

The 2022 to 2023 Funding Rules

DRAFT as at June 2022

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Agenda



Introduction & Overview

High Impact Changes

New Rules

ESFA Questions – Discussion

Questions for the ESFA

Understanding the Terminology

New rule:

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

Clarification:

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

Restructure:

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

New content:

- We will use this term to confirm when we have added something new.

Summary Overview

Drivers :

- Response to Audit:
 - Off the job learning hours
- Bureaucracy reduction / simplification
- Preparing for further policy change
 - Flexible apprenticeships
 - Removing barriers to SME engagement / market entry
- Outcomes of consultation
 - Eligible and non eligible costs (feedback welcomed on this element)

Notables

- New Section on Flexi Apprenticeships
- ATA section under review
- Some indicative conflicts with the Apprenticeship Monitoring Framework – Break in Learning
- Lack of detail on the evidence required for an audit
- Preparation for Prisoner Apprentices
- Initial needs assessment is eligible.....at last



Policy Changes in Short:

- Change to eligible and ineligible costs
- Change to the 20% OTJT requirement and measure
- Change to the TNP calculation and the approach to the price to be reported in the ILR and on the Training Plan

NEW RULES IN PRACTICE – HIGH IMPACT

Rule Change Impact



H

High Impact/High Risk - direct and immediate impact on funding claim and / or internal budget and resourcing levels



M

Medium Impact – significant changes to procedures, documentation, evidence, policies



L

Low Impact – low level changes, or will apply to a small proportion of employers, apprentices or apprenticeships.



?

There are concerns and questions to be raised with the ESFA

Initial Assessment

P23 If you are accessing government funding to deliver an apprenticeship, you must ensure the individual and the programme are eligible for funding **by conducting an initial assessment of the individual's abilities**, in line with the proposed apprenticeship. Your initial assessment must include:

P23.1 an assessment of the learner's eligibility for the apprenticeship programme (see paragraphs [P54](#) to [P67](#));

P23.2 a skills-scan, so that the individual can be assessed against the knowledge, skills, and behaviour requirements of the relevant apprenticeship standard;

P23.3 diagnostic testing of occupational competence and diagnostic testing of English and maths prior attainment (where relevant);

P23.3.1 the results of the skills scan, and the diagnostic testing (where relevant), **must evidence that the individual requires significant new knowledge, skills, and behaviours in order to be occupationally competent in their job role; this training must meet the funding rules** relating to the minimum duration (paragraphs [P32](#) to [P36](#)) and to off-the-job training (paragraphs [P37](#) to [P48](#));

P23.4 **identification and recognition the individual's prior learning and experience;**

P23.4.1 **there must be evidence that the programme content, duration, and price has been reduced accordingly** (see paragraph [P24](#) for further guidance, including how to calculate and document the price reduction);

P23.5 identification of reasonable adjustments linked to learning difficulties or disabilities;

P23.5.1 **there must be evidence that the reasonable adjustments identified have been taken into account in the design of the programme** (see paragraphs [P68](#) to [P79](#) for eligibility); and;



IMPACT / ACTION

- What is someone's 'abilities'
- The skills scan, RPL assessment and Judgement are primary evidence sources for the training plan content – they need to be in sufficient detail, to underpin decisions about the training plan
- The reasonable adjustment plan needs to be known [in place] to include this in discussions – resourcing impact of this may be considerable – is there time ?
- Does the eligible ineligible cost update cause any changes ?
- Cost this – its now eligible though if you are charging the cap now you would have to get any additional funding from the employer
- Assess the impact on resourcing, systems, for the planned cohorts – staff capacity, fit for purpose skills scan, - [how] can this detailed procedure and evidence base be delivered ?
- Are the validation processes providing the right level of detail for new programmes ? Do we have the breakdown of hours to cost needed ?

Initial Assessment

P23.6 a documented discussion with the individual and their employer about the job role, the desired learning outcomes, the results of the initial assessment activities listed above (see paragraphs [P23.1](#) to [P23.5](#)) and how this information will inform a tailored training plan; the discussion must confirm that:

P23.6.1 the training programme aligns with an approved apprenticeship standard, at the most appropriate level;

P23.6.2 an apprenticeship is the most appropriate training programme for the individual;

P23.6.3 the individual's job role has a productive purpose and that there is a direct link between this job role and the chosen apprenticeship standard;

P23.6.4 the employer will provide the individual with the appropriate support and supervision to carry out both their job role and their apprenticeship, particularly where the apprentice is working flexibly, including working from home;

P23.6.5 the employer will release the apprentice for off-the-job training as required by the training plan; and

P23.6.6 the employer will provide the apprentice with the opportunity to embed and consolidate the knowledge, skills, and behaviours gained through off-the-job training into the workplace.



IMPACT / ACTION

- This seeming asks for a discussion – this might mean 90 minutes of time to talk and document for every apprentice start - assess capacity, capability for the planned cohorts now - is there actually time for this?
- skills scan, RPL assessment and Judgement are primary evidence sources for the training plan content – they need to be in sufficient detail, to drive the TRAINING PROVIDER AND show a direct correlation between skills scan and raining Plan
- The reasonable adjustment plan needs to be known - if identified mid programme this means a new assessment to inform a new training plan
- Update/ create templates for this as an end to end assessment – they need to drive
- Need updated employer declaration sand advice for apprentice completing the skills scan. May need additional CV, or other information to aid the decision
- Longer timeline for onboarding and recruitment, more emphasis on informing and engaging apprentices

The RPL calculation

- **P24.5** To reduce the total negotiated price you must:
 - **P24.5.1 Calculate the percentage of prior learning that the learner has, as a percentage of the off-the-job training hours that you would deliver to an apprentice with no relevant prior learning for the same standard.** For example, if the individual's prior learning accounts for 300 off-the-job training hours and typically, for the same standard, you would deliver 1,000 off-the-job training hours to an individual with no prior learning, this would equate to 30% prior learning.
 - **P24.5.2 Reduce the price by at least 50% of the prior learning percentage, from the maximum funding band** (the 50% reduction recognises fixed costs). For the example above, where the apprentice has 30% prior learning, this means there must be a reduction in price of at least 15% of the maximum funding band. This reduced price is the maximum that will be paid using apprenticeship funding (e.g. £8,500 for a £10,000 funding band).

IMPACT / ACTION

- Differential module costs
- Apprentice who only have partial RPL for a full module
- Needs a granular map of content to price – hour by hour ??
- Can we prepare for this in time ?

Minimum off the job learning Hours

P40 To be eligible for government funding all full-time apprentices (those that work 30 hours per week or more) must spend, as a minimum, **6 hours per week, over the planned duration of the practical period**, on off-the-job training.

P40.1 The minimum requirement of 6 hours per week is for calculation purposes only; once calculated, you and the employer must agree when, **where and how the off-the-job training is delivered** (see paragraph [P45](#)).

P40.2 The practical period begins on the learning start date and ends on the learning actual end date (i.e. the final day, also known as gateway). Off-the-job training must not take place beyond gateway, in the end-point assessment period of an apprenticeship.

P40.3 When calculating the required amount of off-the-job training, the apprentice's statutory leave entitlement must be deducted.

P40.3.1 **You must pro-rata statutory leave for part time workers when you calculate off-the-job training.**

P40.3.2 Full-time apprentices receive at least 28 days paid annual holiday (this is the statutory leave entitlement and is the equivalent of 5.6 weeks of holiday).

P40.3.3 **Therefore off-the-job training is delivered over 46.4 weeks and provides, as a minimum, 278 hours of off-the-job training per calendar year (46.4 weeks x 6 hours = 278 hours).**

P41 The volume of training hours you plan to deliver must be supported by the initial assessment.

P41.1 Some apprentices and standards may need more than the minimum equivalent of 6 hours per week of off-the-job training. Apprentices must receive the volume of high-quality apprenticeship training that they need to develop full occupational competence

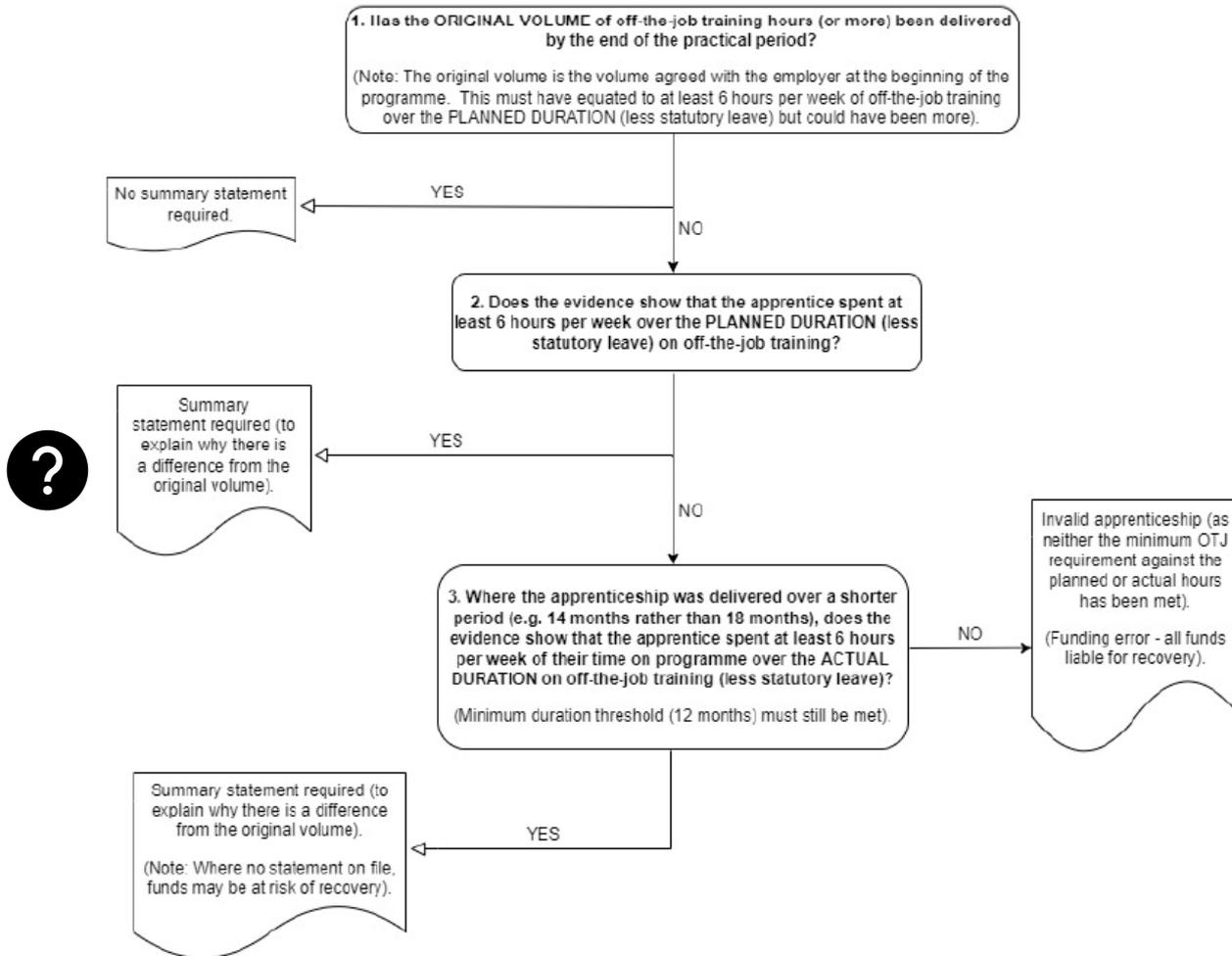
P41.2 **It must be clear to all parties how you have worked out the amount of off-the-job training required by the apprentice** (that complies with paragraph [P40](#)) and you must record this in the evidence pack.

IMPACT / ACTION

- A simpler calculation ..?
- Systems implications and updating the tools you use now
- Updated Training Plan template needed
- Update to all employer and apprentice literature and web content – by 1st August
- Impact on current apprentice or employer who perceive this as less of a commitment
- Decisions on where to store evidence of the calculation [currently on the front of the Commitment Statement]



What to do when you have delivered less off the job learning than is on the ILR



IMPACT / ACTION

- Without a very frequent monitoring approach we will not be able training provide quickly produce the summaries
- This means prompt absence OTJL monitoring and reporting, replacement learning - we are currently not allowed to get more than 4 weeks vs their planned learning behind without funding risk
- TPV must spend dedicated time firmly drawing a line , with evidence on progress at this point
- Apprentice all need to report every learning hour
- Significant impact on apprentice, employer
- Need to assess impact on resourcing and caseloads of Tri-partite review leads

Active learning must take place at least every 4 weeks (or a break in learning must be used).

Active learning

Active learning refers to the training that is being funded through the apprenticeship (i.e. off- the-job training and English and maths training). The apprentice must be involved in active learning throughout the apprenticeship, from the learning start date to the learning end date (the practical period). **Active learning must take place at least every 4 weeks** to underpin the monthly payment made to a provider **(or a break in learning must be used).**



IMPACT / ACTION

- Holiday period
- Sectors with busy months e.g. retail
- Long programmes and the need to be at work working on work projects
- Indicates frequent BIL, on and on funding
- = conflicts with Apprenticeship Framework with BIL as a quality issue
- Apprenticeship and Employer impact of the ongoing of and on BIL
- Unrealistic in a long programme
- Resourcing impact on everyone
- Impact on apprentice choice to balance their learning time
- Impact on block release

Progress Reviews

- P52** A progress review, to discuss the progress to date of the apprentice against their training plan, **must be carried out every 8-12 weeks.** This should be a three-way discussion involving the provider, employer, and the apprentice.
- P53** The minimum requirement of the progress review is that it will:
- P53.1** Check progress against any actions agreed at the previous review, including any training that has been delivered since the last review;
 - P53.2** Check overall progress of the apprentice against their agreed training plan, **documenting any slippage against the volume of planned off-the- job training;**
 - P53.3** Allow for any off-the-job training evidence, that is outside of the provider's control, to be discussed, agreed, collected, or documented
 - P53.4** Discuss any concerns that the provider, employer, or the apprentice has;
 - P53.5** Discuss any new information / potential changes of circumstance that might impact on the training plan. This could include any additional training required, or any additional prior learning or learning support needs that have come to light since the original initial assessment and / or the last progress review. **Changes to the training plan may require the price to be renegotiated;**
 - P53.6** Provide for an opportunity to update the training plan (e.g. where it is necessary to replan any off-the-job training); and
 - P53.7** Agree and document actions for the next review. The record of the progress review must be signed and dated by all parties (apprentice, employer, provider).

IMPACT / ACTION

- Does this include the 5 weeks ? Is it 3, 4 or 5 a year increased responsibility for apprentice recording OTJL
- Update all employer and apprentice materials, handbooks
- REAL employer commitment needed to the schedule of OTJL set out in the Tplan
- Issues with replacing missed learning = more BIL

NEW RULES

Incidentals – Flexi Job Apprenticeships

Para	Rule	ACTIONS
 P17	<p>To reflect that organisations taking part in the portable flexi-job apprenticeships pilot must also refer to the supplemental funding rules for providers / employers delivering the portable flex- job apprenticeships pilot programme.</p> <p>[The pilot will run across 23 standards in the creative, digital and construction sectors and will be delivered by providers approved through an expression of interest process].</p>	<ul style="list-style-type: none"><input type="checkbox"/> Only for organisations operating as flexi-apprenticeship providers

NEW RULES – Recruit an Apprentice

Para	Rule	ACTIONS
<p data-bbox="67 335 173 435">M</p> <p data-bbox="67 796 173 835">P21.2</p>	<p data-bbox="202 228 919 421">Where an employer has declined the use of Recruit an Apprentice, you must record the reason for this in the evidence pack.</p> <p data-bbox="193 478 919 606">P21 You must offer the employer the option of using the free <u>Recruit an apprentice</u> service, for all new recruits into their business.</p> <p data-bbox="193 614 919 828">P21.1 Recruit an apprentice is the official government service for posting and managing apprenticeship vacancies (<u>'Find an apprenticeship'</u> is the corresponding candidate portal).</p> <p data-bbox="193 835 919 913">P21.2 It is not mandatory for employers to use this service for new recruits. However, where an employer does not use this service, you must record the reason for this in the evidence pack.</p> <p data-bbox="193 1056 919 1363">P21.3 Where you do advertise on Recruit an apprentice, on behalf of an 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 P32 to P36).</p>	<ul style="list-style-type: none"> <li data-bbox="937 228 1825 392">❑ Create an employer declaration in any early due diligence documentation- <i>see the example below</i> - (or in the contract [there will be an optional term in the UVAC contract]) <li data-bbox="937 421 1825 585">❑ Update your employer leaflets and website about the RaA, benefits, and how employers can use this as part of their apprenticeship support - Consider a tick box of options / reason <li data-bbox="937 614 1825 692">❑ Train and brief employer engagement / relationship management staff <li data-bbox="937 721 1825 842">❑ Update your evidence checklist / eligibility checklist to ensure this is in place before the apprentice starts onboarding checks <div data-bbox="966 863 1845 1363" style="background-color: #fff9c4; padding: 10px; border: 1px solid #ccc;"> <p data-bbox="985 906 1767 1006"><i>I have been offered the option of using the 'Recruiting an Apprentice' service to support recruiting my apprentice(s) which we have chosen not to use on this occasion because:</i></p> <ul style="list-style-type: none"> <li data-bbox="994 1049 1690 1078">❑ <i>This is an internal staff only recruitment exercise</i> <li data-bbox="994 1085 1661 1113">❑ <i>We do not recruit through third party websites</i> <li data-bbox="994 1120 1535 1149">❑ <i>Our recruitment is already underway</i> <li data-bbox="994 1156 1787 1220">❑ <i>We have an existing recruitment process for apprenticeships and do not require additional assistance</i> <li data-bbox="994 1228 1690 1292">❑ <i>We use a specific contracted recruitment agency and do not require additional assistance</i> <li data-bbox="994 1299 1574 1328">❑ <i>Other _____</i> </div>

NEW RULES – Initial Assessment

Para	Rule	ACTIONS
<p>Initial assessment</p> <p>P23</p> <p></p>	<p>We have outlined the requirements of an initial assessment. This includes the requirement for there to be a direct link between the productive job role and the apprenticeship standard; and the requirement for the employer to provide the individual with the appropriate support and supervision, even where the apprentice is working from home.</p> <p></p>	<p>See 'New Rules in Practice' Section</p>
<p>Recognition of prior learning and experience</p> <p>P24</p> <p></p>	<p>We have outlined what the assessment of prior learning activity must include. This includes a new formula that must be used to reduce the price that is agreed with the employer, to account for prior learning.</p> <p></p>	<p>See 'New Rules in Practice' Section</p>

NEW RULES – Evidence of Employment Status

Para	Rule	ACTIONS
<p>Employment arrangements (new section)</p> <p>P 26.1</p> 	<p>The apprentice must be on the PAYE scheme declared in the apprenticeship service account. </p> <p>It also has to be an 'accurate' NI number that matches the Apprenticeship Service and PAYE...</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Update your employer leaflets and website information for employers, particularly about their responsibilities and eligibility requirements <input type="checkbox"/> Update employer due diligence and responsibilities declarations <input type="checkbox"/> Update contract terms [will be included in the UVAC template] <input type="checkbox"/> Update evidence requirements at application from the apprentice or employer - update apprentice information leaflets and website <input type="checkbox"/> Update your onboarding and evidence checklist / eligibility checklist to ensure evidence is supplied on time and in place before the apprentice starts <input type="checkbox"/> Train and brief apprenticeship team, employer engagement / relationship management staff

NEW RULES – Employment Arrangements/ Secondments

Para	Rule	ACTIONS
P26.2 Employment Arrangements 	If the apprentice has more than one employer at any one time (e.g. two part-time job roles), then only one of these employers can be used for the purposes of the apprenticeship. This is so that the party undertaking the role of ‘employer’ in the apprenticeship is clear.	<ul style="list-style-type: none"> <input type="checkbox"/> Update your employer training needs assessment procedure and documentation to fully confirm all KSBs can be met by this role <input type="checkbox"/> Update employer declarations – to check and confirm full <input type="checkbox"/> Create / update procedure and documentation for ‘secondments’ e.g. an agreement and checklist that can be used as evidence that the requirements are met – check this is working in the Tri-partite review - flag with Tri-partite review leads
P26.3.1 	The employer may agree with another organisation, for example in their supply chain, to second the apprentice for part of the apprenticeship (subject to all parties agreeing), to enable the apprentice to gain the required knowledge, skills, and behaviours. The apprentice must spend the majority of their apprenticeship duration with their employer, who remains responsible for the apprenticeship and the apprentice’s wages 	<ul style="list-style-type: none"> <input type="checkbox"/> Update your employer leaflets and website information for employers <input type="checkbox"/> Update employer due diligence and responsibilities declarations <input type="checkbox"/> Update your onboarding and evidence checklist / eligibility checklist to ensure evidence is in place before the apprentice starts
P26.3.2 	Secondment arrangements exclude host placements made by apprenticeship training agencies, flexi-job apprenticeship agencies and employment agencies; these are not considered to be secondments.	<ul style="list-style-type: none"> <input type="checkbox"/> Train and brief apprenticeship team, employer engagement / relationship management leads

NEW RULES

Para	Rule	ACTIONS
P 29.3 Alternative English Apprenticeships /Flexi-Apprenticeships 	You must have evidence that the apprentice has an apprenticeship agreement with their employer (paragraph P28). The only exceptions to this are:[...] Apprentices taking part in the portable flexi-job apprenticeship pilot (see paragraph P17).	<input type="checkbox"/> Only for organisations operating as flexi-apprenticeship providers
P 31.2 Minimum Wage 	Where the individual withdraws from the apprenticeship, they are no longer an apprentice and must be paid a wage in line with the national minimum wage; this must not be the apprentice rate. 	<input type="checkbox"/> Update information and guidance for employers and apprentices particularly employer e.g. links to national wage rates responsibilities <input type="checkbox"/> Update apprentice and employer handbooks <input type="checkbox"/> Update procedures for withdrawals /advice to employers about the impact of a withdrawal for apprentice and employer <input type="checkbox"/> Train and brief apprenticeship team, apprenticeship leads

NEW RULES – replacing 20% OTJL

Para	Rule	ACTIONS
<p>P 40</p> <p>Calculating off the job training</p> 	<p>We have amended the policy to remove the language of 20% of the apprentice’s normal working hours. The new minimum off-the- job training requirement is 6 hours of off-the-job training per week for a full time equivalent (an individual who works 30 hours or more per week). We have included a minimum number of off-the- training hours for a 52 week programme ?</p> <p>From 1 August, the minimum volume of hours will be 6 hours per week. The 6 hours per week is for calculation purposes only; once calculated the programme can still be delivered flexibly. ?</p> <p>This change must not dilute the existing requirement; the volume of training that is delivered must be guided by the initial assessment and this may mean that an apprentice trains for more than 6 hours per week.</p>	<p>See ‘New Rules in Practice’ Section</p>

Rules that are really Clarifications – term time OTJL

Para	Rule	ACTIONS
<p>P 42 Apprentices with term-time only contracts</p> <p></p>	<p>For term time apprentices (i.e. those in the teaching profession), we have clarified how off-the-job training is calculated. </p> <p>P42 The off-the-job training requirement for an apprentice with a term-time only contract (e.g. those in the teaching profession) should be no less, as a minimum, than any other apprentice.</p> <p>P42.1 Off-the-job training is calculated as though the apprentice is working 52 weeks per year (minus statutory leave). Once the calculation is made, the training can be delivered across the weeks specified in the contract (usually 39 contact weeks), if this is what has been agreed between the employer and provider. This will mean delivering more than the equivalent of 6 hours per week during term-time in order to meet the minimum requirements of the off-the-job policy. </p>	<ul style="list-style-type: none"> <input type="checkbox"/> Update information and guidance for employers and apprentices about the 6 hours minimum per week assumption - particularly employer responsibilities <input type="checkbox"/> Update apprentice and employer handbooks <input type="checkbox"/> Update website information for employers, particularly about their responsibilities <input type="checkbox"/> Update employer due diligence and responsibilities declarations <input type="checkbox"/> Update contract terms [will be included in the UVAC template] <input type="checkbox"/> Ensure the training plan templates have a clear schedule that does not include months outside the term <input type="checkbox"/> Update evidence requirements at application from the apprentice or employer - update apprentice information leaflets and website <input type="checkbox"/> Update your onboarding and evidence checklist / eligibility checklist to ensure evidence is supplied on time and in place before the apprentice starts <input type="checkbox"/> Train and brief apprenticeship team, employer engagement / relationship management staff

NEW RULES – Recording Actual OTJT Training Hours

Para	Rule	ACTIONS
<p>P 44</p> <p>Documenting off-the-job training</p> 	<p>We now require actual off-the-job training hours to be recorded for all apprentices where planned off-the-job training hours have been submitted; this includes current learners.</p> <p>P44 If planned off-the-job training hours have been submitted in the ILR for the apprentice, actual off-the-job training hours must also be documented in the ILR, at the end of the practical period or in the event of a change of circumstance; <u>this includes current learners on programme as of 1 August 2022.</u></p>	<ul style="list-style-type: none"> <input type="checkbox"/> Review all attendance, off the job learning logging and update apprentice . <input type="checkbox"/> Update and review process and timeliness of off the job learning Update information and guidance for employers and apprentices about the 6 hours minimum per week assumption - particularly employer responsibilities <input type="checkbox"/> Update apprentice and employer handbooks <input type="checkbox"/> Update Commitment Statement / Training Plan with terms about logging off the job learning hours. <input type="checkbox"/> Update website information for apprentices and employers about their responsibilities to log their off the job learning , and to ensure this time is available in the working day respectively <input type="checkbox"/> Update employer due diligence and responsibilities declarations <input type="checkbox"/> Update <input type="checkbox"/> Update contract terms [will be included in the UVAC template] <input type="checkbox"/> Update evidence requirements at application from the apprentice or employer - update apprentice information leaflets and website <input type="checkbox"/> Update your onboarding and evidence checklist / eligibility checklist to ensure evidence is supplied on time and in place before the apprentice starts <input type="checkbox"/> Train and brief apprenticeship team, employer engagement / relationship management staff <input type="checkbox"/> Conduct / strengthen your checks – instigate a deep dive

Clarifications that are really New Rules

Para	Rule	ACTIONS
<p>Minimum duration of practical period</p> <p></p>	<p>P32.2 The apprentice must be involved in active learning (off-the-job training and / or English and maths) throughout the apprenticeship, from the learning start date to the learning actual end date (i.e. the practical period). Active learning must take place at least every 4 weeks (or a break in learning must be used). </p>	<p>See 'New Rules in Practice' Section</p>
<p>Off the job training – what can be included</p>	<p>P38.2 practical training, shadowing, mentoring, industry visits, and participation in competitions, where the activity has been agreed and documented as part of the agreed training plan; or </p>	<ul style="list-style-type: none"> <input type="checkbox"/> Add this discussion into the with the employer / as part of the TNA, specification or employer declarations. <input type="checkbox"/> Document the intent, names, frequency in the schedule of activity in the Training Plan
<p>P45 P45.2.1</p> <p>Delivering off-the-job training</p> <p></p>	<p>P45 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 training plan can still be delivered. </p> <p>P45.2.1 Where catch-up training is delivered over a shorter period than originally anticipated in the training plan, for example one-to-one delivery, you must ensure the apprentice still receives the minimum number of hours required to meet the policy. </p>	<p>see 'New Rules in Practice' Section</p>

NEW RULES – Delivering Off the Job Training

Para	Rule	ACTIONS
<p>P 45.3.3 Delivering off the job training</p> 	<p>P45.3.3 Where the apprentice withdraws from the programme and they have made insufficient progress towards their training plan, then funds will be at risk of recovery. By insufficient progress we mean the apprentice is more than 4 weeks behind on the planned delivery of training, but the training has not been replanned or the apprentice has not been put on a break in learning. The replanning of training must be agreed with the employer.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Update information and guidance for employers and apprentices about the 6 hours minimum per week assumption - particularly employer responsibilities to provide this time and apprentice to log hours as required by the guidance, report absence and replace learning quickly and at last every month . Reset expectations with every cohort every year. <input type="checkbox"/> Ensure that apprentice know approximately hours they should be logging in any given module and month – cove this at the start of every module add it to handbooks and refer to the planned hours schedule in the training plan at every Tri-partite review <input type="checkbox"/> Update apprentice and employer handbooks and website information <input type="checkbox"/> Update employer due diligence and responsibilities declarations and apprentice application / declaration to make this responsibility clear <input type="checkbox"/> Update contract terms [will be included in the UVAC template] <input type="checkbox"/> Update evidence requirements on programme – ensure app understand the importance and benefit of this log e.g. for reflective practice, prep for the Tri-partite review etc <input type="checkbox"/> Ensure that apprentices can log time easily - discuss barriers and address these with the apprentices <input type="checkbox"/> Update induction and pre-onboarding training on logging – make it a part of every day at induction week <input type="checkbox"/> Make it a rule that intervention takes place, with the employer when the log is one month behind, and immediately after absence - intervene firmly. <input type="checkbox"/> Ensure that staff have actually have capacity and systems to monitor and address absence, learning hours and KSB progress and are clear on whose role it is to monitor, whose to intervene. Track speed of replacement learning <input type="checkbox"/> <u>Track hours and up to date logs as a core KPI – OTJT is VERY visible now- make sure it is as visible to you</u>

NEW RULES – Evidencing Off the Job Training

Para	Rule	ACTIONS
<p>P 46 Evidencing off-the-job training</p> <p>H</p>	<p>P 46 You are responsible for retaining evidence to support both your own delivery and that of others.</p> <p>P46.1 The evidence must be both quantifiable and must meet the off-the-job training definition, namely that the activity is directly relevant to the apprenticeship, teaches new knowledge, skills, and behaviours; takes place in the apprentice’s normal working hours; and is not English and maths up to Level 2.</p> <p>P46.1.1 A template evidence form is available on GOV.UK. It is not mandatory to use this template</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Update information and guidance for employers and apprentices and set the quality standard for logging – particularly what to include in a short 2 line summary that links back to the KSBs , and only to log in work / paid time activity . <input type="checkbox"/> Ensure all subcontractors, contracted tutors and others understand what is needed. check that this is being reinforced during lesson observations <input type="checkbox"/> Be clear what is expected as a minimum and ensure non compliance is addressed quickly – and documented so that improvements can also be documented <input type="checkbox"/> Update sub/contract terms [will be included in the UVAC template] <input type="checkbox"/> Ensure the training plan templates have a clear schedule for every aspect of delivery and that off the job learning evidence requirements are clearly set out. <input type="checkbox"/> update apprentice information leaflets and website <input type="checkbox"/> ensure evidence is supplied on time – act quickly if this is not the case <input type="checkbox"/> Ensure staff have capacity, capability to monitor and intervene when evidence is missing. <input type="checkbox"/> Check early in the programme that apprentice understand what activity is eligible to log – ensure staff don’t count ineligible activity in the hours - moderate paperwork ‘quality of entries and compliance – is this useable evidence – is it useful evidence for the apprentice and employer <input type="checkbox"/> Train and brief staff , employers and line managers, apprentices

NEW RULES – The Training Plan

Para	Rule	ACTIONS
<p>P 49.2 The training plan agreed between the employer, apprentice and main provider</p> <p></p>	<p>The training plan must not include any content that has been identified, and agreed with the employer, as relevant prior learning (see paragraph P24 [below]). </p> <p>P24.4 The assessment must quantify the content which should be omitted from the training plan, in the form of a volume of off-the-job training hours.</p> <p>P24.4.1 The reduction of off-the-job training hours must translate to a reduction in duration and in the total negotiated price.</p> <p>P24.4.2 The duration must be reduced in proportion to the adjusted amount of training to be delivered. </p> <p>P24.4.3 It should be noted that some standards (e.g. nursing associate) require that prior learning is formally accredited.</p> <p>P24.4.4 Where you account for prior learning and experience and the reduction of content would mean that the apprenticeship would fail to meet either the minimum duration or the minimum off-the-job training requirements, the apprenticeship is ineligible for funding.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Update Training Plan template with compliance requirements <input type="checkbox"/> Schedule systems updates and update procedures and process for RPL and RPL <input type="checkbox"/> Update judgement documentation and guidance for staff <input type="checkbox"/> Update the costing breakdowns provided by course and how fit for purpose this is for a structure for programmes to enable a full breakdown <input type="checkbox"/> Review validation documentation – does this require sufficient detail to support the more granular approach to RPL now required <input type="checkbox"/> Commission / collate the breakdown of off the job learning hours that is to be used for the RPL process for each programme <input type="checkbox"/> Instigate moderation and monitoring to confirm consistency in decisions and ensure RPL is fully evidenced and quantified <input type="checkbox"/> Brief and train all staff involved in RPL judgements and price setting

NEW RULES – The Training Plan & Progress Reviews

Para	Rule	ACTIONS
<p>P 49.3 The training plan between employer, apprentice and main provider</p> <p>M</p>	<p>The training plan must be agreed before any training is delivered.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Update Training Plan template to incorporate all new changes in sufficient time ahead of first 2022 /2023 start dates <input type="checkbox"/> Identify any current apprentices who will need the new template e.g. BiL <input type="checkbox"/> Plan and schedule the system changes needed to incorporate changes <input type="checkbox"/> Update staff handbook and evidence checklist <input type="checkbox"/> Train and brief staff
<p>P 50.5-6</p> <p>L</p>	<p>We require that the training plan documents when and how components of the programme will be delivered and that where apprenticeship funding is being accessed, this party must be on the Register of Apprenticeship Training Providers (unless the exemption at P168.3 applies).</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Update training plan templates [the UVAC template does and will include this] to ensure the delivery breakdown includes month and mode of delivery, and which org is delivering. <input type="checkbox"/> Ensure that you are tracking subcontractor RoATP submissions and outcomes and have a contingency plan
<p>P 52 - 53 Progress Reviews</p> <p>H</p>	<p>We have added a progress review section and documented the minimum requirements of this activity</p>	<p>See ‘New Rules in Practice’ Section</p>

NEW RULES – Individuals Ineligible for Funding

Para	Rule	ACTIONS
<p>P 67.2 Individuals not eligible for funding</p> 	<p>P67 To use funds in the employer’s apprenticeship service account or government- employer co-investment, the individual must also not be:</p> <p>P67.2 Self employed as a sole trader (a person who conducts business by their own personality and not with any other corporate personality). </p> <p>P67.3 A shareholder / director with no separate identifiable line manager to undertake the role of ‘employer’, as defined by these funding rules. By this we mean it is prohibited for someone to sign a contract, including an apprenticeship agreement, as both the apprentice and as the employer (even where a limited company, public services company, a partnership, or limited liability partnership has been created to act as a separate corporate entity).</p> <p>P67.3.1 During the programme, if an apprentice becomes unemployed, self-employed as a sole trader, or becomes a shareholder / director with no separate identifiable person to undertake the role of employer, 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 P77.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Update information and guidance for employers and apprentices <input type="checkbox"/> Update apprentice and employer handbooks <input type="checkbox"/> Update website information for employers, particularly about their responsibilities <input type="checkbox"/> Update employer due diligence and responsibilities declarations <input type="checkbox"/> Update contract terms [will be included in the UVAC template] <input type="checkbox"/> Update evidence requirements at application from the apprentice or employer - update apprentice information leaflets and website <input type="checkbox"/> Update your onboarding and evidence checklist / eligibility checklist to ensure evidence is supplied on time and in place before the apprentice starts <input type="checkbox"/> Train and brief apprenticeship team, employer engagement / relationship management staff

NEW RULES – Eligible Costs

Para	Rule	ACTIONS
<p>P 95.1 Eligible Costs</p> 	<p>P95 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:</p> <p>P95.1 Initial assessment</p> <p>P95.1.1 Initial assessment to confirm learner and programme eligibility (see p P23).</p>	<p>See ‘New Rules in Practice’ Section</p>
<p>P95.4.2 Peripheral costs including assessment</p>	<p>P95.4.2 Peripheral costs associated with a mandatory qualification. These include registration, formative (ongoing) assessment costs, examination, and certification costs, plus the cost of one re-sit (per qualification) where needed.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Assess impact on programme and identify any risks to delivery and comms to employers required <input type="checkbox"/> Update your process, procedure and documentation for resits <input type="checkbox"/> Update your evidence checklist to ensure evidence is in place on time <input type="checkbox"/> Update monitoring and KPI suite , schedule evidence checks to track compliance <input type="checkbox"/> Update employer and apprentice information for the affected courses - to make the resit and payment structure clear <input type="checkbox"/> Update employer contract template Train and brief employer engagement, data and ILR teams and update employer information

NEW RULES – Eligible Costs

Para	Rule	ACTIONS
<p>P97</p> <p>Programme governance, management and administration</p> <p>See also P 196 The price of an apprenticeship</p> 	<p>P97 When you agree a price with the employer, your starting point must be no more than the top of the funding band for the standard.</p> <p>P97.1 If the price you agree with the employer (TNP1 plus TNP2) exceeds the maximum of the funding band, then you must agree off-line (outside of the ILR and apprenticeship service) how the employer will pay any difference. We do not need to know about the amount of this difference. You may charge VAT on the difference.</p> <p>P97.2 The price you enter into both the ILR and apprenticeship service is therefore the top of the funding band, minus the costs of any relevant prior learning that you have agreed with the employer. This new maximum funding amount becomes the starting point for further negotiation on price with the employer. Additional discounts could be applied, for example, where the apprentice is part of a large cohort. </p> <p>P97.3 The price you enter into the ILR and the apprenticeship service must be the same.</p> <p>P97.4 If either the TNP1 or the TNP2 price changes during the apprenticeship, the reason for this change must be documented in the evidence pack. All changes must be agreed by both the provider and the employer.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Update pricing strategy – create an updated price template for use with employers <input type="checkbox"/> Assess impact on programme revenue and identify any risks to delivery, revenue, people – update forecasts and quantify impact <input type="checkbox"/> Update your process, procedure and documentation for price setting and negotiation – ensure the breakdown of inclusions is very clear to the employer, and that the ILR elements are clear <input type="checkbox"/> Update your onboarding / engagement evidence checklist to ensure evidence is in place on time <input type="checkbox"/> Update monitoring and KPI suite , schedule evidence checks to track compliance <input type="checkbox"/> Train and brief employer engagement, data and ILR teams and update employer information

NEW RULES – Ineligible Costs & Additional Payment Confirmation

Para	Rule	ACTIONS
P 99 Ineligible Costs 	We have restructured the section and added a number of new ineligible costs (for field TNP1) as a result of the eligible costs review – these costs did not previously appear in the funding rules. We have also tried to structure the ineligible costs, where possible, into provider costs and employer costs	<p style="text-align: center;">See separate costs handout</p> <ul style="list-style-type: none"> <input type="checkbox"/> Consider and review resourcing impact of extended INA, new rules etc on resource capacity and other eligible and non eligible costs <input type="checkbox"/> Review costing template [wait for the webinar] and update assumptions for each programme and update cost/ price <input type="checkbox"/> Update costs and price <input type="checkbox"/> Update documentation – e.g. rationale and cost breakdown for the contract to evidence eligibility
Additional Payments – Employer confirmation of receipt P107 	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 and obtain written confirmation from the employer to confirm receipt. Where an apprentice is employed by an ATA / FAJA, any applicable additional payments must be paid to the ATA / FJAA. 	<ul style="list-style-type: none"> <input type="checkbox"/> Update your process ,procedure and documentation to collect confirmation. <input type="checkbox"/> Update employer declarations, documentation and advice, information about the Bursary <input type="checkbox"/> Update your employer /apprentice leaflets and website information <input type="checkbox"/> Update employer due diligence and responsibilities declarations <input type="checkbox"/> Update your onboarding and on programme evidence checklist / to ensure evidence is in place on time <input type="checkbox"/> Update monitoring and KPI suite to track compliance with timeliness and evidence <input type="checkbox"/> Train and brief staff, apprentice, employers

NEW RULES – Contracting & Subcontracting

Para	Rule	ACTIONS
<p>P 163 Main providers directly delivering training or on-programme assessment</p> <p></p>	<p>P163 You must directly deliver some of the apprenticeship training and / or on-programme assessment associated with each employer’s apprenticeship programme. [.....]</p> <p>P163.2 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.</p> <p>It does not include simply delivering English or maths, elements only taught by online or by distance learning, or aspects of the apprenticeship which all apprentices must have, such as safeguarding or British values.</p> <p></p>	<ul style="list-style-type: none"> <input type="checkbox"/> Quickly assess the impact of this change on your subcontracted provision. Identify any risks to delivery, revenue, people – update forecasts and quantify impact <input type="checkbox"/> Identify what the impact is on cohorts currently in learning or planned for September – is it too late to cease or postpone the start ? <input type="checkbox"/> What does this mean for a possible exception case to the ESFA ..? <input type="checkbox"/> Make sure your published rationale for subcontracting is comprehensive and robust – and apply this to why your part of the delivery is online <input type="checkbox"/> Prove your programme is effective and successful – data, employer and apprentice feedback

NEW RULES – Contracting & Subcontracting

Para	Rule	ACTIONS
<p>Subcontracting reporting and external audit requirements</p>	<p>P187 In accordance with your ESFA contract(s), you must meet the ESFA subcontracting standard as detailed in the subcontracting standard guidance (the auditors guidance is currently in development and an update will follow), if the aggregate total of all subcontractors delivering ESFA funded provision on your behalf exceeds or is anticipated to exceed £100,000 in any single funding year. Whilst otherwise excluded from these rules, for the purposes of calculating the aggregate total of subcontractor delivery you must include delivery of apprenticeships.</p> <p>P187.1 You must supply us with a report signed by an external auditor that provides assurance on the arrangements to manage and control your delivery subcontractors. You must send a copy of the external auditor's final report including the action plan of agreed recommendations and certificate via ESFA document exchange by 31 July 2023. Further information can be found in the document exchange user guide. ESFA will review this as part of our overall assurance arrangements.</p> <p>P187.2 Templates of the certificate you must return, as well as guidance and information on expectations can be found on GOV.UK webpage Providing external assurance on subcontracting controls. This also gives guidance on how we will use this information and the consequences of non-compliance</p> <p>P187.3 If we do not receive the auditor's report on the subcontracting standard by 31 July 2023, you as the lead provider will be deemed as non-compliant if no subcontracting report on the subcontractor is provided by this date and funding may be affected/delayed.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Ensure that a nominated person is accountable for subcontracting and has the updated procedure, access and timetable necessary to meet the revised process <input type="checkbox"/> Timetable to include the programme of the monitoring, observation, review meetings, data etc required to meet the subcontracting policy <input type="checkbox"/> Ensure that you are monitoring the value of subcontracting planned so you know when you are likely to need the subcontractor assurance audit so this can be scheduled in ahead of need. <input type="checkbox"/> Brief and train staff – yours and the subcontractor's



Evidence Pack

		ACTIONS
P318-P353	Where funding rules have been updated, the corresponding evidence pack requirements have also been reviewed and updated where necessary	

QUESTIONS FOR THE ESFA???

RESOURCES & FURTHER INFORMATION



In Support



Funding Rules Final Version

13 July



Final Funding Rules Webinar

3 August



UVAC Training Plan Template

5 August



UVAC Contract Templates

5 August



Tri-partite Review Template

9 Sept

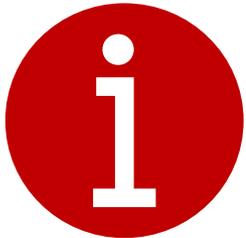
Questions & Further Information



**Queries and Questions
about the Funding
Rules to:**
r.rhodes@bolton.ac.uk



**Today's Listen Again
Webcast**



**Register for the Final
Funding Rules Version
Webinar on 3rd August**

**Download the first Draft
Questions and Issues
paper**

RECORDING TIMESTAMPS

1. Introduction & Overview
2. High Impact Changes
3. New Rules
4. Support for 2022/2023 Implementation

1. 00:00
2. 00:10:30
3. 01:05:00
4. 01:27:04