

Additional Flexibilities Q&A – 22nd September 2008

(Recent entries in Blue)

Awarding bodies/accreditation of qualifications

Q: We have recently become accredited training providers for the Trading Standards Institutes' (TSI) Fair Trading Award. The award covers aspects of basic consumer, trading and contract law. It is designed to provide individuals with the essential skills and knowledge for carrying out work in customer focused environments, such as retail and customer services. On successful completion of the course a certificate will issued by TSI.

I feel that such an award would be very beneficial in assisting individuals who are trying to get into employment, or those who are already employed. It provides them with a robust award which demonstrates a level of competence and the skills and knowledge obtained are highly transferable, it will also help to improve confidence.

I would be grateful if you could advise me if it is likely that funding would be available for the delivery of this award, or similar courses which we would prepare and deliver ourselves. If such an option may exist then I would be grateful for advice on the process that we should follow.

A: The LSC policy is that we focus funding on externally accredited and nationally recognised qualifications – by that we mean that provision accredited into the National Qualifications Framework (NQF) or about to be submitted into the emerging Qualification and Credit Framework (QCF). In addition, the priorities for funding provision are focussed on that provision which is supported by the relevant and appropriate Sector Skills Council (SSC) for public funding.

The LSC has a set of funding priorities, set by government – these are laid out in our Annual Statement of Priorities and tied to Government targets (www.lsc.gov.uk/Aboutus/LSCStrategy/AnnualStatementofPriorities). If a qualification is outside the NQF/QCF then we would not normally focus funding on it.

If your award is outside of the above frameworks, our best advice would be to talk to the relevant Sector Skills Council about progressing your award and seeing what advice the SSC can offer.

In addition, there is the QCA employer and provider recognition project where providers potentially could become awarding organisations in their own right <http://www.qca.org.uk/aboutQCA.aspx> .

Confirmation of entry level funding

Q: We just need to double check something with you. We have always understood that each entry level SfL qual would receive full funding in TtG (as it does in learner responsive). That is, for entry level 1 they'll receive £772, and then if they move up to entry level 2 they would again receive £772. We have written the guidance and answered questions based on this assumption but given the constant questioning we just wanted to make sure we hadn't missed any change to this that you may be aware of? Have DIUS mentioned anything different, for example?

A: Taken from paragraph F of flexibilities document

- All 3 subjects at all 5 levels –literacy, numeracy and ESOL (English for Speakers of Other Languages) at all levels (Entry Level 1, Entry Level 2, Entry Level 3, Level 1 and Level 2)
- Both literacy and numeracy needs will be funded
- Those with prior qualifications at NVQ Level 2 (or equivalent) or above will be eligible for funding through Train to Gain where they have an identified Basic Skills need.
- Where a learner is identified as needing progression, non-target bearing Basic Skills qualifications, will be funded [08/08/08]
- Literacy and numeracy are fully funded - entry level will be funded at the same rate as levels 1 and 2

I understand that SfL qualification in TtG is worth 0.18 SLN and therefore would be worth £514, add the Train to Gain weighting, which then brings the answer to £772 – so your assumption is correct.

Contribution to wage costs

Q: Regarding contribution to wage costs – does the contribution apply to Train to Gain eligible Level 3/4 learners in this funding year? Last year Level 3 jumpers were entitled now Level 3 Trials are ended is this contribution widened to include all Level 3?

A: Regulations can be found in the Funding Guidance 2008/09, page 201 Annex M. Further guidance will be issued via the Bulletin in due course.

Q: I have had a query around repeat level 2's and their eligibility to contribution to wage costs. If they have already had their 70 hours then they would not be eligible, but if they have only claimed part of the 70 hours could they then claim the remainder?

A: Employers may only claim CTWC for the first episode of learning, so even if they did not use the entire 70 hours they cannot pursue another claim since the payment (above the achievement of a first Level 2 qualification) is restricted by the State Aid regulations. Payments may only be made in accordance with the current guidance.

Eligibility – Train to Gain

Q: A question around ONAs came up at one of the colleges. Where they are recruiting new starts for Employer Responsive, they will need to be eligible within the TtG criteria. My understanding is that a learner needs to be attached to an ONA for TtG. A considerable number of new learners will come through from the college enrolment days with no direct employer involvement (other than possibly paying the fee) is an ONA required here or just an EDS (employer URN) on the ILR?

A: As per the eligibility rules for Train to Gain, if a learner is engaged by a college or training provider on an enrolment day (e.g. directly with the learner) and there is no direct engagement with the employer of the individual, this person is not eligible for Train to Gain funding.

Q: Query from provider - 'We have been given some conflicting information regarding ULN's. My colleague attended a presentation (not in the West Midlands) where the subject of ULN's was discussed and no reference was made to Employer Responsive funding or TTG. However, the Employer Responsive Provider Support Manual page 16 L45 / A55 states that learners through Employer Responsive funding the use of the ULN is mandatory, are ULNs mandatory and how do Providers get hold of them?

A: Refer to page 151 of the Individualised Learner Record 2008/09 available from the Information Authority which details the process and validation rules.

Q: Query from provider - 'We have been given some conflicting information regarding ULN's. My colleague attended a presentation (not in the West Midlands) where the subject of ULN's was discussed and no reference was made to Employer Responsive funding or TTG. However, the Employer Responsive Provider Support Manual page 16 L45 / A55 states that learners through Employer Responsive funding the use of the ULN is mandatory, are ULNs mandatory and how do Providers get hold of them?

A: Refer to page 151 of the Individualised Learner Record 2008/09 available from the Information Authority which details the process and validation rules.

Q: Are Au Pairs eligible to participate in Train to Gain? I've been asked this question by a Partnership Manager on behalf of a provider. I do not think they are but cannot find anything relating to Au Pairs.

A: As a general rule Au Pairs would not be eligible and the individual training route might well be the best one for them.

However, if they meet both the Train to Gain and the Learner Eligibility guidance AND work for an agency that is using the Train to Gain service, they would be eligible. We would envisage that training providers working with such an agency would wish to be satisfied that learners such as this were in a long-term position.

Q: I need to ask you whether the Train to Gain criteria extends to trainees who are on bursaries? I understand that employees and volunteers may fit the criteria, but our trainees may be different - they are not volunteers as they are getting a bursary, and they are not employees as they are not given a contract but a training agreement.

The trainees will have 2-days in-house training a week (which could include a day set aside for portfolio building), with the remaining 3 days as a work placement in a cafe/gallery. They will therefore be doing 3x7 hour shifts (approx) and so will be doing more than 16 hours a week working, and so will be able to portfolio build.

They will have the work experience (we could say that they have to have been working in the placement for 4-6 weeks prior to starting the NVQ, as a minimum), that should not be a problem. The issue is that they are not employed (they are on a learning agreement as opposed to a contract of employment) - they are closer to volunteers, but receive a training allowance/bursary to allow them to commit to the placement (instead of having to do it part-time whilst working part-time to earn money). This training allowance/bursary will be paid by either Novas Scarman or by other companies and is not government funded.

The training that they will receive, in addition to the NVQ with you (hopefully), they will receive training delivered in-house by our training department/by their team leaders etc. Therefore they will not be on any other government funded training.

A: The learners you refer to are not eligible for Train to Gain funding since they are not directly employed by the organisation, so do not have a contract of employment. They cannot be treated as unpaid volunteers, since they will be in receipt of bursaries/training allowances whilst completing work experience. These circumstances place them outside of the scope of Train to Gain funding, and the flexibilities which have been announced.

FE Colleges/ former EIs

Q: Do the references to FE in the flexibilities document include ACL?

A: Yes.

Funding

Q: Can you confirm if assessment only NVQs can be funded as part of the ER programme?

A: This has always been the case in Train to Gain – the Lower rate funding was designed to encompass this type of delivery and paragraph 529 in the Funding Guidance 2008/09 refers.

Q: Can you also confirm co-funded SLNs for L3 for High Rate and Low Rate funding please.

A: Regarding SLNs refer to page 38, Annex E of the Funding Guidance: Funding Rates (vers 3) from December 2007.

Q: Learning Hours: 15hrs of learning – what learning components can be included in this 15hrs? Does it have to deliver the NVQ underpinning knowledge only or can it be wider ranging: job and employer relevant.

A: This area is fully covered in the Funding Guidance 2008/09 para 529.

Q: Is it correct that 'Evidence of a learner being on programme can simply be the signed tutor/assessor visit report (no need for timesheets).

A: The regulations are set out in para 527 of the Funding Guidance 2008/09 plus a full understanding of the ILR Funding Advice and Audit Guidelines 2008/09 (especially Section 5) would cover this area. Reference should also be made to Section 2 of the Funding Formula guidance 2008/09.

Q: The questions are around the 12 wk rule (LSC Funding Guidance 2008/09 ILR Funding Compliance, Advice and Audit Guidance for Providers – Draft version 1 June 08) (1) Where a learner is going to be off for some weeks should a provider record this (and if so what happens to success rate/planned end date) or should they be terminated from the programme? (2) Where they are terminated from the programme and start again on returning to work; is this a 'new' start with start funding or is there a re-start, picking up on where the original payments left off?

A: The Region and provider should take a view as to whether the learner will return and therefore institute a planned break in learning as per existing procedures. Section 5 of the same guidance provides additional detail for withdrawals. This would be the case for all learners on any funding stream.

Terminating and then re-starting a learner would on any funding stream result in potentially a new start being registered and Regions always refer to their local BSU to amend ILRs where needed to avoid this occurrence.

The Region would need to decide whether a new start payment is justified or not – and the impact on the provider achievement rates.

Q: When does a Train to Gain person become a start is it straight away they are signed up or upon completion of 2 hours of training/assessment (this was the old criteria) but I can't see any reference to it in the new guidance.

A: The 2 hour rule within Train to gain ceased to operate from 1st August 2008. The Funding Guidance 2008/09 does make specific reference to this area in paragraph 513 and 530. Paragraphs 35 onwards in the ILR Funding Advice and Audit Guidelines 2008/09 would also apply.

Q: I've been asked by a number of providers if achievements in 08/09 who started in 7/8 need to undertake 15 or 20 hours of UPK?

A:

1) For all learners in receipt of funding for 2008/09, both new and carry over learners from 2007/08 the definition of high rate is learners receiving a minimum of 15 hours of qualifying support – the 20 hour limit only applies to learners completing 31 July 2008 or earlier.

2) The 2 hour start criteria, applies only to any learners for whom the 50% start payment was made for 2007/08.

3) For low rate learners in 2007/08 that transfer into 2008/09 and for whom providers claim high rate on basis of 15 hours then they are expected to be able to produce good audit evidence of the minimum 15 hours, although these hours can be delivered in any mix between 2007/08 and 2008/09.

FLT and NVQ Level 4 (non jumpers)

Q: Is there any intention/willingness to open up the delivery of FLT and NVQ 4 (non jumpers) to private providers?

A: In line with the recently published [Train to Gain flexibilities document version 3](#), only providers that have historically delivered employer-based NVQ Level 4 provision in 2007/08 will be able to continue to do so in 2008/09 via Train to Gain. This includes new starts in 2008/09. The qualifications must be on the agreed list of eligible qualifications negotiated between the provider and the LSC.

In 2008/09 NVQ Level 1s are only fundable through providers with provision which forms part of the FE NVQ in the workplace transitional arrangements; this mainly applies to colleges. As the FLT is developed and sector compacts agreed, it is anticipated that FLT provision will be available for funding under Train to Gain. This will be open to all providers delivering Train to Gain.

Large employers

Q: Organisations employing more than 5000 people - Were going to be paid at the lower rate for learners regardless of individual need. Has this been changed to now only apply to those organisations already engaged within TTG through NES with position to be reviewed in 09/10.

A: We are still awaiting confirmation from DIUS over this point. As soon as we have confirmation as to what is happening, we will let regions know through a Train to Gain Internal Bulletin.

Skills for Life/ Basic Skills

Q: Can you define what a non target bearing qualification is?

A: Target-bearing Skills for Life qualifications are:

- Literacy or ESOL Level 1
- Numeracy at Entry Level 3

Therefore any other Skills for Life qualifications are not target-bearing.

Q: Is there any movement on progression of learners through S4L qualifications, if not, can FE College providers (including ACL), deliver a progression route using what was FE mainstream (Type A) and TtG?

A: In line with the recently published [Train to Gain flexibilities document version 3](#), where a learner requires progression within SfL the LSC will fund this through Train to Gain. We will fund learners needing progression from Entry Level 1 up to and including Level 2, across all subjects, both on target bearing and non-target bearing qualifications.

Q: Can learners take two target bearing SFL qualifications? i.e. can they take Literacy Level 1 and then progress to Literacy Level 2? If not, is there a timescale in which this rule will be relaxed (can they come back in a year's time and do another target bearing SFL qual?)

A: Progression is permitted as per the Funding Guidance 2008/09 para 522.

Q: Does the right to take a non-target bearing SFL qualification to enable progression to a target bearing SFL qualification exist for a learner in both literacy and numeracy? i.e. can a learner do one non-target bearing literacy qualification and progress to a target bearing literacy qualification and also do a non-target bearing numeracy qualification and then progress to a target bearing numeracy qualification?

A: As per the [guidance](#), we will fund progression from Entry Level 1 to entry level 2 in response to learner needs. Therefore, a learner can undertake as many non-target and target-bearing qualifications as required, both in literacy and numeracy.

Paragraphs 514 through 522 in the Funding Guidance 2008/09 refer to this point and detail the assessment of learner need that must be demonstrated.

Q: Can stand alone SFL qualifications be delivered under Train to Gain under any learner eligibility criteria? (i.e. employer status / volunteers / LEP etc)

A: As long as the learner meets the usual Train to Gain eligibility requirements then stand alone Skills for Life qualifications can be delivered.

This has been available since 1st August 2007 and is re-sated in para 517 of the Funding Guidance 2008/09.

Q: Flexibilities inconsistencies; Page 4 Basic Skills All Levels (Entry, 1, 2, 3, L1 & L2); Page 9 Basic Skills Entry Level 1, 2, 3 but no mention of L1 & L2. Should page 9 also include L1 & L2 as being fully funded?

A: Please refer to version 3, dated 11/08/08 of [Train to Gain Additional Flexibilities 2008/09 – A Guide for Colleges and Training Providers](#).

Q: Is there a 6 hours minimum delivery rule for SFL?

A: No – however colleges and training providers must be mindful of paragraph 527 of the Funding Guidance 2008/09 regarding learner hours.

Q: Are L4 key skills fundable under Train to Gain? They appear to be showing on the LAD as fundable.

A: Certain Level 4 Key Skills are identified on the Learning Aims Database (LAD) – but these are for inclusion within an Apprenticeship Framework (identified as “3” as opposed to “1” in the LAD. So whilst they exist in Employer Responsive funding section of the LAD they have a specific usage which does not include Train to Gain at this stage.

Level 2

Q: City and Guilds have a bricklaying qualification at level 2 but it is not a full level 2. Will we be able to deliver a 1st level 2 to a learner with this award or will it need to be a 2nd level 2.

A: If the qualification is not a full level 2 or subject to a Sector Compact Train to Gain funding is not available. A learner who has no first full Level 2 has always been eligible to undertake a first full Level 2 qualification.

Level 3

Q: What evidence requirements are needed to confirm the 42.5% employer contributions for Level 3 in TtG?

A: The funding rates for 08/09 must apply to all learners either starting in 08/09 or carrying over from 07/08. There is an expectation that the employer will contribute towards training at the rates identified (42.5%), although there is no formal requirement to evidence this contribution. This means that where L3 (pilot) learners from 07/08 transfer to mainstream TtG activity, there is no longer a requirement to evidence the employer contribution.

Q: I have had queries from private providers regarding second or subsequent L3s – As we know 2nd/subsequent L3's will need to be on SSC lists. How will the SSC lists be communicated to ourselves (LSC colleagues) and providers? When will the lists be published? How will we be notified of their publication?

A: For Level 2 second qualifications, the qualifications that will be supported are identified by the Sector Skills Council in a sector compact and/or the Sector Qualification Strategy. The SQS list will be available on 1st September and the list of qualifications identified for funding through the sector compacts will be available as each sector Compact is published.

For subsequent Level 3 qualifications, only those qualifications identified by the Sector Skills Council in a sector compact will be funded. The list of qualifications identified for funding through the sector compacts will be available as each Sector Compact is published.

Q: The new guidance has removed the words stating that additional Level 3 qualifications must be a qualification identified by the Sector Qualification Strategy (Approved list available from 1st September). Does this mean an approved list will not be made available?

A: It means exactly as it says in the guidance – additional Level 3 qualifications will only be available if identified in a sector compact.

Public Sector

Q: Are the Fire service/police/ambulance service considered to be 'front line services' (see enhancement E, page 4 of A Guide for Colleges and Training Providers), and, are they therefore covered under the public sector eligibility?

A: The LSC National Office is still seeking clarity from DIUS on this point. As soon as clarity has been received regarding public sector eligibility, we will share this information with regional colleagues.

Prison Service

Q: Can you clarify the current position of HM Prisons in accessing Train to Gain?

A: There are two answers depending upon the status of the prison:

1. If the prison is a **private** prison: They are eligible for Train to Gain support;
 2. If the **prison** is a public prison: No answer as yet. The LSC National Office is still seeking clarity from DIUS on this point because of them being considered to be part of the public sector. As soon as clarity has been received regarding public sector eligibility, we will share this information with regional colleagues.
-
-

Providers: training of own staff

Q: Is there confirmation yet that providers can train their own staff and receive funding? In the past they could – but what is the situation now in the new funding year?

A: There has been no change to the rule that providers can train their own staff subject to the quality guidelines and audit regulation.

Providers: FE NVQ in the workplace transitional arrangements

Q: Can an Out of Region College deliver second level 2's that they have historically delivered in the West Midlands region. The College is arguing that because of cross regional working arrangements and the fact they have historically delivered 2nd level 2's out of region they should be allowed to continue.

A: We refer you to [version 3 of the guidance, page 10](#) – if the region is satisfied that the college has historical patterns of delivery of 'additional' full Level 2s, then they can continue delivering. The guidance is quite clear – it says nothing about 'in region' or 'out of region' – the decision should be made by the region based upon the historical patterns of provision in that institution.
