

Apprenticeship Levy Transfer Terms & Conditions

This document outlines the terms and conditions of an Apprenticeship Levy Transfer by De Montfort University (**DMU**).

Interpretation

The following definitions shall have the following meanings when used in this document:

Apprenticeship	a job with training undertaken by an individual (Apprentice) in which the Apprentice receives training and assessment from an approved Training Provider, in accordance with the ESFA Funding Rules. The Apprenticeship must be delivered and aligned to an Apprenticeship Standard;
Apprenticeship Funding Rules	the minimum requirements organisations must meet from time to time to be eligible for funding from the ESFA in relation to the provision of Apprenticeships;
Apprenticeship Levy	the funds available to spend on Apprenticeship Training and Assessment, generated via the tax applied to and payable by employers in England whose annual payroll exceeds £3million pounds;
Apprenticeship Levy Transfer	the transfer of unused Apprenticeship Levy by one organisation to another to cover Apprenticeship Training Costs in accordance with the Apprenticeship Funding Rules;
Apprenticeship Programme	the training and assessment delivered by the Training Provider which is aligned to an Apprenticeship Standard;
Apprenticeship Service Account	a service provided by the Government where employers can manage their funding and Apprentices, view their account balance and plan their spending;
Apprenticeship Standard	the knowledge, skills and behaviours that the Apprentice will be trained in, which are aligned to a particular job, role or profession and which are approved and published by the Institute for Apprenticeships and Technical Education;
Apprenticeship Training and Assessment	the delivery of training and assessment by the Training Provider, in accordance with the relevant Apprenticeship Standard;

Apprenticeship Training Costs	the total negotiated price agreed between the Training Provider and Employer for the delivery of the Apprenticeship Standard which include only 'Eligible costs' as defined in the Apprenticeship Funding Rules;
Employer	the organisation who will employ the Apprentice;
ESFA	Education and Skills Funding Agency;
ESFA Agreement	an agreement to be entered into between the EFSA and the Employer pursuant to the Apprenticeship Funding Rules;
Training Provider	an organisation that holds an agreement with the ESFA, and is on the Apprenticeship Provider and Assessment Register (APAR). This organisation will have the overall responsibility for the training and on-programme assessment of the of the Apprentice and will hold the contractual relationship for the end-point assessment of the Apprentice.

Overview of Apprenticeship Levy Transfer

The Apprenticeship Levy was introduced in 2017, whereby any employer in England with an annual payroll of over £3million is taxed 0.5% of their payroll bill on a monthly basis. The Apprenticeship Levy is classed as Government funding but is utilised by Employers to pay Apprenticeship Training Costs which go to approved Training Provider(s). An employer can transfer surplus or unused Apprenticeship Levy for the benefit of other Employers.

At DMU we are committed to providing high quality Apprenticeship provision for both our existing staff and to recruit new talent into the organisation. We are further committed to transferring surplus Apprenticeship Levy to local organisations to fill skills gaps and support growth in our local economy and will transfer up to 50% of our Apprenticeship Levy per annum (subject to the Apprenticeship Funding Rules).

Application Criteria

At DMU, we are committed to supporting local organisations and the local economy. All Employers are invited to apply to DMU for an Apprenticeship Levy Transfer, but we will prioritise Employers who satisfy one or more of the following criteria:

1. an East Midlands based organisation which means the Employer's head office or the branch where the Apprentice will be based is in the region;
2. share DMU's values of sustainability and widening participation;

3. utilising the Apprenticeship Levy Transfer to support a local priority sector (by reference to the sectors identified and supported by either The Leicester and Leicestershire Business and Skills Partnership (LLBSP), D2N2 or other local equivalent) for skills development.

All applications will be considered. However, an Apprenticeship Levy Transfer will be awarded to an Employer at DMU's sole discretion. All awards are subject to compliance with the Apprenticeship Funding Rules. DMU also reserves the right to run a credit safe report in relation to Employers and, where appropriate, request copies of an Employer's audited accounts for the last three years.

Employers are not limited in the number of applications they can make to DMU for an Apprenticeship Levy Transfer. However, DMU retains sole discretion as to the awards it makes and a successful application does not guarantee the same Employer a further award under any subsequent application.

DMU Responsibilities

In relation to an application for an Apprenticeship Levy Transfer, DMU shall:

1. consider all applications received and endeavour to respond to each complete application in writing within 10 working days of receipt by DMU, with confirmation of the outcome. Some applications may need to be reviewed and approved by a DMU panel and therefore may exceed this timeframe;
2. for successful applicants, set up the Apprenticeship Levy Transfer through its Apprenticeship Service Account following receipt by DMU of:
 - a. the successful applicant's Apprenticeship Service Account ID;
 - b. details of the Apprenticeship and the Apprenticeship Training Costs; and
 - c. a signed copy of these terms and conditions.

For the avoidance of doubt, and pursuant to the Apprenticeship Funding Rules, when agreeing to award an Apprenticeship Levy Transfer to an Employer, DMU agrees to fund the Apprenticeship Training Costs but DMU shall have no liability whatsoever for any other aspect of the funded Apprenticeship.

Employer Responsibilities

The Employer acknowledges and agrees that responsibility and liability for the Apprenticeship, including (but not limited to) the employment and remuneration of the Apprentice, lies solely with the Employer.

The Employer shall comply with all its legal and regulatory obligations in relation to the Apprenticeship, including but not limited to:

1. creating an Apprenticeship Service Account;
2. entering into an ESFA Agreement;
3. sourcing an approved Training Provider for an Apprenticeship Programme and entering into a services agreement with the Training Provider as well as an Apprenticeship agreement with the Apprentice;
4. complying with subsidy control rules where applicable;
5. ensuring compliance with minimum wage requirements (as referred to in the Apprenticeship Funding Rules);
6. ensuring that the Apprentice has a contract of employment for a minimum duration of the length of the Apprenticeship Programme;
7. having in place, and enforcing where appropriate, a safeguarding policy and/or process to safeguard your Apprentices;
8. complying with all applicable health and safety legislation and regulation;
9. providing adequate support, guidance and training to the Apprentice throughout the Apprenticeship;
10. ensuring that the Apprentice is allowed to meet the 'off the job' requirements of the Apprenticeship, within work time;
11. not charging the Apprentice for any costs associated with the Apprenticeship Programme (including if they leave the organisation's employment);
12. being responsible for paying any non-fundable aspects of the Apprenticeship such as End Point Assessment resits, registration costs, non-funded exam costs, non-mandatory qualifications etc; and
13. complying with all other Employer obligations and commitments pursuant to the Apprenticeship Funding Rules.

The Employer also hereby agrees to notify DMU if the Apprentice for which an Apprenticeship Levy Transfer is awarded:

1. takes a break from learning (as defined in the Apprenticeship Funding Rules) or withdraws from the Apprenticeship;
2. is due to complete the Apprenticeship Programme 3 or more months ahead of the planned end date.

For the avoidance of doubt, the Employer is under no obligation, as a condition of the Apprenticeship Levy Transfer or otherwise, to choose DMU as an approved Training Provider in relation to any of its Apprentices. If the Employer chooses DMU as the Training Provider for any

Apprentices funded by an Apprentice Levy Transfer from DMU, the Employer hereby confirms that doing so was the Employer's own decision.

By signing below you agree to be bound by and comply with the above terms and conditions and you confirm that all declarations made by the Employer in this document are correct:

Name:

Job Title:

Signature:

Organisation:

Date: