



Skills Funding
Agency

Trailblazer Apprenticeship Funding 2014 to 2015 Requirements for Employers

Version 2

This document sets out the requirements for employers who would like to find out about funding for Trailblazer apprenticeship standards, including a simple 'quick guide' to help employers get started.

Employers involved in the direct delivery of apprenticeship standards will need to refer to the [Trailblazer Apprenticeships Funding Rules](#).

This guidance applies to employers taking on an apprentice under the new apprenticeship standards between 1 September 2014 and 31 July 2015.

We welcome your feedback on this version so that we can continue to improve it. If you have any technical queries on the requirements or comments on the document itself, please email: trailblazerfundingenquiries@sfa.bis.gov.uk.

March 2015

Of interest to employers using Trailblazer apprenticeship standards

Contents

Introduction	2
Section 1 – A quick guide for employers	4
Section 2 – Requirements for Trailblazer apprenticeships	5
About your apprentice	5
About your apprenticeship standard	6
About your apprenticeship assessment	7
About your cash contribution	8
About your apprenticeship employer incentives	11
About your apprenticeship training and assessment providers	12
About other funding for learning to support your apprentice	13
About other aspects of apprenticeship funding	14
About changes in circumstances during apprenticeship delivery	15
About apprenticeship documentation	15
About evidence requirements for your apprenticeship	17

Introduction

1. This document sets out the requirements which apply to employers taking on an apprentice under the new apprenticeship standards between 1 September 2014 and 31 July 2015. The requirements in this document are intended to make sure that public funding is used appropriately to deliver the training and assessment for an apprenticeship. We may update these requirements as Trailblazer apprenticeships progress.
2. A more detailed [Trailblazer apprenticeships funding rules](#) document exists for the providers who you appoint to deliver your apprenticeships in 2014 to 2015. If your provider does not comply with these funding rules, they are in breach of their funding agreement with the Chief Executive of the Skills Funding Agency (the Agency) and we will take action as set out in each funding agreement. If you do not comply with the requirements set out in this document, the Chief Executive reserves the right to recover any government funding from your provider.
3. If you are a direct grant employer then you should refer to the more detailed Agency [Trailblazer apprenticeships funding rules](#) document.
4. For 2014 to 2015 you must make a cash contribution for all or part of your apprenticeship training and assessment in order to receive government funding for your apprenticeship. Government will invest £2 for every £1 of investment made by you, up to the maximum cap set for each standard.
5. If you are eligible there are also three additional employer incentives when you contribute towards all or part of externally purchased training and/or assessment and meet the relevant criteria for each incentive.
6. For 2014 to 2015, in advance of the introduction of an employer-routed funding mechanism, all funding for your apprenticeship standards will be routed through a lead provider, who is appointed by you. Your lead provider is responsible for:
 - 6.1. receiving all payments from employers and government relating to the delivery of the apprenticeship; this includes the government contribution, employer contribution and any eligible employer incentive payments which they will pass to you
 - 6.2. making payments to any other training providers and assessment organisations who they contract with on your behalf
 - 6.3. providing data to us on each apprentice through the Individualised Learner Record
7. All those involved in the delivery of apprenticeship standards, whether they are the apprentice, employer, or lead provider have a responsibility to make sure that the actions they take uphold the reputation of the apprenticeship programme and do not bring the apprenticeship brand into disrepute.
8. If you have any queries relating to the information contained in this document, your lead provider will be able to advise you.

9. This version of the document has been updated to reflect the amendments to Version 2 of the Trailblazer apprenticeships funding rules and has updated information on:

- apprenticeship assessment
- Value added tax (VAT)
- State Aid

Section 1 - A quick guide for employers

	What do I need to do?	What should I expect from my provider?
1. Choose your apprenticeship	<ul style="list-style-type: none"> Now that you have decided to take on an apprentice, you can select the relevant employer-designed standard and see details of the associated funding cap on our website. 	
2. Prepare delivery of the apprenticeship	<ul style="list-style-type: none"> Next, you will need to choose the education and training provider(s) to deliver the training and assessment to your apprentice, appointing a lead provider to co-ordinate the training programme for you. A list of lead providers with apprenticeship funding allocations 2014 to 2015 is on our website. As with any other commercial process, you will need to agree a provisional price for this service as part of the discussion. 	<ul style="list-style-type: none"> The lead provider will help co-ordinate the funding and the delivery of the apprenticeship.
3. Confirm your funding eligibility	<ul style="list-style-type: none"> Now go ahead and recruit your apprentice. Don't forget you can use the free Apprenticeship vacancies website to advertise your opportunity. 	<ul style="list-style-type: none"> Once the apprentice is identified, the lead provider can then help you to check and confirm whether you are eligible for the small employer and 16 to 18 incentive payments.
4. Finalise apprenticeship delivery	<ul style="list-style-type: none"> You are now ready to agree a final price with your chosen providers based on your individual apprentice's needs. Before the apprentice can start, draw up your written agreement with your lead provider so the responsibilities are set out clearly. 	<ul style="list-style-type: none"> If appropriate, the lead provider will then co-ordinate payment arrangements with your other providers and ensure they are ready for delivery.
5. Start the apprenticeship	<ul style="list-style-type: none"> Your apprentice can now be employed. One key thing to complete is an apprenticeship agreement with your apprentice. 	<ul style="list-style-type: none"> Your lead provider can then register your employed apprentice with the Agency.
6. Train the apprentice	<ul style="list-style-type: none"> Throughout the delivery of the apprenticeship, make sure you are receiving any employer incentive payments you are eligible for through the lead provider; similarly ensure that the lead provider is also receiving your employer contributions. 	<ul style="list-style-type: none"> Your providers will now be training your apprentice up to the standard, working with you to help them develop the skills, knowledge and behaviours set out in the standard. The lead provider will also be collecting and confirming your employer contributions, whilst also receiving any incentive payments and transferring them in full to you.
7. Assess the apprentice	<ul style="list-style-type: none"> Once the apprentice has completed the end-point assessment, confirm with the assessment organisation that the apprentice has achieved the apprenticeship standard. 	<ul style="list-style-type: none"> Your agreed assessment organisation will assess your apprentice with the end-point assessment.
8. Complete the apprenticeship	<ul style="list-style-type: none"> Congratulations, your apprentice has now successfully completed the apprenticeship! Make sure you receive the completion payment (through the lead provider). 	<ul style="list-style-type: none"> After the apprentice successfully completes the apprenticeship, they will receive a certificate. Your lead provider will then communicate and confirm this with the Agency. The lead provider will also receive the completion payment and pass it in full to you.

Section 2 – Requirements for Trailblazer apprenticeships

10. This section sets out general requirements for the apprenticeship programme. This applies to all employers involved in the delivery and assessment of apprenticeship standards. A more detailed [Trailblazer apprenticeships funding rules](#) document sets out the funding rules which must be met by the providers who you appoint to deliver your apprenticeships. Your lead provider can advise you on these rules and how they apply to your apprentice.

About your apprentice

Your apprentice must be eligible for funding

11. Funding is available only for apprentices who meet specific eligibility criteria, and you are responsible for checking and confirming your employee's eligibility at the start of each apprenticeship. Your appointed lead provider can help with this check.
12. Eligibility for funding is based on the principle that an apprentice must be able to achieve the apprenticeship within the time that they have available. You must confirm that this is the intention at the start of the apprenticeship.
13. If we find that your apprentice was ineligible for funding from the start of the apprenticeship, (for example if they were not actually employed directly by you) we reserve the right to recover any government funding provided up until that point.

Your apprentice must be employed and paid a wage

14. All apprentices undertaking an apprenticeship standard must be employed and hold a contract of employment at the start of the first day of their apprenticeship and the apprentice's wages must be paid by you, not a provider.
15. Individuals who are self-employed are not eligible for funding to undertake an apprenticeship.
16. There are rules regarding an apprentice's working hours and in most circumstances, an apprentice must be employed for at least 30 hours a week. If you believe there is a case for the apprentice working for fewer than 30 hours a week, you must discuss this with your lead provider who can advise you on the criteria for such a case.
17. Your apprentice must be paid at least the minimum wage they are entitled to by law. For apprentices under the age of 19, or in the first year of their apprenticeship, the minimum is the apprentice minimum wage rate. After the first year, it is the national minimum wage rate that applies to their age. This is set out below and for additional information please see the BIS [website](#).

National Minimum Wage	21 and over	18 to 20	Under 18	Apprentice
2014 (current rate)	£6.50	£5.13	£3.79	£2.73

Your apprentice must be given the support and resources to complete their apprenticeship

18. You must make sure that your apprentice's job allows them to gain the wider employment experience required by the apprenticeship standard and that they are able to complete all elements of the apprenticeship within their contracted working hours.
19. You must agree with your lead provider the average hours the apprentice will be 'at work' including training time and 'off-the-job' time, defined usually as a contracted number of hours every week. The apprentice must have the opportunity to agree to these hours, which will include periods of study.
20. You must provide your apprentice with paid time to attend off-the-job training, including any additional time for English and maths study, or support for apprentices with learning difficulties and/or disabilities delivered by your provider(s). This time must be included in your apprentice's usual hours of work.

About your apprenticeship standard

21. Only apprenticeship standards which have been approved for delivery can be funded. You can find a list of these on [our website](#).

Funding for apprenticeships supports substantial skills gain

22. Funding for apprenticeships is available where your apprentice is carrying out a new job role, or if in an existing job role, where they need sustained and substantial training to reach the standard. An apprenticeship must be the most appropriate training programme for your employee.
23. If your apprentice wants to progress onto another standard, they must have completed their previous apprenticeship first. In most cases, apprentices must progress to the next level, and should not undertake an apprenticeship at the same level as the one they have already completed. All apprenticeships must last a minimum of 12 months
24. We set out strict rules which you and your lead provider must follow regarding the minimum time duration of an apprenticeship. Your lead provider can advise you further on the detail of these rules.
25. The minimum duration for all apprenticeships is set at 12 months for all standards except where:
 - 25.1. a higher minimum duration is required in the standard
 - 25.2. your apprentice is working for fewer than 30 hours a week. In this case, you and your lead provider must ensure that the minimum time duration is extended in proportion to the hours worked

26. Where apprentices have already successfully undertaken relevant prior learning towards their apprenticeship (for example, a previous qualification gained as part of an earlier college course) this can count towards their apprenticeship providing that:
 - 26.1. they still require sufficient apprenticeship training and assessment to meet the 12-month (or greater, where specified in the standard) minimum duration
 - 26.2. your lead provider reflects this reduction in training and time in the agreed price to acknowledge the degree of prior learning already accredited
27. We will recover funding from your lead provider where our data shows that planned or actual dates are set below the minimum for your apprentice, because this makes their apprenticeship ineligible for funding.

Employers must meet apprenticeship quality requirements

28. We do not fund apprenticeships where the apprentice does not need sustained and substantial training to meet the standard. This includes cases where an apprentice only needs to attain a qualification or certificate specified within the apprenticeship standard or just to take the end-point assessment to demonstrate competence against the standard. You and your lead provider must only start apprentices who need sustained and substantial training that meets the duration requirements set out above.
29. We will not fund an apprenticeship delivered solely through distance learning.
30. You must report to us, any suspicion or concern you may have regarding any behaviour and/or practice that could undermine the reputation of the apprenticeship programme.

About your apprenticeship assessment

31. You and your lead provider must follow the assessment requirements set out in the approved and published assessment plan for the relevant standard.
32. All apprenticeships must have an end-point assessment which allows the skills, knowledge and behaviours detailed in the standard to be assessed in an integrated way at the end of the apprenticeship. Your apprentice will not be able to complete their apprenticeship without taking an end-point assessment.
33. A pass grade in an apprenticeship must demonstrate full competency against the standard and there will normally be at least one grade above pass to recognise exceptional performance. For a small number of standards grading may not be applied due to assessments within the apprenticeship being aligned with external organisations or regulations which do not incorporate grading.

About your cash contribution

Both government and employers must contribute towards the cost of an apprenticeship

34. To access government funding for apprenticeships you must make a cash contribution towards your apprentice's training and assessment costs. Government will invest £2 for every £1 of investment made by you, up to the maximum cap set for each standard set out in Table 1 below. In this document we refer to this combination of government and employer investment as **co-payment**.
35. You and your lead provider must discuss and agree a price for the training and assessment required for your apprenticeship and you must then record this price and an agreed payment schedule in a written agreement. The agreed price must only include the training and assessment necessary to meet the relevant standard. Where providers offer services to you to support the delivery and administration of your apprenticeship programme, these services should be detailed separately to the price for education, training and assessment and may be charged to you. Apprentices must not be asked to contribute to these costs.
36. The employer cash contribution does not need to be paid in full at the start of the apprenticeship. There is no prescribed format for the payment schedule – payments can be made on a monthly, quarterly or annual basis, or at any other time interval you agree with your lead provider over the duration of the apprenticeship.
37. Your contribution must be cash, through a transfer of funding visible in both your and your lead provider's financial systems, with documentation to support this. Your contribution is part of the information that we will collate during the 2014 to 2015 trial to assess value for money.
38. You are expected to make prompt employer contribution payments to your lead provider for training and assessment you have received in accordance with your written agreement.
39. You can, if you choose, deliver part of your apprenticeship training and/or assessment in-house.
 - 39.1. For the training or assessment element that you purchase externally, you must make a one-third cash contribution towards this and government will then contribute two-thirds of the agreed price for this externally delivered element. There is no minimum price or minimum employer contribution requirement.
 - 39.2. You must select a lead provider for the elements contracted out to other eligible providers. Your lead provider must register your apprentice at the start of their apprenticeship and record the price agreed for their external training or assessment. Your lead provider will also act as the payment route for any eligible employer incentive payments. Employer incentive payments will be paid at set points dependent on your

apprentice's individual start date.

39.3. You can choose to participate in your own apprentice's end-point assessment, but this must be conducted in a way that ensures an impartial judgement is reached. To ensure independence in the assessment process, assessments must involve a third party who does not stand to benefit financially from the outcome of the assessment. You can provide supporting evidence towards the end-point assessment such as an endorsement or employee records.

39.4. If you choose to deliver any of the training and/or assessment 'in-house', this element is not eligible for the government two-thirds contribution.

40. Each apprenticeship standard approved for funding has been allocated to one of five funding caps. The funding cap is the maximum core government contribution the government will make for each apprenticeship standard and it applies to all apprentices, regardless of their age. This is set out in Table 1 below:

TABLE 1						
Employer incentives				Training and assessment		
Funding cap	For a 16- to 18-year-old (£)	For a small business (<50) (£)	For successful completion (£)	Maximum Incentive Payments (£)	Core government contribution cap (£)	Employer contribution (£)
5	5,400	2,700	2,700	10,800	18,000	9,000
4	2,400	1,200	1,200	4,800	8,000	4,000
3	1,800	900	900	3,600	6,000	3,000
2	900	500	500	1,900	3,000	1,500
1	600	500	500	1,600	2,000	1,000

41. Government will also fund the full cost direct to your lead provider in 2014 to 2015 of the following.

41.1. An apprentice undertaking English and/or maths up to level 2 where this support is required.

41.2. Learning support, where this is required.

Co-payment funding

42. Co-payment (both the employer one-third contribution and the government two-

thirds contribution) must only be used to pay for externally purchased and delivered training, education and assessment required to deliver the apprenticeship standard. This includes:

- 42.1. on-the-job and off-the-job delivery through an externally-contracted provider
 - 42.2. planned ongoing assessment
 - 42.3. the formal end-point assessment
 - 42.4. educational trips or professional events specified within the standard or assessment plan
 - 42.5. e-learning (this can be included provided it is contributory to the standard and is not the only training offered)
 - 42.6. any administration directly linked to the training, education and assessment related to the delivery of the apprenticeship
 - 42.7. re-takes for qualifications or assessment required by the apprenticeship standard (these are eligible only where extra learning must take place prior to the re-take)
43. The co-payment funding for apprenticeship standards is intended to support the direct costs of delivering learning and assessment. The costs of accommodation for learning delivered through residential modules are only eligible for co-payment funding where the residential learning element is a requirement for delivery of the module or directly contributes to the apprentice achieving the standard. Any costs for residential modules agreed between you and your lead provider must represent value for money.
44. Employers are responsible for funding the following.
- 44.1. Payment of apprentices' wages.
 - 44.2. Company induction.
 - 44.3. Personal protective clothing and safety equipment needed for apprentices to carry out their day-to-day work.
 - 44.4. Educational trips or trips to professional events not specified in the apprenticeship standard or assessment plan.
 - 44.5. Re-sits for qualifications or assessment required by the apprenticeship standard where no extra learning takes place before the re-sit.
 - 44.6. Employer's own administration costs for supporting the apprenticeship.
 - 44.7. Time spent by managers supporting apprentices, mentoring or the time of other staff arranging training support.
 - 44.8. Specific services not related to the delivery and administration of the apprenticeship, this includes bespoke or additional training or assessment which is not a requirement of the standard.
 - 44.9. Where, for convenience, employers or providers wish the apprentice to live nearby whilst training – for example, accommodation at the hotel for an apprentice chef.
45. The price agreed by you and your lead provider must include all the direct costs of training. Your apprentice should not be asked to contribute financially to the direct cost of training or asked to make any cash contribution for training that is specified in the standard.

About your apprenticeship employer incentives

Employers will receive additional incentive payments where they meet the eligibility criteria

46. It is your responsibility to check and declare your organisation and apprentice eligibility status for any incentive payments at the start of the apprenticeship. You can ask your lead provider to help with your eligibility checks. Your provider(s) must not start any delivery without this original signed declaration.
47. Incentive payments are only made at set points, counted from the date the apprentice starts their apprenticeship. Your lead provider will receive the funding for your incentive payments from us on your behalf and these must be passed on to you in full within 10 working days of receipt.
48. Regardless of the price agreed for training and assessment, the full value of the incentive as set out in Table 1 above will be paid to you.
49. You are free to use the incentives payments as you wish, including meeting the wider costs of employing an apprentice.

Small employer incentive

50. We want to encourage more small employers to take on apprentices, so you will be eligible for a small employer incentive payment if you employ 49 or fewer paid full or part-time employees.
51. This payment is in recognition of the additional costs that small employers can face when taking on an apprentice. This payment is available three months after the apprentice starts their apprenticeship.

16- to 18-year-old apprentice incentive

52. We want to recognise the additional demands of recruiting a young apprentice, so you will be eligible for a 16- to 18-year-old apprentice incentive payment if your apprentice is aged 16, 17 or 18 at the start of their apprenticeship. There are two equal payments at three and 12 months after the apprentice starts their apprenticeship. This payment is available to employers of any size who take on a 16- to 18-year-old apprentice.

Completion incentive

53. We also want to encourage employers to train apprentices across the full breadth of the apprenticeship standard. You are therefore eligible for a completion payment when your apprentice successfully passes the end-point assessment. Work is continuing to develop the arrangements for apprenticeship assessment and completion in conjunction with employers, providers and assessment organisations. We will update you with further advice about eligibility requirements for the completion incentive payment when arrangements have been finalised.

Apprenticeship Grant for Employers

54. The Apprenticeship Grant for Employers (AGE) cannot be claimed for apprentices undertaking training towards a new apprenticeship standard. AGE is a separate government grant, and is only available for eligible employers employing apprentices on an apprenticeship framework. You can find more information about AGE on the [Apprenticeships website](#).

About your apprenticeship training and assessment providers

55. To be eligible for apprenticeship funding, your lead provider must:
 - 55.1. be listed on our [Register of Training Organisations](#) and
 - 55.2. hold a funding agreement with us for the delivery of apprenticeships for the 2014 to 2015 year. Employers may select from any organisation on the list which you can find on our [website](#)
56. To ensure independence in the assessment process, end-point assessment must involve a third party who does not stand to benefit financially from the outcome of the assessment. For example, using a third party independent of the provider or employer, or assessment in the presence of an external assessor from an awarding organisation, member of a professional body, another employer or through an independent assessment service.
57. All independent assessment organisations must be listed on the Register of Assessment Organisations. It is anticipated that the Register of Assessment Organisations will be launched by the end of March 2015.

Subcontracting delivery to other providers through your lead provider

58. We require lead providers to follow a set of rules about subcontracting. These are requirements for funding and are part of the contractual terms between us and the lead provider. Your lead provider can advise further on the details of these rules and you should note in particular:
 - 58.1. your lead provider must agree all subcontracting arrangements and all subcontractors to be used in the delivery of the apprenticeship with you in advance of the start of the apprenticeship. These arrangements must be detailed in the written agreement or contract between you and your lead provider
 - 58.2. lead providers must not subcontract any apprenticeship delivery to you
 - 58.3. lead providers must tell you and us, in writing, about any circumstances (for example where the lead provider and a proposed subcontractor

have common directors) which might give rise to an actual or perceived conflict of interest. Your lead provider should not proceed to award the contract without your and our permission in writing in these circumstances

Employers and providers should use the Apprenticeship vacancies service

59. Some employers have arrangements in place to advertise vacancies on the Apprenticeship vacancies (Av) service but in all other circumstances it will be the responsibility of the lead provider to advertise all vacancies using the Av service. Lead providers must also enter the details of successful applicants on the Apprenticeship vacancies website. You can find more information about Apprenticeship vacancies on the [Apprenticeships website](#).

About other funding for learning to support your apprentice

Funding for English and maths

60. Government will cover the full cost of English and maths functional skills or GCSE taken up to level 2 as part of an approved apprenticeship standard at a flat rate of £471 for each learning aim, regardless of the age of the apprentice. You do not need to make an employer contribution and we will fund lead providers directly for this delivery. Lead providers will claim this through the usual Agency process.
61. Unless apprentices have achieved level 2 English and maths, they need to take level 2 English and/or maths and must study and take the test before the end- point assessment of the apprenticeship standard. For advanced and higher apprenticeships, the apprentice must achieve level 2 English and maths.
62. Where an apprentice holds level 2 GCSEs or functional skills in English and/or maths which are under five years old, we would not typically expect further learning in English and/or maths to be needed.
63. If English and maths at level 3 or above is a requirement for completion of the apprenticeship standard, it must be funded from the core government contribution and employer contribution. This needs to be factored into the agreed price for training and assessment by you and your lead provider.

Funding for learning support

64. Learning support funding is available to providers to offer additional support to apprentices who need extra help to achieve the apprenticeship standard. This funding will also enable providers to meet the cost of reasonable adjustments as set out in the Equality Act 2010. Your lead provider will advise on whether this funding source is needed and on the conditions that need to be met. Lead providers will claim this through the usual Agency process.
65. You will not need to make a contribution and we will fund your lead provider directly for

this delivery. Your lead provider must make sure that you and your apprentice are aware of any learning support funding accessed and how this is being used.

About other aspects of apprenticeship funding

Employer Ownership Pilot (EOP)

66. Employers who have a contract to deliver EOP can decide how they wish to fund the delivery of apprenticeship standards; **either** through the funding model set out in this document, **or** through your agreed arrangements for delivery of EOP. Individual employers will want to consider the source of funding and the balance of flexibilities and co-investment that best meet their needs.
- 66.1. If you choose to fund delivery of your apprenticeship standard through the funding model set out in this document, you and your chosen providers must comply with the rules and must not claim any funds for the apprenticeship through EOP.
 - 66.2. If you choose to fund delivery of your apprenticeship standard through EOP you must not claim any funds, including the incentive payments, through the funding model outlined in this document.
67. Where you hold an EOP grant, you will need to understand the potential impact of your choice of funding route on your participation key performance indicators over the life of your EOP grant.

Value added tax (VAT)

68. Providers are responsible for determining the VAT treatment on their invoices to you.
69. If your provider adds VAT on its invoices to you and you are VAT registered, you may be able to recover that VAT through your VAT returns. In determining the costs of training and/or assessment you will need to check with your provider if VAT will be added and verify, internally or with HMRC, if it can be recovered.
70. You should seek VAT advice from HMRC if you are in any doubt about the VAT treatment.
71. Whilst providers and employers should always seek their own VAT advice, we consider that incentive payments are beyond the scope of VAT and therefore VAT should not be charged on them.

State aid

72. We consider that government contributions and additional incentive payments for apprenticeship standards should not, in so far as they are general measures within the national education system, fall within the scope of state aid control during 2014 to 2015.

About changes in circumstances during apprenticeship delivery

73. This section sets out the action you must take if there is a change to your organisation, your apprentice or your lead provider which means that your apprenticeship delivery must change or stop altogether.
74. You must inform your lead provider about any change of circumstance as soon as you are aware of it. Where changes occur, you should seek specific advice from your lead provider and us about what action you should take.
75. We have rules which must be followed by providers when a particular change of circumstance occurs, including what must happen with regards to government and employer contributions, incentive payments, written agreements and updating the apprentice's Individualised Learner Record (ILR).
76. When a change of circumstance occurs, this may result in over-payment of government funding, depending on actual delivery and the payment schedule agreed by you and your lead provider. Any over-payment of government funding must be repaid to us and the lead provider is responsible for administering the repayment of funding through the ILR. Your lead provider must also make sure that they reimburse you for any over-payment of employer contributions.
77. Where a change of circumstance means that training and/or assessment is no longer being delivered, no further government funding contributions or incentive payments must be claimed. You and your lead provider must agree the cost of the training and/or assessment delivered to date. You must ensure that you have paid your contribution for any training and/or assessment that has already been delivered.

About apprenticeship documentation

78. This section sets out the written documentation you will need to support your apprentice and their apprenticeship. This section also explains what must be included in the written agreement or contract between you and your lead provider, and actions regarding resolution of disputes between you and your provider(s).

The written agreement between you and your lead provider

79. You and your lead provider must make sure that all elements of your agreement regarding the supply of training and assessment are set out in writing and that you both keep a current signed and dated version on record at all times. This document must include:
 - 79.1. confirmation and signatory from you for eligibility of your apprentice for apprenticeship funding and 16 to 18 incentive payments, if applicable
 - 79.2. confirmation and signatory from you for your eligibility for the

- small employer incentive payment, if applicable
- 79.3. the services agreed for delivery of the apprenticeship
- 79.4. the list of providers and assessment organisations involved in delivery of the training and assessment
- 79.5. the payment schedule for your cash contribution, setting out the dates for claiming any eligible incentive payments
- 79.6. confirmation that learning support is available to help apprentices with additional learning needs. Where learning support has been specifically identified and agreed, the written agreement must clearly set out what this is being used for
- 79.7. the process for resolving any issues and disputes regarding the apprenticeship, including quality and payment
- 79.8. where a lead provider plans to deliver training or assessment through subcontracting, the arrangements for this, including services, costs and payment schedules (for all lead and subcontracted arrangements to be paid for through the co-payment) should be explicit in the agreement
- 79.9. the right of a lead provider to recover sums from you in the event that you have not met the requirements set out in this document and we seek to recover sums from your lead provider

The apprenticeship agreement between you and your apprentice

- 80. An apprenticeship agreement is a written agreement between you and your apprentice and it must specify the apprentice's skill, trade or occupation and the approved apprenticeship standard for which your apprentice is being trained. Without it, a completion certificate cannot be issued to the apprentice when they meet the standard. You can find more information on apprenticeship agreements on the [Apprenticeships website](#).
- 81. The apprenticeship agreement can be in the form of a written statement of particulars under the Employment Rights Act 1996. Or, it can be a contract of employment or a letter of engagement where the employer's duty under the 1996 Act is treated as met.
- 82. The apprenticeship agreement is needed at the start of the apprenticeship and must be in place for the entire length of the apprenticeship. Existing and new contracts of employment between the apprentice and employer that meet the 1996 Act will also meet the requirements.
- 83. We have a standard apprenticeship agreement you may wish to use. You can access this on the [Apprenticeships website](#).

Disputes and issue resolution between you and your provider(s)

- 84. Your training and assessment provider(s) must provide you and your apprentices with their written complaints and dispute resolution procedure, policy and process. Your lead provider is responsible for resolving issues and disputes between you and other providers.

85. Agreements entered into by you and your provider are legal agreements and dispute resolution should be in accordance with the terms of the agreement and ultimately would be enforceable through the courts.
86. Complaints about providers which do not involve a contractual dispute can be made using our procedure for complaints about providers on our [website](#).

Recovery of funds in the event of ineligible payments

87. If we find that you were ineligible for incentive payments from the start of the apprenticeship, we reserve the right to recover both the costs of government contributions and incentive payments made up until that point.
88. We may take action including to recover all or part of government funding from your lead provider where it is satisfied that there has been a breach of the funding rules, where this has led to claims for funding through the core government contribution and/or additional employer incentive payments, to which the lead provider and/or you is not entitled. Where the failure to comply with the funding rules is the fault of an employer we will recover the funding due as a result from the lead provider, who will need to recover it from you.

About evidence requirements for your apprenticeship

89. Your lead provider must hold evidence (in paper or electronic format) that:
 - 89.1. your apprentice is eligible for funding
 - 89.2. you are eligible for any employer incentive payments
 - 89.3. you hold an apprenticeship agreement with your apprentice
 - 89.4. you have a written agreement (including your eligibility declarations)
90. We also set out rules which your provider(s) must follow regarding the collection and storage of evidence. These are requirements for funding and are part of the contractual terms between us and your lead provider. Your lead provider can advise further on the details of these rules.
91. Your lead provider must submit apprentice and employer data to us. The data reported to us is not evidence in its own right but is the basis on which our payments are made to lead providers.
92. Lead providers must make sure that all apprentices who are funded by us hold a learning agreement. The learning agreement is the main source of evidence to prove that the apprentice exists and is eligible for funding, and that the training and assessment claimed for has been provided. It allows lead providers to show that the apprentice has confirmed the information supplied as correct and that the information lead providers have reported to us in the ILR is correct.



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