

WEBINAR

Staying compliant during COVID-19

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Welcome

Webinar structure

- Introduction
- Presentation
- Q&A
- Next steps

Q&A

- Use the Q&A panel to submit questions
- Focus your questions on the webinar topic
- Posts on social media: @sdn_hq

Introductions

Webinar chair



Tim Chewter
*Head of Business
Development, SDN*

Webinar facilitator



David Lockhart-Hawkins
Strategic Associate, SDN

Introductions

SDN

- Team of specialists in FE, HE and apprenticeships
- Supported hundreds of apprenticeship orgs to prepare for standards and end-point assessment
- Supported employers and trailblazer groups
- Authors of the *Future Apprenticeships* toolkit

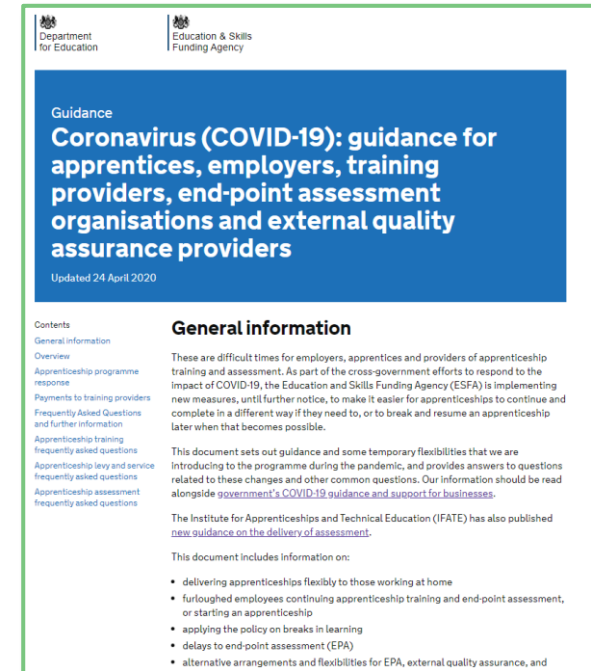


Today's Session

- Which apprenticeship rules have been relaxed, as a result of COVID?
- Which rules are unchanged (but important to be mindful of)?
- What adaptations will you need to make as a provider?
- Additions to your evidence pack

<https://www.gov.uk/government/publications/coronavirus-covid-19-apprenticeship-programme-response/coronavirus-covid-19-guidance-for-apprentices-employers-training-providers-end-point-assessment-organisations-and-external-quality-assurance-pro>

<https://www.instituteforapprenticeships.org/covid-19-information-regarding-apprenticeships/>



Disruption to training

Because of illness, caring responsibilities, and operational disruption, apprentices may be unable to attend training, and training providers may be unable to deliver training, over the coming weeks or months. This will create significant implications for apprentices and employers, as well as for training providers and EPAOs whose income may be disrupted.

This may be necessary:

- for an individual, due to illness or self-isolation, or challenges getting to their place of employment or location for training provision
- for an employer, due to a temporary need to redeploy apprentices to different roles
- for a training provider, due to challenges in providing training or assessment due to staff absences or closure of facilities

Temporary flexibilities

(1) Breaks in learning – *can now be initiated by employer or provider*

- Funding rules currently state that a break in learning must be initiated by the apprentice. Employers and training providers can now, temporarily, also report and initiate a break in learning where the interruption to learning is greater than 4 weeks.

Breaks in learning

Apprenticeship funding rules already make provision for disruption in learning:

- less than 4 weeks – in these circumstances neither the employer, nor the training provider, needs to report the interruption, the end-date for the apprenticeship remains the same and there is no change to the payment of funding
- more than 4 weeks – in these circumstances, employers and/or training providers must report a formal break in learning. Where a break in learning is reported, the payment of funding to the training provider will be suspended for the duration of the break in learning

Temporary flexibilities

(2) Evidence of signatures

- Where you don't have an electronic or digital signature system you temporarily do not need a wet signature on evidence during the COVID restrictions
- Includes commitment statement, apprenticeship agreements, contracts, gateway reviews) but you do still require some form of authentication.
- If you have digital systems though you are expected to use them.
- The evidence examples given were key start and end documents, stated so as to try and ease recruitment and completion concerns.

| Acceptable Alternatives | |
|---|---|
| an email from the learner and/or employer's email address with details of the confirmation and their typed name at the end of the message | a typed name on an electronic form or document emailed from the learner and/or employer |
| a signed scanned document attached to an email from the learner and/or employer | photo taken on a camera/digital medium of the signed document attached to an email from the learner and/or employer |

Temporary flexibilities

(3) End Point Assessment Method Flexibilities

- 80 Standards with variations as of 1st May
- Allows for remote delivery.
- These will be in effect until further notice, though is shown on each Standard's page on the IFATE website. These may update frequently.
- <https://www.instituteforapprenticeships.org/covid-19/recent-announcements/list-of-standards-with-temporary-discretions-or-flexibilities/>
- If the information you want is not included in IFATE's guidance, or the FAQs, please send a question to Enquiries.IFA@education.gov.uk and IFATE will come back to you "as quickly as possible".
- *If any change to the arrangements occurs, communicate to the relevant parties and keep a record.*

Temporary flexibilities

(4) End Point Assessment Timescale Flexibilities

- Apprentices who are deemed ready for assessment and cannot be assessed due to COVID-19 related issues: These will be able to have their EPA rescheduled.
- Where there is a specified time limit for EPA post gateway, a further pause of 12 weeks is allowable. E.g. Where your Assessment Plan has a time limitation for delivery of all components, i.e. 4, 6, 12 there is approval for this to be extended by 12 weeks so becomes 16,18,24. Where there isn't a timeframe the EPA can be openly rescheduled.
- Apprentices whose gateway is being delayed are allowed a break in learning, with an extension to the assessment timeframe. The training provider is required to record this in the ILR.
- *Delays impact when you receive completion payments = cashflow*
- *If breaks occur and it isn't administrated there will be funding errors unless the planned end date on the ILR has been exceeded*
- *Breaks remove an apprentice from success rate calculations temporarily*
- *Ensure you document any revision to the assessment programme in your evidence*

Temporary flexibilities

(5) Proof of qualifications for entering gateway

- Where awarding organisations cannot issue certificates to confirm necessary qualifications for gateway have been achieved temporarily the EPAO can accept an email from the AO.
- To ensure authentication emails must contain the following information:
 - learner details
 - certification run date
 - unique number
- *Little impact on a rules basis. Risk is perhaps not being aware and delaying your gateway unnecessarily impacting funding cashflow*
- *Retain the evidence used.*

Temporary flexibilities

(6) Functional skills examinations at level 2

- In level 2 Apprenticeships the rule requiring an apprentice to sit the level 2 functional skill examination (where there is no prior learning) prior to gateway has been relaxed until 31st July 2020.
- **Providers should retain evidence if an apprentice did not take the level 2 assessments due to COVID-19.**
- A level 2 apprentice will still require a level 1 functional skills or equivalent in English and maths in order to complete apprenticeship
- Level 3 apprentices of course still need their level 2 equivalent.
- *For evidence, we'd recommend you have an apprentice authenticated statement stating that they choose not to sit the level 2 and wish to use the temporary relaxation. This could be within the body of your gateway review or similar.*
- *Be cautious where start of EPA may be delayed until after 31st July*
- *Be cautious not to forget the minimum duration rules close to that expiry date*

Temporary flexibilities

(7) Routine Audit

- Routine audit programme paused for duration of lockdown but will be reviewed “when lockdown measures are reduced”
- Some oversight activity continues
- *Obviously carry on your compliance work*
- *Ensure you carry on your monitoring activity as there is a lot of time where 19/20 data set is still active*
- *Real scope for variations in ESFA monitoring approaches*

Audit

Prior to the Prime Minister’s announcement of the new COVID-19 lockdown measures on Monday 23 March 2020, we made the decision to pause the start of any new routine funding audits for all post-16 providers for the short-term, as result of the COVID-19 pandemic. We have now extended this pause to cover the period for, at least, the duration of the lockdown.

Where funding audits and investigations were already in progress, we have sought to complete the work, taking into account providers’ capacity to resolve any issues. We understand the challenges providers face as a result of the COVID-19 pandemic and have been sensitive to these challenges when contacting providers.

It may be necessary for the ESFA to contact providers during the COVID-19 pandemic in order to continue to maintain effective oversight and protection of public funds. Where such contact is necessary, we will continue to be sensitive to the challenges providers face as a result of COVID-19.

We will continue to monitor and review the situation in the light of the circumstances. When the COVID-19 lockdown measures are reduced and there is a return to office-based working across the country, we will assess when it is appropriate to restart routine funding audits.

Temporary flexibilities

(7) Furlough and engagement

- Apprentices can carry on if employer happy and can continue to engage in the programme subject to receipt of at least the minimum wage they are due (not 80% of the minimum wage)
- See also <https://www.gov.uk/guidance/claim-for-wage-costs-through-the-coronavirus-job-retention-scheme> AND <https://www.gov.uk/guidance/work-out-80-of-your-employees-wages-to-claim-through-the-coronavirus-job-retention-scheme>
- *4-week gap is key. Longer than 4 weeks would have required break in learning*
- *When counting off the job activity ensure only content relevant to the apprenticeship standard is included*
- *We recommend you keep a record of the change to the commitment statement, ideally identifying the revised learning pattern planned (it can be reviewed and updated later) – if there is any likely extension to the programme this will need communicating with the employer and extension to apprenticeship agreement terms.*

What hasn't changed?

(1) Engagement

- Apprentices must be in learning to be funded
- *Engagement would be in a knowledge, skill, behaviour or framework component*

(2) Redundancy rules

- Depending upon time left until the final day (end of the practical period / expected gateway) there are periods of time where delivery can continue even if employment is lost (See MP funding rules para 272 onwards, EP para 78)
- <6 months remaining = to completion
- >6 months = 12 weeks
- *Look at your policy, ensure your IAG is up to date*

(3) Unemployment & EPA

- When unemployed (not made redundant) you cannot have them sit EPA

P272 Apprentices who are made redundant within six months of the final day of the practical period specified in the apprenticeship agreement may continue their apprenticeship training without being employed under an apprenticeship agreement (see paragraph P277). In these circumstances:

P272.1 You can continue to deliver the apprenticeship's training as long as all the remaining elements and, for apprenticeship standards, the end-point assessment, can be successfully delivered.

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P272.2 We will fund 100% of the remaining costs of the price negotiated between you and the employer up to the funding band maximum.

P272.3 You must support the apprentice through to the end of the apprenticeship, including any assessment.

P272.4 You must have evidence that you have made reasonable efforts to find the apprentice a new employer.

P272.5 If the apprentice finds a new employer where they can complete their apprenticeship then the new employer assumes all outstanding liabilities and benefits from that point. You should negotiate a new price, if required, with the new employer and input this on the ILR.

P272.6 If the apprentice takes a job with an employer which is not related to their apprenticeship, we will continue to fund them as per paragraph P272.2.

What hasn't changed?

(4) The Training Price must be right

- If the employer wishes to renegotiate cost because of your reduced delivery cost in a remote method that's their prerogative subject to your contractual agreement with them.
- Employer providers or providers delivering to their own apprentice employees need to be extra vigilant of fundamental changes to their delivery model as the cost must be actual cost and not profit making.
- *Employer providers may wish to look at their costings and ensure accurate when completions are processed and / or when looking at starting new cohorts*
- *Providers may want to be proactive on confirming that there is / isn't going to be a change of price*

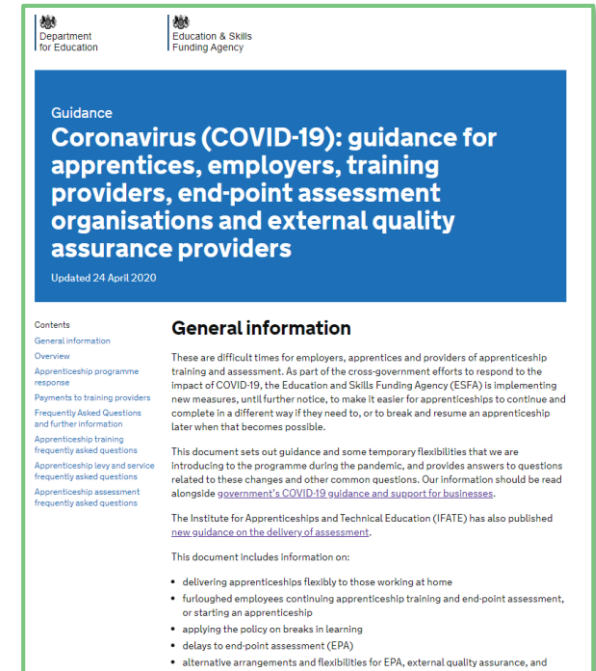
What hasn't changed?

(5) The Assessment Price must be right

- The price of assessment on the ILR (TNP2) must be accurate
- There may be changes to the assessment price enforced by the EPAO
- *Be cautious of how changes in assessment price affect your position against the maximum funding band and need of employer-co-investment*

In summary...

- Some helpful flexibilities
- Communicate effectively to your teams
- Communicate relevant changes to apprentices and employers
- Key policies to appraise:
- Breaks in learning
- Redundancy provision
- Look at your future delivery models and costings.



DfE coronavirus helpline

Telephone
0800 046 8687

If you have a query about coronavirus (COVID-19) relating to schools and other educational establishments, and children's social care, in England contact our helpline.

Lines are open Monday to Friday from 8am to 6pm and weekends 10am to 4pm.

If you work in a school, please have your unique reference number (URN or UK PRN) available when calling the helpline.

Understanding ESFA compliance and its audit process for apprenticeships

5-part webinar series (start 26 May)

Prepare for 2019-20 funding year end, and be ready for 2020-21...

- An overview of ESFA compliance and audit processes
- What evidence ESFA auditors will want to see
- Establishing a robust evidence collection system – blending quality with compliance
- How to sample the quality of your data and reduce errors
- Common pitfalls – over-claiming and under-claiming
- Examples of effective practice and actions you can take with your staff
- An overview of the new funding rules for 2020-21 (once published) and any new compliance requirements

Find out more [here](#)



Questions and answers

*Type your questions into the
webinar panel*

Thank you

After the webinar, we will send you a copy of the webinar slides and recording

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