



Association of
Employment and Learning
Providers

AELP Submission: #107

AELP's Feedback on the ESFA's Draft
Funding Rules for FY22/23: June 2022

Introduction

AELP welcomes several significant new policy changes to the draft funding rules for FY22/23.

The introduction of the new off-the-job (OTJT) baseline addresses the long-standing inequality for apprentices who had to undertake an arbitrary amount of additional OTJT time purely due to the contracted time of their employment contract.

The change to maths and English requirements for level 2 apprentices will have a positive outcome on around 1 in 3 level 2 apprentices. AELP has long argued that the requirement of apprentices to pass level 1, work towards and attempt functional skills assessments they had little chance of passing was unnecessarily damaging for many apprentices who were previously failed by the education system.

We acknowledge the levels of engagement with policy officials in the ESFA since the publication of the draft rules to enable us to discuss areas of concern and clarification with them. For clarity and transparency, we are providing a high-level summary of the key areas of concern with suggested proposals below:

Apprentices undertake active learning every 4 weeks else they need to be put on a break in learning (P32.2).

Whilst active learning is not a new rule the ESFA have confirmed that by active learning they mean OTJT and maths and English training. Some providers have previously interpreted this to also mean on-the-job training. Some providers have expressed concerns of requirements made by employers during peak season which require apprentices to focus on their job role e.g., Christmas period in retail and hospitality sectors.

Our recommendation is that where OTJT activity is planned to take place every 4 weeks, but through a change of circumstances, it does not always take place on time, but clearly ongoing learning is taking place we believe there needs to be flexible interpretation on this to avoid instigating an administrative break in learning which would be disruptive to apprentices, employers, and providers.

For withdrawals evidencing progress that is “within 4 weeks of planned activity” (P45.3.3)

Apprentice progress is not always linear and is subjective as opposed to evidencing that learning activity has taken place. Providers have also expressed concern about the additional cost and bureaucracy of potentially having to update and replan the Training Plan more frequently to ensure apprentice are within 4 weeks.

Our recommendation is to focus on where apprentices are significantly behind planned progress and/or link to the progress review process which are being mandated to be taking place at least every 8-12 weeks.

The volume of training and / or on programme assessment that you directly deliver for each employer must have some substance and must not be a token amount to satisfy this rule. It must include delivery of off -the-job training (P163.1)

The last sentence in the draft rules in essence have replaced ... “It does not include simply delivering English or maths or aspects of the apprenticeship which all apprentices must have, such as safeguarding, British values or target setting” (P169 existing rules) i.e. with the phrase: “It must include delivery of off -the-job training”

The wording now says main providers “must” include delivery of OTJT.

But the same (and current) rules say the main provider can deliver apprenticeship training **and / or** on-programme assessment so to that creates a conflict as providers can't do either, but then have to still do one of them. In the 2018 subcontracting [guidance](#) that the ESFA worked with AELP and AOC “on-programme assessment” was defined as progress reviews.

Our recommendation to provide clarity and address this conflict is to update the draft rules on P163.1 to say ... where the main provider delivers part of the apprenticeship training then it must include the delivery of off-the-job training.

Introduction of a new off-the-job baseline (P40)

Despite it being stated that the minimum 6 hours being a baseline for “calculation purposes only” we have received feedback from some providers and employers querying whether this means they must deliver at least 6 hours a week, each week over the duration of the apprenticeship programme. We have also received several questions on how this impacts part-time apprentices and do they also need to undertake at least 6 hours each week.

Our recommendation is clarifying the wording to avoid this confusion. Aside from the funding rules we believe the ESFA should consider additional comms to ensure this new requirement is fully understood by providers, apprentices and more so employers too.

Policy changes on maths and English requirements for Level 2 apprentice (P125.1)

AELP welcomes this policy change. However, we have received more feedback from members as awareness improves on the fact this will only be implemented from August 2022 and therefore only impact new apprentices, not legacy apprentices.

Our recommendation is introducing this to impact all apprentices (regardless of start date) and for apprentice already on programme allow providers to make a professional decision on whether they should be put through the level 2 assessment or not

Initial assessment becomes an eligible cost (P95.1)

AELP welcomes that initial assessment now becomes an eligible cost. Initial assessment is a critical part of the apprenticeship programme, and it is right that it should be funded. However, in reality the cost for initial assessment will not be reflected in the funding bands until each of the 650 apprenticeship standards are reviewed so providers will be required to undertake more formal and additional requirements for initial assessment next year but most will see no immediate financial benefit for it unless the funding band has additional headroom within it already.

Our recommendation to the DfE (and to the IfATE) is that all funding bands receive an uplift from the 1st of August to account for this increase in eligible costs which apply to all standards.



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