

Briefing Note

Electronic Records

Date of issue 9 June 2011

Audience External

Publication intent NOT PROTECTIVELY MARKED

Background and introduction

Guidance Note 7 advised that from 1 August 2011 providers will be able to hold evidence to support funding claims in an electronic format.

The term 'Electronic Records' may be applied to a range of systems and electronic platforms. This can include an archive of scanned documentation (For example. Learning Agreements) and online enrolment and data capture. In the case of the latter, a provider is expected to have in place demonstrable procedures and policies to enable it to confirm learner existence and eligibility, including physical confirmation of existence and evidence in support of eligibility as necessary. In addition to the Funding Requirements, reference must be made to [2011/12 Learner Eligibility and Contribution Rules](#).

The Agency does not require any provider to use wholly electronic records and it may be that a provider decides only to use electronic records for certain types of information or not at all. This is a business decision for each provider. Each provider will need to ensure compliance with current data protection legislation in protecting learner data.

In outlining the Agency's views on the use and acceptance of electronic records, providers are reminded that these are set within the context of the contractual relationship between the Agency and its providers and do not displace obligations to other agencies or regulators. For example, providers delivering European Social Fund (ESF) funded programmes will need to demonstrate compliance with the [relevant co-financing beneficiary guidance and requirements](#).

The European Commission supports the use of electronic records. More information can be found in [the Electronic Signatures Regulations 2002](#) which

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European Social Fund Department (ESFD) use as the basis for now allowing electronic signatures and records.

The funding requirements for 2011/12 are clear that it is the provider's responsibility to meet the minimum requirements for evidence and that these need to be sufficient for audit purposes. The Funding Requirements stipulate that the Agency will not be prescriptive on how providers meet the minimum requirements. These broad principles are also applicable to the use of electronic records.

It is the responsibility of the provider to establish adequate procedures that will ensure the completeness, accuracy and security of data for electronic records. Providers must be able to demonstrate that the procedures are operating satisfactorily, if required to do so by the Agency.

During 2009/10 and 2010/11, the LSC and Skills Funding Agency undertook a [pilot study](#) using Paperless Systems Frameworks and Electronic Records with a view to providing certification for such systems. Following evaluation of the pilot it has been concluded that this approach will not be adopted and the Agency will not provide certification for paperless systems.

In undertaking its assurance work the Agency's Provider Financial Assurance team and appointed auditors follow [testing programmes](#), which are readily accessible through the Agency's website and within the [Provider Data Self-Assessment Toolkit](#). In all cases the auditors will test for compliance with the Funding Requirements, including minimum evidence requirements, and compliance with the Learner Eligibility and Contribution Rules.

The Agency will seek to be pragmatic and reasonable in its acceptance of evidence in support of funding; this will extend to the acceptance of scanned documentation that meets the minimum evidence requirements. The Agency retains the right to challenge electronic records and supporting procedures.

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