REQUIREMENTS FOR FUNDING TRAIN TO GAIN

2007/08
VERSION 4
Requirements for Funding Train to Gain 2007/08

Summary
The Learning and Skills Council (LSC) has responsibility for planning and funding the Train to Gain service. This document sets out the LSC’s approach to funding Train to Gain in 2007/08. It constitutes an integral part of the LSC’s funding agreement.

This document is of interest to Skills Brokers, employers, institution principals, senior managers in further education (FE) colleges, chief executives of training providers, their managers, staff delivering programmes and administrators.
### Requirements for Funding Train to Gain

#### Summary of changes

<table>
<thead>
<tr>
<th>Para</th>
<th>Version 3 07/08 Text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-6</td>
<td></td>
<td>Table of Funding Rates moved from para 6 and 7</td>
</tr>
<tr>
<td></td>
<td>Para 5 - identification of 20</td>
<td>removed</td>
</tr>
<tr>
<td></td>
<td>hours table</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>New table showing Pre-start activity</td>
</tr>
<tr>
<td>8-10</td>
<td>Para 5</td>
<td>New subsection showing how higher and lower rates are determined, including a new table showing which activities are included within the 2 hour start payment and 20 hours for higher rate.</td>
</tr>
<tr>
<td>11</td>
<td>Para 8 – ratio higher/lower rates</td>
<td>Re-numbering from this point forward</td>
</tr>
<tr>
<td>14-15</td>
<td></td>
<td>New sub-section covering distance learning.</td>
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<td>16</td>
<td>Para 10 - Area Costs</td>
<td>Re-numbering from this point forward</td>
</tr>
<tr>
<td>30-34</td>
<td>Para 24 - Learner Start</td>
<td>New sub-section providing further information on 2 hour learner starts and the activities required for a start payment. Includes clarification on embedded and stand alone Skills for Life delivery.</td>
</tr>
<tr>
<td>35</td>
<td></td>
<td>New paragraph to clarify the activities required to confirm Learner Achievements.</td>
</tr>
<tr>
<td>36-37</td>
<td></td>
<td>New paragraph to clarify the activities relating to learners who are in danger of leaving early.</td>
</tr>
<tr>
<td>38</td>
<td>Para 25 - Contribution to Wage Costs</td>
<td>Re-numbering from this point forward</td>
</tr>
<tr>
<td>50</td>
<td>Para 37 Eligibility</td>
<td>Re-numbering of Eligibility section with clarification on which learners are subject to the rules on prior attainment at Level 2.</td>
</tr>
<tr>
<td>51</td>
<td></td>
<td>New paragraph on learners entering Train to Gain via the Local Employment Partnerships (LEPs) route.</td>
</tr>
<tr>
<td>52</td>
<td>38 - L3 jumpers</td>
<td>Re-numbering from this point forward</td>
</tr>
<tr>
<td></td>
<td>Para 41-43</td>
<td>Section on volunteer learners moved to new sub-section on Train to Gain flexibilities</td>
</tr>
<tr>
<td>55</td>
<td>Para 44 – learners aged 16-18</td>
<td>Re-numbering from this point forward.</td>
</tr>
<tr>
<td></td>
<td>Para 46</td>
<td>Agency staff paragraph removed</td>
</tr>
<tr>
<td>57</td>
<td>Para 47 – New Deal</td>
<td>Re-numbering from this point forward.</td>
</tr>
<tr>
<td>68-70</td>
<td></td>
<td>New sub-section covering Plan for Growth flexibilities - Volunteers</td>
</tr>
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<td>71 - 74</td>
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<td>New sub-section covering Plan for Growth flexibilities – Self Employed</td>
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<tr>
<td>75 - 78</td>
<td></td>
<td>New sub-section covering Plan for Growth flexibilities – Local Employment Partnerships</td>
</tr>
</tbody>
</table>
### Summary of changes from 2007/08 Version 3 to 2007/8 Version 4
**Version 4 issued 18 April 2008**

<table>
<thead>
<tr>
<th>Para</th>
<th>Version 3 07/08 Text</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>79</td>
<td>Para 58 - employers</td>
<td>Re-numbering from this point forward.</td>
</tr>
<tr>
<td></td>
<td>Para 64 – voluntary sector</td>
<td>Paragraph removed</td>
</tr>
<tr>
<td>85-86</td>
<td>Para 65</td>
<td>Clarification of eligibility for sole traders</td>
</tr>
<tr>
<td>87-89</td>
<td>Para 66</td>
<td>Clarification of eligibility for self employed</td>
</tr>
<tr>
<td>90</td>
<td>Para 67</td>
<td>Clarification about level 3 jumpers</td>
</tr>
<tr>
<td>91</td>
<td></td>
<td>Learners who join Train to Gain via the LEP route, are eligible to complete a second level 2 qualification.</td>
</tr>
<tr>
<td>92</td>
<td>Para 68 – core offer</td>
<td>Re-numbering from this point forward.</td>
</tr>
<tr>
<td>123-124</td>
<td>Para 99</td>
<td>Clarification of minimum requirements for ILP’s</td>
</tr>
<tr>
<td>125</td>
<td>Para 100 – format of ILP</td>
<td>Re-numbering from this point forward</td>
</tr>
<tr>
<td>127-128</td>
<td>References to basic skills</td>
<td>Clarification that references to Skills for Life relates to the strategy, while basic skills relates to the qualifications</td>
</tr>
<tr>
<td>129</td>
<td></td>
<td>Clarification of eligible basic skills qualifications for discrete Train to Gain funding.</td>
</tr>
<tr>
<td>131</td>
<td></td>
<td>Exception to Skills for Life eligibility for London pilot.</td>
</tr>
<tr>
<td>132</td>
<td>Para 106 – entry level basic skills</td>
<td>Re-numbering from this point forward.</td>
</tr>
<tr>
<td>134</td>
<td>Para 108</td>
<td>Clarification that initial and diagnostic assessment of the majority of the learner’s literacy, language and numeracy needs will determine the appropriate level of qualification</td>
</tr>
<tr>
<td>135</td>
<td>Para 109</td>
<td>Re-numbering from this point forward.</td>
</tr>
<tr>
<td>152</td>
<td>Para 126</td>
<td>Clarification of evidence requirements – evidence types</td>
</tr>
<tr>
<td>153</td>
<td>Para 127 – sample of evidence</td>
<td>Re-numbering from this point forward.</td>
</tr>
<tr>
<td>Annex D</td>
<td></td>
<td>Revisions to the learner declaration</td>
</tr>
<tr>
<td>Annex H</td>
<td></td>
<td>Revisions to the evidence requirements</td>
</tr>
<tr>
<td>Glossary</td>
<td></td>
<td>New definitions for embedded skills for life, self employed, sole traders, volunteers, Local Employment Partnerships (LEPs)</td>
</tr>
</tbody>
</table>

Further detail for other flexibilities announced in the Plan For Growth will be issued in due course.

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### Summary of changes from 2007/08 Version 2 to 2007/8 Version 3
**Version 3 issued 10th February 2008**

<table>
<thead>
<tr>
<th>Para</th>
<th>Version 2 07/08 Text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td></td>
<td>Reconfirmation that volunteers and sole traders not eligible for Contribution to Wages Costs.</td>
</tr>
</tbody>
</table>
### Summary of changes from 2007/08 Version 2 to 2007/8 Version 3
**Version 3 issued 10th February 2008**

<table>
<thead>
<tr>
<th>Para</th>
<th>Version 2 07/08 Text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>41/64</td>
<td>Volunteers not eligible for Train to Gain</td>
<td>In recognition of the valuable contribution volunteers make within organisations, volunteers are now eligible within certain conditions – see text and Level 2 Declaration</td>
</tr>
<tr>
<td>65/66</td>
<td>Sole Traders not allowed access except in certain conditions</td>
<td>Sole Traders now have greater access within certain conditions – see text and Level 2 Declaration</td>
</tr>
</tbody>
</table>

### Summary of changes from 2007/08 Version 1 to 2007/8 Version 2
**Version 2 issued 14th September 2007**

<table>
<thead>
<tr>
<th>Para</th>
<th>Version 1 07/08 Text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>102-113</td>
<td>Basic Skills section</td>
<td>New section replaces previous – details the stand-alone nature of Basic Skills and changes in funding for ESOL.</td>
</tr>
</tbody>
</table>

### Summary of changes from 2006/7 Version 2 to 2007/8 Version 1
**Version 1 issued 24th July 2007**

<table>
<thead>
<tr>
<th>Para</th>
<th>Version 2 06/07 Text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Contains details of how funding at the Higher or Lower can be claimed.</td>
<td>New information on higher and lower rate regulation.</td>
</tr>
<tr>
<td>6</td>
<td>Table of Funding Rates</td>
<td>Addition of words to reflect the Learning Aims Database treatment of weightings: Qualifications on the Learning Aims Database (LAD) are shown unweighted – the rates within the table above are weighted.</td>
</tr>
<tr>
<td>21</td>
<td></td>
<td>Addition of text regarding date and submission of the ILR.</td>
</tr>
<tr>
<td>24</td>
<td>Contains details of how a Learner Start is defined.</td>
<td>New information on learner start regulation</td>
</tr>
</tbody>
</table>
### Summary of changes from 2006/7 Version 2 to 2007/8 Version 1

**Version 1 issued 24th July 2007**

<table>
<thead>
<tr>
<th>Para</th>
<th>Version 2 06/07 Text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>Old text: The learner must be granted paid time to train during working hours detailed within the contract of employment.</td>
<td>New text: The learner must be granted paid time to train during working hours. “Working hours” are those detailed within the contract of employment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Para</th>
<th>Version 2 Text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addition Para 46</td>
<td>Addition: WORKSTEP provides a wide range of supported work opportunities that meet the differing needs of disabled people and reflect the demand of the local labor market. Supported employees work in jobs in mainstream employment or in supported factories and businesses. An employer working with Workstep support is not precluded from accessing Train to Gain support providing the employees meet all eligibility criteria.</td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>Addition of standard text around funding potential programme overlap.</td>
<td></td>
</tr>
<tr>
<td>84-88 Text regarding Information Advice and Guidance</td>
<td>Text now clarifies the use of matrix standard.</td>
<td></td>
</tr>
<tr>
<td>Annex F National Employer Service</td>
<td>New text more accurately reflecting the role of the National Employer Service</td>
<td></td>
</tr>
<tr>
<td>Annex H Definition of KPI for Hard to Reach</td>
<td>Addition of phrases to include Organisational Needs Analysis</td>
<td></td>
</tr>
<tr>
<td>Annex I Management Information</td>
<td>Management Information requirements of Skills brokers</td>
<td></td>
</tr>
</tbody>
</table>
Further information
For further information, please contact the appropriate local Learning and Skills Council office.
Contact details for each office can be found on the LSC’s website: www.lsc.gov.uk or visit www.traintogain.gov.uk for details of the service.
Requirements for Funding Train to Gain 2007/08

Funding

1. There are three types of funding that are available to providers. The Skills Brokers will offer employers’ a choice of providers, typically from a list of approved Train to Gain providers. Employers choose which providers they wish to use, and can choose a provider not on the list, as long as the provider meet’s the LSC’s quality, performance and financial requirements (and will be subject to Ofsted inspection).

2. The three types of funding are:

   **Type A:** funding through mainstream further education allocations that have been made available to colleges and other providers who will incorporate ‘Train-to-Gain like’ activities within their normal programmes. Local LSCs will agree with providers what level of funding will be used for this purpose, which will be at least the same and, in most cases, higher than providers’ employer-based delivery in previous years.

   **Type B:** Planned but subject to employer choice funding that is made available from the discrete Train to Gain budget (up to 80% of the participation funding) that will be subject to new funding arrangements. The funding will be paid using new funding rates and new arrangements, based on actual learner activity that follows employer agreement.

   **Type C:** Regional Response (in-year commissioned) funding that is also made available from the discrete Train to Gain budget (at least 20% of the participation funding) that is also subject to new funding arrangements. This Regional Response funding will be agreed in the year between the LSC and providers. Typically it may be utilised where an employer identifies a provider who has not initially been approved as a Train to Gain provider by the LSC. In-year, at the discretion of the LSC, it could also be utilised to increase the allocations for existing providers where demand is greater than their contracted agreements. The provision of services by a new provider is subject to successfully passing through the LSC approval process.

Funding Rates

3. Funding Rates are set out in the table in paragraph 5. They are linked to the sector subject areas and a full list of them is included in the Learner Aim Database that is available on the LSC’s website at [www.lsc.gov.uk](http://www.lsc.gov.uk). These rates include payments for information, advice and guidance, and
training needs analysis that will no longer be funded separately. These rates are expected to cover all costs including qualification registration and examination fees.

4. These are rates that will apply for learners starting between 1 August 2007 and 31 July 2008. They give two rates for each first full Level 2 programme and a single rate for Basic Skills. This is consistent with the approach the LSC previously proposed in its funding approach within *agenda for change*.

5. Providers are required to claim funding accurately and maintain auditable evidence. The LSC will monitor the numbers of funding claims at each level. The levels of funding that should be claimed for full first Level 2 qualifications are shown in the following table.

<table>
<thead>
<tr>
<th>Train to Gain Funding Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Learners starting from 1 August 2007</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sector Subject Area</th>
<th>Higher Rate</th>
<th>Lower Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health, Public Services and Care</td>
<td>£1,537</td>
<td>£768</td>
</tr>
<tr>
<td>Agriculture, Horticulture and Animal Care</td>
<td>£1,537</td>
<td>£768</td>
</tr>
<tr>
<td>Engineering and Manufacturing Technologies</td>
<td>£1,845</td>
<td>£922</td>
</tr>
<tr>
<td>Construction, Planning and the Built Environment</td>
<td>£1,845</td>
<td>£922</td>
</tr>
<tr>
<td>Information and Communication Technology (ICT User qualifications)</td>
<td>£1,230</td>
<td>£615</td>
</tr>
<tr>
<td>Information and Communication Technology (ICT Practitioner qualifications)</td>
<td>£1,537</td>
<td>£768</td>
</tr>
<tr>
<td>Retail and Commercial Enterprise</td>
<td>£1,230</td>
<td>£615</td>
</tr>
<tr>
<td>Transportation</td>
<td>£1,845</td>
<td>£922</td>
</tr>
<tr>
<td>Hair and Beauty</td>
<td>£1,537</td>
<td>£768</td>
</tr>
<tr>
<td>Hospitality</td>
<td>£1,230</td>
<td>£615</td>
</tr>
<tr>
<td>Leisure, Travel and Tourism</td>
<td>£1,230</td>
<td>£615</td>
</tr>
<tr>
<td>Business, Administration and Law</td>
<td>£1,230</td>
<td>£615</td>
</tr>
<tr>
<td><strong>Basic Skills – Literacy / Numeracy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Basic Skills ESOL w.e.f 30th September 2007</strong></td>
<td>£738</td>
<td></td>
</tr>
<tr>
<td><strong>Basic Skills ESOL w.e.f 30th September 2007</strong></td>
<td>£565</td>
<td></td>
</tr>
</tbody>
</table>

Qualifications on the Learning Aims Database (LAD) are shown unweighted – the rates within the table above are weighted.

6. These are the funding rates for successful learners. The payments will be made using the profile of:
   - 50% for learners starting programmes
   - 50% for learners successfully completing their programmes and achieving the qualifications.
Pre-start Activity
7. This table shows which activities should be completed prior to the learner commencing any Train to Gain delivery. These activities are not a trigger for funding in themselves, but are an integral part of the funding claim.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description of activity</th>
<th>Included in Pre-Start activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>IAG Getting in</td>
<td>Advice before entering programme, training needs analysis, including Skills for Life Screening.</td>
<td>✓</td>
</tr>
<tr>
<td>Confirm eligibility for LSC and programme funding</td>
<td>Declaration that learner fulfils LSC’s requirements</td>
<td>✓</td>
</tr>
<tr>
<td>Initial assessment</td>
<td>Assessing learners’ needs</td>
<td>✓</td>
</tr>
<tr>
<td>Induction</td>
<td>Comprehensive introduction to LSC funded provision e.g. Health &amp; Safety, Equal Opportunities, Disciplinary and grievance, terms and conditions of learning, programme content and delivery and assessment arrangements.</td>
<td>✓</td>
</tr>
<tr>
<td>Production of ILP</td>
<td>Learners intended programme of learning and duration documented.</td>
<td>✓</td>
</tr>
<tr>
<td>ILR document</td>
<td>LSC data record completed and signed, ready for input AFTER first 2 hours of learning activity.</td>
<td>✓</td>
</tr>
<tr>
<td>Enrolment documentation</td>
<td>Registration with an awarding body, onto an identified course.</td>
<td>✓</td>
</tr>
</tbody>
</table>

Determining Higher and Lower Rates
8. The higher and lower rates are intended to reflect the different costs incurred by providers to train each individual. This is based on the assess/train/assess concept and both the funding rates include elements for providers to give initial advice and guidance and assess training needs for each individual learner.

9. Evidence of initial assessment should be held to clearly demonstrate whether the learner should be funded at the higher or the lower rate. If funded at the higher rate, there must be evidence of demonstrable need of at least 20 hours of eligible support/learning/training consisting of underpinning knowledge and understanding as described in the table in paragraph 10.
10. The higher rate can only be claimed where providers are delivering at least 20 hours of eligible support/learning/training consisting of underpinning knowledge and understanding as detailed in the table below. The 20 hours cannot include Induction, Information Advice and Guidance, Initial Assessment, time for the assessor to mark work or assessment. Where the proportion of underpinning knowledge and training is below 20 hours, then the lower rate should apply. The activities that can/cannot be included as part of the 20 hours are outlined below. This table also shows which activities count towards the 2 hours of structured participation for claiming start fees (further information on this is shown in paragraphs 30 to 32):

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description of activity</th>
<th>Included in 2 hours for start payment</th>
<th>Included in 20 hours for Higher Rate determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support/Learning/training – underpinning knowledge and understanding.</td>
<td>This can include blended distance and e-learning, where evidence of suitable provider input has been retained</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Assessment and observation</td>
<td></td>
<td>✓</td>
<td>✗</td>
</tr>
<tr>
<td>Marking time</td>
<td></td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>Provider staff feedback and instruction</td>
<td></td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Learner progress reviews.</td>
<td></td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>Portfolio development/production</td>
<td>Evidence gathering of competence.</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>Completing distance learning materials where support/learning/training activity contains vocationally relevant underpinning knowledge (completed predominately during work hours)</td>
<td>Evidence of provider input e.g. details on ILP giving the reason for choosing distance learning activity, work completed shows it has been assessed/reviewed by a suitably competent person.</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Delivery of training not part of the full level 2/3(^1) or approved basic skills qualifications</td>
<td></td>
<td>✗</td>
<td>✗</td>
</tr>
</tbody>
</table>

\(^1\) Level 3 qualifications relate to Level 3 Jumpers (refer to paragraph 90)
11. The ratio of higher rate to lower rate learners will be discussed and set out in the contracts with providers. The actual ratio will be monitored in year and payments amended according to the timetable for reconciliation specified in the contract.

12. Learner and employer satisfaction levels will be monitored to ensure that the provider delivers the most appropriate learning packages for each learner. Evidence of providers delivering inappropriate or excessive training programmes will feed into provider reviews and subsequent contract discussions.

13. If a Provider decides to deliver training by standard block programmes of intensive underpinning knowledge for several learners (either introduction or refresher courses), this must still be demonstrated as a need for each learner arising from their assessment of needs, and recorded in the ILPs, and agreed with the employer.

**Distance learning**

14. For distance learning, only delivery of support/learning/training consisting of underpinning knowledge and understanding will be eligible to support claims for higher rate funding. The study material must be selected by provider staff. Logs of time by individual learners need to be kept – clearly showing when the learner worked alone or received tutor support (which may include evidenced time for underpinning knowledge and contact by telephone or e-mail).

15. It is an expectation that support/learning/training takes place predominately during the learner’s normal hours of work.

**Area costs**

16. The LSC recognises that there is a marked difference in relative costs between London/South-East and the rest of England. The LSC has conducted research and funding rates will be increased according to the geographical location of the provider using the table overleaf.

17. In 2007/08 area cost uplifts will apply at the point of delivery i.e. apply to provision delivered in geographical areas that attract as uplift. Exceptionally claims will be considered for revised area uplifts where there are significant amounts of out of area working.

<table>
<thead>
<tr>
<th>Local LSC region and districts</th>
<th>Area uplifts 2007/08</th>
</tr>
</thead>
<tbody>
<tr>
<td>London A</td>
<td>20%</td>
</tr>
<tr>
<td>Berkshire (fringe and non-fringe)</td>
<td>12%</td>
</tr>
<tr>
<td>Crawley</td>
<td>12%</td>
</tr>
<tr>
<td>London B</td>
<td>12%</td>
</tr>
<tr>
<td>Surrey</td>
<td>12%</td>
</tr>
<tr>
<td>Buckinghamshire fringe</td>
<td>10%</td>
</tr>
<tr>
<td>Hertfordshire fringe</td>
<td>10%</td>
</tr>
<tr>
<td>Bucks non-fringe</td>
<td>7%</td>
</tr>
</tbody>
</table>
Further details showing which boroughs are in inner and outer London, and the definition on fringe areas are shown in Annex A. London will have specialist rates.

### Disadvantage

18. The LSC is not including any disadvantage uplift in the funding arrangements for the discrete Train to Gain fund.

### Additional Learning Support

19. The LSC will consider, on an exceptional basis, claims for additional activities that provide direct learning support to learners. As the majority of learning provision on Train to Gain is likely to happen in the workplace, there will be few - if any - additional ‘costs of learning’ for individual participants to bear. With this in mind it is considered extremely unlikely that learners will need to apply for financial learner support. However any individual’s eligibility for learner support should be determined by the context in which their learning takes place. The activities must be additional to what should be provided by the employer to support the learner’s employment.

20. The additional activities could include:
   - equipment for learners with disabilities and/or learning difficulties for learning activities that are part of the training and would not normally form part of the employee’s work
   - transport between sites and to other off-site activities associated with the training for learners with significant mobility difficulties, but not home-to-employer or home-to-provider.

21. There is a threshold of £171, below which the LSC will not consider claims as providers are expected to manage their budgets to provide additional learning support for all learners below this figure.

22. The LSC will not consider claims for additional teaching to provide literacy or numeracy support for learners studying a vocational programme. It is expected that this support should be integrated with the vocational programme and supported by that programme’s funding. However, the learners’ needs must be addressed to ensure that the individual training needs assessment ensures that the most suitable programme is offered to each learner. In some cases it may be more
appropriate that the learner studies a Basic Skills programme before starting a full Level 2 qualification.

23. Two percent of each Regions’ budget is allocated for additional learner support within the allocations that have already been announced. LSC Regions will determine whether Additional Learning Support is provided centrally or across a range of providers.

Claiming Funding

24. There are two ways that funding will be claimed.

25. For learners funded through mainstream further education (type A), standard further education processes will operate. This means providers will be funded using a monthly profile. During the year providers will discuss progress towards their targets with the LSC and changes to the funding allocation will only be made on an exceptional basis. Providers will send data for these learners in their FE Individual Learning Record (ILR) return in-line with the existing timetable.

26. For learners funded from the discrete Train to Gain budget (types B or C), new arrangements will apply. Funding will be paid based on actual learner activity. This is consistent with the Government’s new agenda of learner and employer choice driving the system and funding should be more ‘real time’.

27. Data for Train to Gain funded learners for 2007/08 will also be collected via existing ILR returns. The ILR has been changed to allow Train to Gain funded learners to be identified and to collect the data required to support Train to Gain, including the Employers unique reference number supplied by the Skills Broker. Learners must be flagged as Train to Gain on the ILR.

The Individualised Learning Record is a key document for evidencing learners and learning programmes. The process of assessing and agreeing a learning programme followed by the commencement of study may take some time. Within Train to Gain two hours of evidenced support/learning/training must take place before the ILR can be entered in the provider’s Information Management System as this will initiate payment. Therefore within Train to Gain the date on the ILR must be either earlier or the same day as the ILR is input to the provider’s system.

The data required for Train to Gain is described in the Specification of the Individualised Learner Record for 2007/08 which is available from the data section of the LSC website at: http://www.lsc.gov.uk/providers/Data/Datacollection/ILR/ILR+Documents+2007-2008.htm

28. Providers will send ILR data using the Work Based Learning format ILR and return dates.
29. Providers are required to carry out checks of learner eligibility in all cases. Learners are required to confirm that they are eligible and do not already possess at least a full Level 2 qualification – see Annex D for the Learner Declaration. Only those learners without prior Level 2 or above attainment are eligible for funding. For further details see page 20 “Eligibility”. In cases where contractual requirements have not been met and LSC funds have been paid in error, the LSC is obliged to recover those funds from the relevant provider, Skills Broker or employer.

Learner Start

30. A start is considered to have occurred when an eligible learner has been recruited to the programme, and the pre-start activity detailed in paragraph 7 has been completed and evidenced (see annex H for a summary of evidence requirements).

31. In addition to the actions in the table in paragraph 7, evidence should be retained to demonstrate that the learner has actively participated in a structured programme as detailed in their individual learning and assessment/delivery plan, for a minimum of 2 hours (see the table in paragraph 10 for details of what can or cannot count towards the 2 hours of participation in structured learning).

32. The start payment relates to each programme. Therefore, the minimum evidence requirement is 2 hrs support/learning/training for each programme (not each qualification aim when Skills for Life is embedded in the NVQ delivery). This is consistent with the LSC’s policy for supporting Skills for Life when embedded in the programme, refer to: Delivering Skills for Life Fact sheet 8 Delivering Embedded literacy, language and numeracy in post-16 vocational programmes. (Publication reference LSC-P-NAT-070183) http://readingroom.lsc.gov.uk/lsc/National/nat-factsheet8_-_embedded-learning250907.pdf

33. When the delivery mechanism for the NVQ and Skills for Life is not embedded, 2 hours of activity is required for each qualification aim funded i.e. 2 hours for NVQ start and 2 hours for each Skills for Life start.

34. The ILP should detail where Skills for Life is an embedded programme, providing an opportunity to identify the reason why decisions were made and funding drawn down in the manner described.

Learner Achievement

35. The following activities should have occurred and sufficient, relevant evidence should be retained by providers, in respect of individual learners to support claims for achievement payments:

\[2\] An exception exists for learners entering via Local Employment Partnerships - refer to Para 75
• The learner was eligible to participate in Train to Gain.

• Internal Verifier report (when the provider has direct claim status) or External Verifier Report (when the provider does not have direct claim status).

• Awarding Body Certificates should be followed up and be on file within 3 months of claiming.

• ILR minimum data requirements.

• Evidence of 20 hours of eligible support/learning/training consisting of underpinning knowledge and understanding if the higher rate has been claimed (as detailed in the table in paragraph 10).

**Learners in danger of leaving early**

36. Providers should have a reliable system for identifying those at risk of leaving early, along with a strategy for involving employers and other agencies, as appropriate, to reduce the number of learners leaving early. If, despite the provider’s best efforts, learners are no longer making satisfactory progress against their ILP, they should be offered alternative opportunities to pursue their original or revised learning objectives – either with the same provider or with another LSC-funded provider. A learner should be considered to have withdrawn from the programme when they:

• are known to have made a decision to withdraw from the programme

• have exceeded the provider absence and withdrawal policy

37. The learner should be treated as withdrawn for whichever of the above that occurs first. On leaving, the learner must receive written notice of termination. Portfolio, course work, the ILP and all certificates are the property of the learner and must be returned to the learner. They may not be withheld for any reason, other than for assessment or verification by the provider, without the learners’ permission. Learners must be withdrawn on the last evidenced date of continued structured learning. Failure to make records available to leavers may result in recovery of funds paid by the LSC.
Contribution to wage costs

Separate detailed procedures are available for the contribution to wage costs.

38. Employers with fewer than 50 full-time equivalent (FTE) employees may be eligible for a contribution to wage costs incurred when releasing eligible employees for training with their provider during normal working hours. Full time equivalent (FTE) workers are defined as having a minimum of 35 standard contracted hours of work per week. Anyone who works full time in a business during the working year should be treated as one FTE worker. Anyone who works part-time, seasonally or for part of a year, should be treated as a fraction of one FTE worker. The total number of FTE workers within the business will be used to determine the overall employee total and the correct size-band for the business for contribution to wages purposes.

39. The contribution is only available for employees who achieve their first full Level 2 and/or approved Basic Skills qualifications. Eligible employers with Level 3 ‘jumpers’ are also eligible. The contribution will only be paid for employees that achieve the above qualifications. The contribution is £5 per hour or actual hourly wage depending on employer choice. This contribution will be available up to a maximum of 70 hours. Volunteers and self employed learners are not eligible to receive contribution to wage cost payments.

40. Payments will be made to the employer via BACS, processed by the LSC National Office on a quarterly basis with claim dates as follows:

- 31st March, 30th June, 30th September and 31st December

Claims received after these dates will roll forward into the next quarter’s processing run.

Timely claims need to be submitted after training has completed, grouping learners together wherever possible. It is anticipated that complete and accurate claims submitted within these deadlines, will be processed around 6 weeks after the end of the claims quarter. This will mean that employers should expect BACS payments on the 6th working day of the following months:

- May (for March claims), August (for June claims), November (for September claims) and February (for December claims).
Skills Broker responsibilities

41. The broker is responsible for providing information to eligible employers on the contribution scheme, establishing employer eligibility and allocating an Employer ID.

42. In cases where a provider has recruited a potentially eligible employer, the contact details must be passed to the broker to take this forward. Employers must register for the scheme with a Skills Broker before or during commencement of agreed training.

43. The Skills Broker is responsible for obtaining bank details from employers and ensuring the necessary paperwork has been completed in order to register the employer.

44. On achievement of approved qualifications by employees, the Skills Broker facilitates payment to the employer by submitting employer claims to the LSC for payment. The Skills Broker also ensures that the necessary claim paperwork is in place prior to a claim being processed for payment.

Employer responsibilities

45. The employer is required to sign up for a contribution to wage costs through the Skills Broker contact. In signing the registration form, the employer agrees to the terms and conditions of the contribution scheme, including the release of employees for direct training.

46. The employer is required to confirm the actual number of hours of delivery within working hours for each eligible learner prior to making any claim. This confirmation is raised by the provider and signed by the employer, employee and provider.

Provider responsibilities

47. Where a provider has recruited an employer for Train to Gain that meets the eligibility criteria, they must pass the employer details to a Skills Broker who will contact the employer to arrange a “light touch” follow-up.

48. Providers are required to obtain confirmation signatures from the learner and employer regarding the total number of hours the employee was released from their normal work duties to work towards their qualification. The number of hours relates to the number of total ‘contact’ hours the learner has had with the training provider in order to achieve their qualification. Time spent alone by the learner to complete work or time spent outside of normal working hours do not qualify for a contribution.

49. The provider sends this confirmation to the Skills Broker to support an employer’s claim for a contribution. A sample form suggested for use by providers is available in the separate procedures document for the contribution scheme. Providers may use forms already utilised by their organisation if it contains all of the information detailed in the sample form.
Eligibility

Learners Eligible for Service Funding

The general rules for learner eligibility across all LSC programmes are found in the document https://readingroom.lsc.gov.uk/lsc/National/LSC_learner_Eligibility_Guidance_2007-08-Final.pdf

50. To access Train to Gain discrete funding, individuals must not possess a first Level 2 qualification or its equivalent (unless paragraph 51 applies).

Most individuals must satisfy one of the following:

- Be working for an employer under a contract of employment
- Be working as a volunteer for an employer
- Be self employed
- Be working for an employment agency

51. An exception has been made to paragraph 50, relating to learners who enter Train to Gain via the Local Employment Partnership (LEP) route. These learners will be able to participate in Train to Gain, even if they already have a full Level 2 qualification.

52. Learners who do not already possess a full Level 2 qualification are also eligible for Train to Gain if they go straight to a full Level 3 qualification. These learners are referred to as ‘Level 3 jumpers’.

53. Those individuals possessing a “thin” that is only part of a Level 2 qualification, would be eligible. This would, for instance, cover learners who may have a VRQ (Vocationally Related Qualification) through the Employer Training Pilots, and who now wish to gain a full Level 2 qualification. Given the learner will already possess part of a qualification it is expected that support will be provided through the lower funding rate.

54. The learner must be granted paid time to train during working hours. “Working hours” are those detailed within the contract of employment (This does not apply if the learners are volunteers or self employed).

55. Learners aged between 16-18 are already legally entitled to free learning and therefore are not eligible for Train to Gain funding. There is no upper age limit although the economic returns of those near retirement are more limited given a potential short period remaining in the labour market.

56. The Apprenticeship is the government’s preferred option for vocational learners aged between 19 and 25 and they should be recruited onto the Apprenticeship programme wherever possible. Apprenticeships will be supported by the Work Based Learning (WBL) funding stream with varying levels of employer contribution required. See paragraphs 140 to 150 for more details.
57. Employees who are on New Deal programmes do not qualify for Train to Gain. When their New Deal programme ends they can then be included within Train to Gain.

58. WORKSTEP provides a wide range of supported work opportunities that meet the differing needs of disabled people and reflect the demand of the local labour market. Supported employees work in jobs in mainstream employment or in supported factories and businesses. An employer working with Workstep support is not precluded from accessing Train to Gain support providing the employees meet all eligibility criteria.

59. Individuals resettled into the community after release from prison, will be eligible for Train to Gain subject to the normal eligibility rules. Category D, pre-release prisoners on paid work experience, are not eligible under Train to Gain, but may be eligible for other support under Further Education funding regulations.

60. The LSC has adopted a common set of learner eligibility criteria for all the Train to Gain, FE and WBL funding streams. These are set out in the following paragraphs.

61. The LSC has a duty to secure, in relation to England only, the provision of:

- proper facilities for education (other than HE), training and organised leisure time occupations connected with such education and training suitable to the requirements of persons who are above compulsory school age but have not attained the age of 19
- reasonable facilities for education (other than HE), training and organised leisure time occupation connected with such education and training suitable for the requirements of persons who have attained the age of 19
- ensure that such provision is clearly evidenced by documentation as supporting a quality service and reserves the right to require return of funding where such evidence is not demonstrated.

62. The LSC regards as ordinarily resident in a given country or region any person who habitually, normally and lawfully resides from choice and for a settled purpose in that country. Temporary absences from the relevant area should be ignored. If someone has not been ordinarily resident because he or she, their parent or their spouse were working temporarily abroad, they will be treated as though they have been ordinarily resident in the relevant area.

63. Someone who has “no recourse to public funds” included in their passport stamp would not be in breach of their immigration conditions if they had access to education in the UK. “Public funds” are defined in the Immigration Rules, and the benefits and services listed do not include education or any education funding.
Learners from Wales and Scotland
64. Providers are reminded that Wales and Scotland have their own funding arrangements. For purposes of the Train to Gain service the employer or place of employment must be in England.

Learners employed temporarily outside England
65. Where, as part of the requirements of employment, a person who is ordinarily resident in England is required to work outside England for short periods, that person will continue to be eligible for funding. Providers will continue to be responsible for and to provide support as detailed in the programme specifications throughout any period when the learner is in employment outside England. Where the period of absence will affect the completion of a programme, then an agreed break in learning should be considered.

66. This includes the funding eligibility where the individual normally resides in other parts of the UK, but is working elsewhere in England
67. Where an individual normally resides in England but is working outside, including both cases where the individual begins a programme in England and then works elsewhere while enrolled on this programme, and cases where the individual commences a programme whilst working outside England. In both cases, the LSC will fund the programme to completion. It is expected that such provision will be made through distance learning or through learndirect, other than in exceptional circumstances.

Plan for Growth Flexibilities
Volunteers
68. Volunteers are eligible where they are working in any organisation (within any sector including the third/voluntary). There is no minimum limit to the number of hours worked by the volunteer, and there is no requirement for there to be a written agreement between the organisation and the volunteer relating to their voluntary work.

69. Volunteers will participate on the same basis as the organisation’s paid staff, subject to the organisation confirming that the individual is working as a volunteer and satisfies the normal Train to Gain learner eligibility rules. Employers will be encouraged to support Train to Gain delivery for volunteers but there may be situations where this will not be practicable or appropriate. In these circumstances, the volunteer should be referred for additional IAG support, to explore other learning opportunities that may be available to them.

70. Training delivery for volunteers will be on the same basis as for paid workers however:
The timing of training delivery will need to be negotiated to accommodate employer needs, particularly where training is scheduled during the individual’s agreed volunteer hours.

Since volunteers are unwaged, the Train to Gain Contribution to Wage Costs arrangements will not apply.

Self Employed

71. Self employed workers (defined as being an individual responsible for their own tax and national insurance contributions, working independently, or for a company on a self employed basis), are eligible to participate in Train to Gain, providing they satisfy the normal learner eligibility rules. This applies to both self-employed individuals working at/for an employer and self-employed individuals who are not based with an employer.

72. Normal Train to Gain funding and eligibility rules apply to self employed learners (apart from the requirement to have a contract of employment). Self employed learners will be required to confirm they are self employed by signing a declaration, an example of which is given in Annex D to this document.

73. Individuals who are found to be directly employed by another organisation, (as opposed to franchised or sub contracted) will access Train to Gain through the standard route.

74. Self employed individuals are not eligible to claim contribution to wage costs funding for themselves. However, if a self employed individual employs others (with a contract of employment), their employees may be eligible for Contribution to Wage Costs, subject to the normal eligibility criteria.

Local Employment Partnerships (LEPs)

75. There are a growing number of employers committed to LEPs, and the LSC is working closely with JCP to support both pre and post employment training. This will ensure that the individual is able to secure sustainable employment with ongoing skills development.

76. Currently the pre employment support comes from a variety of sources, including the LSC’s Skills for Jobs offer. Plan for Growth announced that the employment support will be available through Train to Gain. This will ensure that employers participating in LEPs are clear that the training for individuals recruited through LEPs can continue after job entry via Train to Gain.

77. Learners who enter employment, and subsequently Train to Gain via this route will be able to receive training in skills for life and/or to achieve a Level 2 qualification, even if they already have a full level 2 qualification (For these learners, Annex D does not need to be completed).
78. Eligible learners will come from the following priority client groups:

<table>
<thead>
<tr>
<th>Priority Group</th>
<th>Definition</th>
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| PG1                     | • Jobless Lone Parents  
                           • Customers participating in New Deal for Disabled People or in receipt of an inactive benefit* due to a health condition or disability  
                           • Other inactive benefit customers**                                                                                                               |
| PG2                     | • Customers on JSA New Deals (ND 50 plus, ND 25 plus and ND for Young People)  
                           • New Deal for Partners and partner WfIs  
                           • Employment Zones (for ND 25 plus and ND for Young People returner customers)  
                           • Unemployed customers with Disabilities not included in PCG 1  
                           • Customers claiming JSA for 6 months and over  
                           • Disadvantaged customers (Ex-offenders, refugees, drug mis-users, alcohol mis-users, homeless people)  
                           • Customers in receipt of Pension Credit                                                                                                           |
| PG3                     | • Customers claiming JSA for under 6 months                                                                                                                                                               |
| PG4                     | • Unemployed customers not claiming benefits                                                                                                                                                              |
| Disadvantaged Group Ward| • Local authority wards that have over 3 times the national proportion of residents from an ethnic minority background, and 1.5 times the national unemployment rate.                                      |
| Disadvantaged Area Ward | • Local authority wards that have a benefit claim rate of 25% or above and wards in the 10 Local Authority Districts with the lowest employment rates which have benefit claim rates between 20% and 25%. |

*This group consists of all customers who are in receipt of Incapacity Benefit and Severe Disability Allowance, plus customers in receipt of Income Support, Carers Allowance and Bereavement Benefit who have the Person With Disability (PWD) marker set.

**This group consists of Income Support, Carers Allowance and Bereavement Benefit customers who do not have the PWD marker set.
Employers eligible to access the Train to Gain service

79. Primarily Skills Brokers will target new, Hard to Reach employers which will have less than 5000 employees. The National Employer Service will provide Skills Brokerage services for large (5000 employees or more) national, multi-sited employers.

80. New employers are defined as those that have not provided substantial vocational training leading to a qualification in the previous 12 months. Hard to Reach employers are defined as those without Investors in People recognition and have not accessed substantial vocational training leading to a qualification within the last 12 months.

81. “Substantial vocational training” is defined separately between employers with 50 or more employees and those small companies with below 50 employees. The definitions below are for guidance and the LSC does not expect them to be applied in an overly mechanistic fashion:

- For employers with 50 or more employees, substantial equates to 10% or more of their workforce being involved in vocational training leading to qualifications in the past 12 months.
- For employers with less than 50 employees, substantial equates to 30% or more of their workforce being involved in vocational training leading to qualifications in the past 12 months.
- A small company is defined as those with below 50 employees, Balance Sheet total not more than £2.8 million and Turnover not more than £5.6 million.

82. Employers must grant employed learners paid time to train during working hours detailed within the contract of employment and ensure the Declaration (see page 42) is completed and endorsed as a correct reflection of the learner’s prior qualifications.

83. The service will be open to all types of employer including private, franchise, public and voluntary bodies. Private schools are eligible provided they are not under contract through the LEA.

84. Whilst the public sector is included Central Government Departments and their agencies should lead by example and invest in the development of their workforce. Therefore it is considered inappropriate for them to receive Government funding to train/develop their staff. A list of Central Government Department’s and their agencies can be found on www.direct.gov.uk.

85. Businesses with Sole Trader legal status that directly employ others, are able to access support from Train to Gain and their businesses may be supported by the Skills Brokerage service.
86. However no sole trader can access Contribution to Wage Costs, but their employees can.

87. Skills brokerage support will not be available to self-employed learners on a one to one basis. Instead, the LSC will maintain a sector referral cluster approach to manage demand and ensure good access to appropriate and readily available provision before self employed learners are identified.

88. Nationally and regionally, the LSC will work with Sector Skills Councils (SSCs), brokerage organisations and providers to agree indicative self employed learner volumes and how sector activity will be managed. Thorough scoping and preparation work must be completed, before any brokerage activity commences.

89. This could include SSC’s, broker organisations and providers organising briefings for self employed learners to outline the Train to Gain service, the qualifications on offer and how to access training.

Programmes eligible for funding

90. Train to Gain discrete funding supports learners towards first full Level 2 and approved Basic Skills qualifications. Individuals who do not already possess a full Level 2 qualification or above, are also eligible to participate in Train to Gain if they go straight to a full Level 3 qualification. These learners are referred to as ‘Level 3 jumpers’.

91. Learners who join Train to Gain via the LEP route, are eligible to complete a second level 2 qualification.

Core Offer of Train to Gain

92. ‘Full Level 2’ qualifications are defined as those so identified on the LSC Learning Aims Database.

93. Train to Gain discrete funding is available for learners that do not already have a first full Level 2 qualification or equivalent, which equates to a qualification equivalent in standard and breadth to 5 GCSEs at Grade A* - C, irrespective of when the qualification was achieved.

94. Providers are required to carry out checks of learner eligibility in all cases. Learners eligibility will be determined using a process of self-declaration by the learner stating that they do not already have a first full Level 2 qualification. Confirmation of eligibility is based on a question taken from the national Labour Force Survey (LFS) about the level of qualifications already achieved and must be endorsed by the learning provider. All learning providers will use a standard form of words for the self-declaration of eligibility, a draft example of which has been produced by LSC National Office – attached at Annex D.

95. Train to Gain specific funding is not available for any Level 2 vocational qualifications that are not classified as full i.e. “thin” qualifications. The LSC expects funding to be accessed with integrity by all providers,
particularly in relation to previous learning and overlap in programme content. Provider should be clear that funding for the same learning must not be claimed from the LSC or other public source more than once. If in doubt providers should discuss such issues with the LSC to ensure any necessary adjustments to funding levels or patterns of provision are identified.

Additional element of Train to Gain

96. Additional elements may be offered at a Regional or Local level to meet specific priorities depending on other funding sources.

97. These flexible elements may meet such specific needs as support for Foundation Degrees, continuation of support for individual skills when moving from Welfare to Work into employment and recruitment solutions through Jobcentre Plus. They may also be funded by partner organisations for example using European Social Funds.

Induction

98. All learners must receive a comprehensive induction that covers, as a minimum, the following:
   - programme content, delivery and assessment arrangements
   - equality and diversity
   - health and safety; the Safe Learner Principles
   - disciplinary and grievance procedures
   - terms and conditions of learning.

Equality and Diversity

99. The LSC has a duty to promote equality and diversity, in Section 14 of the Learning and Skills Act 2000.

100. Skills Brokers, providers and employers must abide by the provisions of Race Relations Act 1976, Sex Discrimination Act 1975, Disability Discrimination Act 1995, Employment Equality (Sexual Orientation) Regulations 2003, Employment Equality (Religion or Belief) Regulations 2003 or any statutory provision or re-enactment thereof or any other statutory provision relating to discrimination in employment or the provision of services.

101. The LSC will require Skills Brokers to monitor adherence to these legal obligations and will additionally examine performance of the service delivered.
Health and Safety

102. Under the *Learning and Skills Act 2000*, the Learning and Skills Council (LSC) is required to secure proper facilities for the training and education of the people that it funds. “Proper facilities” include at least satisfactory health and safety standards that meet legal requirements and the needs of learners.

103. The LSC requires those it funds to ensure, so far as is reasonably practical, that all learning takes place in a safe, healthy and supportive environment. The LSC uses its funding agreements and contracts to make clear this requirement and other expectations.

104. Learner health and safety is a fundamental value of the LSC. It is enshrined in the LSC’s *Policy Statement on Learner Health and Safety* (LSC, 2004a) available on: [http://www.lsc.gov.uk/National/Documents/SubjectListing/ImprovingQuality/GuidanceandGoodPractice/LSCStatementHealthSafety.htm](http://www.lsc.gov.uk/National/Documents/SubjectListing/ImprovingQuality/GuidanceandGoodPractice/LSCStatementHealthSafety.htm)

For this purpose, it has developed the concept of the “Safe Learner”. The Safe Learner concept provides the added value that funded organisations (such as training providers and colleges) can make in addition to ensuring a safe, healthy and supportive environment for learners.


The Safe Learner Concept

106. The Safe Learner concept was first introduced by the LSC in 2002. The LSC defines the Safe Learner concept as the situation in which

The learner through the quality of their learning experience:

- gains an understanding of the importance of health and safety
- understands how hazards are identified, risks are assessed and the principles of control measures
- develops a set of safe behaviours, so that they play an active part in the process and acquire practical, transferable skills from their experience.

The Safe Learner site can be accessed on: [http://www.safelearner.info/](http://www.safelearner.info/)

107. This LSC expects all LSC-funded organisations to promote the safe learner concept in addition to ensuring a safe, healthy and supportive environment through effective health and safety management.
Information, Advice and Guidance


109. IAG is at the heart of the Train to Gain offer to ensure learners access the most appropriate learning, remain engaged in their chosen course of learning and ultimately achieve a relevant qualification.

110. Skills Brokers will be responsible for raising awareness of IAG services to employers and their employees. Where appropriate Skills Brokers will signpost to independent IAG services e.g. nextstep or learndirect advice.

111. Providers delivering Train to Gain training provision must provide an IAG service for learning and skills that is accredited to the matrix Quality Standard appropriate to the IAG service being offered\(^3\). Whilst it is envisaged that IAG will be embedded within the learning programme, where a learning provider has not yet achieved matrix accreditation, IAG in learning can be sub-contracted by the Train to Gain approved learning provider to another agency as long as they are matrix accredited. It would be expected that once the Train to Gain approved provider has achieved matrix accreditation, they would assume responsibility for delivering the IAG element.

112. The matrix Standard is the quality standard that ensures the holders of the accreditation have a consistent approach to IAG for learning and work provided to learners prior to, during and at the end of their learning. It also shows that the organisation supports all individual learner journeys to the same high standard.

113. The Standard ties together all the components of information and advice that are being provided within Train to Gain provision and ensures consistency of delivery. It is a non-prescriptive, outcome based standard which enables a diverse range of organisations to hold the quality mark.

114. The Standard requires that staff are competent to deliver the IAG service within the role for which they are employed (for example assessors, tutorial and delivery staff involved in the delivery of Train to Gain) and that they are given sufficient support to deliver the information and advice service that they are providing.

\(^3\) Existing LSC providers have 6 months to achieve matrix accreditation. New LSC providers have 12 months to achieve matrix accreditation.
115. Organisations who deliver to the **matrix** Standard will be well placed to achieve an embedded approach to the delivery of information, advice and/or guidance as part of supporting learners on Train to Gain programmes.

116. The IAG process for employees falls into three stages:
- Getting in
- Getting on
- Moving on

**Getting in**

117. This should be a general information session for employees interested in participating in training providing details of learning options available and an opportunity for individuals to ask any questions they may have. This session can be delivered on an individual or group basis.

118. Individuals wishing to participate should have the option for a one to one IAG session with a provider. In this session the provider should:
- look at individuals training needs and identify appropriate learning (including screening for Skills for Life needs)
- discuss the benefits of learning
- provide advice on any issues or concerns e.g. course expectations, study skills etc.
- inform the employer of the next steps and advise them of the on-going support available.

**Getting on**

119. For all learners participating in the Train to Gain service there should be the option to access on-going information advice and guidance. This can be organised on an ad-hoc basis, as and when required.

120. Support can be requested through a variety of sources including e-mail, telephone, website, text messaging for example

121. The on-going support should include general learner support, and help to overcome any barriers to learning which if not addressed could lead to the individual “dropping out”.

**Moving on**

122. The key to encouraging employees to continue in learning and develop their skills further is the provision of information, advice and guidance at the end of a period of learning such as exit information. Therefore IAG providers should arrange to see each learner to:
- review their learning experience
- discuss how this may be of benefit in their current role
• complete an evaluation of their learning
• consider other options for continuing learning related to their current and future roles
• agree with them their next steps.

Individual Learning Plan

123. All learners must be assessed before or immediately upon entry to Train to Gain. The Provider must ensure that the information gained as a result of the assessment is recorded and appropriately ascertains the learner’s suitability for the programme, includes details of previous competence, and identifies development needs. Initial assessment should shape the programme going forward and inform the development of an Individual Learning Plan (ILP). As a minimum the ILP should cover:

• the objectives of the learner and of the programme
• the learner’s current abilities, attitudes and aptitudes
• support and development needs
• the most appropriate teaching, learning styles and methodologies
• Provider time to deliver support/learning/training consisting of underpinning knowledge and understanding demonstrating the required number of hours anticipated.

124. A written or electronic Individual Learning Plan (ILP) should be produced for each learner. The ILP should not duplicate the information recorded elsewhere. It should contain the details of what will be delivered, how it will be delivered, for example, by group work; workbook and so on and the way it will be delivered in the light of the learner’s learning styles and abilities. It should reflect the outcomes of Initial Assessment. Learner feedback indicates that learners often do not know about what they will be doing, when or how. This contributes to early drop out. The ILP should be the document that records these details. It should contain the learning objectives of the programme they are following and how these will be achieved.

125. The format and content of the ILP is at the discretion of the provider. However, an ILP is expected to include:

• the skills, knowledge and competence required and the timescale over which they have to be achieved
• the training the learner is to receive, where it is delivered and how it is scheduled, who is delivering it and what support is being provided
• the methods that will be used to deliver training (including on- and off-the-job training)
• how on and off-the-job training will be coordinated
• the learner’s assessment and review arrangements.
126. The ILP should be reviewed regularly, and is an integral document in learner formal reviews, to reflect the growing capability of the learner, any new targets and the support needs that are being met. It should also evidence the IAG that the learner has received at each stage. Where changes are made, these should be documented on review documentation or on the ILP itself. Changes should be agreed with the learner and, where appropriate, the employer. The learner should sign their agreement to the change on the review document that records that change.

Skills for Life and delivery of adult basic skills qualifications

127. A change for Skills for Life policy in Train to Gain was reported in “World Class Skills: Implementing the Leitch Review of Skill’s in England” available on: [http://www.dius.gov.uk/publications/publications-leitchreview.htm](http://www.dius.gov.uk/publications/publications-leitchreview.htm) The Report recommended that stand alone, approved adult basic skills qualifications should be supported within Train to Gain as well as those linked to a first Level 2. This recommendation was subsequently adopted by the Government and therefore learners commencing provision with effect from 15 September 2007 can access stand alone basic skills qualifications at Levels 1 and 2 - supported from Train to Gain discrete funding in 2007/08.

128. Access to stand alone basic skills qualifications still only applies where a learner does not already possess a first Level 2. A progression route to vocational qualifications for learners undertaking stand alone literacy, language (ESOL) and numeracy qualifications must still be recorded on the Individual Learning Plan. The delivery of a basic skills learning aim can precede or run concurrently with delivery of Level 2 vocational provision.

129. The nationally approved adult basic skills qualifications that are deliverable through discrete Train to Gain funds are as follows:

- Certificate in Adult Literacy (level 1 and level 2)
- Certificate in Adult Numeracy (level 1 and level 2)
- Certificate in ESOL Skills for Life (level 1 and level 2)


Key Skills qualifications in Communications and Application of Number at Levels 1 and 2, and GCSEs in Maths and English are not eligible for discrete Train to Gain funding.

130. Since learners who are assessed as having literacy, language (ESOL) or numeracy needs at Entry Level are unlikely to have the skills to be able to undertake and achieve a first full Level 2 vocational qualification, discrete
Train to Gain funds will only be available for Basic Skills learning aims leading to Certificates in Adult Literacy, Adult Numeracy and ESOL Skills for Life at levels 1 and 2. The delivery of a basic skills learning aim can precede or run concurrently with delivery of Level 2 vocational provision.

131. There is an exception to the previous paragraph, since in 2007/08 London Region only will be piloting the delivery of entry level 1, 2 and 3 basic skills qualifications and ESOL for Work available at entry level 3 and level 1. The take up of the ESOL for Work qualifications and the feedback from employers and training providers will be considered, and it is expected that ESOL for Work qualifications will be available in all regions in 2008/09.

132. Where an employee has a literacy, English Language or numeracy need at Entry level or already has a full Level 2 qualification or higher, Skills Brokers should ensure that their needs are met through other LSC-funded provision or through non-LSC funded provision funded by the employer, where this is appropriate.

**Employer Contribution**

133. In line with funding changes to ESOL for 2007/08 announced in the LSC’s Annual Statement of Priorities published in autumn 2006 (available on: [http://readingroom.lsc.gov.uk/lsc/National/nat-annualstatementofpriorities-re-oct2006.pdf](http://readingroom.lsc.gov.uk/lsc/National/nat-annualstatementofpriorities-re-oct2006.pdf)), and with the Government aim to increase the employer contribution to the cost of learning, employers must make a contribution to the costs of ESOL Skills for Life provision from 2007/08. For employed learners undertaking the Certificates in ESOL Skills for Life, the LSC will fund £565 of the current basic skills funding rate (£738) within Train to Gain. Employers are therefore required to contribute £173 and providers will therefore need to claim this contribution from employers. The listed rate for ESOL Skills for Life qualifications supported under Train to Gain has been adjusted in the Learning Aims Database and will take effect from 30th September 2007.

**Assessment of learner need**

134. The initial and diagnostic assessment of learner’s literacy, language and numeracy needs will determine the appropriate level of qualification required to meet those needs (and help the learner improve their skills) and indicate whether or not this is eligible for discrete funding (see paragraphs 127 to 132 above). The Skills for Life Strategy is aspirational for learners and seeks to improve their skills, by enabling them to achieve a qualification at least one NQF level higher than where the majority of their current skills are assessed at. Providers should be improving the majority of the learners skills needs in either literacy/ESOL and/or numeracy and not simply enrolling them onto qualifications at the same level as the majority of their current skill levels. For example, a learner assessed as already having a majority of skills at level 1 should be enrolled on a level 2 qualification.
135. Assessment may show that a learner already has a reasonable level of literacy or numeracy skills (and therefore no need for a separate basic skills qualification) but would nonetheless benefit from some on-course support to meet any residual needs and to ensure that they achieve their Level 2 vocational programme. Good practice suggests that this support should be provided as part of the Level 2 vocational programme and is already accounted for in the funding rates. It will therefore not be funded separately.

136. Following initial assessment, where a learner needs to improve skills in more than one subject area (for example both literacy and numeracy or language and numeracy), both learning aims, at either Level 1 or 2, can be funded through Train to Gain discrete funding. Funding should not support both literacy and language (ESOL) learning aims for the same learner as these programmes are designed to meet very similar needs.

**Progression**

137. Train to Gain discrete funding should not be used to support more than one basic skills learning aim in any one subject (literacy/ESOL or numeracy). Eligible learners who wish to progress to a higher level of attainment than that supported under Train to Gain should access provision funded through FE mainstream funding or by the employer.

The initial assessment of learner needs will therefore not only determine the appropriate level of support but also the most appropriate funding stream. A progression route to vocational qualifications for learners undertaking stand alone literacy, language (ESOL) and numeracy qualifications should still be recorded on the Individual Learning Plan, where appropriate.

**Good practice**

138. Train to Gain approved providers will be expected to follow good practice and ensure that basic skills provision is contextualised and embedded in the vocational programme where this is appropriate.

**Changes to Skills for Life funding**

139. The LSC will no longer fund areas identified below:

- Very short Skills for Life programmes of three and six guided learning hours, traditionally delivered as ‘taster’ sessions or for diagnostic assessment are not funded. The LSC expects providers to manage appropriate learner assessment in the same way as for most other learning provision, through existing pre-course guidance, enrolment and on-course induction processes, and to incorporate diagnostic assessment into longer learning programmes leading to qualifications.

- External candidates who access stand-alone basic skills national tests are not funded. A test by itself confirms an individual’s level of ability, but does not demonstrate improvement. The LSC expects providers who continue to offer stand-alone tests to charge a fee for this service.
Apprenticeships

140. Train to Gain will be an important route to recruit employers to offer Apprenticeships.

141. Apprenticeships and Advanced Apprenticeships are supported by the WBL funding stream with varying levels of employer contribution required.

Employees Aged 16-25

142. The Apprenticeship is the government’s preferred option for vocational learners in this age group and they should be recruited onto the Apprenticeship programme wherever possible.

143. Apprenticeships provide not just the skills needed for today’s jobs but also the knowledge and transferable skills that will enable employees to adapt to new employment situations in the future. They also deliver the skills that young people need to progress from Level 2 to level 3 and beyond to Higher Education.

144. With the longest time in the workforce this age group can benefit most from the Apprenticeship programme and that is why the policy of not providing funding for NVQ only funding for this age group has been implemented over the last 3 years.

145. It is recognised that this policy will place increasing demands for funding on the Apprenticeship programme and that whilst the Apprenticeship budget remains capped demand will have to be carefully managed.

146. In individual circumstances only, for example where an employee has a time limited employment contract that would make an Apprenticeship unfeasible, and the employee also satisfies the eligibility rules for Train to Gain core funding, NVQ only for 19-25 year olds will be fundable through Train to Gain discrete funds as an interim measure, with the aim of enabling the individual to continue their development to achieve a full Apprenticeship in the future.

147. The numbers enrolled on NVQ only will be closely monitored and the performance of Skills Brokers or providers who have significant numbers funded for NVQ only for this age group will be reviewed to ensure that Train to Gain is not viewed as a means of re-introducing funding for NVQ only for this age group.

Progression from Apprenticeships to Advanced Apprenticeships

148. It is important that learners are engaged in programmes that are appropriate to their needs. WBL providers will be expected to ensure a good match between learners’ needs and the learning programme. Providers should ensure that learners are not, for example, engaged on
learning programmes that duplicate or repeat previous attainments, such as an Apprenticeship when a learner is capable of direct entry onto an Advanced Apprenticeship.

149. However, for some learners, progression from Apprenticeships directly onto Advanced Apprenticeships will be an appropriate learning route. Where such learners move directly from an Apprenticeship onto an Advanced Apprenticeships in the same occupational area, the higher programme is funded at the national rates. This will also apply when learners progress from an NVQ at Level 2 to an NVQ at Level 3 in the same occupational area.

150. Providers should pay due regard to paragraph 148 on significant prior learning when calculating funding for those progressing from one level to another in that the learning programme must not duplicate previous attainment.
Audit requirements

151. LSC funding for Train to Gain that is paid to providers, Skills Brokers and employers is sourced from public funds. The LSC will carry out audit work of the Train to Gain Service to gather assurance that public funds have been applied as parliament intended, properly accounted for and that contractual requirements have been met. Providers, Skills Brokers and employers should maintain evidence as described in Annex H, to support their contract delivery and claims for LSC funding.

152. In testing evidence of learner eligibility, LSC Auditors use several types of evidence available to them including for example; self declarations, IAG reports, application forms, learner’s CVs and direct contact with learners. In cases where auditors identify that contractual requirements have not been met and LSC funds have been paid in error, the LSC is obliged to recover those funds from the relevant provider, Skills Broker or employer.

153. Where the LSC carries out audit work of a sample of evidence that supports the provider, Skills Broker or employer’s claims or payments under the contract, and identifies that errors in that evidence are material (as deemed by the LSC) then the LSC reserves the right to recover from the provider, Skills Broker or employer, or adjust future payments to the provider, Skills Broker or employer, an estimated amount.

154. The estimated amount is based on the error rate identified and the total value of the contract or the total value of the test population. Alternatively, the estimated error may be based on the error rate identified and a material element of the funding such as start fee payments or achievement payments.

155. Where a multi-site audit approach is used, which involves breaking the total sample down into several separate samples, the estimated error, where material, may be based on the error rate identified for the separate sample(s). The LSC will recover all the actual errors identified. The LSC has the right to recover from the provider any money paid on the basis of delivery volumes for which evidence of eligibility for funding required by the contract is lacking, or where the absence of an audit trail makes the location of evidence impossible.

156. Audit Evidence requirements are described at Annex H and in FE ILR Compliance Advice. This can be found at: http://readingroom.lsc.gov.uk/lsc/2006/funding/streams/nat-feilrfundincomplianceadvicefor200607-re-may2006.pdf
Prior permission must be obtained from the LSC before sub-contracting provision. Any changes to such a sub contracting arrangement must also only be undertaken with prior permission.

The broker and provider shall deliver services to an acceptable standard of quality as defined by the LSC.
Annexes
Annex A: Area Cost Uplifts – London and South East

Further details showing which boroughs are in inner and outer London, and the definition on fringe areas. London will have specialist Area Cost rates for 2006/07.

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<td>Camden</td>
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Bedfordshire and Hertfordshire Non-fringe 1.03

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Berkshire, Surrey and West Sussex Fringe 1.12

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<td>Dacorum</td>
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<td>East Hertfordshire</td>
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<td>Horsham</td>
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<tr>
<td>Mid-Sussex</td>
<td>Worthing</td>
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Annex C: Train to Gain Funding

- Employer agrees to engage in Train to Gain activity

  ▼

- Learner commences learning activity as registered on the ILR
  See paragraph 24

  ▼

- Learner achieves qualification

  ▼

- 50% funding paid to provider

  ▼

- 50% funding paid to provider
Annex D

SELF-DECLARATION OF ELIGIBILITY FOR LEVEL 2 ENTITLEMENT

Exception for learners who enter Train to Gain via the Local Employment Partnership (LEP) route
Learners who enter Train to Gain via the LEP route, will be able to receive training in Skills for Life and/or to achieve a level 2 qualification, even if they already have a full level 2 qualification. Therefore Annex D is not required, but the provider should retain the LEP referral form (REF2) as evidence that the learner is exempt from the normal Train to Gain eligibility relating to prior attainment.

Self employed learners
Should complete Annex D, but there is no requirement for an employer signature.

All other learners
The learner is eligible to the Level 2 entitlement if they do not already have a first full Level 2 qualification or equivalent, which equates to a qualification equivalent in standard and breadth to 5 GCSEs at Level A* - C.

All learners eligible under the Level 2 Entitlement must complete and sign a declaration of eligibility. This declaration must be counter signed by the employer and stamped / countersigned by the learning provider.

The declaration should be attached to the student’s record and retained by the learning provider as a record of eligibility.

The question on which the declaration of eligibility is based is taken from the Labour Force Survey (LFS) about prior qualifications. The information given on prior qualifications must also be entered on the ILR

Contribution to Wage Costs does not apply to volunteers or sole traders and self employed.

The form of words to be used by learning providers for the self-declaration is detailed on the following page.
SELF-DECLARATION OF ELIGIBILITY

Section 1 – Prior Qualifications

The Train to Gain Service is designed to raise the skill levels of people who are in work but do not already hold a Level 2 qualification.

The overall aim of the programme is to help those employees without the equivalent of 5 GCSE’s (Grades A-C) already. Therefore, to take part you must tell us about all of your existing qualifications. If you have or are studying any of the following qualifications or a higher level qualification, we’re sorry but you will not be eligible for ‘Train to Gain’ funding for a further NVQ Level 2 qualification. This list is not exhaustive.

<table>
<thead>
<tr>
<th>School / College Qualifications</th>
<th>Vocational (work related) Qualifications</th>
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<tbody>
<tr>
<td>5 GCSE’s (grades A-C) or ‘O’ Levels</td>
<td>BEC General Certificate / Diploma with Credit</td>
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<td>HND / HNC</td>
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<tr>
<td>5 CSE Grade 1’s</td>
<td>Edexcel / BTEC 1st Diploma or higher</td>
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<td>C &amp; G Higher Operative or Craft</td>
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<tr>
<td>1 or more ‘A’ Levels</td>
<td>GNVQ Intermediate or higher</td>
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<tr>
<td>2 AS Levels</td>
<td>NVQ Level 2, 3 or 4</td>
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<td></td>
<td>Access Course</td>
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Prior qualifications
Please indicate what qualifications you have completed in the past. Where you have no previous qualifications please state “None”.

<table>
<thead>
<tr>
<th>Details of qualification completed or currently undertaking (for example:- Title, module names, awarding body, institution where qualification taken)</th>
<th>Date qualification completed (state year where exact date unknown)</th>
<th>Level achieved</th>
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If required please continue on an additional sheet and attach to the Declaration.

Section 2 - Eligibility to Enter Train to Gain
Please tick if applicable

I am normally and lawfully resident in the UK and been for the last 3 years, or I fulfil the LSC’s residency criteria (detailed in the LSC’s Learner Eligibility Guidance 07/08) [ ]

I am not currently on the New Deal Programme or any other government funded training. [ ]
Learner’s Employment Status (please complete ONE of the following)

- I am employed by:______________________and have a Contract of Employment.
- I am self employed (since ..............month/year) and I have registered my self employment with the HM Revenue and Customs.
- I am a volunteer for ...........................................(organisation name) and receive no payment for the work undertaken other than incurred expenses where payable.

Declaration

Learner
‘I confirm that all the information on this form is correct and I declare that I do not already have a full Level 2 qualification or above. I understand that if I have declared false information the provider may take action against me to reclaim the tuition fees and any support costs provided.’

Learner Name

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<th>Signature</th>
<th>Date</th>
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Employer
‘I confirm that, to the best of my knowledge, the information on this form is correct.
If the above named learner is employed by me, I declare that they have a contract of employment.
If the above named learner is a volunteer within my organisation, they are unpaid’.

Employer Name

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<th>Date</th>
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Position

Provider
‘I confirm that the information on this form is correct and I declare that I have supported the learner in the completion of this document and to the best of my knowledge, the above named Learner is eligible to enter Train to Gain. I have evidence to support the residency criteria (where applicable)’

Signature

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<th>Position</th>
<th>Date</th>
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Official Stamp of the Learning Provider
Annex E

Qualifications removing Level 2 entitlement

A learner holding one of the following qualifications at Level 2 and above would render them ineligible for fee remission under Level 2 Entitlement.

This list is designed to be descriptive of the qualification type which would render the learner ineligible and is not exhaustive.

Qualification

5  GCSEs grade A* - C
5  ‘O’ Level passes
5  CSE  GRADE1
2  AS levels or more
1  A LEVEL or more

NVQ 2
NVQ 3
NVQ 4
INTERMEDIATE GNVQ or higher
Edexcel / BTEC First Diploma or higher
City & Guilds Craft part 2
Access Course
HND/HNC

First degree/Higher degree

NB: Does not apply to learners entering Train to Gain via the LEP route
Annex F: National Employers

1. The *National Employer Service (NES)* is responsible for managing both strategic and contractual arrangements with large, national, multi-sited employers. The aim is to be a catalyst for greater investment by the employer in the skills of their workforce. The NES provides a single point of contact with the LSC, normally through a direct contract with the employer, while providing flexibility and support for the employer to engage at local/regional level to meet local and regional needs.

2. NES contracts may be available to large national employers:
   - with approximately 5000 or more staff.
   - who are looking for an initial contractual programme of 200 or more learners
   - who will take ownership of, and manage, the programme at senior level at head office.

3. Where the employer meets the criteria above, the NES preferred model is to contract directly with the employer, who then sub-contracts commercially with the provider(s) of their choice. It may be possible for a provider to hold the contract with NES and provide a customised service to the employer, on an interim basis.

4. Organisations such as the Police, Fire Service, Associations, Local Authorities and the NHS that have a local/regional remit will not be eligible for support through the NES.

5. Employers with less than 5000 staff will normally be managed through the LSC’s multi-regional arrangements.

Protocol

6. Employers meeting the NES remit (i.e. an employer with 5,000 or more employees) should be referred by the broker, training provider or Train to Gain contact to the NES Train to Gain Co-ordinator via email (cvh-businessenquiry@lsc.gov.uk). When the organisation is referred, the NES Train to Gain Co-ordinator will need the following information in order to process the enquiry.
   - Broker or Regional LSC contact:
   - Company name:
   - Contact at Company, their position and a contact number/email:
   - Site address:
   - Proposed Training provider:
   - Requested number of learners:
   - Qualifications to be delivered:
7. Where the NES has an existing relationship with the employer (either because the employer holds a contract with the NES or because they are in discussion about developing contract with the NES), the NES Business Development Manager will approach the employer’s national HR department to ensure that they are aware of the local interest and to capitalise on it to build commitment on a larger scale. The NES Train to Gain Co-ordinator will inform the broker of the response from the head office on how they wish to proceed.

8. Where the NES has no existing relationship with an employer and the employer is a key target for the NES, the aim will be to establish one and the NES will respond as above. If the employer is not a target and the provision is of small capacity, NES will refer the lead back to the region.

9. The NES will record details of all enquiries against employers that meet their remit.

10. If the NES receives an enquiry for an employer who does not meet the NES remit, then the Train to Gain Co-ordinator will refer them back to the source of the lead, either the relevant regional Train to Gain contact or the broker.
All employers with over 5,000 employees

Via:
Employers directly
Brokers
Providers
LSC regions

Information to be provided to NES Train to Gain Co-ordinator:
- Broker or Regional LSC contact:
- Company name:
- Contact at company, their position and a contact number/email:
- Site address:
- Proposed Training provider:
- Requested number of learners:
- Qualifications to be delivered:

NES Train to Gain Co-ordinator to directly appropriately

Existing contract

In discussion with

Region to proceed with
Add to NES national contract
Do not proceed with

NES Train to Gain Co-ordinator to inform the broker/regional contact of the company’s decision

Broker to proceed within the region and keep NES informed of any growth
Broker to pass all info to NES and NES to proceed with nationally
Broker to inform company to speak to their Head Office contact and not proceed with training.

No relationship

NES Train to Gain Co-ordinator to refer back to the region to work with
Annex G: Identifying, Meeting and Funding Additional Learning Needs

1. This overall area is detailed in the LSC policy statement on Additional Learning Support (ALS).

Definitions

2. Under the Learning and Skills Act 2000 (the 2000 Act) http://www.opsi.gov.uk/acts/acts2000/20000021.htm, the LSC has a duty to meet the needs of young people with learning difficulties and/or disabilities. In Chapter 21, paragraph 13 of the 2000 Act, a person is defined as having learning difficulties if:
   - he or she has a significantly greater difficulty in learning than the majority of persons of his or her age; or
   - he or she has a disability, which prevents or hinders him or her from making use of facilities of a kind generally provided by institutions providing post-16 education or training.

3. In addition the LSC will meet exceptional costs that are likely to exceed the notified threshold, when calculated using estimated costs, over the full length of the programme. Provision of specialist support and equipment for disabled learners will also be met from Exceptional Learning Support (ELS).
Annex H: Audit Evidence Requirements

Provider Financial Management – Audit.

1. Payments made to skills brokers, providers and employers for the Train to Gain service are provided from public funds. Audits will be carried out to gather assurance that funds have been used for the purposes intended, properly accounted for and LSC contractual requirements met.

2. To support their claims for funding, providers, skills brokers and employers should therefore ensure that robust, reliable and relevant records and evidence are kept in accordance with the guidance in this annex. Whilst this annex details current evidence requirements for the Train to Gain service, auditors may ask for additional or alternative evidence if considered necessary at the time of an audit.

3. The LSC operates a risk based approach to auditing. This approach can lead to a reduction in audit activity where risk is assessed as low, in the interests of reducing unnecessary bureaucracy on providers and enabling audit resource to be targeted to higher risk areas. Where non-compliance with contractual requirements is identified that result in public funds being paid in error, the LSC is obliged to recover those funds.

4. In addition to on-site testing of provider records, the LSC makes use of the data self-assessment toolkits (DSATs) and analytical review techniques in its risk assessment of providers and other organisations it funds. DSATs information can assist in the identification of areas where further testing is needed and may also lead to lower levels of on-site substantive checking where reliance can be placed on the data submitted.

5. DSATs are available for providers to use themselves and can be downloaded from the LSC website. Providers are encouraged to make full use of DSATs to help improve data accuracy and reduce the risk of error. LSC auditors also gather information directly from learners by carrying out face to face interviews or telephone based learner surveys.

6. The contractor is liable for ensuring that LSC contractual requirements are met if provision is sub-contracted. The evidence requirements set out in this Annex therefore apply to any sub-contracted provision. Copies of sub-contractor agreements should be retained for audit purposes.

7. Where requirements for funding indicate that prior approval should be sought from the LSC, documentary evidence for such approval should be retained for audit purposes. Retrospective approvals will not normally be given.
8. In the interest of reducing bureaucracy on providers, wherever practical and reasonable LSC Auditors will seek to place reliance on evidence that is naturally generated in the course of learning and business administration. These evidence requirements have been drafted to reflect this.

Evidence to be retained by Providers

Data returns

9. The LSC requires fully completed, comprehensive and accurate documentation to support data returns. This includes:

   a) ILR forms to support all data transmitted to the LSC using the internet-based data collection systems which should be signed by the provider and the learner. ILR forms must be completed in blue or black ink
   b) Correction fluid must not be used on the ILR or other key evidence provided to support funding claims
   c) Any alteration to the ILR must be crossed through and initialled by the person authorised to make changes
   d) The ILR and all supporting evidence shall be available at the time the data return is sent to the LSC.

Evidence to Support Learner Eligibility for Train to Gain.

10. The LSC requires the provider to determine whether a learner is eligible for LSC funding and eligible to participate in Train to Gain. Eligibility requirements are detailed at Paragraphs 50 to 78 of Requirements for Funding Train to Gain 2007/08.

11. The LSC has adopted a common set of learner eligibility criteria for all Train to Gain, Further Education (FE) and Work Based learning (WBL) funding streams. These are set out at paragraphs 50 to 78 of Requirements for Funding Train to Gain 2007/08. Providers are responsible for checking that only learners who satisfy those conditions are recruited to Train to Gain.

12. A common practice used by many providers is to develop a checklist for inclusion in each learner file covering the conditions given at paragraphs 50 to 78 of Requirements for Funding Train to Gain 2007/08. The checklist can be a helpful aide-memoire for provider staff checking learner eligibility and if signed off can provide evidence that the provider is satisfied that the learner is eligible for LSC funding.

13. Where a learner is a not ordinarily resident in the UK (see paragraph 67 of Requirements for Funding Train to Gain 2007/08), details from or copies of Home Office documentation are required as supporting evidence, for
example a note of the passport number and nationality (but not a photocopy), or Home Office, Immigration and Nationality Department letter confirming residency or right of abode status.

14. The following evidence confirming the learner is eligible to participate in Train to Gain is required:

a) Evidence that the learner meets the eligibility requirements for LSC funding as detailed at paragraphs 50 to 78 of Requirements for Funding Train to Gain 2007/08

b) Where employed, evidence that a contract of employment between the learner and their employer that demonstrates that the learner is an employee, is in place (paragraph 50)

c) A self declaration (see Annex D) completed and signed by the learner and checked and countersigned by the provider to confirm the learner does not already possess full Level Two qualification (paragraph 50) (not required for LEP route learners as in paragraph 51).

d) Documentary evidence of initial assessment including an individual training needs analysis (paragraph 118)

e) Evidence of an induction being carried out that satisfies the requirements of paragraph 98.

f) A copy of the Individual Learning Plan (ILP) meeting the requirements of paragraphs 123 to 126 signed by the learner, the provider and the employer

g) Evidence of pre-entry information advice and guidance as detailed in paragraphs 117 to 118.

h) Evidence that the learner is working towards a learning aim that is eligible for funding under Train to Gain (paragraphs 90 to 95).

i) ILR minimum data requirements

j) Copy of JCP form REF2 for LEP route learners.

15. Learners who enter Train to Gain via the Local Employer Partnerships (LEP) route may undertake training to achieve a second Level 2 qualification. These learners are not required to complete a declaration of prior attainment (Annex D or similar), but providers should retain a copy of Job Centre Plus form REF2 as evidence of eligibility to participate in Train to Gain.
Evidence to Support Start Payments.

16. The following evidence should be retained in respect of each individual learner to support claims for start payments:

   a) Evidence of learner eligibility as in paragraphs 10 to 15 of this annex.
   b) Evidence that demonstrates that the learner has actively participated in the structured learning programme as detailed in their individual learning plan for at least two hours duration. For details of activities that can be accounted towards the 2 hours of structured learning, see the Table at paragraph 10 of Requirements for Funding Train to Gain 2007/08.
   c) For Skills for Life learners, where the learning programme is not embedded in an NVQ programme, the two hours of participation in structured learning must relate specifically to Skills for Life learning. Where a specific Skills for Life learner progresses to an NVQ programme, then the start fee conditions must be satisfied again for before claiming a start fee for the NVQ programme.

Evidence to Support Learner Participation in Train to Gain.

17. The following should be retained to provide evidence of learner participation in Train to Gain:

   a) Evidence of learner eligibility as in paragraphs 10 to 15 of this annex.
   b) Evidence that the learner is working towards or making progress towards the learning aims identified in their learning plan.
   c) Documentary evidence (timesheets) to confirm the number of hours of support/learning/training signed by the learner. These records should reflect the intentions documented in the ILP, analysed by provider activity contributing to the 20 hour definitions. This includes distance learning delivery mode and can include tutor time records, logging contact time supporting individual learners e.g. self declarations of phone calls, e-mails. The provider and learner should sign these documents at the end of the activity to confirm the total hours.
   d) Evidence should be retained to support the actions taken, where satisfactory progress is not being made by the learner.
   e) Evidence of regular review in accordance with the ILP.
   f) Written evidence of on-going IAG support if required in line with Paragraphs 117 to 122 guidance.

Qualification achievement (including Basic Skills)

18. The following evidence will be required:

   a) Evidence of learner eligibility as in paragraphs 10 to 15 of this annex.
b) Evidence that (at the time of award) the qualification is current and approved

c) Evidence that the learner was registered with an awarding body for the qualification before the last QCA entry date

d) For providers that have been approved for direct claims status by the awarding body evidence from the internal verifier that the qualification has been achieved is acceptable (for confirmation auditors may request copies of achievement certificates to be sent to the LSC on receipt from the awarding body)

e) Providers that have not been approved for direct claims status need evidence from the awarding body that the qualification has been achieved

f) Evidence that the qualification is a full Level 2 qualification (or Level 3 if appropriate) as those so identified on the LSC Learner Aims Database

g) Copy of the qualification certificate from the relevant awarding body within 3 months of achievement.

h) Evidence of sufficient hours of underpinning knowledge, understanding and learning have taken place for the higher or lower rate.

Withdrawal from learning.

19. It is the responsibility of the provider to have and operate a withdrawal and follow-up policy and procedure. The policy should be retained as evidence to support the systems in place.

20. In addition, the provider should hold the following evidence to support the date of leaving recorded on the ILR:

   a) Documentary evidence of that clearly demonstrates when the learner last actively participated in continued structured learning. This may be the last date of evidenced attendance on a training course, assessment, or other documentation which demonstrates that the learner was in continued structured learning as detailed in their individual learning plan

   b) Written notice of termination from the programme

   c) Written evidence of the exit stage IAG as per Paragraph 122.

Removal

21. Where the provider or LSC decides that the start payment should not have been claimed, then the ILR has to be removed/deleted from the LSC system. The provider must notify the LSC so an adjustment can be made by deducting this amount from their next payment. The provider should ensure that they delete the ILR from their own MI system and then re-
upload their data. This should be done using ‘Type A’ files and not ‘Type B’ files, since ‘Type B’ files will not update the LSC system.

22. When deleting an ILR the provider should then check to ensure that the money has been recovered.

Additional Learner Support.

23. Additional learner support should only be claimed when documented approval from the local LSC approving requests for additional learning support is held.

24. Claims should be supported by invoices that provide evidence of expenditure incurred on approved additional learner support activity.

Basic Skills

25. Where Basic Skills funding is being claimed then the provider must retain written evidence of the learner’s need. This evidence must be produced from an initial and/or full diagnostic assessment of a learner’s literacy, English language or numeracy need and the results recorded in the learner’s individual learning plan, confirming that the learner has a basic skills requirement in accordance with paragraphs 127 to 132. The LSC does not prescribe the use of a particular assessment tool, however providers must use Skills for Life initial assessment tools which are based on the literacy and numeracy standards.

26. The provider must be able to demonstrate that the learner is progressing towards an approved Basic Skills qualification as detailed in paragraphs 127 to 132.

Evidence to support Contribution to Wage Cost Payments

22. Providers are required to maintain evidence in support of employers claims for contribution to wage cost payments:

   a) Evidence that the learner meets the eligibility criteria (see paragraph 14 Annex H) to access Train to Gain
   b) Records that clearly demonstrate the number of hours the learner has actively participated in the structured learning programme detailed in the individual learning plan. The format of this record is not prescriptive other than that it should be agreed and signed by both learner and provider
c) A copy of the signed confirmation from the employer and learner of the total number of release hours for learners for whom wage subsidy is being claimed.

**Evidence to be retained by Skills Brokers.**

**Evidence to Support Employer Eligibility for Train to Gain (Direct Referral).**

23. The LSC requires the skills broker to ascertain whether an employer is eligible to access the Train to Gain Service. Eligibility requirements are detailed at paragraphs 79 to 89. The skills broker should retain evidence to support their assessment of the eligibility of all employers. This must clearly evidence or be supported by further evidence that the employer was eligible to access the Service.

**Evidence to Support Wage Subsidy Payments.**

24. The skills broker must retain documentary evidence of employer eligibility to receive contribution to wage cost payments – volunteers and the self employed are not permitted access to these payments:

   a) Evidence that the employer has less that 50 Full Time Equivalent (FTE) employees
   b) Evidence that the learner has achieved their first full Level 2, Basic Skills or level 3 (jumpers) qualification
   c) Evidence that the provider, employer and learner have each signed off the confirmation of release hours for training pro-forma
   d) Evidence that the learner has achieved the qualification
   e) A copy of the employers contribution to wage cost claim as submitted to the skills broker, signed by a person with sufficient authority at the employer e.g. director or senior manager.

**Evidence of Employer Bank Account Details.**

25. Each employer needs to supply a list of authorised company signatories. This needs to include individuals with authority to release this information such as a Director, Accountant, Office Manager or another delegated person with sufficient authority. This is information should be supplied on form:

   LSC-P-NAT-060513 Specimen signatures – employers.

   In addition, employers bank account details should be provided to the LSC (signed by an authorised signatory) using form:

   LSC-P NAT-060444 Bank Details form
Management Information

26. Skills brokers monthly returns as submitted to the LSC via the National broker portal website provide the primary data for performance management of skills brokers. Consequently skills brokers should maintain documentary evidence that support all management information submitted via the portal.

27. The Table below illustrates the types of evidence expected, to support the Management Information statistics that are mandatory. Other key performance indicators will vary across LSC regions to reflect regional priorities. Skills brokers are advised to agree evidence requirements, in line with their LSC contract annexes “Management Information” and “Evidence Requirements”, with their LSC Regional Audit Manager on similar lines to the examples given in the Table below.

Table 1 – Mandatory Key Performance Indicators.

<table>
<thead>
<tr>
<th>Key Performance Indicator</th>
<th>Evidence examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of employers contacted</td>
<td>Contact register detailing date, employer name, address, name of employer contact and the initials or signature of the person making the entries in the register</td>
</tr>
<tr>
<td>Number of employers contacted that are hard to reach</td>
<td>Completed customer relationship management system entry plus a documented organisational needs analysis and a proposal signed by the employer</td>
</tr>
<tr>
<td>Number of employers contacted that are new employers</td>
<td>Completed Customer Relationship Management system entry plus possible organisational needs analysis</td>
</tr>
<tr>
<td>Number of proposals</td>
<td>Completed Customer Relationship Management system entry plus possible signed proposal document</td>
</tr>
<tr>
<td>Agreed number of referral outcomes</td>
<td>Completed customer relationship management system entry plus a documented organisational needs analysis and a proposal signed by the employer. In addition each region will agree locally the specific evidence required to confirm referrals e.g. a letter or hard copy of an e-mail from the broker to provider confirming the details of the referral. As a minimum this would include the details of the employer, the learner and the training required.</td>
</tr>
<tr>
<td>Number of Organisational Needs Analyses completed</td>
<td>Completed customer relationship management system entry plus a documented organisational needs analysis</td>
</tr>
</tbody>
</table>


| Number of engagements | Completed interaction with an employer leading to a completed ONA and/or Proposal and/or Referral. N.B. an employer is only counted once – i.e. an employer who is referred and has a proposal completed with an ONA is counted as one engagement. |

**Evidence to be Retained by Employers**

28. Employers should retain and make available to the LSC and its agents on request at all reasonable times, the following evidence:

   a. Evidence of participating employees contracts of employment
   b. Payroll records that demonstrate actual wage costs
   c. Evidence to confirm number of employees
   d. From time to time LSC auditors may also wish to interview participating learners
   e. Accounting records that confirm receipt of wage subsidy payments (bank statements).

**Document Retention Period – All Evidence.**

29. Documents are to be retained for inspection for six years from the end of the contract year (for example, 31 July 2014). Where funding has been matched to European Social Fund funding, documents are to be retained until 31 December 2015
Annex I: Management Information

This is the list of Management Information requirements for Skills Brokers.

a] Actual employers engaged compared with targets/segmentation set in contract.

b] Number of Brokers working towards/achieved new Standard.

c] Indicative number of learners for Apprenticeships, first level 2 NVQ, Level 3, and 4, Skills for Life and other training linked to the employer referrals in 1 above.

d] Indicative level of employer full-cost investment [drawn from employer proposal]

e] Use of diagnostic tools.

f] Referrals to Investors in People

g] Referrals to Leadership and Management

h] Referrals to Higher Education

i] Organisation Needs Analyses completed

j] Referrals to IAG service

k] Referrals to Job Centre Plus

l] Repeat Business i.e. employers with more than one agreement

m] Referrals to IDB generalist brokers

n] Mode of brokerage i.e. telephone or face to face

o] Number of contribution to wage costs claims processed

p] Number of Employers registered for contribution to wage costs
Annex J: Glossary

This section provides detailed definitions of some of the key terms used in this document and in the funding agreement. It also provides definitions of terms, phrases and abbreviations and acronyms that are used in this document.

Actual leaving date
The date that the learner completed his or her learning activity, or the date when the learner is deemed to have terminated the learning activity if this is an earlier date, as set out in the ILR guidance (Specification of the Individualised Learner Record for 2007/08).


Additional learning support
Additional learning support (ALS) is the generic term for support provided to the learner to address their learning needs.

Advanced Apprenticeships
Advanced Apprenticeships are the preferred route for all young people aged 16–24 who are capable of achieving an NVQ at Level 3.

Apprenticeships
Apprenticeships are the preferred route for all young people aged 16–24 who are capable of achieving an NVQ at Level 2.

Approved qualification
An approved qualification is a current qualification and is approved for funding and listed on the LSC’s Learning Aims Database under the full Level 2 definition at:

http://providers.lsc.gov.uk/LAD/aims/searchcriteria.asp

Disability
The Disability Discrimination Act 1995 describes a person as having a disability if he or she ‘has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities’. Guidance about the terms used within the definition, and what is meant by ‘day-to-day activities’ is given in the Disability Discrimination Act 1995 Part 1, and in Guidance on Matters to be Taken into Account in Determining Questions Relating to the Definition of Disability, published by The Stationery Office (ISBN 0-11-270955-9).

EC national
An EC national is defined as a national of any member state of the European Community or Union.

EC new EU member states from 1 May 2004
The new joining countries are: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia.
Embedded delivery of Skills for Life

Embedded teaching and learning combines the development of literacy, language (ESOL) or numeracy with vocational and other skills. The skills acquired provide learners with the confidence, competence and motivation necessary for them to succeed in qualifications, life and at work.

Employed or employment

‘Employment’ includes full or part-time work, and permanent, temporary or casual paid employment under a contract of employment. It excludes taking part in voluntary work or other work that is not subject to a contract of employment.

Employed status

A learner has employed status if they are under a contract of employment.

Gained

This is the date that an outcome is determined or an approved qualification is achieved (which means the date when a certificate or any other acceptable evidence is first issued). For providers with direct claim status, the date of achievement is the internal verification date. For providers without direct claim status, the date of achievement is the external verification date.

Graduate

A graduate is a person who has obtained an HE qualification at Level 5 or has been awarded a first degree by a recognised university or other recognised HE institution.

Hard to Reach (employers)

Those without Investors in People recognition and have not accessed substantial vocational training leading to a qualification within the last 12 months.

Individual Learning Plan

Individual Learning Plans (ILPs) are agreed between the learner and the provider. ILPs set out the action to progress the learner into an agreed programme of learning.

Individualised Learner Record

The Individualised Learner Record (ILR) is used to record all relevant funding data about LSC-funded WBL learners by providers. See the LSC’s ILR guidance Specification of the Individualised Learner Record at:

Learner

An employee who has undertaken learning as a result of a Train to Gain referral.
Learning

‘Learning’ is defined as a process of planned activities that the learner engages in, and which is specifically designed for imparting the knowledge, skills and competence that are relevant to effective participation in the labour market.

Learning opportunity

This is an opportunity offered to an eligible person to engage in and to complete suitable full-time learning (or, where the Funding Agreement permits and the eligible person so elects, suitable part-time learning as specified in the ILP).

Level 3 Jumpers

Learners who do not already possess a full level two qualification are also eligible for Train to Gain if they go straight to a full Level 3 qualification.

Local Employment Partnerships (LEPS)

Local Employment Partnerships (LEPs) are a new collaboration between Government and business to tackle the increasing recruitment and skills challenges of the labour market and economy. Employers across the country have signed up to working in partnership with Jobcentre Plus to open up opportunities for people who, for whatever reason, have not yet been able to take up employment opportunities. LEPs help with recruitment and offer people opportunities to get back into the workplace and progress - through for example interviews, mentoring, on the job training or work trials.

National Employer Service

The National Employer Service (NES) has responsibility for managing the contracting arrangements with large national multi-site employers and providers who act on behalf of these employers. The purpose of having an NES is to simplify the LSC’s relationship with large employers and their representatives. This is done through an account management system. The aim is to make sure that large national employers can work with the LSC at a single point, while providing flexibility at local level to meet local needs. The NES website is at: [http://nes.lsc.gov.uk/default.htm](http://nes.lsc.gov.uk/default.htm).

National Rates Advisory Group

The National Rates Advisory Group (NRAG) is an LSC advisory group that recommends funding rates for all types of provision funded by the LSC.

NVQ learning

This refers to training provision that meets NVQ standards at Levels 1, 2, 3 or 4.

Outcome

The outcome of a learning programme is the achievement by learners of an approved qualification. This is either a copy of the NVQ certificate or pass list from the awarding body.
Refugee
A refugee will be someone with humanitarian, indefinite, limited or exceptional leave to remain in the United Kingdom. A refugee seeking entry onto DfES-funded training programmes must have the appropriate Home Office documentation giving him or her permission to train and work in the UK.

Self employed
A self employed individual is responsible for their own tax and national insurance contributions and may work independently, or for a company on a self employed basis. Self employed individuals are now able to access Train to Gain training, providing they satisfy the normal eligibility rules on prior attainment. They may not however access funding for contribution to wage costs for themselves, but their employees (if any) maybe eligible for contribution to wage costs.

Sole Trader
Sole Trader is the simplest legal structure for a business, meaning that the business owner is personally liable for any debts that the business runs up while it is trading. For the purposes of Train to Gain, sole traders are self employed and may or may not employ others within the business. Sole traders may not access contribution to wage cost funding for themselves but their employees, if any, maybe eligible for contribution to wage costs. In line with other self employed individuals, sole traders may now receive training providing they satisfy the normal Train to Gain eligibility rules on prior attainment.

Start
A start is considered to be when a learner takes part in structured learning activity with the training provider. It is likely to involve direct face-to-face contact with a member of the provider’s staff. The activity has to involve learning that is more than an administrative enrolment process.

The provider will maintain auditable evidence of the first learning activity. The evidence will need to include at least an Individual Learning Plan, enrolment onto an identified course of learning and evidence the learner has attended structured learning or assessment of at least 2 hours (refer to the table in paragraph 10 for further details).

Volunteers
For Train to Gain purposes, a volunteer is defined as being unpaid but providing work within a company or other organisation in any sector. There is no formal contract of employment, so volunteers will not be eligible to receive contribution to wage costs and need to satisfy the normal Train to Gain eligibility rules on prior attainment.