivery arrangement would be of high quality, with effective assessment, robust awarding processes and positive outcomes,

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- the intended partner has sufficient capacity and resources to deliver their contractual obligations
- the intended arrangement represents low financial, reputational and organisational risk, and low risk to students and taxpayers

8.1.4. The intended delivery arrangement represents good value for money.

8.1.5. The intended delivery arrangement complies fully with DfE, OfS or other relevant regulatory requirements and that any necessary consents (e.g. DfE, Awarding Body) are obtained.

8.2. The College will not subcontract delivery for purely financial reasons, under any circumstances.

8.3. The business need for DfE and HE sub-contracting will be reviewed annually. The business need for other sub-contracting or collaboration will be reviewed prior to any decision to extend or re-let a contract.

8.4. Any proposal for new or significantly increased external delivery will require Executive approval.

9. Defining the College's requirements

9.1. After identifying the business need and the appropriateness of this being met through a subcontract or collaboration, the College needs to define more specifically the work to be carried out, through the development of a draft contract specification and schedules. This will be led by a Contracts Officer in consultation with the relevant curriculum partnership manager, based on an appropriate template where possible. The template will include all necessary requirements of this Contract Management Standard, the College's Financial Regulations, and the relevant DfE, OfS or other regulatory guidance and Subcontracting Standard. The draft contract will set out clearly, comprehensively, and unambiguously, the obligations of the parties to the agreement.

10. Selection

10.1. The Senior Contracts Manager will identify whether a selection process is to be carried out and, if so, the format of that process.

10.2. The Procurement Act 2023 requires a competitive procurement process to be undertaken for public contracts with an estimated value at or above £214,904 (excluding VAT). Where the estimated contract value meets or exceeds this threshold, the College will normally conduct a

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competitive procurement and publish a tender notice on the central digital platform for public procurement.

- 10.3. For light touch services, which include certain social, health, education and community services, the threshold is £663,540 (excluding VAT) or above. In such cases, the College will normally run a competitive procurement process and publish a tender notice.
- 10.4. The applicable procurement thresholds may be updated periodically.
- 10.5. Below this level, the College's Financial Regulations also contain requirements for written quotes to be obtained for contracts above £10,000 in value, with a written specification for any contract over £30,000. The approval of the Chief Finance & Operating Officer is required for contracts awarded without obtaining the relevant tenders or quotes required by Financial Regulations.
- 10.6. Some contracts by their nature are not suitable for a tender process. The Procurement Act 2023 permits a direct award without a competitive procurement procedure where only one supplier can supply the goods, services or works, including where competition is absent for technical reasons or where the protection of exclusive rights, including intellectual property rights, means that no reasonable alternative supplier exists. These grounds for use of the negotiated procedure without prior publication are likely to apply to DiSE subcontracting and to highly specialist local partnership delivery. In such circumstances, the College will ensure compliance with all applicable transparency requirements under the Act, including the publication of a transparency notice prior to award where required, and a contract award notice following the award of the contract. The approval of the Executive Lead for Contracts will be required before any contract can be negotiated under this exemption.
- 10.7. Tender
 - 10.7.1. Where a tender process is appropriate in relation to curriculum delivery, this will comply with the College's Financial Regulations. This will be commissioned by the Senior Contracts Manager, facilitated by the Procurement team, and will normally be conducted through a formal Invitation to Tender (ITT).
 - 10.7.2. The ITT will clearly set out:
 - the scope of provision, learner numbers, funding, and expected outcomes
 - the specification of services, including quality standards, compliance obligations, and key performance indicators

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- the contractual terms, including payment arrangements
 - the evaluation criteria and scoring methodology
- 10.7.3. Prior to issuing the ITT, there will be a rigorous selection stage which will capture the Due Diligence information required, together with information to demonstrate capability and experience to deliver the provision. This will include, as a minimum:
- financial standing and sustainability
 - evidence of compliance with DfE funding rules and audit history
 - safeguarding, Prevent, and equality compliance
 - quality assurance arrangements, including Ofsted grades where applicable
 - experience and track record in delivering similar provision
 - capacity and capability to deliver the proposed subcontracted services
- 10.7.4. The tender evaluation process will be undertaken in a transparent manner and will normally be based on the Most Advantageous Tender.
- 10.7.5. Evaluation will typically include:
- Quality assessment, covering delivery methodology, curriculum design, staffing and resources, learner support, quality assurance processes, and compliance with funding rules;
 - Commercial assessment, including price, cost transparency, and value for money;
 - Due diligence review, incorporating the completed selection questionnaire and any updated information;
 - Risk assessment, including financial risk, delivery risk, and compliance risk.
- 10.7.6. Weightings between price and quality will be defined in the ITT documentation and will reflect the College's priority to secure high-quality learner outcomes alongside value for money.
- 10.7.7. The evaluation panel, led by the Senior Contracts Manager, will score submissions against the published criteria using a consistent scoring framework. Moderation will

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be undertaken to ensure fairness and consistency, and a full audit trail of the evaluation process will be maintained.

10.7.8. The tender evaluation process will normally be based the Most Advantageous Tender, including a review of the subcontractor's completed selection questionnaire as well as their capability to control quality, delivery, quantity, price and all the other factors contained in the subcontract.

10.7.9. Following tender evaluation, and where appropriate, negotiation, the College will satisfy themselves that:

- An offer has been made which meets all its requirements in all respects including price and capability, and
- Is able to accept an offer and award the contract to the tenderer who meets the contract specification.

10.7.10. It may then move to the award stage or make an recommendation to the relevant Committee or the Corporation Board for approval.

10.8. No tender

10.8.1. Where a tender process is not appropriate, the identity of the proposed contractor is likely to be known in advance e.g. because they are the only body capable of carrying out the work in the circumstances. The College must, however, satisfy itself through due diligence that the proposed contractor is an appropriate body to contract with, and that the proposed contractor has the capability to control quality, delivery, quantity, price and all the other factors contained in the subcontract.

11. Due Diligence

11.1. Risk management is at the heart of an effective contracting process. The due diligence process ensures that the College knows in detail about the proposed contractor so that the College can avoid or manage financial, quality, delivery, compliance or reputational risks, including risks to students and to the public purse.

11.2. The following due diligence must be carried out before a decision is made to award a subcontract or to enter into a collaboration agreement:

11.2.1. Financial

- Audited accounts for the last 3 years

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- Companies House check including Parent Company where applicable
- Bank details on organisation letterhead*
- Employers liability insurance*
- Public liability insurance*
- Professional indemnity insurance*
- Persons of Control*
- High risk organisations check*
- Credit monitoring check*

11.2.2. Quality & Delivery

- Staff Matrix template completed*
- Details of any OFSTED or similar
- Ongoing training/development of staff
- Details of student outcomes
- End of year feedback/surveys/student feedback
- Location of delivery site(s)*

11.2.3. Regulatory & Compliance

- UKPRN
- Signed and Dated Health and Safety policy*
- Safeguarding policy*
- Equality and Diversity policy
- Data Protection policy
- Complaints policy
- Modern Slavery policy (if annual turnover is £36m or over)

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- DBS certificates for all Staff directly associated with the learners or Employer Declaration form (confirming DBS)*
- Conflicts of interest*

11.2.4. Reputational

- Web check
- Discussion with DfE where appropriate
- References where applicable

11.3. The following risks to students and the public purse must also be considered before entering into a subcontract or collaboration agreement:

- Misrepresentation/mis-selling of courses, charging excessive fees, non-compliance with consumer protection law
- Inappropriate recruitment to courses
- Low quality academic experience for students
- Poor student support/safeguarding
- Academic misconduct
- Lack of transparency over subcontracting arrangements or fee retention
- Discontinuity or failure of delivery arrangements
- Provision of public funding/student finance where student or provision is ineligible, including where inadequate or incorrect data collection/audit

11.4. Where the contract or collaboration agreement is re-let, the due diligence must be renewed or confirmed before the further award or extension. Where the contract extends or is extended beyond a single academic year, the due diligence marked with an asterisk must be renewed or confirmed at least annually. Where a partner operates a multi-year policy cycle, it may be acceptable for certain policies not to be updated every year, provided the most recent valid version is reviewed and deemed sufficient.

11.5. In exceptional circumstances, where a particular item of due diligence is unavailable for a genuine and documented reason, the Senior Contracts Manager may exercise discretion to accept the omission, provided that the decision and rationale are clearly recorded and retained on file. This shall not apply to financial matters.

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- 11.6. In any event, the contract must include a requirement for the contractor to provide updated due diligence information throughout the life of the contract, both as it becomes necessary (e.g. on expiry of insurance or adoption of new policy) and also on request by the College. The contract conditions must allow for the contract to be terminated in the event that the necessary due diligence information is not provided or is not satisfactory.
- 11.7. Throughout the contract operation, ongoing checks will be made by the Contracts Administrator on the contractor's financial performance by a credit monitoring service. Where necessary, any concerns identified will be recorded and monitored until they are resolved.
- 11.8. Where due diligence and pre-contract risk assessment identifies risks/concerns as low or normal, the risk will be addressed through standard contract clauses and routine contract management.
- 11.9. Where due diligence checks or risk assessment indicate a heightened risk/concern, either before award/renewal or during the lifetime of the contract, the Senior Contracts Manager will discuss this with the Curriculum Head of Department and, for financial issues, with the Chief Finance & Operating Officer (or their nominated representative). Where there is potential to resolve the issue by raising it with the contractor (e.g. to obtain updated insurance), the Contracts Officer will do so and will advise the parties of the successful outcome.
- 11.10. Where an issue relates to a contractor's policy or procedure which is not considered sufficient, the contractor will be asked to amend the policy or advised that the College's own relevant policy will apply to the contract. Where financial/credit checks indicate questions relating to a contractor's financial health, approval of the Chief Finance & Operating Officer must be obtained before the contract can be awarded/renewed; if such issues arise during the lifetime of the contract, the issue will be referred to the Chief Finance & Operating Officer, who may impose additional contract requirements or request contract termination.
- 11.11. Where the heightened risk/concern can be appropriately addressed through special contract conditions, these will be added to the contract as a pre-condition to approval, or as a variation to an existing contract.
- 11.12. Where a heightened risk/concern cannot be sufficiently addressed through any of the above measures, the proposed contract will not be entered into without specific Executive approval; for any current contract where heightened risk/concern cannot be sufficiently addressed, the Executive Lead for Contracts will consider contract termination or non-renewal, taking account

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of the risks of both termination and non-termination. Executive approval will be sought in all such cases.

- 11.13. Where an issue highlighted by due diligence checks relates to an extremist or High-Risk Organisation, or to a Person of Control deemed unsuitable, or to a contractor known to be working with other DfE-funded Lead Providers, or where a DfE contract is terminated, the Executive Lead for Contracts will notify DfE and take advice as appropriate.

12. Management Fees

- 12.1. Management Fees will be clearly defined across the full range of retained funding and charges. These fees will be formally approved at Board level and published on the College's website to ensure transparency.
- 12.2. Management Fees for publicly-funded provision will not exceed 20% of the funding value. Any proposal to exceed this threshold shall only occur in exceptional circumstances, with robust justification, and will be subject to additional scrutiny. In such cases, further information will be provided to the relevant regulatory body upon request.

13. Authorisation & Governance

- 13.1. In advance of the award of a new contract, the Senior Contracts Manager will draw up a contract management plan which determines how any new contract will work once it has been awarded. This will set out how the obligations of all the parties will be carried out effectively and efficiently. For existing contractual arrangements that are extended or renewed, the Senior Contracts Manager will review the existing contract management plan to ensure its continued relevance.
- 13.2. Until the College is satisfied through due diligence that the proposed contractor is appropriate, the proposed contractor cannot be permitted to undertake any activities that prejudice or presuppose the award of a contract, e.g. advertising or recruitment.
- 13.3. Under no circumstances can the proposed contractor carry out any delivery of their contracted provision until all parties have signed the contract. This does not apply to collaboration agreements or other partnership arrangements where the delivery start date is not controlled by the College.
- 13.4. If the proposed contractor and the Curriculum Partnership Manager agree that it is necessary for the proposed contractor to be able to carry out agreed non-delivery activities in preparation for the award of a contract (e.g. advertising of courses, holding recruitment

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events) then the Curriculum Partnership Manager will request the Senior Contracts Manager to prepare a Letter of Intent with Heads of Terms. This will confirm that it is the College's intention to contract with the proposed contractor on the basis set out in the Heads of Terms, subject to further due diligence and to any other steps/measures set out. Under no circumstances will this permit the proposed contractor to hold itself out as the College's agent or to commit the College to enrol any learner or to make any payment to the contractor or to any other person. The Letter of Intent will be authorised by the Director of Governance & Legal Services or the Chief Finance & Operating Officer.

13.5. Where appropriate, the College will obtain approval from the Department for Education or the Department for Work and Pensions for any agreed subcontracting arrangements relating to distance learning and whole programme subcontracting for 16-19, and will retain evidence to support such approval.

13.6. Executive

13.6.1. Any new subcontract (in or out) and any new collaboration agreement must be approved in advance by the Executive, based on a written business case. The business case will include the identified business need and rationale for contracting, how the proposal meets the College's Strategic Objectives, Leadership Business Plan, and relevant Curriculum Plan. The business case will set out the principal terms of the agreement, including payments to each party, min/max learner numbers, courses provided, delivery locations and success metrics. The business case will also set out the quality assurance arrangements, overheads, expected financial contribution, development potential, risks, and implications for wider College business (e.g. accommodation, international, exams, site approvals).

13.6.2. Any proposal to change the principal terms of an existing subcontract or collaboration agreement, such as a substantial change in learner numbers, a new delivery venue requiring site approval by a regulator, or a change to the income split or payment model, will require Executive approval. Minor changes (+/- 20% of learner numbers or contract value, cumulative in an academic year, or a new cohort of similar size to the previous year) do not require Executive approval.

13.6.3. Where possible, the Senior Contracts Manager will report at least twice annually to the Executive with details of the current subcontracts and collaboration agreements, including learner numbers, payments and contract progress, highlighting any issues with individual contracts.

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13.6.4. Contracts will be signed or executed in accordance with the approval limits in the Financial Regulations. Generally, the Director of Governance & Legal Services or the Chief Finance & Operation Officer will sign contracts below £150,000 and the Group Chief Executive will sign contracts over this value. Committee approval is required for subcontracts/collaboration agreements over £250,000, and Board approval for contracts over £500,000. Where contractual arrangements have been authorised by Committee or Board, either individually or as part of an annual approved list of contracting arrangements, the Director of Governance & Legal Services or the Chief Finance & Operating Officer can sign the contract under the Board's general authority, unless execution under seal is required.

13.6.5. Any heightened risk that cannot be addressed through contract conditions or other measures will require Executive approval before a contract can be entered into or renewed, or for decision whether or not to terminate an existing contract.

13.7. Governors

13.7.1. The role of governors generally is to set the financial and policy framework within which subcontracting and collaboration agreements are developed and managed, and to oversee and review high-level delivery outputs and performance. DfE also requires governor approval not just of the Subcontracting Policy and Fees and Charges Policy, but of the individual subcontractors of DfE-funded delivery. The College extends this requirement to obtaining governor approval for the list of all subcontracts and collaboration agreements (including contract values and learner numbers), whatever the funding source. This is for reasons both of transparency and because higher value contracts require governor approval under Financial Regulations in any event.

13.7.2. Specific governor oversight is as follows:

- Subcontracting Policy/Rationale - Corporation Board on recommendation of Finance & Resources Committee
- Subcontracting Fees & Charges Policy - Board on recommendation of Corporation Board on recommendation of Finance & Resources Committee
- List of approved subcontractors - Board on recommendation of Corporation Board on recommendation of Quality & Curriculum Committee (use of subcontractors should be curriculum-led)

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- Termination of any approved subcontract arrangements will be reported to Quality & Curriculum Committee
- Oversight of contracted delivery outputs and performance - generally, through Quality & Curriculum Committee and through review of Leadership Business Plan progress
- Ensuring compliance with OfS Conditions of Registration (including E10) - Board on recommendation of HE Panel and Audit & Risk Committee
- Three-yearly audits of compliance with DfE Subcontracting Standard, with OfS subcontracting requirements, and with the College's Contract Management Standard - reported to Audit & Risk Committee
- Oversight of risk posed by subcontracting arrangements to the interests of students or public purse, or to finances, reputation or organisation of the College - reported to Audit & Risk Committee through Risk Register

14. Conflicts of Interest

- 14.1. All senior College staff and all governors are required to declare any conflicts of interest annually, and as they arise. No individual with a conflict of interest can make decisions regarding the organisation or contract in respect of which the conflict arises and should declare that conflict in any discussions relating to the organisation or contract in respect of which the conflict arises. The College's policies on conflicts of interest are set out more fully in the Financial Regulations.

15. Creating the Contract

- 15.1. For contracts where the College is delivering on behalf of another organisation (Subcontracting in or HE Contracting in), the form of contract may be dictated by that other organisation. In such circumstances, the Senior Contracts Manager, with support from the Executive Lead for Contracts, will ensure that the draft contract is reviewed and that amendments are negotiated as appropriate to protect the College's interests. Such contracts will only be signed following clearance by/on behalf of the Executive Lead for Contracts, and only by an appropriately authorised person in accordance with the financial limits in the Financial Regulations.
- 15.2. For contracts where another organisation is delivering on behalf of the College (DfE subcontracting out, HE delivery contract) or for Collaboration agreements (FE/HE):

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- The Contracts Officer will create a template agreement, and will review such template at least annually, based on the general requirements of the College and ensuring that the relevant regulatory requirements in force for the relevant academic year are incorporated
- The Senior Contracts Manager / Executive Lead for Contracts will review and approve the template.

15.3. The relevant contract template will include the procedures for:

- the selection and admission of students on to a delivery programme
- the approval of a course for inclusion within the subcontract or collaboration
- ensuring that students have a high-quality academic experience, with appropriate resources, support and engagement, positive outcomes, effective assessment and recognised awards
- the ongoing monitoring of subcontracted or collaborative provision for compliance with regulatory requirements (DfE, OfS or other)
- ensuring that the College has access to accurate data held by the Partner about relevant students
- how the College checks the information provided or held by the Partner about students and provision
- the prevention, identification and management of academic misconduct
- protecting the interests of students in the event of poor performance by a Partner, or the failure of the subcontract or collaboration arrangements
- dealing with complaints, whistleblowing and conflicts of interest
- managing and mitigating against contractual risks, including financial, quality, delivery, compliance and reputational risks, and risks to students or the public purse
- The Contracts Officer will populate individual agreements based on:
 - the relevant template
 - the rationale for entering into the contract
 - the specification details provided by/on behalf of the Curriculum Head of Department

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- the details provided or confirmed during due diligence checks, ensuring that such details match those in the contract
- any changes or adaptations to the template previously agreed in respect of that contractor which remain relevant
- any special conditions which the Executive Lead for Contracts and Curriculum Head of Department have agreed should apply in respect of that contractor
- The contract shall clearly define roles, including the Senior Contracts Manager, Budget Holder, and the Senior Responsible Owner, where appropriate.
- Where the contract involves the processing or sharing of Personal Data, appropriate data protection provisions must be included, including lawful basis, retention periods, personal data breach reporting, and DPIA requirements where applicable. A separate Data Sharing Agreement may be established where the arrangements are too complex to be adequately addressed within the contract. However, where possible, data sharing provisions will be incorporated into the main contract.
- The Contracts Officer will issue a draft contract to the partner for review.
- Where any amendments are requested by the partner, the Contracts Officer will review the proposed amendments and consult with the Senior Contracts Manager and the Executive Lead of Contracts (and where appropriate, the Curriculum Head of Department) on the acceptability of the proposed amendments.
- The Contracts Officer will negotiate with the partner on any proposed amendments in line with the instructions and advice of the Senior Contracts Manager and the Executive Lead for Contracts, until the draft contract is finalised.
- When all of the due diligence checks have been completed and when the draft contract has been finalised, the Contracts Officer will issue the contract for execution, using the Signable platform or such other method as may be authorised.
- The Curriculum Head of Department will not permit the partner to commence delivery of any contracted delivery activities until the contract has been signed. Delivery by the College of the College's own responsibilities under a Contracting Out or Collaboration arrangement can commence prior to contract signature.

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16. Contract Management

- 16.1. Effective contract management ensures that learners receive high quality delivery, that public funds are well spent and achieve value for money, that the College's reputation is protected, that regulatory compliance is maintained, and that risks are identified and addressed at an early stage. This will include regular performance reviews with contractors, with improvement plans agreed where needed. Reviews will cover delivery, key requirements (including data security), and learner feedback.
- 16.2. The contract will set out the agreed performance and qualitative targets to be achieved throughout the contract life. It will also establish escalation thresholds to be applied where these targets are not met, ensuring timely and appropriate intervention.
- 16.3. Complaints will be included as part of performance monitoring and will be used as a key indicator in assessing delivery quality and overall contract performance.
- 16.4. Through an effective monitoring process, the College is able to monitor withdrawals against expected contract targets and provide an accurate position statement for contractors to enable accurate payments to be made against the payment plan. Achievements will also be closely monitored to ensure that full achievement and retention payments are only made on behalf of learners who achieve their full qualification. Where learners achieve some or none of their qualifications listed under the contract, but are retained until the end of their course, an agreed percentage of the achievement payment will be made.
- 16.5. Monitoring will also take account of relevant risks to students and taxpayers, in line with Condition E10 as set out in paragraphs 7.2 and 7.3 of this CMS.
- 16.6. In year and final reconciliation payments at the end of the contract are based on the contractor's performance against contractual numbers and other key performance indicators (KPIs) such as quality. If a contractor is underperforming against the agreed KPIs in regards to learner retention, achievement or learner satisfaction etc., and if discussions with the contractor do not initially improve the rate at which learners are engaging with the programme, monthly payments may be withheld or reduced until data can show that these improvements are being made.
- 16.7. In this case, it is important to keep communications open with the contractor and supporting them via quality assurance to ensure that the situation improves rather than the withheld payment being a cause of further underperformance. If underperformance continues then payments may be reduced, both in year and for the final achievement payment.

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- 16.8. In this context 'underperformance' or 'poor performance' is defined broadly to include performance by a delivery partner that creates risks like those set out in as set out in paragraphs 7.2 and 7.3 of this CMS.

17. Roles & Communication in Contract Management

- 17.1. The Curriculum Partnership Manager will monitor delivery of the contracted provision. They will maintain regular contact with the contractor's staff and, where appropriate, directly with the learners. The Curriculum Partnership Manager will carry out regular site visits to delivery locations, including some unannounced visits, and will keep records of the outcomes/matters raised during such visits.
- 17.2. The Curriculum Partnership Manager will also maintain oversight of the attendance, achievement, and satisfaction rates of relevant learners, assisted by central College systems and the contractor's own data.
- 17.3. Throughout the contract period, the Quality Manager (or representative) will visit the delivery venue(s), including at least one unannounced visit. The Quality Manager will also review performance data through the monthly Quality Scorecard and termly Performance Management Reviews (PMRs).
- 17.4. The Senior Contracts Manager will ensure that any financial risks are identified through ongoing financial health checks, as set out in the due diligence section of this document. The Senior Contracts Manager must ensure the College has up to date staffing records, any changes made to staffing, mandatory training, and up-to-date records/ documentation are consistent with the records the College has in relation to each contractor.
- 17.5. For DfE subcontracts, the contractor should be familiar with the DfE subcontracting rules and regulations and should maintain their own compliance. The Senior Contracts Manager will monitor the contractor's compliance with DfE rules and regulations.
- 17.6. The Curriculum Partnership Manager and the Quality Manager will provide feedback from their monitoring and oversight to the Senior Contracts Manager, through raising any significant issues as they arise. Any issues identified by the Senior Contracts Manager will similarly be discussed with the Curriculum Partnership Manager.
- 17.7. Where possible, the Senior Contracts Manager will prepare a report at least twice annually to the Executive, with details of the current subcontracts and collaboration agreements, including learner numbers, payments and contract progress, highlighting any issues with

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individual contracts and providing assurance generally of an effective system for contract management.

- 17.8. The College has clear procedures in place to ensure that no subcontracted DfE funding is awarded to extremist or High-Risk organisations. If any concerns are identified after a contract has been awarded, these will be reported straight away and appropriate action will be taken, which may include termination of the contract.

18. Developing the partnership

- 18.1. The Curriculum Partnership Manager may identify a business need or opportunity to develop the business relationship between the College and the contractor or may plan to develop an area which the contractor may be able to assist with. Additionally, through regular meetings with the contractor, the Curriculum Partnership Manager may become aware of the contractor's own plans, wishes or ability to develop the relationship. Either party may identify an opportunity to work collaboratively, for example on the joint delivery of staff training or the development of resources for the programme. Such opportunities are to be encouraged, where they are in the best interests of learners or otherwise meet the business needs of the College.
- 18.2. Where a change or opportunity is proposed by the contractor (and especially where this involves extra payment to the contractor or cost to the College), the Curriculum Partnership Manager will consider whether this is in line with the business needs of the College and the interests of learners.
- 18.3. Any proposal to change the contract (e.g. extra learners, new venue, additional services, contract extension) must follow the process for approval of contract changes set out elsewhere in this document.

19. Administration and Payments

- 19.1. The Senior Contracts Manager shall ensure that contracts are stored, logged, and easily accessible. Key contractual information is recorded to maintain up-to-date records and track key dates. For complex contracts, a summary and/or contract operations guide is produced.
- 19.2. There is a schedule of regular and ad hoc contract reporting, with appropriate documentation retained, including minutes of contract monitoring meetings.

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- 19.3. Mechanisms are in place to identify key contract trigger points, such as notice periods, to support effective contract management, and to ensure contracts are closed or terminated efficiently when required.
- 19.4. There is a process to accurately quantify subcontracting information reported to the DfE by the Senior Contracts Manager. Where there are significant changes to submitted declarations, an updated declaration is provided to the DfE at the earliest opportunity.
- 19.5. The Senior Contracts Manager shall ensure that robust processes are in place to monitor all financial payments relating to subcontracted provision. Payment mechanisms must be clearly documented and understood by all parties, including any incentives, penalties, and non-standard charges.
- 19.6. Payment processes shall be clearly defined and efficient, with appropriate invoice checks and authorisation controls applied prior to payment. Costs, including both delivery and contract management costs, must be mapped against budgets and correctly allocated.
- 19.7. Any changes to payments after contract award, including variations, shall be approved by the Senior Contracts Manager and must be made in accordance with contractual provisions, with clear evidence that value for money is achieved.
- 19.8. Payments shall only be made where there is evidence that the associated learning activity has been completed.

20. Changes

20.1. Variation / Extension:

20.1.1. Throughout the operation of a contract, a variety of changes may occur, including:

- number of learners (withdrawals or additions)
- unit price (changes to student funding rates e.g. DfE)
- delivery venue
- regulatory requirements (e.g. new mandatory terms to be included in subcontracts)
- key contacts
- additional services

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- contract end date

20.1.2. Any proposal to change the principal terms of an existing subcontract or collaboration agreement, such as a substantial change in learner numbers, a new delivery venue requiring site approval by a regulator, or a change to the income split or payment model, will require Executive approval. Minor changes (+/- 20% of learner numbers or contract value, cumulative in an academic year, or a new cohort of similar size to the previous year) do not require Executive approval.

20.1.3. Any changes to any of the above terms of the contract, including the details set out in the contract schedules, will need to be set out in a Contract Change Note (CCN). The CCN will be prepared by a Contracts Officer in consultation with the Curriculum Partnership Manager or Curriculum Administrator, depending on the nature of the change. The CCN will describe the change and set out any new contract terms to be included. The CCN will then be signed by the contractor's authorised representative named in the contract and by the Executive Lead for Contracts or Chief Finance & Operating Officer. Where the change results in a change to the payment plan, the Curriculum Partnership Manager will notify the finance department of the impact of the change to authorise the revised payments.

20.1.4. Where the change results in a contract extension, the Senior Contracts Manager will ensure that the due diligence information from the contractor is refreshed as appropriate.

20.2. Termination:

20.2.1. Either the College or the contractor may terminate the contract prematurely, in accordance with the terms of the contract. This could be due to:

- contractor's inability to trade or provide the services (e.g. insolvency/regulatory intervention)
- a fundamental breach of contract by one party
- a less serious breach of contract which has not been remedied
- other reasons (such as "Act of God" / frustration of contract)

20.2.2. Where contract monitoring by the Senior Contracts Manager or the Curriculum Partnership Manager indicates that a breach may have occurred or that other circumstances have arisen such that notice should be served, they will consult with

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each other and with the Executive Lead for Contracts to agree the way forward. Any notice of breach or termination to be served by the College must be authorised by the Executive Lead for Contracts. The contract will provide that notice of any breach must be given in writing, which in the College's case will be to the Executive Lead for Contracts.

- 20.2.3. The contract terms and/or the contract management plan will set out the steps to be taken on termination of a contract for whatever reason, including steps to protect any learners whose delivery will be affected by the termination, and steps to deal with outstanding monies between the contracting parties. Steps to protect learners affected by the termination will normally include direct delivery by the College, or where appropriate, transfer to a suitable alternative course delivered by another provider.

21. Complaints & Whistleblowing

- 21.1. The College's Complaints Policy & Procedure (as updated from time to time) applies to any complaints in relation to subcontracting or collaboration arrangements. The current policy can be accessed [here](#).
- 21.2. The College's Whistleblowing Policy also applies, and can be accessed [here](#).

22. Related Documents

- 22.1. This document should be read with:
- Using Education Agents for International Student Recruitment
 - HE Academic Misconduct Policy
 - Complaints Policy
 - Whistleblowing Policy
 - Privacy & Personal Data Protection Policy

23. Document Access

- 23.1. This document can be found on the College Group's website and on the Document Control SharePoint.

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24. Review and Continuous Improvement

- 24.1. The College Group is committed to actively periodically reviewing its documents in line with legislation and best practice, to ensure they remain accurate, transparent, compliant, inclusive, effective, and supportive.

25. Change Log

Date	Version	Details of Change	Reviewer
August 2026	1.1	Expansion of data sharing requirements under 15.3, amendment to 11.2.2 around due diligence.	Contracts & Governance Manager

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