

**This document has been  
withdrawn as it is out of date.**



Skills Funding  
Agency

# Apprenticeship funding rules for higher education institutions 2016 to 2017

## Version 1

These rules will apply from 1 August 2016 to 30 April 2017 for all HEIs that receive SFA funding for the delivery of training or the end-point assessment of apprenticeships for the funding year 2016 to 2017.

## February 2016

Of interest to lead higher education institutions delivering higher and degree apprenticeships at Levels 4 to 7 as part of the Skills Funding Agency-funded apprenticeship programme.

## Preface

This document sets out the funding rules that apply to higher and degree apprenticeship standards and frameworks delivered by higher education institutions (HEIs) and funded as part of the Skills Funding Agency (SFA) apprenticeship programme. This document is concerned primarily with the funding arrangements through, and requirements of, the SFA, but includes in [Section 2](#) a summary of other funding that may be available for providers, including through the Higher Education Funding Council for England (HEFCE).

These rules apply from 1 August 2016 to 30 April 2017 for all HEIs that receive SFA funding for the delivery of training or the end-point assessment of apprenticeships for the funding year 2016 to 2017.

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## Introduction and purpose of the document

1. This document sets out the funding rules for HEIs delivering higher and degree apprenticeships as HEI providers that start in the funding year between 1 August 2016 and 30 April 2017 referred to in this document as 2016 to 2017.
2. The funding rules in this document form part of the terms and conditions of the funding agreement between the Secretary of State for Business, Innovation and Skills acting through the SFA, and HEI providers and employers that receive funding directly from the SFA for higher and degree apprenticeship provision.
3. This document is supported by, and must be read in conjunction with, the following publications.
  - [Skills Funding Agency: common funding rules 2016 to 2017](#).
  - [Apprenticeship: common funding rules 2016 to 2017](#).
  - [2016 to 2017 ILR Guidance](#).
4. If you do not comply with these funding rules, you are in breach of the funding agreement with the SFA. We will take action as set out in your funding agreement.
5. These rules apply to all those involved in the delivery and assessment of higher and degree apprenticeship frameworks and standards. When delivering apprenticeship HEIs must make employers aware that they are also required to comply with these rules and failure to do so could result in the SFA recovering funding.
6. We reserve the right to amend these rules; we will publish changes on [GOV.UK](#).

## How this document can help you

7. Any paragraphs that state that you 'must' take action are funding rules; you must follow these to remain compliant. Other statements offer advice and guidance or highlight useful information.
8. In the apprenticeships that HEIs deliver, there are two different types of higher and degree apprenticeships currently available: apprenticeship **frameworks** and apprenticeship **standards**. This document contains the guidance and funding rules for both. To distinguish between the different types we have used colour coding of titles and text boxes. The examples below show the format that we use:

Apprenticeship standards

Apprenticeship frameworks

Whilst many funding and delivery rules are common to both frameworks and standards, there are some significant and important differences. We highlight them clearly in this document and it is important that you follow the correct rules for the type of apprenticeship you deliver. For further clarification, please email [servicedesk@sfa.bis.gov.uk](mailto:servicedesk@sfa.bis.gov.uk).

9. We have divided this document into sections containing the relevant funding rules and an explanation to help you to meet the requirements. We have also provided quick-start guides and flow charts to show how the funding process works for both frameworks and standards:

- **Section 1: Quick-start guide for HEI providers** – this section sets out the key steps you need to take to get an apprentice started on their apprenticeship.
- **Section 2 onwards: Operational rules for HEI providers** – the remaining sections set out the rules for the operational processes relating to the delivery of higher and degree apprenticeships by HEIs.

## Where to find additional supporting information

10. As part of your apprenticeship delivery you will also need to refer to the following supporting documents:-

### 2016 to 2017 Individualised Learner Record (ILR) data

- [ILR specification, validation rules and appendices 2016 to 2017](#) – provides information about learner data that publicly-funded providers must collect and return in the 2016 to 2017 funding year.
- [ILR guides and templates for 2016 to 2017](#) – information to support the collection of apprentice data. This document includes both the ILR Provider Support Manual and the ILR Data Collection Template.

### Performance Management Rules 2016 to 2017

- [Operational Performance-management Rules 2016 to 2017](#) – this document sets out the SFA performance-management rules for the 2016 to 2017 funding year. These rules enable us to maximise funding in support of high-quality education and training. They provide a clear framework for all providers on how we will manage performance, both in terms of supporting priority education and training and tackling underperformance. It includes information on performance-management processes, tolerances, and timetables.

### Learning Aim Reference Service

- [Learning Aim Search Guidance](#) – this document provides guidance on how to use our learning aims search facility to find information on apprenticeship frameworks or standards.

### Funding Claims

- [SFA funding claims: 2015 to 2016](#) - this document provides guidance for those providers that are required to submit a funding claim. An updated version will be available for the funding year 2016 to 2017.

### Higher Education Statistics Agency (HESA)

- HEIs using HESA for data reporting of 19+ apprentices on frameworks must follow the relevant guidance issued by [HESA](#).

## Terminology

11. The terms 'we', 'our', 'us' and 'Skills Funding Agency' refer to the SFA and its staff.
12. We use the term 'funding agreement' to include the conditions of funding grant between the Secretary of State for Business, Innovation and Skills, the SFA and providers for the delivery of apprenticeship provision.
13. We use the term 'funding' to include any public funds allocated by the Skills Funding Agency. We identify any other sources of funding in the text by reference to the source of funding.
14. We use the term 'apprentice' to include all those who receive apprenticeship training and assessment through an apprenticeship framework, or end-point assessment through an apprenticeship standard, funded by us.
15. We use the term 'this document' to refer to the **Apprenticeship funding rules for higher education institutions 2016 to 2017**.
16. We use the term 'HEI provider' to include any HEI chosen by an employer and holding a current funding agreement with us for the delivery of apprenticeship training and/or assessment as part of the employer's agreed apprenticeship.
17. We use the term 'apprenticeship standard' or 'standards' to cover the apprenticeship standards which are available for delivery in 2016 to 2017. This is defined as those standards which have been approved and have had their assessment plan approved and been allocated into a funding cap.
18. We use the term 'apprenticeship framework' or 'frameworks' to cover the apprenticeship frameworks which are compliant with the Specification of Apprenticeship Standards for England (SASE) and available for delivery in 2016 to 2017.
19. We use the term 'employer' to mean the organisation that has a contract of employment with the apprentice.
20. We use the term 'assessment organisation' to include any organisation appointed by an employer and contracted by a HEI provider for the delivery of assessment as part of the employer's agreed apprenticeship standard.
21. We use the term 'end-point assessment' to mean the formal assessment for the apprenticeship standard, typically delivered by an assessment organisation contracted through a HEI provider for this purpose.
22. We use the term 'training' to mean the delivery of training and on-programme assessment by a HEI provider or any organisation contracted to a HEI provider for this purpose.
23. We use the term 'you' to refer to HEI providers.

## **Where to go for additional help – the Central Delivery Service**

24. Our Central Delivery Service (CDS) manages day-to-day communications with providers and can help you with operational queries.
25. The SFA will assign HEI providers their own named CDS adviser, who will act as day-to-day contact. The main contact details for CDS are:  
[servicedesk@sfa.bis.gov.uk](mailto:servicedesk@sfa.bis.gov.uk) or telephone 0370 2670001.

## Section 1 – Quick-start guides for HEI providers

26. The next few pages summarise the main steps for HEIs delivering higher and degree apprenticeships.
27. **Diagram 1 - A quick-start guide** summarises the process for starting and delivering a higher or degree apprenticeship. It sets out detail for both apprenticeship frameworks and standards and provides links to other sections of the document and external documents that contain more detailed information.

## Diagram 1: Quick-start guide for HEI providers delivering higher and degree apprenticeships

### What do HEIs need to do?

#### 1. Prepare the apprenticeship

#### 2. Choose the apprenticeship

#### 3. Prepare for apprenticeship delivery

#### What is expected from the employer?

The employer will select the apprenticeship framework or standard to use for their apprenticeship.

The employer selects a HEI provider to co-ordinate and deliver the training and assessment of their apprenticeship programme. More than one provider may be involved in delivery and assessment.

#### Standards

- Review your curriculum and training to ensure that it is in line with the apprenticeship standard and assessment plan.
- Check what the funding values are so you can advise employers of the amount of SFA funding that potentially can support the training delivery and assessment of the apprenticeship.
- Check the funding cap of apprenticeship standards, understanding the price ranges and the employer incentives which employers are entitled to receive.
- Market your services to employers so they are aware of the apprenticeship training you offer.
- Prepare and agree with the employer a provisional price for the services to be delivered for the apprenticeship training and end-point assessment.
- As the HEI provider, your responsibility will be to co-ordinate with the other chosen providers to ensure the successful delivery of the apprenticeship training and end-point assessment.
- You may also need to assess whether the apprentice requires learning support and/or additional support with English and maths. You must make sure these requirements are recorded on the ILR.
- Once the apprentice is identified, as the HEI provider you will need to work closely with your employer in order to check and confirm whether they are eligible for the small employer and the 16-to-18-year-old apprentice incentive payments.

#### Frameworks

- Ensure any HE qualifications being delivered are included in the relevant framework documents.
- Ensure the SFA has recorded your official 'price/fee' for the HE qualifications to be delivered.
- Make arrangements for completing the ILR either in-house or by sub contract arrangement.
- Market your services to employers so they are aware of the apprenticeship training you offer, or could potentially offer.
- Check funding values so you can advise the employer of the amount of SFA funding that potentially can support the delivery and assessment of the apprenticeship.
- Agree with the employer a provisional 'price' for the apprenticeship delivery in line with the chosen framework. Funding rates/prices are defined for frameworks but you may negotiate with employers about delivery price based on volume of delivery for example.
- Be aware of eligible employer incentives ([AGE](#)).
- If there are other delivery providers, you will need to co-ordinate with them to ensure the successful delivery of the apprenticeship.

#### 4. Confirm eligibility and funding

The employer will identify the apprentice but may want HEI involvement in the selection process.

Employers may want to negotiate delivery price, for example because of the number of apprentices they plan to start

#### 5. Finalise apprenticeship delivery

With the apprentice identified, the employer will finalise a price with you for the delivery of the training and assessment based on the apprentice's needs.

#### 6. Start the apprenticeship

The employer can now employ the apprentice, if they are not already an employee, but must complete an [apprenticeship agreement](#) and [commitment statement](#) with them before they start

- Work with your employer and finalise a price for the delivery of training and assessment, tailored to the individual apprentice. Confirm these details in a written agreement with your employer and complete the individual commitment statement annex and the apprenticeship agreement with the employer and their apprentice.
- As the HEI provider, make sure there are suitable subcontracting and payment arrangements with the other providers, where necessary.
- Finalise the price of the training delivery and end-point assessment and agree this in a payment schedule with the employer.
- Create the [apprentice evidence pack](#), which acts as the provider evidence source for the apprenticeship.
- Once the apprentice is employed, if you are the HEI provider you will need to create an [Individualised Learner Record \(ILR\)](#) for each apprentice in order to register them with the SFA.
- The delivery of the apprenticeship can start now.
- Enter the price agreed for training and end-point assessment, excluding VAT, into the relevant field in the ILR.
- Ensure that any relevant codes are recorded on the ILR; such as for small employers to ensure incentive payments can be triggered.

Throughout the delivery, the HEI provider must:

- Collect and report cash contributions from the employer on the ILR.
- Collect and validate employer incentive claim forms and transfer incentive payments from the SFA to the employer.
- Update the apprentice evidence pack, which acts as the provider evidence source for the apprenticeship.
- Apprentices reported on the ILR should be excluded from data returns to the Higher Education Statistics Agency (HESA) to avoid double-counting of students.

- Once the apprentice is identified, work closely with your employer to check and confirm whether the individual is eligible.
- Confirm that both the employer and the apprentice qualify for the AGE incentive, if this is appropriate.

- Work with your employer to finalise a price for the delivery of training and assessment, tailored to the individual apprentice and confirm the details in a written agreement.
- As HEI provider and delivery includes other providers, ensure suitable subcontracting and payment arrangements with the other providers are in place.
- Confirm if additional HEFCE funding applies.
- Employer declarations to be signed.

Once the apprentice is employed, as the HEI provider you will need to do the following:

- Create an [Individualised Learner Record \(ILR\)](#) for each 16- to 18-year-old apprentice in order to register them with the SFA.
- For 19+ learners the options are to complete an ILR or submit the statistical data return through HESA (returns should not be made via the ILR and to HESA). If HESA is used an additional management information return must be submitted quarterly to the SFA.

## 7. Train the apprentice

Throughout the delivery of the apprenticeship, the employer will transfer their co-funding contributions to the HEI provider.

## 8. Assess the apprentice

The employer will need to plan time and support the apprentice in their regular assessments, exams and end-point assessment during the apprenticeship.

## 9. Complete the apprenticeship

- The nominated assessment organisation will deliver the end-point assessment.
- As the HEI provider, co-ordinate and work with the assessment organisation and the employer to confirm that the apprentice has completed the apprenticeship standard.

- The nominated assessment organisation will deliver the end-point assessment – this may be you for degree apprenticeships.
- As the HEI provider, co-ordinate and work with the assessment organisation and the employer to confirm that the apprentice has completed the apprenticeship standard.

- After the apprentice successfully completes the apprenticeship and end-point assessment, the assessment organisation confirms this with the HEI provider.
- The assessment organisation claims the completion certificate from the apprenticeship certification body.
- The HEI provider receives and checks the incentive claim form from the employer.
- HEI provider records a completion on the ILR and the completion incentive payment is triggered.
- HEI provider transfers the completion payment in full to the employer.

- Delivery of the apprenticeship can now begin.
- As the HEI provider, continue to work closely with your employer to deliver the required learning for the apprentices as set out in the framework.
- Collect/record any co-funding from the employer.
- Make claim and transfer any AGE incentive payments from the SFA to the employer.
- The HEI provider is responsible for creating and updating the learner file, which acts as the evidence base for the apprenticeship.

- Successful completion of an apprenticeship framework requires that all the relevant learning components are completed and certificated.

- As the HEI provider, co-ordinate the evidence that the apprenticeships framework has been achieved and is submitted so that the completion certificate can be issued. The completion certificate **must** be passed on to the apprentice.

## Section 2 – How the apprenticeship is funded

### General Principles

30. This section sets out rules for employers and HEI providers on all elements of SFA funding included in and related to an apprenticeship framework or standard. It explains how high-cost provision and disadvantaged learner funding from HEFCE can support the apprenticeship.
31. The funding models for standards and frameworks are very different and this section covers each one separately.

### Funding for apprenticeship standards

32. This explains the apprenticeship standards pilot funding model and details co-payment arrangements, additional employer incentive payments and information on setting a price for the apprenticeship.

### Government and employer co-payment for apprenticeship training and assessment

33. Each apprenticeship standard approved for funding has been allocated to one of six funding caps. This funding cap will set the maximum core government contribution (CGC) that the SFA will make for each apprenticeship standard (set out in Table 1 below).

**Table 1 Apprenticeship standards pilot funding model**

		Cap 1	Cap 2	Cap 3	Cap 4	Cap 5	Cap 6
Maximum Core Government contribution (£2 for every £1 from employer)		£2,000	£3,000	£6,000	£8,000	£13,000	£18,000
Employer contribution if the maximum cap is claimed		£1,000	£1,500	£3,000	£4,000	£6,500	£9,000
Co-funding for training and assessment if the maximum cap is claimed		<b>£3,000</b>	<b>£4,500</b>	<b>£9,000</b>	<b>£12,000</b>	<b>£19,500</b>	<b>£27,000</b>
Additional incentive payments	Recruiting a 16 to 18 year-old	£600	£900	£1,800	£2,400	£3,900	£5,400
	For a small business (<50)	£500	£500	£900	£1,200	£1,950	£2,700
	For successful completion	£500	£500	£900	£1,200	£1,950	£2,700
Maximum total Government contribution		<b>£3,600</b>	<b>£4,900</b>	<b>£9,600</b>	<b>£12,800</b>	<b>£20,800</b>	<b>£28,800</b>

Apprenticeship standards

34. Employers and HEI providers and their contracted providers must agree a price between them to meet the costs of training and end point assessment for each apprenticeship.
35. To meet the costs of training and end-point assessment, the SFA will invest a core government contribution of £2 for every £1 of investment made by an employer, once this price has been agreed, up to the maximum set for the standard. In this document we refer to this combination of SFA and employer investment as **co-payment**.
36. The CGC will not exceed the cap for the apprenticeship standard regardless of any final price agreed between the employer and the HEI provider.
37. SFA co-payment funding to support training and end-point assessment and to fund the incentive payments made to employers is earned from within the HEI provider's existing allocation. HEI providers will receive all earnings related to apprenticeship standard delivery through their existing apprenticeship payment arrangements.
38. The employer and HEI provider must agree a payment schedule. The payment schedule must be included in the written agreement. Please see [Section 5 - Contracts and written agreements between employer and HEI provider](#).

### **Agreeing a price for the delivery of the apprenticeship training and end-point assessment**

39. The price agreed by the employer and their HEI provider for training and end-point assessment must only include the training and end-point assessment necessary to meet the relevant standard for each apprentice. Where more than one provider is selected for the delivery of the apprenticeship, the employer must appoint a HEI provider for each apprenticeship. An employer may choose to use different HEI providers if they have more than one apprenticeship.

### **Employer contribution**

40. Employer cash contributions must be in the form of a transfer visible in both employer and HEI provider financial systems. The value of each cash payment must be recorded in the ILR. This will typically be in the form of a HEI provider invoice and corresponding employer payment. Please see **Annex 2 [Additional rules for direct grant employers](#)** of this document.
41. Evidence of cash contribution payments made by the employer must be retained and recorded for audit purposes, with receipts and invoices of monies received by the HEI provider.
42. The price agreed by the employer and their HEI provider and their contracted providers for delivery of the training that is intended to be eligible for co-payment must be recorded on the ILR by the HEI provider at the start of the apprenticeship. The agreed price for end-point assessment can also be recorded on the ILR at the start of the apprenticeship, if available. The price for end-point assessment must be recorded on the ILR before the end-point assessment takes place.

43. The total price agreed by the employer and their chosen HEI provider and their contracted providers for training and end-point assessment may be set at any level, and is not constrained by, or subject to, the funding cap to which the apprenticeship standard has been allocated:-
- 43.1. An employer and HEI provider may agree a price for training and end-point assessment which is lower than the funding cap value for the apprenticeship standard. In this case, the employer will pay one-third of this agreed price and the SFA will pay two-thirds of the agreed price.
- 43.2. An employer and HEI provider may agree a price for the training and end-point assessment that is equal to the funding cap value for the apprenticeship price and the SFA will pay two-thirds of the agreed price up to the value of the cap.
- 43.3. An employer and HEI provider may agree a price for training and end-point assessment which is higher than the maximum funding cap value for the apprenticeship standard shown in the table. In this case, the SFA will pay two-thirds of the agreed price up to the value of the cap. All of the remaining cost towards the price will be paid by the employer.
44. Any reduction in length or content of the apprenticeship delivery must be reflected in proportion within the agreed price for the training and end-point assessment.
45. Employers and HEI providers must only revise their agreed price for training and/or end-point assessment when both employer and HEI provider agree that:
- 45.1. a specific gap in the required training or end-point assessment for the apprentice has been identified that was omitted in error from the original commitment statement or
- 45.2. a specific element in the training or end-point assessment agreed for the apprentice has been identified as no longer needed

### **Additional employer incentive payments**

46. Employers may be eligible to claim one or more of three employer incentive payments when they contribute towards all or part of externally purchased training and/or end-point assessment.
47. There is no minimum requirement for the amount of training and/or end-point assessment that must be externally purchased in order for the employer to be eligible for the full employer incentive payments. Regardless of the price agreed for training and end-point assessment, the full value of the incentive as set out in [Table 1 Apprenticeship standards pilot funding model](#) will be paid to the employer.
48. Employers must make a co-payment towards the training and/or end-point assessment to be eligible to receive incentive payments. Employers choosing to deliver all of the training and end-point assessment for the standard in-house will not be eligible for any of the employer incentive payments.

49. Incentive payments are made at set points, counted from the programme start date as recorded on the ILR.

### **When are additional employer incentive payments made?**

50. HEI providers will receive incentive payments for eligible employers and apprentices as follows:-
  - 50.1 50% of the 16-to-18 incentive payment 90 days from the apprentice's start date and 50% 365 days from the apprentice's start date.
  - 50.2 100% of the small employer incentive payment 90 days from the apprentice's start date.
  - 50.3 100% of the completion incentive once the apprentice has successfully completed their end-point assessment, the ILR has been updated and certification has been claimed (please see paragraph 85).
51. HEI providers must ensure incentive payments are passed on to employers within 10 days.

### **Funding for English and maths**

52. We will provide a flat rate for English and maths taken up to Level 2 as part of an approved apprenticeship standard. Employers will not need to make an employer contribution and we will fund HEI providers directly for this delivery.
53. If English and maths at Level 3 are a requirement for completion of the apprenticeship standard, they must be funded from the co-payment. This needs to be factored into the agreed price for training and end-point assessment by the employer and HEI provider.
54. The HEI provider must enter the appropriate English and maths learning aim(s) onto the ILR and claim the funding from us.
55. English and maths functional skills or GCSE qualifications are eligible for funding at a flat rate of £471 for each learning aim, regardless of the age of the apprentice. The funding is earned in equal payments between the start and planned end dates for the learning aim.
56. Unless apprentices have achieved their Level 2 English and maths, they will be required to take Level 2 English and/or maths and must study and take the test before the end-point assessment of the apprenticeship standard. Apprentices will not need to have achieved Level 2 English or maths (or both) unless it is a mandatory element of their apprenticeship standard. For advanced and higher apprenticeships, the apprentice must achieve Level 2 English and maths. This must be achieved before they take the apprenticeship end-point assessment.
57. The only exception in which an apprentice can start their Level 1 English and/or maths before their Level 2 English and/or maths is where the HEI provider or its contracted provider has conducted a formal, recognised assessment that demonstrates the apprentice needs to study to Level 1 first to successfully achieve

their Level 2. In such exceptional cases, funding will be available for both levels within the duration of the same apprenticeship.

58. If the employer ceases trading or the apprentice is made redundant, the apprentice is allowed to continue with their English and maths at Level 1 or Level 2 if they are able to do so. The provider can continue to claim funds at the £471 apprenticeship rate.

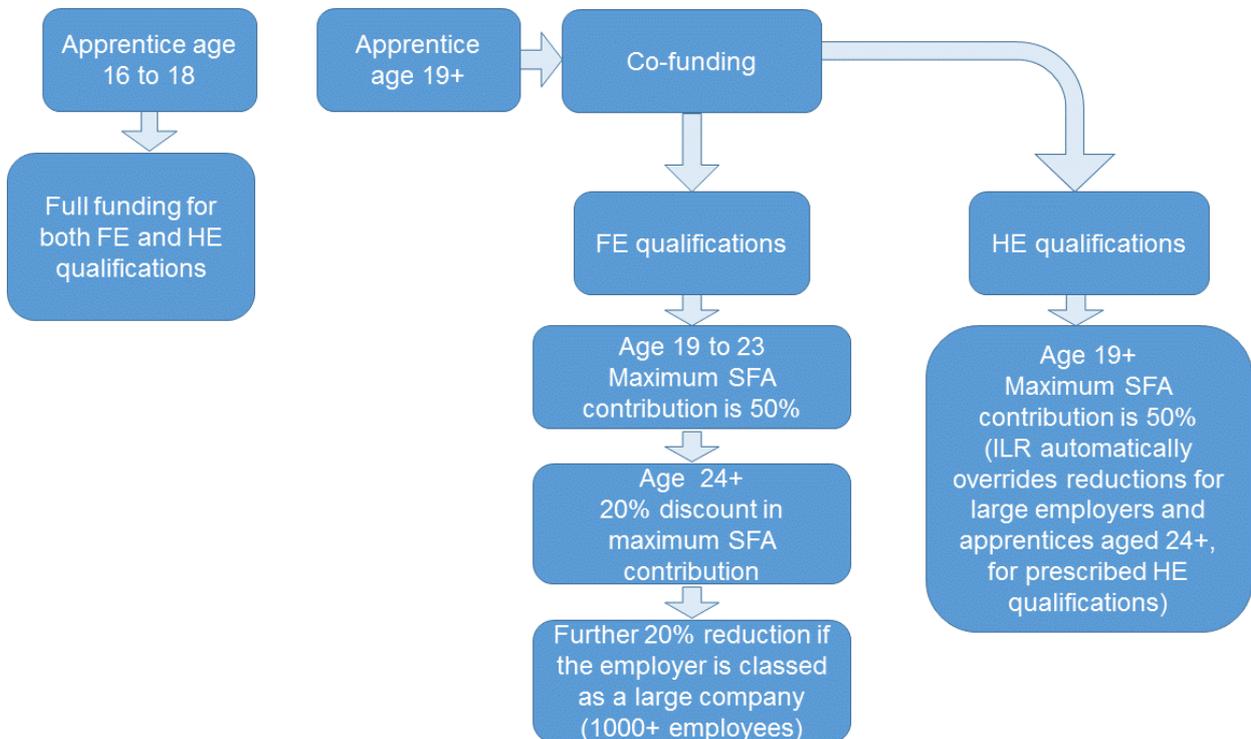
### State Aid

59. We consider that government contributions and additional incentive payments for apprenticeship standards should not, in so far as they are general measures within the national education system, fall within the scope of state aid control during 2016 to 2017.

## Funding for apprenticeship frameworks

60. This section explains the level of SFA contribution that is made towards the cost of apprenticeship learning and the rules that you must follow for an apprenticeship framework.
61. Diagram 2 below sets out the principles for funding the payments of HEI providers.

### Diagram 2: Principles for funding in higher and degree apprenticeship frameworks



62. As set out in diagram 2 above, the funding level earned by a provider for an individual apprenticeship framework is dependent on the age of the apprentice and the size of the employer. This combination creates the following possible values:

- 62.1. **Full funding** – we will fund in full the costs of learning in line with the qualification rates detailed in the Learning Aim Reference Service (LARS). Full funding is available for individuals aged 16-to-18 on the day they start for higher apprenticeships at Levels 4, 5, 6 and 7, including for their HE learning aims.
- 62.2. **Co-funding** – we will share responsibility for funding the costs of learning for apprentice starts aged 19+ by contributing a maximum of 50% towards the rates set in the LARS. This means that to achieve the full rates you need to pass on the remaining costs to the employer. The way in which we calculate co-funding is described in our [SFA: funding rates and formula 2016 to 2017](#) document. Co-funding is available for apprentices aged 19 or older on the day they start a higher or degree apprenticeship at Levels 4, 5, 6 and 7, including for their HE learning aims.
63. We fund only those aims identified in the apprenticeship framework as ‘mandatory’.
64. We base funding for an apprenticeship framework on the apprentice’s age on the day they start an apprenticeship framework. We will fully fund all apprentices aged 16-to-18 years old and co-fund those aged 19 or older on the day they start their apprenticeship.
65. There are two circumstances when we will fully fund 19 to 24-year old apprentices starting an apprenticeship framework. This is where the apprentice was:-
  - 65.1. Not able to start an apprenticeship framework before their 19th birthday due to exceptional circumstances, including being in custody or having a having a serious illness.
  - 65.2. a former relevant child (care leaver) as defined by the Children Act 1989.
  - 65.3. a child in care is defined by the Children Act 1989 as an:-
    - 65.3.1. eligible child - a young person who is 16 or 17 and who has been looked after by the local authority/Health and Social Care Trust for at least a period of 13 weeks since the age of 14, and who is still looked after
    - 65.3.2. relevant child - a young person who is 16 or 17 who has left care after their 16th birthday and before leaving care was an eligible child
    - 65.3.3. former relevant child - a young person who is aged between 18 and 21 (25 if in education or training) who, before turning 18 was either an eligible or a relevant child, or both
66. To evidence a care leaver you need a self-declaration from the apprentice.
67. For an apprentice not able to start an apprenticeship framework before their 19th birthday due to exceptional circumstances you must:-
  67. 1 have evidence to demonstrate these exceptional circumstances with supporting evidence from an authoritative source, such as a local authority or probation service.
  67. 2 not claim full funding if, since leaving full time compulsory education and the start date of their apprenticeship framework they have:-
    - 67.1.1. not been living in England or

67.1.2. been in education or training funded by the SFA, EFA, predecessor organisations or other government body, excluding any learning whilst in custody.

68. If an apprentice leaves without achieving, the last date of learning for all learning aims, including the apprenticeship programme learning aim, is the date you have evidence the apprentice was still in learning for any learning aim that is part of their apprenticeship.
69. The apprenticeship must include guided learning, assessment, training and monitored workplace practice, planned and agreed between the apprentice, their employer and you.
70. You must be able to prove that you are not using our funding to pay apprentices' wages.
71. If an employed apprentice becomes self-employed during the apprenticeship, this will make their apprenticeship and funding ineligible at that point, unless this falls within the alternative completion conditions that apply to [redundancy](#).
72. Employers and HEI providers can negotiate a price for delivery of an apprenticeship framework. If the price agreed is more than the value of the apprenticeship (as set out in the SFA's LARS) then the employer will have to meet all costs above this value. The value contained in the LARS will remain the maximum value of funding earned against their allocation by the HEI provider for either full or co-funding.
73. If a value below that of the LARS rates is agreed then this becomes the maximum value that can be earned against the allocation. For example, if the LARS rate is £10,000 but delivery is agreed at £8,000, then the maximum earned for full funding would be £8,000 and for co-funding would be £4,000.

## English and maths

74. You must follow the requirements for English and maths set out in the apprenticeship framework.
75. The rules below apply to all intermediate-level apprentices who start frameworks on or after 1 August 2014:-
  - if they already have a Level 2 in English and maths that meets the minimum requirement of the apprenticeship framework before they start then they are exempt from taking English or maths
  - if they already have a Level 1 in either English or maths that meets the minimum requirement of the apprenticeship framework before they start they must start and continue to study Level-2 English or maths
  - if they do not have the Level 1 in English or maths that meets the minimum requirement of the apprenticeship framework before they start they must:
    - be offered the opportunity to take Level 2 functional skills or GCSE qualifications in English or maths
    - achieve the English and maths requirements set in the framework

- if they achieve Level 1 in English or maths (during their apprenticeship) you must offer them Level 2 Functional Skills or GCSE qualifications in English or maths
76. You must record the offer of Level 2 in English or maths during an apprenticeship in the learner file, and have evidence where the apprentice does not take up the offer.
77. If the apprentice studies at Level 2 in English or maths where they already have qualifications that meet the requirements of the apprenticeship framework, they do not need to achieve these before framework achievement can be claimed.
78. You must report all English and maths delivered as part of an apprenticeship as an apprenticeship learning aim in the ILR.
79. If you claim funding for Level 1 in English or maths you cannot claim funding for level 2 in English or maths unless Level 1 has been achieved.
80. You must not claim funding for Level 1 English and maths if the mandatory English and maths requirement of the apprenticeship framework is at Level 2.
81. If the apprenticeship framework specifies Level 2 in English and maths and the apprentice has achieved this before starting, we will not fund further English and maths to achieve their apprenticeship unless you:-
- carry out a thorough initial assessment to confirm that the apprentice needs to repeat English or maths to achieve their apprenticeship
  - use this assessment to structure their programme of study
  - only enrol apprentices on qualifications listed in the framework document and necessary to achieve their apprenticeship
  - deliver ongoing assessment
  - record all of the assessment outcomes in the learner file
  - use current assessment tools based on the National Literacy and Numeracy Standards and core curriculum; the tools must:
    - place an apprentice’s current skills levels within the Regulated Qualifications Framework (RQF) levels
    - be conducted by qualified individuals including, for the diagnostic assessment, a practitioner who will structure the learner’s programme of study

### **Financial contributions**

82. You must not ask an apprentice to contribute financially to the direct cost of learning.
83. You must give each employer a statement of the financial value of the government’s financial contribution to training their apprentices. You must provide this at the start of the apprenticeship framework and at the beginning of each funding year. We expect the format to be ‘over the next funding year, Her Majesty’s Government (HMG) will contribute £\*\*\* to [insert employee’s name] apprenticeship training’. The employer may need this information for State Aid purposes.

## Apprenticeship learner support

84. We will support apprentices when there are circumstances in which the apprentice suffers hardship that affects their ability to continue and complete their apprenticeship. In these circumstances you can claim learner support to help them.
85. We expect employers will support apprentices for their additional expenses. However, you are permitted to do so if the apprentice is in genuine need; for example redundancy or temporary unemployment.
86. Claims for learner support must be made promptly from your apprenticeship funding, using the [Earnings Adjustment Statement](#). If you do not claim in time we will not pay for claims from a previous funding year.

## Additional employer incentive payments

### Apprenticeship Grant for Employers of 16- to 24- year-olds (AGE)

87. The Apprenticeship Grant for Employers of 16-to 24 year-olds (AGE 16 to 24) supports businesses that would not otherwise be in a position to do so, to recruit individuals aged 16 to 24 into employment through the apprenticeship programme.
88. You must:-
  - refer to the eligibility criteria set out in the [AGE Training Organisation Fact Sheet](#) and your AGE Funding Appendix.
  - obtain an employee declaration that confirms details of their eligibility and that they understand the conditions under which the grant is paid
  - pass on the AGE payment to the employer within 30 working days of receiving it from us
  - Report in the ILR the [Employer Reference Number](#) (ERN) for the employer receiving the grant and the Learning Delivery Monitoring code applicable for AGE.

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## Other funding

### Higher Education Funding Council for England (HEFCE) funding

89. For 2016 to 2017 providers may also receive some funding from HEFCE for recognised higher education courses that are part of higher and degree apprenticeships funded by the SFA. The receipt of SFA funding for an apprenticeship does not prevent an apprentice on a recognised higher education course also being treated as HEFCE-fundable, because the SFA funding and HEFCE funding are treated as complementary. HEFCE will keep its approach under review.
90. The definition of a recognised higher education course for HEFCE's funding purposes differs for HEIs and for further education and sixth-form colleges. For HEIs,

it is given in Annex B of the [2015 Higher Education Students Early Statistics \(HESES\) survey](#); for colleges, it is given in Annex B of the [2015 Higher Education in Further Education Students \(HEIFES\) survey](#). Apprentices on such a course offered as part of an apprenticeship should be reported as HEFCE-fundable if they otherwise meet the criteria to be included in those surveys.

91. HEFCE's allocations of teaching funding are described in its publication [HEFCE 2015/04](#), 'Guide to funding 2015-16: How HEFCE allocates its funds'. Its funding allocations are based on the student numbers reported for the previous academic year. So funding for the 2015 to 2016 academic year is based on student numbers in 2014 to 2015; student numbers in 2015 to 2016 will inform its funding for 2016 to 2017. HEFCE's recurrent teaching funding contributes to meeting costs for providers above those that tuition fees might be expected to meet. The main allocations that a provider may receive for a HEFCE-fundable apprentice on a recognised higher education course are as follows:-
  - 91.1. 'High-cost subject funding', which applies only to apprentices studying certain higher cost subjects, such as laboratory-based science or engineering courses and some others with a laboratory or studio element.
  - 91.2. 'Student opportunity funding', which includes separate elements aimed at widening access and improving retention for apprentices from disadvantaged backgrounds. With the exception of an element for disabled apprentices, student opportunity funding applies to undergraduate students only.
  - 91.3. Other targeted allocations, which include ones for London weighting (for apprentices attending courses in London) and for part-time undergraduates.
92. Providers should ensure that the same institution reports the recognised higher education course in data returns to HEFCE as reports the apprenticeship in the ILR for the SFA. Providers should not include in data returns to the Higher Education Statistics Agency (HESA) any activity towards a recognised higher education course that is reported in the ILR.

### **European Social Fund match funding**

93. For 2016 to 2017 providers (or employers) must not use any of the employer's cash contribution to apprenticeships as match funding for European Social Fund (ESF) or any other funding stream or source.
94. It is not currently our intention to use higher or degree apprenticeship funding as ESF match funding. However we reserve the right to do so in the future.

## Section 3 – Eligibility rules for the funding of apprenticeships

### General principles

95. This section sets out the rules regarding the eligibility for the funding of apprenticeship standards and frameworks, the requirements for any organisation, including employers, that wish to deliver training and/or end-point assessment, and rules regarding eligibility for additional employer incentive payments.
96. This section also explains the evidence requirements for any HEI provider that wishes to deliver apprenticeship training and/or assessment (for more details, refer to [Section 7 - Evidence Requirements](#)).

### Apprentices

97. All apprentices must be employed.
98. You must only claim funding for apprentices assessed as eligible for funding as set out in these rules including the [Apprenticeship: common funding rules 2016 to 2017](#).

### Approved apprenticeship frameworks and standards

99. Apprentices can only be registered for an approved apprenticeship framework or standard.

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#### Apprenticeship standards

100. Apprentices can only be enrolled against an apprenticeship standard once the assessment plan has been approved and published on [GOV.UK](#) and a cap has been allocated. Each apprenticeship standard has an approved and published assessment plan, detailing how apprentices will be assessed for that particular standard and what they need to have achieved in order to apply for their completion certificate.
  101. Any qualifications that are being delivered in an apprenticeship standard should be listed on the Learning Aims Reference Service. HEI providers should check LARS to see if qualifications are included. If they are not on LARS then the HEI must request that they are added. The SFA will publish a revised [HE Learning Aim Request form](#) at the end of February 2016 including the guidance for usage.
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Apprenticeship standards

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#### Apprenticeship frameworks

102. A full list of apprenticeship frameworks is available on the [Apprenticeship Frameworks Online](#) website. Apprenticeship Frameworks Online is the repository for Apprenticeship frameworks that meet the national standards for England and has a searchable library. No new frameworks can be developed but qualifications may be added if they are approved by the relevant issuing authority.
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Apprenticeship frameworks

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## Alternative completion of apprenticeship standards

103. Further advice for apprenticeship standards will follow on alternative completion conditions, where an apprentice is made redundant and wishes to continue their apprenticeship, when arrangements have been finalised.
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## Alternative completion of apprenticeship frameworks

105. There are alternative completion conditions including where an apprentice is made redundant but is within six months of completing their apprenticeship. This allows the apprentice to complete their apprentice framework without further employment. You can find full details of the alternative completion conditions in [The Apprenticeships \(Alternative Completion Conditions\) Regulations 2012](#) and [The Apprenticeships \(Alternative Completion Conditions\) \(Amendment\) Regulations 2013](#).
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## Apprentices with prior qualifications

106. You must take the following actions for apprentices transferring to their apprenticeship from a full time FE or HE programme:
  - 106.1. Follow the rules for recognition of prior learning in the [Skills Funding Agency: common funding rules](#) (paragraphs A35 to A37). This will include reducing the funding claimed in frameworks and the price agreed in standards.
  - 106.2. Ensure that the minimum duration of the apprenticeship will be met to complete the balance of the learning to be completed.
  - 106.3. If the apprentice has taken out a student loan for the previous FE or HE programme this must be terminated and must not be used to contribute to the cost of an apprenticeship.

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## Supporting progression in apprenticeship standards

107. Apprenticeship funding supports individuals, including those with prior qualifications from Levels 1 to 6, to progress to higher levels of learning. Apprentices who have successfully completed an apprenticeship at any level are not expected to start a second apprenticeship at the same or a lower level including movement from an apprenticeship framework to an apprenticeship standard. In most cases, apprentices will be expected to progress to a higher level. For example, a graduate with a Level 6 degree would, in most cases, progress to a Level 7 apprenticeship standard.
108. The only exception to this is where the apprentice starts a new role or occupation requiring a significant amount of new learning to take place and requiring delivery over the minimum duration for the standard. In this case the apprentice would be eligible for funding for an apprenticeship at the same level, but no lower than, their current highest qualification. In this instance the HEI provider must record this

information as part of the commitment statement and retain evidence for eligibility in their apprenticeship evidence pack.

## Supporting progression in apprenticeship frameworks

109. Apprenticeship funding supports individuals to progress to higher levels of learning. Individuals who already have a qualification at Level 4 or above are only eligible for funding for a higher apprenticeship at Level 5 or above. They are not eligible for funding for an intermediate level, advanced level or Level 4 higher apprenticeship.
110. If an apprentice leaves without achieving, the last date of learning for all learning aims, including the apprenticeship programme learning aim, is the date you have evidence the apprentice was still in learning for any learning aim that is part of their apprenticeship.

## Who is eligible to deliver apprenticeship training and end-point assessment?

### Training provider organisations

111. HEI providers and their subcontractors are eligible to deliver the training for apprenticeship standards. The HEI provider must be on the Register of Training Organisations ([ROTO](#)). Both the HEI provider and their subcontractors must adhere to the apprenticeship subcontracting rules. The HEI provider carries overall responsibility for the quality of training delivered by its subcontractors. Please see the [Skills Funding Agency: common funding rules](#).

## Apprenticeship standards

112. For 2016 to 2017 all funding for apprenticeship standards and the end-point assessment must be routed through a HEI provider. The HEI provider will be responsible for receiving funding from us for the delivery of the training and assessment of apprenticeship standards and for making payments to both employers and any subcontracted providers, including assessment organisations.

### Employers

113. Employers can if they wish deliver part of their training and/or their assessment in-house providing that this is allowed within the assessment plan for the standard. However, employers will need to select a HEI provider and agree a price for the remainder of the training and/or assessment to be delivered by eligible training and assessment organisations. Please see [Annex 2](#) for specific rules which apply for direct grant employers.
114. Where employers are delivering some training or assessment in-house, the HEI provider must register the apprentice at the start of their apprenticeship and record the price agreed for the external training or end-point assessment, as required by us. The HEI provider will also act as the payment route for employer incentive payments back to the employer.

## Assessment organisations and end point assessment

115. All organisations delivering end-point assessment must be listed on the [Register of Apprenticeship Assessment Organisations](#) (RAAO). This includes HEIs delivering a degree apprenticeship standard.
116. Once an employer has selected an organisation from the RAAO to deliver end-point assessment against the relevant standard that organisation will be eligible to receive funding from us.
117. Although HEI providers and their contracted providers may be involved in arrangements for end-point assessment, the assessment itself must be carried out in line with the requirements set out in the assessment plan for the standard. We do not expect HEI providers and their contracted providers who have delivered the training to be substantially involved in the end-point assessment.
118. Only by exception with the agreement of the SFA can training providers conduct the end point assessment of an apprenticeship standard for which they have delivered training. Typically the end-point assessment process would be undertaken by a registered assessment organisation which does not stand to benefit financially from the outcome of the assessment.
119. Where the employer may be undertaking the majority of the end-point assessment they will still be required to register as an assessment organisation on the RAAO.
120. Although lead providers and their contracted providers may be involved in arrangements for end-point assessment, the assessment itself must be independent and in line with the requirements set out in the assessment plan for the standard. We do not expect lead providers and their contracted providers who have delivered the training to be substantially involved in the end-point assessment.
121. Arrangements for Universities delivering degree apprenticeships which includes their own degree award is being finalised. Further details will be confirmed before the 2016 – 2017 funding year.
122. Lead providers and assessment organisations must have a written agreement in place setting out the arrangements for end-point assessment and the transaction of payments.
123. Apprentices will not be able to complete the apprenticeship without taking an end-point assessment.

## Additional eligibility rules for HEI providers and employers wishing to enter into subcontracting arrangements for apprenticeship standards

124. The lead provider and the employer must agree any subcontracting arrangements in advance of the start of the apprenticeship. These arrangements must be detailed in the written agreement. The lead provider must also list each subcontractor setting out each of their roles in delivering the apprenticeship within the commitment statement.

125. The HEI provider must not use any subcontractor to deliver the employer's chosen apprenticeship standard that has not been agreed with the employer in advance of the start of the apprenticeship.

### **Second-level subcontracting**

126. The HEI provider must get our approval in writing each year if they want to subcontract to a second level. We will only allow second-level subcontracting in exceptional circumstances. Please see the [Skills Funding Agency: common funding rules 2016 to 2017](#) for further details regarding subcontracting.

### **HEI providers subcontracting delivery to employers**

127. By exception, the HEI provider may subcontract with the apprentice's employer for some elements of the apprenticeship delivery. This exception is at the discretion of the SFA and may require further conditions. Agreement in writing is required before the apprenticeship starts. You must include the exception as an annex and refer to it in the written agreement and retain it as evidence in the apprenticeship evidence pack.
128. Lead providers subcontracting training delivery with the apprentice's employer must ensure that the end-point assessment is conducted independently.

### **Eligibility for additional employer incentive payments**

129. Employers may be eligible to claim one or more of three employer incentive payments when they contribute towards all or part of externally-purchased training and/or end-point assessment.
130. Employers must confirm their eligibility for incentive payments to their HEI provider through a signed employer eligibility declaration. The payment of employer incentives by HEI providers to eligible employers is dependent on the HEI provider receiving a correct employer declaration. See [Section 6](#) for details of the employer declaration.

### **Small employer incentive**

131. To be eligible for the incentive payment for employers with fewer than 50 staff, an organisation must have 49 or fewer paid full or part-time employees.
132. The eligibility status for the small employer incentive is set at the start of the apprenticeship and remains the same for the duration of that apprenticeship. The only exception is where an apprentice moves to a new employer before the small employer incentive payment is due. In this case, the eligibility status for the small employer incentive is set by the size of the apprentice employer when the apprentice becomes eligible at 90 days.

### **16 to 18 year-old apprentice incentive**

133. To be eligible for the incentive payment for employing an apprentice aged 16-to-18, an apprentice must be aged 16, 17 or 18 at the start of their apprenticeship.

134. The eligibility status for the 16- to 18-year-old apprentice incentive is set at the start of the apprenticeship and remains the same for the duration of that apprenticeship.

### **Care leavers aged 19 to 24**

135. Employers employing apprentices aged 19 to 24 and identified as a former relevant child (care leaver) as defined by the Children Act 1989 are eligible to claim the additional 16-to-18 employer incentive.

136. Lead providers must hold evidence confirming eligibility for each apprentice through a self-declaration.

137. We will provide information regarding the completion of the ILR for care leavers within the next publication of these funding rules.

138. A child in care is defined as an:-

138.1. eligible child - a young person who is 16 or 17 and who has been looked after by the local authority/Health and Social Care Trust for at least a period of 13 weeks since the age of 14, and who is still looked after

138.2. relevant child - a young person who is 16 or 17 who has left care after their 16th birthday and before leaving care was an eligible child

138.3. former relevant child - a young person who is aged between 18 and 21 (25 if in education or training) who, before turning 18 was either an eligible or a relevant child, or both

### **Completion incentive**

140. HEI providers must only claim the employer completion payment when the following criteria are in place.

140.1. The end-point assessment organisation has completed the assessment, recorded and issued results and formally confirmed achievement in writing that the end-point assessment has been successfully passed.

140.2. The employer has submitted a correct claim form, confirming that the apprentice has successfully completed their apprenticeship to the employer's satisfaction.

140.3. The completion certificate has been formally requested from the certification body by the assessment organisation.

140.4. The HEI provider records that the apprentice has successfully completed their apprenticeship on the ILR.

141. Apprenticeship training agencies may receive employer incentive payments from their HEI provider/s, but must pass these on to their host employers. Please see [Annex 1](#) for further details.

### **What is eligible for funding in an apprenticeship standard?**

142. The price agreed between the employer and HEI provider and combined co-payment funding, (both employer one-third contribution and the government two-thirds

contribution) can only be used to fund externally-purchased and delivered training and end-point assessment required to meet the standard.

143. Employers choosing to deliver elements of training and/or end-point assessment through their own internal 'in-house' training team but who do not hold a direct grant with the SFA, are not eligible to claim the government two-thirds contribution for any element of this 'in-house' apprenticeship provision.
144. Co-payment can only be used to pay for training, education and end-point assessment required to attain the apprenticeship standard. This includes the following :-
  - 144.1. On-the-job and off-the-job delivery through an externally-contracted provider.
  - 144.2. Planned ongoing assessment.
  - 144.3. The formal end-point assessment.
  - 144.4. Educational trips or professional events specified within the standard or assessment plan.
  - 144.5. E-learning (this can be included provided it is contributory to the standard and is part of a blended learning experience involving practical learning in the workplace).
  - 144.6. Evidenced costs for employer direct delivery where the employer holds a direct grant with us.
  - 144.7. Any administration directly linked to the training, education and end-point assessment related to the delivery of the apprenticeship.
  - 144.8. The co-payment can be used when apprentices are required to undertake additional learning in order to re-take qualifications and/or non-accredited elements which meet the apprenticeship standard. However, if there is no additional learning required before the re-take this would not be an eligible use of the co-payment. Any additional learning required by apprentices must be eligible and meet the requirements of the apprenticeship standard. If necessary, a new price can be agreed between the employer, lead providers and their subcontracted providers to include this additional learning. Any new price agreed will be subject to the relevant funding cap. If the new price exceeds the total value for training and end-point assessment for the relevant funding cap, no further government contributions will be made and the employer will need to meet these additional costs directly.
145. The costs of accommodation for learning delivered through residential modules are only eligible for co-payment funding where the residential learning element is listed in the assessment plan as a requirement for all apprentices undertaking the standard. Any costs for residential modules agreed between the employer and HEI provider must represent value for money.
146. Where the apprentice is resident away from their home base, because of the requirements of their day-to-day work, all accommodation costs are the employer's responsibility, including for the occasions where the apprentice is undertaking apprenticeship activity.
147. Travel costs for apprentices are not eligible for co-payment funding under any circumstances.

148. Employers are therefore responsible for funding the following:-
- 148.1. Payment of apprentices' wages (please also see [Apprenticeship: common funding rules 2016 to 2017](#)).
  - 148.2. Any training or optional modules chosen in addition to what is eligible for co-payment.
  - 148.3. All travel costs for an apprentice travelling to and from their place of work or any other place required for the delivery of their apprenticeship.
  - 148.4. Company induction.
  - 148.5. Personal protective clothing and safety equipment required for apprentices to carry out their day-to-day work.
  - 148.6. Educational trips or trips to professional events not specified in the apprenticeship standard or assessment plan.
  - 148.7. Re-sits for qualifications or assessment required by the apprenticeship standard where no extra learning takes place before the re-sit.
  - 148.8. Employer's own administration costs for supporting the apprenticeship.
  - 148.9. Time spent by managers supporting apprentices, mentoring or the time of other staff arranging training support.
  - 148.10. Specific services not related to the delivery and administration of the apprenticeship; this includes bespoke or additional training or assessment which is not a requirement of the standard.
  - 148.11. Where, for convenience, employers or HEI providers and their contracted providers wish the apprentice to live nearby whilst learning – for example, accommodation at a hotel for an apprentice chef.
149. The price agreed by the employer and the HEI provider must include all the direct costs of training and end-point assessment to meet the standard. Apprentices must not make any cash contribution for training that is specified in the standard, or be asked to contribute financially to the direct cost of training or end-point assessment for an apprenticeship.
150. Professional membership and subscriptions, and the cost of trips to educational/sector-related events that are not specifically included within the apprenticeship standard, are not considered direct costs of learning. Employers may ask apprentices to pay either in full or contribute towards these costs.
151. All eligible training to meet the requirements of the end-point assessment must be set out in the commitment statement and retained with the written agreement between the employer and provider. Only training and end-point assessment that contributes to the completion of the standard is eligible for core government contribution. The cost of all other training and development undertaken which does not directly lead to the completion of the apprenticeship standard must be met by the employer.
152. Where an apprenticeship standard contains both core and optional modules we will only fund the number of optional modules specified in the standard. Any additional modules agreed by the HEI provider and the employer must be fully funded by the employer.
153. All eligible learning required to meet the end-point assessment must be set out in the commitment statement and written agreement between employer and HEI provider.

Providers must not claim for training not required by the standard or necessary to meet the end-point assessment.

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## Quality of apprenticeships

154. You can see the statements on apprenticeship quality in full for [Standards](#) and [Frameworks](#).

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Apprenticeship standards

155. The quality statement sets out the existing and new quality measures which apply to apprenticeship standards delivered in the trailblazer trial. As the trial progresses over the course of 2015/16 these will be reviewed to establish a quality regime that works to ensure high quality apprenticeships for employers and apprentices.

156. The apprenticeship quality statement describes the measures, including:

156.1. minimum hours of employment for apprentices

156.2. duration of the apprenticeship

156.3. English and maths requirements

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Apprenticeship frameworks

157. The Statement on Apprenticeship Quality sets out the requirements the Skills Funding Agency expects for the delivery of a high quality Apprenticeship. It makes clear the key features and expectations of an Apprenticeship and how delivery supports these whilst meeting the employer and learner focus that drives the programme. It aims to inform best practice for employers and providers and to aid the design and delivery of Apprenticeships.

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158. Apprenticeships are a job with an accompanying skills development programme, and are designed by employers in the sector. It allows the apprentice to gain the technical knowledge, practical experience and wider skills needed for their immediate job and future career. These are gained through a wide mix of learning in the workplace, formal off-the-job training and the opportunity to practise new skills in a real work environment. This wide mix differentiates apprenticeships from training delivered to meet narrowly-focused needs.

159. When they have completed the apprenticeship, the apprentice must be able to confidently undertake the full range of duties to the standard set by the industry, and in the range of circumstances appropriate to the job.

160. HEIs funded by the Higher Education Funding Council for England (HEFCE) and delivering higher and degree apprenticeships funded through the SFA will not be subject to separate Ofsted regulation. They will come under the remit of just one regulator, the HEFCE-appointed Quality Assurance Agency (QAA) during the funding year 2015 to 2016. Further guidance will be issued for the 2016 to 2017 funding year.

161. HEIs must ensure that when entering subcontracting arrangements with other SFA providers, either as the lead or the subcontractor, the arrangements put in place specify appropriate quality regimes that can be delivered. This means for example that:-

161.1. Where you are subcontracting to an FE provider the quality assurance arrangements are appropriate to that provider (in many cases this will be Ofsted)

161.2. Where an FE provider is subcontracting some of their delivery to you the quality assurance arrangements are ones you can satisfy (typically this will be QAA)

162. Apprentices on higher and degree apprenticeships may also be included in public information on higher education provided by HEFCE and may be required to participate in the National Student survey and Destination of Leavers from Higher Education survey.

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Apprenticeship standards

162. During funding year 2016 to 2017 [Minimum Standards](#) will be applied to all apprentices completing an apprenticeship standard.

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## Section 4 – Payment and payment processes

163. This section sets out additional rules for employers and providers regarding apprenticeship payments and payment processes.
164. It also sets out what action the SFA will take to recover funds where we are satisfied a breach of the rules has taken place.

### General principles

165. The HEI provider must record the apprentice's details on the ILR or through HESA at the start of their apprenticeship. For more detail on the ILR processes, please refer to the [ILR guides and templates](#) section on GOV.UK.
166. HEI providers receive their allocation as profile payments for all apprentices aged 19+, as shown in Table 2 below. You have to submit data returns in one of two ways, depending upon the age of the apprentice and the type of apprenticeship:-
- 166.1. ILR for **all** 16-to-18 apprentices and **all** apprentices on standards
  - 166.2. HESA for 19+ apprentices on a framework.
167. **All** HEI providers must make three funding claims as set out in our [Funding Claims](#) document whichever data reporting option is being used:
- 167.1. A mid-year funding claim (February).
  - 167.2. A year-end funding claim (September).
  - 167.3. A final funding claim (October).

168. Table 1 below shows the percentage of your agreed contract value which will be paid to you each month:-

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Apprenticeship standards

- 168.1. **For apprenticeship standards** – you cannot 'earn' any funding allocation until you have received an employer payment and recorded this on the ILR.

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Apprenticeship frameworks

- 168.2. **For apprenticeship frameworks** – you cannot 'earn' any funding allocation unless you have completed the appropriate data returns (ILR or HESA).

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- 168.3. All 16 to 18 apprentices are paid on actual starts confirmed by an ILR return.

**Table 2: Percentage funding paid to grant-funded HEIs for 19+ delivery by the SFA**

Apprenticeship profile	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	P11	P12
Monthly %	12.56	9.44	9.56	7.44	5.60	5.60	5.20	5.16	12.56	11.60	9.60	5.68

Cumulative %	12.56	22.00	31.56	39.00	44.60	50.20	55.40	60.56	73.12	84.72	94.32	100.00
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### Requesting additional allocation and performance management

169. We operate a performance-management process to enable us to reallocate funding from underperforming providers to support those that are growing their numbers of apprentices.
170. [Table 3](#) sets out the performance management dates for growth requests or reductions in allocations for 2015 to 16 (we will publish new performance management timelines for 2016 to 17). It sets out the timelines for the process and the key milestones.
171. HEI providers wishing to increase the value of their allocation must complete a [growth and virement request form](#), setting out the level of growth and the evidence to support the growth case. The growth and virement request form sets out further information about how we assess your request. We will increase your funding allocation if funds are available and if:
- 171.1. you are listed on the [Register of Training Organisations](#)
  - 171.2. you have a good track record
  - 171.3. you can prove there is demand from employers or learners
  - 171.4. you are not under notice for Failure of Inspection, Financial Health or Financial Control
  - 171.5. you are not under notice for minimum standards in the type of provision for which you want the increase
  - 171.6. we are confident that awarding an increase to your contract value is a good use of public funds
172. Any allocation that the HEI provider does not earn in the contract year is subject to return as part of the end-of-year reconciliation process, which we will complete by the end of October 2017.

**Table 3: Performance-management dates: – growth timelines**

Performance management points	Timeline	
	1	2
Growth and virement request form to be received	20 November 2015	1 April 2016
Delivery information using the latest validated ILR data	4 December 2015	6 April 2016
Cases for increasing or reducing contract values reviewed by	16 December 2015	20 April 2016
Decision approving or rejecting increases and reductions	w/c 21 December 2015	w/c 25 April 2016
Providers informed of the outcome of the process	8 January 2016	13 May 2016
Performance-management values published on the SFA website	26 February 2016	1 July 2016

## Recovery of funds

173. We may take action including to recover all or part of SFA funding from HEI providers where we are satisfied that there has been a breach of the funding rules leading to claims for funding :-
- 173.1. the SFA contribution
  - 173.2. additional employer incentive payments to which the provider and/or employer is not entitled.
174. Where the failure to comply with the funding rules is the fault of an employer **not** in receipt of a direct grant, we will recover the funding due as a result from the HEI provider who will need to recover it from the employer.
175. HEI providers must ensure that they have suitably robust systems and procedures in place which guard against fraudulent activity.
176. HEI providers must:-
- 176.1. make employers aware of the specific checks and actions which exist for this purpose
  - 176.2. confirm employer responsibilities in, and the impact of, making eligibility declarations
  - 176.3. ensure that these are supported in the written documentation with employers
177. Systems, procedures and documentation must enable HEI providers to recover government funding from employers and/or repay government funding they have received where there has been a breach of the funding rules. This might include, for example where :-
- 177.1. employers have incorrectly or fraudulently declared (in their signed declaration) that they or their apprentice is eligible for funding
  - 177.2. no training or assessment has taken place
  - 177.3. employers have received SFA funding and incentives
  - 177.4. employers have not paid their contribution to the provider
178. HEI providers and employers must adhere to the rules for eligibility and changes in either their or their apprentices' circumstances. Please see [Section 6 - What to do when there is a change of circumstances during apprenticeship delivery](#).
179. We will recover funding from the HEI provider where the ILR data shows the planned end-date and/or actual end-date is set below the minimum for each apprenticeship because this renders the apprenticeship ineligible for funding. An apprentice leaving their apprenticeship programme early is not a breach of this rule.
180. If we find that the employer was ineligible for incentive payments from the start of the apprenticeship, we reserve the right to recover the value of both SFA contributions and incentive payments.

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## Process for co-payment in apprenticeship standards

181. The HEI provider and employer must agree a payment schedule with the employer. The payment schedule will set out when the employer will pay their cash

contributions to the HEI provider and how much each contribution will be. The payment schedule agreed by the employer and provider may include payments to be made on a monthly, quarterly, or annual basis, or at any other time interval agreed by the employer and HEI provider and must be part of the written agreement.

182. On receipt of each employer payment (one-third cash contribution), the HEI provider will then earn the two-thirds corresponding government core contribution. For example, if the employer makes a payment of £100, the HEI provider will report this to us through the ILR and earn £200 government core contribution against their SFA allocation.

### **Additional employer incentive payments**

183. It is the employer's responsibility to check and declare their organisation and employee eligibility status for any incentive payments at the start of the apprenticeship. Employers may ask their HEI provider to help with their eligibility checks. Providers must hold a signed, original eligibility declaration(s) from the employer at the start of the apprenticeship which confirms eligibility for any incentive payments. Providers must not start any delivery without this original signed declaration.
184. HEI providers must provide employers with an employer incentive claim form and employers must use this form to claim any incentives they are entitled to receive through their HEI provider. See [Section 5](#) (paragraph 194).
185. HEI providers must retain correctly completed and signed employer declarations and claim forms received from employers for audit purposes as part of the apprenticeship evidence pack.
186. HEI providers will receive incentive payments from us on behalf of the employer. These must be passed in full to the employer within 10 working days of receipt of a correctly completed claim form and receipt of this funding from us.
187. Where the employer fails to claim or submits an incorrect employer incentive claim form to the HEI provider, the HEI provider must make all reasonable effort to obtain a completed employer incentive claim form from the employer.
188. If the HEI provider fails to make the payment within the appropriate timescale we reserve the right to deduct the sum due to the employer from payments due to the HEI provider from us and pay the employer directly. HEI providers must inform us if they have been unable to pass on any incentive payment after 40 working days of receipt.
189. Incentive payments are not linked to the payment schedule agreed between the employer and HEI provider although the schedule may highlight when incentive payments are likely to be made.
190. The HEI provider must complete and submit the ILR in line with the ILR collection timetable and timeliness standards to ensure that there are no delays with the processing of any incentive payments which the employer is eligible to receive. HEI providers are responsible for ensuring that an absence of, or incorrect ILR data, does

not cause a delay to the payment of incentives. Please see [2016 to 2017 ILR Guidance](#).

### **HEI provider payment to the assessment organisation**

191. The lead provider must have a written agreement in place with the assessment organisation and make payment to them for conducting the end-point assessment. The lead provider must retain evidence of payments made to the assessment organisation for conducting the end-point assessment.
-

## Diagram 3 – Quick guide to payment processes for apprenticeship standards

### 1. Apprenticeship starts and employer makes contribution payments

- Lead provider obtains and checks confirmation of employer and apprentice eligibility.
- Lead provider creates apprentice's ILR and records their learning start date and the agreed price for training and end-point assessment.
- Lead provider completes other ILR details as set out in the [2016 to 2017 ILR Guidance](#).
- Employer makes contribution payments to the lead provider as set out in the agreed payment schedule.

### 2. Lead provider receives government contribution payments

- Lead provider records the employer contribution payments on the apprentice's ILR once they can evidence they have received each payment and submits the ILR at the next submission date.
- SFA confirms the funding earned by the lead provider at the next payment date and pays the lead provider at the next payment date.
- Any additional funding for English and maths and learning support is claimed by the lead provider.
- Lead provider passes funding to any subcontracted providers as agreed (this may include English and maths and learning support).

### 3. Employer receives first incentive payments

- If the employer is eligible to receive the 16 to 18 incentive payment and/or the small employer incentive payment, this will automatically be triggered when the apprentice's ILR is submitted and it is more than three months (90 days) since they started their apprenticeship (defined learning start date).
- Lead provider earns 50% of the 16 to 18 incentive payment and/or 100% of the small employer incentive payment at the next payment date.
- Employer submits a correctly completed claim form. On this basis only after this has been received and validated, they should be paid 50% of the 16 to 18 incentive payment and/or 100% of the small employer incentive payment from the lead provider within 10 working days of the provider's receipt of these funds from the SFA.

### 4. Employer receives next incentive payment

- If the employer is eligible to receive the 16 to 18 incentive payment, the final 50% of the 16 to 18 incentive payment will be released when the apprentice's ILR is submitted and it is 12 months (365 days) since they started their apprenticeship (defined by the learning start date).
- Lead provider earns the final 50% of the 16 to 18 incentive payment at the next payment date.
- Employer submits a correctly completed claim form. On this basis they should be paid 50% of the 16 to 18 incentive payment from the lead provider within 10 working days of the provider's receipt of these funds from the SFA.

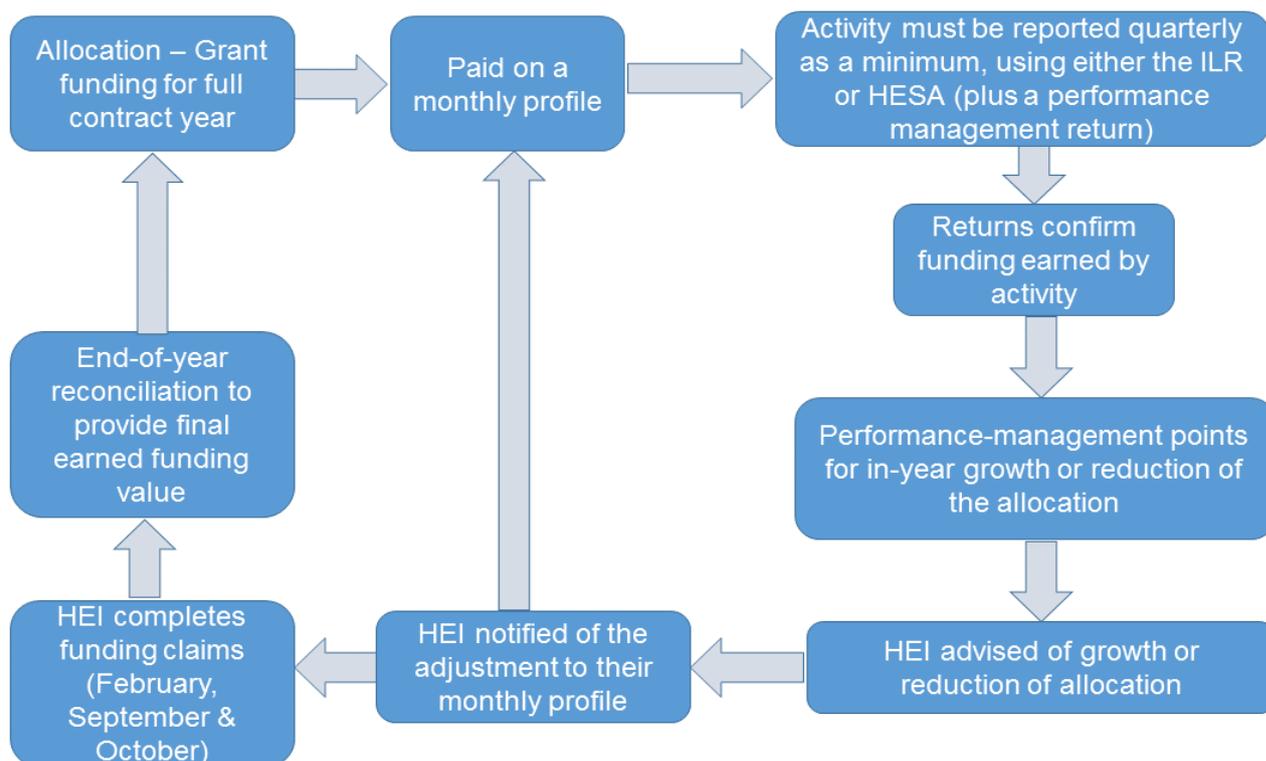
### 5. Employer receives completion incentive payment

- Apprentice completes all elements of the apprenticeship standard including English and maths. Assessment organisation confirms apprentice has passed the end-point assessment.
- Assessment organisation claims the apprentice's apprenticeship standard certificate from the certification body.
- Lead provider records the apprentice's completion on the ILR (once the apprenticeship standard certificate has been claimed) and submits the ILR at the next submission date.
- Lead provider earns the completion payment at the next payment date.
- Employer submits a correctly completed claim form. Lead provider transfers payment from within 10 working days of the provider's receipt of these funds from the SFA.

## Payment process for apprenticeship frameworks

192. Diagram 4 shows the payment process for activity to deliver frameworks and the actions required to show how much has been earned against the allocation.

**Diagram 4: Frameworks - payment processes**



Apprenticeship frameworks

193. HEIs using HESA returns must complete a supplementary performance-management return every three months as a minimum, in line with ILR requirements (November, February, May, August, and a final year-end return in October). We recommended making more frequent returns, particularly where there are changes to learner status (for example, those starting or leaving an apprenticeship).

194. Further guidance will be provided and is likely to be a simple standard Excel format for supplementary returns. In preparation, HEI providers wishing to set up their own system should include the following as a minimum:-

- 194.1. [Unique Learner Number](#) (ULN)
- 194.2. Start date.
- 194.3. Apprenticeship details.
- 194.4. Planned end date / Actual end date.
- 194.5. Reason for leaving.
- 194.6. Confirmation of employer co-funding contribution.
- 194.7. Employer details ([Employer Reference Number](#)).
- 194.8. Price for learning (up to maximum agreed for HE delivery plus standard FE funding rate depending on mix of provision).

## **Section 5 – Contracts, written agreements and apprenticeship documentation**

### **General principles**

195. This section sets out the rules for employers and HEI providers on documentation and agreements relating to an apprenticeship. This section also explains what you must include in the written agreement or contract between the HEI provider and the employer. It also explains appropriate actions to resolve disputes between them.

### **The apprenticeship agreement**

196. Information on the apprenticeship agreement is contained in [Apprenticeships: common funding rules](#).
197. The apprenticeship agreement must state which particular skill, trade or occupation the apprentice will be carrying out under their qualifying apprenticeship standard or apprenticeship framework.
198. Existing and new contracts of employment between the apprentice and employer that meet the Act will also meet the requirements of the apprenticeship agreement. This applies as long as they include a statement (which may be an annex) setting out the skill, trade or occupation linked to a relevant, approved apprenticeship standard or framework, for which the apprentice is being trained.

### **Disputes and issue resolution between employer and HEI providers**

199. The HEI provider is responsible for resolving issues and disputes between the employer and other providers. HEI providers and, for standards, assessment organisations must provide employers and apprentices with their written complaints and dispute resolution procedure, policy and process. The written agreement (in standards, the commitment statement) must also include the first contact point.
200. Agreements entered into by the employer and provider are legal agreements. Dispute resolution should be in accordance with the terms of the agreement and be legally enforceable.
201. The HEI provider must make apprentices and their employers aware that they can contact the [Apprenticeship Helpline](#) regarding apprenticeship concerns, complaints and enquiries. The employer's written agreement, the apprentice's learning agreement or commitment statement, and the apprenticeship agreement must also include the contact number and website.

## Documentation for apprenticeship standards

202. HEI providers must have and maintain an apprenticeship evidence pack for each apprentice. The evidence pack is a collection of documents and information brought together to form a single point of reference relating to the training and end-point assessment that is taking place.

202.1. The written agreement between the employer and the HEI provider can be kept as part of the apprenticeship evidence pack in order to avoid duplication.

202.2. The provider's own copy of the commitment statement between the employer, the apprentice and the HEI provider must be kept as part of the written agreement.

202.3. If training is delivered by an employer, this collection of documents may also be employment records held by the employer, such as application forms, learning and development plans and payroll systems.

202.4. The majority of information will come from normal processes and be produced as part of the organisation's business. It may be in paper, electronic or a mixture of formats. For employers and/or HEI providers it could include enrolment forms, data-capture forms, induction checklists, initial assessments, training plans, confirmation letters to apprentices, self-declarations, attendance records, copies of certificates and result forms.

203. The written agreement and the commitment statement must be in place at the start and for the entire length of the apprenticeship (and updated as needed), with signed copies re-distributed to all three parties.

### The agreement between employers and HEI providers

204. The employer and HEI provider must make sure that all elements of the agreement regarding training and assessment are set out in writing. They both must keep a current signed and dated version on record at all times that includes the following:-

204.1. Confirmation and signature from the employer for eligibility of the apprentice for apprenticeship funding and 16-to-18 incentive payments, if applicable.

204.2. Confirmation and signature from the employer of their eligibility for the small employer incentive payment, if applicable.

204.3. The services agreed for delivery of the apprenticeship.

204.4. The payment schedule for the employer cash contribution payments, setting out the dates for claiming any eligible incentive payments.

204.5. Confirmation that learning support is available to support apprentices with additional learning needs. Where learning support has been specifically identified and agreed, the commitment statement must clearly set out what this is being used for.

204.6. The process for resolving any issues and disputes regarding the apprenticeship, including quality and payment and the escalation process to the SFA.

- 204.7. Where a HEI provider plans to deliver training or end-point assessment through subcontracting, the arrangements for this, including services, costs and payment schedules (for all lead and subcontracted arrangements to be paid for through the co-payment) should be explicit in the agreement. The written agreement must contain any exceptions agreed with us and include the SFA exception letter as an annex.
- 204.8. The right of a HEI provider to recover sums from the employer in the event that the employer is in breach of the funding rules as set out in this document.
- 204.9. At Annex A, a commitment statement for every apprentice covered by the written agreement.
- 204.10. As an annex, any written exceptions agreed with us.

### **The commitment statement between employer, apprentice and HEI provider**

205. All apprentices, their employers and HEI provider must sign and hold a copy of the commitment statement setting out how they will support the successful achievement of the apprenticeship.
206. The commitment statement must be signed by the apprentice, their employer and the lead provider, and all three parties must keep a current signed and dated version on record.
207. Apprentices aged from 16 to 17 until their 18 birthday, must have their commitment statement signed by a parent or legal guardian.
208. The commitment statement must set out the planned content and schedule for training and end-point assessment. It must also set out what is expected and offered by the employer, HEI provider (and any subcontractors) and the apprentice in achieving the apprenticeship.
209. The commitment statement is intended to provide a short summary, typically no longer than two to three pages, and should include the following as a minimum:-
  - 209.1. Details of the standard being followed, including start/end dates for the apprenticeship training, and end-point assessment and key milestones for mandatory or other qualification achievements.
  - 209.2. Details on which elements are eligible for co-funding and necessary to meet the end-point assessment; those which are not eligible for co-payment but will be fully funded by the employer; and those fully funded by the SFA, including English and maths.
  - 209.3. The list of organisations delivering each segment of the training and end-point assessment.
210. Roles and responsibilities for employer, provider and apprentice, and arrangements for how the three parties will work together. This must include contact details and set out the expected commitment from each to ensure the smooth running and day-to-day delivery of the apprenticeship, including for example the following:-
  - 193.1 Apprentice: attendance and study time.
  - 193.2 Employer: commitment to wages and time off to study in the working

day.

193.3 Provider: support and guidance available and how to access it. The process for employer and apprentice to use for resolving any queries or complaints regarding the apprenticeship, including quality. This must include details of the escalation route within the HEI provider's own organisation and the escalation process to the SFA through the Apprenticeship Helpline.

### **The additional employer incentive claim form**

211. HEI providers must provide employers with an employer incentive claim form to enable them to claim any eligible employer incentives. The claim form must contain at least the following:-
- 211.1. Name of the employer making the claim.
  - 211.2. Date the claim is being made.
  - 211.3. Name of the HEI provider.
  - 211.4. Start date of the apprentice(s) being claimed for.
  - 211.5. Name(s) and date(s) of birth of apprentice(s).
  - 211.6. Apprenticeship standard(s).
  - 211.7. Amount of money claimed for each apprentice.
  - 211.8. Type of incentive claimed for each apprentice, for example, the first 16- to 18-year-old incentive payment due at three months (90 days) after the start of the apprenticeship.
  - 211.9. Total amount of incentive payments claimed on the form.
  - 211.10. A signed declaration from the employer that the information provided is correct and they are not claiming money they have previously claimed and/or received.

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## **Documentation for apprenticeship frameworks**

### **The learning agreement**

212. A learning agreement can be a single document or a collection of information brought together to form a single point of reference relating to the learning that is taking place.
213. It may be in paper, electronic or a mixture of formats. It could include enrolment forms, data-capture forms, induction checklists, initial assessments, training plans, confirmation letters to learners, self-declarations, attendance records, copies of certificates, result forms and so on. This collection of documents could also include employment records held by the employer.
214. The learning agreement must show the evidence needed to support the funding claimed and must be available to the SFA if required.
215. You and the learner must confirm that the information in the learning agreement is correct and, therefore, the information you have reported to us in the ILR or HESA return is correct by the minimum qualifying days for funding.
216. The learning agreement must confirm at least the following:

Apprenticeship frameworks

- 216.1. All information reported to us in the ILR or through the HESA return and, if applicable, the supporting evidence of the data reported.
  - 216.2. The assessment of eligibility for funding and a record that you have seen evidence provided by the learner.
  - 216.3. All initial, basic skills and diagnostic assessments. This includes assessments confirming that learners will be ready to move on to an apprenticeship or employment within six months of starting their traineeship, if applicable.
  - 216.4. For recognition of prior learning and entry or exit requirements, information on prior learning that affects the learning or the funding of any of the learning aims or programme.
  - 216.5. For 'personalised learning programmes', for example non-regulated learning, full details of all the aspects of the learning to be carried out.
  - 216.6. A description of how you will deliver the learning and skills and how the learner will achieve.
  - 216.7. The reason why the learner has been given the level of funding that they have, and details of any employer contribution.
  - 216.8. Learning support needs identified through assessment and how these will be met, including evidence of delivery.
  - 216.9. Records of learning.
  - 216.10. All records and evidence of achievement of learning aims or apprenticeship frameworks. This must be available within three months of you reporting it in the ILR or through the HESA return.
217. If a subcontractor delivers any provision to the learner, it must clearly give your name as well as theirs in the learning agreement, and the learner must know this. This must match the information reported to us in the ILR or through the HESA return.
218. The learning agreement for an apprentice must also contain the following:
- 218.1. The apprentice's job role.
  - 218.2. Relevant experience and achievements both inside and outside their current working role.
  - 218.3. The learning and skills they have to carry out while on their apprenticeship outside of named qualifications.
  - 218.4. The name of the employer and the agreed contracted hours of employment, and the total planned length of the apprenticeship.
  - 218.5. Confirmation that an apprenticeship agreement is in place or confirmation that the employer has been told about their legal duty for an apprenticeship agreement.

### **Completion and achievement of an apprenticeship framework**

219. You must have the outcome of all learning aims before you can ask the apprentice to confirm achievement. This includes that the apprentice has achieved all mandatory elements and they have been in learning for at least the minimum duration of the framework.
220. You must apply for the apprenticeship completion certificate from [Apprenticeship Certificates England \(ACE\)](#) within three months of completion of learning.
221. You must pass on all apprenticeship completion certificates to the apprentice.

## Section 6 – What to do when there is a change of circumstances during apprenticeship delivery

222. This section sets out the rules for HEI providers and employers when there is a change which either means that the apprenticeship delivery cannot continue as previously or must stop altogether. This includes changes to the employer, their apprentice or the arrangements between them, or changes to the HEI provider and/or their contracted providers.
223. This section sets out the typical changes in circumstances that may happen during the delivery of an apprenticeship programme and what to do when a change in circumstances that might affect eligibility for funding happens during the delivery of an apprenticeship

### General principles

224. Employers must inform their HEI provider about any change of circumstance that may affect the amount of SFA funding that can be claimed, or an apprentice's ability to complete their apprenticeship successfully. They must do this as soon as they are aware of the change.
225. Typical changes in circumstances that may occur during the delivery of an apprenticeship programme (this list is not exhaustive):-
- 225.1. Employer or employer's circumstances (for example, the employer goes into administration).
  - 225.2. The apprentice's job role or employment status.
  - 225.3. The apprentice's circumstances, leading to a break in learning.
  - 225.4. The apprentice's status (for example, the apprentice leaves their apprenticeship early).
226. Where there is a change of circumstance as set out in these rules, the HEI provider must update the ILR in accordance with the [ILR guides and templates](#) section on GOV.UK.
227. HEI providers reporting through HESA (only relevant for apprentices aged 19+ on a framework) must follow the relevant [HESA guidance](#) on recording a change in circumstance. In addition to updating HESA records, the HEI provider must also report the changes through the additional management information return to the SFA.
228. HEI providers must do this as soon as they are made aware of the change. Depending on the type of apprenticeship, they may need to update the following documentation:-
- 228.1. A new or revised evidence pack (including price and eligibility declaration) or a learning agreement
  - 228.2. Learner file
  - 228.3. Apprenticeship agreement
  - 228.4. Commitment statement

## Breaks in learning

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### Apprenticeship standards

229. If an apprentice on a standard has a break in learning, it may affect the timing of employer incentive payments. For example, if an apprentice starts a break in learning before the small employer incentive is due, this will delay payment until the apprentice resumes their apprenticeship and has reached an overall total of 90 days in learning.
- 

### Apprenticeship frameworks

230. The same issue can also affect frameworks and the AGE payment if an apprentice has a break in the first 13 weeks of their apprenticeship. If this is the case then a claim to receive the AGE payment cannot be made until the apprentice has returned and completed a full 13 weeks in learning.
- 

## Where training or assessment is no longer being delivered

231. Where a change of circumstance means that training and/or assessment is no longer delivered, no further SFA funding contributions or incentive payments should be claimed.
232. Table 4 describes the actions necessary when a particular change of circumstance occurs.
233. Where changes occur that are not included in this document for either apprenticeship standards or frameworks, please seek specific advice from us by emailing the [servicedesk@sfa.bis.gov.uk](mailto:servicedesk@sfa.bis.gov.uk).
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## Apprenticeship standards

234. For standards, the HEI provider and the employer must agree the cost of the training and/or assessment delivered to date. The employer must ensure that they have paid the employer contribution for any training or assessment delivered already.
235. When a change of circumstance occurs, this may result in overpayment of SFA funding, depending on actual delivery and the payment schedule agreed by the employer and HEI provider. The HEI provider is responsible for administering the repayment of funding to us through the ILR. The HEI provider must also make sure that they reimburse the employer for any overpayment of employer contributions.
236. The HEI provider and employer will agree reimbursement for learning paid for but not undertaken, or learning delivered but not yet paid up to the employee's leave date, or the date of their break in learning, as needed.
237. For standards this includes what must happen with regards to government and employer contributions and incentive payments. For apprenticeship standards,

please refer to the [Guidance](#) for details of how to record these changes in circumstance in the ILR.

Apprenticeship frameworks

## Apprenticeship Frameworks

238. For apprenticeship frameworks, refer to the [ILR guidance](#) or [HESA guidance](#) for details of how to record these changes. If you need any further advice, please contact the [servicedesk@sfa.bis.gov.uk](mailto:servicedesk@sfa.bis.gov.uk).

## Redundancy policy for apprenticeship standards

239. Apprentices who are made redundant through no fault of their own up to six months before the planned end date of their apprenticeship do not need to be employed under an apprenticeship agreement.

240. In this circumstance the HEI provider can continue to deliver the apprenticeship and continue to draw down the agreed government contribution, providing that:-

240.1. they can deliver all remaining elements required by the standard successfully and the end-point assessment

240.2. they can fully prepare and support the apprentice through to the end-point assessment

**Table 4: Summary of action following change in employer, apprentice or provider circumstances**

Change	Example reasons	Standards			Frameworks	
		Action	Employer and SFA contributions	Incentive payments	Action	SFA Contributions
1.Apprentice requires a break in their apprenticeship.	Illness, maternity or other personal reason.	Refer to 2016 to 2017 ILR Guidance	Stop until apprentice resumes their apprenticeship.	Stop until apprentice resumes their apprenticeship.	ILR updated in line with <a href="#">2016 to 2017 ILR Guidance</a> . HESA – updated in line with HESA guidance.  Report changes through additional SFA data reporting mechanism.	Stop being earned on date break begins and restarts when apprenticeship resumed.  Co funding from employer for 19+ stops and restarts when apprenticeship resumes.
2. Apprentice is no longer employed by the employer.	Resignation, redundancy or other reason.	Refer to 2016 to 2017 ILR Guidance	Stop and any overpayment of the SFAFA contribution is repaid.  Any overpayment of the employer contribution is repaid to the employer by the HEI provider.	Stop but employer retains any incentive payments already made.	ILR updated in line with <a href="#">2016 to 2017 ILR Guidance</a> . HESA – updated in line with HESA rules.  Report changes through additional SFA data reporting mechanism.	Stop being earned on date employment ceases.  Co-funding from employer for 19+ stops.

<p>3. Apprentice leaves their apprenticeship early but remains with the same employer.</p>	<p>New job role with the same employer, decision to stop the apprenticeship by employer or apprentice, or other reason.</p>	<p>Refer to 2016 to 2017 ILR Guidance</p>	<p>Stop and any overpayment of the SFA contribution is repaid.</p> <p>HEI provider repays any overpayment of the employer contribution to the employer.</p>	<p>Stop but employer retains any incentive payments already made.</p>	<p>ILR updated in line with <a href="#">2016 to 2017 ILR Guidance</a>. HESA – updated in line with HESA rules. Report changes through additional SFA data reporting mechanism.</p>	<p>Stop being earned on date employment ceases.</p> <p>Co-funding from employer for 19+ stops.</p>
<p>4. Apprentice starts a new role with the same employer and requires a different apprenticeship standard or framework.</p>	<p>Internal promotion, restructure or other reason.</p>	<p>Employer confirms that apprentice is in new job role.</p> <p>New price agreed for training and assessment for the new standard, taking into account relevant learning from the first apprenticeship (this may be with the existing HEI provider or a new HEI provider). There must be at least 12 months of</p>	<p>Stop and any overpayment of the SFA contribution is repaid.</p> <p>Any overpayment of the employer contribution is repaid to the employer by the HEI provider. Payments made in line with new payment schedule.</p>	<p>Employer can only receive each incentive payment once for each apprentice If incentive payments have already been made, the employer will only be able to receive any remaining incentive payments, for example, 50% of the 16 to 18</p>	<p>ILR updated in line with <a href="#">2016 to 2017 ILR Guidance</a>. HESA – updated in line with HESA rules. Report changes through additional SFA data reporting mechanism. New requirements for new apprenticeship agreed taking into account relevant learning from the first. New requirements used to calculate the</p>	<p>Stop being earned on date apprenticeship ceases.</p> <p>There must be at least 12 months of learning required to complete the new framework (or the minimum duration set out in the relevant framework if this is greater) unless the learner is 19 in which case the minimum is six months.</p>

		<p>learning required to complete the new standard (or the minimum duration set out in the relevant standard if this is greater). Please also see <a href="#">Funding for apprenticeships supports progression in skills and learning</a> for further information.</p>		<p>incentive payment at 12 months.</p>	<p>amount of funding discount to be applied and employer co-funding amount (if apprentice 19+).</p>	<p>Please also see section <a href="#">Funding for apprenticeships supports progression in skills and learning</a> for further information.</p>
<p>5. Apprentice starts a new job with a different employer and continues their apprenticeship with the same HEI provider.</p>	<p>Apprentice chooses to apply for new job, HEI provider supports apprentice to find a new job following redundancy or other reason.</p>	<p>New price agreed for the remainder of the apprenticeship training and assessment, taking into account relevant learning from first employer. There may be fewer than 12 months of learning required to complete the standard but the total length of learning must meet or exceed the minimum of 12 months (or the</p>	<p>Stop (for the first employer) and any overpayment of the government contribution is repaid. Any overpayment of the employer contribution is repaid to the first employer by the HEI provider. Payments made by new employer in line with new payment schedule and government contributions start again.</p>	<p>Stop for the initial employer but they retain any incentive payments already made. New employer receives any incentive payments that have not already been paid, subject to eligibility.</p>	<p>New funding value agreed for remainder of apprenticeship training – taking account of relevant learning already completed. ILR updated in line with <a href="#">2016 to 2017 ILR Guidance</a>. HESA – updated in line with HESA rules. Report changes through additional SFA data reporting mechanism.</p>	<p>Continues to be earned by the HEI provider <b>but</b> this is earned in line with the new funding value agreed (discount for previous learning undertaken).</p>

		minimum duration set out in the relevant standard if this is greater).				
6. Apprentice starts a new job with a different employer and continues their apprenticeship with a different HEI provider.	Apprentice chooses to apply for a new job, new HEI provider supports apprentice to find a new job following redundancy or other reason.	New price agreed for the remainder of the apprenticeship training and assessment, taking into account relevant learning from first employer. There may be fewer than 12 months of learning required to complete the standard but the total length of learning must meet or exceed the minimum of 12 months (or the minimum duration set out in the relevant standard if this is greater).	Stop (for the first employer) and any overpayment of the SFA contribution is repaid. Any overpayment of the employer contribution is repaid to the employer by the HEI provider. Payments made by new employer in line with the new payment schedule and government contributions start again.	Stop for the initial employer but they retain any incentive payments already made. New employer receives any incentive payments that have not already been paid, subject to eligibility.	New funding value agreed for remainder of apprenticeship training – taking account of relevant learning already completed.  ILR updated in line with <a href="#">2016 to 2017 ILR Guidance</a> . HESA – updated in line with HESA rules. Report changes through additional SFA data reporting mechanism.	Stop for the initial HEI provider. New HEI provider can earn funding <b>but</b> is earned in line with the new funding value agreed (discount for previous learning undertaken).

<p>7. Apprentice starts a new job with a different employer and requires a different apprenticeship framework or standard.</p>	<p>Apprentice chooses to apply for a new job or other reason.</p>	<p>New price agreed for training and assessment for the new standard, taking into account relevant learning from the first apprenticeship (this may be with the existing HEI provider or a new HEI provider). There must be at least 12 months of learning required to complete the new standard (or the minimum duration set out in the relevant standard if this is greater). Also see <a href="#">Funding for apprenticeships supports progression in skills and learning</a> for further information.</p>		<p>Stop for the initial employer but they retain any incentive payments already made. New employer receives any incentive payments that have not already been paid, subject to eligibility.</p>	<p>New funding value applies for the new framework, taking into account relevant learning from the first apprenticeship (this may be with the existing HEI provider or a new HEI provider). There must be at least 12 months of learning required to complete the new framework (or the minimum duration set out in the relevant framework if this is greater) If the apprentice is aged 19+ at the start of the new framework the minimum duration could be 6 months ILR updated in line with <a href="#">2016 to 2017 ILR Guidance</a>. HESA – updated in line with HESA rules. Report changes through additional SFA data reporting mechanism.</p>	<p>Can be earned but if any learning exists then the new funding value will apply.</p>
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<p>8. Employer selects a different HEI provider.</p>	<p>Poor customer service from HEI provider, HEI provider ceases trading, HEI provider no longer wishes to work with employer or other reason.</p>	<p>New price agreed for the remainder of the apprenticeship training and assessment. The new HEI provider may agree to continue with the existing price and payment schedule. There may be fewer than 12 months of learning needed to complete the standard but the total length of learning must meet or exceed the minimum of 12 months (or the minimum duration set out in the relevant standard if this is greater).</p>	<p>Stop and any overpayment of the contribution is repaid. Any over-payment of the employer contribution is repaid to the employer by the original HEI provider. Payments made by employer in line with payment schedule agreed with the new HEI provider, and government contributions start again.</p>	<p>Employer continues to receive any incentive payments subject to eligibility.</p>	<p>New funding value applies for the new framework, taking into account relevant learning from the first apprenticeship (this may be with the existing HEI provider or a new HEI provider). There must be at least 12 months of learning required to complete the new framework (or the minimum duration set out in the relevant framework if this is greater). If the apprentice is aged 19+ at the start of the new framework the minimum duration could be six months if RPL applies. ILR updated in line with <a href="#">2016 to 2017 ILR Guidance</a>. HESA – updated in line with HESA rules. Report changes through additional</p>	<p>Stop for initial provider once learning delivery ceases. Funding can be earned by the new HEI provider but if any learning exists then the new (discounted) funding value will apply.</p>
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					SFA data reporting mechanism.	
9. HEI provider ceases trading.	Liquidation or other reason.	HEI provider informs SFA and employer that they are going to cease trading. HEI provider must, where possible, support the apprentice and employer to identify a new HEI provider.	Stop and any overpayment of the government contribution is repaid. Contribution payments may resume if a new HEI provider is identified. Any overpayment of the employer contribution is repaid to the employer by the HEI provider.	Stop but employer retains any incentive payments already made. Incentive payments may resume if a new HEI provider is identified.	ILR updated in line with <a href="#">2016 to 2017 ILR Guidance</a> . HESA – updated in line with HESA rules. Report changes through additional SFA data reporting mechanism.	Stop being earned on date apprentice learning ceases.

10. Employer ceases trading.	Liquidation or other reason.	Employer informs Agency and HEI provider that they are going to cease trading.	Stop and any overpayment of the government contribution is repaid. Any overpayment of the employer contribution is repaid to the employer by the HEI provider.	Stop but employer retains any incentive payments already made.	ILR updated in line with <a href="#">2016 to 2017 ILR Guidance</a> . HESA – updated in line with HESA rules. Report changes through additional SFA data reporting mechanism.	Stop if new employer cannot be found to take over the apprenticeship unless the apprentice is within six months of the planned end date of their apprenticeship. (Alternative completion condition).
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## Section 7 – Evidence requirements

241. This section sets out the evidence that we will require from both employers and HEI providers. Please see [Section 5](#) for the contents of the evidence pack.

### General principles

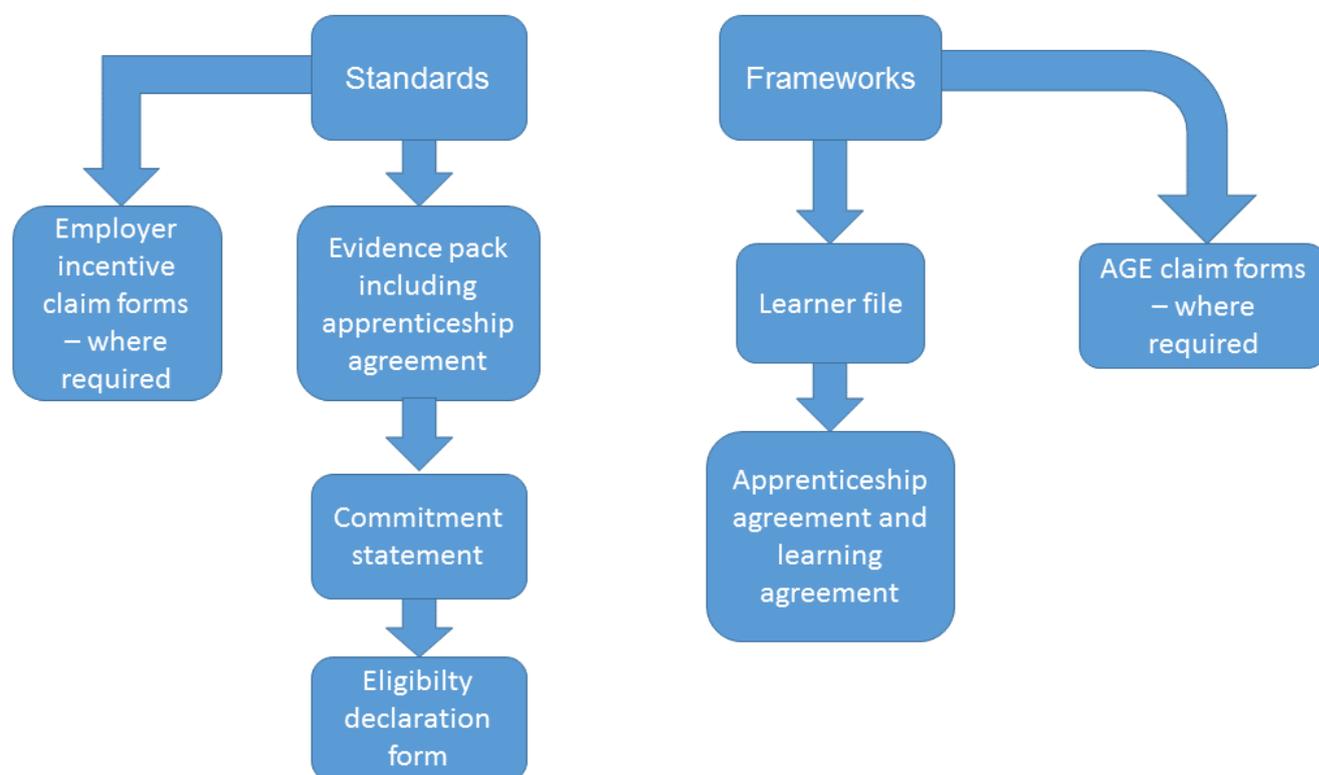
242. The purpose of the evidence is to assure us that funding has been claimed in accordance with the terms of our funding agreement and the funding rules. We will examine evidence to make sure we have that assurance.

243. HEI providers must create evidence as part of a specific business process or as a usual part of their day-to-day working. Using as much naturally-occurring evidence as possible will reduce both unnecessary paperwork and cost.

244. In apprenticeship standards HEI providers should be ready and able to demonstrate the link between the funding claimed and the receipt of funds from the employer for individual apprentices.

245. Diagram 5 below shows the main elements of evidence that must be collected for apprenticeship standards and frameworks. The text that follows the diagram provides the detail for what each element should contain for both.

**Diagram 5: Evidence requirements for frameworks and standards**



## Additional evidence requirements for apprenticeship standards and frameworks

246. For the general principles of evidence requirements please refer to the [Common rules for Skills Funding Agency funding 2016 to 2017](#).

247. As well as the documentation outlined in this section we will require evidence of the following for apprenticeship standards:-

Paragraph/rules	Evidence requirement
<a href="#">92 to 93</a>	The date that an apprentice has started their apprenticeship is the date on which the activity related to the standard has begun. Induction, prior assessment, diagnostic testing or similar activity is not part of the standard and is not treated as the start of training.
<a href="#">Apprenticeship: common funding rules 2016 to 2017</a>	Lead providers must check that the apprentice is employed at the start of the apprenticeship and retain a copy of the written apprenticeship agreement.
<a href="#">Apprenticeship: common funding rules 2016 to 2017</a>	If the working hours of the apprentice vary from week to week, HEI providers must make sure they meet the minimum length of the standard. This includes both increases and reductions in hours where lead providers will extend or reduce the minimum length as necessary. Lead providers must not change the 'Learning planned end date' field of the ILR but this alteration will be reflected in the 'Learning actual end date' field of the ILR.
<a href="#">Apprenticeship: common funding rules 2016 to 2017</a>	Employers must agree with their HEI provider the average hours the apprentice will be 'at work' including paid training time and 'off-the-job' time with the employer, defined usually as a contracted number of hours every week. This must be recorded in the apprenticeship evidence pack and the lead provider and the individual apprentice must have the opportunity to agree to these hours which will include periods of study.
<a href="#">156, 184 to 190</a>	Lead providers must receive and retain employer incentive claim forms.
<a href="#">123 to 124</a>	To claim the employer incentive payments, there must be evidence that the apprentice was still in learning on or after the date each payment is due.

Paragraph/rules	Evidence requirement
<a href="#">164 and 187</a>	The employer and HEI provider must agree a price and payment schedule for the apprenticeship standard and record the details in a written agreement.
<a href="#">183</a>	HEI providers must hold an apprenticeship evidence pack which confirms that the apprentice, their employer and the apprenticeship for which government co-payment has been claimed, are eligible for the value of funding claimed. The apprenticeship evidence pack must include a copy of the signed and dated written agreement between the employer and HEI provider and the commitment statement signed and dated by the apprentice, the employer and the HEI provider.
<a href="#">188</a>	Every apprentice must hold a written commitment statement which sets out the detail for the delivery of their apprenticeship. This document must set out the planned content and schedule for training and end-point assessment. It must also set out what is expected and offered by the employer, HEI provider (and any subcontractors) and the apprentice to achieve the apprenticeship.
<a href="#">188</a>	All eligible training to meet the requirements of the end-point assessment must be set out in the commitment statement and retained with the written agreement between the employer and provider.
<a href="#">101 and 102</a>	If an apprentice starts an apprenticeship in a significantly new job role at the same level, the HEI provider must record this information as part of the commitment statement and retain evidence for eligibility in their apprenticeship evidence pack.
<a href="#">67</a>	For apprenticeship standards, the evidence of completion we need is an apprenticeship completion certificate.
<a href="#">164</a>	The employer and HEI provider must agree a payment schedule that ensures a flow of funding across the duration of the apprenticeship. The payment schedule must be included in the written agreement.
<a href="#">107 and 108</a> <a href="#">Apprenticeship: common funding rules 2016 to 2017</a>	Apprentices with prior qualifications. The HEI provider must record this information as part of the commitment statement and retain evidence for eligibility in their apprenticeship evidence pack.
<a href="#">40 and 41</a>	Evidence of cash contribution payments made by the employer must be retained and recorded for audit purposes, with receipts and invoices of monies received by the HEI provider.

<b>Paragraph/rules</b>	<b>Evidence requirement</b>
<a href="#"><u>122</u></a>	HEI providers and assessment organisations must have a written agreement in place outlining the arrangements for end-point assessment.
<a href="#"><u>140</u></a>	HEI providers must receive confirmation in the form of written evidence from the assessment organisation as proof that the apprentice has successfully achieved their end-point assessment.
<a href="#"><u>191</u></a>	HEI providers must retain evidence of payments they have made to assessment organisations for conducting end-point assessments.
<a href="#"><u>40 and 41</u></a> <a href="#"><u>181</u></a>	HEI providers must keep evidence of employer cash contribution payments made and received for both training and end-point assessment.
<a href="#"><u>216.8</u></a>	Evidence that the learning support claimed through the ILR is backed up by an assessment, that there is a planned programme of support included in the apprenticeship evidence pack, and there is evidence of the planned programme for providing additional support included in the apprenticeship evidence pack.
<a href="#"><u>186</u></a>	HEI providers must keep evidence that employers have claimed eligible employer incentives and that they have passed the full value of incentive payments to the employer within 10 working days of receipt.
<a href="#"><u>40 to 45</u></a>	Evidence of any repayments made by an employer or provider. Suitable evidence could include financial system reports or other payment processing information.
<a href="#"><u>228</u></a>	Evidence of a new or revised written agreement (including price and eligibility declaration) required as a result of a change of circumstances a new learning agreement and apprenticeship agreement may also be required.
<a href="#"><u>203</u></a>	The employer and HEI provider must make sure that the commitment to successful completion of the apprenticeship are set out in writing for the apprentice and that all three parties keep a current signed and dated version of commitment statements on record at all times.
<a href="#"><u>124</u></a>	The HEI provider and employer must agree any subcontracting arrangements, in advance of the start of the apprenticeship. These arrangements must be detailed in the written agreement and each organisation and their role in delivering the apprenticeship set out in the commitment statement.

<b>Paragraph/rules</b>	<b>Evidence requirement</b>
<a href="#"><u>126</u></a>	Second-level contracting. A request to second-level subcontract and copy of approval to second-level subcontract.
<a href="#"><u>127</u></a>	HEI providers subcontracting delivery to employers. By exception, the HEI provider may subcontract with the apprentice's employer for some elements of the apprenticeship delivery. This exception is at the discretion of the Skills Funding Agency and may require further conditions. Agreement in writing is required before the apprenticeship commences. The exception must be included as an annex to, and be referred to, in the written agreement and retained as evidence in the apprenticeship evidence pack.

## **Annex 1**

### **Rules for HEIs working with apprenticeship training agencies**

1. HEI providers may work with SFA-recognised apprenticeship training agencies (ATA) to deliver both apprenticeship frameworks and standards.
2. SFA-recognised ATAs can legally employ apprentices and hire them out to 'host employers' for a fee.
3. Employers may choose to use the services of SFA-recognised ATAs. The ATA will help recruit apprentices, employ them, and make arrangements with an SFA-approved provider such as an HEI provider for the delivery of the apprenticeship on behalf of a 'host employer'.
4. As the ATA is the legal employer of the apprentice they are responsible for the payment of apprentices' wages and any contributions towards the costs of training delivery and end point assessment (for standards) and any employer co-funding (frameworks).
5. The employer will pay the ATA for its services including a management fee.
6. ATA arrangements are particularly helpful for small employers and for employers not in a position to commit to employing an apprentice for the duration of the apprenticeship.
7. Apprentices can have one or more 'host employer' over the duration of their apprenticeship under these arrangements. All apprenticeships must meet minimum duration rules for both frameworks and standards.
8. If an organisation operates as an ATA, they must clearly identify themselves as such. For example, their main business is employing apprentices who are made available to employers for a fee.
9. If an HEI provider receives funding and operates an ATA, you must set this up as a distinct business so that apprentices are contracted employees of the ATA and not you.
10. ATAs must not use funds intended to deliver training to pay apprentices' wages.
11. In the ILR you must report that the apprentice is employed by an ATA. For further details and how to do this, please refer to the [ILR Guidance 2016 to 2017](#).
12. To protect the quality of apprenticeship provision, you must only contract with our recognised ATAs. Please refer to the latest version of the [ATA framework](#).
13. Group Training Associations (GTAs) that offer an ATA service to employers must follow ATA-specific rules.

## **Annex 2 - Direct grant employers using external providers**

1. Direct grant employers may subcontract the delivery of all or part of an apprenticeship standard to an approved external training provider.
2. Direct grant employers must:-
  - 2.1. agree a price with the contracted external provider(s) to deliver the training and with the assessment organisation to deliver the end-point assessment
  - 2.2. pay the one-third employer cash contribution towards the training of apprentices and retain evidence of any payments made to the external provider
3. Direct grant employers can claim the core government contribution for evidenced employer contributions which they have made to the external provider and for additional incentive payments for which they are eligible.

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