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# Guidance Support for apprentices with learning difficulties and disabilities

Updated 21 August 2024

#### **Applies to England**

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This guidance is for main providers of apprenticeship training.

It explains how you should support apprentices with learning difficulties and

disabilities. It shows you how to:

- assess their needs
- make reasonable adjustments to support their active learning (like off the job training and English and maths) where necessary

It also shows when you can claim learning support funding, and how to claim it. This funding is available when it costs money to make reasonable adjustments so the learner can complete their apprenticeship.

Learning support is sometimes called 'additional learning support' or 'additional learner support'.

The <u>apprenticeship funding rules</u> explain how the Department for Education (DfE) and the Education and Skills Funding Agency (ESFA) fund apprenticeships.

## When to make reasonable adjustments

All education and training providers, and other related service providers, have a duty to make reasonable adjustments for disabled people, so they are not placed at a substantial disadvantage compared to non-disabled students.

This includes people with a learning difficulty.

This duty is set out under section 20 of the Equality Act 2010.

Our guidance on <u>reasonable adjustments for disabled workers</u> explains what a reasonable adjustment is.

You should also consider if an apprentice needs reasonable adjustments for their <u>end point assessment</u>.

A 'learning difficulty or disability' in the funding rules has the same meaning as in <u>section 15ZA(6) of the Education Act 1996, as amended</u>.

# What you can use learning support funding for

You can use learning support funding to make reasonable adjustments to support an apprentice who has learning difficulties or disabilities, so they can complete their apprenticeship. This could include reasonable adjustments to complete:

- English and maths requirements
- the end-point assessment

Learning support is a fixed amount of  $\pounds150$  per month. Providers can claim this for each month where they:

- provide reasonable adjustments
- have evidence that they have done this
- spend money on the reasonable adjustments

The cost may be for staff time or providing specific equipment, for example:

- additional staff to support apprentices
- extended or more frequent assessor visits
- specialist equipment
- enabling additional time on exams and tests

If you need to buy equipment to make reasonable adjustments, this becomes your property. You should retain and reuse this equipment to meet the needs of future apprentices.

Excess learning support and exceptional learning support are available for costs exceeding the monthly limit of £150.

# What you cannot use learning support funding for

You cannot use learning support:

- to support activities which are not part of the apprenticeship
- to support apprentices who have gaps in their learning, skills or knowledge which are not related to a learning difficulty or disability
- where making reasonable adjustments does not cost money

You must only use learning support to support apprentices who have been assessed as having a learning difficulty or disability.

You cannot use it to address gaps in other apprentices' learning or skills. You may be able to get other funding to help those apprentices to get the skills or knowledge they need.

Training providers should claim for funding to meet English and maths learning gaps, as described in the apprenticeship funding rules.

You cannot use learning support funding to support an apprentice who has a learning difficulty or disability unless:

- they need reasonable adjustments
- you show evidence that the learning difficulty or disability directly affects the apprentice's ability to complete their apprenticeship

#### Reasonable adjustments at work

Employers are expected to provide reasonable adjustments in the workplace. Employers should not use learning support to make these reasonable adjustments.

We pay learning support to main providers. It is separate to any funding available to employers. You should work with employers to support the apprentices.

<u>Access to Work</u> is available to support individuals in their workplace. Employers may also be able to access alternative sources of support.

## Who is eligible

You must consider learning support on an individual, case-by-case basis.

To be eligible, the apprentice must need a reasonable adjustment to support them with their learning difficulty or disability.

The apprentice must have an existing, or been previously issued with, one of:

• an education, health and care plan

- a statement of special educational needs
- a learning difficulty assessment

If they do not have one of these, you must do a thorough, evidence based assessment which finds that the apprentice both:

- has a learning difficulty or disability, as defined in section <u>15ZA of the Education</u> <u>Act 1996</u>
- is not able to complete the apprenticeship without additional support, because of their learning difficulty or disability

This could include learning difficulties or disabilities which the apprentice selfdeclares, or which have not previously been identified.

In all cases, you and the employer must reasonably expect that the apprentice can successfully achieve all of the other requirements before the end of the apprenticeship.

The assessment section of this guidance and initial assessment section of the apprenticeship funding rules explain how to assess this.

You can use learning support to support people taking all levels of an apprenticeship. This includes higher or degree apprenticeship courses, because these students cannot claim <u>Disabled Students' Allowance</u>.

# How to assess and identify the apprentice's needs

You must assess the apprentices' needs, to find any learning difficulties or disabilities which will directly affect their ability to complete their apprenticeship.

You must do an initial assessment for all apprentices.

You may need to do a further assessment if the initial assessment finds that the apprentice has, or may have, a learning difficulty or disability.

A detailed assessment can take place at any point in the apprenticeship.

### Initial assessment

You must do an initial assessment to identify the apprentice's general learning needs before all apprenticeships start.

Our <u>provider guide</u> has 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.

The initial assessment is for all apprentices to ensure that the:

- individual and the programme are eligible for funding
- apprenticeship standard is suitable

You should identify any learning difficulties and disabilities.

This assessment is not tailored to the individual, but it may highlight potential learning difficulties and disabilities that could require a reasonable adjustment.

#### Further assessment of individual needs

You may need to do a further, evidence-based assessment if the initial assessment:

- indicates a potential learning difficulty or disability
- does not give enough information for you to make an evidence-based decision on the support which the apprentice needs

This must be an assessment of the apprentice's needs to identify:

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

This further, detailed assessment is not an eligible cost.

You should carefully consider the apprentice's individual needs.

This should cover their ability to complete all of the <u>active learning in the</u> <u>apprenticeship</u>, and their ability in English and maths.

Do not only use an automated assessment.

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

- identify, consider and get evidence of the support and adjustments the apprentice needs
- discuss this with the apprentice

You can identify support needs at any stage of the apprenticeship.

### Monitoring during the apprenticeship

You should monitor and assess the impact of learning difficulties and disabilities on an individual's ability to complete their apprenticeship as their training progresses.

You can claim learning support if you:

- identify a reasonable adjustment which results in a cost during the apprenticeship
- show evidence of this

If an apprentice who is currently on the programme needs a reasonable adjustment, you can claim for the months where you incur a cost.

## **Apprentice's consent**

The apprentice must agree any arrangements for support in writing.

If the apprentice agrees to it, you should share the arrangements with the apprentice's employer.

## How to claim learning support funding

You can claim learning support when you have:

- assessed your apprentice's needs
- got the evidence you need

To do this, you should:

- record details of the apprentice's needs in the training plan
- give the apprentice support to meet their identified needs
- review progress and continuing needs, as appropriate
- record all outcomes in the <u>evidence pack</u>, and keep evidence that you have assessed the apprentice's needs
- report in the individualised learner record that an apprentice has a learning support need

You must only make a claim for learning support funding in the months where:

- apprentices need reasonable adjustments
- you have made the adjustments
- you have evidence that it has cost money

Some reasonable adjustments, like giving apprentices extra time to complete an assignment, may not cost you money. You must not make a claim in these cases.

You should make any claims promptly and in time for the final individualised learner record collection in any funding year, to make sure we pay you.

#### **Excess learning support**

If reasonable adjustments cost more than £150 per month, but less than £19,000 per year, you can make a claim for excess learning support.

Use the <u>earnings adjustment statement</u> to apply.

You must keep evidence of all costs. You should be able to:

- show evidence of the total expenditure on the apprentice
- show why the support costs more than the total earned from the fixed monthly learning support rate
- link the evidence to the apprentice's assessment
- clearly show any costs you plan to claim from learning support

You should not use exceptional learning support funding to cover any indirect costs or overheads. You should only use it to support the learner.

If one-off costs are more than £150 in a month, claim the additional amount through the earnings adjustment statement, alongside the monthly fixed amount.

#### Example

You buy a specialised laptop that costs  $\pounds$ 1,000, which a learner will use for the duration of the apprenticeship.

You can claim for one month's learning support, which is the £150 fixed amount.

You can also claim £850 through the earnings adjustment statement.

You cannot claim further monthly learning support claims for this piece of equipment.

This ensures that you:

- are reimbursed the full cost
- will not be affected if the apprentice withdraws early from the programme

### **Exceptional learning support**

A small number of apprentices with a learning difficulty or disability may need a lot of support to start or continue their apprenticeships.

If support costs more than £19,000 in a funding year, you may be able to get exceptional learning support.

If you claim exceptional learning support, you need to give more evidence and information. You must also include all supporting evidence for the claim in the application. This includes details of the reasonable adjustments and the actual costs incurred.

### Learning support and subcontracted provision

Some learning support involves delivering training in a different way to learners, for example through 1:1 sessions. If the main provider does not deliver this support directly, this is subcontracted provision.

Refer to the subcontracting section within the apprenticeship funding rules for more information about funding for this provision.

Learning support is not subcontracted if the tutor carries it out, and it is not about the delivery of education and training – for example, if you:

- give apprentices additional time for exams
- make reasonable adjustments such as providing a sign language interpreter

If you have any concerns, contact our support desk to talk through your specific situation.

## Evidence which you must keep

If you have claimed learning support funding, you must keep an evidence pack which includes:

- a copy of the assessment which identifies the apprentice's learning difficulty or disability
- the reasons why the apprentice needs the adjustments to complete their apprenticeship
- an assessment showing how it would affect the apprentice's progress if you did not make the reasonable adjustments
- a documented plan, which the apprentice has agreed in writing, showing how you will make the necessary reasonable adjustments throughout the apprenticeship
- evidence and documented details of the necessary reasonable adjustments that you have made in that period
- · evidence of progress reviews throughout the apprenticeship

Your evidence does not need to be in a specific format, but you should capture clear evidence on all points.

You must have all this evidence and the reasons for any reasonable adjustments, for

each month that you claim learning support funding.

## Verifying your claim

DfE and ESFA may examine and investigate claims. We may take action if:

- claims do not meet the eligibility criteria
- you have not given us evidence
- you do not meet the terms and conditions of apprenticeship funding, which are in the 'evidence requirements' section of the funding rules and the provider agreement

## **Review apprentices' progress**

You should review the apprentice's needs throughout the apprenticeship. This is to make sure they still need reasonable adjustments in:

- the content of active learning (off the job training or English and maths training)
- English and maths tuition
- end point assessment

You must review whether you need learning support at least every 3 months.

Carry out the first review one month after reasonable adjustments have been implemented.

You must collect evidence of the apprentice's progress and development, and keep it in the evidence pack. The apprentice must agree with the evidence. This evidence must:

- confirm that the reasonable adjustments are effective
- show how you have adapted them where you need to

If the apprentice does not need learning support any more, you must:

- no longer claim for this
- update the individualised learner record

If an apprentice has agreed to their employer being aware of their learning support requirements, this review can be part of their overall apprenticeship progress review discussions.

# **Related funding**

There are details of additional funding available to employers and providers in the additional payments section of the provider funding rules.

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