



# Education & Skills Funding Agency

## Apprenticeship funding rules August 2019 to July 2020

### Summary of changes

#### *Introduction*

- 1. This document sets out amendments to the following documents:*

  - Apprenticeship funding rules and guidance for employers August 2018 to July 2019 version 2*
  - Apprenticeship funding rules for employer-providers August 2018 to July 2019 version 2*
  - Apprenticeship funding rules for training providers August 2018 to July 2019 version 2*

- 2. The funding rules form part of the terms and conditions for the use of funds in an employer's apprenticeship service account or for government-employer co-investment. You must read them in conjunction with your funding agreement with the Secretary of State for Education (acting through the Education and Skills Funding Agency (the ESFA), an executive agency of the Department for Education).*
- 3. These rules will apply to all apprenticeship programmes starting on or after 1 August 2019. Unless otherwise stated, this includes both apprenticeship frameworks and standards.*
- 4. We have identified the rules in the 2019 to 2020 funding rules clarification version that have changed from the 2018 to 2019 funding rules in the table below. The employer, employer-provider and provider paragraph numbers are denoted with the prefix E, EP or P respectively.*
- 5. This document is intended as a summary and does not replace the funding rules themselves. You should refer to the main funding rules document for the definitive rules.*

## **Summary Note:**

On the 4 July 2019 we published a clarification version of the 2019 to 2020 funding rules. Along with that version of the rules we also published a summary of changes, to make it easy to identify the differences between the 2018 to 2019 and the 2019 to 2020 rules.

We published a clarification version to provide the sector with an opportunity to feedback on any areas of the 2019 to 2020 rules that we could make even clearer before the final version was issued. We have now published final version 1 of the 2019 to 2020 rules and this summary of changes includes the additional amends that have been made following the clarification exercise

There are some policy changes, however the majority of changes have allowed us to simplify some of sections of the apprenticeship funding rules with the aim of making them clearer.

The 2019 to 2020 funding rules have also been restructured for ease of understanding. This includes a restructure of the evidence pack and moving sections (e.g. recognition of prior learning and experience into the 'What is an apprenticeship?' section).

## **Terminology:**

New Rule:

- We use this term to describe new rules that are developed in line with new policy, changes to existing policy, or changes to operational processes. The term describes new actions we expect a relevant individual or organisation to undertake in order to be compliant.

Clarification:

- We use this term to describe the rewording of existing rules for ease of understanding or for the inclusion of a rule that explicitly states, reinforces or emphasises the implicit actions that should already be taken in order to be compliant with the entirety of the funding rules.

Restructure:

- We use this term to describe areas where we have moved rules for ease of understanding.

New Content:

- We are introducing new tools to help articulate the rules. We will use this term to confirm when we have added something new.

## Summary of Changes.

Section	Change	Paragraph number
<b>Title Page</b>	<p>The title of the apprenticeship funding rules for training providers has been changed to apprenticeship funding rules for main providers.</p> <p>This more accurately reflects the relationship the Education and Skills Funding Agency has with providers and who we hold accountable for upholding the rules within this document.</p>	-
<b>Introduction and purpose of the document</b>	<p><b>New Rule:</b> Apprenticeship delivery must not take place without approval from an associated regulatory body where this is needed.</p> <p>The funding rules have been updated to reflect that some occupations require the training provider to be approved by a regulatory body before being able to deliver apprenticeships.</p>	P14 EP15 E11
<b>Programme eligibility</b>	<p><b>Restructure:</b> The title of the section has been changed from “what is an apprenticeship” to “programme eligibility” to more accurately reflect the contents.</p>	-
<b>What is an apprenticeship</b>	<p><b>Restructure:</b> The sub-title “a job with training” has been changed to “what is an apprenticeship” to more accurately reflect the contents.</p> <p>The section has also been restructured to aid understanding to act upon user feedback.</p>	-
<b>Apprenticeship agreement between the employer and the apprentice</b>	<p><b>Clarification:</b> An incomplete apprenticeship agreement means an apprentice is not working under an approved English apprenticeship.</p> <p>The funding rules have been updated to confirm that where an apprenticeship agreement is incomplete the apprentice does not have a valid agreement and will not be eligible to receive funding.</p>	P26 EP26 E20
<b>Off-the-job training</b>	<p><b>Clarification:</b> The off-the-job training section has been updated, using the terminology found in legislation, to further aid understanding.</p>	-
	<p><b>New Rule:</b> For new starts from 1<sup>st</sup> August the number of planned off-the-job training hours, for the full apprenticeship, must be documented on the individualised learner record.</p>	P52 EP52 E45

	More information on how to do this can be found on the <a href="#">ILR page</a> on GOV.UK	
<b>Recognition of prior learning and experience</b>	<p><b>Restructure:</b> The sub-title of the section has been changed from “accounting for prior learning” to “recognition of prior learning and experience” to more accurately reflect the contents.</p> <p>This section has also moved from the “paying for an apprenticeship” section to the “programme eligibility” section.</p>	-
<b>The commitment statement between the employer, apprentice and main provider</b>	<p><b>Clarification:</b> The commitment statement section has been updated to further aid understanding. This includes the use of the terms:</p> <ul style="list-style-type: none"> <li>- normal working hours; and</li> <li>- practical period of training.</li> </ul> <p>A rule has been removed from this section to reflect that it is no longer necessary to include confirmation of funding sources.</p>	-
	<p><b>New Rule:</b> A link to the commitment statement template has been added.</p> <p>It can be found on the <a href="#">off-the-job training</a> section of GOV.UK.</p>	P66 EP67 E57
<b>Who can be funded?</b>	<p><b>New Rule:</b> The rule on funding for concurrent programmes has been expanded and moved into “individuals who are not eligible for funding”.</p> <p>The rule has also been expanded to allow an individual to attract funding for an apprenticeship and some AEB funded provision concurrently.</p>	P79 EP80 E67
<b>Apprentices who need access to learning support</b>	<p><b>Clarification:</b> Learning support can be used to support identified learning needs directly associated with an apprenticeship, including costs associated with meeting those identified needs in end point assessment.</p>	<b>New for version 1</b> P81 EP82 E69
<b>Eligible costs</b>	<p><b>Clarification:</b> The eligible costs section has been updated, expanding on the existing information, to further aid understanding.</p>	-
	<p><b>New Rule:</b> From 1st October 2019, new standards must have an EPAO in principle in place before Public funding can be accessed for new apprentices.</p>	<b>New for version 1</b> P98 EP91 E81
<b>Additional payments</b>	<p><b>Clarification:</b> The definition of a child in care has been updated to confirm that a child must have been in the care of a UK local authority.</p>	P109 EP102 E91
<b>Support for English and maths training</b>	<p><b>New content:</b> A flowchart has been created and added into the funding rules to help you find out what training your apprentice should do.</p>	-

	This flowchart supports the English and maths rules and should be used alongside them.	
<b>End-point assessments</b>	<b>Clarification:</b> The end-point assessments section has been updated to further aid understanding and to reflect information shared out with the funding rules.	-
	<b>Clarification:</b> The employer-provider rules have been updated to show that providers can act as a proxy employer for redundant apprentices.	EP140.3
<b>Contracting and subcontracting</b>	<b>New Rule:</b> A statement of expectations is required when working with subcontractors as detailed in the new <a href="#">guidance</a> published in May 2019.	P170, 179, 180.8, 190 E140, 141, 145.8
	<b>New Rule:</b> The subcontracting rules have been updated to reflect the new register of apprenticeship training provider conditions including the types of delivery subcontractors that can be used to deliver apprenticeships.	P172, 193, 195 EP156, 170, 172 E142
<b>The price of an apprenticeship</b>	<b>Clarification:</b> Rule amended to clarify that the ILR field should be left blank until the price of the end-point assessment has been confirmed.	P203.2 EP184.1
<b>Qualifying days for funding</b>	<b>Clarification:</b> A rule, to confirm that a learner should not be added to the ILR if they have withdrawn without completing one episode of learning, has been added to mirror requirements set out in the <a href="#">Provider Support Manual</a> .	P226 EP207
<b>Apprenticeships funded by transfers of levy funds</b>	<b>Clarification:</b> The rules have been updated to confirm when a transfer of funds can be used. If an apprentice is changing employer, then the new employer can agree with a Sending Employer to use a transfer of levy to continue to fund the apprenticeship	<b>New for version 1</b> P233 EP214 E185
<b>Change of circumstance</b>	<b>Clarification:</b> The change of circumstance section has been updated to reflect the position on unemployment, as detailed elsewhere in the funding rules.  This section now confirm where an apprentice is no longer employed they cannot continue with their apprenticeship (with the exception of redundancy).	P249 EP248 E220
	<b>Clarification:</b> Following user research it was clear that more information around breaks in learning would be beneficial so we have clarified what a break in learning is and how to record a break in learning accurately.	P250 EP249 E221
	<b>New content:</b> A flowchart has been created and added into the funding rules to help you find out what to do if your apprentice wants to take a break in learning.	-

	This flowchart supports the rules on break in learning and should be used alongside them.	
	<b>Clarification:</b> The actions have been updated to include confirmation of what needs to happen if an apprentice is changing employer and the apprenticeship is now being funded by a transfer of levy, or continuation of funding via transfer.	<b>New for version 1</b> P275.5 EP267.5 E239.5
	<b>Clarification:</b> Information has been added and updated throughout the change in circumstance section to clarify the action taken, within the apprenticeship service, when a specific change of circumstance occurs.	-
<b>Evidence Pack</b>	<b>Restructure and Clarification:</b> The rules have been updated to give more information into the evidence that must be held within the evidence pack. The section has also been restructured to reflect the new structure of the funding rules.	-
	<b>Clarification:</b> That the evidence requirements, for off-the-job training, relate to quantitative evidence but providers may also wish to keep qualitative evidence for other purposes.	<b>New for version 1</b> P289.7 EP276.6
<b>Glossary</b>	<b>New Content:</b> New terms have been added to the glossary.	-