

[Home](#) ▾ [Education, training and skills](#) ▾ [Further and higher education, skills and vocational training](#)
▾ [Apprenticeships, traineeships and internships](#) ▾ [Hiring and training an apprentice](#)
▾ [Support for apprentices with a learning difficulty or disability](#)



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Guidance

English and maths flexibilities for apprentices with learning difficulties and disabilities

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Applies to England

Contents

[Flexibility to study English and maths at a lower level](#)

[Who is eligible to study the lower level](#)

[How to assess your apprentice's needs](#)

[Recording flexibilities on the individualised learner record](#)

[Evidence you must keep](#)

[Developing literacy and numeracy skills](#)

This guidance is for training providers delivering apprenticeship training.

As a provider, you can offer apprentices the option to study English and maths at a lower level if:

- an apprentice has a learning difficulty or disability
- the learning difficulty or disability prevents them achieving the standard English and maths requirements of an apprenticeship

Flexibility to study English and maths at a lower level

Achieving a good level of English and maths is important for all apprentices and we know that it is a valued skill which many employers look for in their employees.

The [apprenticeship funding rules](#):

- set out the standard minimum requirements for English and maths
- explain how the Department for Education (DfE) and the Education and Skills Funding Agency (ESFA) fund apprenticeships

If the apprentice's learning difficulty or disability is a significant barrier to them achieving the English and maths requirements, consider offering the flexibility to achieve the lower qualification of entry level 3 functional skills in those subjects.

Many apprentices who have a learning difficulty or disability will not require this flexibility.

Learning difficulties and disabilities can impact on individuals in different ways. The needs of learners with the same primary learning difficulty or disability will vary between individuals.

Who is eligible to study the lower level

All individuals must be considered on a case-by-case basis.

As a provider, you must have evidence that the apprentice will not be able to achieve English, maths or both to the standard requirement level with:

- support
- reasonable adjustments

- stepping-stone qualifications

You must also have evidence that the apprentice either:

- has an existing, or previously issued, education, health and care plan, or a legacy equivalent
- has had a formal, evidence-based assessment of their learning difficulty or disability, which an appropriate professional has completed

An appropriate professional could be, for example, the head of special educational needs, or equivalent.

You and the employer should expect the apprentice to:

- achieve all other aspects of the apprenticeship requirements
- become occupationally competent
- achieve entry level 3 functional skills in English and maths before the end of their apprenticeship

The flexibility to study entry level 3 can apply to both English and maths. However, if the exception applies to only one subject, the usual requirements for the non-adjusted subject will apply.

You must keep all evidence.

When not to use flexibilities

You should only use the flexibility to study entry level 3 English and maths if the apprentice's learning difficulty or disability will prevent them achieving the standard English and maths requirements as set out in the apprenticeship funding rules.

You must first consider whether you could support the apprentice's needs through:

- reasonable adjustments
- access support arrangements
- other supportive activities

Do not offer flexibilities if you can provide additional support and reasonable adjustments which would mean you could reasonably expect the apprentice to achieve the standard minimum English and maths qualifications.

How to assess your apprentice's needs

You must complete an evidence-based assessment to identify any learning difficulties or disabilities that will impact the apprentice's ability to achieve the English and maths requirements.

Initial assessment

You must complete an initial assessment of the apprentice's general learning needs before an apprenticeship starts.

[The provider guide to delivering high-quality apprenticeships](#) offers more detail about how initial assessments inform activities in the rest of the apprenticeship.

As described in the apprenticeship funding rules, the initial assessment is now included as an eligible cost.

Further assessment of individual needs

If the initial assessment identifies that the apprentice has, or potentially has, a learning difficulty or disability, you may need to do a further evidence-based assessment of the individual's needs. This will identify:

- whether the learning difficulty or disability will directly impact their ability to complete their apprenticeship
- what their individual learning support needs might be

This 'individual needs' assessment is not included as an eligible cost.

You must give careful and considered thought to the individual needs of the apprentice before completing an evidence-based assessment of their learning difficulty or disability.

You can adapt the assessment process to meet the needs of the apprentice and their programme. This allows you to:

- find, consider and show evidence of the support and adjustments required

- discuss the adjustments with the apprentice

An appropriate person should complete the assessment on behalf of the training provider. You should record information about who was involved. The assessor should be someone who understands the:

- process requirements
- needs of people who have learning difficulties and disabilities
- expectations of the apprenticeship standard

The assessment should:

- show that the apprentice's learning difficulty or disability is a barrier which may prevent them achieving the standard English and maths requirements
- provide robust evidence using a range of activities

The decision should not just be based on a screening tool.

Before making a decision, the person completing the assessment should consider any evidence from:

- medical reports
- educational psychologists
- previous learning providers and schools

Late identification of needs

Where possible, you should identify an apprentice's needs at the start of their apprenticeship. However, it is possible their needs will not be identified until later in their apprenticeship.

These flexibilities can be considered for new starters and apprentices who are currently on-programme.

During an apprentice's training you should:

- monitor and assess the impact of learning difficulties and disabilities on their ability to complete their apprenticeship
- consider a flexibility if you have evidence that their learning difficulty or disability prevents them achieving the English and maths requirements

- address, record and show evidence of their needs

You should:

- regularly review your apprentice's progress
- record amendments to the activities
- move your apprentice to the standard English and maths requirements if they do not require the flexibilities

How to support an apprentice with a skills gap

A learning or skills gap is where an apprentice has a gap in their learning or knowledge because they do not have certain skills or behaviours.

A learning or skills gap will not always indicate a learning difficulty or disability.

Example

An apprentice does not have the required GCSE or functional skills in English and maths. This is not directly due to them having a learning difficulty or disability. In this case, they have a learning gap. This is not a need in relation to a learning difficulty or disability.

You may still be able to get alternative funding to help the apprentice with the learning or skills gap.

You can claim for funding to meet English and maths learning gaps, as described in the apprenticeship funding rules.

Recording flexibilities on the individualised learner record

It is essential that you correctly record details relating to the apprentice on the individualised learner record (ILR).

Make sure the ILR is completed to record:

- that the apprentice has a learning difficulty or disability
- the apprentice's primary learning difficulty or disability
- whether the apprentice has an education, health and care plan
- whether the need to use the English and maths flexibilities has been applied

Accurate recording will help with:

- audit and compliance issues
- forward planning, to study trends
- monitoring the outcomes of initiatives and interventions for learners with different types of learning difficulty and disability

Evidence you must keep

You must:

- collect evidence of any assessments and the findings or decisions about an apprentice's learning difficulties and disabilities
- keep all related evidence

Your evidence must include:

- a copy of the assessment which identifies the apprentice's learning difficulty or disability – this does not have to be a medical diagnosis
- details of how the learning difficulty or disability poses a barrier to the apprentice achieving the standard minimum English and maths requirements
- a copy of any relevant paperwork related to the apprentice's learning difficulties or disabilities, if they have any
- a judgement stating that the apprentice cannot meet the regular English and maths requirements, even with appropriate support in place
- evidence of progress reviews throughout the apprenticeship, to make sure that reasonable adjustments were necessary, effective and adapted

Make sure you capture clear evidence against each of the areas listed above. You can use more than one type or format.

Verifying your use of flexibilities

DfE and ESFA may examine and investigate your use of English and maths flexibilities.

We will take action where:

- the apprentice does not meet the eligibility criteria
- you have not given us evidence
- you do not meet the terms and conditions of apprenticeship funding set out in the funding rules (evidence requirements section).

Developing literacy and numeracy skills

If the apprentice is exempt from the regular English and maths requirements, you must plan and show evidence of how they will access further literacy and numeracy development. This includes level 1 and level 2 courses, as part of their overall training provision, if appropriate.

We expect the apprentice to continue with activities to develop their literacy and numeracy skills once the minimum requirements are met. You should adapt these activities to the needs of the individual.

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