



Department  
for Education

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

**Policy background and examples**

**Version 3**

**September 2019**

## Document Control / Summary

Version	Publication Date	Information
1	June 2017	Original document
2	March 2019	<p>To provide additional content (policy clarification and examples) and frequently asked questions.</p> <p>Additional content:</p> <ul style="list-style-type: none"> <li>• why the minimum is set at 20%</li> <li>• delivery models</li> <li>• the importance of initial assessment, recognition of prior learning</li> <li>• timeframe for calculation, the calculation</li> <li>• the apprenticeship agreement, the commitment statement, evidence and audit, sanctions for non-compliance</li> </ul> <p>Frequently asked questions were added to each section.</p> <p>A (non-mandatory) compliant commitment statement template was also published (separate document published with the guide).</p>
2 (reissued)	April 2019	Reissued to correct a text error in paragraph 69.
3	September 2019	<p>To provide additional content (policy clarification) and frequently asked questions.</p> <p>Additional content:</p> <ul style="list-style-type: none"> <li>• updating of language to reflect the 2019/20 apprenticeship funding rules (use of the term 'normal working hours')</li> <li>• the ILR planned hours field</li> <li>• clarification around the term subcontractor and its impact on OTJ delivery</li> <li>• minor language/grammar corrections</li> </ul>

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## SECTION 1: INTRODUCTION

- 1 This publication provides the policy context and some best-practice examples around off-the-job training. This document is not intended to further define off-the-job training, rather it is intended to demonstrate the flexible ways that the policy can be applied. It also provides answers to frequently asked questions.
- 2 This guidance reflects current policy, as of 1 August 2019, and is for:
  - 2.1 Training providers: to ensure that they are offering off-the-job training in a compliant way, in accordance with the policy intent, their funding agreement and the [apprenticeship funding rules](#). ***Note the term ‘training provider’ has been used throughout this guide to represent both main providers and employer-providers;***
  - 2.2 Employers: who wish to understand the off-the-job training requirements and their role in the delivery of an apprenticeship programme; and
  - 2.3 Apprentices: who wish to understand the nature of the off-the-job training that they are entitled to, and should be receiving, as part of their apprenticeship programme.
- 3 Questions and answers have been incorporated into each section; these present the reader with the opportunity to see some of the common queries that have been raised with the ESFA since the introduction of the policy and our response.

## SECTION 2: POLICY BACKGROUND

### OVERVIEW

- 4 An apprenticeship is a job with a formal programme of training. As set out in [‘English Apprenticeships: Our 2020 Vision’](#), and since underpinned in [legislation](#), off-the-job training is one of the essential components of a quality apprenticeship.
- 5 To attract government funding a 20% minimum threshold has been set. This is the minimum amount of time that should be spent on occupational off-the-job training during an apprenticeship. This applies to both apprenticeship frameworks and to apprenticeship standards at all levels.
- 6 All apprenticeship standards have been developed under the guidance that they must be sufficiently stretching to require at least one year of full time<sup>[1]</sup> employment, with off-the-job training accounting for at least 20% of the apprentice’s normal working hours over this period. By normal working hours we mean paid hours excluding overtime. This direction helps trailblazer groups, who design the new standards, to predict a typical duration for someone who requires the full content of the apprenticeship.
- 7 The importance of off-the-job training to a quality apprenticeship was emphasised in the [Richard Review of Apprenticeships](#) and more recently in [Taking Training Seriously](#), a report by the Gatsby Foundation which compared English apprenticeships to those in other countries. This report reinforced the need for off-the-job training and concluded that 20% should be the bare minimum if England is to compete with the strongest apprenticeship programmes internationally.
- 8 [Ofsted](#) and the [Quality Assurance Agency for Higher Education](#) (QAA) have also highlighted the importance of off-the-job training to a quality apprenticeship in their various publications.
- 9 A key element of Ofsted’s inspection [regime](#) is a judgement about how well apprentices make progress from their starting points i.e. what an apprentice can do as a result of their training and experience on the apprenticeship programme that they were unable to do before.

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<sup>[1]</sup> Full time equates to at least 30 hours per week. Where less, the apprenticeship must be extended.

## DEFINITION OF OFF-THE-JOB TRAINING

- 10 The definition of 'off-the-job training' is set out in the ESFA [apprenticeship funding rules](#) and is reproduced below:-

*“Off-the-job training is a statutory requirement for an English apprenticeship. It is training which is received by the apprentice, during the apprentice’s normal working hours, for the purpose of achieving the knowledge, skills and behaviours of the approved apprenticeship referenced in the apprenticeship agreement. By normal working hours we mean paid hours excluding overtime.*

*“It is not on-the-job training which 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.”*

## Q&A

- 11 “Why must off-the-job training be conducted during the apprentice’s normal working hours?”

An apprenticeship is a work-based programme. The training is required to help the apprentice become fully occupationally competent in the workplace. Therefore, it is reasonable that the apprenticeship should be delivered during the apprentice’s normal working hours. It is not appropriate, and would be unfair, to expect an apprentice to undertake the apprenticeship in their own time, in addition to their job role.

If training must, by exception, take place outside of the apprentice’s normal working hours, e.g. in an evening or at a weekend for an apprentice that normally works Monday to Friday between 9-5, we would expect this to be recognised, for example through time off in lieu or by an additional payment to the apprentice.

### Illustrative Example:

Sarah is undertaking an apprenticeship in professional accounting. Her training provider informs her of a lecture taking place on Wednesday evening; this 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 of Monday to Friday 9am to 5pm.

Sarah’s training provider contacts her employer and 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 *“Why is overtime excluded from the definition of off-the-job training?”*

Overtime, by its very nature, is unplanned as it is often related to the pressure requirements of the business e.g. peak periods. It would therefore be difficult to plan a training programme on this basis and the expectation must be that the apprentice can complete their apprenticeship, including all the required off-the-job training, within their normal working hours. In short duration apprenticeships, including overtime would also increase the amount of off-the-job training to be delivered.

13 *“What does the following mean ... ‘It is not on-the-job training... for the sole purpose of enabling the apprentice to perform the work for which they have been employed?’”*

It is reasonable to expect that some individuals might require training, in addition to their apprenticeship, to enable them to perform particular aspects of their job role, especially if they are new to the job role. However, training for knowledge, skills and behaviours that are not covered in the apprenticeship standard must not be included as off-the-job training.

For example: an apprentice baker, following the advanced baker standard, might need to understand the equipment, machinery and process limitations within their organisation and also how to maintain and repair the machinery which they use. The maintenance and repair of the machinery is not listed within the advanced baker standard, it is a requirement of the employer (i.e. it is training that is exclusively (solely) needed to perform the job). Therefore maintenance and repair is not off-the-job training and should not be included in the off-the-job training calculation.

14 *“Why must an apprenticeship teach **new** knowledge, skills and behaviours?”*

Off-the-job training is about upskilling an individual to reach full occupational competency, not accrediting their existing skills. If it is not new learning (i.e. the apprentice already has the knowledge, skills and behaviours at the required level), then it is not off-the-job training. Instead, it is prior learning (see paragraphs 50 to 56) and should be excluded from the off-the-job training calculation.

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

- 15 The apprenticeship funding rules state that off-the-job training can include the following:

*“The teaching of theory (for example: lectures, role playing, simulation exercises, online learning or manufacturer training),*

*“Practical training: shadowing, mentoring, industry visits and participation in competitions,*

*“Learning support and time spent writing assessments / assignments.”*

## Q&A

- 16 *“Why is learning support included as off-the-job training?”*

The ESFA is committed to ensuring that the apprenticeship programme is open and available to all individuals. This means making sure that the right level of support is available, to remove barriers to education and training, so that learners can make the most of their potential.

To be successful, learners may need a range of approaches and support, which should be targeted appropriately. As well as material assistance, such as physical adjustments or access to accessibility software, some apprentices may benefit from additional time, revision classes or personal support from their training provider, to help them to stay on track and to achieve specific knowledge, skills and behaviours. It is appropriate that these additional inputs are recognised.

Additional funding may be available when learning needs are identified and further guidance can be found in the apprenticeship funding rules.

- 17 *“Why is the time spent on assignments included in the off-the-job training definition?”*

New knowledge, skills and behaviours can be learnt and developed through individual or group assignments. For example, an apprentice may learn new theoretical material in a class-room environment. They may then be asked to produce an analytical / reflective assignment to consider how the theoretical knowledge applies to their workplace. They are therefore continuing to learn through this process.



18 *“If it is unclear whether an activity is off-the-job training is there an easy way to check?”*

Yes, there are four key tests:

- Is the person signed up to the apprenticeship programme?
- Is the activity directly relevant to the apprenticeship?
- Is the activity teaching new knowledge, skills and behaviours?
- Is the learning taking place in the apprentice’s normal working hours?

If the answer to all four questions is ‘yes’ then the activity can be regarded as off-the-job training. This checklist has been represented in a useful [infographic](#).

19 *“Can research, networking events and seminars be included as off-the-job training? What about shadowing others and time spent in the supply chain?”*

Yes, these can be included but only if the activity is imparting new learning to the individual, which will help them to achieve the required knowledge, skills and behaviours set out in their apprenticeship.

20 *“If health and safety training is included in the apprenticeship, but it is also a company / statutory requirement for all employees, is it off-the-job training?”*

Yes, this can be included but only if the activity is imparting new learning to the individual, which will help them achieve the required knowledge, skills and behaviours set out in their apprenticeship. It is irrelevant that non-apprentices are also completing the same health and safety training in the workplace.

Illustrative Example:

Lisa is an engineering apprentice. She has weekly training on how to use a particular piece of equipment. This forms part of the knowledge, skills and behaviours needed for her apprenticeship and so counts as off-the-job training.

Lisa works with Dave who is a fully qualified engineer. As this particular piece of equipment is new, Dave is also receiving the same training. The fact that Dave is receiving the same training as Lisa is irrelevant; the training is part of Lisa’s apprenticeship.

21 *“Can an employer induction program count towards off-the-job training e.g. manual handling, conflict resolution and corporate induction?”*

Yes, but again it can only be included if the activity is imparting new learning to the individual, which will help them achieve the required knowledge, skills and behaviours set out in their apprenticeship.

A generic company induction, which might include a tour of the office and picking up a building pass, will not be relevant. However, inductions can sometimes include an educational element that will provide some generic skills that are core to the apprenticeship. This would count as off-the-job training.

Important note: the apprentice must be engaged on the apprenticeship programme for any learning to be included as off-the-job training; an employer induction can often happen at the beginning of employment and this may be prior to the individual's enrolment on the apprenticeship programme.

22 *“Can reflective learning and self-evaluation type activities be included?”*

Off-the-job training must be about gaining new skills. If the reflective learning and self-evaluation is imparting new knowledge, skills and behaviours, this would be relevant. However, if it is being used as a temperature or progress check then no, this would not be off-the-job training.

23 *“Can a live environment be used for off-the-job training?”*

Off-the-job training must be separate from the productive / normal day-job. However, this is not to say that a live environment isn't sometimes required in order to check transferability of knowledge. For example, it would be difficult for an apprentice in a retail / customer service environment to practice skills without customers or an apprentice bus driver to develop their skills without any interaction with passengers.

For particular examples we would suggest that the employer or provider provides additional information to the [ESFA](#) in terms of how a live environment is used, including the frequency with which it is used.

A live environment should not be used for all off-the-job training as essentially this means the apprentice is performing productive work and isn't 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; once they have these skills, it is no longer off-the-job training.

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

24 The apprenticeship funding rules state that off-the-job training does not include:

*“Training to acquire knowledge, skills and behaviours that are not required in the standard or framework;*

*“Progress reviews or on-programme assessment required for an apprenticeship framework or standard,*

*“Training which takes place outside the apprentice’s normal working hours, or*

*“English and maths (up to level 2) which is funded separately.”*

### Q&A

25 *“Why is ... “training to acquire knowledge, skills and behaviours that are not required in the standard or framework.”... excluded from the definition?”*

Off-the-job training must teach new knowledge, skills and behaviours that will contribute to the successful achievement of an apprenticeship. Whilst the individual might receive other training, if it is not directly relevant to the apprenticeship then it should not be included in the off-the-job calculation and apprenticeship funding must not be used.

The knowledge, skills and behaviours listed in the apprenticeship are those that the trailblazer groups, who designed the standards, have deemed that an individual requires, in order to be fully occupationally competent at the level of the apprenticeship.

26 *“Why are progress reviews and on-programme assessments excluded from the definition?”*

A progress review is the regular tripartite discussion that should take place between the employer, training provider and apprentice, to review the progress of the apprentice in relation to the planned programme of learning set out in the commitment statement.

An on-programme assessment is a periodic or modular assessment that might be required for a qualification that is being delivered as part of the programme.

Neither of these activities impart new learning to the apprentice and this is why both are excluded.

27 *“Why can’t training take place outside of the apprentice’s normal working hours?”*

An apprenticeship is a work-based programme. The training is required to help the apprentice to become fully occupationally competent in the workplace. Therefore, it is reasonable that the apprenticeship should be delivered during the apprentice’s normal working hours. It is not appropriate, and would be unfair, to expect an apprentice to undertake the apprenticeship in their own time, in addition to their job role.

If training must, by exception, take place outside of the apprentice’s normal working hours, e.g. in an evening or at a weekend for an apprentice that normally works Monday to Friday between 9-5, we would expect this to be recognised, for example through time off in lieu or by an additional payment to the apprentice.

28 *“Is training that happens prior to enrolment excluded?”*

Yes, any training that takes place before the start of an apprenticeship cannot be included in the off-the-job calculation. However if it was relevant training (i.e. that would count towards the knowledge, skills and behaviours of the apprenticeship) then it should be recognised as prior learning and both the length of time needed on the programme and the price to the employer should be discounted. The funding band maximum is based upon the apprentice requiring the full training content of the apprenticeship.

If the duration is revised downwards, to account for prior learning, the programme must still have enough content for a minimum training duration of 12 months. The new duration of the programme is what the off-the-job training calculation should be based on i.e. 20% of the apprentice’s normal working hours over the revised duration. If the learner requires less than this minimum, they are not eligible for an apprenticeship.

29 *“Can English and maths (up to level 2) be included in the off-the-job training calculation if the apprenticeship specifically requires it?”*

Apprenticeships are designed to have sufficient stretch to require at least 20% off-the-job occupational training. They are designed on the basis that an apprentice already has the required levels of English and maths and therefore training for English and maths must be on top of the minimum 20% off-the-job training requirement.

English and maths is funded separately to off-the-job training. Also, it may not be required by all learners. It would be unfair if two learners received the same time away from their jobs but one of those learners used up a high percentage of this time studying English and maths, to the detriment of any occupational upskilling that their colleague was receiving.

Illustrative Example:

Zoe and Imran both have the same employer. They are working towards their level 3 dental laboratory assistant apprenticeship. Their training provider has agreed the same programme of off-the-job training for both apprentices with their employer, to teach them the knowledge, skills and behaviours that they will need to successfully achieve their apprenticeship.

Imran already has a GCSE in English and maths, but Zoe needs to pass level 2 qualifications in English and maths before she can take her end-point assessment.

Both apprentices spend equal amounts of time doing their off-the-job training, getting an equal opportunity to learn the core elements of their apprenticeship. Zoe studies for level 2 English and maths on top of this.

- 30 *“If an employer has identified training as essential for a specific job that the apprentice is doing, but the training is not outlined in the framework / standard, can it still be included as off-the-job training?”*

No, off-the-job training is the training required to complete the apprenticeship. Employees may well require other training to enable them to do their job effectively (see example in paragraph 13) but this isn't something that should be paid for using apprenticeship funding.

- 31 *“Does travel time for block release count as part of the 20% (e.g. if the apprentice travels the day before and is therefore not in work)?”*

No, 20% off-the-job training is about learning new skills. This can't be accomplished during periods of travel to and from a training provider.

## WHY IS THE MINIMUM REQUIREMENT FOR OFF-THE-JOB TRAINING SET AT 20%?

32 The apprenticeship funding rules state:

*“To be eligible for government funding at least 20% of the apprentice’s normal working hours, over the planned duration of the training period within the apprenticeship (for standards this is called the practical period, which ends at the gateway for end-point assessment), must be spent on off-the-job training. Apprentices may need more than 20% off-the-job training.”*

33 Off-the-job training has always been a key component of a quality apprenticeship. In apprenticeship frameworks the measure used for the quantity of training delivered was guided learning hours (GLH). This was because an apprenticeship framework was based upon the delivery of mandatory qualifications and each mandatory qualification had a measure of GLH assigned to it.

34 Newer apprenticeships (apprenticeship standards) are based upon the delivery of knowledge, skills and behaviours, rather than mandatory qualifications, and so a different measure was needed.

35 It was decided that this measure should be the amount of time that it would reasonably take an apprentice to develop full occupational competence in an area, and that this should be expressed as a percentage of their overall time on the apprenticeship programme. Some employers are quite familiar with the concept of “day release” within the apprenticeship programme, which broadly equates to one day per week or 20% of the apprentice’s time. This was the starting point for this policy.

36 Comparisons were made with other countries before a percentage was agreed for the apprenticeship programme in England. This included other apprenticeship programmes that are often cited as world-class, such as those in Switzerland and Germany, both of which have significantly higher proportions of off-the-job training.

37 It should be noted that the 20% is the minimum amount of off-the-job training that should be delivered to an apprentice, over the time they are engaged on the programme. A higher delivery amount may be necessary to reach occupational competency.

### Q&A

38 “What if my apprentice does not require 20% off-the-job training?”

If the apprentice does not require 20% off-the-job training, for at least the minimum training duration of 12 months, then they are not eligible for the apprenticeship programme. The apprenticeship programme is about upskilling an individual not accrediting existing skills. To be eligible for the programme the individual must need significant new learning to be delivered to them, which complies with the minimum threshold.

39 *“Has the ESFA considered the financial burden that the 20% off-the-job training policy places on employers?”*

An individual will only be engaged in off-the-job training if they are an apprentice, and they should only be an apprentice if the employer has agreed that they require significant new learning (which meets the minimum threshold) to be able to perform their job effectively. If the individual does not require this level of training and can perform their job adequately without it, then they should not be engaged on an apprenticeship.

For those that are engaged on an apprenticeship there may be an initial loss of productivity, due to the time the apprentice is engaged in training, but in the long term the new skills that the person brings back to the workplace, which makes them fully occupationally competent, should compensate for this.

An apprenticeship is one of many programmes on the market and a different programme may be a better fit for an individual or their particular employment circumstances, e.g. those that require a smaller amount of training or those where the employer cannot commit to the amount of training time to be delivered within normal working hours.

40 *“Does the 20% off-the-job training requirement apply to all levels of apprenticeships?”*

Yes, there is no differential based on the level of the programme. At levels 2, 3 and 4 some employers are arguably more accustomed to a day-release type of model, which equates broadly to the 20% minimum.

The eligibility criteria for the apprenticeship programme is the same regardless of level, i.e. that the individual requires significant upskilling to be occupationally competent. Therefore the input of training, and how and when it is delivered, is also the same, regardless of the level of apprenticeship.

41 *“If the individual can pass the end-point assessment, without undertaking 20% off-the-job training, can they still be an apprentice?”*

No, if the apprentice can satisfy the requirements of an end-point assessment, without the minimum required training, then this would indicate that they were not eligible for the apprenticeship programme in the first place. It is likely that they did not require significant new skills and the individual’s prior learning had not been taken into account.

## **SECTION 3: INITIAL ASSESSMENT AND OFF-THE-JOB TRAINING**

### **OVERVIEW**

- 42 An initial assessment is necessary for all apprentices before the apprenticeship starts. The purpose of the initial assessment is to establish eligibility, both of the apprentice and of the programme, to check alignment of the job role with the proposed training and to assess the starting point of the individual. The initial assessment should be documented on the commitment statement.
- 43 The commitment statement is the tripartite agreement between the employer, the training provider and the apprentice which documents the commitment of each party to the apprenticeship; it also details the planned training programme.

### **ESTABLISHING ELIGIBILITY**

- 44 The initial recipient of the apprenticeship funding (a main provider or employer-provider) is responsible for establishing learner and programme eligibility and keeping the associated evidence in the learner pack. Full eligibility criteria can be found in the apprenticeship funding rules.
- 44.1 Learner eligibility criteria includes age and residency conditions.
- 44.2 Programme eligibility criteria includes confirmation that the apprenticeship is the most appropriate programme; that the job pays a lawful wage and allows the individual the opportunity to gain the necessary knowledge, skills and behaviours; that the training programme meets the minimum training duration and off-the-job criteria; and confirmation that the apprentice is not contributing towards the cost of the apprenticeship.

### **THE ALIGNMENT OF THE JOB ROLE WITH THE APPRENTICESHIP**

- 45 This is important because if the apprentice is studying an apprenticeship at too low a level they will likely become bored with the content. Also, from a funding perspective, they may be ineligible if they do not require significant upskilling. Equally, if they are studying an apprenticeship at too high a level they may disengage from the programme as the content may not be relevant to their job role and / or may be too stretching.
- 46 An apprentice will spend up to 80% of their normal working hours in their productive job role and some of this time must be about consolidating the new knowledge, skills and behaviours, gained from off-the-job activities, so that they are fully occupationally competent at the end of the programme. If there is a mismatch between the apprenticeship and the job role this will be harder to achieve.



## THE STARTING POINT OF THE INDIVIDUAL

- 47 The initial assessment must consider whether the individual already possesses any of the training content e.g. the knowledge, skills and behaviours required by the apprenticeship. It is important to know the apprentice's starting point so that the training plan does not duplicate prior learning and so that progress, which is the distance travelled once in training or the value added by the programme, can be measured.
- 48 The requirements of relevant apprenticeship framework or standard should be used as the basis for initial assessment.
- 49 It is useful to ask a number of questions when assessing the starting point of the individual:-
- What is the goal / What is the apprentice trying to achieve?
  - Where are they currently against this goal?
  - How much of the content in the apprenticeship programme is new to them?
  - Do they require significant new learning?
  - Do they meet the eligibility criteria?  
(This is particularly important for existing staff who are starting any apprenticeship aligned with their current job role).

## RECOGNITION OF PRIOR LEARNING

- 50 The apprenticeship funding rules state:

*“Funds must not be used to pay for training for skills, knowledge and behaviours already attained by the apprentice. We may take action to recover apprenticeship funding where this happens.*

*“You must account for prior learning and experience when negotiating a price with an employer. You must reduce the content, duration and price, where the individual has prior learning necessary to achieve occupational competence.*

*“Where you account for prior learning and the reduction of content would mean the apprenticeship would take less than the minimum training duration to complete, or fail to meet the requirement for the apprentice to spend 20% of their time in off-the-job training, the apprenticeship is ineligible for funding.”*

- 51 Recognising prior learning is very important for a number of reasons:
- 51.1 If apprenticeship funding is used to pay for, or to certify, existing knowledge, skills and behaviours then this represents poor value for money. The funding band of the apprenticeship is based on an apprentice requiring the full content i.e. all of the listed knowledge, skills and behaviours. It is important to recognise prior learning so that this can be factored into the price that is negotiated between the training provider and the employer.
  - 51.2 Apprentices should not be spending non-productive time in the workplace doing training that they do not need. This provides poor value for the employer and the apprentice will have a poor experience if they are repeating training.
  - 51.3 Ofsted inspections consider the 'distance travelled' by the apprentice in determining the value added by the training programme. Without knowing the starting point of an apprentice, inspectors cannot correctly assess the distance travelled and the quality of the apprenticeship training that has been delivered. Training providers must evidence a robust initial assessment that takes into account the recognition of prior learning, clear milestones and progress against these.
- 52 In recognising prior learning, the following should be considered against the knowledge, skills and behaviours of the apprenticeship standard, or the qualifications within an apprenticeship framework:
- 52.1 Work experience (this is particularly important where the apprentice is an existing employee);
  - 52.2 Prior education, training or associated qualifications in a related sector subject area (this should not be limited to English and maths); and
  - 52.3 Any previous apprenticeship undertaken.
- 53 The ESFA currently monitors duplicate learning aims as part of the funding rules monitoring plan. This is where an apprentice is identified as repeating a qualification they have done before.
- 54 We recognise that assessing prior knowledge, skills and behaviours, that are not qualification based, is difficult. The ESFA does not mandate how a training provider assesses or determines prior learning, just that it must be done and the findings taken account of. The initial assessment, including the recognition of prior learning, must be documented in the evidence pack and summarised on the commitment statement. We have recently published additional [guidance](#) on the Recognition of Prior Learning.

55 *“How does the minimum off-the-job requirement work with prior learning? If someone has prior learning recognised do they have to do additional training to make up 20% of their time on programme?”*

Apprentices are not expected to do extra (unnecessary) hours, but they still have to do a minimum of 20% off-the-job training.

For example, if the apprenticeship requires a level 2 and a level 3 qualification and the individual already had the level 2, then the training provider should recognise this as prior learning. In doing so they are reducing the cost and the duration of the apprenticeship (as the apprentice now only requires the level 3 qualification).

The new (reduced) duration must still meet the minimum training duration threshold of 12 months. Of this new (reduced) duration, 20% of the normal working hours for this period should be spent on off-the-job training. The apprentice is still doing the minimum 20% off-the-job training (albeit against a reduced timeframe) and their previous learning has also been taken into account.

56 *“How should prior learning be accounted for in short (e.g. 12 month) apprenticeships? What happens when an initial assessment indicates that the learner does not need a 12 month apprenticeship with 20% off-the-job training?”*

Recognising prior learning is often easier at higher levels e.g. reducing a 5 year apprenticeship to 4 years, or reducing a 3 year apprenticeship to 18 months. The altered programme recognises prior learning and therefore does not repeat training that the apprentice does not need, whilst still meeting the minimum training duration requirement of 12 months.

It can be more difficult to consider prior learning against a shorter apprenticeship (e.g. those at level 2). Some of these have a typical duration of 12 months and, if the individual has relevant prior learning, the likelihood is that the remaining apprenticeship programme will fail the minimum training duration criteria, effectively ruling the apprentice ineligible.

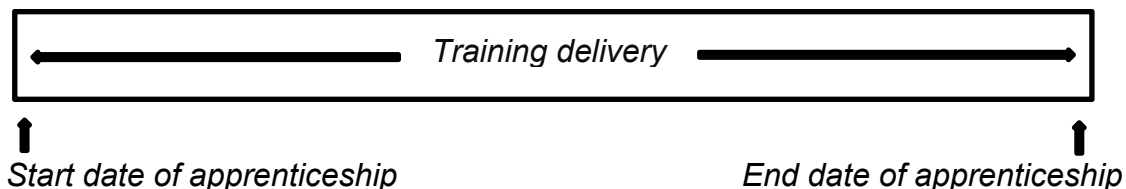
It would not be appropriate to unnecessarily extend the programme beyond the needs of the learner by, for example, spending longer on the remaining elements purely to reach the minimum training duration. All training delivered should be guided by what is required in the apprenticeship standard.

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

### TIMEFRAME FOR THE CALCULATION

#### Apprenticeship frameworks

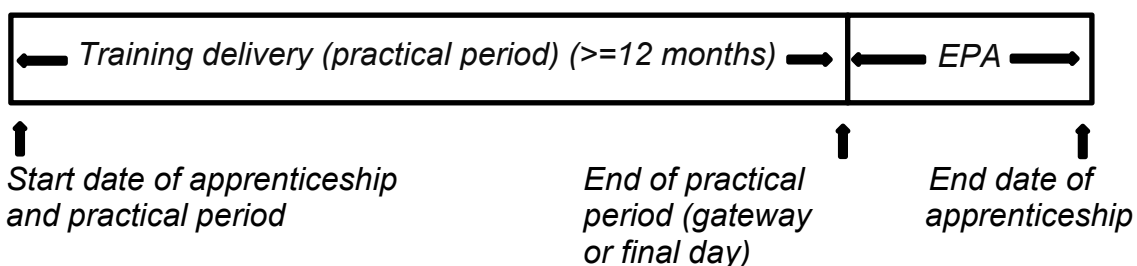
Figure a: Apprenticeship frameworks



- 57 In the framework model shown above (figure a), the entire apprenticeship is about the delivery of new knowledge, skills and behaviours, in the form of qualifications. Therefore the relevant timeframe, for the calculation of off-the-job training, is the entire apprenticeship. At least 20% of the apprentice's time, from the start date of the apprenticeship to the planned end date of the apprenticeship, should be spent on off-the-job training.

#### Apprenticeship standards

Figure b: Apprenticeship standards



- 58 In the apprenticeship standard model shown above (figure b), the full apprenticeship is split into two distinct parts: the practical period and the end-point assessment.
- 59 The practical period is the training delivery period, where new knowledge, skills and behaviours are delivered by a training provider.
- 60 The end-point assessment period is where the training delivered within the practical period is independently assessed by an end-point assessment organisation.

- 61 The meeting point between these two distinct parts - the end of the practical period and the beginning of the end-point assessment period - is generally known as the gateway. (Note: legally the last day of the practical period is called the 'final day').
- 62 Therefore, the relevant timeframe within a standard, for the calculation of off-the-job training, is the practical period only, which begins at the start of the apprenticeship and finishes at the planned final day / gateway. The end-point assessment period should not be included in the off-the-job calculation as new learning is not delivered in this part of the apprenticeship.

## Q&A

- 63 *"Is there a difference between the duration that should be used for the off-the-job training calculation and the minimum duration of an apprenticeship?"*

For frameworks, the minimum duration of a full apprenticeship is 12 months. This period is also the minimum that should be used for the off-the-job training calculation because the entire programme is about the delivery of training.

For standards, the minimum duration of a full apprenticeship is 372 days. The apprenticeship is split into the practical period of learning; this should be a minimum of 12 months and is the minimum period that the off-the-job calculation should be based on. The remainder of the programme is the end-point assessment period; the minimum end-point assessment period is 7 days but can be considerably longer.

- 64 *"Where do I enter the 'gateway' date on the Individual Learner Record (ILR)?"*

The ILR is used across multiple programmes and so some of the terminology is generic rather than apprenticeship specific.

For frameworks, the 'learning planned end date' field and the 'learning actual end date' field is used for the planned, and actual, end date of the whole apprenticeship.

For standards, for new starts on or after 1 August 2019, the 'learning planned end date' field must only include the learning related to the apprenticeship (i.e. the practical period) and must not include the end-point assessment period. Guidance for continuing learners can be found in the [Provider Support Manual](#).

- 65 *"If the apprentice fails end-point assessment, and has to undertake some further training, does this count towards the minimum 20% off-the-job training?"*

If the apprentice has reached gateway, in order to take the end-point assessment, then they should already have achieved the minimum 20% off-the-job training requirement. However, if further training is required, this can still be regarded as off-the-job training and can be funded (funding band permitting). However it should not be included in the 20% calculation as this should already have been met.

## RECOGNISING ANNUAL LEAVE

66 The apprenticeship funding rules state:

*“When calculating the required amount of off-the-job training, the apprentice’s statutory leave entitlement should be deducted. Employees who work a 5-day week receive at least 28 days paid annual holiday (this is the statutory leave entitlement referred to in this paragraph and is the equivalent of 5.6 weeks of holiday). You should pro-rata this for part time workers. It should be clear to all parties how you have worked out the amount of off-the-job training required and you must record this in the evidence pack.”*

67 In the 2017/18 funding rules annual leave was included in the calculation for off-the-job training; this was mainly for practical reasons such as large cohort curriculum planning.

68 However, as part of the policy review for 2018/19, sector feedback was considered and the policy around annual leave was changed. Statutory annual leave, which equates to 28 days (or 5.6 weeks) per year, can now be deducted from the calculation for new starts from 1 August 2018.

69 The maximum deduction is 28 days per year, even if the apprentice receives more than this from their employer, and this includes the eight UK bank holidays. This figure should be adjusted for those working part-time hours.

70 Despite the annual leave deduction, if an apprentice misses a planned session (e.g. due to holiday leave, sickness, operational pressures) then the expectation is that the apprentice is given the opportunity to catch up on what they have missed, given that all planned delivery will relate to skills, knowledge and behaviours that they require for the successful completion of the apprenticeship. All apprenticeship training, including any ‘catch-up’, must take place during normal working hours. Typically apprentices might ‘catch-up’ by attending a mop-up session, having a 1:1 session with their training provider or by using on-line learning materials.

71 For starts in the period 1 May 2017 to 31 July 2018 (prior to the annual leave rule change) if the deduction of annual leave is the sole reason why there is non-compliance against the off-the-job training policy (i.e. annual leave has been deducted before this deduction was part of the policy) then this will not be considered a funding error.

### **Q&A**

72 *“Why is only statutory leave deducted rather than the actual amount received?”*

There needs to be a consistent calculation that can be applied to all apprentices (pro-rated for part time apprentices) so that the ESFA can establish if the minimum off-the-job training requirement is being met.

## THE CALCULATION

- 73 The 20% off-the-job requirement is based on the apprentice's normal working hours, over the planned duration of the training period of the apprenticeship (for standards this is called the practical period). By normal working hours we mean paid hours excluding overtime. Off-the-job training is measured over the course of the full apprenticeship (as opposed to an academic year) and excludes end-point assessment for standards.
- 74 Each apprenticeship has a recommended 'typical' duration. This is an estimate of how long the apprenticeship should take to deliver if the apprentice requires all of the training content.
- 75 The minimum duration of each apprenticeship is based on the apprentice working at least 30 hours a week, including any off-the-job training they undertake. If the apprentice works fewer than 30 hours a week, the duration should be extended using the formula in the apprenticeship funding rules.
- 76 If, as part of the initial assessment and eligibility check, there is prior learning to consider, this should be discounted and the remaining learning must still meet the minimum 20% off-the-job training and the minimum duration rules.
- 77 In Annex A there are some helpful example calculations which show how the off-the-job training hours can be calculated for full-time and part-time apprentices, who need both the full apprenticeship content and a reduced programme of learning (after prior learning has been recognised).
- 78 The ESFA will monitor where actual and planned end dates are significantly different for a number of apprentices at any one training provider. This may indicate an issue with the initial assessment process and the setting of planned end dates. Planned end dates should take into account individual circumstances.

## Q&A

- 79 *"If an individual completes their modules earlier than the planned duration i.e. a level 4 24 month planned duration but the apprentice completes all modules in 18 months, is this acceptable to the ESFA?"*

Yes, if the apprentice has, for whatever reason, been able to complete in a quicker timescale, then so long as: a) the full content of the commitment statement has been delivered and b) the minimum training duration threshold of 12 months has passed then this is acceptable. The implication is that either the apprentice is a 'fast learner' or more than 20% has been delivered to the individual over a shorter timeframe.

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

### OVERVIEW

- 80 The quantity of planned off-the-job training that will be delivered, once adjusted to account for any prior learning and annual leave, must be recorded on the following key documentation:
- 80.1 The apprenticeship agreement
  - 80.2 The commitment statement
  - 80.3 The individualised learning record

### THE APPRENTICESHIP AGREEMENT

- 81 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.
- 82 The ESFA will not fund an apprenticeship unless there is a valid apprenticeship agreement in place.
- 83 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.

### THE COMMITMENT STATEMENT

- 84 The commitment statement sets out the tripartite agreement being made between the training provider, the employer and the apprentice and records key details of the apprenticeship, including the training content to be delivered. It is a working document and should be amended during the apprenticeship as required.
- 85 All planned off-the-job training must be recorded on the commitment statement. It is important that this training is quantified so that a check can be made as to whether there is sufficient content to establish eligibility for apprenticeship funding.
- 86 It is also important that all three parties are in agreement as to the content and timescales of the programme.



## **COMMITMENT STATEMENT TEMPLATE**

- 87 The apprenticeship funding rules outline what information is required as part of a commitment statement. The ESFA has produced a [template](#) which is compliant with the funding rules.
- 88 There are multiple tabs in the excel spreadsheet template to complete, along with a helpful guidance section at the beginning.
- 88.1 Tab 1 is the cover sheet and the purpose of this is to clearly detail the main parties to the agreement;
- 88.2 Tab 2 is to be used as a checklist, so that the training provider can cover any pertinent information or policies that the apprentice and the employer needs to be aware of, such as safeguarding and health and safety;
- 88.3 Tab 3 is an outline of the commitment being made by each party to the apprenticeship; and
- 88.4 Tab 4 is the individual learning plan.
- 89 The template has been produced following requests from a number of training providers that are new to delivering apprenticeships.
- 90 The template commitment statement is non-mandatory; training providers are free to use alternative templates, including their own. However the completion of the ESFA template will ensure that the apprenticeship funding rules have been met.

## **INDIVIDUALISED LEARNER RECORD (ILR)**

- 91 For all new starts, on or after 1 August 2019, there is a new requirement to record the volume of planned off-the-job training hours, for the full apprenticeship, on the ILR.
- 92 From 2020/21 we also expect to include an 'actual hours delivered' field on the ILR. This second field will be for the same learners e.g. those that begin their programme on or after 1 August 2019.

## Q&A

93 *“Can the apprenticeship agreement be combined with the commitment statement?”*

No, employers and / or training providers should not integrate these two documents.

The apprenticeship agreement is between the employer and apprentice only. The employer is ultimately responsible for the apprenticeship agreement, although the training provider should be given a copy. The ESFA can only fund apprentices who have an apprenticeship agreement and without having access to a copy of this document we cannot be sure an agreement is in place and apprenticeship funding is legitimately being used.

The commitment statement is a tripartite agreement, between the training provider, employer and the apprentice. The training provider is ultimately responsible for driving the commitment statement as this is mainly about the content of the programme, which the training provider is better placed to be able to document and articulate to the other parties. However, the employer and the apprentice should play active roles in agreeing the commitment statement content.

Both documents should record the planned amount of off-the-job training that the apprentice will receive.

94 *“Why do I need to record planned off-the-job training hours on the ILR, when this information is already recorded on the apprenticeship agreement and the commitment statement? How will the ESFA use this information?”*

In the same way that there is an increasing emphasis on recognising prior learning, the off-the-job training policy remains key to apprenticeship delivery. It is the cornerstone of the programme.

Data from the new field will give ESFA full population oversight, which includes:

- A figure for every learner, which is something ESFA do not routinely hold. It is important to understand the amount of off-the-job training being delivered. We will be able to see if this figure changes and whether it matches the information held on the apprenticeship agreement and the commitment statement at audit.
- The confidence that every apprentice is receiving at least 20% of the minimum FTE entitlement. It will need to do this to pass the ILR validation baseline; if the field is blank or the volume is too low then funding will be withheld.
- A correlation between the volume of training hours delivered against the budget being utilised, along with trends and patterns in delivery by provider and standard. Again, this is data that the ESFA does not currently have.

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

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

*“If planned off-the-job training is unable to take place as scheduled, you (training provider) and the employer must ensure this is re-arranged so that the full complement of training set out in the commitment statement can still be delivered. All off-the-job training must take place during normal working hours.*

*“Apprentices may choose to spend additional time on training outside of these hours, but this must not be required to complete the apprenticeship and must not be included in the 20% calculation.”*

### Q&A

95 “Why must all off-the-job training, including where it has been re-arranged, take place during normal working hours?”

An apprenticeship is a work-based programme. The training is required to help the apprentice become fully occupationally competent in the workplace. Therefore, it is reasonable that the apprenticeship should be delivered during the apprentice’s normal working hours. It is not appropriate, and would be unfair, to expect an apprentice to undertake the apprenticeship in their own time, in addition to their job role.

The delivery of the apprenticeship content is flexible. It is up to the employer and the training provider to decide at what point during the apprenticeship the training is best delivered. This could be a proportion every day, one day a week throughout, one week out of every five or some other variation. This will depend on what is best for the organisation and the apprentice.

#### Illustrative Example:

Joe is undertaking an apprenticeship to become a creative venue technician. He attends college for one day per week. This time covers some of his off-the-job training and meets his English and maths requirements.

In addition to this time, Joe’s training provider agrees with his employer that he is given 5 hours per week to complete course work, assignments and online learning activities. These activities are flexible and take place when Joe and his line manager agree, on a weekly basis, they will be least disruptive to Joe’s day-to-day role. Joe also has one-to-one sessions once a quarter with his mentor. This time ensures that the all of the necessary off-the-job training is delivered, in addition to Joe’s English and maths training requirements.

96 *“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, we recognise that some apprentices may want to undertake study or training outside of their normal working hours for their own personal reasons. However training undertaken outside of these hours cannot be counted towards meeting the 20% requirement.

Extra work can sometimes be the difference between a pass and a distinction, but the final decision for doing any additional study must rest with the apprentice. There must be no pressure or expectation that the apprentice will undertake training in their own time to complete the apprenticeship.

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

97 As set out in the apprenticeship funding rules, off-the-job training can take place at an employer’s workplace or off-site (e.g. in a classroom or from home via distance learning). It can even take place at the apprentice’s normal workstation. It is the activity, rather than the location, that determines whether the training meets the definition set out in the apprenticeship funding rules.

Here are some examples of compliant delivery models:

- ✓ *One retail training provider has a programme of training that is not suited to the classroom as it includes till-work and visual merchandising. Therefore they deliver off-the-job training at the employer’s premises (but away from the apprentice’s day-to-day duties), using the employer’s environment to develop the relevant practical skills.*
- ✓ *One automotive training provider provides off-the-job training at the employer’s workplace as the equipment that they need is specialised and not available anywhere else. While the apprentice is receiving off-the-job training they are not doing productive work for their employer.*
- ✓ *Many construction training providers deliver training off-site as the environment is safer. They provide appropriate and relevant tools, resources and support to develop the apprentice’s skills before they are applied in the workplace. This model allows more time, more intense direction and support and the opportunity for the apprentice to learn outside of the commercial constraints of the employer.*

## DELIVERY MODELS

- 98 It is up to the training provider and the employer to decide how the off-the-job training is delivered. The delivery model should be discussed and agreed at the start of the apprenticeship and should take note of the type of activities that can and cannot be included as off-the-job training.
- 99 As individuals have different learning preferences, good off-the-job training could have more than one delivery method (e.g. a combination of face-to-face delivering, on-line learning, mentoring).

## Q&A

100 *“Can off-the-job training be delivered via distance learning?”*

Yes, ESFA recognises two types of distance learning:

- Self-directed distance learning (where the apprentice is working on their own with no real-time support); and
- Interactive online learning (virtual classrooms where the learner is able to receive support, in real time, from their training provider).

Off-the-job training can be delivered using both methodologies. However, an apprenticeship must not solely be delivered 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 training provider and there is no opportunity to give or receive feedback on progress.

### Illustrative Example

Ayo is employed as an apprentice software development technician. The majority of his job is desk-based at his computer. He has a suite of on-demand learning available to him, including high-quality videos, animations, quizzes, case studies and external resources. This is also supported by face-to-face learning at his training provider.

Ayo’s employer likes that they can track his progress on-line. He learns at his own pace and has the flexibility to use quieter work periods to access his distance learning. Ayo’s distance learning is automatically recorded, so his training provider can also monitor progress and evidence his training.

Illustrative Example:

Sarah is an apprentice solicitor and some of her apprenticeship is delivered by online distance learning. She attends a two day tailored induction at her university every year and attends university for two days per term to consolidate learning and assess progress. She also participates in a dedicated weekly virtual forum with her peers, where she can share experiences and discuss project work.

She has been assigned a work based trainer who provides support and observes her working practices, which informs her academic learning and assessment processes.

101 *“Can off-the-job training be concentrated or condensed over a shorter time period than the recommended ‘typical duration’?”*

Yes, although there may be some differences between concentrated delivery and condensed delivery.

An example of concentrated delivery is block release, where the off-the-job training content is heavily concentrated, normally in the initial stages of the programme. This is a preferred option in some sectors, such as engineering, as the apprentices can learn the basics before going into the main factory or onto the production line.

An example of condensed delivery is where the timeframe used to calculate the off-the-job requirement, e.g. a typical duration 2 year programme, is condensed so that the full content is delivered over 18 months. As the same content is delivered over a shorter period, this means that more than 20% off-the-job training is being delivered and the practicality of this option would need to be considered by the employer. The condensed model must still comply with the minimum training duration requirements in the apprenticeship funding rules.

102 *“What happens with off-the-job training if the training provider is closed e.g. summer shutdown or Christmas holidays?”*

Off-the-job training can include the time spent with a training provider but it can also include other delivery methodologies (e.g. practical training, shadowing, mentoring, time writing assignments). All of these can happen regardless of attendance at, or the input of, a training provider. A training provider closure should not mean that training has to stop.

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

- 103 When the initial commitment statement is prepared, before the start of the apprenticeship, the employer and training provider should agree on the best party to deliver all the aspects of the required off-the-job training. It might all naturally fall to the training provider. However, there may be some circumstances where the employer is actually in a better position to deliver some components, perhaps because of specialised industry knowledge.
- 104 A training provider must not offset the negotiated price with the costs of any relevant service provided by the employer; this includes training delivery. If the employer is legitimately delivering off-the-job training, without which the apprenticeship could not be completed, and there is a cost associated with this delivery, then this must be included into the overall price and the employer becomes a delivery subcontractor. The subcontracting funding rules apply and there is additional [guidance](#) that may be helpful.
- 105 This is because the cost of the apprenticeship must be transparent, meaning that subcontracted delivery, where this is occurring and apprenticeship funding is being used, must be recognised and not hidden. The main provider / employer-provider is accountable for all of their subcontractors' delivery and all subcontractors must be listed in the subcontractor declaration. The fact that a subcontractor may also be the apprentice's employer is irrelevant.
- 106 All costs must be included in the total negotiated price, so that the ESFA and the Institute for Apprenticeships and Technical Education can effectively monitor the apprenticeship cost against the assigned funding band. If the employer costs have not been included in the price, it is difficult to know the true overall cost of delivering a particular standard.
- 107 If an employer is delivering off-the-job training for a fee they must work to actual costs; employers must not make a profit from apprenticeship delivery to their own employees.
- 108 The main provider / employer-provider should pass apprenticeship funding, proportionate to the delivery, to the employer in the same way that they would pass funding to any other type of subcontractor. From August 2019 subcontractors delivering any value of apprenticeship training to apprentices who started from this date must be listed on the Register of Apprenticeship Training Providers (ROATP).

## Q&A

- 109 *"Is all employer delivery regarded as subcontracting?"*

If the employer is delivering relevant training associated with the apprenticeship framework or standard, without which the apprenticeship cannot be achieved, then they are potentially a subcontractor.

The acid test is whether apprenticeship funding is being used: if the employer is accessing apprenticeship funding then the employer is a subcontractor of the main provider / employer-provider and the subcontracting rules apply, including the requirements associated with ROATP; if the employer is not accessing apprenticeship funding then they are not considered to be a subcontractor.

Regardless of whether the employer is considered to be a subcontractor, all training documented on the commitment statement, including that delivered by the employer, can count towards the off-the-job training requirement provided it is relevant training: it must teach new knowledge, skills and behaviours and take place in the apprentice's normal working hours.



## SECTION 7: MEASURING THE QUANTITY AND QUALITY OF OFF-THE-JOB TRAINING

### FUNDING MONITORING AND AUDIT OVERVIEW

- 110 This [document](#) lists the areas that the ESFA routinely monitor from information submitted on the individual learner record (ILR). This helps to provide assurance that the provision that is funded meets the published apprenticeship funding rules.
- 111 For off-the-job training, as well as the new planned hours field, other ILR data submitted is also used to support the policy. For example, if the apprentice is an existing member of staff, but the negotiated price is at the top of the funding band, this indicates that the individual needs the full content of the apprenticeship. The question here would be whether prior learning has been taken into account and this is likely to be picked up in any audit. It might look unusual if the top of the funding band was used for all apprentices.
- 112 This [link](#) contains information on the type of reports that the ESFA's Provider Market Oversight (formerly Provider Risk and Assurance) team and other ESFA appointed auditors will use to audit the apprenticeship programme. An opinion will be given as to whether the training provider is compliant with the apprenticeship funding rules.
- 113 The ESFA can request documentation at any time outside of an audit (e.g. for desk-based assurance exercises or to help with complaints and / or investigations).

### DURING AN ESFA AUDIT

- 114 During an ESFA audit the auditor will use the reports in the link above to assess compliance for each of the learners in the sample. On site additional checks against the funding rules will take place and this will include a review of off-the-job training.
- 115 In order to comply with the apprenticeship funding rules, the quantity of off-the-job training that will be delivered, once calculated, must be recorded on the apprenticeship agreement, the commitment statement and the ILR before the apprenticeship begins. The apprenticeship agreement and the commitment statement must be available in the learner evidence pack and these are the first pieces of evidence that the auditor will look for.
- 116 Next they will look for evidence that delivery has taken place against the commitment statement and that records are available. By delivery we mean how the number of off-the-job training hours compares to the planned training set out in the commitment statement.
- 117 The ESFA does not prescribe the type of evidence that should be retained; the preferred approach is that 'naturally occurring evidence' is used. This is to

minimise administrative burdens for training providers. Many training providers already have their own systems and methods of collecting and storing information. Types of naturally occurring evidence might include apprentice timesheets, training logs, registers and HR training systems (e.g. Oracle).

- 118 Providers are also advised to keep information on the training content delivered and the distance travelled by the apprentices (what has been achieved by the apprentice as a result of the off-the-job training). Whilst this is outside the scope of an ESFA funding audit, this information may be required by other parties (such as Ofsted and OfS).

## **SANCTIONS FOR NON-COMPLIANCE**

- 119 Following completion of the review work the auditor will collate and evaluate any identified errors, including those that relate to off-the-job training. They will provide feedback to the training provider including ways to resolve the issues. This might include adjustments to the ILR.
- 120 If a data adjustment to the ILR is required, the training provider must make the necessary data adjustment in time for the next scheduled monthly data return.
- 121 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.
- 122 Most errors that relate to off-the-job training will not be remedied through the ILR. For example, the commitment statement might not meet the requirements of the apprenticeship funding rules and might not have adequately recorded the quantity of off-the-job training that will be delivered. The training provider will be given the opportunity to correct the paperwork, where it is practical to do so.
- 123 If the nature of the error is one of evidence, or rather a lack of evidence, again the training provider will be given the opportunity, where it is practical to do so, to provide additional evidence to show that the apprentice is on track to receive the training as documented in the commitment statement. The training provider is responsible for obtaining any missing evidence.
- 124 The ESFA may use other sanctions for non-compliance and this includes the recovery of funds where the off-the-job policy has not been met and / or eligibility rules have been breached.

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

- 125 In checking compliance against the off-the-job policy, an ESFA auditor is primarily looking at quantity rather than the quality of training; that the training is planned and documented and that the apprentice is on track against this plan. It is Ofsted, OfS and QAA that inspect and regulate the quality of training. A brief summary of the different roles is below and more detail can be found in the [Apprenticeship Accountability Statement](#).
- 126 Ofsted inspect the quality of apprenticeship training provision from level 2 to level 5 and do so against their [Common Inspection Framework](#). As part of this process, they may request evidence of how the upfront 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.
- 127 In the case of Office for Students (OfS) registered apprenticeship providers, delivering apprenticeship provision at levels 4 or 5, the OfS will provide Ofsted with relevant information to inform the inspection judgement. The OfS, working with the QAA, regulate OfS registered providers where the apprenticeship is at levels 6-7. The OfS also regulates provision of levels 6-7 apprenticeships at non-registered providers.

## Q&A

- 128 *“What evidence will ESFA auditors be expecting to see to satisfy the minimum 20% off-the-job training requirement?”*

The commitment statement is the starting point. ESFA audit, will explore whether the training has been planned and documented and whether the training being delivered aligns with the expectations set out in this statement.

With regards to evidence, the training provider must be able to produce evidence that all parts of the off-the-job training have been delivered. The format of this evidence is deliberately not prescribed because we acknowledge that a variety of systems might already be in place to record training delivery and so we will use these existing records, of an apprentice's learning, as evidence where they exist. These records may include registers, timesheets, learning logs, HR or training systems that record courses. The training provider is responsible for obtaining any missing evidence.

It's really important that the ESFA does not describe the collection methodology in too much detail, because then it becomes a 'one size fits all' and becomes too bureaucratic; we do not wish to displace current systems which are working well.

- 129 *“Who is responsible for collecting the off-the-job training evidence?”*

The training provider, as the recipient of the funding, is responsible but they may have to work with the apprentice and the employer to collect evidence outside of their control.

For example, the employer might have a timecard system that records learning and the apprentice might keep a learning log. In both cases the provider would need to address how they get access to any pertinent information.

130 *“Does there have to be a monthly confirmation that the 20% off-the-job training has been met?”*

No, off-the-job training is not monitored on a monthly basis. We will expect to see in the evidence pack a plan of how the training will be delivered as well as evidence of the off-the-job training undertaken by the learner to date. The evidence should match the plan of delivery.

It might not be possible for all apprentices to have received 20% off-the-job training at any given point, as the delivery model might include, for example, block release.

131 *“Who is penalised, the employer or the training provider, if the evidence has not been collected?”*

The training provider, as the recipient of the funding, is responsible for compliance and would be the party that is penalised. However, we recognise that the employer plays a really important role, not only in providing evidence to the provider of any training undertaken, but also in agreeing to release the individual from their job role. The employer may also be playing a role in the delivery of training as a subcontractor.

If the training provider feels that the employer is not providing the apprentice with training time, or is not providing evidence required for the learner pack, then a discussion needs to take place as soon as practically possible to resolve any issues.

132 *“What if only 15% off-the-job training is delivered? 20% is quite subjective so how will this be audited?”*

A minimum 20% off-the-job training is a fundamental requirement of the apprenticeship. If a provider is not providing the minimum 20% off-the-job training over the length of the apprenticeship, we would assess the situation and decide on a course of action. The ultimate sanction would be to recover all funding paid for that apprenticeship.

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

### OVERVIEW

Each example below covers a particular set of circumstances, usually relating to the work pattern of the apprentice, whether any prior learning has been recognised and the 'typical length' of the apprenticeship standard (as set by IFATE) or apprenticeship framework.

The basic formula is given. 'X' and 'Y' in the formula should be substituted with the information relevant to the apprentice in question.

Note: The full-time apprentice in the examples below works 30 hours; this is the minimum acceptable full-time working pattern. If an apprentice's full time hours are longer than this, the calculations should be adjusted accordingly .e.g. if the apprentice works 37 hours then Y = 37 hours. The part-time apprentice in the examples below works 15 hours. A variety of durations and learner circumstances are used

### EXAMPLE CALCULATIONS

1. Where the apprentice is **working full time and requires the full content** (no prior learning recognised) – **12 month (52 weeks) typical duration**:

$$(X \text{ weeks (minus statutory leave)} \times Y \text{ hours}) \times 0.2$$

$$\begin{aligned} 52 \text{ weeks (minus 5.6 weeks statutory annual leave)} &= 46.4 \text{ weeks} \\ 46.4 \text{ weeks} \times 30 \text{ hours} &= 1,392 \text{ hours} \\ 1,392 \text{ hours} \times 0.2 \text{ (minimum 20\% off-the-job training)} &= \underline{278.4 \text{ hours}}. \end{aligned}$$

Therefore to satisfy the apprenticeship funding rules at least 278.4 hours' worth of off-the-job training content must be delivered to the apprentice over 12 months (52 weeks). This equates to an average of 6 hours per week for 46.4 weeks.

2. Where the apprentice is **working full time and requires the full content** (no prior learning recognised) – **30 month (130 weeks) typical duration**:

$$(X \text{ weeks (minus statutory leave)} \times Y \text{ hours}) \times 0.2$$

$$\begin{aligned} 130 \text{ weeks (minus 14 weeks* statutory annual leave)} &= 116 \text{ weeks} \\ 116 \text{ weeks} \times 30 \text{ hours} &= 3,480 \text{ hours} \\ 3,480 \text{ hours} \times 0.2 \text{ (minimum 20\% off-the-job training)} &= \underline{696 \text{ hours}}. \end{aligned}$$

Therefore to satisfy the apprenticeship funding rules at least 696 hours' worth of off-the-job training content must be delivered to an apprentice over 30 months. This equates to an average of 6 hours per week for 116 weeks.

\*Note that the programme is 2.5 times longer than example 1 (130 weeks compared to 52 weeks) and so the annual leave deduction and the required content of 696 hours are both 2.5 longer than in example 1.

3. Where the apprentice is **working part time (15 hours) and requires the full content** (no prior learning recognised) – **12 month (52 weeks) typical duration**:

For part-time working first use the formula in the apprenticeship funding rules to extend the length of the programme. You can do this in either weeks or months, whichever is easier.

$$12 \times 30 / \text{average weekly hours} = \text{new minimum duration (months) or}$$
$$52 \times 30 / \text{average weekly hours} = \text{new minimum duration (in weeks)}$$

$$52 \text{ weeks} \times 30 / \text{average weekly hours} = \text{new duration in weeks}$$
$$52 \text{ weeks} \times 30 / 15 = 104 \text{ weeks duration}$$

Then follow the standard formula used in example 1.

$$(X \text{ weeks (minus statutory leave)} \times Y \text{ hours}) \times 0.2$$

$$104 \text{ weeks (minus 11.2 weeks for statutory annual leave)} = 92.8 \text{ weeks}$$
$$92.8 \text{ weeks} \times 15 \text{ hours} = 1,392 \text{ hours}$$
$$1,392 \text{ hours} \times 0.2 \text{ (minimum 20\% off-the-job training)} = \underline{278.4 \text{ hours}}$$

Therefore to satisfy the apprenticeship funding rules at least 278.4 hours' worth of off-the-job training content must be delivered to the apprentice over 24 months (104 weeks). This equates to an average of 3 hours per week x 92.8 weeks.

Note: the same total amount of training is being delivered as in example 1 but over a longer time period due to the apprentice working part-time.

4. Where the apprentice is **working part time (15 hours) and requires the full content** (no prior learning recognised) – **30 month (130 weeks) typical duration**:

For part-time working first use the formula in the apprenticeship funding rules to extend the length of the programme. You can do this in either weeks or months, whichever is easier.

$$12 \times 30 / \text{average weekly hours} = \text{new minimum duration (months) or}$$
$$52 \times 30 / \text{average weekly hours} = \text{new minimum duration (in weeks)}$$

$$130 \text{ weeks} \times 30 / \text{average weekly hours} = \text{new duration in weeks}$$
$$130 \text{ weeks} \times 30 / 15 = 260 \text{ weeks duration}$$

Then follow the standard formula used in example 1.

$$(X \text{ weeks (minus statutory leave)} \times Y \text{ hours}) \times 0.2$$

$$260 \text{ weeks (minus 28 weeks statutory annual leave)} = 232 \text{ weeks}$$
$$232 \text{ weeks} \times 15 \text{ hours} = 3,480 \text{ hours}$$
$$3,480 \text{ hours} \times 0.2 \text{ (minimum 20\% off-the-job training)} = \underline{696 \text{ hours.}}$$

Therefore to satisfy the apprenticeship funding rules at least 696 hours' worth of off-the-job training content must be delivered to the apprentice over 60 months (260 weeks). This equates to an average of 3 hours per week x 232 weeks.

Note: the same total amount of training is being delivered as in example 2 but over a longer time period due to the apprentice working part-time.

Also note that the programme is 2.5 times longer than example 2 and therefore the annual leave deduction and the required content of 696 hours are both 2.5 times longer than in example 2.

5. Where the apprentice is **working full time and requires 50% of the content** (as 50% of the KSBs recognised as prior learning) – **12 month typical duration**:

For a 12 month 'typical duration' apprenticeship, where all content is required, example 1 above illustrated that the minimum off-the-job requirement was 278.4 hours of training.

If the proposed apprentice only required 50% of this (i.e. 139.2 hours over a typical duration of 6 months) then the apprentice would be ineligible for the apprenticeship. This is because the minimum amount of off-the-job training that will be funded is 278.4 hours and the minimum training duration of an apprenticeship is 12 months.

6. Where the apprentice is **working full time and requires 50% of the content** (as 50% of the KSBs recognised as prior learning) – **30 month typical duration**:

For a *30 month 'typical duration' apprenticeship*, where all content is required, example 2 above illustrated that the minimum off-the-job requirement was 696 hours of training.

If the proposed apprentice only required 50% of this (i.e. 348 hours over a typical duration of 15 months) then the apprentice would be eligible for the apprenticeship.

$$\begin{aligned} 130 \text{ weeks} \times 50\% \text{ required training} &= 65 \text{ weeks} \\ 65 \text{ weeks (minus 7 weeks for statutory annual leave)} &= 58 \text{ weeks} \\ 58 \text{ weeks} \times 30 \text{ hours} &= 1,740 \text{ hours} \\ 1,740 \times 0.2 \text{ (minimum 20\% off-the-job training)} &= \underline{348 \text{ hours}} \end{aligned}$$

This programme would meet the minimum training duration rules and comply with the off-the-job training policy.

7. Where the apprentice is **working part time and requires 50% of the content** (50% of the KSBs recognised as prior learning) – **12 months typical duration**:

For a *12 month 'typical duration' apprenticeship*, where all content is required, example 1 above illustrated that the minimum off-the-job requirement was 278.4 hours of training.

The proposed apprentice only requires 50% of this (i.e. 139.2 hours). They work part time so the length would be 50% of the typical duration (6 months) but then extended to reflect part-time working and would therefore stay at 12 months. They would meet the minimum training duration threshold but fail the off-the-job policy as the minimum amount of off-the-job training that will be funded is 278.4 hours. The learner would be ineligible for funding.

8. Where the apprentice is **working part time and requires 50% of the content** (50% of the KSBs recognised as prior learning) – **30 months typical duration**:

For a *30 month 'typical duration' apprenticeship*, where all content is required, example 2 above illustrated that the minimum off-the-job requirement was 696 hours of training.

If the proposed apprentice only required 50% of this (i.e. 348 hours over a typical duration of 15 months) then the apprentice would be eligible for the apprenticeship. Their programme would be extended to reflect part-time working back to 30 months.



## ANNEX B: OFF-THE-JOB TRAINING: APPRENTICESHIP FUNDING RULES 19/20 v1

### Off-the-job training

#### New for 1 August 2019:

- **Off-the-job training** – Clarification: The off-the-job training section has been updated, using the terminology found in legislation, to further aid understanding.
- **P52 – New Rule:** For new starts from 1<sup>st</sup> August the number of planned off-the-job training hours, for the full apprenticeship, must be documented on the individualised learner record.

**P46** Off-the-job training is a statutory requirement for an English apprenticeship. It is training which is received by the apprentice, during the apprentice's normal working hours, for the purpose of achieving the knowledge, skills and behaviours of the approved apprenticeship referenced in the apprenticeship agreement. By normal working hours we mean paid hours excluding overtime.

**P46.1** It is not on-the-job training which 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.

**P47** Off-the-job training must be directly relevant to the apprenticeship. It can include the following:

**P47.1** the teaching of theory (for example, lectures, role playing, simulation exercises, online learning, and manufacturer training);

**P47.2** practical training, shadowing, mentoring, industry visits, and participation in competitions; or

**P47.3** learning support and time spent writing assessments/assignments.

**P48** Off-the-job training does not include:

**P48.1** training to acquire knowledge, skills and behaviours that are not required in the standard or framework;

**P48.2** progress reviews or on-programme assessment required for an apprenticeship framework or standard; or

**P48.3** training which takes place outside the apprentice's normal working hours.

**P49** It is up to you and the employer to decide how the off-the-job training is delivered. It can include training that is delivered at the apprentice's normal

place of work. It can also include regular day release, block release and special training days/workshops.

- P50** To be eligible for government funding at least 20% of the apprentice's normal working hours, over the planned duration of the training period within the apprenticeship (for standards this is called the practical period, which ends at the gateway for end-point assessment), must be spent on off-the-job training. Apprentices may need more than 20% off-the-job training.
- P51** When calculating the required amount of off-the-job training, the apprentice's statutory leave entitlement should be deducted. Employees who work a 5-day week receive at least 28 days paid annual holiday (this is the statutory leave entitlement referred to in this paragraph and is the equivalent of 5.6 weeks of holiday). You should pro-rata this for part time workers. It should be clear to all parties how you have worked out the amount of off-the-job training required to comply with paragraph P50 and you must record this in the evidence pack.
- P52** The number of planned off-the-job training hours, for the full apprenticeship, must be documented on the apprenticeship agreement and the commitment statement. For starts on or after 1 August 2019 it must also be documented on the individualised learner record.
- P53** Evidence must be available to support the delivery of the off-the-job training that is set out in the apprentice's commitment statement (see paragraphs 63 to 65). It should be clear which elements of the commitment statement have been used towards the calculation of the 20% requirement and which have not (see paragraphs P47, P48 and P54).
- P54** English and maths training, up to and including level 2, does not count towards the minimum 20% off-the-job training requirement; where required this must be delivered in addition to the minimum requirement.
- P55** If planned off-the-job training is unable to take place as scheduled, you and the employer must ensure this is re-arranged so that the full complement of training set out in the commitment statement can still be delivered. All off-the-job training must take place during normal working hours. Apprentices may choose to spend additional time on training outside of these hours, but this must not be required to complete the apprenticeship and must not be included in the 20% calculation.
- P56** When the apprentice takes a period of leave from their work, for reasons such as medical treatment, maternity or paternity leave, this will be a break in the training they are to receive (a break in learning). The apprentice and their employer should revise the date in the apprenticeship agreement on which the apprenticeship was expected to have been completed to account for the duration of the break. The duration of the apprenticeship and the amount of off-the-job training needed to meet the 20% requirement would therefore remain the same as though there had been no break in training (break in learning).
- P57** Further information on off-the-job training can be found at this [link](#).



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