



Education & Skills  
Funding Agency

# Apprenticeship funding rules for main providers

August 2020 to July 2021

## Version 5

This document sets out the funding rules for all main providers delivering apprenticeships from 1 August 2020 to 31 July 2021.

[View other apprenticeship funding rules](#)

## April 2021

Of interest to colleges, independent training providers, higher education institutions and employers delivering training to staff outside of their organisation.

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## Introduction and purpose of the document

### New for 1 August 2020

We recognise that apprentices, employers, main providers and end-point assessment organisations continue to be affected by the impact of coronavirus (COVID-19). The temporary flexibilities that we are making to the apprenticeship programme during the coronavirus (COVID-19) outbreak are set out in the latest guidance which can be accessed on the GOV.UK page under "[providing apprenticeships during the coronavirus \(COVID-19\) outbreak](#)".

**P3** - New content: We have added a link to the new 20/21 Provider Support Manual.

**P14** - New rule: From 1 August 2020, all new apprentices must start on [apprenticeship standards](#). Existing learners on apprenticeship frameworks will still be able to complete their framework providing they started on or before 31 July 2020. For operational reasons, it is our intention that these learners complete their apprenticeship framework by 31 July 2025 (accounting for any breaks in learning).

### Updated October 2020

**P13** - New rule: To clarify that the 2020/21 funding rules apply to all apprenticeship programmes starting on or after 1 August 2020, with the exception of the new redundancy arrangements described in P306 to P307 which will apply to all redundancies that occur on or after 15 October 2020, irrespective of the apprentice's start date.

### Updated March 2021

**P13.2** - New rule: To reflect the Functional Skills Qualifications temporary flexibilities rules outlined in paragraphs P160 to P170, which describe the temporary arrangements for eligible apprentices to take their end-point assessments before achieving their functional skills qualifications. These rules apply to all active apprentices, irrespective of their apprenticeship programme start date which may be in a previous funding year.

### Updated April 2021

**P15** - New rule: To reflect that from 1 April 2021, all new apprentice starts with both levy and non-levy paying employers must be funded through the apprenticeship service.

- P1** This document sets out the funding rules for main providers delivering apprenticeship training and on-programme assessment for employers under the apprenticeship programme from 1 August 2020.
- P2** Main providers delivering to their own staff must follow the [employer-provider rules](#) and only claim actual costs.
- P3** You can find details on the features of the apprenticeship funding system, including how we will calculate funding for organisations receiving funding from us, in the [Apprenticeship Technical Funding Guide](#). You can also use the [Provider Support Manual](#) which provides additional guidance to support you to meet the requirements for Individualised Learner Record (ILR) data returns. The document includes

detailed guidance and examples for completing the ILR for different types of learning provision and in different scenarios, in some cases worked examples relating to funding are provided.

- P4** We use the term 'you' to refer to the 'main provider', that is, any organisation holding a funding agreement with us through which we directly route funds from an employer's apprenticeship service account or government-employer co-investment. The main provider will have the overall responsibility for the training and on-programme assessment conducted by themselves and their delivery subcontractors, and have a contractual relationship on behalf of the employer for the end-point assessment conducted by an end-point assessment organisation. The payment for the end-point assessment organisation is through the main provider.
- P5** The terms 'we', 'our', 'us', and 'ESFA' refer to the Education and Skills Funding Agency.
- P6** These rules form part of your 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).
- P7** The ESFA may make changes to these rules at any time.
- P8** You must operate within the terms and conditions of your funding agreement, which includes these rules and the [individualised learner record specification](#). If you do not, you will be in breach of your funding agreement with the ESFA.
- P9** If you breach your funding agreement, we reserve the right to take action.
- P10** We will review and monitor whether the training you provide represents good value for money. If we consider that the funds in an employer's apprenticeship service account, or government-employer co-investment, we have provided are significantly more than the cost of the education and training, we may reduce the amount of funding we pay you after consulting with you.
- P11** We may take action including the recovery of all or part of the government funding from you if we are satisfied that there has been a breach of the funding rules. This includes where claims are made for funding through the employer's apprenticeship service account, government co-investment or additional payments to which you and/or the employer are not entitled.
- P12** You can contact us through our [enquiry form](#). You can also contact your provider manager/adviser.
- P13** These rules will apply to all apprenticeship programmes starting on or after 1 August 2020, with the following exceptions:
- P13.1** The redundancy rules outlined in paragraphs P306 to P307, which describe the arrangements for any redundancy that occurs on or after 15 October 2020. These rules will apply irrespective of the apprentice's start date and will include existing learners who started their apprenticeship programme in previous funding years.

**P13.2** The Functional Skills Qualifications temporary flexibilities rules outlined in paragraphs P160 to P170, which describe the temporary arrangements for eligible apprentices to take their end-point assessments before achieving their functional skills qualifications. These rules apply to all active apprentices, irrespective of their apprenticeship programme start date which may be in a previous funding year.

**P14** From 1 August 2020, all new apprentices must start on apprenticeship standards.

**P15** From 1 April 2021, all new apprentice starts with both levy and non-levy paying employers must be funded through the apprenticeship service. Employers who do not pay the levy can reserve funds using the apprenticeship service to access apprenticeship funding. More information on reservation of funds can be found in [Apprenticeship funding in England from April 2021](#) and paragraphs P251 to P265 of this document.

**P16** Any apprenticeship which started before 1 August 2020 will continue to follow the [rules](#) in force at that time. These can be accessed on GOV.UK.

**P17** Some occupations require the training provider to be approved by a regulatory body before being able to deliver training for the apprenticeship. We may take action to recover apprenticeship funding where you have delivered training but do not have the necessary approval.

**P18** The performance-management arrangements are set out in the [Apprenticeship Performance-management Rules for Training Providers](#).

## Relevant legislation

**P19** These rules constitute funding conditions made under section 101 of the [Apprenticeships, Skills, Children and Learning Act 2009](#) (ASCLA 2009), in connection with the Secretary of State's power to fund English statutory apprenticeships under section 100(1A) (as inserted by the [Enterprise Act 2016](#)).

**P20** These rules will make clear where necessary how they apply to English statutory apprenticeships taking place on apprenticeship standards.

## Recruit an apprentice

**P21** You must offer the employer the option of using the free [recruit an apprentice](#) tool for all new recruits into their business. It is not mandatory to use this service.

**P21.1** Where you advertise on recruit an apprentice, on behalf of the employer, you must make it clear in the advert how many hours the apprentice will be expected to work per week for the role and how long the apprenticeship will last. This must meet the minimum duration requirement (see paragraphs P37 to P47).

## Programme eligibility

### What is an apprenticeship?

#### New For 1 August 2020

**P23** - Clarification: To be clear what we mean by 'support and supervision'.

**P24** - Clarification: Requirements of the initial assessment have been made clearer.

**P25** - New rule (to aid the restructuring of the section): All apprentices must have an apprenticeship agreement or be covered by one of the exceptions.

- P22** An apprenticeship is a job with training. Through an apprenticeship, an apprentice will gain the technical knowledge, practical experience and wider skills and behaviours that they need for their immediate job and future career. The apprentice gains this through formal off-the-job training and the opportunity to practise these new skills in a real work environment (on-the-job training).
- P23** The job, in paragraph P22, must have a productive purpose and you must be satisfied that the employer is providing the apprentice with the appropriate support and supervision to carry out their job role and their apprenticeship. This includes the opportunity to embed and consolidate the knowledge, skills and behaviours gained through apprenticeship off-the-job training into the workplace.
- P24** You must conduct an initial assessment of the individual's abilities in line with the proposed apprenticeship. Your initial assessment must show that:
- P24.1** the individual requires significant new knowledge, skills and behaviours to be occupationally competent in the job role;
  - P24.2** the required training meets the funding rules relating to the minimum duration of the practical period (paragraphs P37 to P47) and off-the-job training (paragraph P52);
  - P24.3** you and the employer are satisfied that the apprenticeship is the most appropriate training programme for the individual; and
  - P24.4** the training programme aligns with an approved apprenticeship standard, at the most appropriate level, and recognition of prior learning has taken place.
- P25** You must be satisfied that that the apprenticeship is a statutory English apprenticeship. This means it is an arrangement that is taking place under an approved English apprenticeship agreement (see paragraphs P26 to P31), or is an alternative English apprenticeship (see paragraphs P32 to P33).

## Apprenticeship agreement (between the employer and the apprentice)

### New for 1 August 2020

**P28** - Clarification: Requirements of the apprenticeship agreement have been made clearer.

**P29** - Clarification: To make clear that the start dates, on the apprenticeship agreement and commitment statement, that must align with the ILR are those of the practical period.

### Updated October 2020

**P28.1** - Clarification: Removal of the word 'occupation' to align this section with the revised apprenticeship agreement template on gov.uk.

- P26** The apprentice must be engaged by an employer, or an apprenticeship training agency (ATA), for a period which is long enough for the apprentice to complete the apprenticeship successfully (including the end-point assessment).
- P27** You must have evidence that the apprentice has an apprenticeship agreement with their employer, at the start of, and for the duration of their apprenticeship. This is defined in section A1(3) of the [Apprenticeships, Skills, Children and Learning Act 2009](#) (as amended by the [Enterprise Act 2016](#)) and the [Apprenticeships \(Miscellaneous Provisions\) Regulations 2017](#)..
- P28** The approved English apprenticeship agreement must set out:
- P28.1** the apprentice's details (name, place of work)
  - P28.2** the apprenticeship standard and level being followed
  - P28.3** the start and end date of the apprenticeship (this includes end-point assessment)
  - P28.4** the start and end date of the practical period (this excludes end-point assessment)
  - P28.5** the duration of the practical period (see paragraphs P37 to P47 re minimum duration)
  - P28.6** the amount of time the apprentice will spend in off-the-job training
- P29** The practical period start date set out in the apprenticeship agreement must match the practical period start date in the commitment statement and the start date in the ILR.
- P30** If the apprenticeship agreement is incomplete, and/or does not meet the statutory requirements, the individual will not have a valid agreement and will not be eligible to receive funding.

**P30.1** A [template apprenticeship agreement](#) is available on GOV.UK. This template does not have to be used but the requirements of the legislation as described above must be met when forming an apprenticeship agreement.

**P31** The signed apprenticeship agreement must be distributed to both signatories (employer and apprentice) and you must obtain a copy of this for the evidence pack, along with any revisions.

## Alternative English apprenticeship

### New for 1 August 2020

**P32 to P33** - Restructure: Note: this section was previously called Employment Contract.

**P32.1** - Clarification: Additional clarification on alternative English apprenticeships and what this means in practice.

### Updated October 2020

**P32** - New rule: To update this paragraph to reflect the new secondary legislation relating to redundancy, which came into force on 15 October 2020.

**P32** All apprentices must have an apprenticeship agreement in place (paragraph P27). The only exceptions to this are:

**P32.1** Apprentices made redundant on or after 1 August 2020 but before 15 October 2020 and on the day of dismissal:

**P32.1.1** Were within six months of the final day of the apprenticeship practical period (see paragraph P304). These apprentices can be funded to completion, without the need for a contract of employment or an apprenticeship agreement.

**P32.1.2** Were more than six months away from the final day of the apprenticeship practical period (see paragraph P305). These apprentices may seek a new apprenticeship agreement which may have a duration of less than 12 months if required, and our policy is that we will fund them for up to 12 weeks while they seek the further agreement.

**P32.2** Apprentices who have been made redundant on or after 15 October 2020 and on the day of dismissal:

**P32.2.1** Are within six months of the final day of the apprenticeship practical period OR they have completed at least 75% of the apprenticeship practical period (see paragraph P306). These apprentices can be funded to completion, without the need for a contract of employment or an apprenticeship agreement.

**P32.2.2** Have completed less than 75% of the apprenticeship practical period and the remaining training represents a training duration of more than six months (see paragraph P307). These apprentices may seek a new apprenticeship agreement which may have a duration of less than 12 months if required, and our policy is that we will fund them for up to 12 weeks while they seek the further agreement.

**P32.3** Particular office holders, namely constables of English police forces and ministers or trainee ministers of a religious denomination.

**P33** Except for the requirement to have a contract of employment and an apprenticeship agreement in relation to these alternative apprentices, you must comply with all the other rules set out in this document.

## Apprentice wages

**P34** Every apprentice must be paid a lawful wage for the time they are in work and in off-the-job training.

**P35** The employer must meet the cost of the apprentice's wages. Where the employer is using the apprenticeship minimum wage, they must only do so from the start of the apprenticeship programme and not before.

**P36** You can find information on the [national minimum wage, the apprenticeship rate, and the definition of an employee](#) on GOV.UK.

## Minimum duration and employment hours

### New for 1 August 2020

**P37** - Clarification: We have made it clear that the minimum duration of 12 months applies to the practical period, after prior learning has been considered.

**P41** - Clarification: We have removed the reference to temporary part-time working

**P41.1** - Clarification: Actions a provider must take if there is a change to the apprentice's working hours during the programme.

**P42** - Clarification: We have removed the reference to evidence why a particular working pattern is in place as we no longer require this information.

**P46** - Clarification: We have removed the exception relating to a change in standard option. This is regarded as the same apprenticeship so an exception to the minimum duration is not required.

**P46.2** - Clarification: We have made it clear that the apprentice does not have to meet the minimum duration threshold if they are returning to the same apprenticeship after a withdrawal.

## Minimum duration of practical period

- P37** An apprenticeship must provide for a practical period of work and training that lasts for a minimum duration of 12 months. This includes where the content, duration and price has been adjusted to recognise prior learning (see paragraphs P67 to P72). For example, to satisfy this requirement, an apprentice who starts their training on 1 August 2020 must still be receiving training on 31 July 2021. The apprentice must be involved in active learning throughout the apprenticeship.
- P38** The standard specification or assessment plan may require this practical period of training to be longer, to support the delivery of the full apprenticeship content.
- P39** The end-point assessment can only be taken after the minimum duration has been met. You must confirm this as part of the gateway checks.
- P40** The minimum duration of each apprenticeship is based on the apprentice working at least 30 hours a week, including any off-the-job training they undertake.
- P40.1** Working fewer than 30 hours a week (see paragraphs P41 to P44) or being on a zero-hours contract (see paragraph P45) must not be a barrier to successfully completing an apprenticeship.  
We will monitor working hours data and patterns of behaviour to ensure that sufficient off-the-job activity is undertaken to ensure successful completion of the apprenticeship, regardless of the number of hours worked. We reserve the right to take action where alternative working patterns are not managed appropriately leading to a reduction in the quality of the apprenticeship.

## Part-time employment hours (<30 hours per week)

- P41** If, at the beginning of the programme, the apprentice works fewer than 30 hours a week you must extend the expected duration of the apprenticeship on the ILR (pro rata) to take account of this. You must work with the employer to make sure that the dates on the apprenticeship agreement and commitment statement are also extended.
- P41.1** Where there is a change of circumstance to the working hours of the apprentice during the programme, please see paragraphs P326 to P329.
- P42** Where a part-time working pattern is needed, you must agree with the employer and the apprentice the extended apprenticeship duration. You must extend the minimum duration using the following formula:
- P42.1**  $12 \times 30 / \text{average weekly hours} = \text{new minimum duration in months}$ ; or
- P42.2**  $52 \times 30 / \text{average weekly hours} = \text{new minimum duration in weeks}$
- P43** The apprentice must work enough hours each week so that they can undertake sufficient regular training and on-the-job activity. This is to ensure the apprentice is likely to successfully complete their apprenticeship. You must keep evidence of the agreed average weekly hours, including time spent on off-the-job training, in the evidence pack.

**P44** The employer must allow the apprentice to complete the apprenticeship off-the-job training within their normal working hours, in addition to any English and maths training required. They must provide you with evidence of this for you to keep in the evidence pack.

### **Zero hours contracts**

**P45** Zero-hours contracts are acceptable only where all of the other rules in this document are met.

**P45.1** For an apprentice with a zero-hour contract you must ensure the employer extends the duration of the apprenticeship in proportion to the hours they work.

**P45.2** An apprentice with a zero-hours contract must be allowed to complete their apprenticeship in their working hours, including the off-the-job training. Where this is not possible, you must record a break in learning in the apprenticeship.

### **Exceptions to the minimum duration requirement**

**P46** The only exceptions to the minimum duration requirement are where an apprentice:

**P46.1** Is made redundant with more than six, but less than 12 months remaining before their final day. In these cases, they may seek a further apprenticeship agreement which takes their prior apprenticeship experience into account. This further agreement may provide for a duration of less than 12 months.

**P46.2** Returns to the same apprenticeship after a break in learning or withdrawal.

**P46.3** Transfers between main providers but remains on the same standard.

**P47** For the exceptions in paragraph P46 above you must have evidence that the total amount of time spent on their apprenticeship, which may include more than one episode of learning, meets the minimum duration requirement.

### **Off-the-job training**

#### **New for 1 August 2020**

**P48** - Clarification: We have amended this rule to include reference to apprentices who would 'normally be paid'. This is to include redundant apprentices who may not be receiving a wage.

**P49** - Clarification: To align with other off-the-job information (guide, infographic etc) we have been clear that off-the-job training must deliver new skills.

**P52.2** - Clarification: You must not deliver the minimum number of hours required by the policy where the apprentice requires more than this minimum requirement.

**P56** - Clarification: The commitment statement and the apprenticeship agreement must be

separate documents.

**P57** - Clarification: We have confirmed that the planned hours information you submit on the ILR must not change once submitted (with the exception of a data input error at the beginning of the programme).

**P58** - New rule: To add in a rule relating to the new actual hours field on the ILR and to be clear who we require actual hours information for.

**P62** - New rule: To add in a rule relating to new policy already announced on the ability to continue with limited off-the-job training whilst on maternity, adoption or shared parental leave.

**P64 to P65 and Flowchart** - New rules: To add in a new section in relation to planned -v- actual hours. (Note that since the clarification version we have updated the flowchart to better align it with the supporting text).

## What is off-the-job training?

**P48** Off-the-job training is a statutory requirement for an English apprenticeship. It is training which is received by the apprentice, during the apprentice's normal working hours, for the purpose of achieving the knowledge, skills and behaviours of the approved apprenticeship referenced in the apprenticeship agreement. By normal working hours we mean the hours for which the apprentice would normally be paid, excluding overtime.

**P48.1** It is not on-the-job training which is training received by the apprentice for the sole purpose of enabling the apprentice to perform the work for which they have been employed. By this we mean training that does not specifically link to the knowledge, skills and behaviours set out in the apprenticeship.

**P49** Off-the-job training must deliver new skills that are directly relevant to the apprenticeship. It can include the following:

**P49.1** the teaching of theory (for example, lectures, role playing, simulation exercises, online learning, and manufacturer training);

**P49.2** practical training, shadowing, mentoring, industry visits, and participation in competitions; or

**P49.3** learning support and time spent writing assessments/assignments.

**P50** Off-the-job training does not include:

**P50.1** training to acquire knowledge, skills and behaviours that are not required in the apprenticeship standard;

**P50.2** progress reviews or on-programme assessment required for an apprenticeship standard; or

**P50.3** training which takes place outside the apprentice's normal working hours.

**P51** It is up to you and the employer to decide how the off-the-job training is delivered. It can include training that is delivered at the apprentice's normal place of work. It can also include regular day release, block release and special training days/workshops.

### **Calculating off-the-job training**

**P52** To be eligible for government funding at least 20% of the apprentice's normal working hours, over the planned duration of the apprenticeship practical period must be spent on off-the-job training.

**P52.1** If the apprentice works less than 30 hours per week, they are considered to be part-time and you must extend the duration (see paragraphs P41 to P44).

**P52.2** Apprentices must receive the volume of high-quality apprenticeship training that they need to develop full occupational competence. You must not deliver the minimum number of hours required by the policy where the apprentice requires more than this minimum requirement. Apprentices may need more than 20% off-the-job training.

**P52.3** The volume of training hours you plan to deliver must be supported by the initial assessment.

**P52.4** The practical period ends at the gateway for end-point assessment.

**P53** When calculating the required amount of off-the-job training, the apprentice's statutory leave entitlement must be deducted. Employees who work a 5-day week receive at least 28 days paid annual holiday (this is the statutory leave entitlement referred to in this paragraph and is the equivalent of 5.6 weeks of holiday). You must pro-rata this for part time workers.

**P54** English and maths training, up to and including level 2, does not count towards the minimum 20% off-the-job training requirement; where required this must be delivered in addition to the minimum requirement.

**P55** It must be clear to all parties how you have worked out the amount of off-the-job training required to comply with paragraph P52 and you must record this in the evidence pack.

### **Documenting off-the-job training**

**P56** The number of planned off-the-job training hours, for the full apprenticeship, must be documented on the apprenticeship agreement and the commitment statement. These must be separate documents.

**P57** Since 1 August 2019 planned off-the-job training hours must also be documented on the individualised learner record. You must not change this figure once submitted (except for a data input error at the beginning of the programme).

**P58** From 1 August 2020, for the learners referenced in paragraph P57 (those where we have planned hours information on the ILR), we also require actual off-the-job training hours to be documented on the ILR at the end of the practical period.

**P58.1** We do not require actual hours information on the ILR where the apprenticeship has been disrupted by:

**P58.1.1** a change of provider;

**P58.1.2** a change of programme; or

**P58.1.3** where an apprentice has been withdrawn from the programme or put on a break in learning.

**P58.2** We reserve the right to include these at a later date.

### **Delivering off-the-job training**

**P59** Evidence must be available to support the delivery of the off-the-job training that is set out in the apprentice's commitment statement (see paragraphs P73 to P76). It must be clear which elements of the commitment statement have been used towards the calculation of the 20% requirement and which have not (see paragraphs P49, P50 and P54).

**P60** If planned off-the-job training is unable to take place as scheduled, you and the employer must ensure this is re-arranged so that the full complement of training set out in the commitment statement can still be delivered. All off-the-job training must take place during normal working hours.

**P60.1** Apprentices may choose to spend additional time on training outside of these hours, but this must not be required to complete the apprenticeship and must not be included in the 20% calculation.

**P61** When the apprentice takes a period of leave from their work, in excess of 4 weeks, we expect that the apprentice will take a break in the training they are to receive (a break in learning).

**P61.1** The apprentice and their employer must revise the date in the apprenticeship agreement on which the apprenticeship was expected to have been completed to account for the duration of the break. The duration of the apprenticeship and the amount of off-the-job training needed to meet the 20% requirement would therefore remain the same as though there had been no break in training (break in learning).

**P62** Apprentices on maternity, adoption or shared parental leave may use their statutory keep in touch (KIT/SPLIT) days to continue with off-the-job training during their period of leave. Please refer to paragraphs P308 to P321 for further information.

**P63** During the programme, where it becomes clear through the regular progress reviews that the original volume of planned off-the-job training hours, that were agreed at the beginning of the programme, will not be delivered, this must be discussed and agreed with the employer and apprentice and documented on a new version of the commitment statement (see paragraph P73.2).

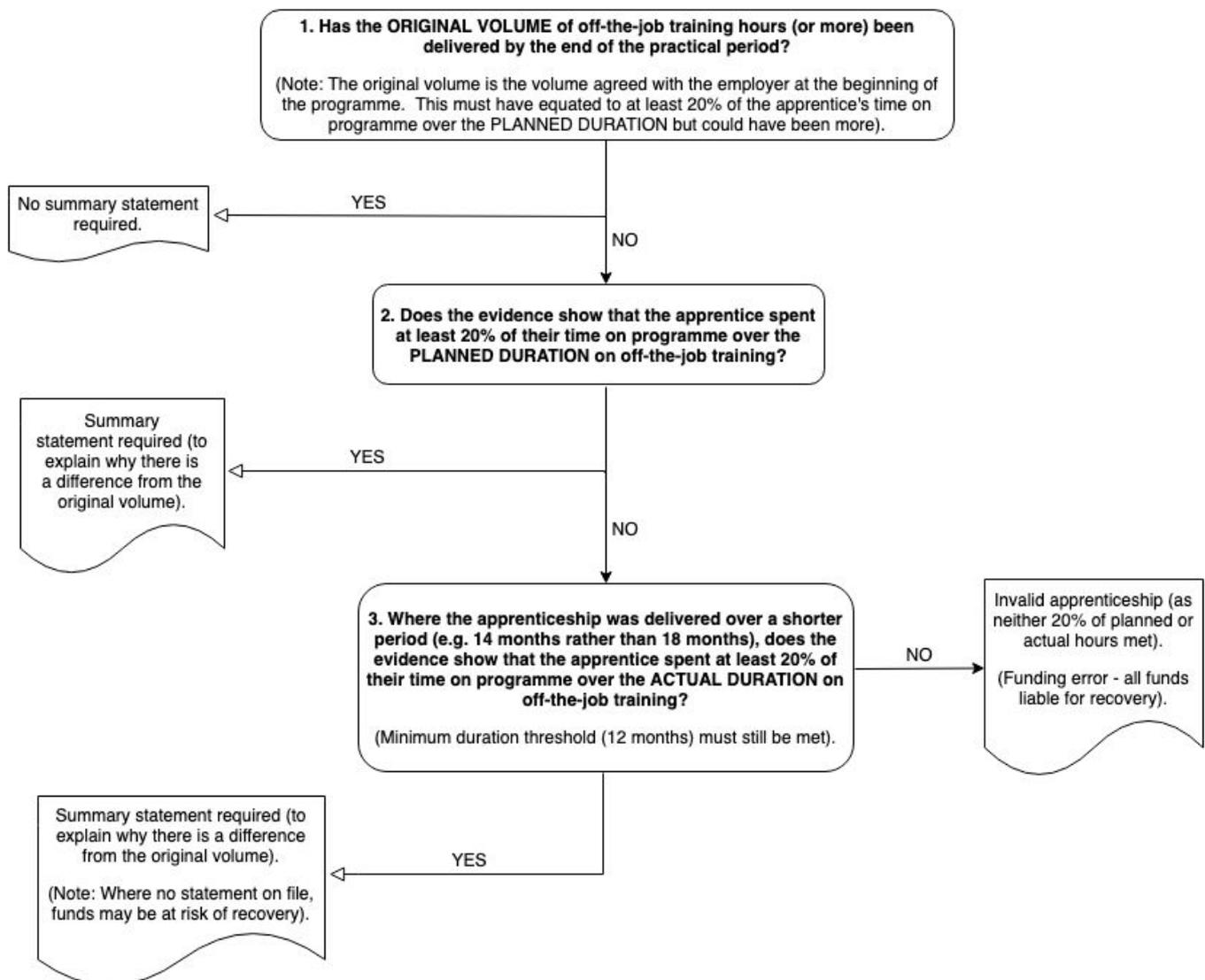
### **Planned hours agreed at the beginning of the programme versus actual hours delivered**

**P64** At the end of the programme, if the volume of off-the-job training hours delivered is less than the original volume of planned hours (agreed with the employer at the

beginning of the programme), you must produce a statement to summarise the following information:

- P64.1** The original volume of planned hours (as documented on the original apprenticeship agreement and commitment statement and recorded in the planned hours field of the ILR). This volume must have equated to at least 20% of the apprentice's working hours over the planned duration of the programme (see paragraph P52) but may have been more than the minimum 20% requirement.
  - P64.2** The actual hours delivered (as supported by proof of delivery in the evidence pack and recorded in the actual hours field of the ILR).
  - P64.3** The volume difference between these two figures.
  - P64.4** The reason for this difference (e.g. prior learning has been identified part way through the apprenticeship or an apprentice has completed the full content over a shorter timescale).
  - P64.5** Confirmation that the off-the-job training hours actually delivered were at least 20% of the apprentice's working hours over the actual time on programme.
  - P64.6** Confirmation that the apprenticeship met the minimum duration threshold (the 12-month practical period).
- P65** The employer and apprentice must countersign this statement if they agree with, and are satisfied with, the quantity of training that was delivered, even though this is different to the original volume agreed at the beginning of the apprenticeship.
- P65.1** The summary statement must align with changes made in the commitment statement(s). The statement serves only as a summary of these changes and is not a substitute for the commitment statement being updated, where necessary, on an ongoing basis (e.g. as a result of progress reviews) (see paragraph P73.2).
  - P65.2** Where a signed summary statement is required (see flowchart below), and this is not available in the evidence pack, funds may be at risk of recovery.
  - P65.3** If the apprentice has spent less than 20% of their actual time on the programme on off-the-job training, then the programme is not a valid apprenticeship and all funding is at risk of recovery.

## Flow chart: What to check if the actual duration and off-the-job training delivered is less than the original planned duration and volume of off-the-job training



**P66** Further information on off-the-job training can be found on the [off-the-job training](#) page on GOV.UK

### Recognition of prior learning and experience

**P67** Funds must not be used to pay for training for skills, knowledge and behaviours already attained by the apprentice. We may take action to recover apprenticeship funding where this happens.

**P68** You must account for prior learning and experience when negotiating a price with the employer. You must reduce the content, duration and price, where the individual has prior learning necessary to achieve occupational competence.

**P69** Where you account for prior learning and experience and the reduction of content would mean the apprenticeship would take less than the minimum duration to complete (as set out in paragraphs P37 to P47), or fail to meet the requirement for the apprentice to spend 20% of their time in off-the-job training (as set out in paragraph P52), the apprenticeship is ineligible for funding.

- P70** You must assess the individual's prior learning and experience before starting the apprenticeship. You must quantify and evidence the proportion of prior learning already attained, quantify the proportion of off-the-job training content that will not be covered, and quantify the amount that the funding will be reduced by.
- P71** You must include a thorough appraisal of the apprentice's existing knowledge, skills and behaviours against those required to achieve occupational competence. Where applicable, you must include in your appraisal any knowledge, skills and behaviours gained from the following:
- P71.1** work experience, particularly where the apprentice is an existing employee;
  - P71.2** prior education or training and associated qualifications in a related sector subject area; and
  - P71.3** any previous apprenticeship undertaken.
- P72** The initial assessment must be documented in the evidence pack and must demonstrate how prior learning has been taken into account to adjust the training content, duration and cost.

## **The commitment statement between the employer, apprentice and main provider**

### **New for 1 August 2020**

**P73.1** - Clarification: The commitment statement and the apprenticeship agreement must be separate documents.

**P73.2** - Clarification: The commitment statement must be kept up to date with any material changes.

**P75.5** - Clarification: To explain what we mean by "planned content/components".

**P75.7** - New rule: The commitment statement must include confirmation that the employer will release the apprentice for off-the-job training.

- P73** Before the apprenticeship practical period starts and before the apprenticeship agreement is signed, you must ensure that the apprentice and their employer have contributed to and signed a copy of the commitment statement (often known as the individual learning plan). This must set out how all three parties (apprentice, employer, and main provider) will support the achievement of the apprenticeship.
- P73.1** The commitment statement and apprenticeship agreement must be separate documents.
  - P73.2** The commitment statement must be kept up to date with any material changes (e.g. as a result of changes agreed at a progress review).

- P74** All three parties must keep a current signed and dated version of the commitment statement. You must keep your version (and previous versions) in the evidence pack with the copy of the apprenticeship agreement.
- P75** The commitment statement must set out:
- P75.1** The name of the apprentice, their job role and their normal working hours. By normal working hours we mean their paid hours excluding overtime.
  - P75.2** Details of all relevant parties (the employer, the main provider (and any subcontractors involved in the delivery of off-the-job training), and the end-point assessment organisation). We recognise that while new standards continue to be developed, not all end-point assessment organisations will be known at the start of the apprenticeship. The commitment statement must be updated to include these details as soon as they have been confirmed.
  - P75.3** Details of the apprenticeship, including the name of the apprenticeship standard, the level, the start and end dates for the apprenticeship and the practical period of training. The start date of the practical period set out in the commitment statement must align with the start date of the practical period in the apprenticeship agreement and the start date in the ILR.
  - P75.4** The amount of off-the-job training that will be delivered to meet the minimum 20% requirement (see paragraphs P49, P50 and P54 for what can and cannot be included in this calculation). The individual's prior learning must be taken into account before calculating the off-the-job requirement and designing the programme.
  - P75.5** The planned content/components and schedule of eligible training. For standards with mandatory qualification(s) this must be, as a minimum, a list of the units. For standards without a mandatory qualification this must be a description of the activities that the apprentice will undertake to develop occupational competency. It must also be clear if the component has been used towards the calculation of the minimum 20% off-the-job training requirement.
  - P75.6** An agreement of what is expected from, and offered by, the apprentice, employer, main provider (and any delivery subcontractors) to achieve the apprenticeship and details of how all parties will work together. This must include contact details and the expected commitment from each party.
  - P75.7** Written confirmation from the employer that the apprentice will be allowed to undertake off-the-job training within their normal working hours, in addition to English and maths training if required.
  - P75.8** Details of tripartite progress reviews (main provider, employer, apprentice), including the frequency and format, to discuss progress to date against the commitment statement and the immediate next steps required.

**P75.9** The process for resolving any queries or complaints regarding the apprenticeship, including quality. This must include details of the escalation route within the main provider's own organisation and the escalation process to the ESFA Apprenticeship Service Support on 08000 150 600 or [helpdesk@manage-apprenticeships.service.gov.uk](mailto:helpdesk@manage-apprenticeships.service.gov.uk)

**P76** A [template commitment statement](#) is available on GOV.UK. It is not mandatory to use this template.

## Who can be funded?

### Updated October 2020

**P87** - New rule: To update this paragraph to reflect the new secondary legislation relating to redundancy, which came into force on 15 October 2020.

**P77** You are responsible for checking the eligibility of the individual at the start of their apprenticeship programme. You can only use funds in the employer's apprenticeship service account, or government-employer co-investment, for those who are eligible. You must retain evidence of the individual's eligibility.

**P78** To use funds in the employer's apprenticeship service account or government-employer co-investment, the individual must:

**P78.1** Start their apprenticeship after the last Friday in June of the academic year in which they have their 16th birthday.

**P78.2** Be able to complete the apprenticeship within the time they have available. If you know an individual is unable to complete the apprenticeship in the time they have available, they must not be funded.

**P78.3** Not be asked to contribute financially to the cost of training, on-programme or end-point assessment. This includes both where the individual has completed the programme successfully and has left the programme early. Costs include any co-investment or additional training and assessment costs, above the funding band, that the employer has paid directly to the main provider where this is part of the agreed apprenticeship.

**P78.4** Not use a student loan to pay for their apprenticeship. Where an individual transfers to an apprenticeship from a full-time further education or higher education course, and that course has been funded by a student loan, the loan must be terminated by the individual and you must be satisfied that this has occurred.

- P78.5** Not benefit from funding from an employer's apprenticeship service account or government-employer co-investment for any part of their programme where either you or another party claim funding from another government department or agency for the same purpose. This includes any funding for that individual from the European Social Fund, the Education and Skills Funding Agency or Jobcentre Plus.
- P78.6** Not benefit from funding for any part of their programme that duplicates training or assessment they have received from any other source.
- P78.7** Spend at least 50% of their working hours in England over the duration of the apprenticeship. When determining eligibility at the start of the apprenticeship, you must be confident that the apprentice will spend at least 50% of their working hours in England over the duration of the apprenticeship. For working hours to be counted in the 50% limit, they must be regular, planned, and known at the start of the apprenticeship. Refer to Annex A (paragraph P405) for exceptions to this rule
- P78.7.1** You must make separate arrangements with the relevant devolved administration if you are planning to deliver apprenticeships to individuals who spend more than 50% of their working hours in a devolved administration over the duration of their apprenticeship, including time spent on off-the-job training.
- P78.8** Have the right to work in England.
- P78.9** Have an eligible residency status (information can be found in the residency eligibility section in Annex A).
- P79** Where you are using funds from an employer's apprenticeship service account you must have confirmation from the employer that the apprentice is employed by that employer or a [connected company or charity](#) as defined by HMRC. This also applies where the apprentice is funded by a transfer of funds from another employer.
- P80** You must give accurate unique learner number (ULN) information to the apprenticeship service, awarding organisations and end-point assessment organisations and ensure all information used to register apprentices is correct.
- P81** We will fund an apprentice to undertake an apprenticeship at a higher level than a qualification they already hold, including a previous apprenticeship.
- P82** We will fund an apprentice to undertake an apprenticeship at the same or lower level than a qualification they already hold, if the apprenticeship will allow the individual to acquire substantive new skills and you can show that the content of the training is materially different from any prior qualification or a previous apprenticeship. More information is detailed in paragraph P362.3.
- P83** The age of the apprentice on the day they start their apprenticeship will be used for all age-based eligibility criteria for that apprenticeship.
- P84** An apprentice's eligibility for funding will not change during the apprenticeship, unless their employment status also changes.

- P85** You must reassess an individual for any new apprenticeship.
- P86** If an apprentice becomes unemployed or self-employed, they will at that point no longer be eligible for funding and you must report them as having withdrawn from the apprenticeship on the ILR. If the apprentice has been made redundant, see paragraph P87.
- P87** If an apprentice is made redundant, we will continue to fund their training, even if they cannot find another employer, in the circumstances below:
- P87.1** Apprentices who are made redundant on or after 1 August 2020 but before 15 October 2020 who, on the day of dismissal, were within six months of the final day of the apprenticeship practical period, These apprentices will be funded to completion (subject to the conditions set out in paragraph P304).
- P87.2** Apprentices who are made redundant on or after 15 October 2020 and are either within six months of the final day of the apprenticeship practical period OR they have completed at least 75% of the apprenticeship practical period. These apprentices will be funded to completion (subject to the conditions set out in paragraph P306)
- P87.3** Apprentices who do not meet the conditions of paragraphs P87.1 or P87.2 above. We will fund the training of these apprentices for 12 weeks while they seek a further apprenticeship agreement (subject to the conditions set out in paragraphs P305 and P307).

## Individuals who are not eligible for funding

- P88** You must not claim funding for individuals who do not meet the eligibility criteria set out in this document unless they are eligible under the [Education \(Fees and Awards\) \(England\) Regulations 2007](#) (as amended). You must not claim for individuals who:
- P88.1** are here illegally;
- P88.2** are resident in the United Kingdom on a tier 4 (general) student visa unless they are eligible through meeting any other of the categories described in Annex A;
- P88.3** are non-EEA citizens in the United Kingdom on holiday, with or without a visa;
- P88.4** have overstayed their immigration or visitor visa;
- P88.5** are non-EEA citizens and are a family member of a person granted a tier 4 visa, have been given immigration permission to stay in the UK and have not been ordinarily resident in the UK for the previous three years on the first day of learning;
- P88.6** are ordinarily resident in the Channel Islands or Isle of Man, unless they are also ordinarily resident within England; or

**P88.7** have a biometric residence permit or residence permit imposing a study prohibition or restriction on the individual.

**P89** To use funds in the employer's apprenticeship service account or government-employer co-investment, the individual must not:

**P89.1** be undertaking another apprenticeship;

**P89.2** be undertaking training funded through AEB, where that training will:

**P89.2.1** replicate vocational and other learning aims covered by the apprenticeship, including English and maths;

**P89.2.2** offer career related training that conflicts with the apprenticeship aims; or

**P89.2.3** be taking place during working hours. Where an apprentice has more than one job, working hours refers to the hours of the job the apprenticeship is linked to.

**P89.3** be in receipt of any other direct DfE funding during their apprenticeship programme; this includes any other DfE funded FE/HE programme including programmes funded by a student loan, but excludes funding outlined in P89.2; or

**P89.4** undertake any part of an apprenticeship whilst on a sandwich placement as part of a degree programme.

**P90** As an exception to P89.2, an individual may commence an apprenticeship, and attract funding, where they have less than four weeks to completion of an existing DfE funded course.

## **Apprentices who need access to learning support**

**P91** Learning support is available to meet the costs of putting in place a reasonable adjustment, as set out in section 20 of the [Equality Act 2010](#), for apprentices with a learning difficulty or disability where this affects their ability to continue and complete their apprenticeship, including costs associated with meeting identified needs in end point assessment. Learning support can only be claimed if it is required for this period.

**P92** We will provide learning support for apprentices with learning difficulties or disabilities as defined in Section 15ZA(6) of the [Education Act 1996](#) (as amended by section 41 of the Apprenticeships, Skills, Children and Learning Act 2009). This includes individuals who self-declare a learning difficulty or disability, and those who do not have a diagnosis of a learning difficulty or disability but in relation to whom the main provider has identified to us a learning need.

**P93** Learning support must not be used to deal with everyday difficulties that are not directly associated with an apprenticeship. If an apprentice needs help at work they may be able to get help from [Access to Work](#).

**P94** For those that require learning support you must:

**P94.1** carry out an assessment to identify the support the apprentice needs;

- P94.2** deliver support to meet the apprentice's identified needs, and review progress and continuing needs, as appropriate;
- P94.3** record and gather appropriate evidence to show that the actions in paragraphs P94.1 and P94.2 have been completed and outcomes are recorded; and
- P94.4** report in the ILR that an apprentice has a learning support need and what that support need is.

**P95** Learning support will be fixed at a monthly rate of £150 when it has been reported in the ILR for the months in which there is an identified learning need. If your costs exceed £150 per month, but less than £19,000 per annum, you can claim via the earnings adjustment statement (EAS). You must use the EAS if your costs are not covered by the monthly rate and you must keep evidence of these costs. You can find further information on the [EAS](#) on GOV.UK.

**P96** You must promptly claim for learning support through the ILR and the EAS. We will not pay you for claims from a previous funding year if you do not claim on time.

## **Apprentices who need access to exceptional learning support (ELS)**

**P97** Apprentices who need significant levels of support to start or continue learning can get access to exceptional learning support if their support costs more than £19,000 in a funding year.

**P98** You must submit ELS claims to us at the beginning of the apprentice's programme, or when you identify the apprentice requires support costing more than £19,000 in the funding year, by completing and sending the ELS claim form so we can authorise your request. You can access the [exceptional learning support cost](#) form on GOV.UK.

## **Apprenticeship training agency (ATA)**

**P99** An ATA is an organisation whose main business is employing apprentices who are made available to employers.

**P100** An ATA must be set up as a distinct legal entity so that apprentices can have contracts of service with the ATA.

**P101** You must report in the ILR that the apprentice is employed by an ATA.

**P102** Apprenticeship positions offered by an ATA must comply with the apprenticeship requirements set out in paragraphs P22 to P25. If the job is with a third party, the cost of wages may be met by that third party, but the wages must be paid by the ATA.

**P103** Where the apprentice is employed by a levy-paying ATA they must follow the rules set out in [Apprenticeship funding rules and guidance for employers](#).

**P104** Where an apprentice is employed by a non-levy-paying ATA, the ATA will be able to access support for training and assessment through government-employer co-investment.

**P105** Group training associations that offer an ATA service to employers must follow ATA-specific rules.

## What can be funded?

### Eligible costs

#### New for 1 August 2020

**P110** - Restructure: The eligible costs have been restructured to mirror, where possible, the recent IfATE funding review categories.

**P110.4** - New rule: Materials include software licences where the licence cost is at apprentice level and the licence is required to access off-the-job training materials.

**P110.9** - New content: Added in “formative (ongoing) assessment cost associated with a mandatory qualification”. Note this is not a new eligible cost.

**P111.1** - New rule: It must be clear in the evidence pack if the total negotiated price changes and the reason for this change.

**P106** Apprentices can only be enrolled against an apprenticeship standard once it is identified as ‘approved for delivery’ on the [Institute for Apprenticeships and Technical Education website](#). You must make sure that the apprenticeship is eligible to access public funds in the employer’s apprenticeship service account or government-employer co-investment before the individual starts. The [hub](#) contains details of all eligible apprenticeships.

**P107** New standards must have an EPAO in principle in place before public funding can be accessed for new apprentices. You must make sure that the apprenticeship is eligible before the individual starts by checking whether the standard has an EPAO in principle in place. It will be clear from ESFA and Institute systems to which standards this applies.

**P108** Funds from an employer’s apprenticeship service account or government-employer co-investment must only be used for eligible costs directly related to the individual apprenticeship. These funds must only be used to pay for training and assessment, including end-point assessment, to complete an apprenticeship that is eligible for funding up to the limit of the funding band.

**P109** For organisations that have been accepted onto the [Register of End-Point Assessment Organisations](#) eligible costs for end-point assessment (that can be included in field “TNP2” on the ILR) are set out in the [Conditions of Acceptance](#) document.

**P110** For main providers eligible costs for the delivery of training and on-programme assessment (that can be included in field “TNP1” on the ILR) are limited to the following:

#### Training

- P110.1** Off-the-job training through a main provider or supporting provider, or evidenced costs for employer-provider delivery. This can include:
- P110.1.1** Some or all of the training aspects of a licence to practise or non-mandatory qualification. In both cases there must be a clear overlap between this training and the knowledge, skills and behaviours needed for the apprenticeship.
  - P110.1.2** Self-directed distance learning (where it forms only part of the learning experience), interactive online learning (virtual classrooms) or blended learning relating to the off-the-job training element of an apprenticeship (see paragraph P114.6).
  - P110.1.3** Time spent by employees/managers supporting or mentoring apprentices. By this we mean the delivery of knowledge, skills and behaviours directly linked to the apprenticeship. The direct link must be documented as part of the off-the-job training evidence.
- P110.2** Additional learning and/or the cost to resit an exam linked to a mandatory qualification.
- P110.3** Additional learning required to retake an end-point assessment.

## **Consumables**

- P110.4** Materials (non-capital items) used in the delivery of the apprenticeship. By materials (non-capital items) we mean the equipment or supplies necessary to enable a particular learning activity to happen. This can include software licences where the licence cost is at apprentice level and the licence is required to access off-the-job training materials and can be evidenced as such. These items would not normally have a lifespan beyond the individual apprenticeship being funded.
- P110.5** Registration, examination and certification costs associated with mandatory qualifications excluding any licence to practise (see paragraph P114.8).
- P110.6** Accommodation costs for training delivered through residential modules where the residential training is a mandatory requirement for all apprentices. By mandatory we mean that there is a specific requirement in the apprenticeship which would apply equally to any apprentice, regardless of their location, employer or main provider (including subcontractors).
- P110.7** Costs of an apprentice taking part in a skills competition if the employer and main provider have agreed that participation in the competition directly contributes to helping that individual achieve the apprenticeship.

## **Assessment**

**P110.8** Regular planned on-programme assessments (tripartite progress reviews involving the main provider, employer and apprentice) to discuss progress to date against the commitment statement and the immediate next steps required.

**P110.9** Formative (ongoing) assessment costs associated with a mandatory qualification.

### **Administration**

**P110.10** Any administration directly linked to training and assessment, including end-point assessment. This includes the costs relating to the tailoring of existing teaching materials for a particular cohort / apprentice / employer, lesson planning, the management of subcontractors, the processing of the ILR and quality assurance.

**P111** The costs of taking part in any of the above activities may be included in the total negotiated price of training and end-point assessment. The employer and the main provider agree the price of the training and on programme assessment (field TNP1 on the ILR). The employer and the end-point assessment organisation agree the price of the end-point assessment (field TNP2 on the ILR).

**P111.1** It must be clear in the evidence pack if the total negotiated price changes and the reason for this change.

**P112** If the total negotiated price (TNP1 and TNP2) exceeds the maximum of the funding band, then the agreed total must be recorded on the ILR. The employer must pay in full the difference between the band maximum and the total negotiated price.

**P113** Any of the eligible costs outlined in paragraph P110 can be bought in from a third party, including the apprentice's employer, and we will fund them.

**P113.1** Where the third party is the apprentice's employer then only actual costs will be funded and these must be recorded.

**P113.2** Where you buy in the delivery of apprenticeship training and/or on-programme assessment from a third party this is subcontracting and you must follow the subcontracting rules in paragraphs P185 to P225.

**P113.3** Funds from an employer's apprenticeship service account or government co-investment must not be used to fund other services from a third party.

### **Ineligible costs**

#### **New for 1 August 2020**

**P114.18** - Clarification: We have made clear that when we use the term brokerage, we mean referral agents who secure employer and learner leads for providers.

**P114** For main providers and the delivery of training and on-programme assessment, ineligible costs include the following:

- P114.1** Enrolment, main provider (or subcontractor) induction, initial assessment, initial diagnostic testing, or similar activity.
- P114.2** Travel costs for apprentices under any circumstances.
- P114.3** Apprentice wages.
- P114.4** Personal protective clothing and safety equipment required by the apprentice to carry out their day-to-day work.
- P114.5** Development of original teaching materials related to the delivery of a new apprenticeship offer. By this we mean the first time a provider chooses to deliver a new apprenticeship standard.
- P114.6** Off-the-job training delivered only by self-directed distance learning.
- P114.7** Any training, optional modules, educational trips or trips to professional events in excess of those required to achieve the apprenticeship. This includes training solely and specifically required for a licence to practise.
- P114.8** Any fees to third parties associated with a licence to practise. This includes registration, examination and certification costs. This applies even where a licence to practise is specified in the apprenticeship standard and assessment plan.
- P114.9** Any fees to awarding bodies for non-mandatory qualifications (qualifications that are not specifically listed in the standard). This includes registration, examination and certification costs.
- P114.10** Student membership fees that are required by professional bodies, even where linked to mandatory qualifications.
- P114.11** End-point assessment costs incurred by the main provider. These must be included in the price negotiated between the employer and the end-point assessment organisation.
- P114.12** English and maths up to level 2 (this is funded separately).
- P114.13** Repeating the same regulated qualification where the apprentice has previously achieved it, unless it is a requirement of the apprenticeship or for any GCSE where the apprentice has not achieved grade C, or 4, or higher.
- P114.14** Accommodation costs where the apprentice is resident away from their home base, because of the requirements of their day-to-day work or because this is convenient for the employer or main provider (or subcontractor). Residential costs associated with non-mandatory learning, including qualifications and outward-bound activities, are also excluded.
- P114.15** Capital purchases including lease agreements. Capital purchases are long-term assets that would have a lifespan beyond the apprenticeship being funded, such as land, buildings, machinery and ICT equipment (e.g. tablets and similar electronic devices).

**P114.16** Maintenance of capital purchases. This includes vehicle parts and labour, insurance and MOT.

**P114.17** Time spent by employees/managers supporting or mentoring apprentices, where this is not delivering training required as part of the apprenticeship (e.g. generic line management responsibilities).

**P114.18** Specific services not related to the delivery and administration of the apprenticeship. This includes the recruitment and continuing professional development of staff involved in apprenticeships, company inductions, managing agents, brokers/referral services (sourcing employer/learner leads) and the costs of memberships or other costs paid to employers, or their representatives, associated with procurement registers or opportunities to secure business.

**P115** You must not pay inducements, or any other payment not authorised by us, to an employer, another training provider or to an end-point assessment organisation in relation to any part of the apprenticeship programme.

## Additional payments

### New for 1 August 2020

**P125** - New rule: From 1 August 2020, employers will be eligible to receive an incentive payment for hiring a new apprentice if, at the start of the apprenticeship, the apprentice is a new employee. For more information, please see the [Apprenticeship funding rules and guidance for employers](#). All employers must use the apprenticeship service to claim this payment.

### Updated January 2021

**P125** - Clarification: All employers must use the apprenticeship service to both access funding for the apprentice's training and claim the incentive payment.

**P116** You and the employer will receive a payment towards the additional cost associated with training if, at the start of the apprenticeship, the apprentice is:

**P116.1** aged between 16 and 18 years old (or 15 years of age if the apprentice's 16th birthday is between the last Friday of June and 31 August); or

**P116.2** aged between 19 and 24 years old and has either an Education, Health and Care (EHC) plan provided by their local authority or has been in the care of their local authority as defined in paragraph P118.

**P117** The apprentice will be eligible for a payment if they have been in the care of the local authority as defined in paragraph P118. See paragraphs P126 to P133 for more information on the care leaver's bursary.

**P118** A child in care is defined as:

- P118.1** an eligible child - a young person who is 16 or 17 and who has been looked after by a UK local authority/health and social care trust for at least a period of 13 weeks since the age of 14, and who is still looked after;
- P118.2** a relevant child - a young person who is 16 or 17 who has left care within the UK after their 16th birthday and before leaving care was an eligible child; or
- P118.3** a former relevant child - a young person who is aged between 18 and 21 (up to their 25th birthday if they are in education or training) who, before turning 18, was either an eligible or a relevant child.
- P119** Before you claim and are paid any additional payments, you must have evidence that you are eligible for them in respect of each apprentice. You must check this and either their employer or the apprentice must provide you with evidence to keep in the evidence pack. You must then report the appropriate code in the ILR.
- P120** Where these payments are for apprentices aged between 19 and 24 years old at the start of their apprenticeship (see paragraph P116.2), you must include consent from the apprentice to inform their employer that they have an EHC plan or that they have been in the care of their local authority and either:
- P120.1** a signed email or letter from a local authority appointed Personal Advisor to confirm they are a care leaver; or
- P120.2** evidence of an EHC plan.
- P121** Where a 19 to 24-year-old apprentice does not want to inform their employer that they were previously in care then you must report the appropriate code in the ILR. This will generate the funding for you but not the employer. You must not apply the co-investment waiver (see paragraph P134). This means that you must not record the code for the waiver in the ILR.
- P122** These payments will be paid as follows:
- P122.1** 90 days after the apprentice starts, 50% will be paid if the apprentice is still undertaking their apprenticeship; and
- P122.2** 365 days after the apprentice starts, the remaining 50% will be paid if the apprentice is still undertaking their apprenticeship.
- P123** Where the apprentice agrees to inform their employer that they were previously in care, you will also receive the additional payments due to the employer. You must pass these on in full to the employer within 30 working days of receiving this funding from us. Where an apprentice is employed by an ATA, any applicable additional payments must be paid to the ATA.
- P124** We will monitor take-up of additional payments to identify any potential fraud or irregularity.
- P125** From 1 August 2020, employers will be eligible to receive an incentive payment for hiring a new apprentice if, at the start of the apprenticeship, the apprentice is a new employee. For more information, please see the [Apprenticeship funding rules and](#)

[guidance for employers](#). All employers must use the apprenticeship service to both access funding for the apprentice's training and claim the incentive payment.

## Care leavers bursary

- P126** Apprentices are eligible to receive a £1,000 bursary payment if they have been in the care of a UK local authority as defined in paragraph P118.
- P127** You must have evidence that the apprentice is eligible for this payment before you claim or are funded for any associated additional payments for you or the employer. This must be a signed email or letter from a local authority appointed personal advisor confirming that the apprentice is a care leaver.
- P128** You must tell the apprentice that they are eligible for the bursary as a care leaver and give them the opportunity to declare that they would like to access the funding. This signed declaration (see paragraph P366 for more information) must allow the apprentice to confirm that they:
- P128.1** Understand that they are eligible for and would like to receive a bursary as a care leaver.
  - P128.2** Understand that if they have been found to have accepted the payment incorrectly or if they are ineligible then the government will require it to be repaid.
  - P128.3** Have not been paid a care leavers bursary before. This only includes the care leavers bursary paid by the ESFA; other local incentives do not apply.
- P129** This is a one-off payment. An eligible apprentice must only receive this payment once. Therefore, an individual must not receive this funding again if they progress or start another apprenticeship. It is your responsibility to ensure that the apprentice has not received this payment previously before you pass it on. We will also monitor this to ensure that the apprentice receives this payment only once and may reclaim duplicate payments.
- P130** You must include signed consent from the apprentice to inform their employer that they have been in the care of their local authority and tell the apprentice that their declaration will be used to generate additional payments to both the main provider and their employer to support their transition into work.
- P131** Where a 19 to 24-year-old apprentice does not want to inform their employer that they were previously in care, then you must report the appropriate code in the ILR. This will generate the funding for you and the apprentice but not the employer. Where this is the case you must not apply the co-investment waiver (see paragraph P134). This means that you must not record the code for the waiver in the ILR.
- P132** The bursary payment, due to the apprentice, will be generated 60 days after they start. You must pass this on in full to the apprentice within 30 days of receiving this funding from the ESFA.

**P133** Once paid, you must evidence that the apprentice has received the bursary payment. This must be a signed confirmation from the apprentice and not a receipt of transaction.

## **Extra support for small employers**

**P134** The government will fund all of the apprenticeship training costs, up to the maximum value of the funding band for the apprenticeship, for employers employing fewer than 50 people if, on the first day of their apprenticeship, the apprentice is:

**P134.1** Aged between 16 and 18 years old (or 15 years old if the apprentice's 16th birthday is between the last Friday of June and 31 August); or

**P134.2** Aged between 19 and 24 years old and has either:

**P134.2.1** an EHC plan provided by their local authority; or

**P134.2.2** or has been in the care of their local authority as defined in paragraph P118.

**P135** You must not request any employer contribution (see paragraphs P244 to P250) to the cost of an apprenticeship up to the maximum value of the funding band if an employer employing fewer than 50 people recruits an eligible apprentice.

**P136** Before any apprenticeship starts, you must have evidence that the apprentice and employer are eligible for the waiving of the employer contribution. The employer must provide evidence that they employed an average of 49 or fewer employees in the 365 days before the apprentice was recruited (using the calculation set out in paragraph P137) and you must keep this in the evidence pack.

**P137** We define the number of employees as the number of people with a contract of service. This must be calculated using the average number of employees with a contract of service in the 365 days before the apprentice is recruited. If the average number of employees is 49 and the recruitment of an apprentice takes this number to 50, the employer will still be eligible to receive this extra support. However, if the average number of employees is 50 and the recruitment of apprentices takes this number to 51, the employer will not be eligible to receive this extra support.

**P138** If the price negotiated by you and the employer is above the maximum value of the funding band for the apprenticeship, the employer must pay in full the difference between the band maximum and the negotiated agreed price. This cannot be funded from an employer's apprenticeship service account.

## Support for English and maths training

### New for 1 August 2020

#### **Suspension of the level 2 test**

The rule requiring level 2 apprentices to study towards, and attempt, the functional skills assessment at level 2 is temporarily suspended. Apprentices who are due to take their EPA from 1 August 2020 to 31 December 2020 must be passed through gateway to sit their EPA without the need to attempt the level 2 functional skills English and maths assessment. Providers must retain evidence if an apprentice did not take the level 2 assessments due to coronavirus (COVID-19). Further advice will be provided on the reinstatement of this rule in December 2020.

### Updated October 2020

#### **Suspension of the level 2 test**

The rule requiring level 2 apprentices to study towards, and attempt, the functional skills assessment at level 2 is temporarily suspended. Apprentices who are due to take their EPA from 1 August 2020 to 31 March 2021 must be passed through gateway to sit their EPA without the need to attempt the level 2 functional skills English and maths assessment. Providers must retain evidence if an apprentice did not take the level 2 assessments due to coronavirus (COVID-19).

New content: We have reinstated the English and maths flowchart to reflect the temporary suspension of the requirement for level 2 apprentices to take the level 2 test.

### Updated March 2021

**P160 to P170** - New rules: From 25 February 2021, where necessary, eligible apprentices can take their end-point assessments before achieving their functional skills qualifications. This is a temporary measure to enable apprentices to progress with their apprenticeship until such time that they can take a functional skills assessment. The flexibility applies until 31 May 2021. This means that apprentices using this flexibility must have started their end-point assessment on or before this date. Apprentices will not be able to complete their programmes or receive their completion certificate until they achieve their functional skills qualifications, and the end-point assessment organisation can confirm that the apprentice has met all of the requirements of the apprenticeship including English and maths.

### Updated April 2021

#### **Suspension of the level 2 test**

The rule requiring level 2 apprentices to study towards, and attempt, the functional skills assessment at level 2 is temporarily suspended. Apprentices who are due to take their EPA from 1 August 2020 to 31 July 2021 must be passed through gateway to sit their EPA without the need to attempt the level 2 functional skills English and maths assessment. Providers must retain evidence if an apprentice did not take the level 2 assessments due to coronavirus (COVID-19).

**P139** English and maths are essential to supporting longer-term career prospects. This is why all apprentices must be supported to gain these essential skills and secure recognised qualifications.

## Achievement levels

- P140** As part of our ambition for a world-class technical education system and in line with recommendations from independent experts, progression towards and attainment of, approved level 2 English and maths qualifications is an important part of the apprenticeship programme. For those undertaking a level 3 or higher apprenticeship, it is a requirement that they hold or achieve an approved level 2 in both subjects before they can successfully complete the apprenticeship.
- P141** For apprentices undertaking a level 2 apprenticeship:
- P141.1** We want as many apprentices as possible to achieve level 2 English and maths. We require all apprentices to achieve level 1 (where they have not already) and work towards this standard and to take the assessments for the achievement of approved level 2 qualifications in these subjects.
  - P141.2** For individuals with special educational needs, learning difficulties or disabilities, who struggle to achieve the regular English and/or maths minimum requirement due to the nature of their difficulty or disability, we will accept achievement of entry level 3 functional skills in English and/or maths (see paragraphs P153 to P159); and
  - P141.3** You must make every effort to enable apprentices with special educational needs, learning difficulties or disabilities to achieve the minimum English and maths requirements of the specific apprenticeship (as set out in paragraphs P140 to P152). This includes appropriate use of access arrangements, reasonable adjustments and other approved qualifications that are in the [2020 to 2021 list of qualifications in the English and maths legal entitlement offer](#).

## What we will fund

- P142** We will fund an apprentice to achieve up to an approved level 2 qualification in English and maths where they do not already hold a suitable equivalent qualification. Acceptable equivalents are set out in a published list on GOV.UK called '[Acceptable current and prior equivalent qualifications for English and maths minimum requirements in apprenticeship standards at level 2 and above](#)'.
- P143** The ESFA will pay you for this at the single rate set by us for each eligible qualification undertaken. It will not be deducted from the employer's apprenticeship service account or require employer co-investment.
- P144** You can claim funding for apprentices who have not previously attained a GCSE grade A\* to C (or 9 to 4) in English or maths (or both) on the day they start the following qualifications:
- P144.1** GCSE English language or maths (or both); or
  - P144.2** Functional skills English or maths at level 2 (or both).
- P145** For level 2 apprenticeships, where a level 2 qualification in English or maths is not required for the apprenticeship and the apprentice does not already hold the acceptable qualifications for their standard, then main providers must adopt the

following approach and can claim funding for an apprentice in the following scenarios:

**P145.1 Where the apprentice holds neither level 1 nor level 2 approved qualifications and is judged by the main provider to be working below level 1 standard in English/maths:**

Apprentices must study towards and achieve English and maths qualifications of at least level 1 (functional skills level 1 or GCSE grade E or 2), and start, study towards and take the assessments for level 2 qualifications in these subjects. The apprentice is not required to achieve level 2 qualifications in order to successfully complete their apprenticeship. These requirements must be fulfilled before the apprentice takes the end-point assessment.

Main providers must also ensure that any level 1 training and assessments are taken at an early enough stage in the apprenticeship to allow sufficient time for an apprentice to study towards and take the assessments for the level 2 qualification, after a level 1 has been achieved. Where the apprentice does not achieve the level 2, main providers can claim only for the training given.

**P145.2 Where the apprentice does not already hold approved level 1 qualifications, but is judged by the main provider to be working at level 1 standard in English/maths:**

Apprentices must start, continue to study and take the assessment for level 2 English and maths (functional skills level 2 or GCSE). If they do not achieve a level 2, you must then ensure they take the assessment for level 1 English and/or maths – this is because they must secure the level 1 qualification in order to complete their apprenticeship.

You must ensure that any level 2 training and assessments are taken at an early enough stage in the apprenticeship to allow time for the apprentice to take the level 1 assessment if they first do not achieve the level 2. In this scenario we will not fund costs for level 1 training and assessment. These requirements must be fulfilled before the apprentice takes the end-point assessment.

**P145.3 Where the apprentice already holds approved level 1 qualifications:**

Apprentices must start, continue to study and take the assessments for a level 2 English and/or maths (functional skills level 2 or GCSE). This requirement must be fulfilled before the apprentice takes the end-point assessment.

**P146** We will fund functional skills English and/or maths at level 1 or below where you (or a subcontractor) has conducted an initial assessment that shows the apprentice needs to study at a lower level before being able to achieve their level 2. The apprentice must be judged to be below level 1 to be funded for a level 1 qualification.

**P147** In exceptional circumstances, we will fund:

**P147.1** re-takes of English and/or maths qualifications where apprentices receive further teaching to achieve the required English and/or maths functional skills qualification; and

**P147.2** [other approved qualifications](#) (including components, where applicable) where an apprentice will need significant, additional numeracy and literacy support that is not met through immediate entry onto a GCSE or functional skills course.

**P148** If the apprentice is made redundant, they are allowed to continue with their English and/or maths up to and including level 2. You can continue to claim funds at the published apprenticeship English and maths rates.

**P149** You must not claim funding from the adult education budget for English or maths undertaken by an apprentice.

**P150** Any English and/or maths requirements for the achievement of an apprenticeship standard not set out above must be funded from an employer's apprenticeship service account or through government-employer co-investment.

**P151** You must provide verifiable evidence of the apprentice's achievement in English and/or maths. Providers must do this as soon as possible, and before the gateway to end-point assessment. Guidance for obtaining acceptable evidence is provided in the evidence pack.

### **Judgement of an apprentice's current level**

**P152** If an apprentice does not have acceptable evidence of previous attainment of English and/or maths you must carry out a judgement of their current level. You must use current assessment tools based on the national literacy and numeracy standards and core curriculum to do this.

### **Exceptions to the regular English and maths minimum requirements, for people with special educational needs, learning difficulties or disabilities**

**P153** Individuals must be considered on a case-by-case basis and must satisfy all of the following conditions:

**P153.1** You and the employer expect the apprentice to achieve all other aspects of the apprenticeship requirements, become occupationally competent and achieve entry level 3 functional skills in the adjusted subject(s) before the end of their apprenticeship.

**P153.2** The apprentice has either an existing or previously issued education, health and care (EHC) plan, a statement of special educational need (SEN) or a learning difficulty assessment (LDA).

**P153.3** You hold or have conducted an evidenced judgement demonstrating that even with support, reasonable adjustments and stepping stone qualifications, the apprentice will not be able to achieve English and/or maths to the minimum level within the timeframe projected for them to complete all the occupational elements.

- P154** Depending on the apprentice's individual circumstances and outcome of your judgement, this exception may apply to either English and maths (or both). If the exception applies to only one subject, the regular requirements for the non-adjusted subject will apply.
- P155** Although the apprentice will be exempt from the regular English and/or maths minimum requirements, main providers must plan and evidence how the apprentice will access further literacy and numeracy development, including level 1 and level 2 courses, as part of their overall training provision, if appropriate.
- P156** The judgement must be formal and structured and conducted by an appropriate professional associated with the main provider (or subcontractor), such as the head of SEN or student support. It must be conducted within eight weeks of an apprentice beginning their apprenticeship and must include:
- P156.1** judgement of the apprentice's current English and maths ability;
  - P156.2** information on how the learning difficulty or disability affects the apprentice's English and maths abilities and a clear indication of whether one or both English and maths are affected;
  - P156.3** judgement of the apprentice's ability to meet the regular English and maths requirements even with appropriate support in place;
  - P156.4** creation of a recommended learning plan to enable the apprentice to achieve entry-level 3 functional skills in the adjusted subject(s) and, where appropriate, to continue to build on their literacy and numeracy skills by accessing further courses; and
  - P156.5** copies of an education, health and care (EHC) plan, a statement of special educational need (SEN) or a learning difficulty assessment (LDA).
- P157** You must retain all elements of the judgement in the evidence pack.
- P158** If the apprentice disagrees with the judgement outcome, you must provide a facility for the apprentice to request a second opinion. You must ensure that a second SEN professional independently reviews the outcome. You may determine the format of the review process.
- P159** Where the apprentice needs to change to entry level 3 for English and/or maths due to their disability or learning difficulty, the main provider must record this in the ILR as a change in the usual way.

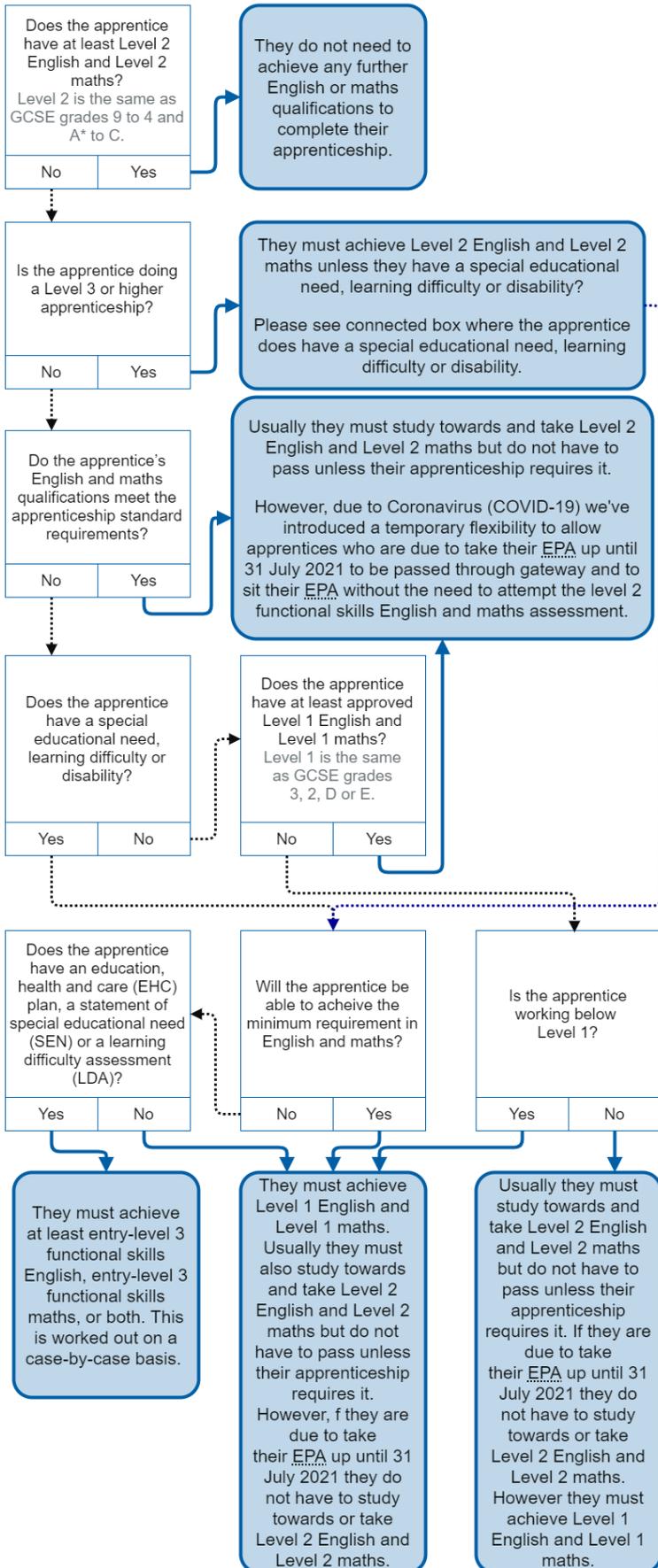
### **Functional Skills Qualifications (FSQ): temporary flexibilities until 31 May 2021**

- P160** From 25 February 2021, eligible apprentices can temporarily take their end-point assessment before achieving the required functional skills qualifications.
- P161** To be eligible to take their end point assessment before achieving the required functional skills qualifications, the apprentice must:
- P161.1** not be on a break in learning (an apprentice may return from a break in learning to take their end-point assessment);

- P161.2** meet all other gateway criteria to progress to their end-point assessment as specified in the apprenticeship standard (except functional skill qualification achievement);
- P161.3** have been confirmed by you and their employer as ready for both their end-point assessment, and to take a functional skills qualification assessment;
- P161.4** have exhausted all possibilities to access FSQ assessment via face-to-face and remote assessment;
- P161.5** start their end-point assessment between 25 February 2021 and 31 May 2021 inclusive; and
- P161.6** provide a written declaration of their intention to take the required functional skills assessments within three months of starting their end-point assessment. You must keep this in the evidence pack.
- P162** You must have explored all other methods of delivering a functional skills qualification assessment via your awarding organisation and will need to declare this in the evidence pack before progressing the apprentice to their end-point assessment. This includes functional skills qualification testing via:
- P162.1** remote delivery, where it is offered by your awarding organisation;
- P162.2** face-to-face delivery, where it is safe to do so and in line with public health guidance;
- P162.3** applying other flexibilities currently available through [Ofqual's Extended Extraordinary Regulatory Framework](#) such as employer invigilation.
- P163** Apprentices can start their end-point assessment where they are eligible to receive a Teacher Assessed Grade for FSQs, and they meet the criteria as set out in P162.
- P164** You must make sure that apprentices who have not already done so, take their functional skills qualification either alongside, or no later than three months after their end-point assessment. This will include where the apprentice can take a functional skills qualification via a Teacher Assessed Grade introduced following the [consultation on how vocational and technical qualifications will be awarded in 2021](#).
- P165** You must make sure that apprentices achieve the appropriate level of functional skills qualification as required for the apprenticeship before the apprenticeship completion certificate is claimed.
- P166** After the apprentice has taken their end-point assessment, you must continue to record the apprentice's English and maths learning aims as 'open' on the ILR until the functional skills qualification requirements of the apprenticeship have been achieved.
- P167** The end-point assessment organisation must not claim the apprenticeship completion certificate from ESFA until they have received evidence from you that the apprentice has met all the requirements of the apprenticeship including English and maths.

- P168** You must keep evidence to assure us that each apprentice taking their end-point assessment before achieving the required functional skills qualification is eligible for this flexibility. This must be kept in the evidence pack.
- P169** This evidence must include:
- P169.1** a declaration, from you, that the apprentice is ready to take a functional skills assessment in person or remotely but cannot access one or receive an assessment;
  - P169.2** evidence that you have explored all other methods of delivering a functional skills qualification assessment via your awarding organisation (see paragraph P162 above); and
  - P169.3** a declaration by the apprentice of their intention to take the required functional skills assessments within three months of starting their end-point assessment.
- P170** We will monitor take-up of this temporary flexibility to identify any potential patterns of fraud or irregularity.

# Flow chart: find out if an apprentice needs to do functional skills English and maths



## End-point assessments

### Updated October 2020

**P173.3** - New rule: To update this section to reflect the new secondary legislation relating to redundancy which came into force on 15 October 2020.

### Updated March 2021

**P174** - New rule: To reflect that eligible apprentices can temporarily take their end-point assessment before achieving the required functional skills qualifications. You must inform the end-point assessment organisation of eligible apprentices this will apply to.

- P171** End-point assessment is a holistic and independent assessment of the knowledge, skills and behaviours, which have been learnt throughout an apprenticeship standard. The requirements for end-point assessment are set out in the assessment plan for each specific standard.
- P172** Apprentices will not be able to achieve an apprenticeship standard without satisfying all the requirements of its assessment plan, including the end-point assessment.
- P173** An apprentice can only take the end-point assessment once they have:
- P173.1** met the minimum duration of the apprenticeship (see paragraph P37. You must ensure that the entire duration of the apprenticeship standard for both training and end-point assessment is a minimum of 372 days to be eligible for funding;
  - P173.2** satisfied the gateway requirements set out in its assessment plan (including any specific duration criteria); and
  - P173.3** their employer (in consultation with the main provider) is content they have attained sufficient knowledge, skills and behaviours to successfully complete the apprenticeship. In the case of an apprentice made redundant where we are funding the apprenticeship to completion, the main provider can act as a proxy employer for the purposes of providing any required employer competency statement. This does not mean you need to record yourself as the employer in the ILR (see paragraph P176).
- P174** Eligible apprentices can temporarily take their end-point assessment before achieving the required functional skills qualifications. Please see paragraphs P160 to P170 and P286 for the specific rules on this flexibility. You must inform the end-point assessment organisation of eligible apprentices this will apply to.
- P175** The employer in consultation with the main provider must ensure that the apprentice is prepared and understands the end-point assessment process. Engaging the end-point assessment organisation can be at any time, but to ensure timely delivery of the end-point assessment no less than 3 months' notice that the apprentice will be ready for the end-point assessment must be given. As part of this process all information

required for the end-point assessment must be ready to present to the end-point-assessment-organisation for the gateway.

- P176** The apprentice must be employed until the end-point assessment is completed. The only exception is where the apprentice has been made redundant and we are funding the apprenticeship to completion. Consideration must be given to the potential time needed for any re-sit and/or re-training prior to re-taking the end-point assessment so the apprentice remains employed during this time.
- P177** At least 3 months before the apprentice reaches the gateway the employer must have:
- P177.1** selected an organisation from the [Register of End-Point Assessment Organisations](#) (RoEPAO) to deliver the end-point assessment,
  - P177.2** negotiated a price with the end-point assessment organisation. Only those organisations listed on the RoEPAO will be eligible to be funded.
- P178** You are required to complete the ILR field for the assessment price and end point assessment organisation identifier as soon as the price and end point assessment organisation is agreed with the employer. These fields must not be completed prior to this.
- P179** Although you will be involved in arrangements for end-point assessment, the assessment itself must be independent (subject to paragraph P180 below). Some assessment plans give the employer and the training provider specific roles but, with the exception of integrated standards, training providers who have delivered the training cannot make an end-point assessment judgement for that same group of apprentices.
- P180** The end-point assessment organisation for an integrated degree standard may also be the training provider, although to remain independent the assessment must be conducted by someone who has not been involved in the delivery of the apprenticeship.
- P181** It is the responsibility of the employer to select the end-point assessment organisation and negotiate the price within the funding band for assessment. You must contract with the end-point assessment organisation that has been selected by the employer and lead the relationship with them including where you subcontract the delivery of apprenticeship training. This allows you, on behalf of the employer, to make payment to them for conducting the end-point assessment. The written agreement must set out the arrangements for sharing relevant information about the apprentice so end-point assessment and certification can take place, including arrangements for any re-takes and payments. This must also include arrangements for a change of circumstances, which may delay, or lead to the cancellation of, the end-point assessment.
- P182** You must ensure that the price you agree with the employer for the apprenticeship includes the amount the employer has negotiated with the end-point assessment organisation. This includes any cost of external quality assurance of the end-point assessment. Costs for external quality assurance will depend on the body undertaking it. You must ensure that you engage actively with any request for information from the external body, where applicable.

- P183** Eligible costs for end-point assessment organisations are set out in the [Conditions of Acceptance](#) document for organisations on the RoEPAO.
- P184** We expect that the cost of end-point assessment will not usually exceed 20% of the funding band maximum. This does not mean that end-point assessment must cost 20%; the cost that individual employers will pay for assessment varies between standards and we expect employers to negotiate with assessment organisations to secure value for money. Where the total negotiated price is higher than the funding band maximum the difference must be paid by the employer.

## Contracting and subcontracting

### New for 1 August 2020

**P190 to P193** - New rules: A rationale for subcontracting must be published by 31 October 2020.

**P210** - New rule: Main providers must not enter into any agreement for brokerage.

**P212.1** - New rule: A copy of the external auditor's final report must be sent to ESFA.

## Main providers directly delivering training or on-programme assessment

- P185** You can only be funded for apprenticeship delivery to employers who do not pay the apprenticeship levy if you have a [“contract for services – non-levy apprenticeship education and training”](#) with us or are working with employers who have reserved funds.
- P186** Funding for all elements of each apprenticeship will be routed through a single main provider that the employer has chosen. This includes funding for English and maths.
- P187** At the outset of each apprenticeship, a main provider and employer will agree a plan for its delivery. You must directly deliver some of the apprenticeship training and/or on-programme assessment associated with each employer's apprenticeship programme. By apprenticeship programme we mean the apprentices that are being trained for the employer that has chosen you. The volume of training and/or on-programme assessment that you directly deliver for each employer must have some substance and must not be a token amount to satisfy this rule. It must not be limited to a brief input at the start of each employer's programme or involve delivery to just a few of a large number of apprentices.
- P188** You can find further information in the document [Using Subcontractors in the Delivery of Apprenticeships](#).

## Agreeing the use of subcontractors with employers

- P189** You must take your own legal advice about whether, in subcontracting part of the service delivery, you are a contracting authority awarding a public contract as defined by the [Public Contracts Regulations 2015](#). If you are, then you should comply with the provisions of the 2015 Regulations. You must provide a synopsis of the legal advice for inspection by us and employers on request.

- P190** You must publish on your website your rationale for subcontracting, which must enhance the quality of your learner offer. You must be clear about the educational rationale for your subcontracting position.
- P191** We expect the rationale to meet one or more of the following aims:
- P191.1** enhance the opportunities available for learners
  - P191.2** fill gaps in niche or expert provision, or provide better access to training facilities
  - P191.3** support better geographical access for learners
  - P191.4** offer an entry point for disadvantaged groups
  - P191.5** give consideration of the impact on individuals with shared protected characteristics
- P192** We expect the rationale to be published by 31 October 2020. It should be easy to navigate to this rationale from the front page of your education and training web pages.
- P193** You must also publish, before agreeing the use of subcontractors with any employer, the services you will provide when subcontracting and how you determine the associated costs.
- P194** You can use delivery subcontractors to complement your own delivery if requested by an employer and agreed at the start of an apprenticeship. Within an employer's apprenticeship programme (conditional on paragraph P187) delivery subcontractors can deliver full or part-apprenticeship training.
- P195** You must only use delivery subcontractors that satisfy one of the following two criteria:
- P195.1** they are on the published [Register of Apprenticeship Training Providers](#) and have applied by the main or supporting application routes; or
  - P195.2** they are either the apprentice's employer, a [connected company or charity](#) as defined by HMRC and are on the published Register of Apprenticeship Training Providers, having applied through the employer-provider application route.
- P196** You must not agree to the use of delivery subcontractors with an employer if you do not have knowledge, skills and experience of contracting with, and managing, delivery subcontractors.
- P197** You must carry out your own due diligence checks on potential delivery subcontractors including taking account of any relevant Ofsted reports. The process and results must be available for inspection by us and employers. You must not use a potential delivery subcontractor's presence on the Register of Apprenticeship Training Providers, or any other public register or database, as an indicator that they are suitable to deliver to your, or the employer's, specific requirements.
- P198** You must not agree with an employer the use of a delivery subcontractor that you assess as being unsuitable, or whose quality of delivery is demonstrably

inadequate, even where the employer decides not to work with you as a consequence.

**P199** You must have robust procedures in place to ensure you do not inadvertently fund extremist organisations through the subcontracting of apprenticeship training and/or on-programme assessment.

**P200** You must not agree the use of any delivery subcontractor where this would require you to subcontract apprenticeship training and/or on-programme assessment to a second level. All of your delivery subcontractors must be contracted directly by you and you may have more than one subcontractor. The restriction on the level of subcontracting is in place to ensure:

**P200.1** that main providers retain clear and transparent accountability for the quality of training provision;

**P200.2** that proper and appropriate controls are in place to manage the apprentice experience; and

**P200.3** that value for money is achieved by mitigating funding being utilised for multiple tiers of subcontractor management.

**P201** You must maintain the relationship with each employer at all times. You must not allow a delivery subcontractor to lead that relationship.

## **Your written agreement with each employer**

**P202** You must clearly describe to each employer and potential subcontractor, before each subcontracting relationship is agreed, the reason for subcontracting and all services you will provide and the associated costs when doing so. This must include a list of specific costs for managing the subcontractor; specific costs for quality monitoring activities and specific costs for any other support activities offered by you to the subcontractor. All of these costs must be individually itemised and describe how each cost contributes to delivering high quality training. You must also explain how such costs are reasonable and proportionate to delivery of the subcontracted apprenticeship training.

**P203** If you and an employer agree the use of delivery subcontractors, you must have an up-to-date written agreement in place with each employer that sets out the following for the delivery of their apprenticeship programme:

**P203.1** The apprenticeship training and/or on-programme assessment that you will directly deliver.

**P203.2** The amount of funding you will retain for your direct delivery.

**P203.3** The apprenticeship training and/or on-programme assessment that each delivery subcontractor will contribute to the employer's apprenticeship programme.

**P203.4** The amount of funding you will pay each delivery subcontractor for their contribution.

- P203.5** The specific amount of funding you will retain to manage and monitor each delivery subcontractor.
- P203.6** The specific amount of funding you will retain for each other support activity you will provide to each delivery subcontractor.
- P203.7** The specific amount of funding you will retain for the monitoring you will undertake to ensure the quality of the apprentice training and/or on-programme assessment you have contracted each delivery subcontractor to carry out.
- P203.8** A detailed description of how the funding retained for each activity detailed in P203.5 to P203.7 contributes to delivering high quality training and how the funding retained is reasonable and proportionate to delivery of the apprenticeship training described in P203.3.
- P203.9** Any actual or perceived conflict of interest between you and any delivery subcontractors. For example, where you and a delivery subcontractor are part of the same group, share common directors or senior personnel, or where you will benefit financially from using a particular delivery subcontractor.

## **Delivery of apprenticeship training and on-programme assessment by delivery subcontractors**

- P204** You are responsible for all of the actions of your delivery subcontractors that are connected to, or arise out of, all the apprenticeship training and on-programme assessment that you have subcontracted to them.
- P205** You carry overall responsibility for the quality of apprenticeship training and on-programme assessment undertaken by your delivery subcontractors.
- P206** You must manage and monitor all of your delivery subcontractors to ensure that high-quality delivery is taking place that meets our funding rules.
- P207** You must carry out a regular and substantial programme of quality-assurance checks on the apprenticeship training and on-programme assessment provided by delivery subcontractors, including visits at short notice and face-to-face interviews with staff and apprentices. The programme must:
  - P207.1** include whether the apprentices exist and are eligible; and
  - P207.2** involve direct observation of initial guidance, assessment and delivery of training and/or on-programme assessment.
- P208** Your findings must be consistent with these funding rules, your expectations and the subcontractor's records. You must report any instances to us where this is not the case.
- P209** If any of your delivery subcontractors undergoes a change of circumstances that affects its ability to continue to deliver under a subcontract with you, you must make alternative delivery arrangements for each apprentice affected by this, in agreement with their employer. Change of circumstances include going into liquidation or

administration, key delivery staff leaving the organisation, or removal from the Register of Apprenticeship Training Providers. The change of delivery arrangements must be recorded in your written agreement with the employer.

## **Contracting with delivery subcontractors**

- P210** You must not enter 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.
- P211** You must have a legally binding contract with each delivery subcontractor.
- P212** You must obtain an annual report from an external auditor if the total apprenticeship contracts with your delivery subcontractors will exceed £100,000 in any one financial year. The report must provide assurance on the arrangements to manage and control your delivery subcontractors. The report must comply with any guidance issued by us. You must supply us with a certificate signed by the external auditor and an authorised signatory to confirm you have received a report that provides assurance.
- P212.1** You must send a copy of the external auditor's final report including the action plan of agreed recommendations to us. We will review this as part of our overall assurance arrangements.
- P213** Your contract with each delivery subcontractor must specify the following:
- P213.1** They must keep to our funding rules.
- P213.2** They must provide you with ILR data so that your data returns to us accurately reflect delivery information.
- P213.3** They must give us, and any other person nominated by us, access to their premises and to all documents related to their delivery of apprenticeships.
- P213.4** They must give you sufficient evidence to allow you to:
- P213.4.1** assess their performance against Ofsted's common inspection framework or the requirements of the QAA quality code;
- P213.4.2** incorporate the evidence they provide into your self-assessment report; and
- P213.4.3** guide the judgements and grades within your self-assessment report.
- P213.5** They must always have suitably qualified staff available to provide apprenticeship training and/or on-programme assessment.
- P213.6** They must co-operate with you to ensure that there is continuity of learning for apprentices if the subcontract ends for any reason.

**P213.7** They must tell you if evidence of irregular financial or delivery issues arises. This could include, but is not limited to, non-delivery of training when funds have been paid, sanctions imposed by an awarding organisation, allegations of fraud, an inadequate Ofsted grade, not meeting relevant QAA quality code indicators, allegations or complaints by apprentices, employers, staff members, or other relevant parties.

**P213.8** They must not use our funding to make bids for, or claims from, any European funding on their own behalf or on our behalf.

**P213.9** They must not use payments made by us as match funding for ESF projects.

**P214** Your contract must make a clear reference to the up-to-date written agreement you have in place with each employer and include a breakdown of all the agreed services and costs.

### **Special conditions for subcontracting to employer-providers**

**P215** Organisations who have successfully applied through the employer-provider route of the Register of Apprenticeship Training Providers are only eligible to deliver apprenticeship training and/or on-programme assessment to apprentices employed either by them or a connected company or charity as defined by HMRC. You must ensure any employer-providers who are delivery subcontractors to you meet this requirement.

**P216** Employer-providers must evidence the actual costs of delivery of apprenticeship training and on-programme assessment (see [Apprenticeship funding rules for employer-providers](#)).

### **Special conditions for subcontracting to supporting providers**

**P217** Delivery subcontractors who have successfully applied to the supporting application route of the Register of Apprenticeship Training Providers must not receive more than £500,000, or £100,000 if the delivery subcontractor is identified as new, of apprenticeship funding for their delivery from 1 April to 31 March each year.

**P218** You must ensure that you are not one of a number of organisations making payments to any supporting provider that exceed £500,000, or £100,000 if the delivery subcontractor is identified as new, in any one year. We will place restrictions on your future use of delivery subcontractors if this happens.

**P219** We will exclude any supporting provider that has applied to the Register of Apprenticeship Training Providers through the supporting application route where they allow their funding to exceed their respective total in any one year.

### **Special conditions for all instances where the employer is the delivery subcontractor**

**P220** Where the employer is the delivery subcontractor you must only pay them for actual costs of delivery. Employers must not profit from apprenticeship delivery to their own employees.

## **Reporting your use of delivery subcontractors to us**

- P221** You must provide a fully completed delivery subcontractor declaration by the dates we will give you. This will be at least twice between 1 April to 31 March each year. If you do not make the declaration on time, we will suspend your payments. If you do not subcontract, you must still provide a nil return to confirm this.
- P222** You must also update your subcontractor declaration if your subcontracting arrangements change during the year.

## **Disputes and issue resolution between the employer and main provider**

- P223** You are responsible for resolving issues and disputes between the employer and your delivery subcontractors. Main providers and assessment organisations must provide employers and apprentices with their written complaints and dispute resolution procedure, policy and process. The first contact point for this must be included in the written agreement and in the commitment statement.
- P224** Agreements entered into between you and the employer must be legally binding. Dispute resolution should be in accordance with the terms of the written agreement, which ultimately would be enforceable through the courts.
- P225** Apprentices and their employers must be made aware by the main provider that they can contact the apprenticeship helpline regarding apprenticeship concerns, complaints and enquiries. The contact number and website must also be included in the employer's written agreement and in the apprentice's commitment statement.

## **Paying for an apprenticeship**

- P226** The funding method for an apprenticeship is determined at the start of each apprentice's programme. Where the employer does not pay the apprenticeship levy at the start of the apprenticeship, it will be funded through government-employer co-investment for its duration unless the apprentice changes employer. Even if the employer subsequently becomes a levy-payer, the apprenticeship will not be funded from the employer's apprenticeship service account.
- P227** Employers, who do not pay the apprenticeship levy, are able to access the apprenticeship service to reserve government-employer co-investment for apprenticeships. The section, "reservations of funds by non-levy employers" has more information on reserving funds from rule P251.

## **The price of an apprenticeship**

- P228** Employers and main providers must negotiate a price for the total cost of each apprenticeship, including the training costs and any subcontracted training. The price must also include the cost of the end-point assessment which the employer must negotiate with the end-point assessment organisation.
- P228.1** You must account for prior learning and experience when negotiating a price with the employer (see paragraphs P67 to P72). You must reduce the content, duration and price where the individual has prior learning necessary to achieve the apprenticeship. Funds must not be used to pay for skills already attained by the apprentice. You must document how you

have assessed the individual's prior learning and include this in the evidence pack.

**P228.2** You must enter the negotiated prices for training and end-point assessment onto the ILR. Where you and the employer do not know the details of the end-point assessment organisation at the start of the apprenticeship, you must enter the price for end-point assessment once this has been confirmed. This field in the ILR must be left blank until the price of the end-point assessment has been confirmed.

**P228.3** The prices entered onto the ILR must not include any VAT which may be charged on employer co-investment.

**P228.4** If the employer negotiates an overall price that is more than the maximum allowed by the funding band for the chosen apprenticeship, then the employer must pay in full the difference between the band maximum and the total negotiated price. This must not be funded from the apprenticeship service account or co-investment. You may charge VAT on the difference. The funding bands, and the standards placed within them, may be subject to change.

**P229** You must not offset the negotiated price with the costs of any service provided by the employer. If the employer is legitimately delivering relevant training or an eligible cost supported by these rules, then this must be included into the overall price. The cost of the apprenticeship must be transparent.

**P230** Once the price has been negotiated, we do not expect the total price of the apprenticeship to increase. The only exceptions to this are when there is a change of circumstances or when the end-point assessment cost is not known at the start of the apprenticeship. We will monitor changes of price and patterns of behaviour to identify any fraudulent activity. You can find further information on changes of circumstance in the 'change of circumstances section (see paragraphs P288 to P343).

## **When payments are made**

**P231** Where the employer's apprenticeship service account is used to fund training, we will pay 80% of the negotiated price up to the maximum value of the funding band, in equal monthly instalments according to the planned duration of the apprenticeship, regardless of how training is scheduled over the duration of the apprenticeship.

**P232** Where apprenticeship training is not funded from the employer's apprenticeship service account (non-levy payers and levy payers with insufficient funds), we will pay 80% of the government co-investment funding in equal monthly instalments according to the planned duration of the apprenticeship, regardless of how training is scheduled over the duration of the apprenticeship. Our monthly instalments will need to be matched with equivalent employer co-investment payments (set at the rate at the time the apprenticeship started – see table in paragraph P244 for details) and evidenced every three months (see paragraph P249).

**P233** We will only pay for commitments made with an employer on the apprenticeship service where the employer is expecting to pay the apprenticeship levy in that

financial year or where the apprenticeship is funded by a transfer (see paragraphs P273 to P282).

**P234** We will pay the remaining balance of the total negotiated price, up to the maximum value of the funding band, when the apprentice has undertaken all the activity relevant to the apprenticeship, including completing all elements of the end-point assessment.

**P235** Where apprenticeship training is not funded from the employer's apprenticeship service account (i.e non-levy payers and levy payers with insufficient funds), to be eligible for the completion payment (described in paragraph P234) you must have:

**P235.1** collected the co-investment from the employer; and

**P235.2** reported the cash value of the employer co-investment on the ILR.

**P236** You can find detailed information about how funding is calculated in the apprenticeship technical funding guide.

## **Value added tax (VAT)**

**P237** Supplies of training or end-point assessment, which are paid by government funding, including the apprenticeship levy, are exempt from VAT. This includes additional payments (see paragraphs P116 to P133). Prices entered onto the ILR must not include VAT (see paragraph P240).

**P238** You are responsible for determining the VAT treatment on your invoices to employers.

**P239** The ESFA does not provide advice on VAT. You must always seek your own advice on VAT from [HMRC](#) if you are in any doubt about VAT treatment.

**P240** If you add VAT to invoices, and the employer is VAT registered, the employer may be able to recover that VAT through its VAT returns. In determining the costs of training or end-point assessment, an employer will need to check with you if VAT will be added and verify, internally or with HMRC, if it can be recovered.

## **Funds in an employer's apprenticeship service account (levy paying employers)**

**P241** Where the employer's apprenticeship service account is used to fund training and assessment, employers are responsible for recording the required details of the apprenticeship. They can give you permission to enter this information on their behalf. The information in the employer's apprenticeship service account must correspond with the information recorded on the ILR.

**P242** Only the employer can confirm the spending of funds from their apprenticeship service account. An employer must not delegate this function to you, and you must not take on this responsibility.

**P243** In certain circumstances we may need to adjust the balance in an employer's apprenticeship service account as a result of retrospective changes to the amount of apprenticeship levy declared to HMRC. These adjustments could be up or down.

An adjustment which reduces the value in their apprenticeship service account might have affected payments already made to you. Where there would have been insufficient funds in the employer’s apprenticeship service account, we will take responsibility for these payments and the employer will be required to pay co-investment direct to the ESFA. If this happens, we will provide you with details of the co-investment value, as you may need this for accounting purposes.

## Employer co-investment

**P244** Where apprenticeship training is not funded from the employer’s apprenticeship service account (non-levy paying employers and levy paying employers with insufficient funds), employers must co-invest the relevant co-investment rate of the total negotiated price up to the funding band maximum. The rate at which co-investment will need to be paid will depend on the date the apprenticeship started – see table below for details of these rates.

Co-investment rates for apprenticeships that started:	
before 1 April 2019	on or after 1 April 2019
10%	5%

**P245** Where an employer becomes a levy-payer during an apprenticeship, which started as a non-levy apprenticeship, they will continue to pay co-investment. Details of this apprenticeship must not be entered on the apprenticeship service. Where the total negotiated price has exceeded the funding band maximum, the employer must pay all the additional costs above the funding band maximum in full.

Please refer to the Apprenticeships Technical Funding guide for more information about when a change of circumstance affects the co-investment rate.

**P246** We will continue to make payments to you provided you record that you have collected the employer’s contribution. You must keep evidence that these contributions have been collected. You must not return, in total or in part, the employer’s contribution once the co-investment has been collected.

**P247** We may withhold payments including the final completion payment until all the employer co-investment has been collected:

**P247.1** you will need to invoice employers separately for any employer co-investment, including any VAT if applicable; and

**P247.2** you may agree a schedule of co-investment payments with the employer which does not match monthly payments made by us, provided the employer has paid a matching co-investment payment (at the rate set at the time the apprenticeship started – see table in paragraph P244 for details) or at our three monthly data-points as set out in paragraph P248.2.

**P248** The only exceptions to employer co-investment are:

- P248.1** English and maths, to achieve the required government standard (see paragraphs P139 to P159);
- P248.2** where the employer qualifies for extra support for small employers (see paragraphs P134 to P138);
- P248.3** for any learning support for the apprentice (see paragraphs P91 to P98);
- P248.4** for any additional payments (see paragraphs P116 to P124); and
- P248.5** where an employer delivers to their own staff as an employer-provider.

**P249** At least every three months you must:

- P249.1** have collected the matching co-investment from employers; and
- P249.2** report the cash value, on the ILR, of total employer contributions received from the beginning of the apprenticeship to the end of the quarter in June, September, December and March.

**P250** The employer co-investment must be a transfer of funding visible in your financial systems. This will typically be in the form of a main provider invoice and corresponding employer payment.

## Reservation of funds by non-levy employers

### New for January 2021

**P254.1** – New rule: To support apprentices who have been made redundant, a reservation can now be used by employers (or providers on their behalf) to reserve funds for an apprentice who was made redundant by their previous employer and where the apprenticeship was originally funded via contracted provision.

**P254.2** – New rule: To support apprentices following the failure of their provider, a reservation can now be used by employers (or providers on their behalf) to reserve funds for an apprentice who had to change provider where their apprenticeship was originally funded via contracted provision.

**P258** – New rule: Reservations can now be used for re-starts where an apprenticeship was funded via contracted provision and following redundancy or provider failure the apprentice needs to continue/complete their apprenticeship.

**P251** Employers who do not pay the levy can reserve funds using the apprenticeship service to access apprenticeship funding. More information on reservation of funds can be found in [Apprenticeship funding in England from April 2021](#).

**P252** Where the employer is using the apprenticeship service to reserve funds to fund training and assessment, employers are responsible for recording the required details of the apprenticeship. They can give you permission to reserve funding, and to enter this information on their behalf. The information in the employer's apprenticeship service account must correspond with the information recorded on

the ILR. It is the responsibility of the employer to ensure the accuracy of information within the reservation.

- P253** Reserved funds are classed as government-employer co-investment and all rules associated with government-employer co-investment must be followed when using reserved funds (please see paragraphs P244 to P250).
- P254** Funding cannot be secured through both reservations, and via contracted provision, for a single apprentice on an apprenticeship unless:
- P254.1** an apprenticeship was funded via contracted provision and following redundancy needs to be funded via a reservation to allow an apprentice to continue/complete their apprenticeship with a new employer.
  - P254.2** an apprenticeship was funded via contracted provision and following provider failure needs to be funded via a reservation to allow an apprentice to continue/complete their apprenticeship with a new provider.
- P255** Each reservation is linked to an employer and their account. If you reserve the funds on behalf of an employer, they can use this reservation with any provider. The employer can change the provider at any time up to the point of the commitment.
- P256** If you and the employer are planning to use reserved funds to fund an apprentice, you must reserve funds in advance of recruitment or an offer of an apprenticeship being made to an existing employee.
- P257** When making a reservation you, or the employer, must declare:
- P257.1** the month the apprenticeship training will start; and
  - P257.2** the apprenticeship standard
- P258** Reservations can only be used for:
- P258.1** New apprenticeship starts; and
  - P258.2** Re-starts where:
    - P258.2.1** The apprenticeship was funded via contracted provision and following redundancy needs to be funded via a reservation to allow an apprentice to continue/complete their apprenticeship with a new employer.
    - P258.2.2** The apprenticeship was funded via contracted provision and following provider failure needs to be funded via a reservation to allow an apprentice to continue/complete their apprenticeship with a new provider.
- P259** Where funds have not been reserved before the apprenticeship start or re-start date, you, or the employer, must reserve funds no later than the end of the calendar month in which the apprentice starts or re-starts.
- P260** Where an apprenticeship has started or re-started and funds have not been reserved, if you want to use reserved funds to fund that apprenticeship, you, or the employer,

must reserve funds for a future available month. You must re-start the apprentice on their apprenticeship and re-determine eligibility in line with the start date confirmed in the reservation. This includes, where applicable, updating the apprenticeship agreement and commitment statement.

- P261** You cannot submit a start or re-start in the ILR where funds have not been reserved and a commitment has not been made for an apprentice, with matching details.
- P262** If you or the employer have made a reservation, we will guarantee funds, subject to the reservation being converted into a commitment and the rest of the funding rules being met. Eligibility is determined at the start of an apprenticeship programme, not on the date of reservation.
- P263** Following a reservation:
- P263.1** A commitment must be made on the apprenticeship service. Information on how to convert a reservation to a commitment can be found on the [how to register and use the apprenticeship service as an employer](#) page on GOV.UK.
- P263.2** You must accurately complete all ILR fields for an apprentice as required in the [ILR specification](#).
- P264** Reservations will expire if they are not used within 3 months of the start date detailed within the reservation. If the reservation expires before the apprentice starts, you or the employer will need to make a new reservation. New reservations are subject to government funds being available.
- P265** If a change of circumstance occurs that results in the need for a new reservation on the apprenticeship service, you must contact [the apprenticeship service support desk](#). You will have used a reservation creating the original commitment for the apprentice and must not make a second due to change of circumstances. More information on when to contact us can be found in the change of circumstances section.

## Qualifying days for funding

- P266** To qualify for any apprenticeship funding the apprentice must be in learning for a minimum of 42 days between the learning start date and learning planned end date.
- P267** If a learner withdraws without completing one episode of learning, for example without attending the first class, then they must not be included in the ILR.
- P268** Where funding is paid for an apprentice who does not subsequently meet the qualifying period, we will recover the funding from you.

## State aid

- P269** Funds received by main providers from an employer's apprenticeship service account (including government top-ups to funds), government-employer co-investment and additional payments (paragraphs P116 to P133) do not fall within the scope of state aid control from 1 August 2020 to 31 July 2021.

- P270** Waiving of the employer contribution for small employers is likely to amount to state aid and the state aid rules will therefore apply to such cases. For more information on State Aid, please visit the [State Aid page](#) on GOV.UK.
- P271** Transfers of funds between employers also engage the state aid rules. For any transfer an employer receives, a percentage of the transferred funds will count towards the employer's de minimis state aid limit. This percentage represents the amount of co-investment the employer would have otherwise had to contribute towards the apprenticeship, if funds had not been transferred. The percentage rate is dependent on when the apprenticeship started – for further information about these rates, please refer to the table in paragraph P244. You must ensure the employer completes a state aid declaration for relevant funding they receive as a result of the waiver of the employer contribution for small employers and transfers. You are responsible for retaining a copy of this declaration in the evidence pack.
- P272** If you become aware that an employer exceeds their de minimis state aid limit of €200,000 of aid (from all sources) over a rolling 3-year period, you must contact us.

## Apprenticeships funded by transfers of levy funds

### Introduction for main providers

#### New for 1 August 2020

**P276** - Clarification: A rule to confirm that connected companies (to the sending employer) are not able to deliver training to the transfer funded apprentice.

**P282** - New rule: A rule to confirm that the receiving employer is solely responsible and liable for the transfer funded apprenticeship.

#### Updated April 2021

**P280** - Clarification: To reflect that from 1 April 2021, all new apprentices with both levy and non-levy paying employers must be funded through the apprenticeship service. For non-levy paying employers this will either be via reserved funds or a transfer of levy funds.

- P273** Levy-paying employers can transfer a percentage of their levy funds, which were declared for the previous tax year, to other employers, including apprenticeship training agencies (ATAs). The transfer allowance percentage is currently set at 25%.

The transfer allowance will be calculated from the total amount of levy declared during the previous tax year, with the English percentage applied, plus the 10% government top-up payment. This allowance is recalculated every tax year and any unused allowance will not be carried forward.

- P274** Employers receiving transferred funds will only be able to use them to pay for training and assessment for apprenticeship standards for new apprenticeship starts. A transfer must be agreed and put in place before an apprentice (being funded by the transfer) starts their apprenticeship. The only exception to this is where the

apprentice is changing employer and an agreement to continue their apprenticeship with their new employer is via a transfer of levy funds - this must be agreed by the point the apprentice starts with their new employer.

- P275** Where receiving employers fund apprenticeships with transferred funds they are treated as levy-paying employers and therefore must follow the [Apprenticeship funding rules and guidance for employers](#) for these apprenticeships. This is set out in their [employer agreement](#).

## **Delivering apprenticeship training to receiving employers**

- P276** If you are a main provider who is also a levy-paying employer (this includes any [connected companies](#)), you must not deliver training to apprentices you are funding through a transfer. This includes where you are acting as a main provider or a subcontractor.
- P277** You must ensure the receiving employer is aware of the requirement to follow the [apprenticeship funding rules for employers](#) for all of their apprenticeships funded by a transfer.
- P278** You must agree the details of the apprenticeship with the receiving employer on the apprenticeship service.
- P279** You must fully explain to the receiving employer the requirement to pay co-investment if the full cost of the apprenticeship cannot be met with a transfer or from their service account. You must arrange to collect co-investment as set out in the co-investment section.
- P280** You are responsible for confirming that a receiving employer has arranged a transfer to fund their apprenticeship from the outset. From 1 April 2021, all new apprentices with both levy and non-levy paying employers must be funded through the apprenticeship service. For non-levy paying employers this will either be via reserved funds or a transfer of levy funds. You must not approve any apprenticeships on the service which are not eligible for any of these funding methods.
- P281** Non-levy paying employers may have apprentices funded by both transfers and government-employer co-investment. If you do not have a contract with us to deliver training to non-levy employers, you are only eligible to deliver training to these employers where the employer has reserved funds on the Apprenticeship Service or where it is funded by a transfer of levy funds.
- P282** Once the transfer of levy funds has been processed, the responsibility and liability of the transfer funded apprenticeship lies solely with the receiving employer. The sending employer has no accountability for that apprenticeship, apart from the commitment to fund the apprenticeship over its entire duration until completion.

## **Delivering the apprenticeship**

### **Data protection**

- P283** Main providers must comply with their obligations under data protection legislation, in particular in relation to circumstances where they act as data controllers or data

processors, any notification requirements and the duty to appoint a data protection officer.

- P284** Data protection legislation means (i) the Data Protection Act 1998 and, for the periods when they are in force, (ii) the General Data Protection Regulation (Regulation (EU) 2016/679) and the Law Enforcement Directive (Directive (EU) 2016/680) and any applicable national implementing laws as amended from time to time, and (iii) the Data Protection Act 2018.

## Certification

### Updated March 2021

**P286** - New rule: The end-point assessment organisation must not claim the apprenticeship completion certificate from ESFA until they have received evidence from the provider that the apprentice has met all the requirements of the apprenticeship including English and maths.

### Updated April 2021

**P285** - Clarification: To reflect that end-point assessment organisations are responsible for claiming the apprenticeship completion certificate from ESFA, including for those apprentices who are not funded by ESFA and recorded in the ILR under Funding Model 99.

- P285** The end-point assessment organisation is responsible for claiming the apprenticeship completion certificate from the ESFA (including for those apprentices who are not funded by ESFA and recorded in the ILR under Funding Model 99).
- P286** The end-point assessment organisation must not claim the apprenticeship completion certificate from ESFA until they have received evidence from the provider that the apprentice has met all the requirements of the apprenticeship including English and maths.
- P287** Where applicable you must apply for and give apprentices certificates from awarding organisations for achieving a mandatory qualification and evidence this in the evidence pack.

## Change of circumstance

### New for 1 August 2020

**P290** - Clarification: If an apprentice's employment is terminated, the individual can continue with their apprenticeship where the break in employment has been 30 days or less. Where a new employer is found and employment starts within 30 days, this must be managed using a withdrawal and restart to ensure funds are not paid when the apprentice is not employed. Apprentices will retain eligibility and will not have to meet minimum duration rules for their restarted portion alone.

## Updated October 2020

**P290** - New rule: (replaces existing rule from 1<sup>st</sup> August): When employment or an apprenticeship agreement has ended (resignation, dismissal or any other action by the apprentice or the employer that results in the apprenticeship agreement ending) and new employment has commenced within 30 days we do not expect a withdrawal to be recorded.

- P288** If any circumstances change that affect any agreement made between you and the employer, you must revise existing agreements or create new agreements. This includes but is not limited to:
- P288.1** changes to price;
  - P288.2** changes to the apprentice's eligibility;
  - P288.3** any updates required to the employer's apprenticeship service account;
  - P288.4** changes to the apprentice's contract or working pattern;
  - P288.5** changes to the apprenticeship duration;
  - P288.6** changes to the subcontractor; or
  - P288.7** breaks in learning.
- P289** We will monitor unusual patterns of activity to identify any potential fraud or irregularity.
- P290** An apprentice must be employed continuously for the duration of the apprenticeship. If their employment is terminated, the individual cannot continue with their off-the-job training (with the exception of redundancy).
- P290.1** When employment or an apprenticeship agreement has ended (resignation, dismissal or any other action by the apprentice or the employer that results in the apprenticeship agreement ending, with the exception of redundancy) and new employment has commenced within 30 days we do not expect a withdrawal to be recorded.
  - P290.2** When employment or an apprenticeship agreement has ended (resignation, dismissal or any other action by the apprentice or the employer that results in the apprenticeship agreement ending, with the exception of redundancy) and new employment hasn't commenced within 30 days, you must manage this using a withdrawal to ensure funds are not paid when the apprentice is not employed, in line with rules P339 to P341.
- P291** The apprentice may take a break in learning where they plan to return to the same apprenticeship programme. The decision to take a break in learning, the reason for the break and its expected duration must be agreed with the employer. This could include medical treatment, parental leave or leave for other personal reasons. You must record breaks in learning on the ILR and re-plan the delivery of any remaining training and/or assessment following a break, if required. The employer must revise the apprenticeship agreement if required. A break in learning must not be recorded:

- P291.1** For annual leave, public holidays and short-term absence (up to 4 weeks).
- P291.2** When employment or an apprenticeship agreement has ended (redundancy, resignation, dismissal or any other action by the apprentice or the employer that results in the apprenticeship agreement ending). Where an apprentice has been made redundant you must refer to the redundancy section in the rules (see paragraphs P46 to P47).
- P292** We will stop making payments from funds in an employer's apprenticeship service account or government-employer co-investment if an apprentice has a break in learning.
- P293** If an apprentice is on a break in learning when an additional payment is due, the payment will be delayed until the apprentice resumes their apprenticeship and has reached an overall total of 90 or 365 days in learning.
- P294** Throughout the apprenticeship any changes of employer or main provider (including subcontractors), as well as breaks in learning must be reported to us. You must account for these changes and ensure the minimum duration rules (see paragraphs P37 to P47) are met.
- P295** You can find detailed information on how changes of circumstances affect how funding is calculated in the [Apprenticeship Technical Funding Guide](#).
- P296** Please refer to the [ILR guidance](#) for details of how to record these change of circumstances on the ILR which you can find on our website. We will update this guidance as new changes of circumstance arise. If you need any further advice, please contact us.

## **Where training or assessment stops**

- P297** Where a change of circumstance means that training and/or assessment is no longer being delivered, no further funds from an employer's apprenticeship service account, government-employer co-investment or additional payments will be made.
- P298** In these circumstances you must agree with the employer the cost of the training and, where applicable, the end-point assessment delivered to date. You must ensure the employer has paid any mandatory co-investment due for any training or end-point assessment already delivered.
- P299** If an apprentice leaves without completing their apprenticeship, the last date of learning, including the apprenticeship programme learning aim, is the date you have evidence the apprentice was still in learning for any learning that was part of their apprenticeship.
- P300** When a change of circumstance results in over-payment of funds from an employer's apprenticeship service account or government-employer co-investment, any over-payment must be repaid by you. You must follow the arrangements set out in your agreement with the employer for any over-payment by the employer.
- P301** You must agree with the employer any reimbursement for employer co-investment made for learning paid for, but not undertaken; or learning delivered, but not yet

paid up to the employee's leave date, or the date of their break in learning, as needed.

- P302** Apprentices who started their programme before 1 May 2017 must not be withdrawn and re-started onto the same apprenticeship, or another apprenticeship at the same level in a similar subject after 1 May 2017 solely to enable them to be funded by the new funding system. If the apprentice was on a break in learning, they can transfer to a new apprenticeship in the new funding system if it is in their best interests. We will monitor any breaks in learning during this period to identify any abuse of this exception.
- P303** If any change of circumstances is not included above, you must seek advice from us about what action you must take. Please use our [enquiry form](#).

## Redundancy

### **New for 1 August 2020**

**P305.9** - New rule: New requirement to provide the apprentice with a 'record for part completion of an apprenticeship'.

### **Updated October 2020**

**P304 to P307** - New rules: To update this section to reflect the new secondary legislation relating to redundancy, which came into force on 15 October 2020.

**P305.8** and **P307.8** - New rules: New requirement to record the withdrawal reason as redundancy

**P305.9** and **P307.9** - Clarification: 'Record for part-completion of an apprenticeship' has changed to 'Record of apprenticeship part-completion'

**New content:** We have introduced a flowchart to support the rules in this section.

### **Apprentices made redundant on or after 1 August 2020 but before 15 October 2020 who, on the day of dismissal, were within six months of the final day of the apprenticeship practical period**

- P304** Apprentices who have had their apprenticeship agreement terminated by reason of redundancy on or after 1 August 2020 but before 15 October 2020, and who, on the day of dismissal, were within six months of the final day of the practical period specified in the apprenticeship agreement, may continue their apprenticeship training without being employed under an apprenticeship agreement (see paragraph P32.1.1). In these circumstances:
- P304.1** You can continue to deliver the apprenticeship's training as long as all the remaining elements, including the end-point assessment, can be successfully delivered.
- P304.2** We will fund 100% of the remaining costs of the price negotiated between you and the employer, up to the funding band maximum.

- P304.3** You must record the change in employment status in the ILR and, where applicable, the employer must stop payments from their apprenticeship service account, including where the apprenticeship is funded by a transfer. These dates must match the date the apprentice's apprenticeship agreement was terminated.
- P304.4** You must retain evidence of the apprentice's redundancy in the evidence pack.
- P304.5** You must support the apprentice through to the end of the apprenticeship, including any assessment.
- P304.6** You must have evidence that you have made reasonable efforts to find the apprentice a new employer.
- P304.7** If the apprentice finds a new employer where they can complete their apprenticeship, then the new employer assumes all outstanding liabilities and benefits from that point. You must negotiate a new price, if required, with the new employer and input this on the ILR.
- P304.8** If the apprentice takes a job with an employer which is not related to their apprenticeship, we will continue to fund them as per paragraph P304.2.

**Apprentices made redundant on or after 1 August 2020 but before 15 October 2020 who, on the day of dismissal, were more than six months from the final day of the apprenticeship practical period**

- P305** Apprentices who have their apprenticeship agreement terminated by reason of redundancy on or after 1 August 2020 but before 15 October 2020, and who, on the day of dismissal, were more than six months from the final day of the practical period specified in the apprenticeship agreement, may continue their apprenticeship training without being employed under an apprenticeship agreement (see paragraph P32.1.2). In these circumstances:
  - P305.1** You can continue to deliver the apprenticeship's training, where it can be successfully delivered.
  - P305.2** We will fund the remaining costs of the price agreed between you and the employer for 12 weeks, while the apprentice seeks another employer.
  - P305.3** You must record the change in employment status in the ILR and, where applicable, the employer must stop payments from their apprenticeship service account, including where the apprenticeship is funded by a transfer. These dates must match the date the apprentice's apprenticeship agreement was terminated.
  - P305.4** You must retain evidence of the apprentice's redundancy in the evidence pack.
  - P305.5** You must have evidence that you have made reasonable efforts to find the apprentice a new employer.
  - P305.6** If the apprentice finds a new employer where they can complete their apprenticeship, then the new employer assumes all outstanding liabilities

and benefits from that point. You must negotiate a new price, if required, with the new employer and input this on the ILR.

- P305.7** If the apprentice takes a job with an employer which is not related to their apprenticeship, we will continue to fund them as per paragraphs P305.2.
- P305.8** Where a new employer is not found within 12 weeks you must record the apprentice as withdrawn and you must record the withdrawal reason as redundancy.
- P305.9** Where an apprentice is withdrawn because they have been unable to find a new employer, you must provide a 'record of apprenticeship part-completion' to support the individual to find new employment. This record must include, as a minimum:
- P305.9.1** the apprentice details.
  - P305.9.2** the level and subject.
  - P305.9.3** the start date and planned end date.
  - P305.9.4** the percentage of the apprenticeship completed.
  - P305.9.5** a summary of the knowledge, skills and behaviours that you consider they have developed and evidenced.
  - P305.9.6** in the case of apprenticeships with mandatory qualifications, the qualification, or units thereof, achieved.

**Apprentices made redundant on or after 15 October 2020 who, on the day of dismissal, are within six months of the final day of the apprenticeship practical period OR they have completed at least 75% of the apprenticeship practical period**

- P306** Apprentices who have their apprenticeship agreement terminated by reason of redundancy, on or after 15 October 2020 and who, on the day of dismissal, are within six months of the final day of the practical period OR they have completed at least 75% of the practical period specified in the apprenticeship agreement, may continue their apprenticeship training without being employed under an apprenticeship agreement (see paragraph P32.2.1). In these circumstances:
- P306.1** You can continue to deliver the apprenticeship's training as long as all the remaining elements, including the end-point assessment, can be successfully delivered.
  - P306.2** We will fund 100% of the remaining costs of the price negotiated between you and the employer up to the funding band maximum.
  - P306.3** You must record the change in employment status in the ILR and, where applicable, the employer must stop payments from their apprenticeship service account, including where the apprenticeship is funded by a transfer. These dates must match the date the apprentice's apprenticeship agreement was terminated.

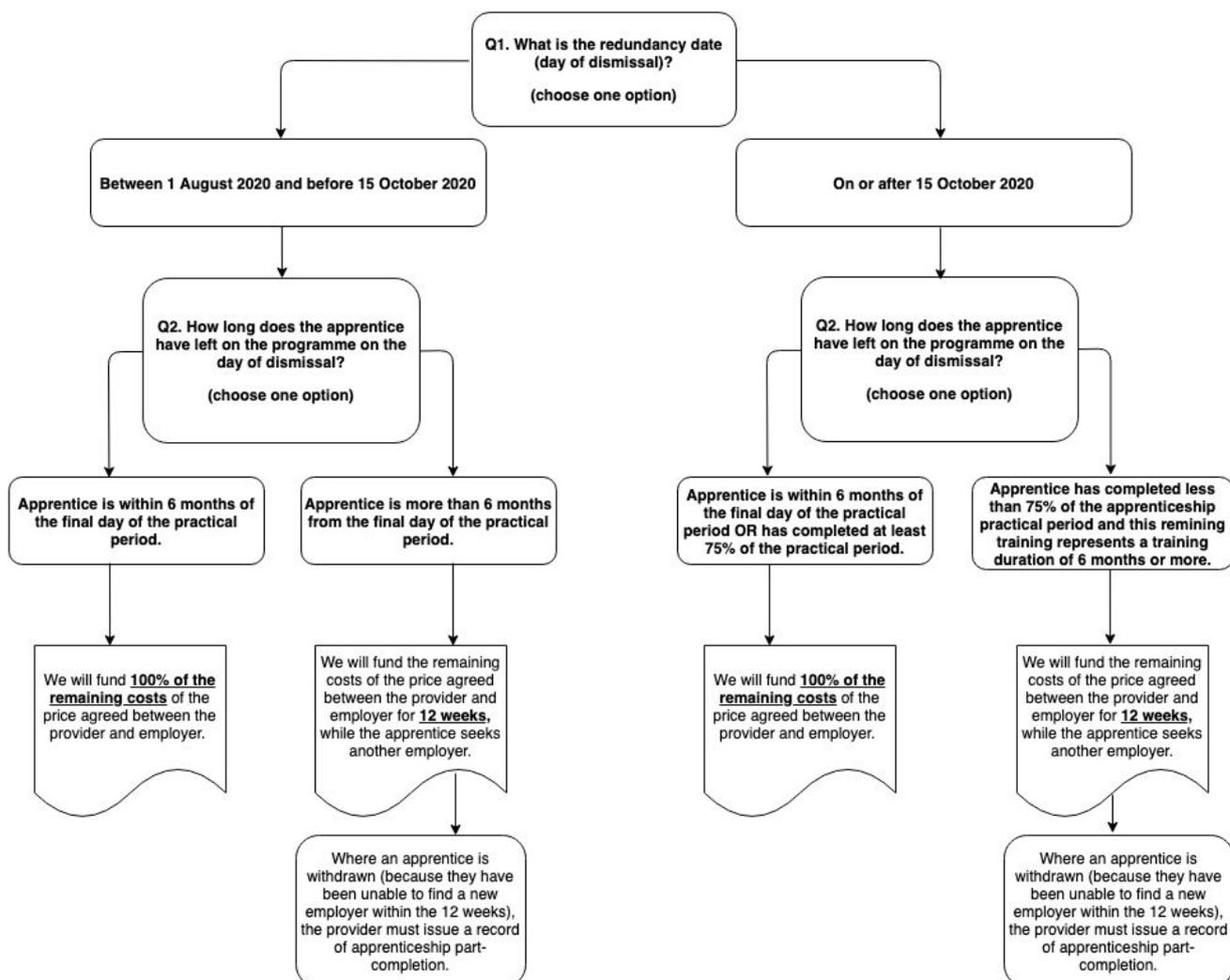
- P306.4** You must retain evidence of the apprentice's redundancy in the evidence pack.
- P306.5** You must support the apprentice through to the end of the apprenticeship, including any assessment.
- P306.6** You must have evidence that you have made reasonable efforts to find the apprentice a new employer.
- P306.7** If the apprentice finds a new employer where they can complete their apprenticeship, then the new employer assumes all outstanding liabilities and benefits from that point. You must negotiate a new price, if required, with the new employer and input this on the ILR.
- P306.8** If the apprentice takes a job with an employer which is not related to their apprenticeship, we will continue to fund them as per paragraph P306.2.

**Apprentices made redundant on or after 15 October 2020 and who, on the day of dismissal, have completed less than 75% of the apprenticeship practical period and the remaining training represents a training duration of six months or more**

- P307** Apprentices who have their apprenticeship agreement terminated by reason of redundancy, on or after 15 October 2020, and who, on the day of dismissal, have completed less than 75% of the practical period specified in the apprenticeship agreement, and the remaining training represents a training duration of six months or more, may continue their apprenticeship training without being employed under an apprenticeship agreement (see paragraph P32.2.2). In these circumstances:
- P307.1** You can continue to deliver the apprenticeship's training, where it can be successfully delivered.
  - P307.2** We will fund the remaining costs of the price agreed between you and the employer for 12 weeks, while the apprentice seeks another employer.
  - P307.3** You must record the change in employment status in the ILR and, where applicable, the employer must stop payments from their apprenticeship service account, including where the apprenticeship is funded by a transfer. These dates must match the date the apprentice's apprenticeship agreement was terminated.
  - P307.4** You must retain evidence of the apprentice's redundancy in the evidence pack.
  - P307.5** You must have evidence that you have made reasonable efforts to find the apprentice a new employer.
  - P307.6** If the apprentice finds a new employer where they can complete their apprenticeship, then the new employer assumes all outstanding liabilities and benefits from that point. You must negotiate a new price, if required, with the new employer and input this on the ILR.
  - P307.7** If the apprentice takes a job with an employer which is not related to their apprenticeship, we will continue to fund them as per paragraphs P307.2.

- P307.8** Where a new employer is not found within 12 weeks you must record the apprentice as withdrawn and you must record the withdrawal reason as redundancy.
- P307.9** Where an apprentice is withdrawn because they have been unable to find a new employer, you must provide a 'record of apprenticeship part-completion' to support the individual to find new employment. This record must include, as a minimum:
- P307.9.1** the apprentice details.
  - P307.9.2** the level and subject.
  - P307.9.3** the start date and planned end date.
  - P307.9.4** the percentage of the apprenticeship completed.
  - P307.9.5** a summary of the knowledge, skills and behaviours that you consider they have developed and evidenced.
  - P307.9.6** in the case of apprenticeships with mandatory qualifications, the qualification, or units thereof, achieved.

### Flow chart: What to check in the case of redundancy



## Maternity, Adoption and Shared Parental Leave

### New for 1 August 2020

**P308 to P321** - New rules: This new policy was announced earlier this year. (Note that since the clarification version we have added additional information relating to the policy intention, how breaks in learning could work and how much off-the-job training can be recorded).

### Maternity Leave

- P308** An apprentice may carry out up to 10 days' work for her employer without bringing her maternity leave period to an end (referred to as keeping in touch or KIT days).
- P309** If an apprentice wishes to use any of her 10 designated KIT days to continue apprenticeship training and/or assessment, including end-point assessment, they may do so.
- P310** Apprentices will lose their entitlement to statutory maternity pay and may bring their statutory maternity leave to an end if they undertake more than 10 days' work (their KIT entitlement) during their maternity leave. This may not affect any contractual rights.
- P311** Where KIT days are to be used for off-the job training during a period of maternity leave, you are required to agree in writing, with the apprentice and the employer, certain details (see paragraph P317). A copy of this agreement is to be kept in the apprentice evidence pack.

### Adoption Leave

- P312** An apprentice may carry out up to 10 days' work for their employer during their statutory adoption leave period without bringing their statutory adoption leave or adoption pay period to an end (referred to as keeping in touch or KIT days).
- P313** Where KIT days are to be used for off-the job training during a period of adoption leave, you are required to agree in writing, with the apprentice and the employer, certain details (see paragraph P317). A copy of this agreement is to be kept in the apprentice evidence pack.

### Shared Parental Leave

- P314** An apprentice may work for up to 20 days during the shared parental leave period for each of their employers without bringing their leave to an end. These days are "shared parental leave in touch" (SPLIT) days. These are separate and additional to any KIT days during a period of maternity or adoption leave.
- P315** Where SPLIT days are to be used for off-the job training during a period of shared parental leave, you are required to agree in writing, with the apprentice and the employer, certain details (see paragraph P317). A copy of this agreement is to be kept in the apprentice evidence pack.

### Paternal Leave

**P316** Statutory paternal leave is a maximum period of 2 weeks. Any breaks of less than 4 weeks do not need to be reported to the ESFA. The expectation is that you would structure the off-the-job training delivery around any paternal leave allowing the apprentice to complete training as per the original plan.

### **The Agreement**

**P317** Where an apprentice and employer wish to use KIT/SPLIT days to continue apprenticeship off-the-job training and/or assessment during a period of maternity, adoption or shared parental leave, you must complete the following agreement. This agreement must be signed by all 3 parties and must include: -

**P317.1** The apprentice's reason behind the request to continue apprenticeship training during KIT/SPLIT\* days;

**P317.2** The number of KIT/SPLIT\* days intended to be used and the type of training and number of hours proposed to be undertaken on these days. Any training carried out any KIT/SPLIT day would constitute a day's work (and therefore one KIT/SPLIT day);

**P317.3** The employer's support and endorsement of this use of KIT/SPLIT\* days;

**P317.4** The provider's support and endorsement of this arrangement;

**P317.5** An acknowledgement by the apprentice that in undertaking training and/or assessment, including end-point assessment, on KIT/SPLIT\* days this will impact on their entitlement to KIT/SPLIT\* days as well as statutory maternity/adoption/shared parental\* leave and pay (i.e. they may lose statutory maternity/adoption/shared parental\* leave and pay if KIT/SPLIT\* days are exceeded); and

**P317.6** An agreement by the employer and provider in relation to the timing of KIT/SPLIT\* days relative to the monthly payments that the provider will continue to receive if a break in learning is not utilised.

**P317.6.1** If there is a gap of 4 weeks or more between two KIT/SPLIT days, then a break in learning must be used to pause funding.

(\*delete as appropriate e.g. KIT/SPLIT, maternity/adoption/shared parental)

**P318** The intention of the policy arrangements described in paragraphs P308 to P317 is to allow an apprentice with minimal training left (less than the available number of KIT days) to complete their apprenticeship during their leave or to allow for an incremental return to training prior to returning to the workplace (e.g. to train with a cohort prior to a return to the workplace). The policy is not designed to support sporadic activity during a long period of leave, and you must, where possible, avoid multiple breaks in learning.

### **Recording off-the-job training during a period of maternity/adoption/shared parental leave**

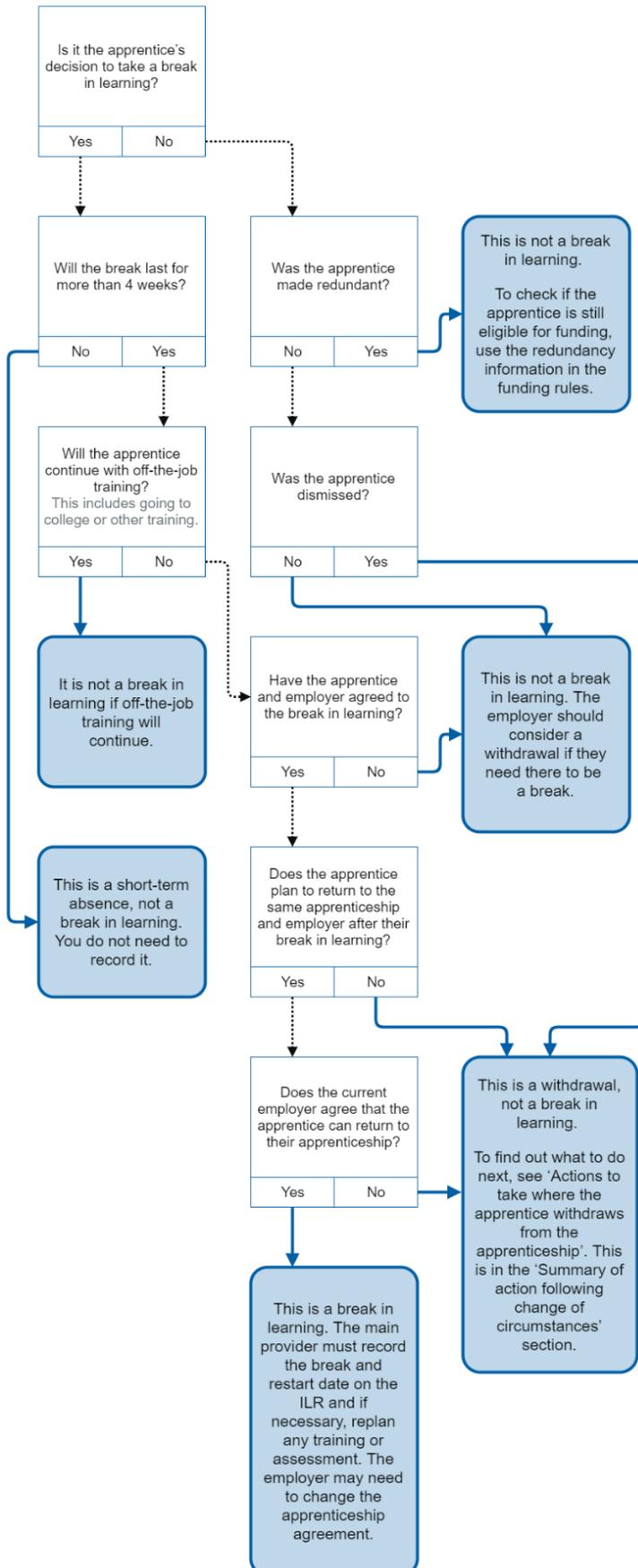
**P319** During a period of maternity/adoption/shared parental leave, only the off-the-job training that is delivered on the KIT/SPLIT day(s) can be included towards the

minimum off-the-job training requirement. At all other times during the leave period, the apprentice is not 'working' and therefore off-the-job training must not be delivered during this time and must not be included in the minimum requirement.

### **Actions for the provider and employer to take**

- P320** If the apprentice is not intending to use any KIT/SPLIT days to continue off-the-job training during their period of maternity/adoption/shared parental leave, please follow the guidance for breaks in learning (see paragraphs P322 to P323). The break in learning would be used for the full period of maternity/adoption/shared parental leave.
- P321** If the apprentice is intending to use KIT/SPLIT days to continue off-the-job training during their period of maternity/adoption/shared parental leave, please see paragraphs P324 to P325.

# Flow chart: Find out what to do if your apprentice wants to take a break in learning



## Summary of action following change of circumstance

### New for 1 August 2020

**P324 to P325** - New rules: Summary of actions added to confirm the action to take where the apprentice is using KIT/SPLIT days to continue off-the-job training during a period of maternity/adoption/shared parental leave.

**P326 to P329** - New rules: Summary of actions to take when there is a change to the working hours of the apprentice during the programme (e.g. an increase or a decrease to original working hours)

**P339 to P341** - New rules: Summary of actions added to confirm the action to take where the apprentice changes employer but continues the same apprenticeship with the same main provider, where there is a break in employment 30 days or longer.

### Updated October 2020

**P342 to P345** - New rules: To update this section to reflect the new secondary legislation relating to redundancy, which came into force on 15 October 2020.

## Actions to take where there is a break in learning where the apprentice requires a break in their apprenticeship due to illness, parental leave, or other personal reasons

**P322** The employer must notify the main provider that the apprentice will be absent for a period of time. They may also;

**P322.1** pause payments through their apprenticeship service account;

**P322.2** review or update the duration of the break as necessary;

**P322.3** un-pause the apprenticeship in their apprenticeship service account when the apprentice returns to learning; and

**P322.4** extend the practical period of the apprenticeship agreement as required.

**P323** The main provider must:

**P323.1** Record the break and restart dates in the ILR.

**P323.2** Re-plan the delivery and agree a revised price, if required, with the employer when the apprentice resumes learning. This must be entered on the ILR. If a different price had been entered previously on the employer's apprenticeship service account, the revised price must also be entered here, on or before the new start date.

### Effect on funding

Funding from an employer's apprenticeship service account or government-employer co-investment stops until the apprentice resumes their apprenticeship. Funding is capped across both periods of learning so that the overall earnings do not exceed the funding band maximum. Funding will recommence based on the new start date in the ILR. All additional

payments stop until the apprentice resumes their apprenticeship. Any additional payments already made are retained.

### **Actions to take where an apprentice is using KIT/SPLIT days to continue off-the-job training during a period of maternity/adoption/shared parental leave**

**P324** The employer must notify the main provider that the apprentice will be going on maternity/adoption/shared parental leave but will be using KIT/SPLIT days to continue off-the-job training. The employer must:

**P324.1** Discuss and agree the agreement (see paragraph P317) with the provider and apprentice, including when KIT/SPLIT days will be used against when a break in learning will be used;

**P324.2** When appropriate, pause payments through their apprenticeship service account;

**P324.3** When appropriate, un-pause the apprenticeship in their apprenticeship service account; and

**P324.4** Extend the practical period of the apprenticeship agreement as required.

**P325** The main provider must:

**P325.1** Discuss and agree the agreement (see paragraph P317) with the employer and apprentice, including when KIT/SPLIT days will be used against when a break in learning will be used.

**P325.2** When appropriate, record the break and restart dates in the ILR.

**P325.3** When appropriate, re-plan the delivery and agree a revised price (if required) with the employer when the apprentice resumes learning. This must be entered on the ILR. If a different price had been entered previously on the employer's apprenticeship service account, the revised price must also be entered here, on or before the new start date.

**P325.4** Update the apprenticeship documentation with any extended dates (commitment statement, contract for services). Work with the employer to extend the apprenticeship agreement.

### **Effect on funding**

Funding from an employer's apprenticeship service account or government-employer co-investment stops during a break in learning. Funding is capped across periods of learning so that the overall earnings do not exceed the funding band maximum. Funding and additional payments recommence when the apprentice resumes their apprenticeship. Any additional payments already made are retained.

### **Actions to take when there is a change to the working hours of the apprentice during the programme (e.g. an increase or a decrease to original working hours)**

- P326** If there is a change of circumstance during the programme, in relation to the working hours of the apprentice, you must discuss and agree, with the employer and apprentice, if this change has a material impact on the current training plan.
- P327** You must document this discussion, which must include:
- P327.1** Whether the apprentice can continue to study for the same volume of off-the-job training hours per week;
  - P327.2** Whether off-the-job training can still be delivered within the new working hours of the apprentice and
  - P327.3** Whether the ability of the apprentice to undertake end-point assessment is impacted.
  - P327.4** Whether the programme is being changed as a result of this discussion.
- P328** Where all parties agree that there is no material impact on the current training plan, the main provider:
- P328.1** Must not amend the apprenticeship documentation (apprenticeship agreement, commitment statement, contract for services) or the ILR
- P329** Where all parties agree that there is a material impact on the current training plan, the main provider:
- P329.1** Must agree with the employer and apprentice how the change impacts on the duration.
    - P329.1.1** If moving from full-time to part-time, please see paragraph P42;
    - P329.1.2** If moving from part-time to full-time, the programme must still meet the minimum duration and off-the-job training requirements.
  - P329.2** Must work with the employer to extend the apprenticeship agreement.
  - P329.3** Must amend the apprenticeship documentation (commitment statement, contract for services) to outline the new expected end date.
    - P329.3.1** The off-the-job training hours that were agreed at the beginning of the programme do not change (unless, as part of the discussion, it is also agreed that additional training is appropriate because of the change of circumstance).
  - P329.4** Must not amend the ILR (the planned learning end date on the ILR does not change once it is submitted (with the exception of a data input error at the beginning of the programme).
    - P329.4.1** Note that there are no changes required to the apprenticeship service.

### **Effect on funding**

Funding and additional payments remain unchanged.

### **Actions to take when there is a change in price where the employer negotiates a revised training or assessment cost, or the assessment cost is added after the start of the programme**

**P330** Both the employer and main provider must:

**P330.1** Agree a new price.

**P330.2** Confirm the new price on the apprenticeship service. If funded by a transfer, both the sending and receiving employers will need to agree the new apprenticeship in the apprenticeship service.

**P330.3** Revise written agreements and/or the commitment statement as required.

**P331** The main provider must update the price on the ILR.

### **Effect on funding**

After applying the funding band limit, we will hold 20% of the new total price back as the completion payment and deduct any funding already received. The remainder will be spread equally over the remaining planned duration. Additional payments are unaffected.

### **Actions to take where the apprentice withdraws from the apprenticeship, where the apprentice is no longer employed by the employer and has withdrawn from their programme (not redundancy) OR the apprentice chooses to withdraw prior to completion but remains with the same employer**

**P332** The employer must:

**P332.1** notify the main provider that the apprentice has left; and

**P332.2** stop payments through their apprenticeship service account, using a date that corresponds with the date the apprentice withdrew from their apprenticeship. This includes where the apprenticeship is funded by a transfer.

**P333** The main provider must record the learning end date of the apprenticeship on the ILR.

### **Effect on funding**

Funding from an employer's apprenticeship service account or government-employer co-investment stops. The employer co-investment must be reconciled to the date of withdrawal and a balancing payment may be made by us. All additional payments stop until the apprentice resumes their apprenticeship. Any additional payments already made are retained.

### **Action to take where the apprentice starts a new role with the same employer and**

**requires a different apprenticeship programme and the main provider remains the same**

**P334** Both the employer and main provider must:

- P334.1** agree a new price for training and assessment for the new apprenticeship, taking into account relevant learning from the first apprenticeship. If funded by a transfer, both the sending and receiving employers will need to agree the new apprenticeship in the apprenticeship service; and
- P334.2** enter the details of the new programme, price and effective date on the apprenticeship service.
- P334.3** If funded via reserved funds you must contact the [apprenticeship service support desk](#).

#### **Effect on funding**

Funding from an employer's apprenticeship service account or government-employer co-investment for the first programme stops. Any employer co-investment for the first programme must be reconciled to the date of transfer and a balancing payment may be made by us.

Funding from an employer's apprenticeship service account or government co-investment for the second programme is made for the new programme. Each programme price is capped separately. Additional payments are received once for each apprenticeship.

The co-investment rate for the new apprenticeship will be at the rate in force at the time it starts.

#### **Action to take where the employer selects a different main provider where the apprenticeship remains the same**

**P335** The employer and new main provider must:

- P335.1** negotiate a new price, as set out in these funding rules. If funded by a transfer, both the sending and receiving employers will need to agree the new apprenticeship in the apprenticeship service; and
- P335.2** update the apprenticeship service with the new price, new main provider and effective date.
- P335.3** If funded via reserved funds you must contact the [apprenticeship service support desk](#).

#### **Effect on funding**

Funding from an employer's apprenticeship service account or government-employer co-investment to the first main provider stops. Payments due to the first main provider are reconciled. Funding from an employer's apprenticeship service account or government co-investment for the second programme is made to the new main provider. The funding band cap and minimum duration will apply to the total cost across both main providers.

The co-investment rate for the apprenticeship will remain at the rate in force at the time it started.

The employer continues to receive additional payments. The original main provider retains any additional payments already made. Any remaining main provider additional payments not paid to the original main provider can be paid to the new main provider.

The number of days in learning with the first main provider are added to the days in learning with the new main provider to calculate when payments are due.

## **Action to take where the apprentice changes employer but continues the same apprenticeship with the same main provider**

### **Where there is no break in employment or a break of 30 days or less**

**P336** The original employer must stop payments through their apprenticeship service account, using a stop date that corresponds with the date the apprentice changed employer. This includes where the apprenticeship is funded by a transfer. They can also stop co-investment, as appropriate.

**P337** The new employer and main provider must:

**P337.1** agree a price for the remainder of the apprenticeship training and assessment taking into account relevant learning from the first employer. This price must be recorded in the ILR as a 'residual' price;

**P337.2** register the apprentice on the apprenticeship service, if appropriate, for funding to start;

**P337.3** confirm arrangements for, and start paying, co-investment if appropriate; and

**P337.4** contact us if they are unable to register the apprentice on the apprenticeship service.

**P337.5** if the apprenticeship is now being funded by a transfer, or continuing to be funded by a transfer, then the receiving (new) employer will need to register on the apprenticeship service and the transfer will need to be agreed by the sending employer. For more information on how transfers work, please refer to the ['Apprenticeships funded by transfer of levy funds'](#) section within the Employer or Employer-Provider Funding Rules (whichever is relevant).

**P337.6** If funded via reserved funds you must contact the [apprenticeship service support desk](#).

**P338** The main provider must not draw down funds in an employer's apprenticeship service account or government co-investment for delivery which the ESFA has already paid for with the first employer.

### **Where there is a break in employment of more than 30 days**

**P339** The original employer must stop payments through their apprenticeship service account, using a stop date that corresponds with the date the apprentice changed

employer. This includes where the apprenticeship is funded by a transfer. They can also stop co-investment, as appropriate.

**P340** The main provider must:

**P340.1** record the learning end date of the apprenticeship on the ILR and withdraw the apprentice from the programme;

**P340.2** ensure that a change of employer is declared on the apprenticeship service against the existing record to ensure that the same course is carried over to the new record one the apprentice restarts with their new employer.

**P341** The new employer and main provider must:

**P341.1** agree a price for the remainder of the apprenticeship training and assessment taking into account relevant learning from the first employer. This price must be recorded in the ILR as a 'residual' price;

**P341.2** using the restart indicator in the ILR;

**P341.3** register the apprentice on the apprenticeship service, if appropriate, for funding to start;

**P341.4** confirm arrangements for, and start paying, co-investment if appropriate; and

**P341.5** contact us if they are unable to register the apprentice on the apprenticeship service.

**P341.6** if the apprenticeship is now being funded by a transfer, or continuing to be funded by a transfer, then the receiving (new) employer will need to register on the apprenticeship service and the transfer will need to be agreed by the sending employer. For more information on how transfers work, please refer to the '[Apprenticeships funded by transfer of levy funds](#)' section within the Employer or Employer-Provider Funding Rules (whichever is relevant).

**P341.7** If funded via reserved funds you must contact the [apprenticeship service support desk](#).

### **Effect on funding**

Funding from the first employer's apprenticeship service account stops. Any employer co-investment due from the first employer must be reconciled. Funding continues based on agreement with the new employer using the funds in their apprenticeship service accounts, transfer of levy funds or government co-investment. The funding band cap will apply to the total cost across both employers.

Additional payments stop for the first employer, but they retain any payments already made. The number of days in learning with the first employer are added to the days in learning with the new employer to calculate when payments are due.

Main provider additional payments remain unchanged. The small employer co-investment

waiver will stop if the second employer is not eligible.

**Action to take where an apprentice is made redundant on or after 1 August 2020 but before 15 October and, on the day of dismissal, they were within six months of the final day of the apprenticeship practical period**

**OR**

**Where the apprentice is made redundant on or after 15 October and, on the day of dismissal, is within six months of the final day of the apprenticeship practical period or they have completed at least 75% of the practical period**

**P342** The employer must stop payments from their apprenticeship service account, using a stop date that corresponds with the date the apprentice is made redundant. This includes where the apprenticeship is funded by a transfer.

**P343** The main provider must:

**P343.1** support the apprentice to find a new job;

**P343.2** retain evidence of when the apprentice was made redundant, and report the change in employment status to us; and

**P343.3** refer to the scenario at paragraph P336 for action to take with the new employer.

### **Effect on funding**

Funding from the first employer's apprenticeship service account stops. Any employer co-investment due from the first employer must be reconciled to the date of the apprenticeship agreement is terminated by reason of redundancy and any differences in employer co-investment received to those due must be repaid to the employer or main provider.

The apprentice is funded through 100% government co-investment for the remainder of their programme. Employer additional payments stop. Main provider additional payments remain unchanged.

**Action to take where the apprentice is made redundant on or after 1 August 2020 and before 15 October and, on the day of dismissal, was more than six months from the final day of the practical period**

**OR**

**Where the apprentice is made redundant on or after 15 October 2020 and, on the day of dismissal, has completed less than 75% of the apprenticeship practical period and the remaining training represents a training duration of six months or more**

**P344** The employer must stop payments from their apprenticeship service account, using a stop date that corresponds with the date the apprentice is made redundant. This includes where the apprenticeship is funded by a transfer.

**P345** The main provider must:

**P345.1** support the apprentice to find a new job (within 12 weeks);

- P345.2** retain evidence of when the apprentice was made redundant, and report the change in employment status to us; and
- P345.3** where the apprentice is withdrawn, record the withdrawal reason as redundancy and issue the apprentice with a 'record of apprenticeship part-completion'
- P345.4** refer to the scenario at paragraph P336 for action to take with the new employer.

### Effect on funding

Funding from the first employer's apprenticeship service account stops. Any employer co-investment due from the first employer must be reconciled to the date of the apprenticeship agreement is terminated by reason of redundancy and any differences in employer co-investment received to those due must be repaid to the employer or main provider.

The apprentice is funded through 100% government co-investment for up to 12 weeks. Employer additional payments stop. Main provider additional payments remain unchanged.

## ESF (European Social Fund) match funding requirements

### New for 1 August 2020

**P346.1** - Clarification: to reflect the requirement to display at least one poster with information about the project at a location readily visible to the public.

### Background

If you have a contract with us to deliver training to employers who do not pay the levy you may be accessing funding that can be used as match funding for the European Social Fund (ESF).

ESF is one of the available funds within the European Social and Investment Funds (ESIF) 2014 to 2020 Programme. ESFA acts as a co-financing organisation (CFO) to procure and manage contracts for ESF funded provision on behalf of Local Enterprise Partnerships (LEPs). LEPs decide how to invest the ESF for 2014 to 2020 and we support them to deliver their ESIF strategies that meet the local needs identified.

As a CFO, we must match ESF funds contracted with money from the UK government (that is, eligible mainstream programme funds). We must use some of the funding we get from the government to pay for an amount of training and support that is equivalent to the ESF contract. We identify activity that improves the skills of the workforce and helps people who have difficulties finding work. We must report this match funding and the associated learners within our funding claims to the ESF Managing Authority in England.

When we identify provision we will use as match funding, the learning activity and its associated funding become part of the ESF programme, which means that the same rules apply as those of the ESF programme.

**P346** Provision used as match funding will be subject to ESF compliance checks and we will review the evidence you have to support claims made to us to support the

programme funding. You must read these rules in conjunction with the ESF 2014 to 2020 funding rules and adhere to the following requirements:

- P346.1** Display at least one poster with information about the project at a location readily visible to the public.
- P346.2** Have Gender Equality and Equal Opportunities and Sustainable Development policies and action plans in place.
- P346.3** Inform all apprentices that they are on a programme part financed by ESF.
- P346.4** Retain documentation for audit including having in place a document retention policy that reflects the minimum date requirement of 31 December 2030 and, if you are chosen for an audit visit, you must allow external auditors into your premises and co-operate with the audit.
- P346.5** Participate in evaluations, surveys and reporting as required.
- P346.6** Return complete data in line with the 2019 to 2020 ILR specification with key focus to critical fields. Critical fields are:
- employment status
  - prior attainment
  - household situation
  - destination
  - learner contact details for surveys, especially phone numbers
- P346.7** Only return 'not knowns' within the ILR for the critical fields in exceptional circumstances. If information is not provided, or 'not known' is not available, then you must use 'learner has withheld this information'.
- P347** You, your subcontractors and other third-party organisations must not use our mainstream programme funds as match funding for your own projects through other European Union funds (for example, other European Social Fund, European Regional Development Fund, European Integration Fund).
- P348** You must keep to the [rules of the ESF programme](#) or you will break the conditions of your contract and this could result in us recovering funds.

## Evidence requirements

### Evidence pack

- P349** You must hold evidence to assure us that you are using the funding appropriately. Most evidence will occur naturally from your normal business process. If evidence is not available funding may be at risk.
- P350** This pack must contain evidence to support the funding claimed, assure us that the apprentice exists, and must be available to us if we need it.
- P351** The apprentice and/or employer must confirm the information they provide is correct when it is collected. You must have evidence of this, which can include electronic formats.
- P352** Where information is held centrally, you only need to refer to the source.

### Introduction

- P353** The evidence pack must include the following:
- P353.1** Evidence of approval from a regulatory body where a training provider needs to be approved by a regulatory body before delivering apprenticeship training.
  - P353.2** A record that the employer was offered the option of the free recruit an apprentice service

### **Programme eligibility (including apprenticeship agreement, alternative English apprenticeships, wages, minimum duration and employment hours, off-the-job training, recognition of prior learning and experience and commitment statement)**

#### **New for 1 August 2020**

**P354 to P359** - Restructure: We have added in sub-titles to break up the information in this section. We have also duplicated relevant evidence requirements that appear in the main body of the funding rules into this section.

**P356.1** - Clarification: Confirmation for redundancy funding support we must have a copy of the dismissal notice from the employer, stating the reason for dismissal as redundancy.

**P359.4** - New rule: New requirement to evidence actual off-the-job training hours delivered, on the ILR.

**P359.5** - New rule: New requirement to have a statement signed by the employer and apprentice where planned and actual off-the-job training hours do not match.

#### **Updated October 2020**

**P355.1.1** - Clarification: Removal of the word 'occupation' to align this section with the revised apprenticeship agreement template on gov.uk.

**P356.1** - Clarification: To clarify the evidence that would be acceptable for a redundant apprentice.

### **What is an apprenticeship (see paragraphs P22 to P25)**

**P354** The evidence pack must include the following:

**P354.1** An initial assessment that meets the criteria set out in paragraph P24, namely that it evidences:

- P354.1.1** the individual requires significant new knowledge, skills and behaviours to be occupationally competent in the job role;
- P354.1.2** the required training meets the funding rules relating to the minimum duration of the practical period (paragraphs P37 to P47) and off-the-job training (paragraph P52);
- P354.1.3** you and the employer are satisfied that the apprenticeship is the most appropriate training programme for the individual; and
- P354.1.4** the training programme aligns with an approved apprenticeship standard, at the most appropriate level, and recognition of prior learning has taken place.

### **Apprenticeship agreement (see paragraphs P26 to P31)**

**P355** The evidence pack must include the following:

**P355.1** A copy of the apprenticeship agreement that meets the criteria set out in paragraph P28, namely that it evidences:

- P355.1.1** the apprentice's details (name, place of work).
- P355.1.2** the apprenticeship standard and level being followed.
- P355.1.3** the start and end date of the apprenticeship (including end-point assessment).
- P355.1.4** the start and end date of the practical period (excluding end-point assessment).
- P355.1.5** the duration of the practical period (see paragraphs P37 to P47 re minimum duration).
- P355.1.6** the amount of time the apprentice will spend in off-the-job training.

### **Alternative English apprenticeship (see paragraphs P32 to P33)**

**P356** The evidence pack must include the following:

**P356.1** Evidence that the apprentice meets the conditions of an alternative English apprenticeship. In the case of redundancy, such evidence may be a copy of the apprentice's dismissal notice from the employer, which cites the reason for dismissal as redundancy. In the absence of a notice of dismissal, other evidence which allows one reasonably to conclude that the apprentice has been made redundant would also be acceptable (e.g. an email informing employees that the business is closing, or other evidence that the business with whom the apprentice had an apprenticeship agreement with has recently closed). See the Glossary definition for the situations which amount to redundancy in law.

### **Wages (see paragraphs P34 to P36)**

**P357** The evidence pack must include the following:

**P357.1** Confirmation from the employer that the apprentice is receiving a wage in line with the national minimum wage requirements and that the apprentice rate was not used prior to a valid apprenticeship agreement being in place. This confirmation can either be a copy of the employment terms and conditions or a written statement regarding wages on the signed commitment statement.

### **Minimum duration of practical period (see paragraphs P37 to P47)**

**P358** The evidence pack must include the following:

**P358.1** Confirmation that following initial assessment the individual requires an apprenticeship practical period with a minimum duration of 12 months and at least 20% off-the-job training.

**P358.2** Confirmation that where the apprentice works part-time (less than 30 hours per week) or is on a zero hours contract, the minimum duration has been extended as required.

### **Off-the job training (see paragraphs P48 to P66)**

**P359** The evidence pack must include the following:

**P359.1** How the planned hours for off-the-job training have been calculated. It must be clear that prior learning has been taken into account, where relevant.

**P359.2** Evidence that the planned hours have been documented on the apprenticeship agreement, commitment statement and the ILR and that the figures align.

**P359.3** Evidence that delivery has taken place, and by this, we mean a volume of off-the-job training hours and evidence that what was delivered meets the definition of off-the-job training (the four tests):

**P359.3.1** That the activity is directly relevant to the apprenticeship

- P359.3.2** That the activity is teaching new knowledge, skills and behaviours
- P359.3.3** That the activity is taking place in the apprentice's normal working hours
- P359.3.4** That the activity is not English and maths up to Level 2
- P359.4** Evidence that actual hours have been documented on the ILR and that the proof of delivery in the evidence pack corresponds with the value entered.
- P359.5** Evidence that where the planned hours and the actual hours do not align, there is statement on file to explain the difference (provided by you). This statement must summarise volume changes to the commitment statement since the beginning of the programme and must be countersigned by the employer and apprentice to show whether they are satisfied with the quantity of training delivery (even though it is different to the volume agreed at the beginning of the programme).
  - P359.5.1** You are also advised to keep information on the training content delivered and the distance travelled by the apprentice (what has been achieved by the apprentice as a result of the off-the-job training); whilst this is outside the scope of an ESFA funding audit, it may be required by other parties (such as Ofsted and OfS).

**Recognition of prior learning (see paragraphs P67 to P72)**

**P360** The evidence pack must include the following:

- P360.1** Confirmation that you have recognised prior learning, and that where it affects the learning or the funding of any of the apprenticeship that you have adjusted the content, duration and price accordingly.
- P360.2** This must include (where relevant):
  - P360.2.1** Work experience;
  - P360.2.2** Prior education, training or associated qualification(s) in a related subject area (this must be more than English and maths); and
  - P360.2.3** Any previous apprenticeship taken
- P360.3** Confirmation that you have accounted for any prior learning, and that where it affects the learning or the funding of any of the apprenticeship that you have detailed the adjustments to the content, duration and price accordingly. In instances where the price content and duration has not been reduced the reasons why this is not possible.

**Commitment statement (see paragraphs P73 to P76)**

**P361** The evidence pack must include the following:

- P361.1** A copy of the current commitment statement signed and dated by the apprentice, employer, and main provider (and any previous versions). The commitment statement must meet the criteria set out in paragraph P75, for example it must include details of how the planned number of off-the-job training hours, excluding English and maths, has been quantified and how it will be delivered. By details we mean a plan of delivery.
- P361.2** Evidence of progress reviews.
- P361.3** Written confirmation from the employer that the apprentice will be allowed to complete the apprenticeship within their working hours, including any English and maths required.

## Who can be funded (including learner eligibility and learning support)

### Learner eligibility

**P362** The evidence pack must include the following:

- P362.1** Confirmation of date of birth to ensure that an apprentice is aged over 15 and confirmation that the apprentice has legally left school. [The school leaving age](#) can be found on GOV.UK.
- P362.2** Confirmation that you have seen the learner's identity documents or immigration permission to verify their residency eligibility in line with Annex A. Confirmation that you are satisfied the learner is eligible for funding and (where necessary) where a learner's permission to stay has expired you must hold evidence that an application to remain has been made.
- P362.3** Your assessment and evidence of eligibility for funding and a record of what evidence the apprentice has provided, including that the apprenticeship leads to substantive new skills and that the learning is materially different where the apprenticeship is at the same level as, or lower level than, prior qualifications. This assessment must include an analysis of the apprentice's existing knowledge, skills and behaviours versus those required to complete the apprenticeship. This also includes evidence of prior attainment for English and maths. This evidence could include the following:
  - P362.3.1** information from the apprentice's [personal learning record](#), where this information is unavailable or an apprentice is unable to provide evidence of prior attainment please refer to [get a replacement exam certificate](#) on GOV.UK;
  - P362.3.2** evidence of proof of equivalency from [UK ENIC](#) where an individual has an international qualification;
  - P362.3.3** details of previous qualifications, including modules / units undertaken compared to the content of the apprenticeship, demonstrating how they are materially different where appropriate;

**P362.3.4** skills gap analysis, demonstrating the new skills needed by the individual and how the apprenticeship will address these; or

**P362.3.5** details of any relevant experience and achievements, both inside and outside their current working role.

**P362.4** Evidence that the apprentice will spend at least 50% of their working hours in England over the duration of the apprenticeship including time spent on off-the-job training. Where the business footprint is larger than England this could include a roster for a typical month for the apprentice along with written confirmation from the employer.

**P362.5** Confirmation that the apprentice is not:

**P362.5.1** enrolled on another apprenticeship

**P362.5.2** enrolled on a DfE funded HE/FE programme (excluding AEB) where that programme is more than 4 weeks from completion

**P362.5.3** enrolled on an AEB funded programme where that programme does not comply with rules P89.2.

**P363** To support the evidence pack you must confirm the type of evidence you have seen to satisfy that apprentices meet all eligibility criteria.

## **Apprentices accessing learning support**

**P364** Where applicable, the evidence pack must include the following:

**P364.1** Evidence that an assessment to identify the support the apprentice needs has been carried out. This evidence must include:

**P364.1.1** The assessment of learning need;

**P364.1.2** Details of the identified learning support need; and

**P364.1.3** Confirmation that the learning support need identified must be supported to ensure the individual can complete their apprenticeship.

**P364.2** Evidence of how you plan to deliver support to meet the apprentice's identified needs.

**P364.3** Evidence of delivery of support to meet the apprentices identified needs, including:

**P364.3.1** Evidence to cover all periods where learning support is being paid (learning support will only be paid in months where there is a learning need which requires support, and that support activity is continuing to take place).

- P364.4** Evidence of progress reviews throughout the apprenticeship to adapt the support to continuing and changing needs including evidence to show support has been adapted where necessary.
- P364.5** Evidence of outcomes of the support offered and how it has supported the identified learning need.
- P364.6** Additional information where exceptional learning support (ELS) is claimed for an apprentice. In these circumstances, you must also include the application and supporting evidence for the claim.

## **What can be funded (including eligible and ineligible costs, additional payments, support for small employers, and English and maths)**

### **Eligible and ineligible costs (see paragraphs P106 to P115)**

- P365** The written agreement (or contract for services) between the main provider and employer must include:
  - P365.1** A breakdown of the total negotiated price (TNP1), associated with the delivery of training and on-programme assessment, against the headings of any of the eligible costs listed in P110 (training, consumables, assessment and administration, as a minimum). This breakdown must not include any ineligible cost.
  - P365.2** The agreed price for end-point assessment (if known) (that will be entered into field TNP2 on the ILR). This is the price that the employer has negotiated with an end-point assessment organisation.
  - P365.3** Where the total negotiated price changes, the reason for this change.

### **Additional payments (including the care leavers bursary)**

- P366** Where applicable, the evidence pack must include the following:
  - P366.1** Confirmation of eligibility for any additional payments, including an email or letter confirmation from a Personal Advisor or local authority confirming the individual's care leaver status or evidence of an education, health and care (EHC) plan where the apprentice is aged between 19 and 24 years old. Eligibility evidence must include:
    - P366.1.1** Confirmation of age (where appropriate)
    - P366.1.2** Evidence of care leaver status (where appropriate) in line with P118
  - P366.2** For the care leavers bursary, a signed declaration by the apprentice to confirm that they:
    - P366.2.1** understand that they are eligible for and would like to receive a bursary as a care leaver;

- P366.2.2** understand that if they have been found to have accepted the payment when they are ineligible then government will require it to be repaid; and
- P366.2.3** have not been paid a care leavers bursary before.
- P366.3** Evidence of payment to the apprentice where they receive the care-leaver bursary and forwarded within deadlines (30 days). This must be a confirmation from the apprentice and not only a receipt of transaction.
- P366.4** Signed consent from the apprentice that they have provided you with permission to share their care leaver status (or EHC plan) with their employer on their behalf.
- P366.5** Evidence of additional payments paid to the employer and forwarded within deadlines.

## Extra support for small employers

- P367** Where applicable, the evidence pack must include confirmation of eligibility for where the employer contribution is waived including evidence from the employer that they had an average of 49 or fewer employees with a contract of service in the 365 days before the apprentice was recruited.

## Support for English and maths

### Updated March 2021

**P369** - New rule: To reflect the evidence requirements where an apprentice is taking their end-point assessment before achieving the required functional skills qualification under the temporary flexibility until 31 May 2021.

- P368** Where applicable, the evidence pack must include the following:
  - P368.1** Details of how English and maths will be delivered, including a plan of delivery and evidence of delivery taking place against that plan.
  - P368.2** All initial assessments for English and maths, including evidence of prior attainment.
  - P368.3** Additional information where the apprentice is assessed as exempt from the normal English and maths requirements. In these circumstances you must also include:
    - P368.3.1** a copy of the authorisation by an appropriate professional, for example the head of special education needs (SEN) or student support;
    - P368.3.2** evidence of how the apprentice's learning difficulty or disability affects their English and/or maths abilities;

- P368.3.3** the apprentice's recommended learning plan to achieve entry level 3 in English and/or maths (as appropriate); and
- P368.3.4** the apprentice's education, health and care (EHC) plan, statement of special educational need (SEN), or learning difficulty assessment (LDA).

**P369** Where an apprentice is taking their end-point assessment before achieving the required functional skills qualification under the temporary flexibility until May 2021, you must keep evidence to assure us that the apprentice is eligible to do so. This evidence must include:

- P369.1** a declaration, from you, that the apprentice is ready to take a functional skills assessment in person or remotely but cannot access one or receive an assessment;
- P369.2** evidence that you have explored all other methods of delivering a functional skills qualification assessment via your awarding organisation (see paragraph P162 above); and
- P369.3** a declaration by the apprentice of their intention to take the required functional skills assessments within three months of starting their end-point assessment.

## Paying for an apprenticeship

### Updated October 2020

**P370.3** - Clarification: We have removed the requirement for the provider to keep a copy of the receipt for the transferred levy funds as the transfer connection is made between the sending and receiving employers.

**P370** The evidence pack must include the following:

- P370.1** A signed and dated written agreement between you and the employer, updated as required. This is the contract for services between the main provider and employer where funded from an employer's apprenticeship service account.
- P370.2** The supporting evidence about why you have claimed funding and the level of funding for an apprentice, including details of any employer contribution.
- P370.3** Copies of any state aid declarations and waiving of the employer contribution for small employers.
- P370.4** Evidence of the written agreement with and payments made to the end-point assessment organisation for conducting the end-point assessment where appropriate.

**P370.5** Additional information where an apprenticeship or part of an apprenticeship is funded through government-employer co-investment. In these circumstances you must:

**P370.5.1** evidence you have collected the required employer co-investment contribution; and

**P370.5.2** ensure employer co-investment payments match information on the ILR.

**P370.6** Evidence you have collected payments from the employer where they are paying for apprenticeship training above the funding band maximum.

## Subcontracting

**P371** Where applicable, the evidence pack must include the following:

**P371.1** details of any subcontractor, clearly identifying who they are. This must match the information reported to us in the ILR;

**P371.2** an up to date written agreement with each employer that includes the information about the delivery of the apprenticeship programme; and

**P371.3** a legally binding contract with each subcontractor.

## End-point assessment

**P372** The evidence pack must include records and evidence of completion. This must be available within three months of you reporting it in the ILR. Evidence of completion would include:

**P372.1** confirmation that the employer has been informed, as part of their contract, of their obligations around arranging end-point assessment;

**P372.2** signed statement by employer and provider that the apprentice meets the gateway requirements and is ready to undertake end-point assessment;

**P372.3** signed statement by employer and provider that the apprentice is still employed until the end-point assessment is completed;

**P372.4** a copy of the contract between the Provider and the EPAO for the apprentice's end-point assessment; and

**P372.5** evidence of payments made to the end-point assessment organisation for conducting the end-point assessment.

## Change of Circumstances

### New for 1 August 2020

**P373.1** - Clarification: Confirmation for redundancy funding support we must have a copy of the dismissal notice from the employer, stating the reason for dismissal as redundancy.

**P373.3** - New rule: New requirement to have a 'record for part completion of an

apprenticeship' as a condition of the 12 weeks additional funding.

**Updated October 2020**

**P373.1** - Clarification: To clarify the evidence that would be acceptable for a redundant apprentice.

**P373.3** - New rule: New requirement to record the withdrawal reason as redundancy.

**P373.3** - Clarification: 'Record for part-completion of an apprenticeship' has changed to 'Record of apprenticeship part-completion'

**Redundancy (see paragraphs P304 to P307)**

**P373** Where appropriate, the evidence pack must include the following:

- P373.1** Evidence that the apprentice meets the conditions of an alternative English apprenticeship. In the case of redundancy, such evidence may be a copy of the apprentice's dismissal notice from the employer, which cites the reason for dismissal as redundancy. In the absence of a notice of dismissal, other evidence which allows one reasonably to conclude that the apprentice has been made redundant would also be acceptable (e.g. an email informing employees that the business is closing, or other evidence that the business with whom the apprentice had an apprenticeship agreement with has recently closed). See the Glossary definition for the situations which amount to redundancy in law.
- P373.2** Evidence that you have made reasonable efforts to find the apprentice a new employer.
- P373.3** Where an apprentice is withdrawn because they have been unable to find a new employer, you must record the withdrawal reason as redundancy and you must provide a 'record of apprenticeship part-completion' to support the individual to find new employment. This record must include, as a minimum:
  - P373.3.1** the apprentice details,
  - P373.3.2** the level and subject,
  - P373.3.3** the start date and planned end date,
  - P373.3.4** the percentage of the apprenticeship completed,
  - P373.3.5** a summary of the knowledge, skills and behaviours that you consider they have developed and evidenced,
  - P373.3.6** in the case of apprenticeships with mandatory qualifications, the qualification, or units thereof, achieved.

**Maternity, Adoption, Shared Parental Leave (see paragraphs P308 to P317)**

## **New for 1 August 2020**

**P374.1** - New rule: Where the apprentice is using KIT/SPLIT days to continue off-the-job training, a statement must be included in the evidence pack.

**P374** Where appropriate, the evidence pack must include the following:

**P374.1** A copy of the agreement, signed by you, the employer and the apprentice, that complies with the detail in paragraph P317, namely:

**P374.1.1** The apprentice's reason behind the request to continue apprenticeship training during KIT/SPLIT\* days;

**P374.1.2** The number of KIT/SPLIT\* days intended to be used and the type of training and number of hours proposed to be undertaken on these days. Any training carried out any KIT/SPLIT day would constitute a day's work (and therefore one KIT/SPLIT day);

**P374.1.3** The employer's support and endorsement of this use of KIT/SPLIT\* days;

**P374.1.4** The provider's support and endorsement of this arrangement;

**P374.1.5** An acknowledgement by the apprentice that in undertaking training and/or assessment, including end-point assessment, on KIT/SPLIT\* days this will impact on their entitlement to KIT/SPLIT\* days as well as statutory maternity/adoption/shared parental\* leave and pay (i.e. they may lose statutory maternity/adoption/shared parental\* leave and pay if KIT/SPLIT\* days are exceeded); and

**P374.1.6** An agreement by the employer and provider in relation to the timing of KIT/SPLIT\* days relative to the monthly payments that the provider will continue to receive if a break in learning is not utilised.

(delete as appropriate e.g. KIT/SPLIT, maternity/adoption/shared parental)

## **Confirmation and signatures**

**P375** We accept electronic evidence, including electronic/digital signatures. Where evidence is electronic, you must have wider systems and processes in place to assure you that apprentices exist and are eligible for funds.

**P376** Where an electronic or digital signature is being held, from any party for any reason, you must ensure it is non-refutable. Systems and processes must be in place to assure to us that the original signature has not been altered. Where any document needs to be renewed, and a new signature taken, it must be clear from when the new document takes affect, and both must be held.

Both electronic and digital signatures are acceptable, we do not specify which must be used, only that a secure process to obtain and store signatures is followed:

**P376.1** An electronic signature is defined as any electronic symbol or process that is associated with any record or document where there is an intention to sign the document by any party involved. An electronic signature can be anything from a check box to a signature.

**P376.2** A digital signature is where a document with an electronic signature is secured by a process making it non-refutable. It is a digital fingerprint which captures the act of signing by applying security to a document. Usually documents which have a digital signature embedded are extremely secure and cannot be accessed or amended easily.

**P377** You must keep effective and reliable evidence. You are responsible for making the evidence you hold easily available to us when we need it.

### **Individualised learner record (ILR)**

**P378** The evidence pack must include all information reported to us in the ILR and the [earnings adjustment statement \(EAS\)](#), and if it applies, the supporting evidence for the data you report.

**P379** You must accurately complete all ILR fields for an apprentice as required in the [ILR specification](#), even if they are not used for funding. Where your data does not support the funding you have claimed, we will take action to get this corrected and could recover funds.

**P380** The ILR must accurately reflect what has happened. You must not report inaccurate information even where you perceive that this would result in a more equitable claim for funding or accurate record of performance.

### **Self-declarations**

**P381** Where a self-declaration is needed, this must state the apprentice or employer's details and describe what is being confirmed.

## Annex A: Eligibility criteria (who we fund)

**P382** To use funds in the employer's apprenticeship service account or government-employer co-investment, the individual must have a valid and eligible residency status.

### Residency eligibility

**P383** Any individual, or relevant family member, who has applied for an extension or variation of their current immigration permission in the UK is still treated as if they have that leave. Keeping this permission applies as long as the application was made before their current permission expired. Their leave continues until the Home Office make a decision on their immigration application.

**P384** An individual, or relevant family member, is considered to still have the immigration permission that they held when they made their application for an extension. Their eligibility would be based upon this status.

### UK nationals

**P385** A UK national is eligible for funding if they:

**P385.1** Are a citizen of the UK; and

**P385.2** have been ordinarily resident in the UK or EEA (including other countries determined to be within the EEA or those with bilateral agreements) for at least the previous three years on the first day of the apprenticeship.

**P386** The eligibility of individuals who do not meet the requirements in paragraph P385 is stated below.

### EEA citizens

**P387** An EEA citizen is eligible for funding if they:

**P387.1** are a citizen of a country within the European Economic Area (EEA) (including other countries determined to be within the EEA or those with bilateral agreements); and

**P387.2** have been ordinarily resident in the EEA (including other countries determined to be within the EEA or those with bilateral agreements) for at least the previous three years on the first day of the apprenticeship. UK nationals living in the EEA or Switzerland wishing to start an apprenticeship in England before 1 August 2021 will continue to be eligible on the same basis as now, more information can be found on the ["UK nationals in EEA"](#) page on gov.uk.

**P388** The European Economic Area (EEA) includes all the countries and territories listed below (from paragraph P414).

**P389** Nationals of any EU (or EEA) countries who have been ordinarily resident in the EEA (including other countries determined to be within the EEA or those with bilateral agreements) for at least the previous three years before the first day of the

apprenticeship must be treated equally to UK residents while the UK remains part of the EU. When the UK is no longer part of the EU, EEA nationals will remain eligible for the full funding year 1 August 2020 to 31 July 2021.

**P390** The eligibility of individuals who do not meet the requirements in paragraph P387 is stated below.

## **Non-EEA citizens**

**P391** A non-EEA citizen is eligible for funding if they have permission from the UK government to live in the UK (not for educational purposes), and have been ordinarily resident in the UK for at least the previous three years before the start of the apprenticeship.

## **Individuals with certain types of immigration status and their family members**

**P392** Any individual with any of the statuses listed below, is eligible to receive funding and is exempt from the three-year residency requirement rule. You must have seen the individual's immigration permission in these circumstances:

**P392.1** refugee status;

**P392.2** discretionary leave to enter or remain;

**P392.3** exceptional leave to enter or remain (including Calais leave);

**P392.4** indefinite leave to enter or remain;

**P392.5** humanitarian protection;

**P392.6** leave outside the rules;

**P392.7** section 67 of the Immigration Act 2016; or

**P392.8** the husband, wife, civil partner and child of any of the above in this paragraph (that is paragraphs P392.1 to P392.7).

**P393** The individual's immigration permission in the UK may have a 'no recourse to public funds' condition. This does not include education or education funding, so this does not affect an individual's eligibility, which must be decided under the normal eligibility conditions.

## **Right of Abode in the UK**

**P394** The right of abode is a status under United Kingdom immigration law that gives an unrestricted right to live in the United Kingdom. It was introduced by the Immigration Act 1971. Individuals with the right of abode are eligible for funding if they have been ordinarily resident in the UK for at least the previous three years before the start of the apprenticeship and have the right to work in the UK.

## Asylum seekers

**P395** Asylum seekers are eligible to receive funding if they:

**P395.1** have lived in the UK for six months or longer while their claim is being considered by the Home Office, and no decision on their claim has been made; or

**P395.2** are in the care of the local authority and are receiving local authority support under section 23C or section 23CA of the Children Act 1989 or section 21 of the National Assistance Act 1948.

**P396** An individual who has been refused asylum will be eligible if they:

**P396.1** have appealed against a decision made by the UK government against granting refugee status and no decision has been made within six months of lodging the appeal; or

**P396.2** are granted support for themselves under section 4 of the Immigration and Asylum Act 1999; or

**P396.3** they are in the care of a local authority and are receiving local authority support for themselves under section 23C or section 23CA of the Children Act 1989.

## Family members of EU and EEA nationals

**P397** In the explanations below, the 'principal' is the European Union (EU) or EEA national. The 'family' or 'family member' is the apprentice, and must be the husband, wife, civil partner, child, grandchild, dependent parent or grandparent of the 'principal'.

**P398** If the individual, who is a family member of an EEA national, has been ordinarily resident in the EEA for the three years prior to the start of their course, they are eligible for funding.

**P399** This table shows the eligibility for family members if:

**P399.1** the family member is now ordinarily resident in England, but has not been ordinarily resident in the EEA for at least the previous three years before the start of learning; and

**P399.2** the principal has been resident within the EEA for the last three years.

		Principal ordinarily resident in the EEA for three years		
		EU (including UK) citizen	Non-EU EEA citizen	Non-EEA citizen
Family member not	EU (including UK) citizen	Eligible	Eligible	Not eligible

ordinarily resident in the EEA for three years	Non-EU EEA citizen	Eligible	Not eligible	Not eligible
	Non-EEA citizen	Eligible	Not eligible	Not eligible

## Children of Turkish workers

**P400** A child of a Turkish worker is eligible if:

**P400.1** the Turkish worker is ordinarily resident in the UK;

**P400.2** the Turkish worker is, or has been, lawfully employed in the UK; and

**P400.3** the child has been ordinarily resident in the EEA and/or Turkey for the full three-year period before the start of their programme.

## Persons granted stateless leave

**P401** A person granted stateless leave is a person who has:

**P401.1** Extant leave to remain as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971).

**P401.2** Been ordinarily resident in the UK and Islands throughout the period since the person was granted such leave. The UK and Islands are England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man.

**P402** A stateless person must:

**P402.1** be ordinarily resident in the UK on the first day of the apprenticeship; and

**P402.2** have been ordinarily resident in the UK and Islands throughout the three-year period preceding the first day of the apprenticeship.

**P403** Certain family members are also eligible under this category:

**P403.1** the spouse or civil partner of a person granted stateless leave (and who was the spouse or civil partner of that person on the leave application date), who is ordinarily resident in the UK on the first day of the apprenticeship, and who has been ordinarily resident in the UK and Islands throughout the three-year period preceding the first day of the apprenticeship; or

**P403.2** the child of a stateless person or of the stateless person's spouse or civil partner (and who was the child of that stateless person or the child of the stateless person's spouse or civil partner on the leave application date), was under 18 on the leave application date, is ordinarily resident in the UK on the first day of the apprenticeship, and has been ordinarily resident in the UK and Islands throughout the three-year period preceding the first day of the apprenticeship.

**P404** 'Leave application date' means the date on which a persons granted stateless leave made an application to remain in the UK as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971).

## Those in the armed forces or outside of England

### New for January 2021

**P405.2**– New rule: An exception has been added to allow individuals of other nationalities serving as members of the British armed forces to be eligible for funding throughout their period of service.

**P405** As an exception, we will also allow the following individuals to be funded from an employer's apprenticeship service account or using government-employer co-investment:

**P405.1** Armed forces and Royal Fleet Auxiliary personnel and their family members to undertake a statutory English apprenticeship wherever they are based.

**P405.2** Individuals of other nationalities serving as members of the British armed forces throughout their period of service, and their dependants living with them on their postings, in the same way as members of the British armed forces and their family members. This does not apply to family members who do not join members of the armed forces and instead stay outside of England.

**P405.3** Members of other nations' armed forces stationed in England and their family members, where the family member has a right to work in the United Kingdom, if the armed forces' individual has been ordinarily resident in England for three years. We will not fund family members that stay outside of England.

**P405.4** Apprentices whose occupation involves significant travel outside of the UK as part of their job (such as in travel or tourism) or work offshore (such as on an oil platform) and they have an identified registered work location in England. You must not claim for the additional expense of delivering learning outside of England.

## Further information for 16 to 18-year-olds

**P406** 16 to 18-year-olds are eligible to be funded for an apprenticeship if any of the following clauses apply:

**P406.1** they are accompanying or joining parents who have the right of abode, leave to enter or leave to remain in the UK (or accompanying or joining parents who are EEA nationals);

**P406.2** they are the children of diplomats;

- P406.3** they are the children of teachers coming to the UK on a teacher exchange scheme;
- P406.4** they are entering the UK (where not accompanied by their parents) and are British (or EEA) citizens;
- P406.5** they have a passport that has been endorsed to either show they have the right of abode in the United Kingdom or to show that they have no restrictions on working in the UK;
- P406.6** they are an asylum seeker;
- P406.7** they are placed in the care of the local authority; or
- P406.8** they meet the requirements for any other eligible category in this document.

**P407** You can find further information on eligibility from the UK Council for International Student Affairs ([UKCISA](#)).

### **Countries or areas where residency establishes eligibility for our funding**

**P408** Member states of the European Union. You can access a list of European Union (EU) member states on the [EU website](#).

**P409** Other territories are categorised as being within the European Union for the purposes of the fee's regulations; these are as follows:

**P409.1** Cyprus: any Cypriot national living on any part of the island qualifies for EU residency and is considered an EU national;

**P409.2** Finland: includes the Aland Islands;

**P409.3** France: the French Overseas Department (DOMS) (Guadeloupe, Martinique, French Guiana (Guyana), Reunion and Saint-Pierre et Miquelon) as part of metropolitan France;

**P409.4** Germany: includes the former German Democratic Republic and the tax-free port of Heligoland;

**P409.5** Portugal: includes Madeira and the Azores but not Macau;

**P409.6** Spain: includes the Balearic Islands, the Canary Islands, Ceuta and Melilla; and

**P409.7** United Kingdom: includes Gibraltar.

**P410** The Channel Islands and Isle of Man are part of the United Kingdom and Islands but not part of the EU. The Channel Islands and Isle of Man are not classed as part of England for apprenticeship funding purposes. The UK, Channel Islands and Isle of Man are collectively referred to as the UK and Islands.

**P411** Andorra, Monaco, San Marino and the Vatican are not part of the EU.

**P412** For funding eligibility purposes, EEA and eligible overseas dependent territories are defined as all member states of the EU and Iceland, Liechtenstein, Switzerland, Norway and all the eligible British Overseas Territories and EU overseas territories (listed in paragraph P414 below).

**P413** Although Switzerland is not part of the formally recognised EEA, its nationals are eligible under various international treaties signed by the UK and Swiss governments.

**P414** Individuals who are nationals of certain British Overseas Territories and of certain European overseas territories are eligible for funding, ensuring they comply with the three-year rule on residence in the EEA. These are as follows:

- Anguilla
- Bermuda
- British Antarctic Territory
- British Indian Ocean Territory
- British Virgin Islands
- Cayman Islands
- Falkland Islands
- Henderson Island
- Montserrat
- Pitcairn, Ducie and Oeno Islands
- South Georgia and the South Sandwich Isles
- St Helena and its dependencies
- Turks and Caicos Islands
- Greenland and Faroe Isles
- Antilles (Bonaire, Curacao, Saba, St Eustatius and St Maarten)
- Aruba
- New Caledonia and its dependencies
- French Polynesia
- Saint Barthélemy
- The Territory of Wallis and Futuna Islands
- Mayotte

- French Southern and Antarctic Territories

## **Glossary**

### **0-9**

#### **£1000 additional payment**

See '16 to 18 payment'

#### **5% co-investment**

See 'Co-investment'

#### **5% contribution**

See 'Co-investment'

#### **10% co-investment**

See 'Co-investment'

#### **10% contribution**

See 'Co-investment'

#### **16 to 18 payment**

The £1000 payment employers and providers receive for taking on an apprentice aged 16 to 18.

See also 'Additional payments'

#### **20% completion payment**

See 'Completion payment'

#### **20% off-the-job**

See 'Off-the-job (OTJ) training'

#### **20% rule**

See 'Completion payment' or 'Off-the-job (OTJ) training'

#### **30 hours**

See 'Minimum duration'

#### **90% contribution**

See 'Co-investment'

#### **95% contribution**

See 'Co-investment'

## **A**

### **Account**

See 'Apprenticeship service account'

### **Additional learning needs**

See 'Identified needs'

### **Additional learning support (ALS)**

See 'Learning support'

### **Additional payments**

Extra funding to help with any additional costs of training specific groups of apprentices. The different types of additional payments are the 16 to 18 payment, the eligible 19 to 24 payment, learning support and the care leaver's bursary.

### **Additional qualifications**

See 'Non-mandatory qualifications'

### **Advanced learner loan**

Loans for individuals aged 19+ to provide financial support towards tuition costs. These loans are paid directly to the college or training organisation.

### **Annual leave**

Paid time off work that employees are entitled to. For full time apprentices, this is at least 28 days per year (statutory leave entitlement). It is not a break in learning.

### **Apprentice**

An individual who is doing an apprenticeship and engaged under an apprenticeship agreement (or alternative arrangement). Apprentices are employed. They work alongside experienced staff, gain job-specific skills, earn a wage, get holiday pay and time for study related to their role.

### **Apprentice employment contract**

See 'Contract of service'

### **Apprentice rate**

This is the minimum hourly rate apprentices are entitled to if they are either:

- aged under 19
- 19 and over and in their first year of an apprenticeship

We encourage employers to pay more than the apprentice rate. View the National Minimum Wage rates.

## **Apprenticeship**

A job with training. This includes the training and (where required) end-point assessment for an employee. The full definitions of an approved English apprenticeship (standards) can be found in Part 1 of the Apprenticeships, Skills, Children and Learning Act 2009.

### **Apprenticeship agreement**

An apprenticeship agreement is between an employer and an apprentice, either in accordance with the Apprenticeships, Skills, Children and Learning Act 2009 section A1 (for standards – an approved English apprenticeship agreement).

### **Apprenticeship certificate**

A certificate used to provide formal recognition that an individual has achieved their apprenticeship and is therefore certified.

### **Apprenticeship funding rules**

View all apprenticeship funding rules.

### **Apprenticeship journal**

See 'Evidence pack'

### **Apprenticeship levy**

A levy on UK employers to raise funds to pay for apprenticeship training and assessment. It is charged at 0.5% of an employer's pay bill, but each employer receives an allowance of £15,000 to offset against their levy payment. Because of the allowance, only employers with an annual pay bill greater than £3m must pay the levy. Levy payments are made monthly to HMRC.

### **Apprenticeship minimum wage**

See 'National Minimum Wage'

### **Apprenticeship service account**

The area on the apprenticeship service where employers can manage their funding and apprentices, view their account balance and plan their spending.

See also 'The apprenticeship service'

### **Apprenticeship training agency (ATA)**

An organisation that recruits and employs apprentices on behalf of employers.

## **Assessment**

See 'End-point assessment' or 'On-programme assessment'

## **B**

### **Block release**

A concentrated period of time where the apprentice is training or studying at a place other than work as part of their apprenticeship.

### **Break in learning**

When an individual takes a break of at least 4 weeks from their apprenticeship but plans to return to it in the future. For example, illness, maternity leave or parental leave. This does not include bank holidays, annual leave, redundancy or withdrawals.

See also 'Change of circumstances'

## **C**

### **Care certificate**

15 minimum standards that apprentices must achieve for specific job roles in the health and social care sector. We treat this as a Licence to practise.

### **Care leaver**

An individual aged 16 to 24 who was (or still is) in the care of their Local Authority.

### **Care leaver bursary**

An additional £1000 payment that ESFA pay care leavers. This is paid via the apprentice's training provider.

See also 'Additional payments'

### **Certificates**

Issued by awarding bodies to demonstrate an individual's qualifications, for example Level 2 English and maths. During audits, we may check certificates for proof of prior learning.

See also 'Prior learning'

### **Changes from the previous document**

We tell you about new rules and any rules that have changed or been removed in the:

- summary of changes document
- relevant section of the funding rules

We also show you which sections contain changes on the web-based apprenticeship funding rules updates page.

### **Change of circumstance**

Changes in an apprentice's personal or employment circumstances, or to their apprenticeship. There are different actions to take and effects on funding depending on the type of change.

### **Co-investment**

Sharing the cost of training and assessing apprentices with the government. The following

types of employers will pay co-investment:

- non-levy payers
- levy payers who have run out of levy funds

For apprenticeships that started before 1 April 2019, employers pay 10% towards the cost of apprenticeship training. The government will pay the rest (90%).

For apprenticeships that started on or after 1 April 2019, employers pay 5% towards the cost of apprenticeship training. The government will pay the rest (95%).

### **Commitment**

An internal term we use to describe an employer entering information in their apprenticeship service account.

### **Commitment statement**

A statement held by the main provider, the apprentice and their employer. The commitment statement sets out how the apprentice will be supported to successful achievement of the apprenticeship. It must be signed by the apprentice, their employer and the main provider, and all three parties must retain a current signed and dated version.

### **Complete early**

When an apprentice completes all their training and assessment (including end point assessment) before the planned end date recorded by the provider on the ILR. If the apprenticeship has met the minimum 12-month duration, we will pay any outstanding amounts once we have been notified of completion. View the Technical Funding Guide for details about how payments are made.

### **Completion payment**

A payment we make to providers when an apprentice completes all their learning. This means taking the end-point assessment (the apprentice does not need to pass). This payment is 20% of either the total negotiated price or the funding band maximum, whichever is lower.

### **Contract for services**

A contract between a contractor and a client.

### **Contract of service**

A contract between an employee and employer.

### **Contribution**

See 'Co-investment' or 'Funding band'

## **D**

### **DAS**

See 'The apprenticeship service'

## **Degree apprenticeship**

An apprenticeship that is done at level 6 or 7 and equivalent to a bachelor's or master's degree. Apprentices spend part of their time at university and the rest with their employer.

## **Delivery subcontractor**

An organisation contracted through a main provider or employer-provider to deliver on-programme assessments, English and maths or off-the-job training to apprentices. This does not include end-point assessment organisations. It also excludes subcontractors you use for different services, including help with marketing or data management, as well as those who deliver training to an apprentice that is in addition to the apprenticeship and not funded through this route.

## **Digital account**

See 'Apprenticeship service account'

## **Disability**

See 'Learning difficulty or disability (LDD)'

## **Dismissal**

When an employee's contract of employment is terminated.

## **Distance learning**

Learning that is delivered remotely rather than face-to-face. For example, e-learning and webinars.

## **Double funding**

See 'Individuals who are not eligible for funding'

## **E**

### **Earnings adjustment statement (EAS)**

The earnings adjustment statement is how main providers claim funding that cannot be claimed through the individualised learner record.

### **Education, health and care (EHC) plan**

An education, health and care (EHC) plan is for children and young people aged up to 25 who need more support than is available through special educational needs support.

EHC plans identify educational, health and social needs and set out the additional support to meet those needs.

### **Eligibility**

The criteria an individual must meet to be able to do an apprenticeship and get apprenticeship funding. For example, their age, right to work in England, amount of prior learning and the duration of training needed.

There are also criteria that an apprenticeship training programme must meet.

### **Eligible costs**

Costs that directly relate to the delivery of training and on-programme assessment. Eligible costs make up the total negotiated price, which is paid for using funds from either:

- an employer's apprenticeship service account
- government-employer co-investment

### **Employee**

An individual who has a contract of service. This does not include individuals who are self-employed.

### **Employer**

An organisation that has a contract of service and an apprenticeship agreement with an apprentice. This can include an apprenticeship training agency (ATA). This may also include a company or charity whose PAYE scheme the employer has connected to their apprenticeship service account. References to an 'employer' describe the whole organisation, not individual sites, locations, groups or companies linked by directors.

### **Employer agreement**

A legally binding agreement between an employer and the Education and Skills Funding Agency (ESFA). Employers must accept this agreement to get or reserve apprenticeship funding.

### **Employer-provider**

Any organisation who delivers some, or all, of the 'off-the-job' training element of an apprenticeship to their own staff and holds a contract with us through which we directly route funds from their apprenticeship service account or government-employer co-investment. The employer-provider will have overall responsibility for the training and on-programme assessment conducted by themselves, their delivery subcontractors and will have a contractual relationship for the end-point assessment conducted by an end-point assessment organisation. The payment for the end-point assessment is through the employer-provider.

### **End-point assessment (EPA)**

An assessment that takes place at the end of an apprenticeship, to make sure apprentices have reached the necessary level to be awarded an apprenticeship.

### **End-point assessment organisation (EPAO)**

An independent organisation that employers can contract to carry out apprenticeship end-point assessments.

### **English and maths**

Two separate qualifications that apprentices require to achieve an apprenticeship. There are different types of English and maths qualifications. For example, functional skills, GCSEs and

entry-level.

### **Entry-level**

See 'English and maths'

### **Evidence pack**

A collection of documents and information about an apprentice and their apprenticeship. It provides evidence that the apprentice exists, is eligible for funding and that the apprenticeship is being delivered in line with the funding rules.

### **Exceptional learning support (ELS)**

An additional payment that providers can claim if the cost of supporting an apprentice's learning is £19,000 or more in a funding year.

See also 'Learning support'

## **F**

### **Functional skills**

A type of English and maths qualification.

See also 'English and maths'

### **Funding agreement**

Throughout this document the term 'funding agreement' is used to include:

- the apprenticeship levy provider funding agreement;
- the contract for services between the employer and main provider;
- the contract for services – apprenticeships (between the ESFA and main providers delivering apprenticeships to non-levy-paying employers).

### **Funding band**

The financial range that the government will contribute towards the cost of delivering training and assessment for an apprenticeship standard. The range is between £0 and a defined funding band maximum. The maximum ranges from £1,500 to £27,000 and is the most that the government will contribute, including amounts that can be taken from a levy-paying employer's apprenticeship service account. Currently, there are 30 funding bands. They do not include costs for English and maths or additional payments for young people.

### **Funding rules**

See 'Apprenticeship funding rules'

## **G**

### **Gateway requirements**

These are requirements set out in the assessment plan that must be met by the apprentice prior to undertaking end-point assessment of the apprenticeship standard. They will include the completion of English and maths qualifications (where applicable) and any on-programme mandatory qualifications (where applicable) along with satisfactory evidence (as determined by the employer, in consultation with the main provider) that the apprentice has achieved the necessary knowledge, skills and behaviours set out in the standard.

## **GCSE**

See 'English and maths' or 'Prior learning'

## **Government-employer co-investment**

Government-employer co-investment is funding that is not paid for from an employer's apprenticeship service account (because the employer does not pay the levy or has insufficient levy funds in their apprenticeship service account). Employers will need to make a mandatory co-investment with the government.

## **H**

### **Higher apprenticeships**

An apprenticeship where the main learning is at level 4 or above. This is equivalent to a certificate of higher education or above.

### **Holiday**

See 'Annual leave'

## **I**

### **ICT**

See 'Functional skills'

### **Identified needs**

Learning needs that have been identified as part of a need's assessment, which may be eligible for learning support.

See also 'Learning support'

### **Illness**

See 'Break in learning'

### **Immigration permission**

The permissions, or otherwise, granted by the government of the United Kingdom for an individual to reside here. Learners need immigration permission to study in the UK.

### **Incentive payment**

See 'Completion payment'

## **Individualised learner record (ILR)**

The primary data collection requested from training providers for further education and work-based learning in England. The data is used widely, most notably by the government, to monitor policy implementation and the performance of the sector. It is also used by organisations that allocate funding for further education.

## **Individual learning plan (ILP)**

See 'Commitment statement'

## **Inducement**

Something that persuades or influences someone to do something. For example, if a provider offered extra training (not required for the apprenticeship) to an employer and included this in the total negotiated price. This is not allowed.

## **Ineligible costs**

Costs that must not be included in the total negotiated price. For example, travel costs and wages.

## **Initial assessment**

The process of identifying an individual's learning and support needs to enable the design of an individual learning plan (commitment statement). It determines the learner's starting point for their learning programme.

## **Integrated standard**

An integrated standard is where the end-point assessment is incorporated into the main learning aim (usually a degree or other full higher education qualification). In these cases, there is no need for an additional independent assessment.

## **K**

### **Knowledge, skills and behaviours (KSBs)**

These are set out in all apprenticeship standards; apprentices are required to learn them to be occupationally competent. KSBs are taught in off-the-job training and tested in the end-point assessment.

## **L**

### **Learning difficulty or disability (LDD)**

An apprentice having a learning difficulty or disability may form part of a need's assessment, and if it directly impacts on their learning, could be eligible for learning support.

See also 'Learning support'

### **Learning support**

Financial support that providers can claim to help with the cost of any reasonable adjustments

directly related to an apprenticeship. Currently a fixed monthly amount of £150. Any extra cost can be claimed through the Earnings Adjustment Statement (EAS).

See also 'Additional payments'

### **Level 1**

See 'English and maths' or 'Functional skills'

### **Level 2**

See 'English and maths' or 'Functional skills'

### **Levy**

See 'Apprenticeship levy'

### **Levy-paying employer**

An employer, or group of connected employers, with a collective annual pay bill of over £3 million who therefore pay the levy.

### **Licence to practise**

Where it is a legal (or statutory) requirement for practitioners to have a licence, which confirms the licence holder meets certain standards of competence. This includes situations where it is illegal to be paid for a specified range of activities without a licence.

## **M**

### **Main provider**

Any organisation holding a contract with us through which we directly route funds from an employer's apprenticeship service account or government-employer co-investment. The main provider will have the overall responsibility for the training and on-programme assessment conducted by themselves and their delivery subcontractors, and have a contractual relationship on behalf of the employer for the end-point assessment conducted by an end-point assessment organisation. The payment for the end-point assessment organisation is through the main provider.

### **Maternity leave**

See 'Parental leave'

### **Mentoring**

To include in off-the-job training, mentoring must impart new learning to the apprentice directly linked to the achievement of the apprenticeship by a more senior or experienced member of staff. This does not include general line management. The apprentice must not be doing productive work.

### **Minimum duration**

The minimum length of time an apprentice must spend on training.

## **Minimum wage**

See 'National Minimum Wage'

## **N**

### **National Minimum Wage**

View the National Minimum Wage rates.

See also 'Apprentice rate'

### **Non-levy paying employer**

An employer, or group of connected employers, with a collective annual pay bill of less than £3 million who therefore do not pay the levy.

### **Non-mandatory qualifications**

Qualifications that an apprentice does not require to achieve an apprenticeship. The employer must pay for these qualifications.

## **O**

### **Off-the-job (OTJ) training**

Learning done outside of an apprentice's normal working duties, but within their working hours. Apprentices must spend at least 20% of their working hours doing OTJ training.

### **Online learning**

See 'Distance learning'

### **On-programme assessment**

A progress review of what the learner has done compared to the training plan in their commitment statement. It usually involves the learner, provider and employer.

### **On-the-job training**

Learning done during an apprentice's working hours to help them perform their job.

### **Ordinarily resident**

For funding purposes, a person who normally lives in the country, is allowed to live there by law, and return there after temporary trips outside the country. Temporary absences from a country due to the learner or a relevant family member working or travelling abroad would be discounted when considering ordinary residency.

## **OTJ**

See 'Off-the-job (OTJ) training'

## **P**

### **Parental leave**

When an employee takes time off work due to maternity leave, paternity leave, shared parental leave or adoption leave. Parental leave counts as a break in learning.

See also 'Break in learning'

### **Part time**

See 'Minimum duration'

### **Paternity leave**

See 'Parental leave'

### **Pay bill**

The total amount of money employers pay their employees each year.

### **Personal learning record (PLR)**

The personal learning record (PLR) allows individual apprentices access to their past and current achievement records. These can be shared with schools, colleges, further education training providers, universities or employers when making an application to further their education, training and employment.

### **Practical period**

The period for which the apprentice is expected to work and receive training under an approved English apprenticeship agreement.

### **Pregnancy**

See 'Parental leave'

### **Previous apprenticeship**

See 'Prior learning'

### **Previous rules**

There are different funding rules for different apprenticeship start dates. You must follow the funding rules that apply to each apprentice. View the funding rules for previous and other years.

### **Prior learning**

Previous learning that may count towards an apprenticeship. For example, work experience, education, training and qualifications. Before a learner starts an apprenticeship, providers must do an initial assessment of their existing KSBs to check if they are eligible. Then reduce the cost, duration and content of the apprenticeship if necessary.

See also 'Minimum duration'

## **Progress review**

See 'On-programme assessment'

## **R**

### **Receiving employers**

Employers (levy or non-levy paying) who receive a transfer of apprenticeship funds from a levy-paying employer.

See also 'Transfer of funds'

### **Redundancy**

The statutory definition of redundancy (Employment Rights Act 1996) identifies three sets of circumstances (business closure, workplace closure, diminished requirements of the business for employees to do work of a particular kind) and an employee's dismissal can be considered to be by reason of redundancy if one of these circumstances is the reason for the dismissal. Redundancy includes voluntary redundancy

See also 'Change of circumstance'

### **Register of Apprenticeship Training Providers (RoATP)**

A list of organisations that are eligible to receive government funding to train apprentices. To be added to the register, organisations must pass tests on due diligence, financial health, and tests on quality, capacity and capability.

### **Register of End-Point Assessment Organisations**

A list of organisations that are eligible to carry out independent end-point assessments of apprentices.

### **Resit**

Taking the end-point assessment again, without any extra learning.

### **Retake**

Taking the end-point assessment again, after further training.

### **Review**

See 'End-point assessment' or 'On-programme assessment'

### **Review visit**

See 'On-programme assessment'

## **S**

### **Self-directed distance learning**

When an apprentice is working alone with online material. The material is not delivered in real

time and there is no interactive support.

### **Sending employers**

Levy-paying employers who have unused apprenticeship funds in their apprenticeship service account and transfer them to another employer.

See also 'Transfer of funds'

### **Special educational needs (SEN)**

Learning, physical or sensory needs that make it harder for someone to learn than most individuals the same age.

### **Standards**

An apprenticeship standard in relation to England for the purposes of the funding rules describes the occupation to which it relates and sets out the outcomes that persons seeking to achieve the standard are expected to attain in order to successfully complete the apprenticeship. Apprenticeship standards are approved and published by the Institute for Apprenticeships and Technical Education. Apprentices can only be enrolled against an apprenticeship standard once it is identified as 'approved for delivery' on the Institute for Apprenticeships and Technical Education website.

### **Start of learning**

The date learning begins. This does not include enrolment, induction, diagnostic assessment or prior assessment.

### **State aid**

Using taxpayer-funded resources to provide assistance to one or more organisations in a way that gives an advantage over others. For example, grants, loans and tax breaks.

### **Statutory leave**

See 'Annual leave'

### **Summary of changes**

See 'Changes from the previous document'

### **Subcontractor**

A legal entity that has a contractual relationship with a main provider to deliver apprenticeship training funded by us.

## **T**

### **The apprenticeship service**

The digital interface to services designed to support the uptake of apprenticeships. The service is aimed primarily at employers who engage with main providers and apprenticeship assessment organisations to deliver and facilitate the apprenticeship programme. It allows employers to choose, and pay for, the apprenticeship training that they want and will support

the uptake of apprenticeships. The service contains information coming from a range of different sources, including main providers.

### **The hub**

A website you can use to send things like ILR returns and earnings adjustment statements to the ESFA. You can also view validity and funding details, learning aims, units and apprenticeships.

### **This document**

This document refers to the Apprenticeship Funding Rules for Main Providers August 2020 to July 2021.

### **Time off**

See 'Annual leave' or 'Off-the-job (OTJ) training'

### **Time out**

See 'Off-the-job (OTJ) training'

### **Total negotiated price (TNP)**

The price negotiated between an employer and main provider for all the eligible costs of an apprentice's training and assessment.

See also 'Eligible costs' and 'Ineligible costs'

### **Training**

The delivery of training and on-programme assessment by a main provider or any organisation contracted for this purpose.

### **Training provider**

Organisations that are on the Register of Apprenticeship Training Providers and appointed by an employer and/or holding a current funding agreement with us or contracted through a main provider for the delivery of training and on-programme assessment, as part of the employer's agreed apprenticeship programme. This includes companies, charities, bodies, colleges, universities, sole traders, and other types of legal entity, including those who are in the same group as, or are associated with, the main provider. This excludes individuals who are self-employed or supplied by an employment agency and who are working under the main provider's direction and control, in the same way as an employee.

### **Transfer of funds**

When levy-paying employers transfer any unused apprenticeship funds in their account to other employers.

### **Transfer to a new employer**

See 'Change of circumstances'

### **Transfer to a new provider**

See 'Change of circumstances'

## **U**

### **Unique learner number (ULN)**

A 10-digit reference number. You must use it to access or edit the personal learning record (PLR) of anyone that is in education or training and older than 14.

### **Updates**

See 'Changes from the previous document'

## **W**

### **Wage**

See 'Apprentice rate'

### **Withdrawal**

When an apprentice leaves or stops taking part in their apprenticeship before they have completed it. This could be temporary, and the apprenticeship can be restarted. A withdrawal is not a break in learning.

See also 'Change of circumstances'

### **Work experience**

The jobs that someone has had or the type of work they have done in the past. Also, when someone works for an employer on a short-term basis.

See also 'Prior learning'

### **Working hours**

The apprentice's paid hours, not including any overtime. There are maximum weekly working hours. Apprentices must complete their apprenticeship (including any training) during paid working hours.

### **Written agreement**

The main provider must have a written agreement in place with the assessment organisation and make payment to them for conducting the end-point assessment. The written agreement must set out the arrangements for end-point assessment including arrangements for any retakes and the transaction of payments.

## **Z**

### **Zero-hour contracts**

Contracts which do not specify a set number of hours for the employee to work.

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