

## Covid-19 FAQs

This guidance is aimed to help but please understand this is a very fast paced moving situation and advice and guidance may change and that we will continue to endeavour to represent our apprentices, employers and TPs, and keep everyone up to date.

### Breaks in Learning

#### **Should I put all my clinical learners on a break in learning?**

Where possible, apprentices should continue their apprenticeship programme of study. You should work closely with your training provider to determine which apprenticeships you can continue to support. It may be that some of your apprenticeships can continue by utilising digital solutions. You may want to also consider extending the duration of the apprenticeship to allow them more time to complete the apprenticeship.

Apprentices should only be withdrawn from an apprenticeship if there is no possibility of them returning to learning in the future.

#### **What should I pay my apprentice during a break in learning?**

If the apprentice is on apprenticeship national minimum wage (NMW) and on a full break in learning (not being utilised on bank or in other substantive roles) then you can continue to pay them apprenticeship NMW.

If they are on a break and you are using them for other substantive duties, they need to be paid correctly for their age as they are no longer in learning. Where it is not possible to undertake the EPA in a suitable way, the apprenticeship can be paused for up to 12 weeks at gateway.

#### **What is the process to put a learner on a break in learning?**

During March, you should not use the apprenticeship service to 'pause' or 'stop' payments to the training provider, where some training has been delivered in March. Doing so will result in the training provider not receiving any payment for these apprentices. You should talk to your training providers before pausing apprentices on the digital apprenticeship service.

After speaking to your training provider, you should use the 'Pause' function in the service. You must only use the 'Stop' function when you are certain that training will not resume at any point.

Using 'Pause' will stop payments temporarily and allow you and apprentice to resume the apprenticeship later. The ESFA are reviewing options to simplify the process of re-starting apprentices on the service, including to facilitate a transfer to a different apprenticeship or employer in due course.

### **Due to Covid-19 service pressures can I make my apprentices take a break in learning, even if the apprentice doesn't want to take a break?**

During these unprecedented times service delivery takes priority. Wherever possible try and work with the flexibilities to allow the apprentice to continue in their learning, but where the delivery of patient services takes precedence you can enforce a break in learning.

### **Can apprentices return to the same apprenticeship after a break in learning?**

After a break in learning most apprentices should be able to return to their original apprenticeship, unless they have moved to a different role permanently, in which case you should look to see which alternative apprenticeship your apprentice can transfer to.

If the apprentice was on a learning aim prior to their break that is no longer valid when they return (for example, the certification date has passed), then you cannot class this as a break in learning. This limits the length of time that a learner can have as a break in learning. You should speak to your training provider if you think the apprenticeship will have been replaced by a new version when they return to learning.

### **What is the maximum break in learning an apprentice can take?**

The maximum break in learning is still currently 12 months. There is no need for this to be reviewed at the present time, but if you are concerned this will impact on one of your apprentices, please speak to your Relationship Manager.

## **Training Providers**

### **My Trust is not allowing external visitors, how can assessors continue to observe apprentices?**

Where it is not possible for apprentices to undertake face to face study days, or their assessors cannot visit them in practice due to COVID-19 restrictions, alternative arrangement should be made, such as e-learning or virtual conversations.

## **Will payments to my training providers continue?**

Payments from your digital account will continue to be paid to your training providers if your learners are on program. If you instigate a break in learning the payments to your provider will be paused. Training providers will not receive payments for learners who are on breaks in learning. Payments will resume once your learner returns to their apprenticeship and you restart them on your digital apprenticeship service.

### **My training provider is offering to support apprentices remotely, but my organisation doesn't have the technology to support this. Is there any help available?**

In the first instance, ask your training provider if they are able to provide technological support or provide/loan devices to your apprentices.

Where this is not possible, your apprentices may need to use their own devices (where possible) to complete their remote learning. Speak to your training provider and ensure that their learning platforms are compatible for mobile and tablet devices.

## **Contracts**

### **My apprentices are being deployed into a different clinical settings or roles to help with Covid-19, can they still undertake their apprenticeship?**

Where apprentices cannot meet the 20% Off the Job Training element of their apprenticeship because they have moved roles temporarily, or the organisation needs them to focus their efforts solely on their job, the learner should be put on a break in learning.

### **My apprentices are on fixed term contracts, do I have to extend them?**

When you put a learner on a break in learning the end date of their apprenticeship is extended to allow for the break, and they will resume their apprenticeship when possible. Their contract of employment should be extended to cover the entire duration of their apprenticeship, including time for EPA.

### **What happens if apprentices are on a fixed term contract and their apprenticeship end date is extended beyond the end of their contract?**

Where possible, you should look to extend their contract on a temporary basis to allow them to complete their apprenticeship.

If you are unable to do this and you have to release the apprentice without them having completed their apprenticeship, please signpost them to their Training Provider, who may be able to support them with further learning and should also help them find a new apprentice position in order to complete their programme. See P50-51 in the [Main Provider funding rules](#) for further guidance.

### **Are there any restrictions on the number of hours an apprentice can work on bank shifts in addition to their contracted working hours?**

There should be no restriction on additional hours worked on the bank as long as the working time directive is being followed or the employee has opted out of the working time directive (consideration would need to be given to the regulator's view of being able to deliver care safely) – for NHS Employers guidance on this [click here](#).

The bank shifts would be in addition to any contracted hours as an apprentice, so it can be viewed as outside the apprenticeship (they would need to be paid appropriately at a non-apprenticeship rate) – this would not then affect apprenticeship conditions such as the 20% off the job training calculation, for example. Speak to your HR team to discuss internal processes relating to existing staff working additional hours.

## **20% Off the Job**

### **Due to Covid-19 service pressures, do apprentices still have to meet the 20% off the job requirement?**

Where apprentices remain on their apprenticeship, they should continue to fulfil their 20% Off the Job Training requirements. This learning can be done through remote observations, new training in the workplace, e-learning whilst at work etc. Your training provider should provide you with alternatives.

## **EPA**

### **Can EPA still go ahead?**

Where apprentices are at gateway or due to undertake their EPA, a discussion needs to be held with your training provider. EPA should still be undertaken where possible. Modifications to the type of assessment are permitted, but not substitution – i.e. portfolios can be assessed remotely rather than in person, professional discussions can take place over the phone/skype rather than in person etc. EPA must still be carried out by the EPAO, and any modifications must be agreed by the EPAO.

Where it is not possible to undertake the EPA in a suitable way, the apprentice can be paused for up to 12 weeks at gateway.

## **Can I use my own staff to invigilate exams and undertake EPA assessments?**

IFATE, Ofqual and ESFA are introducing flexibilities to enable apprentices to complete their apprenticeship in the event of disruption to assessment.

Remote tests should be supervised by an appropriately trained invigilator, or assessor who has the necessary qualifications, training or experience, and who has not been involved in the training, preparation or line management of the apprentice.

Tests must only be carried out within a supervised and controlled environment. EPAOs must ensure all testing meets security requirements, and that the details of invigilators are recorded and available for confirmation by EQAPs. Please see the IFATE website for detailed assessment guidance [here](#).

## **My EPAO has cancelled planned EPA at the last minute – what can I do?**

Speak to your EPAO and ask to have the EPA reorganised as soon as possible to minimise the impact on the apprentice. If the EPAO is not able to provide a new EPA date in a timely manner, you may wish to seek an alternative EPAO where available. EPAO selection is down to employer choice, but your training provider should be notified and the ILR will need to be updated.

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Where it is not possible to undertake the EPA in a suitable way, the apprentice can be paused for up to 12 weeks at gateway. If this causes the apprentice to be unfairly held on an apprenticeship wage, you may need to speak to your HR department for guidance around their contract.

## **Can a senior staff member, such as a mentor, perform the observation for an end point assessment on behalf of the EPAO?**

Not currently, although you should speak to your EPAO to discuss this possibility, as it may be possible for EPAO to have a short-term arrangement with a member of staff (honorary contract etc.). This cannot be the apprentice's mentor or line manager, and it must be someone who is suitably qualified, has not been involved with the apprenticeship delivery and must be approved by the EPAO.

## **What happens if an apprentice gets to EPA and then does not undertake it within 12 weeks?**

The apprentice is still able to complete the EPA when they return, or when the EPAO is in a position to assess them, but this will count as a non-timely completion and there will be no extra funding available for the EPAO. Organisations may wish to add clauses in to apprentices' contracts to prevent this from happening, stipulating that EPA, alongside any qualifications and professional body memberships, must be obtained and completed before they are able to progress to full pay/promotion to their full role.

## **Self-Isolating**

### **Some of my apprentices are self-isolating and are unable to take part in clinical placement hours but they are carrying on with theory at home. Is this permissible and what is the impact of this?**

If your apprentices are self-isolating and continuing the theory element at home that is permissible within the funding rules, you may want to consider an increase in e-learning and using digital learning to support them.

Your apprentice can also take a short pause of less than 4 weeks while they self-isolate. This will not affect the planned end-date of the apprenticeship and they don't need to be paused on the apprenticeship service. If they self-isolate for longer than 4 weeks you should talk to your training provider about putting them on a break in learning.

Talk to your training provider about how the clinical placement hours of the apprenticeship can be rearranged for when they return to the workplace.

### **An apprentice is classed as a vulnerable person and has to self-isolate for a minimum of 12 weeks as per government guidance – can they continue their apprenticeship?**

If they are self-isolating and still being paid as a contracted member of staff, but not actually off sick, they can still continue learning towards their apprenticeship. Speak to your training provider and ask if there is e-learning or any theory work that they can complete remotely. This can still count as 20% OTJ. This may only be suitable for a certain period of time if their role is difficult to carry out from home, and therefore they are not completing sufficient knowledge, skills and behaviours of their apprenticeship standard (particularly clinical roles). If they cannot continue their apprenticeship whilst self-isolating, they should undertake a Break in Learning and the Training Provider should be notified. This will only take effect after 4 weeks.

## New Starts

### **Can I start new apprentices on programme at present?**

Yes, but you will need to ensure that the training provider is able to adequately support any new apprentices, particularly where face to face support is not available. Your organisation should also carry out a risk assessment where unskilled apprentices with no prior experience are entering roles, and the organisation should ensure that they provide any required training. The training provided by your own organisation still counts as 20% OJT and should be counted as such.

## Under 18's

### **Does any additional support or consideration need to be given to apprentices aged under 18?**

The usual risk assessments should be put in place for young employees and no further work would need to be done by employers for this demographic of apprentice, though training providers may have additional considerations in place to support the learning of the apprentice and ensure they are safe in the workplace; these policies and processes would be applied as normal.

## Nurse Degree Apprentices and Nursing Associate Apprentices

### **The NHS Employers guidance for Student Nurses does not cover Registered Nurse Degree Apprentices or Nursing Associate apprentices. How should I manage their placements?**

As apprentices are classed as employees already, it is up to the employer to decide where they are placed in order to best support the COVID-19 efforts.

Apprentices can continue on their apprenticeship, as long as the employer and the training provider are both able to continue supporting them on programme. Apprentices need to complete 60% supernumerary time for these apprenticeships (20% placement time, 20% protected learning time and 20% Off the Job Training). How this is scheduled is up to the training provider, and you may be able to negotiate with your training provider to delay or reschedule elements of this so that you have less supernumerary time for these staff during this situation.

You may also be able to reschedule their placements, so that they can do their 'at home' placements in your organisation as part of their normal work. Remember that Off the Job Training can take different forms, and does not mean they have to spend one day a week in a classroom – much of what they are doing in their working hours at present will be classed as Off the Job Training, but this must be recorded. [Click here](#) for further guidance.

## **Will Nurse and Nursing Associate apprentices be allowed to join a temporary register?**

At present, Nurse Degree Apprentices and Nursing Associate Apprentices are not eligible to join the proposed temporary register.

### **ESFA Policy Requests**

**Will the ESFA consider protecting funds that employers are not able to spend because cohorts have had to have a Break in Learning or ringfence funds that they are not able to spend in a timely manner due to training providers not starting cohorts when planned?**

TBC, escalated to ESFA.

**Will there be a "COVID related" option added to the drop down of reasons why a person is taking a Break in Learning?**

TBC, escalated to ESFA.

**Will the deadline for achieving the 4 year public sector target will be extended given the current situation and do we have an indication of the new date?**

HEE understanding is that the deadline will not be extended, but employers will be asked to cite the impact of the pandemic on their plans in their returns.

### **NEW** **Off-the-Job Training**

**During the Covid Pandemic will the ESFA allow flexibility in how and when off-the-job training is evidenced/recorded?**

- The ESFA supports flexibility in how and when off-the-job training is evidenced.
- The off-the-job policy is already quite flexible in terms of how, when and where it can be delivered (e.g. remote observation, distance learning, assignments etc).
- ESFA are working with providers and employers to help them understand and make the most of these existing in-built flexibilities and are happy to continue to work with the NHS on specific scenarios.
- With regards to the collection of evidence, the funding rules require that the provider must hold evidence to assure ESFA that they are using the funding appropriately”.
- ESFA do not specify in the funding rules how timely this evidence is collected.
- ESFA generally expect there to be a time lag on some evidence collection (e.g. a provider may have to get evidence from the employer, learner or subcontractor).

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- ESFA generally expect there to be a time lag on some evidence collection (e.g. a provider may have to get evidence from the employer, learner or subcontractor).
- The evidence pack is reviewed during ESFA financial audits. These audits have been paused and there is currently no date for these restarting.
- During an audit, if there is an issue with evidence (e.g. evidence is missing) the provider is given the opportunity to provide/collect the evidence before any action would be taken by an auditor.
- It is important the evidence is collected, and if collected retrospectively then this done as soon as possible, ESFA do not specify how timely “retrospectively” means.
- Wherever possible, the ESFA want to support apprentices to continue with their apprenticeship programmes.
- This needs to be balanced with the continued need for apprenticeships to deliver high quality training.
- Also, for delivery to comply with the apprenticeship funding rules, which protect the apprenticeship programme and ensure providers are paid appropriately.
- Where the apprenticeship is continuing, to justify and underpin the payments being made to a provider/employer-provider, off-the-job training (as defined by the funding rules) must continue to be delivered and evidenced.
- The requirement to deliver a minimum 20% OTJ has not been changed or suspended.
- Where it is not possible for an apprentice to continue with their programme (whether this be for learner, employer or provider driven reasons), a break in learning can be used. This temporarily pauses payments but allows the apprentice to resume the programme at a later date.
- If the trust is an employer-provider this party can make decisions around how they deliver the programme.
- If the employer is using a third-party provider it is important that they discuss and agree any changes to existing arrangements/agreements such as evidence collection, with this party.
- The employer may be unintentionally putting this other party at future financial risk.

### **What flexibilities in recording of OTJT is there to support innovative recording of learning?**

- Flexible use of tracking and recording off the job evidence using reflection with support of Training Provider. This means the use of recording after the event rather than contemporaneous recording as is usual practice.

- Use of personal statements and reflective accounts by apprentice which are counter signed by expert witness.
- Using VLOGs, Blogs, audio, skype, teams etc for the above and for professional discussion and formative assessments, including recordings.

**Where an apprentice moves roles during the pandemic, does this count as OTJ Learning? For example a Health Care Support Worker Apprentice changing ward or a Business Administration apprentice moving into a training department role?**

The KSBs required of the apprenticeship being funded may be transferrable across different job roles but will need to be considered on a case-by-case basis.

To count towards the 20% off-the-job training, the training must meet the policy definition:

- Directly relevant to the apprenticeship standard or framework
- Teaching new knowledge, skills and behaviours
- Taking place within the apprentice's normal working hours (exc. overtime)

If the new role does lend itself to the KSBs of the apprenticeship then this is permissible under the ESFA funding rules.