



Education & Skills
Funding Agency

Conditions for organisations on the register of end-point assessment organisations

Version 2.2

Annex to the register of end-point assessment organisations pre-application
guidance

December 2017

Applicable to organisations who are applying to /are registered to offer independent
end-point assessment for apprenticeship standards

Introduction

1. This document sets out the conditions (the conditions) which apply to all organisations on the register of end-point assessment organisations (the register). You should read it alongside the [pre-application guidance](#) for the register so you are clear about the mandatory requirements which apply once an organisation is registered as an end-point assessment organisation (EPAO).
2. The purpose of the conditions set out in this document is to ensure that all EPAOs are clear about the requirements which we (the Education and Skills Funding Agency) have implemented to ensure that public funding and apprentice needs are protected. Only registered EPAOs are eligible to receive public funding in connection with end-point assessment activities. In the event of any conflict between the conditions set out in this document and any other documents produced by us relating to end-point assessment, this document takes priority.
3. We ask that you (the organisation applying to the register) read and ensure you fully understand the conditions set out in this document before your start your application to the register. For organisations on the register before we published these conditions, we will apply them from 1 December 2017 and they will cover the standard/s and assessment plan/s you are registered to assess against.
4. The conditions are set out below.

Your organisational details

5. The [pre-application guidance](#) sets out the minimum entry criteria and requirements you must meet to be registered as an EPAO and you will need to continue to meet these minimum criteria and requirements to remain on the register.

6. The information you give us at the time of your application to the register must remain current and valid. Should there be any significant change in this information which reasonably impacts on your ability to deliver end-point assessment you must inform us immediately at apprentice.assessment@education.gov.uk Depending on the nature of that change, we will review your listing on the register.
7. Significant changes in information covers all the areas in the application form, which would affect your ability to deliver end-point assessment for the standard/s and assessment plan/s you are registered to assess against. This includes, but is not limited to:
 - i. changes in your financial health (unless you are exempt from financial audit)
 - ii. changes to your organisational structure
 - iii. changes to your overall resources to deliver end-point assessment for a specific standard and assessment plan
 - iv. information that you are now subject to a formal investigation, sanction or other form of penalty from any other organisation or government agency (this does not include generic regulatory activities that you may be subject to)
 - v. changes to the contact information or web-links that we hold about you on the register publication on GOV.UK
8. We ask you annually to re-confirm the details of your application via the bravo e-tendering portal. We will notify you in advance and you must comply with our request within four working weeks of receiving the notification. This may include a check of the information we publish about you on the register, and your organisation's financial health assessment. At least once every three years we will ask you to re-confirm assessment and occupational capacity and capability details. We will require you to validate, update and resubmit these application details to us through the bravo e-tendering portal for the standard/s

and assessment plan/s you are registered to assess against. We will give you advance notice of when we intend to do this.

Readiness

9. In your application to the register we need you to indicate when you will be ready to begin to deliver your end-point assessment service in line with the requirements set out in the standard/s and assessment plan/s you are applying against. While we indicate in the pre-application process that this should generally not exceed nine months of your registration for each standard and assessment plan you have applied against; we are aware that, for some standard/s and assessment plan/s end-point assessment might not take place for a significant period of time, for instance two to three years. In addition, depending on your external quality assurance (EQA) body, there may be other readiness requirements you need to take into account.
10. As a result, readiness in the context of these conditions means that:
 - i. Within nine months of your registration you must have in place the necessary administrative and systems infrastructure and associated internal quality assurance policies and procedures to support your end-to-end end-point assessment service. You should also have a starting base of assessor resource. This means you should be able to support meaningful engagement with employers to offer end-point assessment services and that you are able to support them, and their apprentices, to understand and prepare for the end-point activity.
 - ii. Where you registered against a standard which is between 12 and 24 month's duration (or where, as a result of prior learning the duration for individual apprentices has been shortened to between 12 and 24 months), you must also have all end-point assessment support materials in place within nine months of your registration and final assessment instruments and tools ready three months in advance of

- the first end-point assessment taking place, unless there is a requirement from your EQA body that these should be available earlier
- iii. Where you have registered for a standard which is above 24 month's duration you must also have all end-point assessment support materials in place within twelve months of your registration and final assessment instruments and tools ready three months in advance of the first end-point assessment taking place, unless there is a requirement from your EQA body that these should be available earlier
11. We understand that in some circumstances you may not be able to deliver end-point assessment in the above timeframes. This could be due to EQA requirements, or due to amendments to the standard and assessment plan. If you find you are not ready within the original time scale you indicated, you must inform us immediately at apprentice.assessment@education.gov.uk including the reasons for the delay.
12. Readiness to deliver is about you directly delivering end-point assessment. You must not contract out end-point assessment to another organisation to deliver on your behalf, (although you may use contracted assessors who may be self-employed or drawn from other organisations to support your delivery of end point assessment). However, you are solely accountable and responsible for the end-point assessment for the standard/s and assessment plan/s you are registered to assess against and you must deliver the end-point assessment in line with the requirements set out in the assessment plan/s you are registered to assess against.

Promotion and selection

13. While we encourage you to directly promote your end-point assessment service to employers you must only do this once you are approved for the register and only for the standard/s and assessment plan/s you are registered to assess against. As part of promoting yourself to employers, you must also

make clear what your position is in relation to your readiness to deliver a full end-to-end end-point assessment service.

14. If you are already listed on the register you may indicate, through your promotional activities, your intention to apply for further standards and assessment plans, but you must make clear that you are not yet registered to assess against these standards and assessment plans.
15. You must not promote your end-point assessment service as an undifferentiated part of any package of broader services you may offer to an employer or apprenticeship training provider (provider), including as part of an undifferentiated package of services linked to on-programme qualifications and/or delivery. While you may promote a range of services, and may do this through a single source, you must be clear that your EPA service is a separate and independent offer and costs will be separately charged for it.
16. For 2017 to 2018 we require providers to record the EPAO in the [Individualised Learner Record](#) (ILR) once the identity of the EPAO is known. Once an employer notifies you that they have selected you to deliver end-point assessment you must then notify us within four working weeks of receiving the employer's notification. You should contact us at apprentice.assessment@education.gov.uk
17. You must confirm in your email to us which employer has selected you, against which standard and assessment plan and also confirm the name of the provider you will be engaging and entering into a contract with. This will allow us to validate the details being entered in the ILR and is intended to act as an interim validation until we have fully embedded EPAOs in the [apprenticeship service](#).
18. Where you have been approached by a provider to deliver end-point assessment you should request details of the employer in order that you can

meet with the employer and discuss and confirm arrangements for end-point assessment directly.

19. In this email we also require details of when you anticipate the first end-point assessment to take place and the initial number of apprentices involved.

Eligible Costs

20. The employer will select you and negotiate and agree a price with you for end-point assessment. The price agreed will include only those items identified as eligible costs as set out in paragraph 26.
21. Eligible costs should not usually exceed 20% of the funding band maximum for the standard. This does not mean that end-point assessment must always cost 20%. The price an individual employer will pay for end-point assessment will vary across standards and across EPAOs. In your negotiation with employers you must bear in mind the need to secure value for money.
22. Where the total cost of assessment (and training) agreed is higher than the funding band maximum the employer must pay the difference. The [apprenticeship funding and performance management rules](#) contain further information on the rules which apply to all apprenticeship provision funded by us.
23. Currently payment from the employer to you is routed through the provider. In order to receive payment, you and the provider must have a form of contract agreed and in place as soon as possible after notification of your selection by the employer. This contract must cover roles and responsibilities and a schedule for the channelling of funding through the provider to you.
24. The terms of the contract between you and the provider also needs to be clear that you are delivering the end-point assessment on behalf of the employer and that the provider is acting as our agent in passing the payment (either from the

employer's apprenticeship service levy account or funded by us) that you are due through to you. This does not make you a delivery subcontractor of the provider.

25. You must base the costs you quote and/or charge for the service you provide including the administration and delivery of end-point assessment (eligible costs) and may also comprise an element linked to profit. As part of arriving at these costs you may take wider business overhead costs into account. These costs may change over time depending on business need.

26. Eligible costs are:
 - i. costs associated with the administration, registration and examination of end-point assessment as set out in the standard/s and assessment plan/s you are registered to assess against
 - ii. costs associated with providing guidance and support and the materials (non-capital items) used in the delivery of end-point assessment (equipment or supplies necessary to enable the assessment to take place)
 - iii. costs associated with ensuring trained staff and appropriate premises are available to deliver end-point assessment
 - iv. costs associated with the development and maintenance of assessment instruments and tools
 - v. costs to support any special arrangements you may need to put in place to ensure any apprentices with special educational needs, disabilities or with another temporary or permanent debilitating condition can fairly access end-point assessment
 - vi. costs associated with any further assessment required by the apprentice to achieve end-point assessment (for instance retakes or resits)
 - vii. costs associated with ensuring consistent and robust internal quality assurance (for instance moderation and standardisation of assessment instruments and tools, assessors and assessment decisions)

viii. costs to take account of any EQA charges you may incur (please refer to paragraphs 61 to 64)

27. Ineligible costs are:

- i. costs associated with any centre approval process; (while you will need to assure yourself that the provider has appropriate systems and processes in place for presenting apprentices for end-point assessment, you should not charge for this)
- ii. costs associated with the recruitment and continuing professional development of your assessors
- iii. costs associated with promotional activity and/or materials
- iv. costs associated with any on-programme activity you may offer; these costs must be separate as they are ineligible for end-point assessment and must not be packaged as part of the EPA charges you make to an employer

28. In addition, you must not directly or indirectly charge individual apprentices for any aspect of their end-point assessment.

29. You must only charge the employer (through the provider) for eligible costs that you legitimately incur as part of the actual administration and delivery of end-point assessment. There may be occasions however, when you have incurred legitimate eligible costs, but due to unforeseen circumstances, an assessment has not been carried out. This may include apprentices who withdraw from attending a booked assessment. In such cases the reasonable eligible costs (i.e. those already incurred in arranging the assessment of the outstanding components) will be payable.

30. Similarly, you may incur costs based on anticipated numbers of apprentices and, through no fault of your own, the final number of apprentices undertaking EPA is fewer. In such cases there is no requirement for you to repay these costs on the basis that you have incurred them in good faith.

31. If the cost of end-point assessment is higher than the price originally quoted to the employer, you must renegotiate and agree revised costs with the employer before charging additional fees.

32. You agree that you may be subject to audit from us. Where this is the case we will give you notice of the intention to audit and clearly identify what is in scope for audit. You must be able to clearly account for and justify, with clear evidence of service delivered, all money you receive. If we have evidence that you have claimed money through the provider that you were not entitled to, then you must return those funds as directed by us.

Conflict and Collusion

33. You must make every effort to manage and mitigate any potential or real conflict of interest in the delivery of your end-point assessment service.

34. Where a potential conflict emerges you must take appropriate action to ensure that the integrity and validity of the end-point assessment you deliver is not compromised. This may mean, for instance, removing individuals from any involvement in the assessment process where there is a risk of conflict. The independence of your decision on the competency of the apprentice is paramount. Any actual or perceived conflict of interest can undermine both the outcome of the end-point assessment and your credibility as a trusted assessor of apprentices.

35. As part of the application process for the register you have demonstrated that you have a conflict of interest policy in place and that you understand the requirements for separate and independent end-point assessment. You must actively maintain and review your conflict of interest policy, recognising that you will need to respond to changes in what may constitute a potential or real conflict as you build relationships with employers and providers, expand your

end-point assessment offer to new standards and assessment plans and engage with EQA bodies.

36. Your conflict of interest policy must operate at an organisational as well as at individual assessor level, including any organisations and individuals with which you have contracted to support your delivery of end-point assessment. You are ultimately accountable and responsible if we find evidence that there has been a conflict of interest for your organisation, with an individual assessor, group of assessors, employers, providers, apprentices or an EQA body.
37. While on the register you may also wish to offer on-programme support to providers. Where this is the case, there must be a clear separation between your on-programme support services (non-mandatory or mandatory on-programme qualifications, provision of support materials for on-programme learning) and your end-point assessment activity.
38. It is possible for you to be listed on both the [register of apprenticeship training providers](#) and also the [register of end-point assessment organisations](#). If this is the case, you must meet the respective entry criteria and requirements of both registers, ensure robust separation of your individual business offers (including how you manage them) and also ensure:
 - i. there is a clear separation of individuals, processes, policies and roles and responsibilities between the training and the assessment arm of your organisation
 - ii. no individuals involved in on-programme delivery can be involved in end-point assessment for the same individual or group of apprentices
 - iii. you do not deliver on-programme training and end-point assessment for the same group of apprentices for the same standard (unless an exemption has been agreed or you are delivering both the programme and the end-point assessment as part of an integrated degree apprenticeship)

39. The separation described above also applies if your organisation has dual or multiple roles. For example, if you are a professional body which is also an awarding organisation and EPAO there must be clear separation between these functions. Similarly, if you are an apprentice employer, who has been granted an exemption allowing you to assess your own apprentices through the relevant published assessment plan, there must be a clear separation between these functions.
40. You must not collude with other EPAOs, providers, employers or any other organisation in the delivery of end-point assessment.
41. By collusion we mean:
- i. you and another organisation entering the register with the express intention of delivering end-point assessment to each other's apprentices and/or of circumventing the requirement both for the employer to select the EPAO and for separate and independent assessment
 - ii. you and another organisation (already on the register) entering into such reciprocal arrangements at a later stage
42. We will view such reciprocal arrangements as deliberate collusion which will not only undermine the independence of end-point assessment but also limit open competition in the EPAO market.
43. You must not be party to or actively offer or accept incentives or inducements to or from employers and/or providers in connection with your engagement to deliver end-point assessment.

Gateway Review

44. Prior to undertaking their end-point assessment, you must ensure that the apprentice has passed the gateway review. The employer conducts this review and is supported by the provider, who in turn will have a continuing duty of care

for the apprentice as they undertake end-point assessment. As part of the process of passing the gateway review, the employer must agree that the apprentice:

- i. is in their view competent in the role and therefore ready to do the end-point assessment
 - ii. has achieved mandatory on-programme qualifications (where applicable)
 - iii. has achieved other specific requirements where these are listed in the assessment plan, such as completing a logbook or service record
45. You must not assess an apprentice who has not achieved all of the gateway requirements for their apprenticeship or where the rule for minimum duration has not been met. To ensure this is the case you must have in place a process for checking the requirements with the employer and provider and satisfying yourself that the apprentice has met all the requirements. This includes confirming that the apprentice has achieved eligible English and maths qualifications at the appropriate level (unless the apprentice has an exemption).
46. Once gateway requirements have been satisfied you must deliver EPA in line with any timings and requirements set out in the assessment plan. Only in exceptional circumstances would we expect EPA to take place beyond any timings set out in the assessment plan.

Certification

Issuing certificates

47. Under Section A3 of the Apprenticeships, Skills, Children and Learning Act 2009 the Secretary of State may issue an apprenticeship certificate in respect of a person who applies for it if it appears to the Secretary of State that the person has completed and achieved an approved English apprenticeship. The Education and Skills Funding Agency operate the process for issuing certificates on behalf of the Secretary of State.

48. The apprenticeship certificate is the formal recognition that an individual has achieved their apprenticeship.

Claiming certificates

49. You must request the apprenticeship certificate from us once an apprentice has achieved all components of their end-point assessment. As part of this, you must ensure that the apprentice has given their permission for you to apply for certification on their behalf.
50. When we receive your request for the apprenticeship certificate we will cross check the apprentice's details, including the apprenticeship standard being certified, with the information we receive from providers in the ILR.
51. We understand that it may be helpful for the individual apprentice to have a record or summary of their performance through the components of end-point assessment and you may wish to issue such a record to an apprentice. If you want to issue such a record you must make it clear that such a record is not instead of the actual apprenticeship certificate and you must not charge either the apprentice or the employer for it (or make any charge to the provider).
52. You must not issue your own 'apprenticeship certificate'. Any record of results you do issue to the apprentice on completion of their end-point assessment must include a statement that makes clear such a record is not a formal apprenticeship certificate. You must ensure that any details of results you include in this record are for end-point assessment and not for the overall apprenticeship. Where we find this happening we will treat this as a significant breach of these conditions.

Record keeping

53. For audit purposes, you must retain a record to prove you have seen and checked evidence that the apprentice has achieved the English and maths and that you are satisfied all other gateway requirements have been met.
54. You must retain information about the end-point assessments undertaken and payment received for six years after the activity took place. This is for audit purposes and so that you can respond to any complaints or appeals from apprentices. This should include details of what assessments were undertaken, against which versions of the standard and assessment plan, when and by whom along with assessment outcomes and evidence of the internal quality assurance of those assessments.

Monitoring and audit

55. As an organisation registered to undertake end-point assessment you consent to us obtaining, holding and processing information about you and using this information to monitor your activities as an EPAO and your on-going compliance with these conditions, and for other purposes set out in this section.
56. Through this monitoring we will build a profile of your activity. We will monitor you through information we already hold or can directly access about you and your activities as an EPAO. For instance, from your application to the register, from the ILR, from the apprenticeship service.
57. Until we have fully embedded EPA and EPAOs in the apprenticeship service, we will require you, for an interim period only, to provide certain information to us on a regular basis about your activities as an EPAO, which will include information about:
 - i. the employers who have selected you and the providers you have worked with
 - ii. your readiness and timescales for delivery of end-point assessment
 - iii. the price you charge for end-point assessment

- iv. feedback from apprentices and employers you may have directly gathered
 - v. any on-programme apprenticeship delivery you may be involved in
58. In each case we will specify the precise information required and collect the relevant information through quarterly surveys.
59. We will use the information we collect and the profile we build to monitor your activity as an EPAO and your compliance with these conditions. We may also use this information to inform our approach to risk management and intervention with regard to all EPAOs
60. We will share the monitoring information we hold about you with the Institute for Apprenticeships. The Institute may then share this information with the EQA bodies for the standards and assessment plans you are registered to assess against. This will be to support the EQA bodies in the design and implementation of sampling and standardisation activities across all EPAOs undertaking end-point assessment for the standards and assessments plans they have oversight of, and also to support them in building their own profile of the EPAOs operating across the standards and assessment plans they are responsible for.

External Quality Assurance

61. You must carry out your own internal quality assurance checks to ensure that the end-point assessment decision you are making for a particular apprentice is robust, consistent and comparable across assessors and across locations.
62. As already indicated, the EQA body will ensure the robustness and consistency of all end-point assessments across one standard and assessment plan through scrutiny of your internal quality assurance policies and processes.

63. You must operate within and adhere to the external quality assurance framework set down by the appropriate EQA body. You should be aware that your EQA body may charge you and we accept these as eligible costs.
64. As detailed in paragraph 60 we will share information on you with the Institute. The Institute will then need to share this information with your EQA body as appropriate. In addition to agreeing to the sharing of information with your EQA body, in accepting these conditions you also agree to any additional reasonable requests for the provision of information made of you by your EQA body or information about the end-point assessments that you have undertaken and have been engaged to undertake in the future.

Accepting the conditions

65. If your application to the register is successful, you must confirm that you accept the conditions set out in this document. Entry onto the register and your ongoing listing on the register is dependent on you accepting and complying with these conditions. We will not list you on the register until we receive this confirmation, and we will review your listing on the register if we are concerned that you have breached any of these conditions.
66. We will initially require you to confirm acceptance of the conditions through Bravo when you submit your application. If we evaluate you as a pass, and following your formal feedback letter from us, we will send you a letter to sign to confirm that you accept the conditions as part of being listed on and staying on the register.
67. We will only require you to confirm acceptance once, irrespective of how many standards and assessment plans you may be listed against.
68. We may need to update these conditions from time to time. Where this happens we will give you prior of notice of this and how the conditions may be updated in order to receive feedback. We will require you to formally agree to

any updated conditions as a condition of remaining on the register. If we do not receive confirmation from you that you agree to accept these updated conditions, we will review your listing on the register.

Suspension or Removal from the register

69. Failure to comply with any of the conditions detailed in this document may result in us suspending your listing against a particular standard and assessment plan on the register, or your removal from the register completely. This is action we may take separate to any sanctions imposed on you by your EQA body.

70. We will write to you as soon as reasonably practicable after we discover or suspect that you may be in breach of any of the conditions. We will also notify the Institute. When we write to you we will set out the process through which you may make representations about any alleged breaches before we take any action. In certain circumstances we may immediately suspend or remove you from the register, where the breach or suspected breach is sufficiently serious and/or incapable of remedy.

71. We may also ask that you take certain steps within a specified timeline to rectify any breaches of the conditions and/or ensure future compliance. If these actions are not taken within the time frames set out, then we may suspend or remove you from the register.

Glossary

Apprenticeship	An apprenticeship is a job with an accompanying skills development programme. This includes the training and end-point assessment for an employee as part of a job with an accompanying skills development programme.
Apprenticeship levy	The apprenticeship levy is a levy on UK employers to fund new apprenticeships in England. In England control of apprenticeships is placed in the hands of employers through the apprenticeship service. The levy will be charged at a rate of 0.5% of an employer's pay bill. Each employer will receive an allowance of £15,000 to offset against their levy payment.
Digital account	The area on the apprenticeship service where employers can manage their funding and apprentices, view their account balance and plan their spending.
End-point assessment	Robust and holistic assessment, undertaken by an independent organisation on the register of end-point assessment organisations, through which an apprentice will demonstrate they have achieved the occupational competence set out in the standard.
External quality assurance	The monitoring of end-point assessment to ensure that robust, consistent and comparable assessment decisions are made across end-point assessment organisations and across standards.
External quality assurance bodies	There are four options for external quality assurance across apprenticeship standards. These are employer-led, professional body led, Ofqual led and the Institute for Apprenticeship's own EQA service.

Gateway requirements	These are requirements set out in the assessment plan that the apprentice must meet before undertaking end-point assessment of the apprenticeship standard. They will include the completion of English and maths qualifications (where applicable) and completion of any on-programme mandatory qualifications (where applicable) along with satisfactory evidence (as determined by the employer, in consultation with the provider) that the apprentice has achieved the necessary knowledge, skills and behaviours set out in the standard.
Individualised learner record (ILR)	The primary data collection requested from providers for further education and work-based learning in England. We use the data, to monitor policy implementation and the performance of the sector. It is also used by organisations that allocate funding for further education.
Institute for Apprenticeships	The employer-led regulator with responsibility for securing the high quality of apprenticeships in England.
Levy paying employer	An employer with an annual pay bill of over £3 million.
Minimum duration	The minimum duration for apprenticeship training is one year unless the standard specification or assessment plan requires it to be longer. In apprenticeship standards the end-point assessment can only be taken after the minimum duration has been met.
Register of apprenticeship training providers	From May 2017, levied employers can choose a provider from the register of apprenticeship training providers (RoATP). The register encourages diversity and competition in the provider market, supporting

	<p>quality and employer choice. To be added to the register, organisations must pass tests on due diligence, financial health, and tests on quality, capacity and capability.</p>
<p>Register of end-point assessment organisations</p>	<p>A register of end-point assessment organisations (RoEPA) from which an employer can select an organisation (to be contracted by the main provider) to deliver the end-point assessment as part of the employer's agreed apprenticeship programme.</p>

Summary of changes

Introduction

72. This document sets out the amendments to the following document:
- Conditions for organisations of the register of end-point assessment organisations: September 2017
73. The conditions are to ensure that all EPAOs are clear about the requirements which we (the Education and Skills Funding Agency) have implemented to ensure that public funding and apprentice needs are protected, and should be read alongside the pre-application guidance.
74. For organisations on the register before we published these conditions, we will apply them from 1 December 2017 and they will cover the standard/s and assessment plan/s you are registered to assess against.
75. This document is intended as a summary and does not replace the conditions themselves and you should refer to the main document (insert link).
76. We have identified conditions in version 2 that have changed or the wording slightly revised from version 1, these are detailed in the table below.

NB – some of the paragraph numbers have changed, due to the addition of new paragraphs in version 2.

Amendments in version 2

Section	Change	Paragraph number
Introduction	Date changed from when the conditions will apply	3
Your organisational details	Clarification on significant changes and time-frames to confirm changes to us	6 - 8
Readiness	Clarification on the readiness requirements and the context of these within the conditions	9 - 12
Promotion and selection	Clarification about promotion and selection, and when you are required to notify us, and the time frame	13 - 18
Eligible costs	Clarification about eligible costs, the types of eligible and ineligible costs, and some paragraphs split	20 - 22, 25 - 32
Conflict and collusion	Additional information added	33, 38
Gateway review	Additional information added	44 - 46
Record keeping	Additional information added	53 - 54
Monitoring and audit	Additional information added / removed	57
Accepting the conditions	Additional information added	68

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