

Train to Gain 2010/11 Funding Requirements

Version 2

October 2010

Of interest to employers and training providers

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Changes in Version 2

Listed below are the major changes in version 2 of the 2010/11 Train to Gain Funding Requirements. This includes new or updated sections where the information was not available when version 1 was published. Other changes are based on feedback about previous requirements and guidance that needed further clarification. In addition website addresses, previously published in full, have now been imbedded as hyperlinks within the text.

Change number	Section	Change
1.	6.5.8	Eligibility for funding Maximum number of concurrent qualifications Public Sector eligibility
2.	6.23	New section – State Aid
3.	6.24	Joint Investment Programme
4.	7	Clarification of required procedure
5.	9.0.7	Programme weightings table added
6.	11	Correction – Addition of Cambridgeshire

Section 1 - Executive Summary

1. This document sets out the way in which the Skills Funding Agency (the Agency) will fund Train to Gain within Employer Responsive provision in 2010/11. It builds on previous funding guidance from the Learning and Skills Council (LSC) from which it assumed responsibility in April 2010 for the funding of Employer Responsive provision. Further information can be found on the [Skills Funding Agency](#) website .
2. These requirements change significantly the guidance previously issued in 2008/09 and 2009/10 by the LSC as there have been changes in policy which are being introduced in 2010/11. These changes have been announced in the Skills Investment Strategy 2010-11 and the [Skills Funding Agency Guidance Notes](#). The requirements have however been redesigned to follow the learner journey to aid clarity and ease of use. This has meant that additional material has been included which may have been published separately from the main funding guidance such as audit and compliance guidance.
3. Section 6.0.1 lists the major changes to funding of Train to Gain in 2010/11.
4. In order to aid clarity and in response to feedback from providers the Requirements for Funding Employer Responsive provision has been split into two separate documents covering Apprenticeships and Train to Gain. This does lead to several sections being duplicated where there is commonality between Apprenticeships and Train to Gain, for example section 5 describes the whole of the Employer Responsive model which includes Apprenticeships.
5. Additionally the Funding Requirements has been edited to reduce ambiguity. We have tried wherever possible to remove sections where the guidance stated that providers 'should' or 'could'. In doing so we have also ensured that where it is a mandatory requirement for a provider that it is referred to as 'must'. This change was at the request of both external and internal groups in order to aid clarity.
6. All references to Level 2 and Level 3 qualifications assume that they are designated full qualifications unless otherwise described. Within the QCF a qualification may be designated as 'full' if it is in the Certificate and/or Diploma range at Level 2 and Diploma range at Level 3. Currently, Sector Skills Councils and Sector Bodies (hereafter referred to as SSCs) have identified credit thresholds for competence based qualifications in the QCF at Level 2 and Level 3, aligned in the main with the Certificate and Diploma bands (although some Awards at Level 2 have been designated full). Where the term 'first' is used this indicates that this is where the learner's qualification is at a higher Level than their prior achievement and that those qualifications are designated full. The Agency will also use the description 'firstness' to indicate that this is a higher Level than that achieve previously.

7. For Train to Gain, credit values have to be identified by the SSC as suitable to deliver occupational competence. Occupational competence is expressed in national occupational standards and relates to job-specific functions or roles. Generally speaking, occupational competence is determined by a particular combination of units within qualifications, known as rules of combination. These rules ensure that all the elements required to demonstrate competence in the workplace are included within a qualification. These competency based units have been developed based on the following four key aspects or dimensions of competence:

- knowledge and understanding
- skills
- attitude and behaviours
- reflection.

Section 2 - Introduction

8. All providers that receive Employer Responsive funding from the Agency for their provision are required to comply with these requirements.
9. This document forms part of the Contract/Funding Agreement between the provider and the Chief Executive of Skills Funding in the delivery of Employer Responsive provision. It can only be varied in writing by the Chief Executive of Skills Funding or by those that are authorised to do so. Any amendment to these requirements will explicitly state that it has that authority.
10. To simplify these requirements the single term 'providers' will be used instead of a constant reference to schools, colleges and training organisations. The individual type will only be used where the requirements apply only to that specific type of provider.
11. The Agency uses a convention to indicate financial and funding years. For financial years, April to March, they will be in the format as 2010-11. For funding years, August to July, we use the format 2010/11. The term 'academic' year may be used as interchangeable with 'funding' year in the Employer Responsive Model.

Section 3 - Funding Priorities for 2010/11

12. The Minister of State for Further Education, Skills and Lifelong Learning, John Hayes, wrote to the Chief Executive of the Skills Funding Agency on 17th June 2010 setting out the priorities for 2010/11. These were:
- *Our ambition to create a dynamic economy requires people to learn new skills that enhance their job prospects, enrich their lives, and enliven their communities, where empowered informed learners drive the system;*
 - *Our commitment to continuing investment in colleges and training organisations, recognising the excellence you have achieved and the critical role you play in building our economic future; and*
 - *Our mission to remove unnecessary regulation and bureaucracy, freeing you from the constraints that impact on your ability to respond flexibly to the changing needs of your local economy and local community, and leading to a more responsive system overall, while ensuring rigorous accountability.*
13. In addition the letter went on to say that:
- *Our goals include an increased focus on high quality Apprenticeships to meet employers' and individuals' needs*
 - *on funding a wide range of different routes into further and higher education to help prospective learners get into, and*
 - *reap the benefits of, education and make a successful transition into working life.*
14. The full letter can be accessed on the [BIS website](#)

Section 4 - Principles of Funding Learning

15. The rate given for a single qualification will be based on a variety of factors:
- Activity costing research
 - Information from Sector Skills Councils and Sector Bodies
 - ILR data
 - Other information sources, such as OfQual.
16. For Train to Gain qualifications in 2010/11 the funding rate will be set based on the level of qualification. For the majority of qualifications the rates will be;

Programme	SLN
Level 2 or below	0.429
Level 3 or above	0.644
Skills for Life - Literacy and Numeracy	0.193
Skills for Life - ESOL	0.193

17. All the Agency-funded providers must:
- consider costs of delivering provision and assessment in the workplace (together with any associated glh) as the key driver of costs incurred when determining the level of funding claimed in the Employer Responsive funding model
 - where it is recognised that the cost of delivery to learners is significantly below the funding rate that the provider takes steps, including the use of ILR field A51a, in order to redress the funding claimed. See section 4.0.2
 - ensure that duplication of provision in a learner's programme of study is avoided and, if this occurs because of an overlap in learning aim content, adjust the funding claimed to reflect the degree of overlap
 - discuss with the Agency what funding must be claimed in circumstances where the calculation of funding to be claimed results in a level of funding that is clearly well in excess of the costs incurred
 - not claim Agency funding for any part of any learner's programme of study that duplicates that received from any other source, for example, a different Agency funding stream, Future Jobs Fund (DWP), other Government departments, YPLA, their employer or Higher Education Funding Council for England (HEFCE)
 - prioritise the delivery of QCF provision in the interim period to 31 December 2010 where both NQF and QCF equivalent may be available and begin to switch to QCF provision as soon as the QCF offer becomes available for delivery and confirmed for funding
 - only claim funding for learners assessed as eligible for the Agency funding as stated in these requirements and the companion document [2010/11 Skills Funding Agency/YPLA Learner Eligibility Guidance](#)

- The Agency bases its funding rates on the minimum required to complete the qualification (as set by the Awarding Body). Any additionality, either extra units or activity must be absorbed within the rate paid or is funded by the employer.
18. To ensure that the costs of efficiently delivered provision are reflected in the national SLN values and in national rates, the Agency gathers and reviews the evidence available that relates to such costs. This includes information from the ILR and quantitative research projects.

4.0.1 Prior Learning and Achievement

19. The funding arrangements for learners with prior learning and/or achievement have been reviewed in light of the implementation of the QCF. This will bring together previous guidance on accreditation of prior experience and learning and exemption.
20. The Agency expects to support effective and efficient delivery, which includes maximising opportunities to build on prior learning and/or achievement when agreeing a learner's programme. Note that a reduction in funding will be required where there is a reduced burden to the learner and cost to the provider.
21. Where exemption and credit transfer are used toward the partial or full completion of a qualification the Agency would not expect to fund the relevant proportion of the qualification, as no learning is required. Where a qualification has been partially achieved through exemption or credit transfer a reduction in funding is required.
22. The recognition of prior learning (RPL – formerly referred to as the accreditation of prior experience and learning, APEL) is a method of assessment leading to the award of a qualification, or in the context of the QCF, the award of credit as well. RPL considers whether a learner can demonstrate that they can meet the assessment requirements for a unit or qualification through knowledge, understanding or skills they already possess and do not need to develop through a formal course of learning.
23. RPL provides an alternative route to formal learning programmes for learners to achieve the learning, skills or competences required for the award of a qualification or credit. RPL is an alternative route to recognition and not a shortcut. RPL must therefore be an integrated part of a quality-assured assessment process.
24. The Agency will not fund full certification by RPL. Some structured learning must be required.
25. Literacy and numeracy provision will only be funded where evidence of the learner's skill need has been evidenced by undertaking robust assessment.

4.0.2 Proportioning of Funding using ILR Field A51a

26. In setting rates the Agency uses a wide range of information. This leads to a rate being set for a typical learner. It is recognised that in practice most costs of learning will fall within a range around that rate and in practice these differences will cancel each other out. However, where the costs are significantly different then ILR field A51a must be used to adjust funding

- claimed. This will only come into affect where costs are below the published rate as ILR field A51a can only be used to reduce funding. Where the provider finds that the rate is below the cost of delivery the provider should make representations to the Awarding Body and the Agency so that further research can be conducted to investigate the issue raised.
27. Some learners will start learning aims having already attained some parts of the learning aim, mostly through RPL, exemption or credit transfers. This information would be found during a learner's initial assessment. The funding of these learning aims will need to be proportionally reduced using ILR field A51a.
 28. It must also be used where the learner progresses onto a higher level qualification from a lower level qualification and there is commonality between the two qualifications. This is usually referred to as 'nesting' and occurs where the higher level of qualification has elements which are extensions of competence of the lower level. The Agency may publish specific reductions in funding for certain sectors or qualifications. However, it is the provider's responsibility to ensure that this is taken into account when funds are claimed.
 29. ILR field A51a must be used to reduce the funding for a learning aim that does not require the full level of expected input due to prior learning, exemption or achievement. It is not intended to be used for learners who simply progress through learning aims quicker than other learners.
 30. Where part of a learning aim has been achieved through exemption or credit transfer the proportion of the assessment required for the achievement of the learning aim must be reduced. Funding must only be claimed for the proportion of delivery required for the achievement of the learning aim.
 31. For QCF learning aims, the value used in ILR field A51a must be calculated using the remaining planned credit to achieve the learning aim, then divided by the credit value of the learning aim recorded on the LAD.
 32. ILR field A51a is only used to reduce the amount of funding paid in instalments and does not reduce the achievement element. For example, for funding of a main aim competency qualification to be reduced to 50%, the instalments need to be reduced to 25% as the achievement element is 25%. Therefore a value of 33 will need to be put in ILR field A51a to reduce the instalment funding (75%) to 25%.
 33. Providers should use their professional judgement when calculating the value of funding to be claimed. They must be able to evidence the validity of the calculation in a rational manner. This not only includes new learners but also those learners who transfer from another provider. Providers should ensure that they have appropriate processes and controls in order to evidence any judgement made.

Section 5 - Employer Responsive Model Description

34. The scope of the Employer Responsive model is Apprenticeships and Train to Gain.
35. Apprenticeships include all ages (16-18, 19-24 and 25+) of Apprenticeships, Advanced Apprenticeships and Higher Apprenticeships. This also includes Programme-led apprentices (PLAs) who are non-employed learners following a full Apprenticeship framework, subject to eligibility changes in 2010/11. The Agency will fund providers for Apprenticeship delivery on behalf of the National Apprenticeship Service.
36. Train to Gain includes all provision that is wholly employer based that is not an Apprenticeship, including all Skills for Life, to learners aged 19 years or greater. The range of qualifications that can be delivered under Train to Gain can be found on the [Skills Funding Agency website](#).
37. All employer based delivery must be coded on relevant ILRs as Employer Responsive budget activity and delivered in line with appropriate funding guidance requirements.
38. The 16–18 Apprenticeship provision will have a separate budget within the Employer Responsive model. The provision will be planned and managed by the National Apprenticeship Service and funding will be calculated and paid using the Employer Responsive model.

5.0.1 Funding Principles

39. In the Employer Responsive Model each aim has a listed value.
40. An Apprenticeship is a framework of qualifications as approved by the relevant Issuing Authority. The elements of an Apprenticeship are usually a competency qualification, a knowledge based qualification and a range of Functional/Key Skills. The [Specification of Apprenticeship Standards for England \(SASE\)](#) sets out proposals for delivering high quality Apprenticeship programmes that provide individuals and employers with the skills for future success. <http://www.apprenticeships.org.uk/About-Us/~media/Documents/Publications/SASE-Specification.ashx>
41. The funding values of all qualifications are listed in the [Learning Aims Database](#). The fact that qualifications are listed on the Learning Aims Database does not infer that the Agency will fund them.
42. A proportion of funding is held back and is only paid to providers on achievement by the learner. This value is defined as the achievement element.

43. For Apprenticeships, the achievement element is paid based on achievement of the whole Apprenticeship framework. The achievement element is 25% of the value of the Main Aim. Knowledge based qualifications and Functional/Key Skills do not have an achievement element and are paid in full by monthly instalments. Where an Integrated Qualification, that is a combination of competency and knowledge, is delivered then an achievement element will be applied.
44. In Train to Gain, the achievement element of 25% for each aim is paid as each aim is achieved.
45. All learning, including Skills for Life, must be employer based.
46. An Area Uplift based on the location of learning and skills delivery is added to the value of each aim. The Area Uplift is a percentage uplift and is applied to learning that takes place in London and the South East of England to acknowledge the greater costs of delivery in these areas. It must be based on where the learner is employed for aims delivered in the workplace. It is calculated from the postcode in ILR field A23. Where employment means that the learner location changes due to the nature of work, for example construction, the first location used for structured learning must be used.
47. Disadvantage uplift is applied to all Apprenticeship rates and is based on the learner's home postcode, ILR field L17. It is similar to the Area Uplift in that it adds a percentage to the overall rate. It is only applicable for learners who are following an Apprenticeship framework and not Train to Gain. The special arrangements for security of Ministry of Defence (MoD) learners will continue – that is, the postcode of the base where they are first stationed is treated as the learner's home postcode.
48. A learner who is expected to be in learning for more than 24 weeks, but who leaves without achieving their aim and without having completed six full weeks in learning, counted from the start date, will not be funded. Any funds paid to a provider in respect of these learners will be reclaimed from future payments. If a learner is expected to be in learning for less than 24 full weeks, the qualifying period for payment is two full weeks. Where the expected length of stay is less than two weeks then the qualifying period is one 'episode' of learning.

Learning/ aim planned length	Minimum in learning for funding
Greater or equal to 24 weeks (168 days)	6 weeks (42 days)
2 to 24 weeks (14 to 167 days)	2 weeks (14 days)
Less than 2 weeks (13 days)	1 learning engagement

49. All apprentices who start on their 19th birthday or later will be funded at a co-funded rate and there will be an expected employer contribution towards the costs of their learning. The exception to this is for those learners who qualify for enhanced funding based on specific characteristics.
50. A Train to Gain learner will be fully funded if they are completing Level 1 qualifications, their first Level 2 qualification, first Level 3 qualification if aged 19 to 24 years old or Skills for Life qualification, excluding English for Speakers of Other Languages (ESOL). Other qualifications, such as an additional Level 2 or Level 3, a first Level 3 if aged over 25 years of age or a Level 4 or higher qualification are subject to eligibility and an expected employer contribution.

5.0.2 Payment Principles

51. Payments made to colleges will be made on profile and reconciled against actual delivery at year end.
52. All payments made to non-college providers will be monthly in arrears, and will be based on actual delivery of aims. These payments are the cumulative payments for each aim based on a proportion paid each month that the learner is expected to remain in learning and are based on the actual start date and the expected achievement date as specified in the ILR.

5.0.3 Links between Funding and Quality

53. To drive the elimination of poor-quality provision Minimum Levels of Performance (MLPs) were introduced. These, together with OfSTED inspection assessments, mean that we are fully informed when we reach decisions regarding contracting levels.
54. The [Framework for Excellence](#) has been introduced to help providers strive for excellence. Restrictions may also apply whenever inspection reveals provision to be less than satisfactory.

5.0.4 Additional Learning Support

55. Additional Learning Support (ALS) will be made available to support learning as applicable.
56. The LSC during 2009/10 introduced changes to ALS with the way in which Exceptional Learning Support would be used. The Agency will continue to review the use of ALS in the Employer Responsive Model in order to best serve those learners who need further help.
57. Learners who require Additional Learning Support in excess of £19,000, termed 'exceptional' ALS, will be considered for support on a case-by-case basis.

5.0.5 Age and Eligibility

58. All learners have to be eligible for funding. Details can be found in the [Skills Funding Agency/YPLA Learner Eligibility Guidance 2010/11](#). This guidance details whether an individual is eligible for public funding.
59. Specific eligibility guidance can be found in Section 6.

5.0.6 Audit Implications

60. Linking payment directly to delivery volumes means that audit work will be needed to validate returns made to the Agency. The preferred option, which has been discussed in principle with the National Audit Office, is a risk-based approach. In practice, this means risk-assessing providers and carrying out funding-audit visits to those that are identified as higher risk. Low-risk institutions would receive a light touch, with less frequent audit visits.

5.0.7 Data and Payments

61. An informed judgement relies on the accuracy and timeliness of data. During 2010/11 the Agency will, as part of its contract management process, monitor each provider's data returns. There is significant concern that starts, achievements and leavers are not being reported in a timely manner.
62. In an ideal world, data on learner activity would be sent to the Agency as soon as it happens. However, it is accepted that this does not happen for a number of reasons. Qualifications may not be listed on the LAD, data may be collected from several sources within an organisation or a range of sub-contracting organisations. Quality assurance processes may well come into play in ensuring that data is correct and validated. Processes, internal to an organisation, may slow the data gathering function. However, the Agency expects that providers will control their information management so that data is made available as soon as possible to the Agency. Where circumstances are outside of the provider's control this will also be taken into account.
63. In 2010/11 the Agency has agreed with the Information Authority a Standard by which data will need to be reported. Starts data must be reported within two reporting months and for data on leavers and achievers within three reporting months.

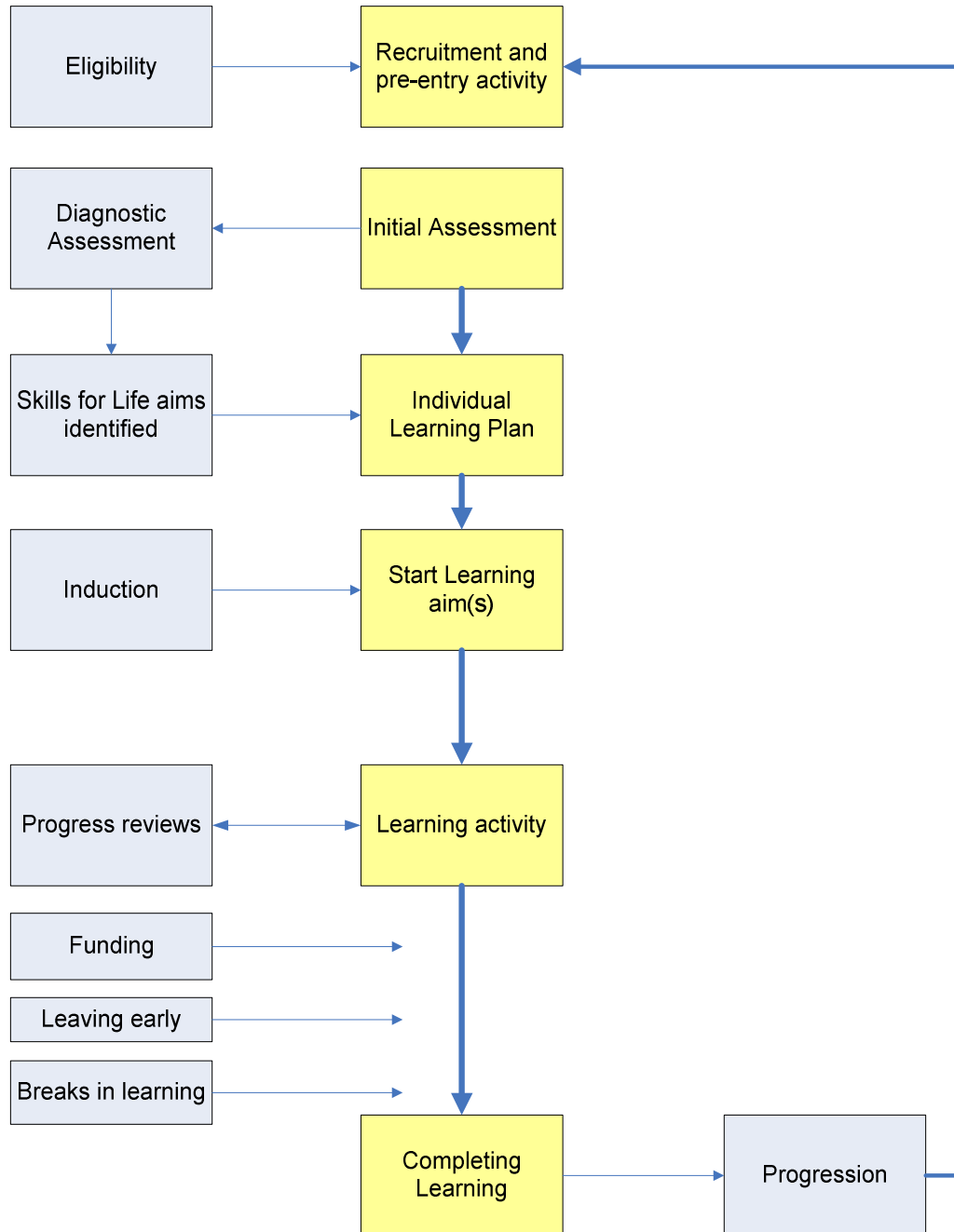
Data	Reported by	Example
Start	Within 2 reporting months*	Learner starts on 5 August 2009. This must be reported in either months 1 or 2 i.e. before the end of September 2009 in the data collection which closes on 4 th working day of October
Achievement	Within 3 reporting months*	Learner Achieves on 15 August 2009. This must be reported in either months 1,2 or 3 i.e. before the end of October 2009 in the data collection which closes on 4 th working day of November
Leavers/withdrawals	Within 3 reporting months*	Learner leaves on 15 August 2009. This must be reported in either months 1, 2 or 3 i.e. before the end of October 2009 in the data collection which closes on 4 th working day of November

*includes the month in which the activity takes place.

It must be noted that these are the maximum times for reporting activity and that the Agency will expect that the majority of activity will be reported within the same reporting month.

64. The Agency will, if significant improvement is not made in respect to data timeliness in 2010/11 compared to 2009/10, investigate measures that could be implemented in 2011/12 so that late data reporting will result in funding not being paid for late reported data.
65. Further information about ILR data and data submissions can be found on the [Information Authority website](#) and the [Data Service Website](#).

Section 6 Train to Gain – The Learner Journey



Section 6 - Train to Gain

6.1 Funding Policy Changes

66. The following changes are highlighted

Change	Section
Break in learning	6.17
Employer contribution	6.9.11
Foundation Learning Curriculum	6.8
Inappropriate Behaviour	6.22
Joint Investment Programme	6.24
Large employer rate	6.9.8
Level 1 qualifications	6.9.3
Level 2 qualifications	6.9.4
Level 3 qualifications	6.9.5
Level 4 and above qualifications	6.9.6
National rates	6.9
Skills for Life qualifications	6.9.2
State Aid	6.23
Temporary Agency workers	6.9.7

6.2 Policy Aims

67. For the 2010/11 funding year the emphasis will be on fully supporting employers to upskill their employees, with employers contributing towards the cost of those staff who wish to gain qualifications to reskill.
68. The Agency intends to focus funding on provision from the QCF from August 2010 and work with key delivery partners (sector organisations and awarding organisations) to ensure a comprehensive QCF from early 2011.
69. From August 2010, the Agency does not intend to fund NQF provision where there is appropriate QCF provision has been confirmed for funding by June 2010 or the appropriate sector organisation has advised us that the NQF qualification no longer meets sector or employer needs. The Agency will also cease funding for NQF qualifications that have historically low enrolments and is not a niche qualification. The Agency will not withdraw funding where a learner has already commenced provision.
70. The Agency will publish lists of NQF qualifications where we are seeking to remove funding for new starts. In January of each year the Agency will publish a list of qualifications where funding for new starts will be removed in advance of the new funding year.

71. The Agency accepts that there may be a need to fund both NQF and QCF qualifications for an interim period. We will expect the vast majority of new starts to be on the QCF qualification as soon as it is available.

6.3 Recruitment Priorities

72. The priority groups identified for access to Train to Gain funding, subject to budget constraints, are individuals who:
- are below Level 2 in Literacy and Numeracy
 - have not achieved their first Level 2 qualification
 - have not achieved their first Level 3 qualification if aged between 19 and 24 years old
 - are progressing from a Local Employment Partnership
 - are progressing from the Response to Redundancy programme.
- All those above are fully funded.

6.4 Age

73. Learners in the Employer Responsive Model are defined as to their actual age at the time of starting their programme of learning.

6.5 Eligibility to Train to Gain Funding

74. Learner eligibility to public funds is covered in detail in the [Skills Funding Agency/YPLA Learner Eligibility Guidance 2010/11](#) document.
75. To access any Train to Gain funding the learner must also be 19 years of age or older and be one of the following:
- Employed, which includes direct employment, hired from an employment business by which they are employed or seconded from another employer
 - Self-employed
 - Working as a volunteer.
76. Providers must be aware that not all employees are currently eligible for Train to Gain (for example, employees of Central Government departments).
77. Where it appears to the Agency that funding has been claimed for any individual who is not engaged in substantive work for an employer then action will be taken, by the Agency, to recover this funding and the Agency will consider this to be a breach of its requirements of funding.

6.5.1 Employed Status

78. For the purposes of Train to Gain 'employed' means that the learner has a contract of employment under which they are obliged to carry out work for the hours specified in the contract and for which they are paid.
79. Unlike Apprenticeships, where there is a minimum hours of employment per week, this is not applicable in Train to Gain. However, as part of the initial

assessment the provider must take into account the working pattern of the individual and ability of that individual to undertake and complete a course of learning in their normal working time. In starting a learner the provider is confirming that they have assessed the learner's working pattern and can fulfil the requirements of the learning aim.

6.5.2 Workers Supplied through Employment Businesses (Temporary Agency Workers)

80. An employment business is defined in the Employment Agencies Act (1973) as *the business of supplying persons, in the employment of the person carrying on the employment business, to act for and under the control of other persons in any capacity*. Although an individual has a contract of employment with an employment business, the Agency would only consider them to be eligible for Train to Gain where they are hired to another organisation to carry out substantive paid work. Individuals would not be eligible where they are hired to an organisation for the main purpose of accessing learning through Train to Gain funding.
81. Where the organisation who hires an agency worker to carry out substantive work is willing and able to let the individual engage in training then this could be done through Train to Gain. This hiring organisation must not be the employment business or a provider. The provider will need to demonstrate that the worker has been hired by the hiring organisation to carry out substantive paid work. The learner, the provider and the hiring organisation must jointly agree the timing, location, content and format of any training activity before it commences. There needs to be sufficient time available for the learner to achieve their qualification, so short working assignments may be unsuitable for Train to Gain-hosted training activity.
82. However, it is recognised that a hiring employer may not always be willing to let agency workers take part as they may not see as their responsibility. Therefore individuals who wish to participate in learning, either basic skills or vocational learning, could do so via learner responsive provision. Neither the employment business nor a provider must manufacture paid work in order for the individual to access Train to Gain.
83. Individuals employed under a contract of employment by an employment business who are not on hire in a substantive placement are ineligible for Train to Gain. This includes those who are registered with an employment business who are not on a substantive working assignment and are therefore defined as unemployed and in receipt of Job Seekers Allowance or other benefits.
84. Employees of an Employment Business that are not 'hired out', that is they are part of the core business such as managers, sales staff and administrators, are eligible as per a normal employee or any business.

6.5.3 Temporary Workers

85. Temporary workers are individuals employed directly by an employer on a fixed-term or rolling contract. They must be given the same access to training afforded to their permanent employees. The overriding factor in

their eligibility to Train to Gain is the ability to complete any learning that they start within the time they are contracted to an employer and that they are released by the employer to undertake training. Providers must ensure that sufficient time is still available in order for any qualification to be achieved.

86. Temporary workers should not be confused with Temporary Agency workers on hire from an Employment Business.

6.5.4 Seconded Workers

87. Providers must be aware that employees on secondment may be ineligible for Train to Gain based on their substantive role from the home organisation of the secondee. For example, certain public sector employees are ineligible for Train to Gain. If an individual from the public sector is seconded to another employer, where the employer is not in the public sector and their employees are eligible, then the seconded individual would still be ineligible due to their substantive role in the public sector. It is the provider's responsibility to ensure that current guidance is adhered to.

6.5.5 Self-employed

88. For the purposes of Train to Gain, a self-employed individual is someone who is registered with HM Revenue and Customs as being self-employed. The training associated with a self-employed learner who is funded through Train to Gain must be occupationally relevant and materially beneficial.
89. Self-employed workers (defined as being an individual responsible for their own tax and national insurance contributions, working independently, or for a company on a self-employed basis) are eligible to participate in Train to Gain. This applies to both self-employed individuals working at/for an employer and self-employed individuals who are not based with an employer.
90. Normal Train to Gain funding and eligibility rules apply to self-employed learners (apart from the requirement to have a contract of employment). Self-employed learners must be required to confirm they are self-employed.
91. Self-employed individuals are ineligible for Train to Gain Contribution to Wage Costs. However, if a self-employed individual employs others (with a contract of employment), their employees may be eligible for Contribution to Wage Costs, subject to the normal eligibility criteria.

6.5.6 Volunteers

92. Although Train to Gain is primarily aimed at employed individuals, it is recognised that there is a community of unpaid volunteers who perform similar tasks to those of an employee.
93. Where these volunteers are identified within a workplace they must be afforded the same access to vocational learning through Train to Gain in the workplace as an employee.
94. For the purposes of Train to Gain, a volunteer:

- Is an individual giving unpaid help as part of a group, club or organisation to benefit others or the environment (but not family members)
 - Has a regular pattern of volunteering over a period of weeks or months
 - Continues with their volunteering activity after they have completed their learning aim, in all but exceptional cases.
95. A volunteer is not:
- An employee
 - In a volunteering role which has been specifically created for the purpose of accessing Train to Gain funding
 - A general helper who has no defined purpose or responsibilities
 - Someone who has been instructed to volunteer by a third party and is compelled to do so.
96. The group, club or organisation will be identifiable in its own right. It can be a formally constituted entity, such as a charity or company, but does not have to be. Informal community based organisations must have at least a statement of function or purpose and a governance structure. Where no formal record exists, such as listings at the Charity Commission or Companies House, then naturally occurring evidence must be used in identifying the group, club or organisation. This could, for example, be a copy of a Statement of Principle signed by the management committee, a copy of a signed Mission Statement or other document of a similar nature. This is not an exhaustive list and other suitable documentation could be used.
97. The learner would also have similar documentation in relation to their purpose and role but this would also be in the form of naturally occurring evidence and could include induction material, formal agreements or role descriptions. A learner may vary their pattern of volunteering in order to best complete their qualifications being followed through Train to Gain.
98. Where a volunteer engages in Train to Gain and follows a vocational qualification it must be related to their volunteering activity.
99. A volunteer must be capable of completing and achieving the qualification being followed within the time constraints spent volunteering.
100. Any learning must take place during the time in which the volunteer usually spends at the organisation. The volunteer must not be required to undertake learning outside of this time unless agreed in advance with the learner. This would be seen as an exception, and reasons and agreement must be recorded as to why this is happening. All learning must take place within the learners 'place of work'. This includes all Skills for Life qualifications.
101. A volunteer learner may be in receipt of state benefits but must not be in receipt of any enhancements due to this volunteering activity. Payment of any enhancements to benefits, for example by Job Centre Plus, would render the learner ineligible for Train to Gain. However, there are other programmes that the Agency funds which may be applicable such as the Employability Skills Programme or European Social Fund programmes.

102. A volunteer is not entitled to Train to Gain Contribution to Wage Costs.
103. There will be employed individuals who take part in volunteering activity. This activity has no relation to their paid employment. For example, someone who works during the day in an office and volunteers to cook in a homeless shelter in the evening and weekends can access qualifications in catering through Train to Gain as a volunteer. A learner who is employed elsewhere but accesses Train to Gain because of their volunteering activity must be defined as 'unemployed' in fields L36, L37 and L47 on the ILR.

6.5.7 Redundancy Support

104. Where an employee is informed of, or may be at risk of redundancy the Agency would wish to ensure appropriate support is offered to enable satisfactory completion of learning aims being undertaken by the individual. Learners who have commenced provision can continue to complete the aims through Train to Gain funding.
105. Where employees are under notice of redundancy provision can still be agreed; however providers must have clear plans on how an individual would be able to complete any agreed learning aims. This may include such options as ensuring all evidence requirements are completed quickly or gaining employer support to complete necessary input and administration. Providers must not enrol learners where it is clear they will be unable to complete an aim.
106. In the current economic climate the Agency would encourage providers to proactively work with employers who are considering making people redundant, so that arrangements can be made for learners to complete their learning programme. Any learning undertaken must be agreed with the current employer, but must focus on the development of transferable skills relevant to the local labour market. The Agency must be notified of any such planned activity.

6.5.8 Programme and Learner Ineligibility

107. Providers are reminded that Wales, Scotland and Northern Ireland all have their own funding arrangements and provision. For learners living in the UK outside England, the Agency has reciprocal arrangements with the funding councils for Wales, Scotland and Northern Ireland that allow learners commuting daily to work in England to access Train to Gain funding. For workplaces in England with significant non-English (that is, Welsh, Scottish or Northern Ireland) residents in their workforce, providers are required to agree eligibility in principle with their Agency team before commencing delivery in that location (this will usually only involve employers/workplaces close to the English border).
108. Residents of the Isle of Man and Channel Islands are always ineligible to access the Agency funding as residents of those islands do not contribute to UK Exchequer funding. English residents who have previously lived in any of the islands can, however, count their island residence towards the normal three-year residence eligibility requirement.

109. As part of an employee's duty they may be required to undertake work assignments outside of England. A learner that starts learning as part of Train to Gain in England and is defined as normally resident in England continues to be eligible for funding whilst not in England. Arrangements must be made so that learning continues. If learning cannot continue then this must be treated as a break in learning or a withdrawal from learning. Where learning starts in England with the intention of making the learner eligible before they go to work outside of England this is deemed by the Agency as outside of funding eligibility and will not be funded.
110. Employees of non-English based companies on work assignments in England where the normal residence of the employee is outside of England are not eligible for Train to Gain. For example, drivers working for a Scottish based company delivering goods in England where the normal residence of the driver is in Scotland would not be eligible. Construction workers on a substantive work assignment in England for a non-English company where the employee is temporary resident at a permanent address in England would be eligible.
111. All provision that is delivered through Train to Gain must be wholly employer based. Any delivery which includes learning delivered away from the workplace can only be funded for adults through the Adult Learner Responsive model.
112. Funding will only be available for a maximum of one vocational or competency qualification and up to two Skills for Life qualifications per learner at any one time. The delivery of more than one vocational or competency qualification must be done consecutively and not concurrently. This includes qualifications that are in either the same sectors or not. Where the learner wishes to progress to another aim, either a higher level or the same level, then the previous aim must have either been achieved or the learner has been withdrawn. Providers must not claim funding for the learner for following two or more concurrent vocational or competency aims. In Skills for Life funding the provider must not claim for Literacy and ESOL for the same learner. Funding cannot be claimed for an Apprenticeship Framework and a Train to Gain vocational or competency qualification at the same time. Providers must ensure that as part of their eligibility checks that the learner is not already engaged in vocational or competency learning through Train to Gain or an Apprenticeship with another provider.
113. Whilst employees in the public sector are eligible for Train to Gain funding, Central Government Departments and their agencies are not. They should be leading by example and investing in the development of their own workforce. Therefore it is considered inappropriate for them to receive Government funding to train and develop their staff. A list of Central Government Departments and their agencies can be found on www.direct.gov.uk. Specific details are provided below for sectors within the public sectors that have been raised as queries.

- **Health Sector** - The NHS is eligible to access Train to Gain provision through the nationally agreed and regionally implemented Joint Investment Framework (JIF).
- **Justice Sector Employers** (Prison, Police, Probation, Courts and Tribunals) - Through the agreement of the Justice Sector Compact employers within the Justice sector, outlined above, are now able to access Train to Gain. The Compact is not intended to reduce the amount of funding employers currently spend on training - it will build extra capacity and enable employers to train more people at every level and access a wider range of provision. Therefore prior to delivering to these sector employers Joint Investment Frameworks must be agreed and in place.
 - **Prison Service** – As part of the Justice Sector Compact HMPS have signed up to a national Joint Investment Framework therefore engagement and delivery can take place in this sector. Matched investment is monitored and tracked at a National level using ILR data.
 - **Police Forces** – Resulting from the Justice Sector Compact Police Forces must only access Train to Gain funded provision where a Joint Investment Framework (JIF) is agreed and in place. JIFs with the Police Forces will be agreed at force level with the Agency. Skills for Justice have a phased plan of engagement with forces and will contact regions when engagement is scheduled to begin. Providers approached by a force wishing to engage must contact the Skills for Justice for further information.
 - **Probation Service** – As part of the Justice Sector Compact the Probation service is currently piloting a JIF approach in a number of regional areas. Skills for Justice will support the negotiation and agreement of JIFs.
- **Local Authorities** – Local Authorities are not listed on the A-Z of central government and therefore normal Train to Gain rules apply.
- **Fire and Rescue** – This sub-sector is not included in the Justice Sector Compact. Fire and Rescue services are not listed on the A-Z of central government and therefore normal Train to Gain rules apply.
- **Civil, Crown and Public Servants** – Under the current policy, Civil, Crown and Public Servants working in Central Government departs or their Agencies are not eligible for Train to Gain funded provision.
- **Armed Forces** - Those serving in front line roles in the Armed Forces are eligible for Train to Gain as part of arrangements currently in force between MoD and the Agency.

6.6 Recruitment and Pre-learning Activity - Information, Advice and Guidance

114. Information, Advice and Guidance (IAG) is at the heart of the Train to Gain offer to ensure learners access the most appropriate learning, remain

engaged in their chosen course of learning and ultimately achieve a relevant qualification.

115. Providers delivering Train to Gain provision must provide an IAG service for learning and skills that is accredited to the matrix quality standard appropriate to the IAG service being offered. While it is envisaged that IAG will be embedded within a learning programme, where a provider has not yet achieved matrix accreditation, IAG in learning can be sub-contracted by the Train to Gain provider to another agency as long as they are matrix accredited. It would be expected that once the Train to Gain provider has achieved matrix accreditation, they would assume responsibility for delivering the IAG element.
116. The matrix Standard is the quality standard that ensures the holders of the accreditation have a consistent approach to IAG for learning and work provided to learners prior to, during and at the end of their learning. It also shows that the organisation supports all individual learner journeys to the same high standard.
117. The Standard ties together all the components of information and advice that are being provided within Train to Gain provision and ensures consistency of delivery. It is a non-prescriptive, outcome-based standard which enables a diverse range of organisations to hold the quality mark.
118. The Standard requires that provider's staff are competent to deliver the IAG service within the role for which they are employed (for example, assessors, tutorial and delivery staff involved in the delivery of Train to Gain) and that they are given sufficient support to deliver the information and advice service that they are providing.
119. Organisations that deliver to the matrix Standard will be well placed to achieve an embedded approach to the delivery of information, advice and/or guidance as part of supporting learners on Train to Gain.
120. The IAG process for employees (learners) falls into three stages:
 - Getting in
 - Getting on
 - Moving on.

6.6.1 Getting In

121. This must be a general information session for individuals interested in participating in training, providing details of learning options available and an opportunity for individuals to ask any questions they may have. This session can be delivered on an individual or group basis.
122. Individuals wishing to participate must have the option of a 'one-to-one' IAG session with a provider. In this session the provider must:
 - look at individuals' training needs, prior learning and identify appropriate learning (including screening for Skills for Life needs)
 - discuss the benefits of learning
 - provide advice on any issues or concerns, for example, course expectations, study skills etc

- inform the employer of the next steps and advise them of the on-going support available.

6.6.2 Getting On

123. Learners must all have the option to access on-going information, advice and guidance. This can be organised on an ad-hoc basis, as and when required.
124. Support can be requested through a variety of sources including e-mail, telephone, websites and text messaging.
125. The on-going support must include general learner support, and help to overcome any barriers to learning which if not addressed could lead to the individual 'dropping out'.

6.6.3 Moving On

126. Encouraging employees to continue in learning and develop their skills further is the function of IAG at the end of a period of learning; for example, the provision of exit information. Therefore, IAG providers must arrange to see each learner to:
 - review their learning experience
 - discuss how this may be of benefit in their current role
 - complete an evaluation of their learning
 - consider other options for continuing learning related to their current and future roles
 - agree with them their next steps.

6.7 Skills for Life (Literacy, Numeracy or ESOL) Eligibility and Qualifications

127. Literacy, language and numeracy skills are essential skills that are required to enable people to engage in society and contribute to the wider economy. Ensuring learners have sufficient literacy, language and numeracy skills is also key to supporting and enabling the achievement of their vocational and other learning programmes. It is therefore essential that any skills needs are identified and provision is put in place to support people to improve these skills.
128. Train to Gain funding through the Employer Responsive model only supports the delivery of adult basic skills provision. Entry Level (E1, E2 and E3), Level 1 and level 2 qualifications will be supported. Support from the learner's employer is crucial in embedded the learning into the working practices of the learner. Therefore, it is a requirement that any learning that takes place is done in the full knowledge and approval of the learner's employer, which must be evidenced.
129. The Table below outlines the Skills for Life and ESOL qualifications that are eligible for funding through Train to Gain.

Eligible Skills for Life and ESOL qualifications

Qualification	Eligible for funding through Train to Gain
Certificate in Adult Literacy (Entry Level, Level 1, Level 2)	√
Certificate in Adult Numeracy (Entry Level, Level 1, Level 2)	√
Certificate in ESOL Skills for Life (Entry Level 1, 2 and 3, Level 1, Level 2)	√
Functional Skills in English (Entry Level, Level 1, Level 2)/Key Skill in Communication (Level 1 and Level 2)	X
Functional Skills in Mathematics (Entry Level, Level 1, Level 2)/Key Skill in Application of Number (Level 1 and Level 2)	X
GCSE Mathematics	X
GCSE English	X

Key: √ = eligible for funding through Train to Gain discrete funding

X = not eligible for funding through Train to Gain discrete funding

130. Where learners, through initial and diagnostic assessment, are identified as having a literacy, English language or numeracy skill need they will be eligible for funding; this now includes those with prior qualifications at Level 2 (or equivalent or above).
131. If a learner's assessment outcome is that they are currently operating at Level 2 literacy or numeracy then they would not have a designated Skills for Life need and must not be enrolled onto Skills for Life provision. If learners come out as operating at and having skills at Level 2, but they still need some support with certain aspects e.g. percentages or report writing then providers must embed this learning in other programmes. Funding must not be claimed for external assessment only; if a learner is assessed at operating at Level 2 but still wishes to undertake a qualification then the provision can be offered to the employer, but at full cost and not funded through Train to Gain.
132. Assessment results may also show that a learner already has a reasonable level of literacy or numeracy skills; for example, they had previously achieved a level 2 but have lost some but not all of their skills and therefore there is not a need for them to take a separate basic skills qualification. Good practice suggests that this support could be provided as part of the level 2 vocational programme and in this case would already be accounted for in the funding rates. It will therefore not be funded separately. Providers must ensure learners are offered and enrolled on the most appropriate provision to meet the learners' needs.

133. The delivery of the Skills for Life learning aim can be delivered as a stand-alone qualification, to support achievement of the full Level 2 vocational qualification, through an embedded approach where a provider combines the development of literacy, language (ESOL) or numeracy with a vocational qualification.
134. All learners accessing Train to Gain funding must be assessed for their Basic Skills needs. Following initial assessment, where a learner needs to improve skills in more than one subject area (for example both literacy and numeracy, or language and numeracy), both learning aims can be funded through Train to Gain discrete funding. Funding must not support both literacy and language (ESOL) learning aims for the same learner as these programmes are designed to meet very similar needs.
135. Wherever possible and in-line with learner's need, learners must be supported to progress and achieve appropriate levels i.e. level 1 in literacy/ESOL and Entry Level 3 numeracy.
136. All Skills for Life qualifications are fully-funded except ESOL which is co-funded.

6.7.1 Skills for Life (Literacy, Numeracy or ESOL) Assessment

137. This section outlines the Skills Funding Agency's expectation for assessment of a learner's literacy, English language and numeracy skills. It is important that learners improve their skills. **They must not simply receive accreditation for prior knowledge.**
138. To enrol a learner onto any programme to improve their literacy, language and numeracy skills all providers must follow good practice in screening, initial and diagnostic practice to determine and evidence the appropriate course/qualification level the learner must be working towards. The outcome of the initial and diagnostic Skills for Life assessment must be recorded on the learner's ILP.
139. Improvement within the Skills for Life Strategy is defined by, and measured as, a learner moving up a level of attainment from, for example, entry 3 to level 1. A learner assessed as already having a majority of skills at, for example, Level 1, has a need for provision at Level 2 in order to achieve measurable improvement.
140. **Providers must, where a learner who having been assessed as already having the majority of skills at one level, not simply enrol them onto that same skills level and provided with a few hours of learning to achieve the qualification (at that level).** They must be enrolled onto the next qualification level which will mean they have to learn new skills and progress from their original assessment. Where this does not happen the Agency will judge that this is ineligible provision and that the funds have not been used for the purpose to which they were intended. **We will require that all funding is returned to the Agency for this ineligible delivery.**
141. The Agency has not set a minimum level of guided learning hours expected for Skills for Life delivery. However, the expected level of learning required to enable learners to improve their skills and move up an attainment level

requires a **substantial** programme of learning to be delivered, and the funding available is sufficient to support this. Short course provision must not simply accredit a learner's existing skills.

142. The majority of learners with literacy, English language and numeracy needs will require a significant amount of learning and teaching time in order to move up a skills level. It is therefore expected that the majority of Skills for Life learners will require longer programmes of study in order to move up a skills level and gain an approved qualification.
143. The assessment process for literacy, English language and numeracy is not separately funded and the completion of an assessment would not constitute a learner starting Train to Gain for funding purposes.

6.7.2 The Assessment Process and Evidence

144. See below

6.7.3 Skills Check

145. Assessment must be part of a learner centred process, where tools can be used to help learners and others identify skills and needs at a particular starting point. At an early stage in the assessment process the learner must be screened for potential literacy, language and numeracy skills through a skills check
146. Skills check is the way of identifying if a learner's literacy, language and numeracy (LLN) skills are already at level 2 and/or if there is a need for a more detailed assessment by an LLN professional (not needed if a learner has referred themselves to LLN provision).
147. The skills check process generally will not establish the learner's level but alert the assessor to some possible literacy/language and numeracy needs. Any learner indicating they have not already achieved at level 2 must be referred on for more detailed assessment.
148. A skills check must be administered by a practitioner who has been trained to deliver skills checks and trained in the use of any particular tool used.

6.7.4 Initial Assessment for Literacy, English Language and Numeracy Needs

149. Initial assessment is a holistic process where providers can start to build up a picture of an individual's achievements, skills, previous learning experiences, goals and learning needs. Importantly an initial assessment should also identify the learner's literacy, language and numeracy skill level using a tool that is based on the literacy and numeracy standards and core curriculum.
150. The outcome of the initial assessment must demonstrate the level at which the individual is currently operating at and to then inform which level they are then enrol onto. The results of the initial assessment and the level the learner is currently operating at must be recorded as evidence on an Individual Learning Plan (ILP) or learner record.

151. The person undertaking the initial assessment will be trying to get a general indication of the learner's background, skills, confidence and goals, and also ensure that the learner is sufficiently comfortable with the situation to be able to engage with the assessment tool with confidence. The initial assessment is often conducted on a 1:1 basis. It is important to remember that for many learners this may be their first encounter for many years with a learning organisation.
152. Initial assessment should include the use of an assessment tool that is based on the literacy and numeracy standards. It must be administered by a practitioner trained in the assessment tool and who is able to understand the whole assessment process; present it to learners in a positive and constructive way; use a variety of approaches appropriate to the individual learner and the context for learning; interpret results appropriately and give professional feedback to learners; recommend learning programmes and be able to refer learners for further expert assessment.
153. The decision as to which learning aim a learner is enrolled onto must be based on the needs of the learner and ensures they learn new skills. It must not be based on what other learners are doing or financial issues i.e. enrolling learners on a literacy programme when ESOL is more appropriate.
154. Funding follows learning; sole accreditation of prior knowledge and simply taking an end assessment will not be funded by the Skills Funding Agency i.e. a learner is assessed, undertakes no learning and takes the national test. This is not appropriate as it does not support any learning.

6.7.5 Skills for Life Assessment Tools

155. The Agency does not endorse any particular skills check (screening), initial or diagnostic assessment tools. However, we expect providers to be using up to date tools which are based on the national literacy and numeracy standards and core curriculum. The Skills for Life core curriculum sets out the teaching and learning required for each level. The newly updated curriculum can be accessed via the [excellence gateway](#)
156. Providers must use initial assessment tools that place a learner's current skills level within the NQF/QCF levels. For example we require robust tools that state if a learner's current skills are at Entry Level 1, Entry Level 2, Entry Level 3, Level 1 or Level 2. Tools that only state a learner is below a certain level, e.g. below Level 1, are less robust and not appropriate.

6.7.6 Diagnostic Assessment

157. The Diagnostic Assessment will identify a learner's strengths and weaknesses and highlight any specific skills gaps. It helps provide a detailed learner profile against the standards and curriculum documents and must be used to inform and structure a learner's ILP to use as a basis for a programme of learning.
158. The results are likely to show a spiky profile of learning needs across the range of detailed areas for literacy, numeracy and ESOL. That is, following a

literacy diagnostic assessment, they may have speaking and listening levels at level 1, but reading at Entry Level 3 and writing at Entry Level 2. The assessor will have to decide the best level on which to enrol this learner based on the results but also consider the learners attitude, confidence and ultimate goal.

159. Diagnostic assessment can take several hours and must be carried out as part of a learner's programme.
160. Diagnostic assessments must be carried out by staff who, in addition to having the skills required to undertake initial assessment, are able to use assessment outcomes to plan individual and group learning; monitor progress and use LLN diagnostic assessment tools creatively and flexibly.

6.7.7 The Learning Journey

161. The learning journey should be a continuum and, following the processes outlined above, providers should also undertake on-going assessment of a learner's progress, provide constructive feedback and analysis of further assessment outcomes. This should continue throughout a learner's course or programme. This is called assessment for learning or formative assessment.
162. The initial and diagnostic assessment documentation and full process must be clearly evidenced for audit purposes. All documentation used as part of the assessment process must be available for inspection by the Skills Funding Agency and Audit as requested. Notes of any skills checks (screening), assessments and conversations, including those which detail where the learner wishes to progress to, must be noted on a learner's ILP. This includes noting the outcome of conversations with the learner that effects what provision they finally enrol onto.
163. Despite an assessor's best efforts a learner may occasionally refuse the offer of improving their literacy, language or numeracy skills. Providers must ensure this offer is noted on the learning plan. However, if this learner continues with the provider, on another qualification, we would expect the provider to keep an open door policy and return to the basic skills needs at a later date, when appropriate. This may be particularly useful if a learner enrolls onto an NVQ qualification and struggles because of their lack of literacy, language or numeracy skills.
164. In addition, if a provider identifies literacy, language or numeracy skills need but for whatever reason, does not offer Skills for Life provision themselves but refers the learner onto another provider, the Skills Funding Agency also expects the provider to note the outcome of the Skills for Life assessment and record the referral on the ILP.

6.7.8 English for Speakers of Other Languages (ESOL)

165. Although ESOL for Work qualifications have been funded through Train to Gain since 2008/09. They are not Skills for Life qualifications.

166. In line with the funding changes for ESOL and with the Government's aim to increase the employer contribution to the cost of learning, employers are expected to make a contribution towards the cost of ESOL Skills for Life and ESOL for Work provision.
167. All ESOL provision in Train to Gain is co-funded.

6.7.9 Skills for Life and Sub-contracting

168. It is the responsibility of the provider to ensure where provision is delivered by a sub-contractor that these requirements are followed. The lead provider will be liable for any funding that is reclaimed by the Agency, even if this cannot be claimed from the sub-contractor.

6.8 Foundation Learning Curriculum (FLC)

169. The Foundation Learning Curriculum is an improved learning offer for adults with low skills and few or no current qualifications. The Foundation Learning Curriculum (FLC) is the generic name used to describe provision at Entry Level (which is seen as being 'bottomless' so accommodating current 'pre-entry' type provision) and level 1, and includes (but is not limited to) the units and qualifications at these levels within the Qualifications and Credit Framework (QCF).
170. Personalised learning programmes will be developed for learners following this curriculum that will support progression to appropriate destinations or other agreed outcomes.
171. The adult Foundation Learning Curriculum offer is centred around personalised learning programmes drawn from the following skills sets:
- personal and social development skills
 - vocational learning
 - functional skills in English and maths (and adult basic skills in literacy, numeracy and ESOL) and ICT
172. It is not mandatory for adults to undertake learning from each of these skills sets, only those areas required by the learner and identified through assessment.
173. The Employer Responsive (ER) budget funds the following Foundation Learning Curriculum:
- Vocational qualifications at level 1 on the QCF recommended by Sector Skills Councils for funding (see 6.9.3)
 - Literacy, numeracy and ESOL Skills for Life provision at Entry Level and level 1.
174. The Employer Responsive funding stream does not fund:
- personal and social development,
 - Formal First Step learning,
 - non-accredited or NQF vocational qualifications

- Functional Skills in English, Maths or ICT at Entry Level and level 1

6.9 Funding

175. The funding of Train to Gain is based on the Employer Responsive Model.
176. Each aim has a listed value, in SLN terms, that is stored in the Learning Aim Database.
177. The National Rate for Train to Gain in 2010/11 per SLN is £2,732.
178. The value of each aim, less an achievement element of 25%, is paid proportionally over the expected time in learning. The achievement element is paid when the aim is achieved.
179. Payments for non college providers are made in arrears in instalments based on the learner still being in learning on the last day of each month. If the learner achieves earlier than planned then any outstanding monthly instalments are made when the learner achieves. Payments for colleges are made on profile and reconciled after the year end.
180. If the learner leaves before achieving then any outstanding monthly instalments are not be paid.
181. For exact details of the funding process see Sections 9 and 10.

6.9.1 Qualifications

182. From April 2010, the Skills Funding Agency is responsible for confirming which qualifications are approved for public funding for post 19 learners in England. Where a qualification is vocational and recognised in the Qualifications and Credit Framework (QCF), the Agency will seek advice from Sector Skills Councils (SSCs), Standard Setting Bodies (SSBs) and Sector Bodies (SBs) and will make recommendations via the Agency's Funding Approval processes
183. The QCF is a new way of recognising achievement through the award of credit for the achievement of units and qualifications. It provides a simple and rational organising framework that presents learner achievement and qualifications in a way that is easy to understand, measure and compare. It gives individuals the opportunity to learn in a more flexible way and enables a wider range of organisations, including employers, to have their training recognised.
184. To facilitate the transition to the QCF, the Skills Funding Agency is working with Sector Skills Councils to identify priority provision in the QCF, which is published first on the [Skills Funding Agency website](#).
185. The Skills Funding Agency is also working with Sector Skills Council to cease funding for new starters on NQF provision where a QCF equivalent is available and is confirmed for funding. Further details about the transition to the QCF and for a list of NQF qualifications no longer available for new starts from August 2010 please see the [Skills Funding Agency website](#).

186. Where available in the interim period to 31 December 2010, providers are expected to deliver QCF qualifications, where both an NQF and QCF equivalent are available.

6.9.2 Skills for Life

187. The programme weighting factor (PWF) will be reduced from 1.4 to 1.2 for all Skills for Life learning aims except numeracy at Entry Level.
188. This reduction of programme weighting factor will be applied to all learners in 2010/11, both new and carry-over from 2009/10.
189. All Skills for Life qualifications are fully-funded with the exception of ESOL, which is co-funded.

6.9.3 Level 1 Qualifications

190. Only qualifications that have been agreed in advance with the provider by the Agency will be eligible for funding. Providers who have previously delivered Level 1 qualifications in 2009/10 can continue to offer them to learners in 2010/11. However, neither the value nor the volume can be greater than that delivered in 2009/10. Providers must manage this within their delivery.
191. All Level 1 qualifications will be fully-funded. ILR field A14 must be recorded as code 28.

6.9.4 Level 2 Qualifications

192. For learners who have not already attained an equivalent Level 2 or higher qualification then their learning will be fully-funded. This is usually referred to as a 'first' Level 2 qualification.
193. For learners on their first Level 2 qualification providers must ensure that the ILR is completed correctly. That is ILR field L35 records the learner prior achievement as below Level 2 codes 09, 07 or 01 and that A14 records the reason for fully funded as the Level 2 entitlement, code 22. Further details can be found in the ILR specification and Provider Support Manual.
194. Additionally learners taking part in a Local Employment Partnership activity, the Response to Redundancy or temporary agency workers will also be fully funded for Level 2 qualification where their prior attainment was Level 2 or higher. These must be recorded on the ILR field A14 as code 28. If any of this group has not attained a Level 2 qualification then they must be treated as 'firsts' under paragraph 192. See below in paragraph 207 for further information on temporary agency worker and fully-funded qualification.
195. All other learners will be co-funded where the qualification is eligible for funding. This is to be known as 'retraining'. A reduction of 50% will be applied to the rate paid to take into account the expect employer contribution. Learners must be recorded in ILR field A14 as code 32.
196. Eligible retraining qualifications under paragraph 195 are published by the [Agency](#).

197. In 2010/11 the funding rules for Level 2 qualification above will also apply to carry-over learners from 2009/10. Therefore, carry-over learners who do not qualify for full funding as described above must have their ILR data amended so that ILR field A14 is code 32.

6.9.5 Level 3 Qualifications

198. Learners who have not already achieved an equivalent Level 3 or higher qualification and are aged between 19 and 24 years of age will be fully-funded. This is usually referred to as the Level 3 Entitlement. The ILR must record these learners as ILR fields L35 codes 09, 07, 01 or 02 and A14 code 24. Providers are reminded that the preferred route for vocational learners aged 19-30 is an Apprenticeship.
199. Learners who have not already achieved an equivalent Level 2 or higher qualification and go straight on to a Level 3 qualification then their learning will be fully-funded. These learners are referred to as Level 3 Jumper. These learners will be funded as if they were a Level 2 entitlement and therefore ILR fields L35 codes 99, 09, 07 or 01 and A14 code 22.
200. Learners who have not already achieved an equivalent Level 3 or higher qualification and are aged over 25 years of age will be co-funded. The ILR must record these learners as ILR fields L35 codes 99, 09, 07, 01 or 02 and A14 code 32.
201. Temporary agency workers will also be fully-funded for a retraining Level 3 qualification. However, there are additional requirements that must be taken into account, see paragraph 207 below.
202. Ex-service personnel under a Ministry of Defence Initiative will also be fully funded for Level 3 qualifications.
203. All other eligible retraining Level 3 qualifications will be co-funded with an expected employer contribution of 50%. A list of [eligible retraining Level 3 qualification](#) is published by the Agency. The ILR must record these learners as ILR field A14 code 32.
204. In 2010/11 the funding rules for Level 3 qualification above will also apply to carry-over learners from 2009/10. Therefore, carry-over learners who do not qualify for full funding as described above must have their ILR data amended so that ILR field A14 is code 32. The Information Authority will issue guidance on how this will be done.

6.9.6 Level 4 and above Qualifications

205. All Level 4 or higher qualifications will be co-funded with an expected employer contribution of 50%. The only exception is if the learner is defined as a 'jumper' undertaking their first qualification above their prior attainment of Level 1 or Level 2 if aged 19-24 years. However, this is very rare and providers must ensure that any funding claimed is backed with sufficient evidence to justify this assertion.
206. Only eligible Level 4 or higher qualifications will be funded. The Agency will agree in advance with providers which qualifications can be offered. Providers who delivered Level 4 qualifications in Train to Gain in 2009/10 can continue to offer the same in 2010/11.

6.9.7 Temporary Agency Workers

207. Temporary Agency Workers will be fully-funded for either a retraining Level 2 or retraining Level 3 qualification. Progression from Level 2 to Level 3 will be funded as per the Level 3 requirement above in section 6.9.5.
208. This flexibility only applies to Temporary Agency workers on hire from an Employment Business and not temporary workers.

6.9.8 Large Employers

209. As announced in the Skills Investment Strategy, from 2010/11 there will be an up front 25% rate reduction for all 19+ Employer Responsive provision delivered to and by large employers, that is, those with 1,000 or more employees. This will be applied to all Train to Gain provision, and will include learners already on these programmes as well as new learners joining. It will include all private and public sector organisations and all provision delivered through the National Employer Service (NES).
210. NES also reserves the right to further negotiate greater reductions in rates (i.e. in excess of 25%) with the employers that they work with.
211. The reduced rate will apply to employers participating in mainstream provision as well as within the Joint Investment Programme for Strategic Skills. It will not apply to programmes for the unemployed, as these rates are agreed separately with the Department for Work and Pensions (DWP).
212. Private sector employer information will be derived from the information they supply to Companies House, which is replicated on the Employer Data Service (EDS) database. This will include all those who directly employ more than 1000 employees; including all parent and subsidiary companies who are defined by Companies House as being part of the same group.
213. The list will be produced in July 2010 and will remain static for the whole of 2010/11. Additional names and workplaces will NOT be added or removed from the list during the year. The list will be updated on an annual basis.
214. Providers will use the unique employer number in ILR field A44 in order to identify the employer. This ILR field is mandatory for all Employer Responsive provision. This will be compared to the list of large employers (including all workplaces) and where applicable a reduction will be applied automatically in the funding calculation. For Temporary Agency Workers the code that is used in ILR field A44 will be the one relating to the employer to which the learner is on hire and not that of the Employment Business.
215. In the case of the public sector we will use the same rationale as for the private sector, i.e. where the organisation has more than 1000 employees they will receive a reduction to the rates paid for training.
216. Currently, information held on public sector organisations and the size of their workforce, is very variable. The Skills Funding Agency has therefore taken a cautious approach to defining public sector employers for 2010/11.

This will include all central government and public sector defence organisations i.e. The Army, Royal Navy and Royal Air Force; as well as all local authorities. Other public sector organisations will be identified by desk research from information already held in EDS. Inclusion in this large employer list does not confirm eligibility for funding and providers must refer to existing eligibility guidance.

217. Charities, schools, colleges and universities will be excluded from the reduction in funding.
218. As the large employer rate is being applied to all MOD provision in 2010/11 it will mean that the Gap Analysis reduction applied to rates in 2009/10 through identifying MOD provision in ILR field A02 will be discontinued in 2010/11. Additionally in order to simplify the arrangements with the MOD the following Employer Reference Numbers (ERN) must be used for all MOD provision regardless of locations or whether through a direct contact or delivered to the MOD by a college or training organisation in 2010/11. This includes both new starts in 2010/11 and carry over learners from 2009/10. Provider must ensure that ILR data is changed in 2010/11 to reflect this.

MOD Service	ERN
Army	154231517
Royal Navy	900523387
Royal Air Force	155146343

219. A full list of all ERNs identified as large employers will be published on the [Data Service website](#). It is not possible due to commercial reason to publish the names of organisations.
220. The Data Service has published frequently asked questions on the Large Employer rate.

6.9.9 Firstness

221. Full funding for some qualifications is based on the learner's prior achievement. For the majority of Train to Gain this is whether or not the learner has already achieved a qualification at Level 2 (or equivalent) or Level 3 (or equivalent) if aged under 25 years old. This includes qualifications not obtained in the UK.
222. Providers must verify the prior achievement of the learner, not just so that ILR field L35 can be filled in but also that the correct code can be put in ILR field A14, so claiming the correct funding.
223. It is the provider's responsibility to identify a learner's prior achievement. It is acknowledged that this is difficult to do unless the learner has previously been engaged in learning with that provider. Therefore it is expected that the provider will get a signed declaration from the learner confirming their prior achievement level of qualification.

6.9.10 Additional Learning Support

224. Additional Learning Support is available in Train to Gain in the same way that it is in Apprenticeship funding. However, there is a significant difference between Apprenticeships and Train to Gain in that Skills for Life qualifications are funded. Therefore, additional funding is not required to support literacy and numeracy. Additionally, it has been decided that Additional Social Needs will not apply in Train to Gain.
225. Additional Learning Needs funding will be made available to support learners who need support that does not include basic skills subject to budget constraints. This could, for example, include dyslexia and dyscalculia where a learner vocational learning requires additional support over and above that already being given.
226. Where appropriate, Exceptional Learning Support will also be available to support Train to Gain learner for learning needs.
227. The rate for Additional Learning Needs (ALN) will be £126 per month.

6.9.11 Expected Employer Contribution (Co-funding)

228. The expected employer contribution will be 50% for all 19-24 and 25+ Train to Gain.
229. In respect of volunteers the organisation that the volunteer works for is responsible for the employer contribution. The volunteer cannot be charged or contribute towards the cost of learning. Providers must note that the fee remission categories in Adult Learner Responsive provision do not apply within Train to Gain. For example a volunteer on a means tested benefit who would get fee remission in Adult Learner Responsive provision would not automatically get it in Train to Gain as this would depend on, for example, the level of qualification, prior attainment and age.

6.9.12 Transitional Funding Arrangements 2008/09 and 2009/10

230. During 2008/09 and 2009/10 transitional arrangements were in place to take into account the introduction of Demand-led Funding in 2008/09. These arrangements will cease at the end of 2009/10 and will not be available in 2010/11. Any funding relating to 2009/10 must be claimed in 2009/10 on the TPS relating to correct month. The Agency will not, under any circumstances, fund any claim relating to 2010/11.

6.10 Initial Assessment

231. All learners must be assessed before entry to Train to Gain. Providers must ensure that the information gained as a result of the assessment appropriately identifies the needs of the learner. The results of the

assessment must include details of previous competence and must be recorded and used to inform the content of the Individual Learning Plan (ILP).

232. The purpose of initial assessment is to ascertain the learner's suitability for the programmes and their exact starting point and development needs. Therefore, initial assessment must help shape the programme going forward and inform the ILP. Initial assessment must therefore determine, as a minimum:
- the objectives of the learner and of the programme
 - the learner's current abilities, attitudes and aptitudes
 - support and development needs
 - the most appropriate teaching and learning styles and methodologies
 - set a realist expected end date for the aims
233. A requirement of the initial Assessment is that a separate assessment for any literacy (including English language) and numeracy skill needs must be undertaken by all prospective learners.
234. In setting an expected end date for each aim the provider must use their professional judgement based on the evidence that they have. It must take into account the learners assessment, historical delivery patterns and also the nature of the provider's delivery.
235. Where there is evidence of systematic abuse for planned end dates so that funding is claimed disproportionately to the actual time in learning for learner who do not achieve their learning aims then the Agency will require the provider to repay all funds associated with the learning identified.
236. A summary of the findings of the assessment and how this will affect the programme are to be carried over onto the ILP. The provider is to pay due regard to the good practice identified in *Initial Assessment of Learning and Support Needs and Planning to Meet Needs* (DfES, 2001) and to implement this good practice as appropriate. .

6.11 Individual Learning Plans

237. An Individual Learning Plan (ILP) must be produced for each learner. The ILP must not duplicate information recorded elsewhere. It must contain the details of what will be delivered; how it will be delivered (for example, by group work, workbook and so on); and the way it will be delivered in the light of the learner's learning styles and abilities. It must reflect the outcomes of both the Basic Skills assessment and the initial assessment. Learner feedback indicates that learners often do not know what they will be doing, when or how. This uncertainty contributes to early drop-out. The ILP must

be the document that records these details. It must contain the learning objectives of the programme that learners are following, and state how these will be achieved. The learner must be given a copy of the ILP at the start of learning. The learner must sign the ILP. It is also good practice that the employer or a representative of the employer also signs the ILP thus ensuring that the employer is aware of the nature of the learning proposed.

238. The ILP must take account of:

- The qualifications that the learner intends to follow,
- the learner's literacy, English language and numeracy skill needs.

239. The format and content of the ILP is at the discretion of the provider.

However, an ILP must include as a minimum:

- skills, knowledge and competences required and the timescale over which the learner will have achieved this;
- training the learner is to receive, where it is delivered and how it is scheduled, who is delivering it and what support is being provided;
- methods that will be used to deliver training (including on- and off-the-job training);
- how on- and off-the-job training will be co-ordinated;
- the learner's assessment (including the results of literacy/English language and numeracy initial and diagnostic assessment) and review arrangements.

240. The ILP must be reviewed as part of the formal learner reviews, although it is acknowledged that changes would not be required at each review. To reflect the growing capability of the learner and where changes are made, these must be agreed with the learner and, where appropriate, the employer. The learner must sign their agreement to the changes on the reviewed ILP

241. Providers must deliver the learning as described in the ILP. Delivery and assessment must be in-line with the appropriate awarding body requirements.

6.12 Induction to Learning

242. As Train to Gain is principally delivered in the workplace, providers must ensure that as part of their comprehensive induction all learners receive information about the following:

- programme content, delivery and assessment arrangements including contact details of the provider
- equality and diversity
- health and safety
- disciplinary, appeal and grievance procedures
- terms and conditions of learning.

243. The induction must be documented and evidence of delivery must be kept. Provider must use risk assessment procedures when planning and carrying out induction.
244. Induction on its own is not considered to be part of learning activity and therefore completion is not deemed to be evidence that the learner has started.

6.13 Starting Learning

245. Once learners have started learning, providers must submit data to the Agency using the ILR format within the standard set for data returns. This information must be updated, where applicable, throughout the learner's programme and on leaving learning, in accordance with the Employer Responsive Provider Support Manual.
246. For funding purposes a 'start' is defined as a structured learning activity that leads to the qualification being followed. Assessment, induction and writing of Individual Learning Plans are, in this context, not seen as learning.

6.13.1 Health and Safety

247. For details on Health and Safety providers should refer to their Funding Agreement or Contract.

6.14 Learning Activity

248. Providers must deliver learning and assessment that comprises all the elements of qualification as set out by the awarding body.
249. The Agency will not fund assessment only.

6.15 Workbooks and Distance Learning

250. Use of workbooks and distance learning in the Employer Responsive model, both for Apprentices and Train to Gain learners, needs to:
- exhibit value for money in usage of public funds,
 - be utilised in a manner that best supports a learner in both achieving the qualification and gaining useful skills in a vocational context.
251. The use of distance learning and work books is dependent on how the learner uses the technique. The Agency would expect that:
- the learners undertaking distance learning or workbooks generally do so in their normal working hours
 - the distance learning or workbook would contain elements of underpinning knowledge and understanding
 - the distance learning or workbook would be primarily aimed at vocational learning, not devoted to issues only supplementary to the qualification, such as health and safety

- the distance learning or workbook would show signs that it has been assessed and reviewed by a suitably competent and qualified assessor or tutor – not just completed by the learner on their own time with no outcome or testing that the knowledge gained has been put to use, assessed or checked
 - the provider is able to demonstrate that the approach has been dependant on the vocational context, as learning just from a book without demonstrating competence would not be considered structured learning
 - the distance learning or workbook would involve exercises and contact with others to demonstrate research, analysis or application of knowledge
 - a record is made of the decision to use such material or provision on the individual learning plan
 - the learner and their employer are clear why this method is being used by the provider to deliver the learning outcome,
 - any material used is adapted to individual learners' needs based on the initial assessment.
252. The use of distance learning and workbooks does not remove the need for providers to identify where Recognition of Prior Learning (RPL) applies, and therefore where an adjustment to the rate of funding by using ILR field A51a must be made.
253. The use of A51a where there is significant differences in costs of delivery and funding must also be considered. Providers must note that in calculating the costs of delivery that development and infrastructure costs of any type of distance, e-learning or workbooks must be excluded as these are seen as part of overall business costs and not aim specific.
254. The Agency recognises that through innovation and using new technology that delivery methods in vocational learning will change and adapt to employers and learners needs. However, these developments must not be detrimental to the quality of provision and learner experience. It is providers' responsibility to ensure that any materials used have been agreed with the appropriate awarding body for use in collecting evidence of competency.

6.16 Progress Reviews

255. Regular reviews are an important part of the learning process. Learners must be reviewed at least every 12 weeks. For learners where the duration of training is short the provider must take this into account when planning reviews, as the 12 week cycle of review may not be appropriate.
256. Reviews must be recorded and documents signed by at least the learner and the reviewer. However, it is good practice that the reviews are also countersigned by a representative of the employer, such as a manager or supervisor with responsibility for the learner. The Review must:
- identify progress made to date and between reviews
 - reflect on progress towards the learning goals
 - review changes to the ILP
 - set realistic but challenging and measurable targets to be achieved before the next review.

257. A review is not part of the assessment process but may take place during the same visit. A record of assessment is not the evidence of review.
258. The frequency of reviews must be adjusted to reflect the risks of the learner leaving early or not achieving.
259. Occasionally the learner will make no progress from one review to another, which may be due to something outside of their control, such as changes in working patterns. The provider must rearrange the review for another date when the learner has progressed. The next review must be appropriate to the learner but within the rules set out above. If this continues where the learner is not engaged in structured learning then funding can only be claimed up to the last date of evidenced structured learning. If agreement is reached between the learner, the employer and the provider that this is a temporary situation then the learner can be put on an agreed break in learning where funding is suspended pending the learner returning to structured learning.

6.17 Breaks in Learning

260. It is not always possible for a learner to complete their learning in a single attempt. Circumstance will cause a learner to break their learning but they still have the full intention of continuing and completing their learning. For example, a break may be required due to pregnancy, an accident or illness requiring prolonged time off work or an extended break from work. There may also be temporary reasons due to the employer such as short time working or due to pressure of work where the learner may not be able to participate at present but the employer has an intention that learning will resume.
261. Providers must follow the guidance set out in the ILR Specification and Provider Support Manual in order to suspend funding when the learner takes a break in learning and how the ILR must be completed when the learner returns.
262. Providers must take particular care in filling in ILR field A51a to take into account the prior learning that has been funded before the learner took a break. Providers must compare the cash value received against the expected funding that would have been received excluding the achievement element. For example, a qualification valued at £1200 would be paid £900 in instalment payments and £300 on achievement. If the funding received for the learner when they went on a break in learning was £600 then they would have received 67% of the funding. Therefore in field A51a when the learner returns the provider must enter the value 33 to ensure that only the remaining 33% of the monthly instalments are paid. This is because A51a only affects only the instalment payments and not the achievement payment.

6.17.1 Statement of Fitness for Work (Fit Note)

263. From 6 April 2010 the Medical Statement (sick note) is changing to become a Statement of Fitness for Work (fit note).
264. To help more people get the support they need to get back to work the new fit note system will mean that doctors can advise that there will be an employee is either:
- unfit for work; or
 - may be fit for work.
265. A doctor will give a 'may be fit for work' Statement if they think that their patient's health condition may allow them to work if they get suitable support from their employer. If an employee is unfit for work the doctor will advise this, just like with the sick note.
266. The changes are not about trying to get people back to work before they are ready, but about removing the challenges to them returning.
267. This may mean that a learner may return to their employer but in a different role or a phased return resulting in less hours being worked. This may present an issue in returning to learning.
268. Providers must continue to treat this as a break in learning if the learner is unable to resume learning. They must work with the learner and their employer in agreeing the best route to return to learning. This may involve a change to scheduling of aims, a different method of assessment or a delay in returning to learning.

6.18 Leaving Early

269. Providers must have a reliable system for identifying those at risk of leaving early. If, despite the provider's best efforts, learners are no longer making satisfactory progress against their ILP, they must be offered alternative opportunities to pursue their original or revised learning objectives – either with the same provider or with another the Agency-funded provider. A learner must be considered to have withdrawn from a programme when they:
- are known to have made a decision to withdraw from the programme
 - have exceeded the provider absence and withdrawal policy or have been dismissed by the provider
 - cannot be contacted for a period of four weeks.
270. The learner must be treated as withdrawn for whichever of the above occurs first. On leaving, the learner must receive written notice of termination. Portfolios, coursework, the ILP and all certificates are the property of the learner and must be returned to the learner. They may not be withheld for any reason, other than for assessment or verification by the provider,

without the learner's permission. Learners must be withdrawn on the last evidenced date of continued structured learning. Failure to make records available to leavers may result in recovery of funds paid by the Agency for the learning concerned.

271. The provider must formally confirm that the learner has been terminated from their learning aims. This could either be in an exit interview or where the provider writes to the learner at the last known address to inform them of this. The way in which this is done must be recorded and filed in the learner records.

6.19 Progression

272. Where a learner is identified as needing progression within the Skills for Life qualifications, this will be funded.
273. A learner may on completion of a qualification progress on to a higher level of qualification or another occupational relevant qualification. The eligibility of the learner and the rate paid is based on when they start the new qualification and not when they started their original qualification.

6.20 Audit

274. In all circumstances, the provider must retain original documents, including, for example, attendance records, enrolment records and learning agreements. Under no circumstances must these be retained by sub-contractor or at sub-contractors' premises once learning has finished. It is normally expected that the provider itself will be registered with the awarding body for the qualification being studied and learners must be registered with the awarding body in order to be eligible for Agency funding. In considering how long these documents must be retained, all providers are reminded that documentation that underpins funding claims or returns needs to be treated in the same way as financial and legal records. Methods and decisions relating to retention must be consistent with the provider's usual rules and methods for financial record retention.
275. Provider must give access to Agency, government or other authorised auditors to inspect files and documents. Failure to do so will result in funding being withdrawn.

6.21 Contribution to Wage Costs

276. Employers with fewer than 50 full-time equivalent (FTE) employees may be eligible for a contribution to wage costs incurred when releasing eligible employees for training with their provider during normal working hours. FTE workers are defined as having a minimum of 35 standard contracted hours of work per week. Anyone who works full-time in a business during the working year must be treated as one FTE worker. Anyone who works part-time, seasonally or for part of a year, must be treated as a fraction of one

FTE worker. The total number of FTE workers within the business will be used to determine the overall employee total and the correct size-band for the business for contribution to wages purposes.

277. The contribution to wage costs is only available for employees who achieve their first full Level 2 and/or approved basic skills qualifications. Eligible employers with Level 3 'jumpers' are also eligible. The contribution will only be paid for employees who achieve the above qualifications. Repeat qualifications and higher level qualifications (above NVQ Level 2) are not eligible for a payment. The contribution is £5 per hour or actual hourly wage depending on employer choice. This contribution will be available for up to a maximum of 70 hours of workplace delivery. Volunteers and self-employed learners are not eligible to receive contributions to wage cost payments. Businesses that operate as sole traders or partnerships, that employ fewer than 50 FTE employees, are eligible to apply for contribution to wage costs only in respect of employees of the business. Proprietors and partners are not eligible for Contribution to Wage Costs.
278. Contribution to Wage Costs payments will only relate to actual contact time with the learner, where the Trainer / Assessor has spent time at the normal place of work and during the learner's normal working hours. Contact time must be recorded by the Provider, and later used to confirm the total number of delivery hours on the Release Hours form. Contribution to Wage Cost payments do not relate to time spent by the learner in their own time, completing additional work or preparing their portfolio of evidence.
279. Payments will be made to the employer via BACS, processed by the Agency's Accounting Service in Coventry on a monthly basis.
280. Claims may be submitted at any time during the year, but they will only be processed and paid within the appropriate period if they are received without error by the 12th working day of the month.
281. The Agency Accounting Services will endeavour to make payments in a timely manner, but Business Link and provider staff need to ensure that employers are made aware that payments may be delayed if BACS details are not submitted on time, or where incomplete or inaccurate claim forms are received. In these cases, any identified errors will need to be corrected, and payments will roll forward into the following month.

6.21.1 Employer Responsibilities

282. The employer is required to sign up for a contribution to wage costs through the skills broker contact. In signing the registration form, the employer agrees to the terms and conditions of the contribution scheme, including the paid release of employees for direct training during normal working hours.
283. The employer is required to maintain a list of employees for whom they intend to claim Contribution to Wage Costs, showing the actual number of hours of delivery within working hours for each eligible learner. The employer is responsible for retaining evidence of salaries and/or wages that have been paid to learners (such as wage or payroll records) used to support their claim for Contribution to Wage Costs.

284. The employer is responsible for ensuring that the number of hours claimed for each learner is accurate, before the claim is passed to the Business Link service. Where there are queries about the number of hours of release, the employer is responsible for liaising with the training provider and resolving outstanding queries prior to the Business Link checking the claim

6.21.2 Provider Responsibilities

285. Where Providers have recruited employers to Train to Gain that meet the Contribution to Wage Costs eligibility criteria, employers must be signposted to web based information on eligibility, the claims process and downloadable claim forms.
286. Providers are required to obtain confirmation signatures from the learner and employer regarding the total number of hours the employee was released from their normal work duties to work towards their qualification. The number of hours relates to the number of total 'contact' hours the learner has had with the training provider in order to achieve their qualification. Time spent alone by the learner to complete work and time spent outside of normal working hours do not qualify for a contribution.
287. The provider sends this confirmation of delivery hours to the employer with a copy to the regional Business Link service to support an employer's claim for a contribution. A sample form suggested for use by providers is available in the separate procedures document for the contribution scheme. Providers may use forms already utilised by their organisation if they contain all of the information detailed in the sample form.
288. Providers are required to retain hours of delivery confirmation forms for a minimum period of six financial years after the year in which the claim was made.

6.22 Inappropriate Behaviour

6.22.1 Cash incentives

289. Providers must not offer cash incentives to employers to join Agency funded programmes. It is expected that providers will endeavour to collect the expected employer contribution.
290. The application of this principle is not always straightforward, and the particular circumstances of any payments by providers to employers need to be considered. Many providers have partnerships with employers where the employer provides premises or use of equipment for the training of their employees. In this situation payment for these services may be reasonable, either in cash or to offset an employer contribution to the costs of provision. However, where no service is provided by the employer, it is difficult to see the justification for payment, and the Agency would want to consider carefully the implications of this for the delivery of the service under contract.

291. Independent providers may have sources of income other than from the Agency, and we are not in a position to constrain the use of this income. Nevertheless, we expect Agency funded providers to be mindful of the overall impact on the reputation of the Agency and the provider network when promoting their services. Accordingly providers must not be using Agency funds to make payments to employers that may be regarded as inducements to secure business.
292. An incentive can be made to learners to encourage retention and achievement where appropriate but not recruitment. This is a common practice across the sector and takes many forms of which not all include cash payments. These must be clearly documented with the understanding by all parties why these payments are being made and when they would be made. The Agency does not see that 'signing up' or 'start' payments are part of Train to Gain and they must not be made to a learner or their employer under any circumstances. Where an incentive is found to have been paid then all the funding for the qualification will be reclaimed from the provider.

6.22.2 Employment for Training

293. We are aware that a small number of providers are providing employment for the sole purpose of engaging learners in learning. This could be either done directly by a provider or an Employment Agency or Business. These learners are only employed for a very short period of time or are taken on under 'zero' hours contracts where the primary function is learning and not a 'job' as most people would understand it. In the majority of cases this is to complete one or more Skills for Life qualifications, although there are cases of other qualifications being delivered in this manner.
294. Providers must note that this is clearly outside the spirit of the Funding Requirements and the Contract. Learners are not eligible for Employer Responsive provision funding where they are in employment which has been created specifically to access that funding.

6.23 State Aid

295. Any payment made by public sector bodies to an enterprise engaged in commercial activities is potentially a State Aid. The State Aid rules are designed to limit the scope of public funding that could give favoured enterprises or business sectors an unfair commercial advantage. State Aid does not usually apply to public sector organisations or charities if they are not involved in economic activities.
296. The State Aid position of Employer Responsive provision has been reviewed and a risk based analysis determined that the majority of training remains outside of the scope of the State Aid regulations. However, there has been an increase in activity of competency Level 3 and Level 4 qualifications. Activity in Employer Responsive provision at these levels,

outside of current legal learner entitlements, could be deemed to be a State Aid.

297. Therefore, a Training Aid General Block Exemption Regulation (GBER) has been applied for covering 19+ work based learning. As a result monitoring and reporting of non-entitlement Level 3 and Level 4 activity delivered within the workplace will be required. The GBER is effective from 1 August 2010.
298. From 1 August 2010, providers involved in Employer Responsive delivery must monitor the delivery of non-entitlement qualifications at Level 3 and Level 4. Evidence is required to show that employers have made their required contribution towards the costs of training delivery. Further information is available on the [Skills Funding Agency](#) website.
299. Employer contributions can be made in cash (typically collected via a training provider invoice) or by 'in-kind' contributions (typically evidenced by recording hours of paid release for each learner, backed up with company wage or payroll records confirming the hourly wage rates). Providers must ensure they have robust systems in place to monitor, collect and evidence employer contributions. Employer contributions in Joint Investment Programme must be made in cash.
300. For each employer undertaking non-entitlement Level 3 and Level 4 activity, providers must collect information on a *Company Level Data Capture Form*. They should assist the employer with completing the form to record the company size, legal status and business sector information. There should also be a discussion about the Skills Funding Agency funding, to highlight the employer's State Aid obligations and required contribution towards costs. Training activity which is at a lower level or covers learner entitlements is not in scope for this calculation.
301. Where employer activity for non-entitlement Level 3 and Level 4 qualifications exceeds £45k within a calendar year, a more detailed annual record must be maintained for State Aid purposes by the provider. A *Skills Funding Agency Training Aid Data Capture Summary form* is provided for this purpose, to be supported with auditable records (including the *Training Aid Data Capture Form*). This form must record employer details, size band, sector information, a monetary value for the Skills Funding Agency funding for non entitlement qualifications at Level 3 and 4, and the value of the contribution collected and evidenced from the employer.
302. The *Training Aid Data Capture Summary reporting form* must be completed throughout the calendar year, to record non-entitlement employer activity (above £45k) and all Joint Investment Programme activity. This form must be e-mailed to: 19plusgber@skillsfundingagency.bis.gov.uk at the end of July and January. State Aid is monitored on an annual calendar basis so the 31 July return is an interim return. The 31 January is an end of year

return, and must be an update of the information contained within the 31 July return.

303. It is a requirement of the European Commission that State Aid records are maintained and remain available for audit purposes for 10 years following the completion of the training activity. It is a Skills Funding Agency contractual requirement that this information must be retained by the provider and employer, and that these records will also be subject to normal Skills Funding Agency audit.

6.24 Joint Investment Programme (JIP)

304. The requirements detailed in this section relate to all providers that receive Employer Responsive Joint Investment Programme funding from the Agency.
305. All Joint Investment Programme providers must comply with these requirements.

6.24.1 Background and Policy Introduction

306. The Joint Investment Programme (JIP) for Strategic Skills is designed to bring together public subsidy and private investment into 50-50 match-funded plans to support training and skills development at levels 3 and 4, in areas key to economic recovery and future growth. The ambition is to:
- provide a mechanism to support priority sectors and emerging industries
 - exploit the opportunities created by new technologies and markets
 - contribute to meeting the skills challenge of a low carbon economy.
307. Sector Bodies were invited to submit expressions of interest to the Skills Funding Agency earlier in 2010 and these were judged as part of a competitive process. Eight expressions of interests from SSCs were taken forward to the next stage and six of these have received Skills Funding Agency approval for implementation.
308. The implementation planning stage has required SSCs to work with employers to confirm their commitment and financial contributions, and to work directly with their choice of providers to profile the learner activity as agreed. The contract or funding agreement annex which details Joint Investment Programme activity specifies those qualifications, units and or Apprenticeship Frameworks eligible for funding within the programme.

6.24.2 Joint Investment Programme Funding Principles

309. JIP is an Employer Responsive programme and adheres to the general Funding Requirements set out for Train to Gain and Apprenticeships. JIP funds are restricted in their use. Funding for this programme must only be used on agreed JIP provision and with listed employers. This funding is outside of the single budget as announced in Skills Funding Agency Guidance Notes 4 and 5. Only those providers with a JIP appendix to their contracts/agreements may deliver this specified JIP provision with Skills Funding Agency funding.
310. The funding of the JIP is primarily based on the Employer Responsive model. JIP allows a flexible provision offer which includes a range of units, qualifications and Apprenticeship frameworks. This has therefore required a flexible approach to the methodology used to set funding rates as set out below:

Type	SLN
Apprenticeships	As published on the LAD for individual framework components
Qualifications – Certificates and Diplomas	As published on the LAD for Train to Gain
Qualifications – Awards	Derived from GLH and mode of delivery; published on the LAD
Units	Derived from GLH and mode of delivery; published on the LAD

6.24.3 Eligibility

311. Learners must be eligible for Skills Funding Agency funding. General eligibility guidance can be found in the Skills Funding Agency/YPLA Learner Eligibility Guidance 2010/11. Specific eligibility guidance for Apprenticeships and Train to Gain can be found in the respective Funding Requirements.
312. All qualifications, units and Apprenticeship frameworks delivered within a JIP are eligible for retraining and upskilling.

6.24.4 Provision

313. JIP funding is only available for an approved list of QCF qualifications/units and Apprenticeship frameworks which will be specified in each Joint Investment Programme Appendix in relevant providers' contracts or funding agreements. Provision outside of this will not be funded by the Agency.

314. A key feature of the JIP is its responsiveness to new and emerging skills needs. As a consequence, a proportion of the provision is for qualifications that are new or in development. This means, at the time of publishing this guidance and varying contracts/agreements, we do not have complete aim details. A list of the approved QCF qualifications and units and Apprenticeship frameworks will be available on the [Skills Funding Agency website](#) . The Learning Aim Database (LAD) will be updated accordingly.
315. Where an aim is only eligible for delivery as part of a JIP this will be indicated within the details of the aim on the Learning Aim Database (LAD).

6.24.5 Employer Contribution

316. Only employers engaged by SSCs and named within the Joint Investment Programme are eligible to access provision funded through the Joint Investment Programme.
317. All JIP provision is co-funded. Providers delivering JIP activity must receive from each employer the 50% contribution of the total funding rate of each aim for every learner. Contributions must be made in cash (typically invoiced). Providers must ensure they have robust systems in place to monitor, collect and evidence employer contributions. Provider are not allowed to offset the contribution based on other forms of 'in kind' activity.
318. Funded activity as part of a Joint Investment Programme is deemed as within the remit of State Aid. Please refer to Section 6.23 for further information and monitoring requirements.

6.24.6 Data Monitoring

319. A special projects pilot code to use in ILR field A49 will be required for all JIP learner ILR returns. This will be notified to each provider by their Skills Funding Agency Account Manager.
320. Providers must only deliver Joint Investment Programme activity to the employers detailed as part of the SSCs Joint Investment Programme Implementation and Delivery Plan. This information will be made available as part of the contract or funding agreement. Providers must use the Employer Reference Number (ERN) value detailed in these plans in ILR field A44.
321. Monitoring of JIP activity by the Skills Funding Agency Account Manager will be carried out in line with normal Employer Responsive activity and specifically State Aid requirements; however SSCs must also monitor and report on programme delivery. To achieve this, Skills Funding Agency encourages SSCs to work in partnership with providers.

6.24.7 Evidence requirements

322. Providers must meet the same evidence requirements as all other Employer Responsive provision.

Section 7 – Sub-contracting requirements

323. Before an organisation can receive funding from the Chief Executive of Skills Funding there must be a funding agreement in place. This agreement sets out the terms and conditions on which the Chief Executive of Skills Funding is providing funding to that organisation. The most common arrangement is for the Chief Executive of Skills Funding to have this agreement in place with a single legal entity (be that a college, a private or public organisation or sole trader). Alternatively the Chief Executive of Skills Funding can have an agreement with individual legal entities that are part of a consortium on a joint and several basis. Under these circumstances all members of the consortium are responsible for any breaches to the terms and conditions of the funding agreement. In either of these circumstances it is possible for some of the delivery to be sub-contracted to a third party, which itself must be a legal entity.
324. Past experience indicates that sub-contracting significant levels of provision is associated with higher levels of risk. This is the case irrespective of whether the sub-contractor is one of the Lead Provider's own subsidiary companies, a joint venture company or an organisation that is independent of the Lead Provider. Higher levels of risk are also associated with significant levels of provision being delivered away from the Lead Provider's main site(s) or outside its normal recruitment.

7.0.1 Responsibility and Limits of Sub-contracted Provision

325. The Lead Provider retains ultimate responsibility for all aspects of the provision that it is contracted to deliver, including any elements that it chooses to sub-contract. The Lead Provider must have a legally binding agreement with each and all of its sub-contractors.
326. The Lead Provider is required to provide the Skills Funding Agency with information about any provision that it wishes to sub-contract prior to entering into delivery arrangements. This information includes extending existing sub-contracting arrangements or entering new sub-contracting arrangements (including during the year). The Chief Executive of Skills Funding reserves the right to refuse funding for any sub-contracting arrangements.
327. Sub-contractors may not further sub-contract provision to other colleges or training organisations without the written approval of the Chief Executive of Skills Funding.
328. Franchised provision is not permitted.

7.0.2 Provision of Information on Sub-contractors

329. Lead Providers are required to submit details of their sub-contracting arrangements for each proposed sub-contractor to their Skills Funding Agency Account Manager. A spreadsheet is available from Skills Funding Agency Account Managers, which captures the information required. It covers the following:
- the full name, UKPRN and postcode of the legal entity which the Lead Provider proposes to use as a sub-contractor
 - the value and length of the contract with the sub-contractor together with anticipated learner numbers
 - the delivery location postcode(s) of sub-contracted provision. If learning delivery will take place on a learner's employer's premises, the post-code of the delivery organisation will suffice
 - the date on which the sub-contracting is expected to start
 - the proportion of the payments from the Skills Funding Agency to be passed to the sub-contractor by the Lead Provider for the provision.
330. The spreadsheet mentioned above replaces the form at Annex I: ILR Partner-provider Details from *LSC Funding Guidance 2008/09: ILR Funding Claims and Audit Returns* (LSC, September 2008). Should a college or training organisation have already submitted details of their proposed sub-contractors for 2010/11 to the Skills Funding Agency using the form at Annex I then there is no need to complete the new spreadsheet for the coming year.
331. In addition to this information on individual sub-contractors, the Lead Provider will be required to provide the Skills Funding Agency with a single declaration signed by the Chief Executive of the Lead Provider or their authorised signature, that the necessary due diligence has been carried out across all proposed sub-contractors. It is for the Lead Provider to determine the necessary and sufficient due diligence required for each proposed sub-contractor. This guidance sets out some of the areas that Lead Providers may want to consider when carrying out due diligence, particularly for those sub-contractors that represent a higher level of risk based on, but not restricted to, the value and nature of the sub-contracted programmes and/or provision
332. Colleges and training organisations are expected to notify the Chief Executive if there is a significant change to the amount and/or nature of any sub-contracted provision from that already notified to the Chief Executive of Skills Funding. This is particularly important where the sub-contractor has:
- become insolvent or been placed in administration
 - been graded Inadequate by Ofsted in any category relating to the organisation as a whole or received an inadequate grade in any sector-subject area(s) containing sub-contracted provision.

333. Under these circumstances the Lead Provider must inform the Chief Executive of Skills Funding within one week of the initial notification detailing the action it is taking to protect the learners accessing programmes and/or provision through the sub-contractor.
334. Lead Providers are also reminded of the need to complete the section on sub-contracting in their annual self-declaration on the Skills Funding Agency's Financial Management and Control Evaluation.

7.0.3 Sub-contract Agreements

335. It is a requirement that all Lead Providers have a legally binding agreement in place with each of its sub-contractors. It is a requirement that the sub-contract agreement must allow for access on demand to sub-contractors' premises and to all documents relating to learners funded by the Skills Funding Agency, in whatever media or format, by internal and external auditors or other persons nominated by the Chief Executive of Skills Funding. It is also a requirement that Lead Providers include a contract condition within all new sub-contract agreements from 25 March 2010 to pay the valid invoices of their sub-contractors within 30 days of the invoice date¹.
336. Lead Providers must ensure that the sub-contract agreement is clear on the actions that would be taken in the event of the termination of the sub-contract agreement to ensure that such a termination has negligible impact on learners' programmes and/or provision, particularly where the sub-contractor enters liquidation or is taken into administration.
337. The Skills Funding Agency does not require a standard form for that agreement. This is to allow for the necessary flexibilities in these agreements to best meet the needs of learners. [The Office of Government Commerce](#) provides model terms and conditions of contract for services on its website. Guidance and best practice examples on sub-contract agreements and sub-contracting can be found on the [Learning and Skills Improvement Service's Excellence Gateway](#). The [Association of Colleges](#) does not provide a model contract for sub-contracting on its website but does negotiate some contracts on behalf of its members and will provide advice to members on request. The [Association of Learning Providers](#) and the [Third Sector National Learning Alliance](#) also provide advice and guidance on sub-contracting for their members. Each Lead Provider is advised to take legal advice before entering into a sub-contract with third-parties.
338. Lead Providers must ensure that they meet the terms and conditions of their funding agreement with the Chief Executive of Skills Funding for all provision regardless of whether it is sub-contracted. Regardless of the form

¹ This is to ensure compliance with the mandatory requirements set out in Procurement Policy Note - Requirement to include 30-day payment clause in new contracts. Action Note 07/10 25 March 2010 (Office of Government Commerce)

of the sub-contract agreement, the Lead Provider will need to be satisfied that it satisfies a control test, the key elements of which are that:

- i. a Lead Provider is able to ensure that learners are enrolled on appropriate programmes in the name of the Lead Provider not the sub-contractor(s);
- ii. there is a written learning agreement, entered into at the time of enrolment is prepared and agreed with each learner that reflects the outcome of the learner's initial guidance and assessment
- iii. a learning programme and its means of delivery have been clearly specified by the Lead Provider
- iv. the Lead Provider is in control of the delivery of the education and/or training
- v. there are arrangements for assessing the progress of individual learners
- vi. procedures exist for Lead Providers to regularly monitor the delivery of programmes provided in their name.

339. Notwithstanding the requirements placed on Lead Providers with respect to their sub-contracted provision, the Skills Funding Agency accepts no financial or other liability in respect of sub-contracted provision, which is the sole responsibility of the Lead Provider.

7.0.4 Distribution of Income between Lead Providers and Sub-contractors

340. The Skills Funding Agency requires that a large majority of its funding is used for the benefit of the learner on their learning programme or provision. The Skills Funding Agency expects that the amount of funding retained by Lead Providers for programmes and provision delivered in whole or in part by a sub-contractor takes account of, and be proportionate to, the actual costs incurred by each party in the delivery of the provision. It is unlikely that, for most programmes and types of provision, direct delivery costs would be less than 85% of the full fee for the programme. For those co-funded learners at sub-contractors, the Lead Provider retains the responsibility for ensuring that the employer contribution is collected.

341. The Skills Funding Agency will monitor the payments to sub-contractors to ensure that sub-contracting represents good value for money and that there is sufficient funding being allocated for the delivery of high quality education and training.

7.0.5 Monitoring Sub-contracted Delivery

342. The overall monitoring and control of sub-contracted delivery is the responsibility of the Lead Provider. However, it is still the case that sub-contracted provision represents an increased risk and recently, some providers have experienced difficulties in submitting evidence to support their monitoring and control of sub-contracted provision. The Skills Funding Agency sees the individual deliverer (ILR field A22) and the delivery location

postcode (ILR field A23) as key fields on the ILR that will identify to the Chief Executive of Skills Funding the higher-risk elements of a provider's provision.

343. Lead Providers are expected to monitor the qualification success rates and other performance measures for each sub-contractor; report these in their self-assessment reports; and take appropriate action, through their quality improvement plans, or in-year improvements as necessary, to improve qualification success rates and other performance measures in-line with the Lead Providers own targets.
344. Lead Providers are expected to ensure that their sub-contractors submit the data required by the Skills Funding Agency on a timely basis including, but not restricted to, that required by the Framework for Excellence. Lead Providers are also expected to ensure that their sub-contractors supply them with sufficient evidence to allow the Lead Provider to adequately assess the performance of their sub-contractors against the Common Inspection Framework. It is expected that this evidence is included in the Lead Provider's self-assessment report and contributes to the judgements and grades therein.
345. Provision sub-contracted by a Lead Provider must be delivered by the sub-contractor's directly employed staff or by freelance, self-employed trainers and/or assessors. In the case of volunteers, the control must be "as if they were employed". The agreement must require that sub-contractors that use volunteers or freelance, self-employed individuals for teaching, training or assessment duties must have a written agreement with those volunteers and/or self-employed teachers, trainers and assessors that covers the requirements placed on them and their agreement to meet those requirements.
346. The Lead Provider must be able to demonstrate that it is monitoring the activities of the sub-contractor and that it is exercising control over, and making appropriate arrangements for, the quality assurance of all provision. Where the sub-contractor is also the approved assessment centre for the qualifications it delivers, the Skills funding Agency expects that the sub-contract agreement entitles the Lead Provider to receive copies of all reports by the centre's Awarding Body or Bodies, including, but not restricted to, External Verifier reports relating to sub-contracted learners and/or the programmes and provision on which they are registered with the Awarding Body or Bodies.
347. Lead Provider must ensure that learners are not enrolled onto programmes by the sub-contractor before the sub-contract agreement has been signed by all relevant parties.
348. The Skills Funding Agency reserves the right to reclaim funding if Lead Providers breaches this guidance or cannot provide, on request, evidence of adequate and effective controls in their sub-contracted provision.

7.0.6 Due Diligence Process for Proposed Sub-contractors

349. It is the responsibility of the Lead Provider to satisfy itself that the sub-contractor has been selected fairly and has the sufficient capacity, capability, quality and business standing to deliver the provision that it being sub-contracted. In order to satisfy itself of this the Lead Provider must take into account a number of factors, which include whether the sub-contractor:
- has been selected through a fair, open and transparent process
 - has satisfactory financial health
 - has no unsatisfied county court judgements against it
 - has disclosed all contracts it holds and has held with the Skills Funding Agency and the Learning and Skills Council and, in the case of terminated agreements, the reasons for the termination of the agreements
 - has disclosed the names of its directors and senior managers together with details of their previous appointments, particularly with organisations who hold or have held funding agreements with the Skills Funding Agency or the Learning and Skills Council
 - has sufficient capacity to deliver its commitments under the sub-contract agreement without adversely affecting its ability to meet its other commitments
 - complies with health and safety legislation and has carried out health and safety risk assessments covering the proposed sub-contracted learners
 - has declared to the Lead Provider all reportable injuries, diseases and dangerous occurrences covered by the RIDOR regulations over the last three years together with the actions they have implemented to prevent reoccurrences
 - complies with legislation on employment (including the use of volunteers)
 - complies with legislation on immigration, safeguarding and equality & diversity
 - complies with data protection legislation (including the notification of the Information Commissioner's Office that they process personal information) and has appropriate data protection and security systems in place for the exchange of personal data with the Lead Provider
 - has systems to ensure compliance with the Skills Funding Agency's requirements for data collection and the keeping of records
 - has appropriately qualified and trained staff and other resources to deliver the sub-contracted provision effectively from the start of the contract
 - has a policy on sustainability
 - has appropriate learner support arrangements in place;
 - has appropriate information, advice and guidance arrangements in place for learners
 - has appropriate quality assurance arrangements in place
 - does not have an inadequate Ofsted inspection outcome relating to any aspect of its overall performance or to the sector-subject area(s) of the proposed sub-contracted provision
 - has provided references that support the claims made in its tender.
350. Colleges and publicly-funded bodies must follow relevant UK and European regulations when procuring the services of a sub-contractor for education

and vocational training services. These organisations are advised to consult the [Office of Government Commerce website](#) and in particular the section of its policy and standards framework on supplier selection and pre-qualification. The regulations governing private providers are less prescriptive but the Skills Funding Agency would expect the selection of sub-contractors to be as equally fair, open and transparent as for colleges and other publicly-funded bodies.

351. The Chief Executive of Skills Funding reserves the right to ask Lead Providers for additional evidence in support of its due diligence process. The Chief Executive of Skills Funding will base any requests for further evidence on an assessment of risk represented by the proposed sub-contract arrangements. It will be for Lead Providers to determine the form of this evidence but it could include the following:

- a copy of the sub-contract agreement
- the sub-contractor's procedures on a range of aspects covered in the declaration to the Skills Funding Agency including safeguarding, health and safety and equality and diversity
- the data sharing protocol(s) in place between the Lead Provider and sub-contractor
- the sub-contractor's arrangements for monitoring learners' progress
- copies of the sub-contractor's policies on quality assurance, health and safety, equality and diversity and sustainability
- a copy of the standard operational manuals to be used by the sub-contractor, particularly for the collection of data and the keeping of records
- details of the provision, the value and the number of learners that the sub-contractor will be delivering
- details of the learner support arrangements that are the responsibility of the sub-contractor under the proposed agreement
- details of the quality assurance arrangements that are in place at the sub-contractor
- a business case for using the sub-contractor.

Section 8 - Evidence Requirements

352. This section summarises the general compliance requirements set out in the main body of this document to assist providers whose delivery within the Employer Responsive model.
353. The Agency operates a risk-based approach to the auditing of the Employer Responsive model. This approach aims to reduce unnecessary bureaucracy for providers by targeting audit resources in proportion to risk. Providers assessed as low risk should receive a reduced level of audit activity compared with high-risk providers.
354. Providers will need to claim funding by submitting monthly electronic ILR data returns. Providers must be able to support their ILR returns with auditable evidence of learner existence, eligibility and achievement
355. The Agency has made computer-assisted audit techniques (CAATs) available for providers to use on their own data. These are known as data self-assessment toolkits ([DSATs](#)). Use of [DSATs](#) during audits assists in the identification of areas where audit activity should be targeted. Where reliance can be placed on the submitted data, testing during the audit can be reduced.
356. Providers must use [DSATs](#) on a regular basis to test the integrity of their data. Effective use of [DSATs](#) by providers is a factor that can reduce audit risk assessment.
357. This Section gives further advice on the evidence requirements for Employer Responsive funding, but it is not exhaustive. The Agency will hold the provider liable for any evidence deficiencies arising from sub-contracting arrangements or failure by sub-contractors to produce any required evidence. Where provision is being delivered by sub-contractors, the provider must retain copies of sub-contractor agreements.
358. Wherever possible, Agency auditors seek to place reliance on evidence that is generated by the natural administration of the learning process, within the provider's own systems, provided that evidence is sufficient, relevant, reliable and robust.
359. Where approval has to be sought from the Agency, evidence of such approval (usually from an Agency team) must be retained for audit purposes.

8.0.1 Assessing Assurance Risk on Funding Returns

360. In deciding both the cyclical frequency for a provider's audit and the level of detail of the audit work that will be required to provide the Agency with the necessary assurance over a provider's funding (ILR) claim, the Agency will include an evaluation of the following factors within the Employer Responsive model assurance.

- The provider success rates in delivering qualified learners. Learners who are achieving externally approved and accredited qualifications have historically posed a much lower level of funding eligibility risk to the Agency and evidence of good success rates will be a major determinant in reducing risk in the audit risk assessment.
- The Agency's audit risk assessment process will target providers who meet funding targets late in the year and in particular where this is accompanied by learners not achieving their learning aims.
- Comparison will be made between planned length of programme and success rates. Providers whose planned programme length is supported by both good success and evidence that the success is timely to the planned length of programme, for the majority of their cohort of learners will be seen as lower risk. The Agency will also check that the numbers of learners completing late and early are few in number and reasonably balanced. The Agency is in particular going to review funding claims for high-rate learners on long programmes that are claimed for in less than 24 weeks unless there is very good matching evidence of timely learner achievement.

8.1 Evidence

8.1.1 Eligibility

361. The Agency requires the provider to ascertain whether a learner is eligible for Agency funding in accordance with the [Learner Eligibility Guidance](#) and whether learners are eligible to participate in their programme. The eligibility to work in England is different from the eligibility to funding for learning and providers should ensure that this is not confused.
362. The provider must retain evidence to support their assessment of the eligibility of all learners entering the programme. This must clearly show evidence or be supported by further evidence to show that the learner was eligible to enter the programme as set out in [Learner Eligibility Guidance](#).
363. The Agency does not require providers to take photocopies of passports or other documents but they must record a list of the evidence seen including serial or reference numbers as appropriate. Further information can be found in the Learner Eligibility Guidance and the Home Office website.
364. In determining whether or not the learner is fully or co-funded the provider must record how that decision has been made. This would include a self declaration signed by the learner on prior attainment **prior** to starting learning. This must be retained by the provider and available for audit. Where a valid signed and dated declaration is not available then only the co-funded rate can be claimed.
365. The provider must also evidence that the learner's employer has agreed to the learning taking place. This may be evidenced by either the learner's self declaration and Individual Learning Plan being endorsed (signed) by the

employer. However, the exact evidence would be for the provider to specify what is needed to meet the requirements. Where this cannot be evidenced then all funding associated with the learner must be repaid to the Agency.

8.1.2 Entry

366. The following evidence must be retained to support entry and categories of entry to the programme for each learner:

- evidence of assessment on entry to Train to Gain including recognition of prior learning (any corresponding adjustment that has to be made). This must be for the whole programme not just a single component
- a copy of a learning agreement signed by the respective parties
- evidence that employed learners have a contract of employment in place
- evidence that the provider has paid due regard to historical information, delivery methodologies and patterns, the average length of stay and any prior learning when completing the ILR and submitting data to the Agency.

8.1.3 Participation

367. The following evidence must be retained to support participation on the programme:

- a copy of the Individual Learning Plan (ILP)
- evidence that the learner is working or making progress towards their aim through continued structured learning since the last review
- where progress is not being made, evidence to support the actions taken to address this
- evidence of regular progress reviews.

8.1.4 On-programme payments (using a competency qualification as an example)

368. The following evidence must be retained to support monthly a competency qualification on-programme payments:

- evidence that the learner is registered for the competency qualification (although providers may want the learners to meet their SLN start criteria before incurring this cost)
- evidence that the learner was registered for the competency qualification before the last entry date specified by the Awarding Body
- evidence that the competency qualification is eligible for funding
- evidence that the learner is making progress towards the competency qualification
- where no progress towards the competency qualification is being made, there must be evidence of the actions taken to address this.

8.1.5 Literacy, ESOL and Numeracy Funding (within Train to Gain)

369. Where funding is being claimed for the delivery of literacy, ESOL and numeracy then the provider must retain written evidence of the learner's

need. This evidence must be produced from a full diagnostic assessment of a learner's literacy, English-language or numeracy need and the results recorded in the learner's ILP, confirming that the learner has a skills requirement. The assessment must show that the learner has been put on a level which moves them up, rather than either accrediting the assessed level or a marginal movement up. Funding is made available for a substantial increase in skill level and the evidence must show this.

370. The Agency does not prescribe the use of a particular assessment tool; however, providers must use Skills for Life initial assessment tools that are based on the literacy and numeracy standards and the results of which place a learner's current skills within the NQF/QCF levels. For example we require robust tools that state if a learner's current skills are at Entry Level 1, Entry Level 2, Entry Level 3, level 1 or level 2. Tools that only state a learner is below a certain level, e.g. below level 1, are less robust and not appropriate.
371. Please refer to section 6.7 for further details on the assessment of literacy, ESOL and numeracy skills.
372. Evidence of the employer's support for the learning taking place must be retained.
373. The provider must be able to demonstrate that the learner is progressing towards an approved literacy/ESOL and/or numeracy qualification as detailed in section 6.7.

8.1.6 Additional Learning Needs

374. In addition to the general Agency learning-evidence requirements, additional learning needs (ALN) payments must be supported by evidence that:
 - the provider has documented the arrangements for the identification of those with additional learning needs (ALN), the planning of learning to meet those needs, and progress-review arrangements
 - for ALN, the learner has been assessed as having needs as described in this document
 - an additional support plan has been drawn up and agreed by the provider and the learner that meets the requirements set out in this document
 - a programme of support designed to address the needs of the learner is being or has been delivered
 - the learner's progress has been reviewed in accordance with their plan, the effectiveness of the support has been evaluated and a forward support plan developed at each review.

8.1.7 Exceptional Learning Support

375. Where Exceptional Learning Support has been claimed that the appropriate permission have been given in advance and the provider can evidence this. Where permission is not required that the process as set out in this document have been followed.
376. The provider must be able to evidence

- The needs have been identified by rigorous assessment and set out within the learners ILP
- The costs of support needed match those claimed
- The support has or is being delivered as per the ILP
- Where permissions are required that they have been given in advance by the Agency.

8.1.8 Withdrawal

377. It is the responsibility of the provider to have and operate a withdrawal and follow-up policy and procedure. This policy must be retained as evidence to support the systems in place.
378. In addition, the provider must hold the following evidence to support the date of leaving recorded on the ILR:
- clear written evidence of the last date of continued structured learning. This may be the last date of evidenced attendance or other documentation such as a review, assessment or observation materials or portfolio work produced by the learner which shows that the learner was in continued structured learning
 - written notice of termination from the programme.

8.1.9 Training Provider Statement

379. The mechanism for notifying the Agency of actual data and expenditure incurred, which is not captured on the ILR, is through the Training Provider Statement (TPS) and the submission will remain online. The provider must print a copy of the submission, sign it and retain it for audit purposes.
380. The provider must hold evidence to support the amounts claimed on the TPS. This includes full details of how the volumes and values claimed on the TPS have been calculated in order to provide an audit trail from individual learner funding to total value of funding claimed. This evidence must be held at the time of submission of the TPS. Detailed funding and compliance guidance on completing the TPS is available from the [Information Authority website](#).

8.1.10 Retention of Documents

381. Documents are to be retained for inspection as specified in the provider's contract or funding agreement.
382. Currently electronic storage of documents is not supported. The agency is actively engaged in pilots looking at electronic evidence and storage based on national standards. The outcome of these pilots will be used to inform policy.

8.1.11 Joint Investment Programme (JIP)

383. In addition to the evidence requirements above the provider must be able to show that the employer contribution has been collected in full from an employer where the learner is being funded by the Joint Investment Programme.

Section 9 - Funding Rate Principles

9.0.1 The Formula

384. The Agency's funding formula is:

$$\text{Funding} = (\text{SLN} \times \text{National Rate} \times \text{Provider Factor}) + \text{ALS}$$

9.0.2 SLN Values

385. Each learning aim has an SLN value reflecting the size of the learning aim irrespective of its duration. Learning aims are either funded at a listed SLN value, or are unlisted.
386. All learning aims within the Employer Responsive funding model are listed, based on the activity costs approach.
387. The National Rate applied to the SLN includes a contribution to the overheads of the provider. The provider needs to prioritise how this will be allocated to competing demands within the organisation.
388. Funding rates for 2010/11 will be stated as SLN values on the Learning Aim Database (LAD) and used as a basis for the funding calculations in all demand-led funding models. An SLN value is a measure of fundable volume for a whole learning aim, irrespective of the time taken to deliver it.
389. In classroom and other group-based environments, SLN values are directly related to guided learning hours (glh). In work-based and distance learning environments, they are related to activity in terms of a mixture of one-to-one contact and group-based hours.
390. In general, Employer Responsive SLN values are derived from activity and learner-responsive SLN values are derived from glh.

9.0.3 National Rates for 2010/11

391. The National Rate for 2010/11 per SLN for Train to Gain is £2,732.

9.0.4 Provider Factor

392. The provider Factor is made up of separate elements. They are:

- Area Cost Uplift
- Disadvantage Uplift
- Programme Weighting
- Large Employer factor

9.0.5 Area Costs

393. Previous research showed that there is a clearly marked difference in relative costs between London and the South East, and the rest of England.
394. There is no change to the index of area cost factors in 2010/11. In the Employer Responsive model, area cost uplift is determined by delivery location ILR field A23. Where learning is delivered in different places for each element of the framework then each of these locations must be recorded against each aim on the ILR.
395. Section 11 shows the area-costs uplift for 2010/11.

9.0.6 Disadvantage Uplift

396. Disadvantage Uplift is not applied to Train to Gain funding

9.0.7 Programme Weighting

397. Programme weightings for all learning aims are taken from the LAD.

PWF	PROGRAMME WEIGHTING
A	1.00
B	1.12
C	1.30
D	1.60
E	1.72
F	1.40
H	1.20
J	1.25
K	1.50
L	1.15

398. Programme weighting is used to distinguish between those qualification require the same amount of activity but the relative costs of those activities are different. This may be due to the cost of materials, equipment or staff required to deliver learning.

9.0.8 Large Employer Factor

399. Where the employer of a learner has more than 1,000 employees, directly or indirectly including parent and subsidiary companies then a reduction of 25% of the funding rate will be applied.
400. A reference list will be produced prior to the start of the funding year from EDS containing a list of employers identified as having greater than 1,000

employees. This list will use ILR field A44, Employer Identifier, in the funding calculation.

9.0.9 Funding

401. The funding paid is a multiple of the above factors.

9.1 Employer Contributions

402. It is Government policy that for non-priority learners in Train to Gain that their employer is expected to make a contribution towards the cost of learning. Therefore for these learners when they first start will have the funding rate reduced by the expected employer contribution.

403. Priority learners are defined as those doing a

- First Level 2
- First Level 3 aged 19 to 24 years
- First Level 3 for a Level 2 'jumper'
- Literacy and/or Numeracy up to Level 2 Skills for Life qualifications
- Progression from Local Employment Partnerships
- Progression from Response to Redundancy
- Joint Investment Programme
- Ex-service personnel Level 3
- Temporary Agency Staff retraining at Level 2 or Level 3

All other qualification will have the funding reduced to taken into account the expected employer contribution of 50%.

404. The expected employer contribution for 2010/11 will be 50% of the funding rate. This is referred to as the 'co-funded' rate.

405. Providers are reminded that expected employer contributions in Train to Gain are not necessarily cash payments, but can be contributions to the delivery of the activity (for example, by use of employers' own staff, premises, materials and/or equipment). This paragraph does not apply to Joint Investment Programme funding.

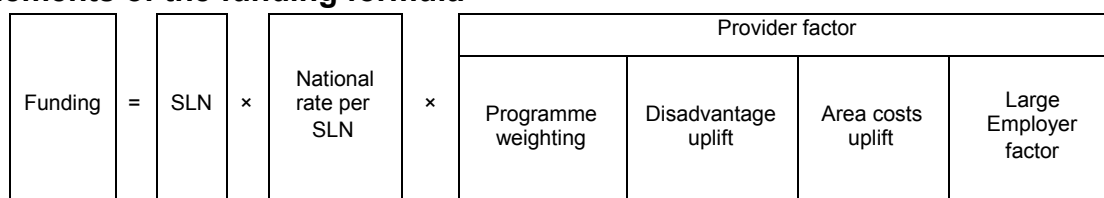
406. This applies to all learners in 2010/11 including carry over learners and new starts.

Section 10 - Funding Formula

10.0.1 The Formula

407. The formula that underpins the demand-led funding models has been stated in previous Learning and Skills Council (LSC) consultations and documents.
408. The figure below illustrates how the key elements of the formula combine to produce the rate paid.

Elements of the funding formula

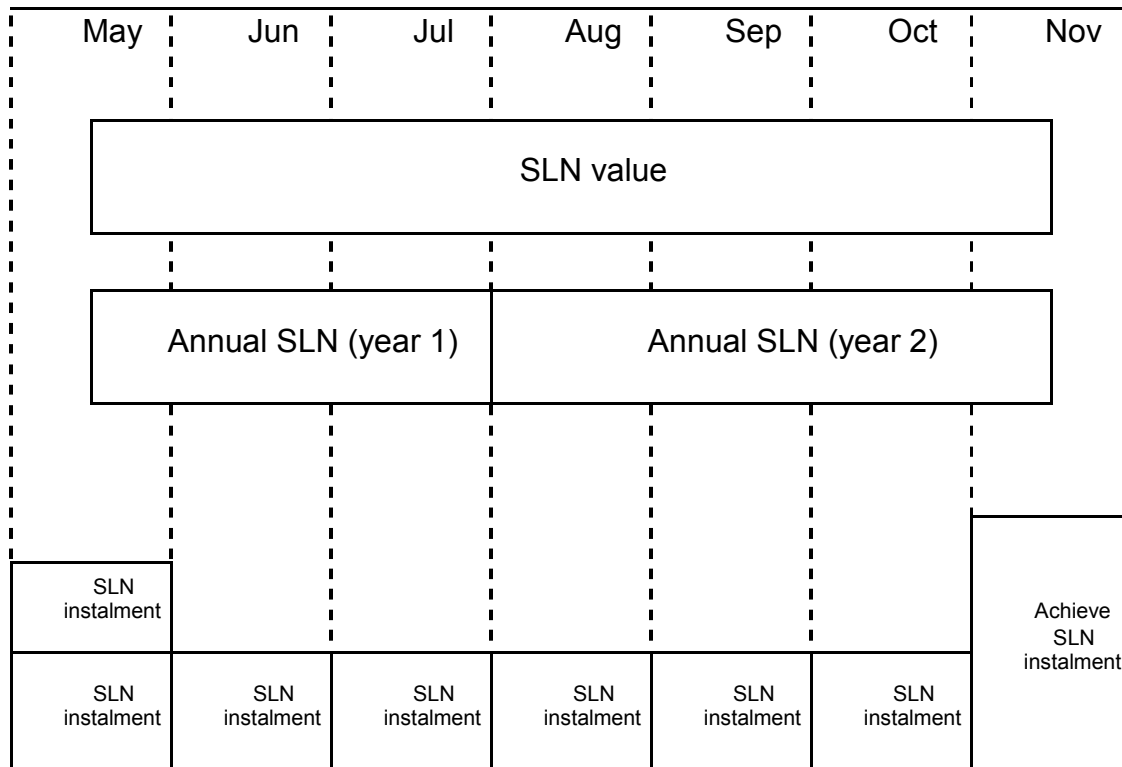


409. In the Employer Responsive model, the SLN type used is SLN instalments. This is then multiplied by the provider factor weightings from in-year data in the calculation of funding. The provider factor that is based on a prior year's data is only used in order to set an appropriate maximum contract value. The Employer Responsive model is described in more detail later in this document.
410. The value of the SLN, Provider Factor and the National rate per SLN could vary from year to year.

10.0.2 SLN Instalments

411. SLN instalments is the measure used directly in the funding calculations for the purposes of calculating the actual funding at learning aim level for the Employer Responsive model.
412. SLN instalments are derived from the SLN value by application of the SLN instalment section of the funding calculations.
413. This process distributes the SLN value across periods (with an achievement element and balancing element in the relevant months) in order to derive SLN instalments, and distinguishes the SLN instalment from other measures.
414. SLN instalments are calculated on a monthly basis to support the payments, but can be summed up to annual level for contracting purposes.
415. The figure below graphically displays the relationship between SLN value, annual SLN and SLN instalments for a learning aim that starts during May and is achieved during November.

SLN values, annual SLNs and SLN instalments



416. 'SLN instalment' refers to each of the 'on-programme' SLN instalments which are the monthly proportion of the SLN value after removing the achievement element. Note that two SLN instalments are generated in the first month of a programme to recognise the higher costs at enrolment.

10.0.3 Definition of a Start

417. SLNs will be counted when a learner is deemed to have started based on ILR field A27.
418. A learner is deemed to have started a learning aim once they have started documented learning which contributes evidence towards gaining a qualification. Assessment and induction are not considered to constitute learning and therefore do not qualify for defining a start.

Criteria for SLN start purposes

Learning aim planned length	Minimum in learning for funding
Greater or equal to 24 weeks (168 days)	6 weeks (42 days)
2 to 24 weeks (14 to 167 days)	2 weeks (14 days)
Less than 2 weeks (14 days)	1 learning engagement

419. If the learner fails to be in evidenced structured learning at the end of the start period any funds paid to the provider will be clawed back.

10.0.4 SLN Instalments

420. SLN instalments are only applicable to the Employer Responsive model.
421. SLN instalments are based on learner enrolments, monthly retention and achievement. They are calculated separately for each month of each learner's programme.
422. SLN instalments fall into three types:
- Achievement;
 - On-programme;
 - Balancing.

10.0.5 Achievement SLN Instalments

423. For all qualifications, 25 per cent of the SLN value is generated on achievement. This is the achievement SLN instalment.
424. For all other Employer Responsive provision, 25 per cent of the SLN value for each learning aim is generated on achievement of the learning aim. This is the achievement SLN instalment.

10.0.6 On-programme SLN Instalments

425. Once the achievement element has been removed from the SLN value, the remainder is apportioned across the number of planned periods for the learning aim. This is taken from ILR fields A27 and A28.
426. A learning aim is deemed to be planned in a period if it starts before or on, and is planned to end on or after, the associated period census date, which is the last day of the month.
427. The on-programme SLN instalment of the first period of any learning aim is twice the size of the rest. The apportionment of the SLN value across periods takes account of this 'n+1' approach. Where n is the number of census points between the dates in ILR fields A27 and A28. Only the first period of the entire learning aim is double-sized – if a learning aim crosses more than one funding year then the first period of the second and subsequent funding years is not double-sized.
428. An on-programme SLN instalment is earned if the learner has both started according to the above definition and has actually crossed the associated period census date.

10.0.7 Balancing SLN Instalments

429. If a learning aim is achieved before the final planned period then a balancing SLN instalment is produced.
430. The value of the balancing SLN instalment is the difference between the SLN value and the sum of the achievement and on-programme SLN

instalments. In effect, that is the combined value of the on-programme SLN instalments for the planned periods that occur after the actual end date.

10.0.8 Co-funded Provision

431. All co-funded learners have an expected employer contribution of 50% deducted from the published rate.

10.0.9 Funding over Multiple Years

432. The principle of using SLN instalments is vital as the National Funding Rate has changed each year since the introduction of Demand-led Funding. Therefore, although the actual values of SLN instalments do not change during a learners aim the actual cash value will.

10.0.10 Additional Learning Support

433. Additional Learning Support is a monthly payment added to the learner funding. It is generated from ILR field A53 as either ALN or ASN or Both ALN and ASN.
434. It is paid each month as long as the learner is still in learning on the census date. If the learner continues in learning past the expected end date, ILR field A28, it will continue to be paid until that aim is either achieved or the learner withdraws from the aim.

Section 11- Area-costs uplift by region

A full list of postcode and Area-costs uplift can be found on the Data Service website.

London A 1.20	London B 1.12
Camden	Barking and Dagenham
Greenwich	Bexley
Islington	Havering
Kensington and Chelsea	Redbridge
Lambeth	Barnet
Southwark	Enfield
Westminster	Waltham Forest
Wandsworth	Bromley
Hackney	Croydon
Tower Hamlets	Kingston upon Thames
Lewisham	Merton
Newham	Richmond upon Thames
Haringey	Sutton
Hammersmith	Brent
Fulham	Ealing
Hillingdon	Harrow
	Hounslow

Bedfordshire and Hertfordshire Non-fringe 1.03		
Bedfordshire County Council	North Hertfordshire	Stevenage
Bedford	South Bedfordshire	Luton
Mid-Bedfordshire		

Berkshire, Surrey and West Sussex Fringe 1.12		
Surrey County Council	Runnymede	Reigate and Banstead
Bracknell Forest	Slough	Tandridge
Crawley	Spelthorne	Waverley
Elmbridge	Surrey Heath	Windsor and Maidenhead
Epsom and Ewell	Woking	Mole Valley
Guildford		
Berkshire Non-fringe 1.12		
Reading	Wokingham	West Berkshire
Buckinghamshire Non-fringe 1.07		
Aylesbury Vale	Milton Keynes	Wycombe
Hampshire and Isle of Wight 1.02		
Basingstoke and Deane	Isle of Wight	Portsmouth
East Hampshire	New Forest	Rushmoor
Eastleigh	Fareham	Winchester
Gosport	Southampton	Hart
Hampshire County Council	Test Valley	Havant
Cambridgeshire – 1.02		
Cambridge	Huntingdonshire	South Cambridgeshire
East Cambridgeshire	Peterborough	Fenland

Hertfordshire and Buckinghamshire Fringe 1.10		
Broxbourne	South Buckinghamshire	Watford
Chiltern	St Albans	Welwyn Hatfield
Dacorum	Three Rivers	East Hertfordshire
Hertsmere		
Kent and Essex Fringe 1.06		
Basildon	Harlow	Thurrock
Brentwood	Sevenoaks	Dartford
Epping Forest		
Oxfordshire 1.07		
Oxfordshire County Council	West Oxfordshire	Vale of White Horse
Cherwell	Oxford	South Oxfordshire
West Sussex Non-fringe 1.01		
Adur	Arun	Worthing
Chichester	Horsham	Mid-Sussex

Section 12 - Acronyms and Glossary

Acronym / Glossary	Non-abbreviated term
20010-11	Denotes a financial year (April-March)
2010/11	Denotes an academic year (August – July)
Agency	Skills Funding Agency
ALG	Adult Learner Grant
ALN	Additional learning needs
ALS	Additional learning support
APEL	Accreditation of prior experience and learning
ASN	Additional social needs
BIS	Department for Business, Innovation and Skills
BSA	Basic Skills Agency
DfE	Department for Education
DEL	Distributed and electronic learning
EEA	European Economic Area, consisting of the states of the EU plus Iceland, Liechtenstein, Switzerland and Norway
ELS	Exceptional learning support
EMA	Educational Maintenance Allowance.
ESF	European Social Fund
ESOL	English for speakers of other languages
EU	European Union.
FE	Further education
GCSE	General Certificate of Secondary Education
glh	guided learning hours
GNVQ	General National Vocational Qualification
HE	Higher Education
HEFCE	Higher Education Funding Council for England

IAG	Information, advice and guidance
ICT	Information and communications technology
ILP	Individual Learning Plan
ILR	Individualised learner record
IMD 2004	Index of Multiple Deprivation 2004
ITQ	NVQ for IT Users
JIF	Joint Investment Framework
JSA	Jobseeker's Allowance
LA	Local authority
LAD	Learning Aim Database
LIS	Learner Information Suite
LLDD	Learners with learning difficulties and disabilities
LS	Learner support
LSN	Learning and Skills Network
MoD	Ministry of Defence
NAS	National Apprenticeship Service
NEET	Not in education, employment or training
NES	National Employer Service
NOS	National Occupational Standards
NQF	National Qualifications Framework
NVQ	National Vocational Qualification
PF	Provider factor
PFA	Provider financial assurance
PFR	Provider Funding Report
PLA	Programme-led Apprenticeship
PLP	Programme-led pathway
PW	Programme weighting
PWF	Programme-weighting factor
QAA	Quality Assurance Agency
QCA	Qualifications and Curriculum Authority
QCF	Qualifications and Credit Framework

RPL	Recognition of Prior Learning
SLN	Standard Learner Number
SQS	Sector Qualification Strategy
SSA	Sector skills agreement
SSB	Sector skills board
SSC	Sector skills council
SSDA	Sector Skills Development Agency
TC	Technical Certificate
TPS	Training Provider Statement
TtG	Train to Gain
TUC	Trades Union Congress
UPIN	Unique provider identification number
VRQ	Vocationally related programme
WBL	Work-based learning (a funding stream up to 2007/08)
UKPRN	UK provider registration number
UKRLP	UK Register of Learning Providers

12.1 Definitions and Terminology

This section provides detailed definitions of some of the Key terms used in these requirements.

16–to 18-year-old learner

For the Employer Responsive funding model a 16- to 18-year-old learner is aged 16, 17 or 18 on the day the learner starts their Apprenticeship framework. The funding associated with a framework is based on the start of the framework and not on the individual elements. If a learner progresses on to another Apprenticeship framework, at the same or higher level, then the age of the learner when starting that subsequent framework will determine funding and not the age at the start of the original framework.

The Agency does not fund 16-year-old school-leavers until after they have left school. The official school-leaving date for England is the last Friday in June of the academic year. All Apprentices funded by the Agency are subject to this date even if they have lived previously outside of England where different rules apply.

19 or over learners (also referred to as adult learners)

For the Employer Responsive funding model a 19+ learner is aged 19 years of age or more on the day the learner start date. The funding associated with a framework is based on the start of the framework and not on the individual elements. If a learner progresses on to another Apprenticeship framework, at the same or higher level, then the age of the learner when starting that subsequent framework will determine funding and not the age at the start of the original framework.

25 or over learners

The definition of a learner aged 25 or over mirrors that relating to the younger groups. A learner aged 25+ is aged 25 or over on their start date.

Absence

A provider may continue to claim funding for reasonable absences of up to four weeks (28 days) by learners from their programmes who continue in learning after the absence. The Agency does not distinguish between authorised and unauthorised absence for funding purposes.

Actual leaving date

The date when the learner completes their learning activity, or the date when the learner is deemed to have terminated the learning activity, if this is an earlier date (as set out in the ILR guidance, Specification of the Individualised Learner Record 2010/11).

Additional learning needs

Additional learning needs (ALN) relate to the learner's intrinsic ability based on current competency of literacy, numeracy and language based on a diagnostic assessment. Only applicable where the learner is assessed at Level 1 or below.

Additional learning support

Additional learning support (ALS) is any activity that provides direct support for learning to individual learners, over and above that which is normally provided in a standard learning programme that leads to their learning goal. ALS is required to help learners gain access to, progress towards and successfully achieve their learning goals. The need for ALS may arise from a learning difficulty and/or disability, or from literacy, numeracy or language support requirements.

In the Employer Responsive context it includes financial support that enables young people to take up and remain on their programme. It includes enhancements to monthly payments for learners assessed as having an additional learning need and/or an additional social need. Exceptional learning support and support for learners with disabilities is also included within ALS.

Additional social needs

Additional social needs (ASN) relate to the emotional, behavioural or motivational abilities of the learner.

Advanced Apprenticeships

Advanced Apprenticeships are a framework of qualifications where the main aim is a Level 3 qualification.

Advanced Apprenticeship in Sporting Excellence

The Advanced Apprenticeship in Sporting Excellence (AASE) is unique in purpose and structure, and therefore a number of different features have been agreed for it. The AASE can only be delivered by those providers with specific approval from the Agency.

Agreed break in learning

A break in learning may be taken as agreed between the learner and the provider, the learner having expressed the intention of returning by a set date. In respect of the Employer Responsive model, where the learner is employed, maternity leave can be extended to match that of an employer's maternity leave scheme if this is greater than the statutory twelve months.

Apprenticeships

Apprenticeships are a framework of qualifications where the main aim is a Level 2 qualification. See website at: www.Apprenticeships.org.uk/.

Apprenticeship completion date

This is the date on which the provider has all the evidence that the learner has completed all the elements of the framework and applies to the issuing authority for the Apprenticeship completion certificate. That is, the date the application is posted.

Apprenticeships framework

Apprenticeships frameworks are completed by learners who are engaged in the full Apprenticeships training specification, and are developed by the relevant Sector Body or Sector Skills Council. Apprenticeships frameworks incorporate the set criteria, outcomes and good practice.

Apprenticeships framework completion certificate

The Apprenticeships framework completion certificate complies with national requirements and is approved by the relevant Issuing Authority. It is issued to the apprentice on completion of learning to confirm that the minimum requirements of the Apprenticeships have been achieved.

Area costs

This is a funding uplift that reflects the fact that, in some geographical areas, higher salaries are needed to attract and retain staff of a similar standard.

Consortium

An association of two or more legal entities engaged in a business enterprise in which the profits and losses are shared proportionally. Each organisation is jointly and severally liable with the consortium for the obligations of the consortium and the wrongful acts or omissions of a co-member of the consortium.

Basic skills

Adult basic skills provision is defined as provision that caters for the literacy, language and numeracy needs of post-16 learners, including those with learning difficulties and/or disabilities, from pre-Entry level up to and including Level 2. In the context of basic skills, 'adult' refers to any learner over the age of 16 (that is, one who is no longer in compulsory education), with no upper age limit. Provision may be delivered as stand-alone or as part of a vocational programme or additional learning aim; it may be delivered full-time, part-time, or through self-study or information and communications technology (ICT). This definition applies to provision that has been approved as basic skills by the Secretary of State or non-approved Entry level and pre-Entry level provision that is based on the national standards for adult literacy and numeracy. Basic Skills qualifications are not funded through Apprenticeship funding.

Disability

The Disability Discrimination Act 1995 describes a person as having a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Guidance about the terms used within the definition, and what is meant by 'day-to-day activities' is given in the Disability Discrimination Act 1995 Part 1, and in the Department for Works and Pensions (DWP) 2005 Consultation Document, '*Guidance on Matters to be Taken into Account in Determining Questions Relating to the Definition of Disability*'.

Disadvantage uplift

The purpose of the disadvantage uplift is to ensure that certain learners that reside in a particular location attract a funding enhancement that reflects both their relative disadvantage and the expected additional costs incurred by providers in attracting, retaining and supporting such learners.

Employed

For the purpose of funding, an 'employed' individual is an apprentice who is engaged by another under a contract of Employment. Further details of the definition of an employed individual can be found on the [HMRC website](#).

Employer contributions

In the Employer Responsive funding model the employer contribution is a proportion of the value of Skills Funding Agency funding that would be generated by multiplying the SLN value for the programme by the provider factor weightings and by the Skills Funding Agency published National Rate for the programme of study. This formula is expressed in the following bracket (SLN x Provider Factor Weightings x National Funding Rate) and for Apprenticeship co-funded learners the employer contribution percentage required is 50% for 2010/11.

First or Firstness

This describes qualifications that a learner is following at a higher level than of that already attained. For example a learner whose highest qualification is a Level 1 (GCSEs at grades D to G) following a Level 2 qualification will be described as following a 'first' Level 2. A learner whose highest prior achievement is Level 2 (5 GCSEs at grades A* to C) will not be following a 'first' Level 2. 'Firstness' describes groups of learners or qualifications where the learners are following a 'first' qualification.

Formula-funded provision

Formula-funded provision comprises any programme provision funded by the Skills Funding Agency under any of the funding models described in this document.

Franchise

A right to sell a company's products in a particular area using the company's name;

Functional/Key skills

There are three Functional/Key skills qualifications at Levels 1 to 4: Communication or English, Application of Number or Mathematics and Information Technology (IT).

There are also three wider Functional/Key skill units at Levels 1 to 4: Working with Others, Improving Own Learning and Performance, and Problem-solving.

In respect of Apprenticeships the number and level of Functional/Key Skills funded is determined by the Apprenticeship framework being followed, with only those Functional/Key skills required by the framework at the level described or higher being funded. Providers may deliver wider Functional/Key skills to the learner but these must be recorded as non-funded on the Employer Responsive ILR.

Gained

This is the date that an outcome is determined or an approved qualification is achieved (which means the date when a certificate or any other acceptable evidence is first issued). For providers with direct claim status, the date of achievement is the internal verification date. For providers without direct claim status, the date of achievement is the external verification date.

Guided learning hours

Guided learning hours (glh) are defined as all times when a member of staff is present to give specific guidance towards the learning aim being studied on a programme. This definition includes lectures, tutorials and supervised study in; for example, open learning centres and learning workshops. It also includes time spent by staff assessing a learner's achievements, for example in the assessment of a competence qualification. It does not include time spent by staff in the day-to-day marking of assignments or homework where the learner is not present. It does not include hours where supervision or assistance is of a general nature and is not specific to the study of the learners.

Individualised learner record

The individualised learner record (ILR) is used by providers to record all relevant funding data about Skills Funding Agency funded learners. More information can be found in the ILR guidance [Individualised Learner Record Specification for 2010/11](#).

Information, advice and guidance

All learners regardless of level, age or programme must be able to access information, advice and guidance (IAG) services to enable them to consider further learning opportunities, progression and career choices. This is a key

expectation in support of our priorities for Skills for Life, full Level 2 and Level 3 qualifications and for Higher-level Skills.

In-learning

A learner who has commenced an agreed course of learning and has not yet finished that course of learning is said to be in-learning. A learner continues to be counted as being in-learning even if that learner is not attracting funding because they have drawn down or been paid all the on-programme funding attracted by the programme.

In-learning census date for Employer Responsive funded programmes

In the Employer Responsive model this is the census date at which a learner must be classified as being in learning for a payment for that period (month or week) to be received. A learner who leaves on a census date is counted as being in learning for that month for funding purposes. A learner who starts on a census date is also counted as being in-learning for that month for funding purposes. Once the census date has passed, if the learner is no longer in learning, funding will not be generated for that learner.

Issuing Authority

An approved organisation that issues Apprenticeship Frameworks for their sector. Prior to 2010/11 this may be either a Sector Skills Council or Sector Body.

Joint-venture company

A company jointly owned by the Lead Provider and one or more other organisations independent of the Lead Provider;

Lead Provider:

The legal entity with which the Chief Executive of Skills Funding has a direct legal relationship;

Learner

In these requirements, this refers to an eligible learner who has commenced their learning programme. An ex-learner whose learning has been terminated is also referred to as a learner with respect to their terminated course.

Learner eligibility

The Skills Funding Agency will consider as eligible for funding any person who meets the criteria described in the document *Learner Eligibility Guidance 2010/11*.

Learner support

Previously known as Additional Learner Support. Funding is made available to directly support unemployed learners for activity not directly associated with learning. This includes;

- hardship
- childcare
- travel
- residential accommodation
- equipment, such as personal protection.

Learning

Learning is defined as a process of planned activities that the learner engages in, and that is specifically designed for imparting the knowledge, skills and competence that are required for effective participation in the labour market. Assessment and induction are not defined as learning.

Learning aim

A learning aim is defined as a single element of learning that attracts a funding at a listed SLN value.

Learning programme

A learning programme comprises of all of a learner's activities that involve the use of the resources of the provider at which the learner is enrolled. A learning programme may be composed of one or several learning aims.

Maximum hours of work

All employed learners are subject to the Working Time (Amendment) Regulations 2002. For Programme-led Apprenticeships a maximum number of 37 hours of work and learning applies.

National Employer Service

The National Employer Service (NES) has the responsibility for managing the contracting arrangements with large, national, multi-site employers and with providers that act on behalf of these employers. Its purpose is to simplify the Skills Funding Agency's relationship with large employers and their representatives. The aim is to ensure that large national employers can work with the Skills Funding Agency at a single point, while providing flexibility at the local level to meet local needs.

National rate

The National Rate is the national funding rate applied in each of the funding models to the SLN value calculated for each programme. Together this

reflects the size of the learning aim and the basic cost of delivery. It includes the funding elements for assumed fee income and achievement. For adult provision the co-funded provider rate excludes the value of fee remission.

Outcome

The outcome of a learning programme is the achievement by learners of an approved qualification.

Partnership

An association of two or more persons engaged in a business enterprise in which the profits and losses are shared proportionally. The legal definition of a partnership is generally stated as "an association of two or more persons to carry on as co-owners of a business for profit" (Revised Uniform Partnership Act § 101 [1994]). Each partner is legally obliged to be registered as self-employed with HMRC. Each partner is jointly and severally liable with the partnership for the obligations of the partnership and the wrongful acts or omissions of a co-partner

Personal adviser

A personal adviser is the named Connexions person who works with a young person and who has responsibility for supporting that person to help them enter education or training and to achieve their learning aims.

Pre-entry advice and guidance

The Skills Funding Agency considers it essential that learners have access to clear and full information on the costs of programmes before enrolment.

The funding for each learner's programme is still based on the principle that learners are provided with pre-entry advice and guidance. Such advice and guidance are crucial if the learning programme is to match a learner's aspirations, expectations and abilities. Providers must not claim separate funding for a learning aim that represents provision typically forming part of pre-entry advice and guidance or induction activities.

Programme-led apprentice

A programme-led apprentice is a non-employed learner on an Apprenticeship following the whole Apprenticeship framework funded through Employer Responsive funding.

Programme weighting

Programme weighting is a funding uplift reflecting the fact that some learning aims of similar length are more costly to deliver than others; for example, engineering provision is more costly than business administration.

Provider

A college or other provider of education and training;

Provider Funding Report

Provider Funding Reports (PFRs) are reports that are available to the provider from the ILR data submitted. The reports detail the actual earned current position of a provider against its profile, based on the information the provider has supplied in the form of their data return.

Qualifications and Credit Framework

The Qualifications and Credit Framework is a new way of recognising achievement through the award of credit for the achievement of units and qualifications. It provides a simple and rational organising framework that presents learner achievement and qualifications in a way that is easy to understand, measure and compare. It gives individuals the opportunity to learn in a more flexible way and enables a wider range of organisations, including employers, to have their training recognised.

The [Qualifications and Credit Framework](#) is a key strand of the Government's Vocational Qualification Reform Programme. The Skills Funding Agency is responsible for implementing the framework across the wider post 19 skills system in England, and for delivering the changes made to the Personal Learning Record to support the additional Qualifications and Credit Framework services which will operate in England, Wales and Northern Ireland.

School leaving date

The school leaving date in England is the last Friday in June in the school teaching year in which a young person reaches the age of 16.

Self-employed

For the purposes of the Employer responsive Model, a self-employed individual is someone who is registered with HM Revenue and Customs as being self-employed and the learning taking place is related to that occupation.

Start date

Start dates are used to determine when and whether funding must be claimed for any learner. It is determined by the date on which the learner's learning programme begins and ends. In respect to funding the start date is the day on which structured learning commences. Within a framework each of the elements of framework can have different start dates.

Sole Trader

An individual who is registered as self employed with Her Majesty's Revenue and Customs (HMRC);

Structured Learning

A learning activity associated with a learners aim or framework. Involves a two way interaction between the learner and the provider.

Subcontract

Where a Lead Provider has entered into a contract with a third party to carry out all or part of the services they are funded by the Chief Executive of Skills Funding to carry out.

Technical Certificate

A Technical Certificate (TC) is a vocationally related qualification that provides the underpinning knowledge and forms part of the Apprenticeship. This has now been replaced by Knowledge based qualification.

Training Provider Statement

The Training Provider Statement (TPS) is an auditable electronic return that details the amount of funding earned for non-formula-funded activity. It must be completed on a monthly basis.

Unfunded learner

An unfunded learner is a learner that is not directly funded by the Agency. This may be caused by the constraints of a provider's contract. Provider must not recruit a learner where as a consequence the provider financial contract is breached. An unfunded learner must not at a future time be entered on to a provider's ILR when funding becomes available. Once a learner commences learning and is not funded by the Agency they CANNOT become funded at a later date.

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