



Department  
for Education



# **Apprenticeship off- the-job training**

**Policy background and examples to  
support the 2022 / 2023 apprenticeship  
funding rules**

**Version 4**

**October 2022**

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## SECTION 1: INTRODUCTION

1. This publication provides the policy context and some best-practice examples for off-the-job training; these examples demonstrate how flexible the policy can be. This guide also includes our responses to frequently asked questions.

2. This guide supports the 2022 / 2023 [apprenticeship funding rules](#) and is for:

### 2.1 **Providers:**

Who deliver and manage off-the-job training and want to check they are doing so in accordance with the policy intent, the legal agreement they have with the Department for Education and the apprenticeship funding rules.

### 2.2 **Employers:**

Who wish to understand the off-the-job training requirements of an apprenticeship programme in order to support their apprentices, and to understand the funding rules which employers must follow, in accordance with the employer agreement they may have with the Department for Education; and

### 2.3 **Apprentices:**

Who wish to have a clearer understanding of the off-the-job training that they are entitled to, and should be receiving, as part of their apprenticeship.

3. We hope that you will find this document informative. If it does not answer your question, please contact the Apprenticeship Support Desk (which is open 8am to 8pm Monday to Friday):

T: 08000 150 600

W: [help.apprenticeships.education.gov.uk](https://help.apprenticeships.education.gov.uk)

E: [helpdesk@manage-apprenticeships.service.gov.uk](mailto:helpdesk@manage-apprenticeships.service.gov.uk)

## SECTION 2: POLICY BACKGROUND

### OVERVIEW

4. An apprenticeship is a job with a formal programme of off-the-job training. Off-the-job training is an essential component, and a [legal requirement](#), of an apprenticeship.
5. In England, to be eligible for government funding, a minimum policy threshold for this training has been set. From 1 August 2022, new full-time apprentices (those that start on or after 1 August 2022 and work at least 30 hours per week) must spend at least 20% of their normal working hours on off-the-job training. For calculation purposes only, working hours are capped at 30 hours per week, and this equates to an average of 6 hours of off-the-job training per week (i.e. 20% of 30 hours).
6. If an individual works less than 30 hours per week, they are considered to be a part-time apprentice and their programme must be extended (as per the apprenticeship funding rules). Then, at least 20% of the part-time apprentice's normal working hours, over this extended duration, must be spent on off-the-job training.
7. This minimum policy threshold is for calculation purposes only; once the volume of training is agreed, the provider, employer and apprentice can agree how, where and when training is delivered. Some apprentices and apprenticeship standards may require more than the minimum volume of training to be delivered.
8. The minimum volume of off-the-job training for an apprentice is 278 hours and this applies to all apprenticeship standards with a typical duration of 12 months. This minimum volume is extrapolated for longer duration programmes (i.e. those with a typical duration of over 12 months).
9. The importance of off-the-job training to a quality apprenticeship was highlighted in the [Richard Review of Apprenticeships](#) and more recently in reports by the Gatsby Foundation, such as [Taking Training Seriously](#), which compared English apprenticeships to those in other countries.

### DEFINITION OF OFF-THE-JOB TRAINING

10. The [apprenticeship funding rules](#) say:-

**Apprenticeship funding rules 2022 / 2023:**

*Off-the-job training is a statutory requirement for an English apprenticeship. It is training which is received by the apprentice within their practical period, during the apprentice's normal working hours, for the purpose of achieving the knowledge, skills and behaviours of the approved apprenticeship that is referenced in the apprenticeship agreement. By normal working hours we mean the hours for which the apprentice would normally be paid, excluding overtime.*

## Q&A

11. Why must off-the-job training be completed during the apprentice's normal working hours?

An apprenticeship is a work-based programme. Therefore, it is reasonable that the training must be delivered during the apprentice's normal working hours, away from their productive job role. It would be unfair to expect an apprentice to undertake the apprenticeship in their own time, in addition to their (potentially full-time) job role.

If the required off-the-job training must, by exception, take place outside of the apprentice's normal working hours (e.g. in an evening or at the weekend, for an apprentice that normally works Mon-Fri 9-5), the apprentice must agree to this and be compensated for this time (e.g. through time off in lieu (TOIL) or by being paid for these hours). The majority of the programme must not be delivered in this way.

### **Illustrative Example:**

*Sarah is undertaking an apprenticeship in professional accounting. Her provider informs her of a lecture taking place on a Wednesday evening which will cover some of the knowledge that is fundamental to the apprenticeship standard that she is working towards. The lecture is taking place outside of Sarah's core hours, which are Monday to Friday 9-5. Sarah's provider contacts her employer. They agree that if Sarah attends the two-hour lecture on Wednesday evening, she can leave two hours early on Friday to make up the time.*

12. What evidence is required to show that TOIL or an extra payment has been given?

This can be documented as part of the evidence pack (e.g. a signed statement by the apprentice) or confirmed / documented as part of the progress review.

13. If an apprentice chooses to undertake training in their own time, can this be included in the minimum 20% off-the-job training requirement?

No. While we recognise that some apprentices may want to undertake study or training outside of their normal working hours, for their own personal reasons (e.g. to attain the highest grade), this additional training must not be included as off-the-job training evidence. The final decision for undertaking any additional study must rest with the apprentice. There must be no pressure or expectation that the apprentice will undertake any training in their own time in order to complete the apprenticeship.

14. Why is overtime excluded from the definition of 'normal working hours'?

Overtime is defined as "time worked over and above a person's regular [normal] working hours". It often relates to the pressure requirements of a business (e.g. peak periods), so is generally unplanned. It would therefore be difficult to plan a training programme on this basis, which is why it is excluded from the definition.

15. Why do the apprenticeship funding rules say ‘the hours for which the apprentice would normally be paid’? Surely all apprentices are employed and paid a wage?

This is to account for apprentices who may have been made redundant from their job role. Redundant apprentices can continue with their off-the-job training for at least 12 weeks while they look for another employer. While they are unemployed, they will not be receiving a wage.

16. To be eligible for an apprenticeship, does the individual need to work a minimum number of hours each week?

No, but where the apprentice is working less than 30 hours per week, they are considered to be a part-time apprentice for funding purposes. The duration of their apprenticeship is extended to compensate for this and there is more information on how to do this in the ‘minimum duration’ section of the apprenticeship funding rules.

17. Why is it called ‘off-the-job’ training, can we call it something else?

‘Off-the-job training’ is the term used in legislation and is integral to the apprenticeship programme. It is important that we are consistent in our terminology to ensure all parties have a shared understanding of the programme.

Off-the-job training is different from terms such as ‘protected learning time’ or ‘supernumerary’. Protected learning time is a term often used within the NHS to mean the time apprentices are given to practise and develop their skills safely at work. This time often exceeds the minimum off-the-job training requirement and this should be considered when planning the apprenticeship. Supernumerary means the apprentice is not counted as part of the normal staffing ratios / headcount.

## WHAT CAN BE INCLUDED AS OFF-THE-JOB TRAINING?

18. The apprenticeship funding rules say:-

### **Apprenticeship funding rules 2022 / 2023:**

*Off-the-job training must deliver new skills that are directly relevant to the apprenticeship standard. It can include the following:*

- *The teaching of theory (e.g. lectures, role playing, simulation exercises, online learning and manufacturer training);*
- *Practical training, shadowing, mentoring, industry visits and participation in competitions, where the activity has been agreed and documented as part of the agreed training plan; or*
- *Learning support and time spent writing assignments.*

## Q&A

### 19. How can I make sure an activity is considered to be off-the-job training?

There are four key tests. To be considered as off-the-job training, the activity must:

- Teach **new** knowledge, skills and behaviours;
- Be directly **relevant** to the apprenticeship standard;
- Take place in the apprentice's **normal working hours**; and
- Exclude English and maths up to Level 2.

This checklist has been represented in a useful one page [infographic](#).

### 20. Why must off-the-job training deliver new skills that are directly relevant to the apprenticeship standard?

The purpose of off-the-job training is to upskill an individual, so they become occupationally competent in a particular area; it is not about accrediting their existing skills.

If the apprentice already has some of the knowledge, skills and behaviours that are needed for the apprenticeship standard, this must be recognised as prior learning and discounted from the apprentice's training plan, so that unnecessary training is not funded or delivered again.

By 'new' we mean there is a clear gap, identified in the apprentice's initial assessment, which must be filled to enable the apprenticeship to be completed.

### 21. Can you confirm if shadowing and mentoring is off-the-job training (i.e. funded) or if it is on-the-job training (i.e. not funded)?

It can be both. For example, the employer may be in a better position to deliver some aspects of the off-the-job training that is required for the apprenticeship standard, and they may deliver this by allowing the apprentice to shadow them doing a particular activity or by mentoring the person. Provided the activity delivers new skills, which are directly relevant to the apprenticeship standard, this can be considered as off-the-job training. All off-the-job training must be agreed and documented as part of the training plan at the start of the apprenticeship, or as part of an updated plan agreed in a progress review.

Shadowing and mentoring can also be on-the-job training. The employer may be using shadowing and mentoring because the individual is a new member of staff, or to train the person in job specific activities that are not covered in the apprenticeship.

### 22. What does 'participation in competitions' mean?

A skills-based competition can be a sector based competition or it could be a national competition such as [World Skills](#). 'Participation' might mean different things for different sectors and for different types of competition. Ultimately the scope of the activity needs to be agreed between the employer and the provider and this must meet the definition of off-the-job training (see paragraph 19).

23. Why is learning support included in the list of possible activities?

We are committed to ensuring that the apprenticeship programme is open to all individuals and that barriers to education and training are removed, so that learners can make the most of their potential. To be successful, learners may need a range of approaches and support. As well as physical adjustments, or access to accessibility software, some apprentices may benefit from additional time or personal one-to-one support from their provider, to help them to stay on track. It is appropriate that this extra time is recognised. (Funding is available to support learning disabilities and difficulties - see apprenticeship funding rules).

24. Why is time spent writing assignments included? Does this include compiling a portfolio of work?

New knowledge, skills and behaviours can be developed through individual or group assignments. For example, an apprentice may learn new theoretical material in a class-room environment and may then be asked to produce an assignment to outline how the theoretical knowledge applies to their employer or job role. They are continuing to learn new skills through this process. However, the task of putting together a portfolio of completed work is not new learning, it is an administrative task. As it doesn't deliver new skills it must not be included as off-the-job training.

25. If an employer delivers in-house training to an apprentice or sends them on an external training course, can this be counted as off-the-job training?

This will depend whether the content / activity meets the definition of off-the-job training (see paragraph 19), whether it was agreed and planned in advance, and whether it was documented on the training plan. The in-house training may not have been relevant to the apprenticeship and in these cases, it must be excluded.

26. If there is a knowledge or skill element in the apprenticeship standard (e.g. first aid), which is also a company requirement for all employees, can this be included?

Yes, this can be included as off-the-job training, but only if the activity is imparting new skills to the individual, which will help them to achieve their apprenticeship. If the activity is exclusively related to the job, rather than to the apprenticeship, then it must not be included. The fact that the activity is a company requirement and that non-apprentices are also completing the same training is not relevant.

**Illustrative Example:**

*Lisa is an engineering apprentice. She has weekly training sessions on how to use a particular piece of equipment. This forms part of the knowledge, skills and behaviours requirements of her apprenticeship.*

*Lisa works with Dave who is a fully qualified engineer. As this piece of equipment is new to the company, Dave is also receiving the same training. The fact that Dave is receiving the same training is not relevant; the training is part of Lisa's apprenticeship and therefore counts as off-the-job training.*



27. Can research seminars and networking events be included? What about time spent in the supply chain on a secondment?

Yes, these can all be included but only if the activity is imparting new and relevant knowledge, skills and behaviours within the apprentice's normal working hours.

28. Can an employer induction program count as off-the-job training (e.g. one which includes a corporate induction and some manual handling training)?

It would not be appropriate to include a generic company induction that includes activities such as a corporate overview and a tour of the office. However, some company inductions may include an educational aspect that might be relevant to the apprenticeship (e.g. manual handling). Provided the employer and provider have agreed, in advance, that the induction will be used as the vehicle to deliver new and relevant off-the-job training, and this training takes place on or after the learning start date (i.e. the start of the apprenticeship practical period), this can be included.

29. If an apprentice researches a work policy themselves, can that be considered off-the-job training, or does off-the-job training always have to be delivered by the provider or employer (i.e. in their presence)?

All off-the-job training must be guided by the requirements of the apprenticeship standard and the resulting training plan that has been agreed by all parties. If an apprentice has been set some work to do by themselves, that is integral to the apprenticeship, this is fine, as it is still effectively being guided by the provider, even though the provider is not physically present when the activity is carried out.

For example, the apprenticeship may require the apprentice to understand how employers manage staff performance. The provider may have asked the apprentice to research their own employer's performance management policy and write an assignment on this topic. Where an apprentice is undertaking this type of task (i.e. without direct supervision) the activity can only be considered to be off-the-job training if it takes place in their normal working hours.

30. If an employer has specifically requested the inclusion of a non-mandatory qualification, can the associated training count as off-the-job training?

Yes, but only the training that overlaps with the knowledge, skills and behaviour requirements of the apprenticeship standard. All off-the-job training must be delivering new and relevant skills required to achieve the apprenticeship standard.

31. Can gaining 'higher / advanced' learning of knowledge, skills and behaviours count towards off-the-job training, or is it only completely brand-new subject areas?

Some standards, depending on the apprenticeship level, may require specific levels of knowledge. For example, an individual could have a basic understanding of excel spreadsheets, but the apprenticeship they are now following requires a more advanced skill level. This means the individual can build on their existing skills base to develop new skills in an area where they already have some limited knowledge.

Ultimately, whether a task is 'new' to an individual will come down to the requirements of the apprenticeship standard and the initial assessment which the provider carried out at the beginning of the programme. Note that training that goes beyond the requirements of the apprenticeship standard is not off-the-job training.

32. *If an apprentice has recently changed job role and is now managing staff, can relevant units from a team leading qualification be added to their plan to support them?*

All off-the-job training must be directly relevant to the named apprenticeship standard listed on the apprentice's apprenticeship agreement. Some individuals might require other training, in addition to their apprenticeship, to enable them to perform aspects of their job role. However, if this training is not required for the named apprenticeship, it is not off-the-job training. Providers may be able to support employers to address these additional training needs on a commercial basis.

## WHAT MUST BE EXCLUDED FROM OFF-THE-JOB TRAINING?

33. The apprenticeship funding rules say:-

### **Apprenticeship funding rules 2022 / 2023:**

*Off-the-job training must not include:*

- *Time spent on initial assessment and onboarding activities;*
- *English and maths training, up to and including level 2;*
- *Training to acquire knowledge, skills and behaviours that are not required by the apprenticeship standard;*
- *Progress reviews or on-programme assessments; or*
- *Training which takes place outside the apprentice's normal working hours (unless the apprentice has been paid for these additional hours or been given time off in lieu).*

## **Q&A**

34. *Why is the time spent on initial assessment and onboarding not included?*

These activities do not count towards off-the-job training as they do not meet the definition of delivering new skills. Initial assessment is about the provider forming an opinion of the individual's existing skills and support needs, and assessing what training is needed to help them to develop occupational competence at a defined level. Onboarding is the subsequent process of developing and agreeing the relevant paperwork to support the programme (e.g. the training plan) and agreeing a price with the employer for the delivery of that plan.

35. Why is English and maths (to level 2) excluded from off-the-job training if the apprenticeship standard requires it and/or the apprentice needs it?

English and maths provision is separately funded because all apprentices do not require this training. An apprenticeship is designed on the basis that an apprentice already has the required levels of English and maths and as such, the time needed for this training is in addition to the time spent on occupational upskilling. It would be unfair if two learners received the same time away from their productive job role and one of these learners used a high proportion of this time studying English and maths, to the detriment of any occupational upskilling they also needed.

**Illustrative Example:**

*Zoe and Imran have the same employer and are working towards the same level 3 dental laboratory assistant apprenticeship. Imran already has GCSEs in English and maths, but Zoe needs to pass level 2 qualifications in both, before she can take her apprenticeship end-point assessment. Both apprentices spend the same time on off-the-job training, getting an equal opportunity to learn the core occupational elements of their apprenticeship. So that she is not disadvantaged, Zoe studies for level 2 English and maths on top of this.*

36. Can you confirm if it is a requirement to embed English and maths into an apprenticeship, even where the learner has already achieved the relevant level to achieve the standard?

If the apprentice has already achieved the required level of English and maths (as required for the apprenticeship standard or outlined in the funding rules), there is no requirement to deliver any further English and maths training, and no additional funding available to do so. However, it is good practice to continue to embed and reinforce English and maths skills to ensure that the apprentice has the specific skills needed for their role throughout their apprenticeship journey. Ofsted may expect this.

37. What do you mean by training to acquire knowledge, skills and behaviours that are not required in the apprenticeship standard?

Off-the-job training must teach new and relevant content that will contribute to the successful achievement of the apprenticeship. Other training (generally employer specific), that is beyond the requirements of the apprenticeship standard, must not be included and apprenticeship funding must not be used for this additional delivery. This includes delivery of skills at a higher level than that needed for the programme.

38. Why are progress reviews and on-programme assessments excluded?

A progress review is a three-way discussion, between the provider, employer and apprentice, which must take place on a regular basis (at least every 12 weeks) to review the progress of the apprentice in relation to the agreed training plan.

An on-programme (or formative) assessment is a periodic or modular assessment that might be required for a mandatory qualification. Progress reviews and on-programme assessments do not impart new learning, which is why they are excluded.

39. Can travel time for block release activities be included?

Generally travelling would be prohibitive to the delivery of off-the-job training. However, there may be occasions whereby it could be acceptable, for example where the apprentice was on a train during their normal working hours and was able to watch on-line materials or work on an assignment whilst travelling.

## WHAT IS THE MINIMUM POLICY REQUIREMENT FOR A FULL-TIME APPRENTICE?

40. The apprenticeship funding rules say:-

**Apprenticeship funding rules 2022 / 2023:**

**Full-time apprentices (those that work 30 hours per week or more)**

*To be eligible for government funding at least 20% of the apprentice's normal working hours (capped at 30 hours per week for funding purposes only), over the planned duration of the apprenticeship practical period, must be spent on off-the-job training.*

*This means that the minimum requirement, for apprentices working 30 hours or more per week is an average of 6 hours of off-the-job training per week (i.e. 20% of 30 hours) over the planned duration.*

*When calculating the required amount of off-the-job training, the apprentice's statutory leave entitlement must be deducted.*

### Q&A

41. Where has the 6 hours per week come from and is this only for new starts?

Prior to 1 August 2022, to be eligible for government funding at least 20% of the apprentice's own normal working hours, over the planned duration of the apprenticeship practical period had to be spent on off-the-job training. Apprentices who started their programme on or before 31 July 2022 will continue to work to this previous policy and the funding rules in place when they started (i.e. their training plan will be based on 20% of their own normal working hours).

We updated the policy for the 2022 / 2023 apprenticeship funding rules to widen participation to potential apprentices working in sectors with above average working hours.

The change to an average of 6 hours per week will only impact new starts from 1 August 2022. The 6 hours per week average is based on 20% of 30 hours; 30 hours was chosen as this is the minimum number of working hours that we accept for a full-time apprentice.

42. *Is the new requirement 6 hours per week, for every week the apprentice is on the programme?*

No, the new minimum requirement is for calculation purposes only; once the volume is calculated, the provider and the employer must agree when, where and how the off-the-job training is delivered. Some weeks there may be more training, some weeks there may be less training.

As now, when calculating the required volume of off-the-job training, the apprentice's statutory leave entitlement must be deducted. Full-time apprentices receive at least 28 days statutory leave (20 days annual leave plus 8 bank holidays) and this is equivalent to 5.6 weeks.

Therefore, for a full-time apprentice on a 12 month apprenticeship, off-the-job training is delivered over 46.4 weeks (52 weeks less 5.6 weeks). This provides a minimum of 278 hours of off-the-job training (46.4 weeks x 6 hours), to be delivered as agreed by the provider, employer and apprentice.

This is the absolute minimum volume of off-the-job training that can be delivered to an apprentice on a 12 month apprenticeship. A higher delivery volume may be necessary to enable some apprentices to reach full occupational competency (even on a 12 month apprenticeship) and, if the standard has a longer duration, then the calculation must be extended accordingly.

43. *What if the apprentice does not need the minimum policy requirement?*

If an individual does not require the minimum policy requirement, then they are not eligible for apprenticeship funding. If an individual has already started an ineligible programme, all funding paid to the provider for the apprenticeship must be returned. We would encourage the provider and the employer to work together to agree alternative funding so that that individual can continue with their programme.

44. *Off-the-job training places a financial burden on employers (i.e. backfilling the role or losing the apprentice for the off-the-job training time). Has this been considered?*

The training provided as part of an apprenticeship adds skills and value to the apprentice's employer; 78% of employers state that the apprenticeship programme helps them to improve business productivity longer term. Before enrolling on the programme, the employer needs to have agreed with the provider that the apprentice requires significant training in order to be occupationally competent in their job role. They must also have agreed to release the apprentice for this training.

45. Does the minimum policy requirement apply to all levels of apprenticeships?

Yes, the eligibility criteria and therefore the minimum policy requirement is the same regardless of the level of the apprenticeship.

46. If an individual can pass the end-point assessment, without meeting the minimum off-the-job training policy threshold, can they still be an apprentice?

No, if an apprentice can satisfy the requirements of an end-point assessment, without engaging in the minimum volume and / or the minimum duration of training, this indicates they were not eligible for the apprenticeship programme in the first place.

## WHAT IS THE MINIMUM POLICY REQUIREMENT FOR A PART-TIME APPRENTICE?

47. The apprenticeship funding rules say:-

**Apprenticeship funding rules 2022 / 2023:**

**Part-time apprentices (those that work less than 30 hours per week)**

*If the apprentice works less than 30 hours per week, they are considered to be part-time and their duration must be extended (as per the funding rules).*

*To be eligible for government funding at least 20% of the apprentice's normal working hours, over this planned and extended duration of the apprenticeship practical period, must be spent on off-the-job training.*

### **Q&A**

48. Has the policy for part time apprentice also changed from 1 August 2022, or is it still 20% of their own normal working hours?

The policy has only changed, from 1 August 2022, for full-time apprentices and this was to help widen participation for those who work in sectors with longer working hours. All programmes are now based on a 30 hour working week. For a part-time apprentice, as they do now, the provider must first extend the programme duration using the formula in the apprenticeship funding rules.

Overall, the off-the-job training requirement for a part-time apprentice must be no less, as a minimum, than a full-time apprentice; less training is delivered on average per week but over an extended period. As with full-time apprentices, this minimum requirement is for calculation purposes only; once calculated, the provider, employer and apprentice must agree when, where and how the off-the-job training is delivered.

49. Can a part-time apprentice with an extended duration finish the programme early?

Any apprentice can finish earlier than the learning planned end date, provided they have met the minimum duration of 12 months.

We appreciate that a small number of part-time apprentices may be able to train for an average of 6 hours per week (i.e. the same as a full-time apprentice). However the duration of all part-time apprentices must still be extended, This is because, as a group, part-time apprentices are less likely to be able to achieve an average of 6 hours per week. So, to protect public funds, the money is paid out in smaller amounts over an extended period.

However if, for some reason, an apprentice (part- or full-time) was able to achieve their apprenticeship in a shorter duration than was planned, the provider would enter the actual learning end date into the ILR and this will then calculate any residual payments that are owed for the apprentice. The off-the-job training requirement applies to the shorter (actual) duration.

## **ON-THE-JOB TRAINING AND HOW THIS DIFFERS FROM OFF-THE JOB TRAINING**

50. The apprenticeship funding rules say:-

**Apprenticeship funding rules 2022 / 2023:**

On-the-job training is training received by the apprentice for the sole purpose of enabling the apprentice to perform the work for which they have been employed. By this we mean training that does not specifically link to the knowledge, skills and behaviours set out in the apprenticeship.

51. It is important to understand the difference between the on- and off-the-job training and why the funding rules and minimum policy requirements only apply to the latter.

### **What is on-the-job training?**

52. On-the-job training includes areas of work (e.g. skills and tasks) that sit completely outside of the apprenticeship but which are needed for the productive job role.

53. Some individuals might require training in these areas, in addition to their apprenticeship, to enable them to be fully productive for their employer. This training (i.e. knowledge, skills and behaviours that are not required for the apprenticeship standard) is called on-the-job training.

**Illustrative Example:**

For example, an apprentice baker, who is new to the job role and is working for a small enterprise, might need to understand:

- a) how to use the baking equipment and machinery in their organisation; and
- b) how to maintain and repair this equipment and machinery.

How to use the baking equipment and machinery (a above) is part of the advanced baker apprenticeship standard. As such, this can be included as off-the-job training.

The maintenance and repair of the machinery (b above) is not referenced within the advanced baker apprenticeship standard, but it is a skill that the apprentice's employer still wants them to have. As this training is needed exclusively (solely) for the job role (rather than for apprenticeship) this is on-the-job training, and this is the responsibility of the employer.

54. We encourage providers and employers to work together to ensure that on- and off-the-job training is complimentary and well-co-ordinated.

**Q&A**

55. *If an apprentice learns knowledge, skills and behaviours through off-the-job training and then practices these in the workplace, is this on- or off-the-job training?*

It would not be on-the-job training, because the specific skill must have been required for the apprenticeship for it to have been included in the apprenticeship training plan. It therefore doesn't meet the legal definition of on-the-job training.

It would not normally be considered to be off-the-job training either, as the skill has already been taught, so may no longer be new to the apprentice. For an activity to be included as off-the-job training, it must:

- Teach new knowledge, skills and behaviours;
- Be directly relevant to the apprenticeship standard;
- Take place in the apprentice's normal working hours; and
- Exclude English and maths up to Level 2.

Application or practising is often supplementary activity; it seeks to apply new learning so that it becomes embedded and more intuitive to the apprentice but the activity itself does not deliver further new skills.



**Illustrative Example:**

*A chef apprentice is learning how to poach an egg. He needs to know how to do this for his apprenticeship. He's never done this before, so his provider shows him. He watches his tutor and then tries it himself. After a few attempts he achieves the perfect poached egg. This is off-the-job training: he is away from his productive job role, but within his normal working hours, working with his provider to learn a new skill that is relevant to his apprenticeship.*

*He then goes back to work and applies his new skill in his productive job role. He poaches eggs as part of the breakfasts he is helping to make. He's now putting his learning into practice. There may be some broken eggs along the way but, on the whole, he is now competent in this area.*

*Clearly the more he practises egg-poaching, the more he will develop and the more confident he will become. But this continued application of his new skill is not off-the-job training because the concept of how to poach an egg is no longer new to him. If he was on a 12-month apprenticeship, it would be unreasonable to suggest that every time he poached an egg, it could be included as off-the-job training evidence. A line needs to be drawn.*

**Illustrative Example:**

*A customer service apprentice being tutored in the art of giving a presentation. Once the provider has delivered the training, we would expect the apprentice to practice this in the workplace. If the apprentice is on a 2-year programme and regularly gives presentations as part of their job role they might continue to improve in confidence every time they present. However, this doesn't mean that every time they give a presentation, for the entire 2 years of their apprenticeship, it can be considered to be off-the-job training. Once the skill has been taught, it is no longer new.*

56. Employers may find it helpful to read the [Employer Roadmap](#) to understand the full apprenticeship journey.

**Why do the apprenticeship funding rules only reference off-the-job training?**

57. The government provides funding for off-the-job training, provided both the individual and the programme can comply with the apprenticeship funding rules. We do not reference on-the-job training, beyond the legal definition, because it isn't funded by the government. There is no legal requirement for any on-the-job training to be delivered as part of an apprenticeship programme. Where on-the-job training is required, solely for the job role, this is the responsibility of the employer.

## SECTION 3: RECOGNITION OF PRIOR LEARNING AND OFF-THE-JOB TRAINING

### OVERVIEW

58. If a provider is accessing government funding to deliver an apprenticeship, they must ensure the individual and the programme are eligible for funding by conducting an initial assessment of the individual's abilities, in line with the proposed apprenticeship.
59. As part of this, as well as confirming the learner's eligibility for the programme and checking for potential learning difficulties and / or disabilities, the provider will identify and recognise the individual's prior learning and experience. This is in the form of a 'skills-scan', which enables the individual to be assessed against the knowledge, skills and behaviour requirements of the relevant apprenticeship standard. The provider may also choose to use additional diagnostic testing.
60. The results of the skills scan, and any additional diagnostic testing, must evidence that the individual requires significant new knowledge, skills and behaviours in order to be occupationally competent in their job role; and that this training meets the funding rules relating to minimum duration and off-the-job training. There must be evidence that the programme content, duration and price has been reduced accordingly (in line with the recognised prior learning and the funding rules).
61. The initial assessment must be documented and must inform the training plan. This plan is the three-way agreement between the employer, provider and apprentice which sets out the training to be delivered and records the commitment of each party to the apprenticeship.

### Q&A

62. *Why is the recognition of prior learning so important?*

Beyond needing to comply with the apprenticeship funding rules, correctly recognising prior learning means providers can deliver appropriately tailored content, which is more likely to be engaging for apprentices and lead to higher retention and achievement rates and onward progression. It also helps to establish the right starting point so that a high-quality programme can be delivered, one which adds value to both the apprentice and the employer.

Apprenticeship funding must not be used to pay for, or certify, existing knowledge, skills and behaviours as this represents poor value for money. The funding band of the apprenticeship is based on an apprentice requiring the full content of the standard (i.e. all of the listed knowledge, skills and behaviours and any mandatory occupational qualifications). The full funding band must not be used where prior learning has been recognised.

63. What needs to be considered, is it just previous qualifications and certificates?

The provider must identify and document any knowledge, skills and behaviours, relevant to the apprenticeship standard, gained from the following:

- Prior education, training, or associated qualifications in a related subject sector area, including any previous apprenticeship undertaken; or
- Learning or competence gained from prior work experience, particularly where the apprentice is an existing employee, or is beginning their apprenticeship after completing another programme with a relevant work placement.

We recognise that assessing prior knowledge, skills and behaviours, which are not qualification based, is difficult. We don't mandate how a provider fully assesses or determines prior learning, beyond the requirement for a skills scan, just that it must be done, and the findings taken account of. We have recently published additional [guidance](#) on the recognition of prior learning which may be helpful.

64. Why does the content and price need to reduce?

Recognising relevant prior learning will reduce the content that is required, so that the apprentice does not repeat training that they do not need. If less content is being delivered, then it follows that this should reduce the price. Apprenticeship funding must not be used to pay for training that the apprentice already has. The 2022 / 2023 funding rules outline in more detail exactly how the price must be reduced.

65. Why does the duration need to reduce?

The duration must be reduced in proportion to the adjusted amount of training left to deliver. If the provider does not reduce the duration, they may fail to meet the minimum requirements of the off-the-job training policy. An apprentice must not be kept in learning any longer than they need to be.

66. How must prior learning be accounted for in short-duration (e.g. 12 month) apprenticeships?

Recognising prior learning is arguably easier at higher levels (e.g. reducing a 3-year apprenticeship to 18 months). The altered programme recognises prior learning, so that training is not repeated, whilst still meeting the minimum duration requirement of 12 months.

It can be more difficult to consider prior learning in lower-level apprenticeships as some of these have a typical duration of 12 months for the full content. Therefore if the individual has any relevant prior learning and therefore does not need the full content, the residual programme will likely fail the minimum duration test, effectively ruling the apprenticeship ineligible.

It is not appropriate to extend the programme beyond the needs of the learner and the requirements of the apprenticeship, for example by spending longer on the remaining elements, purely to meet the minimum duration.

## SECTION 4: CALCULATING OFF-THE-JOB TRAINING

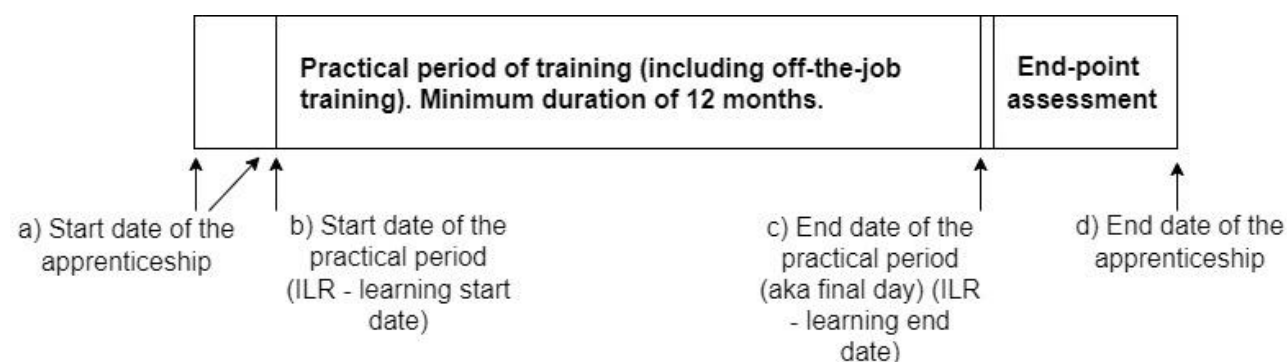
### OVERVIEW

67. Audit and compliance issues in this area include calculations that fail to meet the minimum policy requirement, fail to use an incorrect timeframe or fail to apply the statutory leave deduction correctly.

### TIMEFRAME FOR THE CALCULATION

68. It is important to understand the timeframe to be used in the calculation:

#### Apprenticeship standards



69. **The start date of the apprenticeship (a in diagram above)**

This date (a) may be the same date as the start date of the practical period (b), or it may be slightly earlier. The two dates are generally the same when it is an existing member of staff who is already in a job role when they decide to start an apprenticeship.

Where the start date of the apprenticeship (a) is slightly earlier than the start date of the practical period (b) this is generally because it is a new person that has been specifically recruited into the business as an apprentice. Where this happens, often the new member of staff would benefit from a few weeks in the workplace before they start their training.

This explains why there are two dates – apprenticeship start date and practical period start date – on the apprenticeship agreement and the training plan.

70. **The start date of the practical period (b in diagram above)**

This date (b) is the start of the practical period. The practical period, which must have a minimum duration of 12 months, is where off-the-job training (and English and maths if required) is delivered, usually by a provider.

The first day of the practical period is the same as the learning start date on the ILR, and there must be evidenced learning on this date (or within 7 days of this date).

**71. The end date of the practical period (c in diagram above)**

The end date of the practical period is legally called the 'final day' (you may see this reference in the funding rules in relation to the redundancy policy). This is the last day of evidenced learning and is the planned (or actual) learning end date in the ILR.

At the end of the practical period, all off-the-job training delivery (and English and maths delivery if relevant) should be complete, as the apprentice is ready to enter the end-point assessment phase of the apprenticeship. The end-point assessment period is where the training delivered within the practical period is independently assessed, usually by an end-point assessment organisation.

In between the practical period and the end-point assessment is the 'gateway'. This may be one day (e.g. the same date as the actual learning end date) or it may take slightly longer (e.g. if the apprentice is putting together a portfolio or the provider is awaiting certificates). The purpose of 'gateway' is to check that all parties agree that the apprentice is ready to progress to the next stage of the apprenticeship.

**72. The end date of the apprenticeship (d in diagram above)**

This is when both the training and the end-point assessment are complete. Once an apprentice has completed and passed their end-point assessment, an application for the apprenticeship certificate can be made.

**Q&A**

**73. Does off-the-job training start on the apprenticeship start date or the practical period start date?**

Off-the-job training can only be delivered in the practical period.

**74. Is it acceptable for there to be a gap of 6-8 weeks between the apprentice starting a job role and their training beginning?**

Some apprentices (i.e. those that are new to a job role) may benefit from some time in this new role before embarking on their training programme. It may not be realistic for the learning and the new job role to begin on the same day. The gap between these two dates should be as small as possible. This is because the individual is legally an apprentice from the apprenticeship start date and could be receiving the apprenticeship rate of pay. However, funding for the programme only begins from the practical period start date.

**75. How does the practical period work for an integrated degree apprenticeship?**

The practical period is still the training period, from the first day of learning to the last day of learning (prior to the apprentice reaching gateway). Then, in an integrated degree apprenticeship, the body responsible for this process is slightly different.

The end-point assessment organisation for an integrated degree standard may be the higher education training provider, or a professional body, although to remain independent the assessment must involve someone who has not been involved in the training element of the apprenticeship.

76. Where do I enter the 'gateway' date on the Individual Learner Record (ILR)?

The ILR is used across multiple programmes, so some of the terminology is generic rather than apprenticeship specific. The gateway date is not required on the ILR.

77. If the apprentice fails end-point assessment, and has to undertake further training, does this count towards the delivery of off-the-job training?

No. If the apprentice has reached gateway and has attempted the end-point assessment, then they should already have met the requirements of the off-the-job training policy. Further training can be delivered prior to a retake of the end-point assessment, but this must not be included in the off-the-job training calculation or the associated evidence.

## RECOGNISING STATUTORY LEAVE

78. The apprenticeship funding rules say:-

**Apprenticeship funding rules 2022 / 2023:**

*When calculating the required amount of off-the-job training, the apprentice's statutory leave entitlement must be deducted.*

*Employees who work a 5-day week receive at least 28 days paid leave (20 days annual leave plus 8 bank holidays); this is the statutory leave entitlement referred to and is the equivalent of 5.6 weeks of holiday. Therefore, for a full-time apprentice following a 12 month apprenticeship, off-the-job training is delivered over 46.4 weeks (52 weeks minus 5.6 weeks of statutory leave).*

79. The requirement to deduct statutory leave was introduced in the 2018 / 2019 apprenticeship funding rules. For full-time apprentices, the maximum deduction is 28 days per year, which is made up of the legal minimum of 20 days annual leave and the usual 8 UK bank holidays. This applies even where the apprentice receives a higher annual leave entitlement from their employer. The statutory leave figure must be adjusted as needed, for those working part-time and for longer apprenticeship durations.

## **Q&A**

### 80. Why is only statutory leave deducted rather than the full annual leave entitlement?

We need a consistent calculation that can be applied to all apprentices so that we can establish if the minimum off-the-job training requirement is being met. The 5.6 weeks (28 days) is based on a minimum entitlement of 20 days holiday plus the usual 8 UK bank holidays.

## **THE CALCULATION**

81. The minimum policy threshold for both full-time and part-time apprentices has already been outlined in Section 2 of this guide (e.g. an average of 6 hours per week for full-time apprentices and a pro-rated amount for a part-time apprentice delivered over an extended duration).

82. Previous audits indicate that the off-the-job training calculation is often approached in two different ways:

- Some providers use a planned duration as the starting point and work out the minimum volume of off-the-job training hours that would be needed for a compliant programme.

The planned duration which is used is generally based on either the minimum duration of 12 months or the provider's historical delivery pattern for the same type of programme. Once the minimum volume is calculated, the provider aims to achieve this over the course of the apprenticeship.

- Other providers use the volume of off-the-job training hours required by the apprentice and then work out a planned duration from here. This is usually based on a flat delivery profile.

83. In Annex A we have put some example calculations for both methods, to show how the off-the-job training hours and / or the duration can be calculated, depending on what information is used as the starting point. Note that off-the-job training is measured over the course of the full apprenticeship practical period (as opposed to any one academic year) and excludes end-point assessment.

## **Q&A**

### 84. What happens if the learner goes over their learning planned end date? Should off-the-job training be increased to cover the new actual duration?

No. When the training plan was originally prepared, if the employer, provider and apprentice agreed that e.g. 400 hours of off-the-job training were needed over a particular duration, for the apprentice to achieve occupational competence, then assuming the learner's circumstances haven't changed, 400 hours of training are still needed.

If the apprentice has missed some sessions (but not enough to trigger a break in learning) and, as a result, does not finish on their learning planned end date, then delivery can go beyond this planned date. Where this happens, the provider must not amend the learning planned end date or the OTJ planned hours field on the ILR; this information must continue to reflect the day one circumstances of the individual. However, the dates on the training plan and apprenticeship agreement must be updated.

When learning is complete, the provider will record the 'learning actual end date' on the ILR, this is a different field to the 'learning planned end date'. The two fields do not have to show the same date.

85. Does the calculation need to include or exclude apprentice lunch breaks?

Breaks are generally already accounted for within the working hours, so we do not reference them again in the calculation.

86. What happens where the planned off-the-job training hours are complete, but the end-point assessment is delayed; do you have to continue to deliver training?

No, once all the training is complete, the practical period is also complete. If for any reason there has been a delay the apprentice must stay on the programme, they must not be withdrawn or put on a break in learning. This is because they cannot re-engage onto the programme to solely undertake the end-point assessment (the ILR requires there to also be learning).

The main function of a break in learning is to stop funding, but there is no need to do this in this scenario as all of the monthly payments have already been drawn down by the provider; the only payment that remains is the completion payment.

87. How is off-the-job training delivered when there is a zero-hours contract in place?

If an apprentice has a zero-hours contract, the duration of the apprenticeship must be extended in proportion to the hours they usually work (based either on historical patterns of work or future projections). An apprentice with a zero-hours contract must still undertake their off-the-job training during their (paid) working hours.

88. How do term-time only apprenticeships work; are the same number of off-the-job training hours required?

Some apprentices (e.g. teaching profession and school support staff) have full time contracts (which means they continue to be paid every month) but these contracts specify term-time only contact with students (generally 39 contact weeks per year). The remainder of the year is spent on non-contact time or on leave. As their contracts are full time, and they get paid every month, off-the-job training is calculated as though these apprentices are working 52 weeks per year.

Once this calculation is complete, the training can be delivered across the 39 contact weeks, if this is what the employer wants. Note that this will likely mean delivering more than the minimum 6 hours of training in term-time weeks. However, this doesn't have to be the same pattern every week.



## SECTION 5: DOCUMENTING OFF-THE-JOB TRAINING

### OVERVIEW

89. Documenting off-the-job training is important because there must be a shared understanding, by the provider, employer and apprentice, of the volume and content of training that is going to be delivered.
90. In relation to the planned volume of training, the apprenticeship funding rules say:-

**Apprenticeship funding rules 2022 / 2023:**

*The number of planned off-the-job training hours, for the full apprenticeship, must be documented on:*

- *the apprenticeship agreement and the training plan (these must be separate documents).*
- *the individualised learner record (ILR). You must not change the planned off-the-job training hours figure once submitted (except for a data input error at the beginning of the programme).*

91. The planned off-the-job training hours is the figure after it has been adjusted to account for any prior learning and statutory leave.
92. This figure must be the same across all three documents (the original apprenticeship agreement, the original training plan and the ILR); this is one of the checks made in a funding audit. While there may be subsequent versions of the apprenticeship agreement and the training plan, the originals must always be kept.
93. In relation to the actual volume of training, the apprenticeship funding rules say:-

**Apprenticeship funding rules 2022 / 2023:**

*If planned off-the-job training hours have been submitted in the ILR for the apprentice, actual off-the-job training hours must also be documented in the ILR, at the end of the practical period or where the apprentice leaves the apprenticeship early as a non-completer; this includes current learners on programme as of 31 July 2022.*

94. The volume entered into the actual OTJ field must correspond to the evidence pack held for the apprentice. This will be checked by audits and desk-based compliance activities.

## THE APPRENTICESHIP AGREEMENT

95. The requirement for an apprenticeship agreement was introduced by the Apprenticeships, Skills, Children and Learning Act 2009. It is completed and signed by the apprentice and the employer and forms part of the individual employment arrangements between these two parties. A valid apprenticeship agreement has the status of a contract of service, to which employment law applies. We will not fund an apprenticeship unless there is a valid apprenticeship agreement in place.
96. With regards to off-the-job training, the apprenticeship agreement sets out the employer's commitment to release the individual for the number of hours specified on the agreement.

### Q&A

97. How would an employer know about the apprenticeship agreement and what information to include on this e.g. the correct volume of training hours?

Providers can signpost employers to the relevant funding rules. It is also likely that providers will need to support employers to complete the apprenticeship agreement, especially where the individual is their first apprentice. Providers are more likely to have a better understanding of the volume of training needed by the individual, based on the initial assessment they have carried out to confirm the apprentice's eligibility.

98. If an apprenticeship agreement has been issued to the apprentice, but it does not contain the 'volume of training hours', does this need to be amended?

Yes, without all of the required information, the apprenticeship agreement is invalid, and we cannot fund the programme. Funds are at risk of recovery where a valid agreement is not in place.

## THE TRAINING PLAN

99. Previously called a commitment statement, the training plan sets out the training to be delivered and the commitment of all three parties (provider, employer and apprentice) to the programme. It can also be used to record key details such as the employer's agreement to release the apprentice for their off-the-job training. The apprenticeship funding rules detail what information is needed in the training plan and all parties must keep a current signed and dated version.
100. The training plan is a working document and must be amended during the apprenticeship if required. It must be kept up to date with any material changes (e.g. as a result of changes agreed at a progress review). Anyone picking up the apprentice's training plan should be able to understand what is going to be delivered to the apprentice and where the apprentice is in relation to their plan.

## Q&A

### 101. Can the training plan be combined with the apprenticeship agreement?

No. The apprenticeship agreement is a legal agreement between the employer and apprentice and forms part of the individual employment arrangements between these two parties. The employer is ultimately responsible for the apprenticeship agreement, although the provider can help the employer to populate some of the required information, such as off-the-job training hours and the practical period start and end dates. The employer must give a copy of the agreement to the provider.

The training plan is a three-way agreement, between the provider, employer and the apprentice. The provider is responsible for driving the training plan as this mainly outlines the content of the programme to be delivered, which the provider is better placed to articulate. However, the employer and apprentice must play an active role in agreeing the training plan content.

### 102. If the training content changes does an updated version have to be printed and signed every time or would an electronic, unsigned version of the document suffice?

Changes to the content of the training plan must only be made with the agreement of all parties, and the simplest way to do this is to agree those changes, and make the relevant amendments, through the regular progress review process. All parties must sign and date any update to the training plan to give assurance that all parties have agreed to the change. Where this is digital / electronic, please refer to apprenticeship funding rules for further information.

### 103. Is there a standard template for a training plan?

At the request of new providers, we have produced a training plan [template](#) which is compliant with the funding rules. This is in the form of an excel spreadsheet. The training plan template is non-mandatory; providers are free to use alternatives, including their own.

### 104. Should a provider transfer the off-the-job training calculation figure, which is automatically generated on the training plan template to the planned hours field on the ILR?

If the information that has been entered into the template is correct (e.g. working hours and duration), then the spreadsheet will produce a figure that represents the minimum off-the-job training volume to be delivered. If the minimum figure is what is being delivered then yes, this figure can be used in the ILR.

However, if more than the minimum volume is being delivered then you can overwrite the volume on the spreadsheet, and it is this higher figure that must be transferred onto the ILR. Providers must always report accurate information and should note that the template only generates a minimum volume.

## THE INDIVIDUALISED LEARNER RECORD (ILR)

105. For all new starts, on or after 1 August 2019, the provider must record the volume of planned off-the-job training hours, for the full programme, on the ILR.
106. If planned off-the-job training hours have been submitted in the ILR for the apprentice, then actual off-the-job training hours must also be documented, at the end of the practical period or where the apprentice leaves the apprenticeship early as a non-completer; this includes current learners on programme as of 31 July 2022. The actual hours figure must correlate to the volume of evidence held in the evidence pack for the apprentice.
107. We will undertake desk-based compliance activity on the ILR data from these two fields. If a provider is selected as part of these compliance checks, they will be required to submit evidence to support the volume claims made in the ILR.

### Q&A

108. Why do I need to record planned and / or actual off-the-job training hours on the ILR, when this information is already recorded on the apprenticeship agreement and the training plan? How will this information be used?

The off-the-job training policy remains key to apprenticeship delivery; it is the cornerstone of the programme, and we are committed to ensuring that each apprentice receives the right amount of off-the-job training that they need and that they are entitled to. Data from the new fields will give full population oversight, which gives us:

- Off-the-job training information for every learner. It is important to understand the amount of off-the-job training being planned and delivered to every apprentice and this is information we do not routinely hold as the apprenticeship agreement and training plan are held by the provider and only seen during audits or on request.
- The confidence that all apprentices are receiving at least the minimum policy entitlement.
- A correlation between the volume of training hours delivered against the budget being used, along with trends and patterns in delivery by provider and standard.

Completing this information should not be an onerous task; providers are already required to have this information. The planned figure is already needed for the apprenticeship agreement and the training plan, and the actual figure is essentially the sum of all the off-the-job training evidence held in the evidence pack.

109. When entering the planned or actual hours on the ILR, is this for the full programme or just that academic year?

The planned hours and actual hours are for the full programme.

110. Do ILR planned hours have to match the training plan off-the-job training hours? What if there are multiple versions of a training plan?

The figure on the ILR represents the agreement on day one and this must be the same figure that is on the original apprenticeship agreement and training plan. The ILR planned hours field must not be changed but the other two documents are working documents and can be updated throughout the programme.

111. Do providers input actual hours as the learner reaches gateway, or should they wait until the apprentice has completed their EPA in case more training is needed?

Providers must enter the actual hours, at the end of the practical period once they are confident that all training delivery is complete. This is prior to the end-point assessment. If an apprentice fails an end-point assessment and additional learning is required, this does not get added to either the planned or actual hours information as the policy should already have been met by this point.

112. If the planned off-the-job training was calculated wrongly at the enrolment stage, what does a provider need to do?

If the calculation was incorrect from day one and the provider has now discovered the learner is ineligible for government funding, we would advise that the provider brings this to the attention of the employer and seeks to agree commercial funding for the programme (so as not to impact the learner). In terms of apprenticeship funding, the learner must be withdrawn (back to the start date) and all funding returned.

If the calculation was incorrect but the learner is still eligible, all documentation must be updated as soon as possible, so that we have a true picture of the programme being delivered. The ILR can be updated if there is a data error on day one but must not be adjusted for any other reason (i.e. it must not be seen as a field that can be adjusted periodically throughout the programme to match actual delivery).

113. If an employer can no longer release their apprentice for off-the-job training, despite signing an apprenticeship agreement, does an apprentice have any rights around this?

In signing the apprenticeship agreement, the employer has committed to release the apprentice for off-the job training whilst we are funding the apprenticeship. If the employer is no longer able to commit to the programme, funding must also stop. An apprentice has the same employment rights as any other member of staff; if they are not happy with anything related to their employment, including their apprenticeship, they should speak to their employer in the first instance.

If the employer is struggling to release the apprentice due to work pressures, the provider may be able to deliver the programme in a different way (e.g. at non-peak times or block release) or use a break in learning to temporarily pause the apprenticeship. Failing that the apprentice must be withdrawn.

## SECTION 6: DELIVERING OFF-THE-JOB TRAINING

### OVERVIEW

114. The delivery of off-the-job training is flexible in relation to:
- When it happens
  - Where it happens
  - How it is delivered and
  - Who delivers it.
115. These aspects are for the employer and provider to discuss and agree; all apprenticeships do not have to be the same. It is important that the apprenticeship meets the needs of the employer and apprentice but also that the chosen provider can effectively deliver it.

### WHEN SHOULD OFF-THE-JOB TRAINING TAKE PLACE?

116. The apprenticeship funding rules say:-

**Apprenticeship funding rules 2022 / 2023:**

*The apprentice must be involved in active learning (off-the-job training or English and maths training) throughout the apprenticeship, from the learning start date to the learning actual end date (the practical period).*

*A break in learning must be used where there is no active learning for 4 weeks or more. A break in learning can be with or without a break from work.*

*Training can still be front-loaded at the beginning of the apprenticeship, delivered in 'blocks', or delivered around employer peak periods, provided there is some planned learning activity every 4 weeks in order to keep the apprentice engaged.*

117. An apprentice is either active or inactive in their apprenticeship. If there is a plan for an apprentice to be inactive for more than 4 weeks they must be put on a 'break in learning' to pause the funding and the duration 'clock'. The purpose of requiring active learning every 4 weeks is to keep the apprentice engaged in their programme, which hopefully means they are less likely to fall behind or withdraw before completing the programme.
118. We do not specify a minimum amount of active learning to take place every 4 weeks and active learning does not need to be face to face delivery by the training provider; it can also include, for example, mentoring by the employer (where this activity has been agreed and documented as part of the training plan), virtual

classrooms, online learning or the apprentice completing assignments. The activity must meet the definition of off-the-job training or be English and maths training.

## **Q&A**

119. *If training is front-loaded, doesn't this mean some months will have no off-the-job training?*

The apprentice must be involved in active learning throughout the apprenticeship to support the monthly payments made to the provider. This does not mean the programme cannot be front-loaded. It simply means that smaller amounts of training will be delivered in the rest of the programme.

120. *What if activity is planned but does not happen? Does a retrospective break in learning need to be put in place?*

If planned off-the-job training is unable to take place as scheduled (e.g. the apprentice calls in sick that day), the provider and employer must ensure this is re-arranged or replanned, so that the full complement of training set out in the training plan can still be delivered. A retrospective break in learning is not required where there was a clear plan and a documented reason of why the activity did not happen.

121. *Are there any exceptions to the requirement for active learning every 4 weeks?*

Yes, there is one exception, and this is for apprentices with a term-time only contract. If there is no planned activity over the 6 week summer holiday we do not require a break in learning to be put in place for this period. All other apprentices must continue to be actively learning over this period.

## **Delivery Models**

122. Providers have a lot of expertise in designing quality programmes and can advise on the benefits of each delivery model. There are various models already available; we have outlined some options in the boxes below.

### **Delivery model 1: regular delivery (e.g. one day per week)**

This is where the apprentice attends off-the-job training on a regular basis, usually one day per week. This model is probably the most common way of delivering an apprenticeship.

#### **Benefits include: -**

- Regular, structured training that can be well-planned in advance.
- The ability for the apprentice to bring back new learning, on a piecemeal basis and apply this within the business.
- The apprentice can balance their time between their productive day job and their off-the-job training.

### **Delivery model 2: block release / concentrated delivery**

This is where the apprentice may attend off-the-job training on a concentrated basis (e.g. one week out of every four weeks). This will suit some businesses more than others.

Benefits include: -

- Concentrated bursts of learning mixed with concentrated periods where the apprentice is available full time in the workplace.
- Can be well-planned in advance.

### **Delivery model 3: front loaded model**

This is an extension of the block release model, but with a higher proportion of off-the-job training concentrated, usually full time, in the first few months of the apprenticeship. Training is then tapered off from this point, towards the end, with minimal delivery every 4 weeks. This suits some businesses and sectors more than others (e.g. engineering, construction and health and social care).

Benefits include: -

- Lessens the time that the apprentice is out of the workplace later in the programme.
- Allows apprentices to 'hit the ground running' and gives employers access to the skills they need earlier on in the apprenticeship.

### **Delivery model 4: mixed model**

This is where the apprentice's off-the-job training plan varies throughout their apprenticeship. In some weeks there may be more training and in some weeks there may be less training (or no training). This model may suit businesses with significant peak periods, such as retail employers experiencing a peak over the Christmas period where productive work may take priority over off-the-job training.

Benefits include: -

- Flexibility to develop the training plan to suit the needs of the business
- Allows the apprentice to have a concentrated burst of training to prepare them in readiness for busy periods.



123. Providers and employers may wish to consider the following, when they discuss and agree when off-the-job training will take place and which model they will use:
- The experience of apprentice: The normal learning cycle is experience, reflect, practice and repeat. Will a front loaded model help inexperienced apprentices to build confidence before entering the workplace, or will it be overwhelming for the apprentice? Will the apprentice be able to apply new learning to the workplace effectively if the training is concentrated?
  - Apprentice choice: How does the apprentice want to learn (e.g. if they were interested in full-time training, would they have chosen an apprenticeship)?
  - Impact on end-point assessment: Does the model pose any risk to end-point assessment?
  - Logistics / payments: Can the model be resourced and delivered effectively by a provider (e.g. tutor resources, delivery location, logistics including apprentice travel)? Does the employer have logistical considerations such as seasonal working patterns (i.e. months where they would appreciate less training).

## Q&A

124. *If my apprentice's programme is intended to last 3 years, does the off-the-job requirement have to evenly split across each year of the programme?*

No, the delivery of the apprenticeship content is flexible. It is up to the employer and provider to decide at what point during the apprenticeship the training is best delivered provided that some active learning takes place every 4 weeks.

125. *Can off-the-job training be concentrated or condensed over a shorter time period than the recommended 'typical duration' on the front of the apprenticeship standard?*

Yes, although there is a difference a concentrated delivery model and a condensed delivery model.

Concentrated delivery is essentially block release, where a lot of off-the-job training content is heavily concentrated in blocks or is front loaded in the initial stages of the programme. This is a preferred option in some sectors, such as engineering and construction, as apprentices can learn the basics before going into a factory or onto a site; the training can then be tapered off.

Condensed delivery is where the timeframe used to deliver the off-the-job requirement is shortened (e.g. a typical 2-year programme is condensed into 18-months by delivering more training each week). The practicality of this would need to be considered by the employer; the condensed timeframe must still meet the minimum duration and be sufficient for the apprentice to become occupationally competent.

126. Does the training content need to be delivered in a particular order?

No, the provider has the flexibility to sequence the curriculum in the way that they believe will ensure the most effective delivery of the programme. Sequencing rationale may be of interest to Ofsted.

## WHERE SHOULD OFF-THE-JOB TRAINING TAKE PLACE?

127. Off-the-job training must be away from the productive job role, but this doesn't mean it must also be away from the workplace. It can take place at an employer's workplace, and even at the apprentice's normal workstation, or it can take place off-site (e.g. in a provider's classroom or from home via distance learning).
128. It is the activity, rather than the location, which determines whether the training meets the definition set out in the apprenticeship funding rules. Here are some examples of where training can be delivered:

Illustrative Examples:

- ✓ Retail provider: Training is not suited to a classroom as it includes till-work and visual merchandising. Therefore, training is delivered at the employer's premises (away from the apprentice's productive day job), using the work environment to develop relevant practical skills.
- ✓ Automotive provider: Off-the-job training delivered at the employer's workplace as the equipment needed is specialised and not available elsewhere.
- ✓ Construction provider: Delivers training in provider premises and on-line, as the environments are safer. This allows the apprentice to learn outside of the commercial constraints of the employer.

## Q&A

129. Can a live environment be used for off-the-job training?

Off-the-job training must be separate from the productive job role. However, a live environment is sometimes required to check transferability of knowledge. For example, it would be difficult for an apprentice in a retail or customer service environment to develop some skills without customers, or an apprentice bus driver to be considered fully competent without considering their interaction with passengers.

For specific scenarios we would suggest that the provider or employer sends an outline to the Apprenticeship Support Desk, to include how, and how often, a live environment would be used. A live environment must not be used for all off-the-job training, as this would mean the apprentice is performing productive work for their employer and is not being released from their job role.

Learning in a live environment can only count as off-the-job training while the individual is learning new knowledge, skills and behaviours that are directly relevant to the apprenticeship standard; once they have these skills, it is no longer off-the-job training.

130. What happens with off-the-job training if the provider is closed (e.g. summer shutdown or Christmas holidays)?

Off-the-job training can include the time spent with a provider, but it can also include training in the workplace and training delivered on-line that meets the definition in the funding rules. A provider closure should not mean that training must stop. The provider, employer and apprentice must agree and plan for any such periods to ensure that the apprentice is engaged in active learning (at least every 4 weeks) throughout their programme.

## HOW OFF-THE-JOB TRAINING CAN BE DELIVERED

131. It is up to the provider and the employer to decide how off-the-job training is delivered and they should take note of the type of activities that can and cannot be included as off-the-job training. Options include: -

- Face to face delivery (e.g. lectures / training sessions)
- Role playing / simulation exercises
- Distance / online learning
- 1:1 coaching, shadowing and mentoring
- Industry visits / manufacturer training
- Participation in competitions
- Assignments and projects

132. As individuals have different learning preferences, good off-the-job training should have more than one delivery method (e.g. a combination of face-to-face delivery with some on-line learning and assignments).

### Illustrative Example:

Joe is undertaking an apprenticeship to become a creative venue technician. He attends college for one day per week. This covers some of his off-the-job training and his English and maths needs. In addition, Joe's provider agrees with his employer that he is given an additional 5 hours per month (that he schedules himself) to spend on course work, assignments and on-line learning activities. The timing of this is flexible and fits in around Joe's day-to-day role.

## Q&A

### 133. Can all off-the-job training be delivered via distance learning?

No. We recognise two types of distance learning: self-directed distance learning and interactive online learning. Self-directed distance learning is where the apprentice is working on their own with no real-time support. Interactive online learning (often called a virtual classroom) is where the learner can receive real-time support from their provider. Off-the-job training can be delivered using both methodologies.

However, an apprenticeship must not be delivered solely by self-directed distance learning. This would make for a poor learning experience for the apprentice, as the learning is not supported in real-time by the provider and there is no opportunity to ask questions or to give or receive immediate feedback on progress.

#### Illustrative Example:

Ayo is employed as an apprentice software development technician. Most of his job is desk-based. He has a suite of on-demand learning available to him, including high-quality videos, animations, quizzes, case studies and external resources. Ayo learns at his own pace and has the flexibility to use quieter work periods to access this distance learning. His self-directed distance learning is supported by face-to-face learning at his provider, so he can get feedback and support on how he is progressing. His online learning is automatically logged, so his provider can monitor progress and evidence his training. Registers are used when he attends in person.

## **WHO SHOULD DELIVER OFF-THE-JOB TRAINING?**

134. Ultimately the organisation we fund, which in most cases is a provider, is responsible for making sure that the minimum off-the-job training policy is met. However, this does not mean that this party must deliver all of the off-the-job training. When the initial training plan is prepared, the provider and employer must agree who will deliver the content. It might all fall naturally to the provider. However, there may be some circumstances where the employer is in a better position to deliver some aspects, perhaps because of their specialised industry knowledge.
135. Any party can deliver off-the-job training. However, if the organisation that is delivering the off-the-job training is accessing apprenticeship funding to do so, then they must be on the Register of Apprenticeship Providers (ROATP) unless there is an agreed (written) exemption in place. The subcontracting rules also apply.
136. Employers who are on the ROATP and delivering off-the-job training for a fee must work to actual costs; employers must not make a profit from apprenticeship delivery to their own staff. The provider must pass apprenticeship funding, proportionate to the delivery, to the employer.

137. Where an employer is not charging a fee for their delivery, the provider and employer must agree if it is appropriate for this delivery cost to be included in the funding that the provider receives.

## **Q&A**

138. *Is all employer delivery regarded as subcontracting?*

If the employer is delivering relevant training, without which the apprenticeship cannot be achieved, they are potentially a subcontractor. The acid test is whether apprenticeship funding is being used.

If the employer is accessing apprenticeship funding, they are a subcontractor of the provider and the subcontracting rules apply, including the requirement to be on ROATP (unless a written exemption applies). If the employer is not accessing apprenticeship funding, they are not considered to be a subcontractor and there is no ROATP requirement.

Irrespective of whether the employer is considered to be a subcontractor, all training that is planned in advance and documented on the training plan, including that delivered by the employer, can count as evidence towards the off-the-job training policy, provided it is relevant training that teaches new knowledge, skills and behaviours and takes place in the apprentice's normal working hours.

139. *Who is responsible for delivering the 'behaviour' training of the apprenticeship (I'm an employer and my provider has said they only deliver the knowledge and skills of the apprenticeship. Can I bring in another company to deliver behaviour training and fund it through the levy)?*

The provider and employer must agree how all the required training for the apprenticeship standard will be delivered. If the provider cannot deliver everything themselves, they will need to bring in (with the employer's agreement) another organisation to fill in the gaps. This is called subcontracting. This organisation must be on the ROATP and will need to be managed by the provider as a subcontractor.

Funding for an apprenticeship can only be routed through one provider. This provider would be responsible for making payments to any subcontractors; the employer cannot use their levy account to make these payments directly.

## SECTION 7: EVIDENCING OFF-THE-JOB TRAINING

### OVERVIEW

140. Off-the-job training is about both quantity and quality.
141. From a funding perspective, it is important to understand if the quantity of training that has been (or will be) delivered meets the minimum policy requirement, and whether it meets the agreement made between the parties at the beginning of the programme. A [template evidence form](#) (non-mandatory) is now available on gov.uk to help with this.
- 141.1. Failure to meet the minimum requirements of the off-the-job training policy will result in a 100% clawback of funding so it is important to ensure that a) an individual needs that level of training in the first place and b) the full amount is delivered, regardless of interruption, absence or other reason.
142. From a quality perspective, it is also important to understand whether the training delivered meets the definition of off-the-job training (e.g. the four tests in paragraph 19). Would an auditor be able to look at a piece of evidence and determine that these tests have been met?
143. Ofsted inspect the quality of the off-the-job training delivery for apprenticeship provision at all levels. Therefore, as well as the evidence required for funding purposes, we also advise that a provider keeps additional information relating to quality, for inspection purposes.

### Q&A

144. What is an evidence pack; what is included, who is responsible, where is it stored?

Please see the 'evidence pack' section of the apprenticeship funding rules. Ultimately the party that we fund - usually a provider - is responsible for the evidence pack, though the provider may need to collaborate with the employer and the apprentice to capture all necessary evidence.

145. What kind of evidence (e.g. level of detail) is required to support the policy?

We set out clearly in the apprenticeship funding rules the quantitative evidence required. We need to understand and have assurance of:

- (a) how the planned hours for off-the-job training have been calculated;
- (b) that this planned figure was documented in the correct places;
- (c) that there is evidence to support the volume of off-the-job training hours delivered (and that all evidence meets the definition of off-the-job training);
- (d) that the actual hours delivered is documented on the ILR and the figure corresponds with the proof of delivery in the evidence pack; and that
- (e) where the actual hours delivered is less than the original volume agreed, there is a signed statement on file to explain the difference.

146. Are provider registers adequate evidence for off-the-job training?

Yes, provided there is a qualitative and quantitative element to the evidence and the system used is non-refutable.

147. Do apprentices record off-the-job training or do the tutors do this?

The provider that we fund is responsible for retaining evidence to support their own activity and that of others. They can use the progress review to collect this evidence from others (e.g. some learners keep learning logs or journals for tasks that the provider has set them to do in between sessions and the provider can use these logs / journals as evidence).

148. Does a learning log need to describe what was learnt or does it just need to record the volume of hours spent on the activity?

There must be a volume but there must also be evidence that the training met the four tests (see paragraph 19). How the provider does this is up to them. A signed statement within the evidence pack could be used rather than a descriptor against each individual entry. For example, the following would be acceptable: 'The evidence above is for training that was new, relevant to the apprenticeship standard and delivered within the apprentice's normal working hours. It does not include English and maths training.'

149. Can the evidence for the actual hours field come from the hours logged by an apprentice on an MI or e-portfolio system?

The evidence for the actual hours field must correspond with the total volume of training undertaken by the apprentice. If this is being administered by a third-party MI or e-portfolio system, this is fine. All evidence must be quantitative and must also show that the activity met the definition of off-the-job training.

150. Does off-the-job training have to have an actual date recorded (i.e. when it took place)? If so, can it be month (e.g. Aug 2022) or does it need to be day specific?

We need to know if the training took place in normal working hours. If it said, '30 hours of off-the-job training in August 2020', we would not know if weekends for example had been included. However, statements could be used at the bottom of the evidence template to cover this information if needed (e.g. to say the parties are signing to say that the training took place in normal working hours).

151. How does collecting timesheets, to evidence a total number of delivery hours, prove that this time has been spent in good quality learning?

Auditors will check the quantity of training and that it meets the definition of off-the-job training, but they will not pass judgement on the quality / appropriateness of delivery; this will be judged through the end-point assessment process. Ofsted will also judge it, through their inspection regime; they are the organisation responsible for inspecting the quality of apprenticeship training for apprenticeships at all levels.

152. Does the evidence pack need to be paper-based or can it be online?

The format of the evidence pack is not stipulated in the apprenticeship funding rules so it could be online. We accept electronic evidence, including electronic / digital signatures. Where evidence is electronic, you must have wider systems and processes in place to assure you that apprentices exist and are eligible for funds. Where an electronic or digital signature is being held, from any party for any reason, you must ensure it is non-refutable. Systems and processes must be in place to assure to us that the original signature has not been altered.

153. Where an apprentice is undertaking their daily responsibilities but are not yet fully competent, can the apprentice's working hours each day be claimed as off-the-job training and if so, how is this recorded?

No, off-the-job training is separate from the apprentice's productive day job. The only hours that can be recorded as off-the-job training are those which are planned in advance and included on the training plan as new and relevant learning towards the apprenticeship. The apprentice's time at work, including any on-the-job training being delivered by the employer, must be excluded.

## **PLANNED HOURS AGREED VERSUS ACTUAL HOURS DELIVERED**

154. In August 2020 we introduced a new area to the apprenticeship funding rules, to respond to the high volume of queries we receive on planned -v- actual delivery: -

155. The apprenticeship funding rules say:-

**Apprenticeship funding rules 2022 / 2023:**

*At the end of the programme, if the actual volume of off-the-job training hours delivered is less than the original volume of planned hours (agreed with the employer and apprentice at the beginning of the programme), you must produce a statement to summarise the following information:*

- 1. The original volume of planned hours*
- 2. The actual hours delivered (supported by proof of delivery).*
- 3. The volume difference between these two figures.*
- 4. The reason for this difference.*
- 5. Confirmation that the off-the-job training hours actually delivered met the minimum policy requirement.*
- 6. Confirmation that the apprenticeship met the minimum duration policy.*

*The employer and apprentice must countersign this statement if they agree with and are satisfied by the quantity of training that was delivered, even though this is different to (less than) the original volume agreed at the beginning of the apprenticeship.*



156. As we have already outlined, the employer, provider and apprentice must agree a training plan at the start of the programme. This plan must be based on a thorough initial assessment, which recognises prior learning so that only new knowledge, skills and behaviours are delivered. The training plan must also detail a planned duration and a volume of planned training hours. So our expectation is clear; assuming the initial assessment was robust and captured the relevant information, the original training plan, including the volume of planned hours, is what we expect to be delivered. It is this volume of activity that we have agreed to fund.
157. However, we accept that sometimes plans change, especially on longer programmes. Where a change happens during the programme, that all parties agree to, the funding rules require that the training plan is updated so that there is always a current plan in place.
158. By the end of the programme, there may be multiple versions of the training plan; the most recent version may be quite different to the one agreed at the beginning of the programme. This may also mean that the volume of training hours delivered may be less than the original plan. For this reason, we introduced a 'summary statement' that providers can use to account for this difference.

**Hypothetical Example:**

An apprentice, working 30 hours per week, has a planned duration of 18-months. The volume of training hours agreed at the beginning of their programme, between the provider, employer and apprentice, was 418 hours. This volume (418 hours) met the minimum policy requirement for an 18-month programme.

However, the apprentice finishes the apprenticeship early, after 14 months. The full content of the training plan has been delivered but over a shorter period. The provider wants to understand if a lower volume of evidence is acceptable.

159. In the example above, by completing the programme early, there could be three potential scenarios:
- 159.1. Scenario 1: The apprentice has completed early (in 14 months) but the evidence generated still equates to the original plan or more (e.g. 418 hours or more of evidenced training). If the original planned hours have been met, this is a compliant programme. It would suggest that more than an average of 6 hours per week, over the shorter duration of 14 months, was spent on off-the-job training.
- 159.2. Scenario 2: The apprentice has completed early (in 14 months) but the evidence generated equates to less than the minimum policy requirement for their actual time on the programme (e.g. less than 321 hours of off-the-job training – 321 hours being the minimum for an apprentice working 30 hours on a 14-month programme). This is a non-compliant programme, and all funds would be in scope for recovery as the policy has not been met.

- 159.3. Scenario 3: The apprentice has completed early (14 months) but the evidence is in-between the two figures in scenarios 1 and 2 (i.e. between 321 and 418 hours). We would need to understand the reason for the difference between the planned and actual delivery to determine if this was acceptable.
- 159.4. There may be valid reasons for the difference, such as a learner who can consume training information very quickly. Or maybe there was a change in the planned delivery methodology and classroom-based activity was moved on-line and this was quicker to deliver.
- 159.5. However, some differences in planned v actual delivery may indicate a problem, such as poor quality / short delivery e.g. where the apprentice didn't receive all of the training that they needed. In these cases, it is right we see this as unacceptable and recover funding (where appropriate).
- 159.6. As we can't look at each case individually, we ask that the employer and apprentice provide us with this assurance, which is why we introduced the summary statement. We have outlined in the apprenticeship funding rules the circumstances where a summary statement is required. Where the statement is required but it is not in the evidence pack, funds may be at risk of recovery.

## **Q&A**

### 160. What would the summary statement look like?

There is no proforma for the statement, but the apprenticeship funding rules outline the information that the statement must include. The employer and apprentice must countersign the statement, if they are satisfied with the quantity of training delivered, even though it is less than the original volume agreed at the beginning of the apprenticeship.

### 161. If a provider has been updating the training plan during the programme to document agreed changes, why do they also now have to provide a statement?

The summary statement is not a replacement for updating the training plan; it simply acts to summarise the difference against the original planned hours we agreed to fund.

### 162. If the original plan was to deliver X hours and the apprentice only got Y (i.e. less), surely that is always a bad thing?

Not necessarily, some learners consume information faster than others and additional prior learning may have only become known during the programme. Apprentices must continue to receive the training that they need to develop full occupational competence, but we don't want programmes to be padded out where an original volume is no longer appropriate. Where possible, we still expect the original (agreed) volume of training to be delivered, but we need to let programmes naturally evolve if changes are needed. We also needed a way to distinguish between employers who are satisfied that the quality of training has not been impacted by a reduced quantity and those who are not.

163. Why does the statement need to be signed by the employer?

The employer is the purchasing power behind the apprenticeship; they have agreed the price for the programme and have agreed the initial training plan. It is only the employer who will know if their apprentice has received good quality training, in a sufficient quantity to enable them to show occupational competency at the end.

164. What will happen if the employer does not sign the statement?

If the employer will not sign the statement, this may indicate they do not believe the quality or quantity of training delivered was sufficient. Funds may be at risk of recovery.

165. If all parties are happy with the training quality and sign the statement, but the quantity does not meet the minimum policy requirement, is this now okay?

No, to be eligible for government funding, an apprenticeship must still contain a minimum amount of training as outlined in the apprenticeship funding rules. Even if the training is excellent, the programme cannot be funded if it does not meet this minimum threshold. The statement does not change this.

166. Is the absolute minimum delivery against the actual hours or is it against the minimum duration of 12-months?

The absolute minimum is against actual time on programme – from the learning start date to the actual learning end date - but this actual time on programme must have met the minimum duration to be a valid programme. For example, if an apprentice was on programme for 14 months the minimum requirement would be against this figure not the 12 month minimum duration.

167. If actual delivered hours are fewer than the planned hours but still exceed the minimum requirement, is a summary statement still needed?

Yes, because the original agreement with the employer was still not met.

168. Will a provider end up with summary statements for all apprentices?

If a provider had to rely on summary statements for every apprentice this may indicate something is not working very well. We will monitor closely those providers who have high proportions of apprentices either completing early or completing with less training and requiring an employer statement to be put in place.

169. How strict is this going to be, is a statement needed if we are only 5 hours short?

The statement is needed if the actual delivery figure is less than the planned figure.

170. If the provider has not delivered the agreed volume of training, does the provider need to renegotiate the total price?

There is no requirement to do so. However, the employer may choose to renegotiate the price.

171. The new planned -v- actual policy has created an additional burden as our standard approach is for the learner to do content in excess of the minimum requirement.

The statement is used where the original agreement is not met, irrespective of what this volume might be (i.e. if you plan to deliver in excess of the minimum, you would only need the summary statement if you didn't actually deliver this plan).

172. Is it acceptable to include the summary statement information into the gateway review to avoid having to have yet another form to sign?

Yes, it would make sense for this to be part of the gateway review.

## SECTION 8: CHANGES OF CIRCUMSTANCE

### OVERVIEW

173. In this section we consider the main changes of circumstance specifically in relation to the impact on off-the-job training.

### REDUNDANCY

174. An apprenticeship is an employed status programme. If the apprentice is made redundant, we provide funding support for a minimum of 12 weeks, to allow off-the-job training to continue as planned while the apprentice looks for another job. We fund to completion any apprentice who has either completed at least 75% of their practical period or who is within six months of their final day of training.
175. Off-the-job training can continue for as long as funding support is being provided, and it is practical to do so (but note that it may not be possible to deliver some apprenticeships without an employer).

### CHANGE TO APPRENTICE WORKING HOURS

176. The working hours of the apprentice are used in the off-the-job training calculation (30 hours is now used for all full-time apprentices). If the working hours change during the programme (e.g. from 30 hours to 25 hours, the most common query we receive is whether the calculation needs to be re-done.
177. Typically, this is no. Even though the working hours have changed, the training content and quantity that everyone agreed was needed at the beginning of the programme has likely not changed (e.g. if the apprentice needed 400 hours of training to be occupationally competent at the beginning, they still likely need 400 hours of training, even though they are now part-time).
178. However, how and when this training quantity is delivered may need to change. Providers and employers must discuss the material impact of the working hours change and consider whether the apprentice can continue to study for the same volume of training hours per week, within their new working pattern. If the reduction is small this may still be possible and if there is no material impact, no changes are needed to the duration.
179. If there is a material impact on how the programme is delivered, changes may need to be made (e.g. the duration extended). If the programme needs to be extended, the dates on the apprenticeship agreement and the training plan must be updated. However, the ILR reflects the day one circumstances so does not change.

## MATERNITY, ADOPTION AND SHARED PARENTAL LEAVE

180. In April 2020, the off-the-job training policy was amended to allow apprentices on maternity, adoption and shared parental leave to use their statutory allowance of keep-in-touch (KIT) days to continue with off-the-job training and / or assessment. We introduced this policy to support two specific scenarios:
- Apprentices who were about to embark on an extended period of parental leave who had minimal (i.e. single digit) training or EPA sessions left, and who wanted to continue and complete their apprenticeship now, rather than waiting until their return to work (which could be a year later).
  - Apprentices training with a cohort, where this cohort was due to start training prior to the apprentice's scheduled return to work from parental leave (e.g. the cohort starts in September, but apprentice's parental leave ends in October).
181. Where KIT days are to be used, we require the provider, apprentice and employer to complete an agreement. The funding rules outline what this agreement must contain. Where KIT days are not being used then a break in learning can be used for the full period away from work, and the training resumed at a later date.
182. Providers must note that it is only the training activities carried out on the actual KIT day that can be recognised as off-the-job training evidence (this is related to maternity legislation and the definition of work). At all other times during the leave, the individual is not 'working' (and off-the-job training must only take place during normal 'working' hours).

### Q&A

183. *If using KIT days for off-the-job training, do these need to be planned in advance of the leave starting? Can they be spread, or must they be taken together?*

We cannot direct the apprentice to use KIT days in a particular way (e.g. when and / or how many); this is a personal decision. However, we have been clear to providers of the administrative and funding complications that may arise where they are used sporadically. It would be advisable to consider the two scenarios we are trying to support (see above) and use breaks in learning for everything else.

184. *Can the apprentice use a KIT day every 4 weeks to avoid a break in learning?*

Whilst this is possible, it would not be advisable as it would pose risks to all parties. While the apprentice is on parental leave, then they are not getting the opportunity to apply and embed the new skills they are learning into their productive job role, which could impact their overall chance of success.

Also, the provider can only count the evidenced off-the-job training that takes place on the KIT days, and this risks their overall ability to comply with the off-the-job training policy. The employer would need to accommodate far more release time on the apprentice's return to the workplace to make up the shortfall.

185. Can the KIT days be used for learners with more than single digit sessions left?

The number of KIT days the apprentice receives is a legal entitlement and the apprentice must consult their employer to find out what they are entitled to. Off-the-job training cannot be delivered or undertaken outside of the KIT days where the apprentice is on parental leave.

## **BREAKS IN LEARNING**

186. An apprentice is either active or inactive in their apprenticeship. If there is a plan for the apprentice to be inactive for more than 4 weeks they must be put on a 'break in learning' to pause the funding and the duration 'clock'.
187. Breaks in learning must only be used where there is an intention to return to the apprenticeship at a later date. While the apprentice is on a break in learning, they must not undertake off-the-job training. When the apprentice returns from the break, the employer must re-plan the learning and revise the end-dates in the apprenticeship agreement and training plan. The learning periods added together must comply with the minimum duration and off-the-job training policies.

## **Q&A**

188. My apprentice has had a lot of sickness and has missed a lot of learning. Can they catch this up and how would they do this?

If an apprentice was sick for more than 4 weeks, and therefore not receiving training, the provider should have already used a break in learning to pause the funding. When the individual was ready to continue, the break would end, and the programme duration and delivery would be re-planned. The end date would be extended to account for the length of the break.

If the absences have been less than 4 weeks, there is no requirement to use a break in learning. The expectation is that missed sessions are rescheduled by the provider, to enable the individual to catch up. This may mean the apprentice goes beyond their learning planned end date.

## **CHANGE OF EMPLOYER**

189. If an apprentice changes employer and the new employer (Employer B) agrees to support the apprenticeship programme, the provider must update the ILR and the training plan with Employer B's details. Employer B must also sign (with the apprentice) a new apprenticeship agreement for the remainder of the apprenticeship. A copy must be given to the provider, who will keep this alongside the apprenticeship agreement from Employer A in the evidence pack.
190. The provider must make sure that the off-the-job training hours, over the two employers, meets the minimum policy requirement.

## **Q&A**

191. During the transition from Employer A to Employer B can off-the-job training take place?

During the transition (i.e. after the apprentice has left Employer A but before they have started Employer B) the apprentice is not employed. Usually therefore this would be no, as the apprenticeship is an employed status programme. However we have put in place a rule that allows off-the-job training to continue to take place during this transition period, provided the transition is complete within 30 days. If the transition is not complete by this point the apprentice can be put on a break in learning for up to 8 weeks before being withdrawn from the programme.

192. If an apprentice's job role changes, can they transfer to another apprenticeship?

Yes, it is possible to change to another apprenticeship standard if the current one is no longer relevant. The individual would effectively be withdrawing from the first apprenticeship (without completing) and starting a second one from scratch. As such, they would have to re-establish eligibility (e.g. that they can meet the minimum duration and off-the-job training requirements for the new apprenticeship, after any prior learning has been considered).

## **CHANGE OF PROVIDER**

193. A change of provider is less common. Ideally there will be a transfer of apprentice information (e.g. the evidence pack including apprenticeship agreement, training plan, evidence of training delivered to date etc) between Provider A and Provider B. Provider B must develop a new training plan, considering what the apprentice has learned to date.

194. We would not hold Provider B accountable for the actions (or inactions) of Provider A, but we need to be told of any unusual circumstances (e.g. no or very little training has delivered by Provider A) so we can take this up separately with this party.

## **Q&A**

195. If an apprentice changes their provider, how is the off-the-job training calculated; is it based on the full length of stay or just the length of stay with the new provider?

Provider B can only be responsible for the activity they carry out during their time / involvement in the programme. They must carry out a new assessment of the individual, considering what Provider A has delivered and what evidence there is to substantiate this.



## SECTION 9: COMPLIANCE AND AUDIT ACTIVITY

### OVERVIEW

196. The Department for Education (DfE) is accountable to Parliament for the apprenticeship budget and we have a duty to safeguard and manage apprenticeship funding in line with the principles set out in [Managing Public Money](#); this includes regularity, propriety, feasibility and achieving value for money (for the taxpayer).
197. We monitor the delivery of off-the-job training very closely as this is the biggest cost in the apprenticeship programme. To support this we provide a number of tools to providers and also undertake programmes of funding compliance and assurance.

### PROVIDER SELF ASSESSMENT

198. We provide a series of reports to help providers review their off-the-job training data, to identify any potential issues for checking and correction. Providers are expected to use these reports regularly and these reports are subject to review at an assurance visit (audit).

199. The reports are as follows:

199.1. Provider Data Self-Assessment Toolkit (PDSAT)

- 22A-216: Planned off-the-job training hours
- 22A-217: Actual off-the-job training hours compared to those planned

Further information on the purpose and use of these reports can be found at [ILR data: provider data self-assessment toolkit \(PDSAT\) - GOV.UK](#)

199.2. Funding Rules Monitoring

FRM37: Apprenticeship off-the-job training hours report

Further information on the purpose and use of this report can be found at [Financial assurance: monitoring post-16 funding - GOV.UK](#)

200. We also provide a calculator tool (within the training plan template) that can be used to check that an apprentice's planned off-the-job training volume meets the minimum requirement based on their planned duration and contracted working hours.

### MONITORING FUNDING COMPLIANCE AND ASSURANCE

201. We monitor the information provided to us in the ILR (duration, planned and actual off-the-job training hours). We also undertake a series of monitoring actions, compliance checks and assurance audits, as follows:

### 201.1. Funding Rules Monitoring (FRM) – Report 37

We review the off-the-job training data in this report regularly as part of our commitment to supporting high quality apprenticeship provision. We will contact providers from R06 onwards each year if we identify clear patterns of apparently inaccurate data (e.g. such as the hours reported being below the minimum requirements, ostensibly 'default' values, or impossibly high amounts of off-the-job training).

We will ask you to review and correct your data, if it appears inaccurate, and may ask you to provide evidence of how you calculated and delivered the off-the-job training. We may require you to take further action in-year to ensure you meet the minimum requirement.

### 201.2. Desk Based Compliance

We will undertake a programme of desk based compliance, which will test alignment with the funding rules. We will monitor the ILR data you have entered and will write to a selected sample of providers, who will be required to submit evidence to support the data submitted.

We will review the evidence supplied to determine whether a provider is compliant with the funding rules. As a result of our checks, we may require you to take further action in year to ensure compliance or may require further actions where evidence of non-compliance is found. Further actions could include recovery of funds.

### 201.3. Funding Assurance Reviews (Audits)

We undertake a series of reviews each year in order to provide assurance that all funding paid to providers is based on accurate and complete Individualised Learner Record (ILR) data submitted and is in accordance with the funding policy and guidance provided. The assurance review (audit) seeks to provide reasonable assurance that there is no misstatement in the provider's earnings.

The assurance review will select a random sample of apprenticeship records and using the audit methodology the test will review all evidence to support the ILR data submitted. Where the review identifies that funding has been claimed in error we will seek recovery of funding.

## Q&A

### 202. What will you check at a provider who is selected for a desk based review or a funding assurance review?

In relation to off-the-job training, in order to establish compliance with the funding rules we will expect to see evidence, as required by and specified in the funding rules, to include the following:

- The initial assessment of the apprentice, to check if prior learning has been recognised, and whether this has been reflected in the determination of the content, price and duration of the programme.
- The off-the-job calculation of planned hours to ensure this meets the minimum requirement and that planned activity meets the eligible definition. A check will also be undertaken to ensure the calculation has been documented as required.
- The evidence that delivery has taken place against the training plan and that appropriate records are available. By this we mean evidence to support the volume of off-the-job training hours delivered and that all delivery evidence meets the definition of off-the-job training (see paragraph 19).
- The evidence that the actual hours volume documented on the ILR corresponds with the proof of delivery in the evidence pack; and that where the actual hours delivered are less than the original volume agreed, there is a signed statement on file to explain the difference.

Where there is no evidence as described above there is a risk that all funding will be classed as an error and recovered. The apprenticeship is invalid if the off-the-job requirements have not been met.

203. What will happen if an error is identified at audit?

Following the completion of an audit, the auditor will collate and evaluate any identified errors, including those that relate to off-the-job training. They will provide feedback to the provider including ways to resolve the issues. This might include adjustments to the ILR. If a data adjustment to the ILR is required, the provider must make the necessary data adjustment in time for the next scheduled data return.

A funding error may be identified as a ring-fenced error. This is where other learners share the same characteristics and, for these type of errors, further testing of the sub-population is carried out, either by the auditor or by the provider.

Most errors that relate to off-the-job training will relate to paperwork and will not be remedied through the ILR. The provider will be given the opportunity to correct paperwork, where it is appropriate to do so.

If the nature of the error is one of evidence, or rather a lack of evidence, again the provider will be given the opportunity, where it is practical to do so, to provide additional information to show that the apprentice is on track to receive the training as documented in the training plan. The provider is responsible for obtaining any missing evidence. Sanctions for non-compliance include the recovery of funds where the off-the-job policy has not been met.

204. Where funds are recovered, and the apprentice works for a levy-paying employer, are the recovered funds put back into the employer's levy account?

There is no mechanism to return any recovered funds to an employer's levy account.

## HOW THE QUALITY OF OFF-THE-JOB TRAINING IS DETERMINED

205. [Ofsted](#) is responsible for inspecting the quality of apprenticeship training at all levels, having assumed responsibility from 1 April 2021 for the inspection of level 6 and 7 apprenticeship training (previously the responsibility of [Office for Students](#) (OfS)), in addition to its previous responsibilities at levels 2 to 5. A key element of the inspection regime is a judgement on how well apprentices make progress from their starting point (i.e. what an apprentice can do as a result of their training and experience on an apprenticeship programme that they were unable to do before).
206. Ofsted inspect the quality of apprenticeship training provision against their [Education Inspection Framework](#). As part of this process, they may request evidence of how the planned and agreed off-the-job training is being delivered, as well as observing the delivery of off-the-job training, to make judgements on the quality and its value to the apprentice's learning experience.
207. In the case of apprenticeship providers that are also registered with the OfS, the OfS will continue to provide Ofsted with relevant information to inform inspection judgements. Further detail about this change can be found [here](#).

## ANNEX A: OFF-THE-JOB TRAINING - EXAMPLE CALCULATIONS

### HOW TO CALCULATE THE PRACTICAL PERIOD DURATION WHERE THE NUMBER OF OFF-THE-JOB TRAINING HOURS NEEDED BY THE APPRENTICE IS KNOWN (RECOMMENDED APPROACH)

|   |   |  |
|---|---|--|
| 1 | The starting point is the requirements (content) of the apprenticeship standard (i.e. the knowledge, skills and behaviours) and the curriculum plan that the provider has developed to deliver this to someone with no prior learning.  | E.g. curriculum plan to deliver Standard X to an apprentice with no prior learning will take <u>350 hours</u> .  |
| 2 | The provider then builds in the results of the individual's initial assessment (the prior learning of the individual) to determine the off-the-job training requirement for each apprentice (the volume of training in the practical period).   | Apprentice has an estimated 50 hours of prior learning. Therefore needs a practical period with <u>300 hours</u> of off-the-job training to become occupationally competent. |
| 3 | Provider then works out the planned duration (of the practical period) (e.g. how long it would take to deliver this requirement) from this information.<br><br>Note that if 300 hours represents the minimum 20% requirement then work out the full programme by multiplying by 5.  | 300 hrs = 20%<br>300 x 5 = full volume of hours in the practical period.<br>Practical period = 1500 hrs  |
| 4 | Full programme divided by the apprentice's weekly working hours = training weeks.   | 1500 / 30 hours* = 50 training weeks.  |
| 5 | The duration on the apprenticeship agreement, training plan and ILR must include annual leave so this needs to be added back in, to account for the time that the apprentice may not be available to receive training. Statutory annual leave is 5.6 weeks and so the formula to use (to add it back in) is 1.12 (52 weeks / 46.4 weeks). | 50 weeks x 1.12 = 56 weeks.<br><u>Full practical period including annual leave is 56 weeks</u>   |
| 6 | The provider can now plan the start and end dates of the practical period using this information. Note the end-point assessment time also needs to be included.   | If start of practical period is 1 January, end of practical period = 56 weeks later. End-point assessment is excluded and needs to be added where appropriate.               |

*\*Note the new 2022 / 2023 policy of 6 hours per week is based on 20% of 30 hours which is used in this example.*

## HOW TO CALCULATE OR CHECK THAT THE MINIMUM OFF-THE-JOB FIGURE MEETS THE POLICY REQUIREMENT (WHERE THE PRACTICAL PERIOD DURATION IS ALREADY KNOWN)

|   | <u><b>(X weeks (minus statutory leave) x Y hours) x 0.2</b></u>  |  |
|---|--|--|
| 1 | Estimate the duration in weeks of the full practical period (remember to include prior learning in this assessment).   | E.g. 56-week practical period (including annual leave)   |
| 2 | For every 52 weeks, 5.6 weeks of annual leave must be deducted. For 56 weeks this is 6 weeks. $((56/52) \times 5.6)$ . | 56 weeks – 6 weeks statutory leave = 50-week practical period (this period now excludes annual leave). |
| 3 | Calculate the total time on programme using the apprentice's working hours.  | 50 weeks x 30 hours* per week = 1500 hours   |
| 4 | Calculate the minimum off-the-job requirement which is 20% of the total number of hours.                               | $1500 \times 0.2 = 300$ hours of off-the-job training to meet the minimum policy requirement.          |

*\*Note the new 2022 / 2023 policy of 6 hours per week is based on 20% of 30 hours which is used in this example.*



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