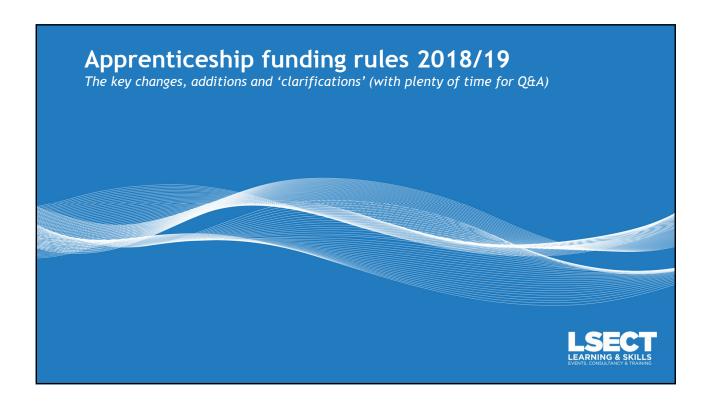


### Agenda

- 10.30 Apprenticeship funding rules 2018/19
  The key changes, additions and 'clarifications' (with plenty of time for Q&A)
- 12.00 Break for refreshments
- 12.15 Supporting employers with the new levy transfer facility How it works, the rules and data requirements
- 13.00 Break for lunch
- 13.50 Profiling framework and standard starts in 2018/19
  How to apply the funding rules and 30 funding bands in practice
- 14:50 Key tips for ESFA audit and Ofsted inspection in 2018/19
  Both agencies are beefing up their apprenticeship oversight
- 15.30 Workshop end



# Policy update published in May

"At this time, we have looked to prioritise stability for the market, and these are minor adjustments to support employers, providers and apprentices."

So it appeared there were only two 'minor' adjustments

- 1. Funding bands double to 30 with ongoing review of 31 existing standards
- 2. £1,000 bursary payment to support care leavers aged 16-24

Apprenticeship funding in England
From August 2018
May 2018

https://www.gov.uk/government/publications/apprenticeship-funding

# Funding bands changes

If A actively reviewing 31 standards, and so far we know...

Standard	Current band	IfA recommending	Shift	
Hairdressing L2	£9,000	£7,000	-£2,000	-22%
Customer service L2	£4,000	£3,500	-£500	-13%
Team leader L2	£5,000	£4,500	-£500	-10%
Operations manager L5	£9,000	£7,000	-£2,000	-22%
Chartered manager degree	£27,000	£22,000	-£5,000	-19%
Retailer L2	£5,000	£4,500	-£500	-10%
Professional accounting taxation technician	£9,000	£8,000	-£1,000	-11%
Senior healthcare support worker L3	£3,000	£5,000	+£2,000	+67%

Will need to be signed off by minister and then it's 2 months notice. So I would expect change for starts from 1 November at earliest

https://www.gov.uk/government/publications/apprenticeship-funding

# New £1,000 bursary for care leavers

Paid to provider in full at 60 days from start date and must be given in full to apprentice within 30 days. Apprentice must sign to say they received it and it is provider responsibility they only ever receive it once

"You record care leavers using the Learning delivery funding and monitoring type 'EEF' (Eligibility for enhanced apprenticeship funding) and code 4 'Entitlement to extended funding'"

LDM code 362: This code should be used to identify apprentices who do not wish their employer to be informed that they are a care leaver.

For non-levy funded apprentices, this funding comes from the non-levy allocation

https://www.gov.uk/government/publications/apprenticeship-funding

# Funding rule changes published in July

But the 17 page summary of changes document contains a lot of important detail

Change type (excl. restructure)	No.	
Clarifications	58	
New rules	15	
Rule changes	3	
New evidence requirements	4	
And ESF rules for non-levy apprentices		

I'll cover the parts that I think are most important

Education & Skillis
Funding Agency

Apprenticeship funding rules
August 2018 to July 2019 (version 1)

Summary of changes
Introduction

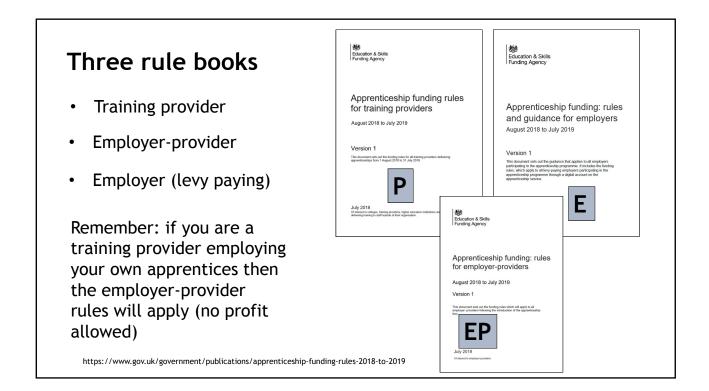
1. The document sets out amendments to the following documents:

- Ageneticately funding rules and guidance for employers
May 2016 v. July 2018 version 3

- Ageneticately funding rules for employer covolens
- Ageneticately funding rules for employer covolens
- Ageneticately funding and performance management rules for training providers
fally 2016 v. July 2018 version 6

2. The funding rules form part of the terms and conditions for the use of funds in an interest of the set of the set

https://www.gov.uk/government/publications/apprenticeship-funding-rules-2018-to-2019



### The 15 new rules

- 1. Statutory leave should be deducted from 20% off-the-job calculation for starts from 1 August [P32]
- 2. Membership fees, even for mandatory qualifications, not fundable [P97.1]
- 3. Eligibility evidence must be in evidence pack before additional payments claimed [P102]
- 4. Apprentices must give consent to inform an employer they have an EHC plan and evidence (including letter or email from LA for care leavers) needs to be in evidence pack [P103]
- 5. If 19-24 apprentices does not give consent to tell employer they were in care you can claim funding but no incentive will be paid to the employer a the co-investment waiver cannot be applied [P104]

### The 15 new rules

- 6. Provider must evidence (signed email or letter from LA appointed personal advisor) that apprentice is eligible for new care leaver bursary before making a claim [P111]
- 7. Apprentice must sign a declaration to confirm they want to receive the care leaver bursary, not been paid it before and if found it has been paid incorrectly the they will be required to repay it [P112]
- 8. It is the responsibility of the provider to ensure an individual is only ever paid the care leaver bursary once [P113]
- 9. Signed consent is needed from the apprentice to inform employer they are a care leaver and that the declaration will be used to generate additional payments to the provider and employer[P114]

### The 15 new rules

- 10. ESFA pay provider the care leaver bursary 60 days after start and provider must pass it on in full within 30 days of receiving it [P116]
- 11. The provider must have a signed confirmation from the apprentice they received the bursary (receipt of transaction not enough) [P117]
- 12. Subcontractor declaration needs updating in-year for any changes [P189]
- 13. Assessment of apprentices existing knowledge, skills and behaviours required for the apprenticeship must be in the evidence pack [P202]
- 14. Persons granted leave under section 67 of Immigration Act 2016 is eligible to receive funding and is exempt from the three-year residency requirement rule [P310.7]
- 15. Residency requirements for persons granted stateless leave [P318-321]

# 3 rule changes

- 1. The requirement for the apprentice to stay with the employer after the apprenticeship has been achieved, or be supported to seek alternative employment, has been removed.
- 2. Removal of previous requirements regarding education, health and care (EHC) plan as this no longer affects eligibility
- 3. Subcontracting declaration is now at least twice per year via the online skills funding service, including for nil returns [P188]

# 4 new evidence requirements

- 1. Where exceptional learning support (ELS) is claimed, copies of the application and supporting evidence for the claim [P287.1]
- 2. Evidence for claiming the care leaver bursary [P288]
- 3. Where subcontracting is taking place, the evidence pack must include an up to date written agreement with each employer that includes the information about the delivery of the apprenticeship programme [P291.2]
- 4. Where an apprentice is made redundant the provider must keep a copy of the redundancy note [P292]

# ESF match funding requirements

"We have also included a section on match funding requirements for the European Social Fund (ESF), which will apply to all apprentices funded via the non-levy route from 1 August 2018."

https://www.gov.uk/government/publications/apprenticeship-funding

"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)."

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."

https://www.gov.uk/government/publications/apprenticeship-funding-rules-2018-to-2019

## ESF match funding requirements

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

- > Display an ESF poster prominently in your premises.
- > Have Gender Equality and Equal Opportunities and Sustainable Development policies and action plans in place.
- > Inform all apprentices that they are on a programme part financed by ESF.
- > Retain documentation for audit including having in place a document retention policy that reflects the minimum date requirement of 31 December 2030
- > Participate in evaluations, surveys and reporting as required.
- > Return complete data in line with the 2018 to 2019 ILR specification with key focus to critical fields. Critical fields are: employment status, prior attainment, **household situation**, destination, learner contact details
- "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."

## Household indicator in the ILR (needed for non-levy)

"Only change in version 3 is recorded against the Household situation indicator, the collection requirements have been expanded to include non-levy funded apprenticeships."

 $https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/715492/ILRSpecification 2018-2019v3.pdf$ 

"Data about a learner's household situation must be collected in the form of a self-declaration from the learner and should be signed by the learner to confirm that it is correct. An example self-declaration is below, this can be included in your enrolment form or similar document and can be captured electronically"

Example learner self-declaration	
Please tick which of the following statements apply (one or more may apply):	
<ol> <li>No member of the household in which I live (including myself) is employed)</li> </ol>	
2. The household that I live in includes only one adult (aged 18 or over)	
<ol><li>There are one or more dependent children (aged 0-17 years or 18-24 years if full-time student or inactive) in the household</li></ol>	
None of these statements apply	
OR	
<ol><li>I confirm that I wish to withhold this information</li></ol>	
Learner signature	
Date	

Response selected	HHS code	
Option 1 only	HHS2	
Option 2 only	HHS99	
Option 3 only	HHS99	
Option 4 only	HHS99	
Option 5 only	HHS98	
Options 1 and 2	HHS2	
Options 1 and 3	HHS1	
Options 2 and 3	HHS3	
Options 1,2 and 3	HHS1 and HHS3	

 $https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/728764/ProviderSupportManual\_18\_19\_v1.pdf$ 

### 58 clarifications

Here are a few of my highlights (1 of 3):

- > Off the job rule applies in 'practical period' which ends at gateway [P31]
- > "The content/components of all planned off-the-job training must be set out in the apprentice's commitment statement and evidence must be available to support the delivery of the commitment statement. It should be clear which elements of the commitment statement have been used towards the calculation of the 20% requirement and which have not" [P33]
- > New apprenticeship agreement template available, although this version doesn't have to be used: https://tinyurl.com/y86znnuv [P38.3]
- > 365 day min duration relates to practical period, so for a standard it must come before gateway hence ILR minimum is 372 days [P45 & P155]

### 58 clarifications

Here are a few of my highlights (2 of 3):

- > Apprentice cannot be charge for anything before, during or after [P63.4]
- > The £150 per month learning support can be claimed via the EAS for those without a diagnosis (provider discretion) [P75]
- > Time spent by employees/managers supporting or mentoring apprentices is only an eligible cost when "directly linked to the apprenticeship training and assessment, including end-point assessment, and be in addition to generic line management responsibilities." [P93.7]
- > No inducements, to anyone... [P98]

### 58 clarifications

Here are a few of my highlights (3 of 3):

- > The disadvantage uplift should be used on costs to support the apprentice's training, for example on travel costs or personal support... [P108]
- > You must contract with the EPA org that has been selected by the employer and lead the relationship with them including where you subcontract the delivery of apprenticeship training [P151]
- > Expanded section on accounting or prior learning including work experience where they are an existing employee. Boils down to: if they have any it needs knocking off the price and if they have so much they don't need a year or 20% off the job then it's ineligible [P197 202]

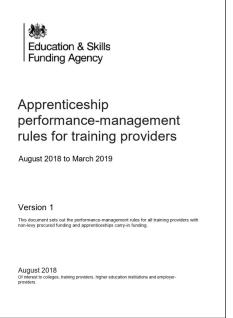
# Performance management rules

For pre-May 2017 starts and non-levy allocations to March 2019

- Growth requests had to be received by 3 August 2018
- Providers told outcome of requests
   19 September 2018

ESFA has since said they would be extending allocations beyond March 2019 as they transition to getting non-levy employers onto the Apprenticeship System

https://www.gov.uk/government/publications/apprenticeship-funding-rules-2018-to-2019



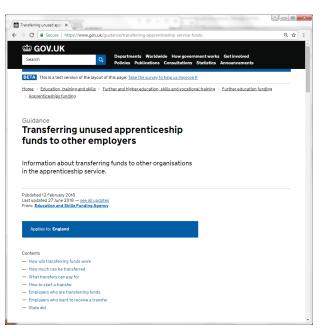


# Levy transfers

Levy paying employers can transfer up to 10% of their annual funds to multiple non-levy employers

Transfer value = total levy declared in previous year less English % plus the 10% top-up

Funds are only transferred once all the details of the apprentice are recorded on the apprenticeship system, and it's paid monthly



https://www.gov.uk/guidance/transferring-apprenticeship-service-funds

## Levy transfers

Some key points:

- > This facility can only be used for standards (not frameworks)
- > Transfer payments leave the apprenticeship service account first, each month
- > If the transferring employer runs out of funds the receiving employer must make the 10% co-investment contribution
- > The receiving employer cannot be the training provider

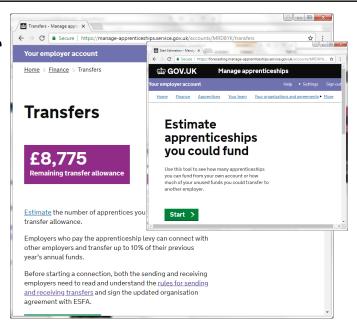
https://www.gov.uk/guidance/transferring-apprenticeship-service-funds

# **Apprenticeship Service**

Employers can see their annual transfer allowance in the apprenticeship service

And can use a tool to see what the transfer allowance could afford to fund

Note: unused allowance is not carried forward to the next tax year



https://manage-apprenticeships.service.gov.uk/

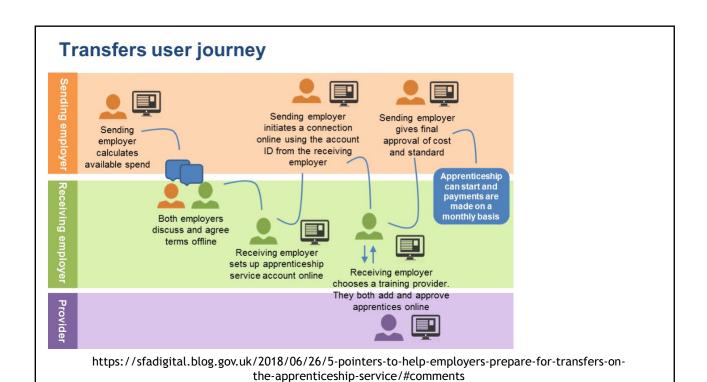
## Transfer funding rules (P228 - P237)

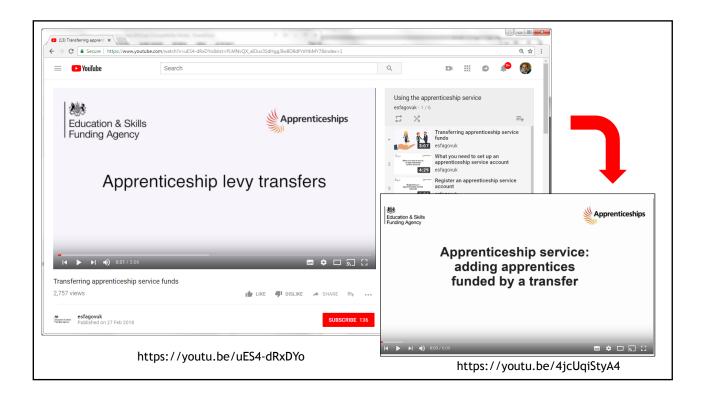
"Where receiving employers fund apprenticeships with transferred funds they are treated as levy-paying employers and therefore must follow the Apprenticeship Funding Rules for Employers for these apprenticeships"

"If you are a main provider who is also a levy-paying employer, 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."

"You must not agree a commitment on the apprenticeship service where the apprenticeship would be eligible for support for small employers."

https://www.gov.uk/government/publications/apprenticeship-funding-rules-2018-to-2019





# Data requirements

There is nothing specific to this policy within the ILR specification

The ESFA treats the receiving employer as a levy paying employer (ACT 1)

All the data requirements specific to the transfer take place in the Apprenticeship System

Once the non-levy employer is registered on the Apprenticeship System be careful to only use it for transfer funding, and not to start any co-funded apprentices

https://www.gov.uk/government/publications/apprenticeship-funding-rules-2018-to-2019



# Technical funding guide

Updated in July 2018 to include the 30 funding bands and care leaver policy

For starts from 1 August 2018		For starts between 1 May 2017 and 31 July 2018		
Band Number	and Number Band Maximum		Band Maximum	
1	£1,500	1	£1,500	
2	£2,000	2	£2,000	
3	£2,500	3	£2,500	
4	£3,000	4	£3,000	
5	£3,500	5	£3,500	
6	£4,000	6	£4,000	
7	£4,500	7	CE 000	
8	£5,000	<i>'</i>	£5,000	
9	£6,000	8	£6,000	
10	£7,000			
11	£8,000	9	£9,000	
12	£9,000			
13	£10,000			
14	£11,000	10	£12,000	
15	£12,000			
16	£13,000			
17	£14,000	11	£15,000	
18	£15,000			
19	£16,000			
20	£17,000	12	£18,000	
21	£18,000			
22	£19,000			
23	£20,000	13	£21,000	
24	£21,000			
25	£22,000			
26	£23,000	14	£24,000	
27	£24,000			
28	£25,000			
29	£26,000	15	£27,000	
30	£27,000			

Apprenticeship technical funding guide for starts from May 2017

Version 4

This document sets out the technical details of the funding system used to fund apprenticeship frameworks and standards starting on or after 1 May 2017.

July 2018

Of interest to colleges, training providers, higher education institutions and employers delivering training

https://www.gov.uk/government/publications/apprenticeship-technical-funding-guident and the state of the st

#### \*Reminder\* Levied employers Non-levied employers **Definition** On Digital Apprenticeship Not on Digital Apprenticeship System (ACT2) System (ACT1) In theory, annual UK payroll £3m+ else a In theory, annual UK payroll less than £3m and transfer funded receiving employer not a transfer funded receiving employer Levy credit calculated monthly Employer relies on finding a based on 0.5% above £3m payroll provider with available funding for English employees + 10% allocation If no levy credit then co-Co-investment model applies investment model applies where where employer pays provider 10% employer pays provider 10% Allocation required to fund No allocations (not even for coinvestment) and ESFA pay for everything (incl. English and maths English and maths and incentives and incentives)

#### \*Reminder\*

# Working out if employer should be levied or not

HMRC advice was that if employer payroll was £2.8m or more last year then they should register for paying the levy

The government will not identify which employers are levied. So you will have to do your own homework. Companies House and Charity Commission might be a good place to start.

For example, in etc venues accounts to June 2015 their payroll was £7m (all England)

(£7m x 0.005) - £15,000 = £20,000 £20,000 / 12 = £1,667 monthly tax £1,667 x 1 x 1.1 = £1,883 monthly credit £21,996 annual levy credit For example, BBC accounts say in 2015/16 their payroll was £990m (let's assume 80% for England)

(£990m x 0.005) - £15,000 = £4,935,000 £4,935,000 / 12 = £411,250 monthly tax £411,250 x 0.8 x 1.1 = £361,900 monthly credit £4,342,800 annual levy credit

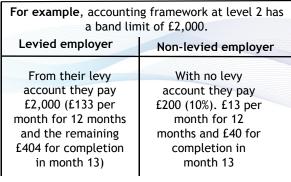
If their monthly pot runs out they switch to 10% cash contribution in return for 90% SFA funding. Unused levy pots fund non-levied employers plus top-up, incentives, English & maths etc (is the theory)

#### \*Reminder\*

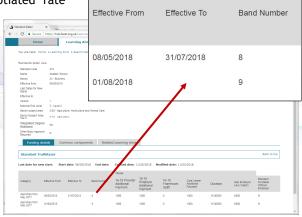
### Funding bands for all starts from 1 May 2017

Every framework pathway and standard is assigned one of 30 funding bands

The value of the band is referred to the upper-limit, and providers may choose to offer the apprenticeship at a lower 'negotiated' rate



However a provider may offer it for £1,800 over 14 months



https://hub.fasst.org.uk/Learning%20Aims/Pages/default.aspx

#### \*Reminder\*

# Other funding factors (not funded by levy credit but would come out of non-levy allocation)

£1,000 employer incentive for 16-18s and 19-24s who have previously been in care or who have a Local Authority Education, Health and Care plan. Paid to employers in two equal instalments at 3 months and 12 months. This will be paid to the provider and must be passed on to the employer within 30 working days

£1,000 provider incentive for 16-18s and 19-24s who have previously been in care or who have a Local Authority Education, Health and Care plan (plus for one year an extra 20 per cent of the upper limit for frameworks). Paid to providers in two equal instalments at day 90 (3 months) and day 365 (12 months).

£1000 for care leavers, paid to provider 60 days from start and must be paid in full to apprentice within 30 days.

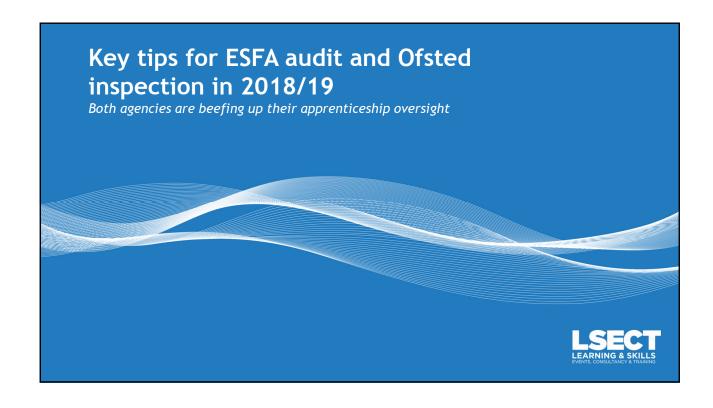
No levy or employer contribution for 16-18s and 19-24s who have previously been in care or who have a Local Authority Education, Health and Care plan at employers with fewer than 50 staff

For additional learning support the SFA will pay providers up to £150 a month, plus additional costs based on evidenced need

Additional provider payments for apprentices who live in the top 27% deprived areas. £600 for top 10% of deprived areas, £300 for next 10% range and £200 for the next 7% range

English and maths at level 1 and 2 funded directly by the SFA at £471 for each qualification (no separate funding for ICT)

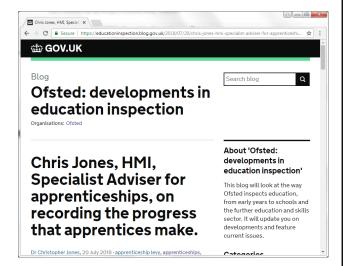
Demo of my apprenticeship funding calculator - 2018/19 edition



### Ofsted blog (1 of 3)

"Because most apprenticeship standards have no qualifications, inspectors and providers must be clear about the different ways of measuring achievement. As inspectors, we need to consider what these changes mean for inspection practice."

- > Set a baseline
- Record progress



https://educationinspection.blog.gov.uk/2018/07/20/chris-jones-hmi-specialist-adviser-for-apprenticeships-on-recording-the-progress-that-apprentices-make/

# Ofsted blog (2 of 3)

"Providers need to evaluate what apprentices know about, and can do, when they start their apprenticeship. They need to measure the apprentice's progress against the knowledge, skills and behaviours set out in the standard and assessment plan. We see providers asking apprentices to note their occupational knowledge, experience and their level of confidence as they start their apprenticeship, followed by a skills test in English and mathematics.

This approach sets a **'baseline'** for providers, employers and apprentices. How well apprentices gain knowledge and develop and improve skills all indicates progress. This helps to show that apprentices improve over time."

https://education in spection.blog.gov.uk/2018/07/20/chris-jones-hmi-special ist-adviser-for-apprentices hips-on-recording-the-progress-that-apprentices-make/special ist-adviser-for-apprentices-make/special ist-adviser-for-adviser-for-adviser-for-adviser-for-adviser-for-adviser-for-adviser-for-adviser-for-adviser-for-adviser-for-adviser-for-adviser-for-adviser-

### Ofsted blog (3 of 3)

"For example, what should an apprentice know about or do by their first progress review? What differences do we expect to see at the second review? What skills must apprentices show by the last review and before the end-point assessment?

"Providers will need to check how they **record progress**. If the tools and software they use only focus on qualifications, they may need to find other methods to measure evidence of the standard specific knowledge, skills and behaviours."

https://educationinspection.blog.gov.uk/2018/07/20/chris-jones-hmi-specialist-adviser-for-apprenticeships-on-recording-the-progress-that-apprentices-make/

# Quality improving?

No evidence yet of a rising grade profile (see tables ->)

Ofsted, Deputy Director for FE said in May 2018: "We are concerned and want to avoid a Train to Gain-type programme being badged as an apprenticeship," he told delegates.

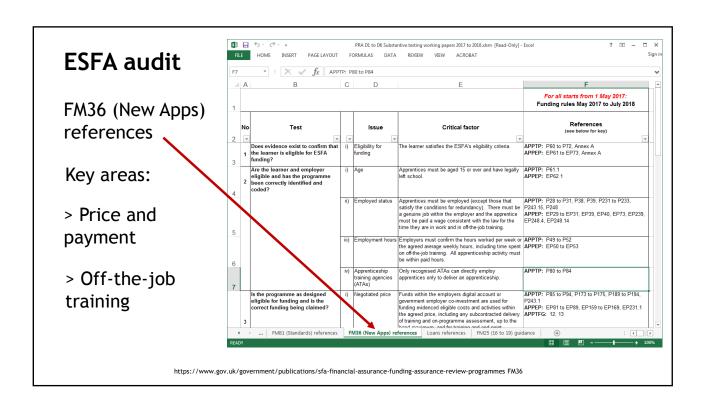
"We are finding that providers are struggling with the implementation of some of these reformed programmes. There are examples where off-the-job training is still not demanding enough."

Apprenticeship inspection grade in year before levy (May 2016 - April 2017)				
Grade 1	11	6%	54%	
Grade 2	91	48%	34%	
Grade 3	66	35%	46.0/	
Grade 4	21	11%	46%	

Total full inspections 189

Apprenticeship inspection grade in year after levy (May 2017 - April 2018)				
Grade 1	8	5%	55%	
Grade 2	76	50%		
Grade 3	52	34%	4E0/	
Grade 4	16	11%	45%	

Total full inspections 152



## **ESFA audit** Price and payment

### 3i) Negotiated price

"Funds within the employers digital account or government employer co-investment are used for funding evidenced eligible costs and activities within the agreed price, including any subcontracted delivery of training and on-programme assessment, up to the band maximum, and for training and end-point assessment (required for apprenticeship standards) as recorded in the written agreement."

### 8i) Payment of employer co-investment

"The employer co-investment recorded in the ILR is evidenced by a transfer of funding visible in the provider's (or subcontractor's) financial systems; this will typically be in the form of a provider invoice and corresponding employer payment for a provider. For an employer-providers, they must evidence how the costs are calculated."

https://www.gov.uk/government/publications/sfa-financial-assurance-funding-assurance-review-programmes FM36

### **ESFA audit** Off-the-job training

### 2iii) Employment hours

Employers must confirm the hours worked per week or the agreed average weekly hours, including time spent on off-the-job training. All apprenticeship activity must be within paid hours.

### 3xi) Off-the-job training

"The evidence pack must contain details of how the 20% off the job training will be quantified and delivered."

#### Four strands to evidence requirement:

- 1. Calculated
- 2. Timetabled
- 3. Monitoring delivery of timetable
- 4. Was 20% threshold met at point of entry into Gateway or end of framework

### 6ii) Learning activity

"The learner's continued participation in learning (including English and maths) is confirmed by evidence of learning activity from the start date of each aim up to the learning actual end date or to date, as applicable."

 $https://www.gov.uk/government/publications/sfa-financial-assurance-funding-assurance-review-programmes\ FM36 for the control of the control$ 

