

Withdrawn

This publication has been withdrawn.

It is no longer current.

Residential Training College Provider Guidance

Section 5 –Customer Compliance

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Introduction

1. You must read this section in conjunction with DWP Generic Provider Guidance, particularly [Chapter 2 – Delivering DWP Provision](#) and [Chapter 5 Evidencing/Validating Payments](#)

Training Allowances

2. Whilst participating in a Residential Training programme, trainees may have expenses reimbursed so that, in general, they are not disadvantaged by participation and are provided with some positive incentive to undertake training.

3. Trainees in training can receive a variety of payments from different sources. It is essential that trainees are fully aware of entitlements before they start training and visit the Jobcentre to establish their allowance levels. Providers should despatch form SL2JP to the DEA as soon as a start date is agreed. Providers should ensure that trainees have attended the Jobcentre prior to entering training.

4. Trainees in receipt of Incapacity Benefits (IB), Employment and Support Allowance, (ESA) or Income Support (IS) can choose to move onto Job Seekers Allowance (JSA) or remain on IB/ESA/IS. All trainees in receipt of JSA will receive a training allowance equivalent to their JSA plus £10 per week. Jobcentre Plus determines this allowance; therefore any trainee with specific queries about it should be advised to contact their Jobcentre.

5. Providers have an important role in starting and stopping the payment of allowances. To ensure that payment of the allowance starts and finishes at the appropriate time, it is essential that Jobcentre Plus is sent form SL2JP immediately trainees enter or leave training.

Administration

6. Providers should maintain records showing details of payments and recoveries.

7. Form SL2JP notifying both start and finish dates and any notifications received from trainees regarding changes in personal circumstances should be recorded on form AP3 and sent to the DEA/Jobcentre at the earliest possible date.

Income from Employment

8. Other financial support may be given to trainees at the discretion of the Provider. Trainees may also earn income from part-time employment not connected with training.
9. This can be a complex area as the training allowance may be affected. Any situations arising should be discussed with the relevant Jobcentre.
10. Any enquiries from trainees about their level of training allowance and the effect of any particular circumstances should be referred to Jobcentre Plus/DEA.

Trainee Conditions

11. Trainees should wherever possible be subject to the same rules regarding attendance and discipline as employees. Guidance is contained in this section.

Full-Time Participation

12. Training Providers will ensure that trainees participate in a full-time programme. This will normally be between 30-37 hours per week. The distribution of these hours during the course of a training week are for the Provider to determine in agreement with the participant. Trainees must be engaged in activities forming part of the Individual Learning Plan.
13. Trainees receiving practical work experience should attend during the normal hours in force at the employer's establishment. They should not, however, be required to attend for any periods which would normally attract overtime or premium payments for employees, nor should they be required to attend on Sundays or Bank Holidays, unless that is the normal working practice for the employer concerned. The hours of attendance should be agreed before the start of the placement.
14. When attending directed training, trainees are expected to comply with attendance requirements at the establishment.

Part-Time Participation

15. Residential Training was designed to be primarily a programme offering full-time training for unemployed disabled people to equip them to take up full-time work. Where a Provider agrees that full-time training is not possible because of personal circumstances, a trainee can train part-time. However, the planned training should average at least 16 hours per week (excluding meal breaks).

Attendance Records

16. The Provider must keep positive attendance records for trainees from which attendance, authorised absence and unauthorised absence can be extracted. For those trainees on work placement the Provider must ensure that the host employer keeps positive attendance records and submits those records to the Provider as a minimum on monthly basis. The positive attendance recording system is a matter of good practice. However, the overriding principle is that the documentation produced by the attendance recording system must provide valid evidence, particularly for identifying unauthorised absence. See definitions set out below:

Training Weeks

17. A training week represents a unit of time (hours) spent by a trainee in required attendance on the programme or in authorised absence.

Full Attendance

18. Full attendance is achieved where the trainee has attended for the whole of the required period. For example, if the trainee is in attendance throughout the accounting period it will be assumed that they have earned four or five training weeks depending on the number of weeks in the period. A fee will be paid in respect of each trainee who is on the programme for at least some period in a week apart from the trainee's last week when a daily rate shall be paid for each day on which the trainee attends.

Positive Attendance

19. Positive attendance records include both a record of attendance and absence

Holidays

20. Trainees have a holiday entitlement of 1.5 days for each of the first five months of training and 3.5 days for the sixth month, giving an 11 day holiday entitlement in a six month training period. Thereafter, a further 1.5 days may be allowed for each completed month of training, giving a 20 day entitlement in a 52 week training period. In addition, trainees must receive Bank and Public Holidays or time off in lieu. Providers should have a system in place to monitor the trainee's holiday entitlement.

21. All holiday arrangements must be agreed with trainees in advance. Up to 11 days holiday may be anticipated by individual trainees during the training programme.

22. Where Providers have fixed holiday periods, and no alternative training arrangements can be made, trainees must offset the fixed holidays against their training holiday entitlement.
23. Where possible existing holiday arrangements should be honoured.
24. Where the fixed holiday period exceeds the training entitlement, and no alternative training arrangements can be made, trainees may have the full fixed holiday period but no further holidays may be allowed.
25. Trainees should be discouraged from taking holidays during periods of work placement.

Authorised Absence

26. Trainees should be allowed reasonable time off as required for assessment, progress tests or written examinations related to the vocational qualifications they are pursuing, or to other relevant qualifications which are part of the Individual Learning Plan.
27. The absence should where possible, be agreed in advance between the Provider and the trainee. The Provider can authorise absence for the following:
 - time off for interviews for employment or further/higher education;
 - attendance at a court of law (including jury service);
 - compassionate leave, at the discretion of the college; and
 - attendance at Territorial Army (TA) Camp.

Unauthorised Absence

28. Trainees will automatically be assumed to have left training if they have not attended for five consecutive training days and have failed to notify the Provider or employer providing work placement, of the reason for their absence. Their last day of actual attendance will be treated as the date on which they left the programme and this date should be entered on the SL2JP. See [Annex 8](#) and [Annex 9](#) for suggested letters to trainees to inform them of termination in cases of unauthorised absence.

Sickness Absence

29. The procedures to be followed for the notification of and certification for absences due to sickness must be clearly understood by trainees.
30. The requirements are:

- absence for a period of up to seven consecutive days (inclusive of weekends and bank holidays): trainees complete self-certification forms. No medical certificate is required;
- from the eighth consecutive day of sickness: a medical certificate is required; and
- approaching the 21st consecutive day of sickness: trainees should normally be informed that training will be terminated after the 21st consecutive day of absence, unless it is clear that they are likely to be fit to resume within the following week. The normal termination procedure should be followed (e.g. notification to the Jobcentre etc).

31. All absences due to sickness should be kept under review. If it becomes clear that periods of sickness are such that the Individual Learning Plan is unlikely to be completed or that effective training is not being delivered, consideration should be given to adapting or extending the Individual Learning Plan or, in some cases, to terminating training.

32. In all cases, trainees who are terminated from training because of extended sickness should be given the opportunity to return to training. (When a trainee restarts training following a long term sickness, the training Provider must ensure a new SL2JP is obtained from the DEA)

Paternity Leave

33. Trainees will be entitled to 5 days paternity leave following the birth of their child.

Persistent Absenteeism

34. Providers must have a written Code of Practice setting out complaints, disciplinary and grievance procedures. These should normally be based on the procedures already in place for employees. Trainees must be informed of these procedures as part of their induction and have access to the Code of Practice at all times.

35. Where trainees are in a work placement with an employer, the normal procedures in that establishment should apply.

36. The final decision that a trainee must leave training rests with the Provider.

37. Where serious breaches of discipline are involved, e.g. acts of violence or dishonesty, trainees may be expelled from the programme without notice. The performance manager must be informed promptly by telephone about the expulsion and the reasons for it. Jobcentre Plus must also be informed (via SL2JP/letter so that payment of training allowances can be stopped).

38. Where standard local procedures for pursuing grievances or matters of discipline have been exhausted, trainees can ask the Independent Case Examiner (ICE) to consider their complaint.

39. Persistent absenteeism is a disciplinary matter and should be dealt with in accordance with standard disciplinary procedures. If the usual methods of counselling, followed by oral and written warnings have all been explored and found to have had no effect, termination from training may be considered.

40. As training allowances are paid by Jobcentre Plus and must be paid for the whole period of training, no deductions from weekly training allowances can be made for disciplinary reasons.

Bad Timekeeping

41. Recurrent lateness is also a disciplinary matter and should be dealt with in a similar fashion to persistent absenteeism.

Trade Union Membership

42. Trainees may join a Trade Union if they are eligible to do so under its rules, but the decision is entirely a matter for trainees. Providers should not seek to influence the trainee.

43. During their induction to the programme or introduction to a sub-contractor, any trade union agreements which are relevant to the trainee's situation must be fully explained.

44. Trainees who join a trade union should be treated in the same way as all other members of that union, e.g. allowed time off to attend legitimate union meetings.

Special help for disabled people in training

45. Special assistance for disabled people in Residential Training may be available on an individual basis.

46. The aim of special help is to ensure that disabled trainees gain maximum benefit from their training programmes. It is for Providers to determine and provide the support, and/or equipment, necessary to enable trainees to complete their programme. All costs in relation to any additional support which a trainee needs should be met from the Providers overall contract sum. Evidence of the need for and cost of, support should be retained for financial monitoring purposes.

Payment of trainee travel costs - residential trainees

47. Before starting training trainees are paid the cost of their travel to take up training.

48. Providers are responsible for payment of travel costs to trainees in the following circumstances:

- the travel cost of a return journey home every two weeks;
- for periods of approved absence, trainees are entitled to payment for travel to their home and back; and
- returning home at the end of training.

49. Although most Residential Training is delivered on the premises where accommodation is provided, there may, exceptionally, be a need to undertake training elsewhere.

Domestic Emergency

50. In the event of domestic emergency, reimbursement of the cost of the journey home, and special leave, may be granted at the discretion of the Provider.

51. Trainees should produce appropriate medical or other evidence to confirm that their attendance at home is necessary.

Sickness

52. If a doctor advises that a residential trainee is likely to be away from training because of sickness for one to three weeks and that the trainee should return home, Providers should offer reimbursement of travel costs.

Job Interviews

53. Trainees wishing to attend job interviews in their home area can be paid the travel costs of the journey, providing the interview is for permanent work and can be verified.

Medical Appointments

54. Trainees who have medical appointments in their home area, which were arranged before starting training, can be paid the travel costs of the return journey, providing the appointment can be verified by appropriate evidence. Medical appointments during training should, where possible, be arranged to coincide with weekend visits home.