

# EMPLOYER BRIEFING

## MANAGING DISRUPTION TO APPRENTICESHIPS CAUSED BY COVID-19

This document is designed to support employers who have been affected by COVID-19 and are faced with the prospect of having to put their apprentices on Furlough.

Taking information for a variety of sources, this guidance looks to provide you with some clarity on what this all means, what options are available to you and answer your burning questions.

Our driver is all about protecting apprentices and provide you, as their employer, with the information that you need to choose the path that works for you.

### I HAVE APPRENTICES, WHAT OPTIONS DO I HAVE?

We'll come onto Furlough, but it is first worth looking at the options available to employers who are employing apprentices.

These are difficult times for employers, apprentices, and providers of apprenticeship training and assessment. As part of the cross-government efforts to respond to the impact of COVID-19, the Education and Skills Funding Agency (ESFA) is taking measures to make it easier for apprenticeships to continue and complete in a different way, if they need to or to break and resume an apprenticeship later when that becomes possible.

These measures include:

- encouraging providers to deliver training remotely where practicable
- allowing the remote assessments wherever practicable and possible
- clarifying that apprentices can have their end-point assessment rescheduled or their assessment timeframe extended
- enabling employers and training providers to report and initiate a break in learning where the interruption to learning due to COVID-19 is greater than four weeks
- clarification on how to record breaks in learning so that funding is not unnecessarily disrupted
- confirming that, where apprentices are made redundant, it is our ambition to help them continue in alternative employment

### WHAT IF I CAN'T AFFORD TO PAY THE APPRENTICE OR IT IS NO LONGER POSSIBLE FOR THEM TO DO THEIR JOB?

The Government has designed a package of support for businesses to help them at this difficult time. You can find more information about the broader options at the link at the end of this guide, however, in this document, we will look specifically at the 'Coronavirus Job Retention Scheme' and how you may be able to use this to keep your apprentices employed by placing them on furlough.

### WHAT IS FURLOUGH?

Until recently, many people had never heard of furlough, but the effect that coronavirus has had on the economy means that over the next few months millions of workers will rely on the scheme.

Furloughing is designed to support firms that have been badly hit by Coronavirus, and to prevent mass unemployment. It will temporarily help pay the wages of people who can't do their jobs, to help companies retain them.

Being furloughed means employees are kept on the payroll, even though they aren't working.

Businesses can claim 80% of their employees' wages from the government, up to a maximum of £2,500 per person, per month before tax. The company can top up this pay if it chooses. It must write to affected employees to let them know they have been furloughed.

You can claim for a minimum of 3 weeks and for up to 3 months - but this may be extended. The scheme will operate for at least three months from 1 March, although reimbursements to companies will not start until at least the end of April.

Assuming this is an option you're considering, the next couple of pages will work through some of the questions that we are being asked and help you reach the conclusion as to whether this is the route for you and your apprentice.

### WHAT HAPPENS FOR AN APPRENTICE BEING FURLOUGHED? CAN THEY CONTINUE TRAINING?

Yes, they can, however... where apprentices are furloughed (granted a leave of absence), are placed on unpaid leave, or where the nature of their employment changes and no longer supports their apprenticeship, the apprentice, employer and training provider should, in the first instance, consider whether a break in learning would be appropriate.

The other important thing to note here is that furloughed apprentices should not be working in any capacity that will provide services to or generate revenue for, or on behalf of your organisation. (They're free to volunteer elsewhere if they wish.)

### WHY WOULD I CONSIDER A BREAK IN LEARNING?

Because of illness, caring responsibilities, and operational disruption, apprentices may be unable to attend training, and training providers may be unable to deliver training over the coming weeks or months. This disruption could be a result of:

- A temporary need within your business to redeploy apprentices to different roles
- the apprentice being unable to continue due to illness or self-isolation, or challenges getting to their place of employment or location for training provision, or,
- for a training provider, this might be necessary due to challenges in providing training or assessment due to staff absences or closure of facilities

### I NEED THE APPRENTICE TO TAKE A BREAK IN LEARNING, WHAT DO I NEED TO DO?

Thankfully, apprenticeship funding rules already make provision for disruption in learning. Funding rules currently state that a break in learning must be initiated by the apprentice. Employers and training providers can now, temporarily, also report and initiate a break in learning where the interruption to learning is greater than 4 weeks.

If the break is less than 4 weeks, neither the employer nor the training provider needs to report the interruption, the end-date for the apprenticeship remains the same and there is no change to the payment of funding. If the break is going to be more than 4 weeks, employers and/or training providers must report a formal break in learning. It's important to note here that, where a break in learning is reported, the payment of funding to the training provider will be suspended for the duration of the break in learning.

For a break in learning greater than 4 weeks that begins on or after 1 April:

- the training provider should report this in their April ILR submission, or in the month in which the break of learning commenced.
- the apprenticeship should be 'paused' by the employer through the apprenticeship service at the point the break in learning begins. The employer should not 'stop' the apprenticeship through the apprenticeship service as this will prevent it from resuming subsequently.

When the apprentice, training provider and employer are all ready for the apprenticeship to resume (after the COVID-19 pause), training providers should update their ILR data in line with section 5.4 in the training provider support manual, to ensure accurate recording and earnings calculations. Training providers will not receive funding payments for apprentices during a break in learning.

For the avoidance of doubt, during breaks in learning it is not necessary for apprentices to comply with the minimum of 20% off-the-job training requirement. When the break in learning ends and training resumes, the 20% off-the-job training requirement will apply over the remaining amended duration of the apprenticeship.

### **THE APPRENTICE CAN CONTINUE TRAINING IN THEORY, BUT HOW IS THIS POSSIBLE WITH ALL OF THE SELF-ISOLATION RESTRICTIONS IN PLACE?**

You're encouraged to make use of distance-learning wherever possible and practical to do so. This is applicable where you employ and apprentice who is needing to self-isolate, has to take care of a family member, because you have had to enforce a 'work from home' policy or because the classroom provision has been withdrawn.

Where you were delivering via classroom provision to a cohort, you might now deliver one-to-one via a remote platform, or you might shift more delivery to supported self-study platforms, or a mix of both. There is no restriction on how you determine to continue an apprentice's learning. Speak to your provider about the art of the possible here.

### **DO I HAVE TO PAY THE APPRENTICE WHEN THEY UNDERTAKE TRAINING WHILST ON FURLOUGH?**

Yes, they must be paid at least the Apprentice NLW/NMW for their age for the time spent training, even if this is more than the 80% of their wage that is subsidised. You may want to consider the 20% top-up to their wages if they can't continue to study at home as this would cover the NMW/NLW guidelines.

### **WHAT IF THE APPRENTICE IS ON SICK LEAVE?**

If the apprentice is on sick leave, they should be getting Statutory Sick Pay (SSP), but they can be furloughed after this.

### **WHAT DO I DO IF I THINK AN APPRENTICE IS NOT WELL ENOUGH TO WORK (ESPECIALLY IN A HEALTH SETTING)?**

Employers should follow the government's guidance for employers and businesses on coronavirus (COVID-19) - <https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19/guidance-for-employers-and-businesses-on-coronavirus-covid-19>

### **DOES THE 20% OFF THE JOB REQUIREMENT STILL APPLY?**

Yes, all apprentices MUST have undertaken at least 20% off-the-job training by the time they reach the end of their programme. The college and employer, along with the apprentice, need to agree on what that delivery plan looks like and how it is delivered. That plan needs to be revisited and revised as necessary at each review.

You may find that some learners are now able to undertake more training than was originally planned, others much less, or possibly even none. Whatever changes need to be made to the volume of off-the-job study, the nature of that study, etc. should be noted in the revised delivery plan that should be 'signed' off by all three parties. You should also consider the impact on the calculation of 20% off-the-job of the changes in learning AND the changes in working pattern. Furloughed apprentices, whilst employed will be employed for a number of weeks with no contracted hours for example.

### **DUE TO BUSINESS CONTINUITY MEASURES, ALL STAFF NEED TO BE AVAILABLE AT THEIR USUAL PLACE OF WORK. HOW CAN MY APPRENTICES CONTINUE THEIR LEARNING?**

If your apprentices are unable to attend their scheduled learning events, there are several options available to you:

- apprentices could engage in digital or distance learning at a convenient time within their agreed working hours
- they could be offered additional on-site mentor support
- they could take a short pause in their learning of fewer than four weeks while still completing by their planned end-date
- they could take a formal break in the learning of 4 weeks or more and re-calculate the planned end-date upon their return to learning

### **I AM HAVING TO MOVE STAFF INTO DIFFERENT AND/OR BUSINESS CRITICAL ROLES THAT AREN'T RELATED TO THEIR APPRENTICESHIP. WHAT HAPPENS TO THEIR APPRENTICESHIP?**

In this case, you'll need to the apprentice will need to take a break in learning. If that move becomes permanent, you should look to see which alternative apprenticeship your apprentice can transfer to.

### **CAN I RELEASE THE 20% COMPLETION PAYMENT EARLY, THAT WOULD NORMALLY BE WITHHELD UNTIL THE END OF APPRENTICESHIP TRAINING, TO MANAGE CASH FLOW CHALLENGES?**

No, Government policy does not allow payment for services in advance of delivery.

### **SHOULD EMPLOYERS USE THE 'STOP' OR 'PAUSE' APPRENTICE FACILITY IN THE APPRENTICESHIP SERVICE?**

In circumstances related to COVID-19, employers should use the 'Pause' function in the service. You must only use the 'Stop' function when you are certain that training will not resume at any point. Using 'Pause' will stop payments temporarily and allow both you, as the employer, and the apprentice to resume the apprenticeship at a later date. The Government is currently reviewing options to simplify the process of re-starting apprentices on the service, including to facilitate a transfer to a different apprenticeship or employer.

### **WHAT ABOUT THE ASSESSMENT, CAN THAT GO AHEAD?**

Yes, however as with the Training guidelines, a break in learning should be considered in the first instance. Where an assessment method requires face to face engagement, this can be conducted remotely, subject to the following conditions:

- arrangements are cleared in advance by the EQA provider (EQAP)
- the apprentice's identity is verified
- remote tests are supervised by an appropriately trained invigilator or assessor:
  - who has the necessary qualifications, training or experience
  - who has not been involved in the training, preparation or line management of the apprentice
- appropriate technology and systems are in place
- the impact that remote assessment may have on apprentices is to be taken into consideration, to ensure a fair and reliable assessment of occupational competence

Where alternatives are not appropriate, a pause and rescheduling might be the only action. An extension of 12 weeks is allowable for those Endpoint Assessment Plans (EPA) where a time limit is specified from gateway to EPA. It is to be logged on and shared with EQAPs in a timely manner.

### **HOW DO WE DEAL WITH ASSESSMENTS THAT INCLUDE AN OBSERVATION IN THE WORKPLACE?**

You should speak as your provider to speak to the EQA provider for the standard as they will be able to support with the art of the possible. These elements of the EPA will, however, need to be rescheduled if they cannot be undertaken remotely. If the assessment timeframe needs to be extended beyond what is allowed in the assessment plan, the EPAO should seek agreement from the EQAP. Where a specified assessment method for a specific standard might be adjusted, without threatening safety, and in a manner in which it meets the original intent, EPAOs should discuss this option with their EQAP, who may refer it to the Institute for Apprenticeships and Technical Education for authority.

The substitution of assessment methods is not considered appropriate at this time. With the prior authorisation from the EQAP, assessments may be conducted in an appropriate simulated environment, such as a training facility.

### **IF THE CURRENT SITUATION CONTINUES FOR A WHILE, COULD THE APPRENTICESHIP BE AWARDED WITHOUT THE END-POINT ASSESSMENT?**

This is not an option at the current time. End-point assessment organisations (EPAO) are however being encouraged to advise the ESFA if they are cancelling or postponing EPAs so that the impact can be monitored. Speak to your EPAO about raised this is it looks like you are going to have to cancel or postpone the assessment for one of your apprentices.

### WHERE CAN I FIND ADDITIONAL INFORMATION?

The ESFA has set up a Coronavirus helpline for education related queries, including questions on funding. You can get in touch via 0800 046 8687 (8am-6pm, Monday to Friday), or email: [DfE.coronavirushelpline@education.gov.uk](mailto:DfE.coronavirushelpline@education.gov.uk).

Apprentices should phone the National Apprenticeship Service for advice. They can be reached on 0800 0150 600 or email [helpdesk@manage-apprenticeships.service.gov.uk](mailto:helpdesk@manage-apprenticeships.service.gov.uk).

The information within this guidance was taken from the following sources. You can find further information, advice and guidance by visiting these pages.

- <https://www.nsar.co.uk/corona-virus-covid-19-guidance/>
- <https://www.gov.uk/government/publications/coronavirus-covid-19-apprenticeship-programme-response>
- <https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19/covid-19-support-for-businesses>
- <https://www.gov.uk/government/publications/coronavirus-covid-19-apprenticeship-programme-response/coronavirus-covid-19-guidance-for-apprentices-employers-training-providers-end-point-assessment-organisations-and-external-quality-assurance-pro>
- <https://help.apprenticeships.education.gov.uk/hc/en-gb/articles/360012948619-Coronavirus-COVID-19-how-the-apprenticeship-service-will-support-you>
- <https://www.instituteforapprenticeships.org/covid-19-information-regarding-apprenticeships/covid-19-faq/>
- <https://www.instituteforapprenticeships.org/eqaepa-guidance-during-covid-19/>

This situation is continually evolving, and you should take appropriate precautions to ensure that any actions taken remain appropriate, safeguards apprentices and reflects the latest Government advice. This guidance is valid until **5 June 2020**.