



Department  
for Education

# **Conditions of Registration**

## **For Flexi-Job Apprenticeship Agencies**

**October 2023**

**Version 4**

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# 1 Introduction

- 1.1. This document sets out the conditions (“the conditions”) for all organisations on the Register (“the Register”) of Flexi-Job Apprenticeship Agencies (“FJAAs” or “you”).
- 1.2. The purpose of the conditions is to ensure that all FJAAs are clear about the requirements which the Department for Education (“DfE”, “our” or “we”) have implemented to ensure apprentice needs are protected. Only registered FJAAs can deliver the FJAA model of employing apprentices directly (for the duration of their apprenticeship) and arranging placements with host employers (whereby the apprentice will spend more than 50% of the apprenticeship duration on placements – see [apprenticeship funding rules](#) for further details). Acceptance onto and removal from the Register is at the discretion of DfE.
- 1.3. We ask that you read and ensure you fully understand the conditions before you start your application to the Register.
- 1.4. DfE may, at its discretion, revise any of the conditions or add new conditions at any time. Any changes to the conditions will apply from the effective date of the changes, irrespective of the date an FJAA was listed on the Register.
- 1.5. The conditions are set out below and apply to all organisations accepted onto the Register.

## 2 Your organisational details

- 2.1. The applications process guides you through the requirements you must meet to be registered as an FJAA. You will need to continue to meet these requirements to remain on the Register.

### Condition One

- 2.2. To be eligible to join the Register, organisations must:
  - Have a registered UK business address;
  - Have an Information Commissioner’s Office registration number;
  - Have been, and be able to demonstrate, active trading for the last 12 months (at the point of application). Where this is not the case, organisations may be able to rely upon the trading history of an associated or parent company and / or may be invited to explain how it is able to offer DfE assurance about its financial position;
  - Be able to provide evidence of strong links with sectors, professions and / or geographies relevant to the apprenticeships that your apprentices will undertake; and
  - Employ, support and place apprentices (with host employers) within 6 months of being listed on the Register.

In addition, organisations must not:

- Be listed on the [Apprenticeship Provider and Assessment Register](#) either as a Main Provider, or as an End-Point Assessment Organisation; or
- Be listed on the Apprenticeship Provider and Assessment Register as a Supporting Provider and be intending to deliver any of the training to their Flexi-Job apprentices; or
- Be in the process of applying or intending to apply to be listed as a Main Provider, a Supporting Provider, or an End-Point Assessment Organisation on the Apprenticeship Provider and Assessment Register; or
- Have been removed from the Apprenticeship Provider and Assessment Register in the last three years or currently be under notice of removal from the Apprenticeship Provider and Assessment Register.
- Have been notified as a potential High-Risk Employer under the [Policy for Apprenticeship and Traineeship Employers demonstrating High-Risk Behaviours](#).
- Have been unsuccessful in an application to become an FJAA within the last 12 months (from date of application)

NB: If you are a separate organisation that is linked to, or part of an organisation listed on the Apprenticeship Provider and Assessment Register, then you must be able to demonstrate that you meet the eligibility criteria listed above, in your own right.

- 2.3. The information you give at the time of your application to the Register must remain current and valid. Should there be any significant change in this information you must inform your DfE Account Manager of any change within one calendar month (unless this is a change of leadership or ownership of your organisation, where we expect you to notify DfE 12 weeks prior to the change). Depending on the nature of that change, we may review your listing on the Register.
- 2.4. Significant changes in information covers all the areas in the application form. This includes, but is not limited to:
  - Changes in your financial health (unless you are exempt from financial audit)
  - Changes to your organisational structure (for example any change of control, as defined in the '[Department for Education Apprenticeships - Employer Agreement](#)')
  - Plans to apply to join the Apprenticeship Provider and Assessment Register
- 2.5. In the event of any significant change, we may ask you to re-apply to the Register – we will notify you in advance if we intend to do this.
- 2.6. You must promptly inform DfE if any of the individuals named in your application withdraw their consent for data to be shared with DfE.

## 3 Readiness

### Condition Two

- 3.1. As part of your application to join the Register, we need you to indicate that you will be able to employ, support and place apprentices (with host employers) within 6 months of being listed on the Register. Failure to meet this requirement will mean automatic removal from the Register.
- 3.2. You must ensure that appropriate policies are in place for safeguarding, equality and diversity, and health and safety for FJAA apprentices and provide copies of these if requested to do so, by the date specified in the request.
- 3.3. You must have in place a contract for services with each host employer and provide copies if requested to do so, by the date specified in the request.
- 3.4. You will need to ensure that you comply fully with the provisions of the [Employment Agencies Act 1973](#) (“the Act”) and the [Conduct of Employment Agencies and Employment Businesses Regulations 2003](#) (“the Conduct Regulations”), both as amended. This legislation is enforced by the Employment Agency Standards (EAS) Inspectorate, part of the Department for Business and Trade.
- 3.5. You must ensure that you comply with the regulations for employment agencies and employment businesses. Please refer to the [rules for employment agencies and businesses](#) and the [guidance for employment agencies and employment businesses](#).
- 3.6. Once your application is approved, you must inform DfE of your Apprenticeship Service Account details (which you will use when entering FJAA apprentices) – you will need to accept, or have accepted, the latest version of the [DfE Apprenticeships – Employer Agreement](#) and act at all times in accordance with the terms of the agreement.

## 4 Record keeping and data requirement

### Condition Three

- 4.1 You must provide evidence to support the information supplied in your application if requested to do so, by DfE, by the date specified in the request.
- 4.2 You must comply with any other request for information we may make and provide the requested information by the date specified in the request.

- 4.3 You must submit a monthly data return using a data collection form (“DCF”) which will be provided to you by DfE. This must be submitted via Galaxkey (an online platform for secure data sharing which you will be given access to) by no later than the fifth working day of each month. DCFs may be subject to amendment and reissued dependent on data capture and reporting requirements.
- 4.4 As detailed in the [DfE Apprenticeships – Employer Agreement](#), you must ensure that information on your Apprenticeship Service Account is accurate and kept up-to-date.

## 5 Monitoring

### Condition Four

- 5.1 As an organisation registered to act as an FJAA you consent to DfE obtaining, holding, and processing information about you and using this information to monitor your activities as an FJAA and your ongoing compliance with the conditions, and for other purposes set out in this document.
- 5.2 Through this monitoring we will build a profile of your activity. We will monitor you through information we already hold or can directly access about you and your activities as an FJAA. For instance, we may use information from your application to the Register, from the Individualised Learner Record, from the Data Collection Form and / or from the Apprenticeship Service.
- 5.3 You must comply with any data reporting requirements and / or requests to support the monitoring and performance of Flexi-Job Apprenticeship Agencies (this includes condition 4.3).
- 5.4 To remain on the Register, you must:
  - 5.4.1. Have a start within 6 months of joining the Register;
  - 5.4.2. Not have a continuous period of 6 months or more where no Flexi-Job Apprenticeship Agency apprentices are employed; and
  - 5.4.3. Meet DfE’s requirements for the performance and quality of FJAAs, as per the published [Quality Framework](#).
- 5.5 You must comply with any meeting requests, by DfE, to discuss your progress and performance.

## 6 External quality assurance

### Condition Five

6.1 We reserve the right to request an inspection of your FJAA to be undertaken by the Employment Agency Standards (“EAS”) Inspectorate, part of the Department for Business and Trade.

6.2 You will need to confirm in written form that you give consent for information to be shared between the Department for Education and EAS, in accordance with section 9(4)(a)(i) and 9(5) of the Employment Agencies Act 1973 (the “1973 Act”). Those sections provide as follows:

“(4)(a) No information to which this subsection applies shall be disclosed except –

- (i) with the consent of the person by whom the information was furnished or, where the information was furnished on behalf of another person, with the consent of that other person or with the consent of the person carrying on or proposing to carry on the employment agency or employment business concerned; or

.....

(5) – Subsection (4) applies to –

- (a) information obtained in the course of exercising the powers conferred by this section,
- (b) information obtained pursuant to section 15(5A) of the [National Minimum Wage Act 1998](#), and
- (c) information obtained in the course of exercising powers by virtue of section 26(1) of the [Immigration Act 2016](#) (investigative functions in connection with labour market enforcement undertakings and orders).”

6.3 Information will be shared in the following circumstances:

6.3.1 If you are awarded a place on the Register, you will also be giving consent to DfE to engage with EAS and to make enquiries with them to ascertain if they hold any information about your business which indicates non-compliance with the 1973 Act and / or Conduct Regulations. You will also give consent for EAS to disclose any such information to DfE so that DfE may take the information into account in its decision making about whether to permit the inclusion of your business onto the Register.

6.3.2 You also agree to the following throughout the lifetime of your membership on the Register:

6.3.2.1 To notify DfE of any future complaints notified to you by EAS or inspections by EAS and the outcomes of such;

6.3.2.2 Consent for DfE to engage with EAS and to make enquiries with them to ascertain if they hold any information about your business

with indicates non-compliance with the 1973 Act and / or Conduct Regulations during your time on the Register;

- 6.3.2.3 Consent for EAS to disclose to DfE of any complaints received or inspections, and the outcomes of either, that will be undertaken during your time on the Register.

## 7 Compliance

### Condition Six

- 7.1 You must only facilitate flexi-job apprenticeships to those target groups, sectors and / or geographies that have been approved by DfE as part of your application (and subsequently confirmed in your outcome letter). You can deliver any standard within your confirmed sector.
- 7.2 You must not have provided false, inaccurate, or misleading information as part of the Register application process.
- 7.3 You must not breach the [DfE Apprenticeships – Employer Agreement](#) or any other contract or legal agreement with DfE.
- 7.4 You must comply at all times with the [Apprenticeship Funding Rules](#) and any other published policy or guidance documents for Flexi-Job Apprenticeship Agencies, including the [Quality Framework](#).
- 7.5 If you have been notified by DfE that your [DfE Apprenticeships – Employer Agreement](#) or any other contract or legal agreement with ESFA / DfE will be terminated, then you will be removed from the Register.
- 7.6 If you have had any payment withheld or terminated under the [DfE Apprenticeships – Employer Agreement](#) or any other contract or legal agreement with ESFA / DfE, then you may be subject to a higher degree of oversight by DfE or be removed from the Register.
- 7.7 If you breach these Conditions of Registration and / or the [DfE Apprenticeships – Employer Agreement](#) then you may be subject to the [Policy for Apprenticeship and Traineeship Employers demonstrating High-Risk Behaviours](#).

## 8 Accepting the conditions

- 8.1 If your application to the Register is successful, you must confirm that you accept the conditions. Entry onto the Register and your ongoing listing on the Register is dependent on your accepting and complying with the conditions.
- 8.2 We will review your listing on the Register if we are concerned that you have breached any of the conditions.



8.3 We may need to update the conditions from time to time. Where this happens, we will give you prior notice of this and how the conditions may be updated in order to receive feedback.

## **9 Suspension or removal from the Register**

9.1 Failure to comply with any of the conditions may result in DfE suspending your listing against a particular target group, sector and / or geography on the Register, or your removal from the Register completely. If this constitutes a breach of any element of the DfE Apprenticeships - Employer Agreement, we may also terminate this agreement.

9.2 In instances where you do not pay the apprenticeship levy, we may temporarily or permanently cap the number of reservations you can make through the Apprenticeship Service.

9.3 If we discover or suspect you may be in breach of any of the conditions, we will write to you and will set out the process through which you may make representations about any alleged breaches before we take any action. In certain circumstances, we may:

9.3.1 impose limits on new apprentice starts or temporarily remove access to your Apprenticeship Service account pending the outcome of our review and your representations; and / or

9.3.2 immediately pause or temporarily suspend you from the Register, where the breach or suspected breach is sufficiently serious and / or incapable of remedy, whilst our review is pending.

9.4 We may also ask that you take certain steps within a specified timeline to rectify any breaches of the conditions and / or ensure future compliance with them. If these actions are not taken within the timeframes set out, then we may suspend or remove you from the Register.

9.5 If you are unresponsive to any DfE requests, we may remove you from the Register.

## **10 Orderly withdrawal from the Register**

10.1 We welcome responsible decisions from FJAAs to voluntarily withdraw from supporting particular target groups, sectors and / or geographies, or from the Register, if they are no longer able to deliver this model.

10.2 We recognise that due to several factors, the situation may arise when an FJAA wants or needs to do this. Where there is such a withdrawal, it must be done in an orderly way in the interests of apprentices, host employers and DfE.

### Withdrawal from target groups, sectors and / or geographies without apprentices

10.3 Where an FJAA wishes to withdraw or is obliged to withdraw from a target group, sector and / or geography, or from the Register, with no apprentices on programme, the FJAA must:

10.5.1 Inform DfE in writing as soon as their decision to withdraw has been made; and

10.5.2 Have no current or future planned apprentice starts within these target groups, sectors and / or geographies.

10.4 Upon receipt of the withdrawal notifications, DfE will confirm removal from the Register.

### Withdrawal from target groups, sectors and / or geographies with apprentices on programme

10.5 Where an FJAA wishes to withdraw or is obliged to withdraw from a target group, sector and / or geography, or from the Register, with apprentices on programme, the FJAA must:

10.5.1 Give the DfE 3 months' notice in writing; and

10.5.2 Promptly prepare, maintain, and comply with a written withdrawal / exit plan, which must specify if you will continue to support existing apprentices until completion or if not, proposals to transfer apprentices to alternative employment.

### Confirmation of withdrawal

10.6 Whilst you await confirmation of your withdrawal notification, if any host employers contact you then you must not accept any new apprentices within the target group, sector and / or geography.

10.7 Once it has been confirmed that your withdrawal has been actioned, you will not be able to apply to deliver against this target group, sector and / or geography, or to join the Register, for at least 12 months.



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