

FR 2023/2024 Rules UCAC Feedback

PLEASE BACKDATE THESE RULES TO AUGUST 2022 STARTS – or at least the tri-partite progress review and active learning changes. We will have one cohort of apprentices for 3-5 years operating to very different rules. Given that the decision now is that this is not necessary to deliver a high quality apprenticeship this seems like an unnecessary administrative burden for employer, apprentice and provider for no actual gain in the quality of the programme.

Subject	Positives:	Feedback:	Proposal:
Format	<ol style="list-style-type: none"> 1. Format very helpful 2. One document also useful 3. Evidence at the end of each section very helpful but need a summary of everything at the end so you can see the totality. 4. Shared accountability prominence is much welcomed - 'We reserve the right to take action where <u>a provider</u> breaches their funding agreement <u>and/or</u> an <u>employer</u> breaches their employer agreement' 5. Helpful to clearly made the links between changes in the rules and audit findings / sector practice etc. 	<ul style="list-style-type: none"> • Most employers think the Funding Rules is a provider document already and will never open it. • Employer leads in large HR/Training functions may read it but line managers will not - it will not help them be aware of their roles and responsibilities. • Elements relating to the employer or employer provider specifically are not very visible. 	<ul style="list-style-type: none"> • Produce supplement setting out employer responsibilities as an annex for line managers • Put the shared accountabilities at the front • Include a responsibilities page index to refer to where each of the employer/ employer provider responsibilities are set out. e.g. 'Your responsibilities during the initial needs assessment – P xx Your responsibilities during the tri-partite progress review – P xx'
Rule Removal			
General	<ul style="list-style-type: none"> • All streamlining helpful 	<ul style="list-style-type: none"> • It is not clear whether you are lifting the whole rule out of the Funding Rules and placing it into the provider agreement - i.e. nothing changes apart from the location of the rule or whether you are removing the rule completely • Where the summary of changes state that the Training Plan no longer requires a brief description of the delivery model and mode of delivery 'This should be clear from the other information included on the plan'. What does this mean? 	<ul style="list-style-type: none"> • Clarify /redraft the text to explain this in the summary of changes.

FR 2023/2024 Rules UCAC Feedback

PLEASE BACKDATE THESE RULES TO AUGUST 2022 STARTS – or at least the tri-partite progress review and active learning changes. We will have one cohort of apprentices for 3-5 years operating to very different rules. Given that the decision now is that this is not necessary to deliver a high quality apprenticeship this seems like an unnecessary administrative burden for employer, apprentice and provider for no actual gain in the quality of the programme.

Subject	Positives:	Feedback:	Proposal:
New Rules			
INA P 47	<ul style="list-style-type: none"> There are occasions where employers genuinely cannot attend, so occasionally as an audit flexibility this is helpful We are aware (i.e. have evidence) that Ofsted have criticised providers in Inspections for rescheduling reviews when employers are not present. There cannot be <u>any gap</u> between what is in the rules and Ofsted practices-<u>this needs addressing with Ofsted if this rule is to remain.</u> 	<ul style="list-style-type: none"> Generally we are concerned that this change will mean employers will not participate even when asked if they are aware of this rule – it would be helpful to have this as an audit flexibility but not as a rule change. What is 'the majority of occurrences? 51%?? Is this all apprentices with this line manager, or with this employer?. And is this in the specific funding year? Or for all apprentices that are live with this employer at this time?- a significant tracking burden for providers and employers. Previously we have been advised that the meeting can take place as a 3 way e-mail conversation - is this no longer the case? This is a preferable option. It is not feasible to add in hundreds of hours of INA live discussions over the summer period when most of these need to take place, even with an early Funding Rules publication. End to end for documents creation is now a bit blurred - does the INA need to be signed before the start – in which case it can't be signed via the Training Plan - Can you confirm that the 42 day flex mean only Training Plan and therefore this does include the INA ? Sharing with apprentice consent - means moving this often lengthy and complex assessment process to very early on in the process and before the before the training plan impact is known – better point would be that it 'must be documented in the training plan' but only discussed in the INA 	<ul style="list-style-type: none"> Remove from rules move to audit test papers. Clarify whether the discussion can or can't take place via email - again we were told this was acceptable previously Clarify that providers / employers may chose to make this mandatory Specify what majority means responding to the points raised. Specify the timelines for signatures in key documents – what is the last signing date What is the audit test- what if the line manager doesn't attend or contribute – Should this stop the apprenticeship immediately until they do? Rules need to specify this. Setting out the process and timings of documents in a diagram would be helpful – the tasks and requirements from INA to Training Plan now feels confused. Address the mismatch between Ofsted behaviour and Funding Rules requirements

FR 2023/2024 Rules UCAC Feedback

PLEASE BACKDATE THESE RULES TO AUGUST 2022 STARTS – or at least the tri-partite progress review and active learning changes. We will have one cohort of apprentices for 3-5 years operating to very different rules. Given that the decision now is that this is not necessary to deliver a high quality apprenticeship this seems like an unnecessary administrative burden for employer, apprentice and provider for no actual gain in the quality of the programme.

Subject	Positives:	Feedback:	Proposal:
Roles & Responsibilities P 49	<ul style="list-style-type: none"> Any clarification of employer roles is helpful 	<ul style="list-style-type: none"> This moves the time pressure to earlier in onboarding and changes the content of the training plan where this is usually specified in detail. The INA is a step in the onboarding process unlike the training plan which summarises the entire apprenticeship – roles and responsibilities, and signature accountabilities seem to fit better there either in the body or a specific declaration above the Training Plan signature. 50.1 Release the apprentice for off-the-job training (and English and maths training if required), as documented in the training plan, <i>and take part or provide input into progress reviews</i>; - contradicts ‘majority of occurrences and presents as an employer choice on every occasion. 	<ul style="list-style-type: none"> Move the declaration to the Training Plan and harmonise text to address the issues in 50.1 if this flexibility is to remain
Apprenticeship Agreement P 55	<ul style="list-style-type: none"> The provider must check that there is a separate, identifiable line manager who is <u><i>undertaking the role of the ‘employer’</i></u>. Very helpful to clarify the importance of the line manger versus the corporate signatory. 	<ul style="list-style-type: none"> Clarify who / which role must sign this document - many large employers view the Apprenticeship Agreement as a corporate commitment to the apprentice so not something that the line manager can sign - this will mean that providers and employers will want the option to have both signatories included. 	<ul style="list-style-type: none"> Recognise the different roles in the test and clarify whose signatures are required Clarify what is required as ‘checking’ for the audit test
Training plan P81.1.1	<ul style="list-style-type: none"> Helpful flexibility likely to be useful for specific programmes, particularly those with significant work based projects in their final year. 	<ul style="list-style-type: none"> ‘We accept that for longer apprenticeships (i.e. those over 12 months) full content details may not be known at the start. Where this is the case, the signed plan must list the total volume of planned hours (for the entire apprenticeship) We understand why the hours must be specified but just to highlight that this slightly defeats the flexibility of the rule. 	

FR 2023/2024 Rules UCAC Feedback

PLEASE BACKDATE THESE RULES TO AUGUST 2022 STARTS – or at least the tri-partite progress review and active learning changes. We will have one cohort of apprentices for 3-5 years operating to very different rules. Given that the decision now is that this is not necessary to deliver a high quality apprenticeship this seems like an unnecessary administrative burden for employer, apprentice and provider for no actual gain in the quality of the programme.

Subject	Positives:	Feedback:	Proposal:
Training Plan P81.1	<ul style="list-style-type: none"> Helpful and realistic response to the nightmare of employer turnaround for signatures 'This plan must be agreed before any training is delivered. (this agreement can be virtual) with a fully signed version of the plan being in place <u>by the end of the 42 day 'qualifying day' period.</u> 	<ul style="list-style-type: none"> This needs to be an audit flex not a published rule - this will just move the lag of signatures back to 6 weeks ! 	<ul style="list-style-type: none"> Remove from rules and move to audit test papers.
EPA support P74.2	<ul style="list-style-type: none"> 'Off-the-job training must not take place beyond the practical period, in the end-point assessment period of an apprenticeship' 	<ul style="list-style-type: none"> This is a significant issue with the professional body end-point assessment in some apprenticeships - There are significant delays before EPA ,i.e. over 6 months and apprentices must work on professional competency statements during this time as part of the EPA submission. The end-point assessment organisations do not take any responsibility or offer help for this process, leaving the provider to either step in, for example to continue tri-partite progress reviews, offer advice on evidence and gaps, or risk losing the apprentice before the EPA. Some of this is not training but it does feel very blurred. 	<ul style="list-style-type: none"> Include exceptions for 'time in ongoing support including tripartite progress reviews, or to prepare the apprentice for the EPA and / or to consolidate professional practice'
Progress Review Schedule & Frequency P83	<ul style="list-style-type: none"> Very welcomed but yet another signature to get from the employer 	<ul style="list-style-type: none"> Why the need for employer evidence of agreement and a rationale ? 	
Employer not having to be there	<ul style="list-style-type: none"> If the employer [and do you mean line manager ?] is unable to attend they must be given the opportunity to contribute and must also be sent 	<ul style="list-style-type: none"> Majority of occurrences – what does this mean Can the provider set a higher test than this ? This cannot be audited until end of programme when 'the majority' rule can be applied 	<ul style="list-style-type: none"> Audit flexibility not a rule Please clarify the parameters of 'majority'

FR 2023/2024 Rules UCAC Feedback

PLEASE BACKDATE THESE RULES TO AUGUST 2022 STARTS – or at least the tri-partite progress review and active learning changes. We will have one cohort of apprentices for 3-5 years operating to very different rules. Given that the decision now is that this is not necessary to deliver a high quality apprenticeship this seems like an unnecessary administrative burden for employer, apprentice and provider for no actual gain in the quality of the programme.

Subject	Positives:	Feedback:	Proposal:
	<ul style="list-style-type: none"> relevant information after the meeting, for review and signature Who wanted this ? why ?!!! 	<ul style="list-style-type: none"> What level does this apply to – each individual apprentice, or the overall employer across all their apprentices ? - is this overall employer or the line manager for this apprentice ? Over what time period – annually ?? or over the life of the apprenticeship, in which case it can only be audited after the apprenticeship has completed. What is the audit test for 'majority' how can this be tested over the life of the app at a mid-point audit ? This cannot be tested until the end of the apprenticeship 	
The 4 week BiL	<ul style="list-style-type: none"> P222 The provider must use a break in learning where there is no plan for any active learning to take place <u>within a calendar month</u> (see paragraph 75). Really welcomed 		
Subsidy control	<ul style="list-style-type: none"> 153/156 More info needed template for declaration would be welcomed), the employer must give a Minimal Financial Assistance declaration to their provider. 		<ul style="list-style-type: none"> More info needed template for declaration would be welcomed), the employer must give a Minimal Financial Assistance declaration to their provider. Template please !!
Maternity, adoption and shared parental leave	<ul style="list-style-type: none"> Para 236 A break in learning must be used to pause funding if there is a <u>clear calendar month</u> between two KIT / SPLIT days. 	<ul style="list-style-type: none"> Does this mean a full month? i.e. so if your kit is on 2nd of June and the next one is 31st July – this is or is not eligible? 	<ul style="list-style-type: none"> Redraft with example

Clarifications

FR 2023/2024 Rules UCAC Feedback

PLEASE BACKDATE THESE RULES TO AUGUST 2022 STARTS – or at least the tri-partite progress review and active learning changes. We will have one cohort of apprentices for 3-5 years operating to very different rules. Given that the decision now is that this is not necessary to deliver a high quality apprenticeship this seems like an unnecessary administrative burden for employer, apprentice and provider for no actual gain in the quality of the programme.

Subject	Positives:	Feedback:	Proposal:
Hours	<ul style="list-style-type: none"> Including those who are part-time or on a zero hours contract, can complete their programme earlier than their learning planned end date, provided the minimum duration (12 months) and the minimum off-the-job hours for the actual time in training have been met. Min part time hours recalculated ? 	<ul style="list-style-type: none"> Does this mean that in effect a flat minimum length of 12 months applies to all apprentice – so a part time learner can complete in 12 months ..? or if they are working 50% of a working week, their minimum is 2 years ? 	<ul style="list-style-type: none"> Clarify
App Agreement P55	<ul style="list-style-type: none"> The provider must verify that the apprenticeship agreement is complete and has been signed by both parties (the employer and the apprentice). 	<ul style="list-style-type: none"> Clarify deadline 	<ul style="list-style-type: none"> Clarify and redraft
OTJ	<ul style="list-style-type: none"> P68.6 Revision, examinations and other testing; 	<ul style="list-style-type: none"> This is not the case no learning takes place in revision weeks they are learning consolidation application of learning new reading, case studies etc 	<ul style="list-style-type: none"> Redraft as an inclusion exception
EPA 105	<ul style="list-style-type: none"> Clarify who pays if the apprentice swaps employer WELCOMED change in support of better EPA rates 	<ul style="list-style-type: none"> 'including where the new job role is not related to the apprenticeship, they may complete the end-point assessment in agreement with the end-point assessment organisation and the provider' 	
106	<ul style="list-style-type: none"> The employer may choose to re-negotiate the price of the end-point assessment with the new EPAO 	<ul style="list-style-type: none"> Clarify, is this where there is new employer or a completely generic rule? 	<ul style="list-style-type: none"> Redraft this is two separate scenarios
Application of new funding bands 134.4	<ul style="list-style-type: none"> Any change will only apply to new starts and not apply to apprentices already 	<ul style="list-style-type: none"> But what about when apprentices are swapped onto the new standard when they only started 3 months ago? 	<ul style="list-style-type: none"> Clarify and redraft

FR 2023/2024 Rules UCAC Feedback

PLEASE BACKDATE THESE RULES TO AUGUST 2022 STARTS – or at least the tri-partite progress review and active learning changes. We will have one cohort of apprentices for 3-5 years operating to very different rules. Given that the decision now is that this is not necessary to deliver a high quality apprenticeship this seems like an unnecessary administrative burden for employer, apprentice and provider for no actual gain in the quality of the programme.

Subject	Positives:	Feedback:	Proposal:
	engaged on the apprenticeship. If the apprenticeship is revised		