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## Change of Circumstance

This policy sets out how the University manages Changes of Circumstances which include withdrawals, disengagement from active learning, changes of employment, redundancy and breaks in learning. All procedures are aligned to the ESFA Funding Regulations.

The apprentice and the employer should contact the Apprenticeship Team ([apprenticeships@westminster.ac.uk](mailto:apprenticeships@westminster.ac.uk)) as soon as possible if a Change of Circumstance might happen or has happened already. The Apprenticeship Team is here to support apprentices and help them manage any changes so that they continue to be compliant with the Funding Regulations and eligible for funding.

Changes of Circumstance refer to any changes in an apprentice's personal or employment circumstances, or to their apprenticeship. If any circumstances change that affect any agreements, such as the Apprenticeship Agreement and Training Plan, providers and employers must revise existing agreements or create new agreements. This includes but is not limited to:

- Changes to the apprentice's programme (including changing to a new version of a standard)
- Changes to price;
- Changes to the apprentice's eligibility;
- Any updates required to the employer's apprenticeship service account;
- Changes to the apprentice's contract or working pattern;
- Changes to the apprenticeship duration;
- Changes to the apprentice's employer
- Changes to the provider or subcontractor;
- Breaks in learning.

The above list is not exhaustive.

## Where training or assessment stops

1. Where a Change of Circumstance means that training and / or assessment is no longer being delivered, no further funds from an employer's apprenticeship service account, government-employer co-investment or additional payments will be made by the ESFA.
2. In these circumstances the University will
  - a. inform the ESFA of the date at which training or assessment activity stopped through the ILR.
  - b. agree with the employer the cost of the training and, where applicable, the end-point assessment delivered to date. The employer must pay any

mandatory co-investment due for any training or end-point assessment already delivered.

3. If an apprentice leaves without completing their apprenticeship, the last date of learning, including the apprenticeship programme learning aim, is the date that the University has evidence the apprentice was still in learning for any learning that was part of their apprenticeship.
4. When a Change of Circumstance results in over-payment of funds from an employer's apprenticeship service account or government-employer co-investment, the University will repay any over-payments.

### Disengagement from active learning

1. The ESFA funding rules stipulate that apprentices must be involved in active learning (Off-The-Job training) throughout the apprenticeship, from the learning start date to the learning actual end date (the practical period/Gateway).
2. Active learning consists of:
  - a) **Off-the-Job training:** Logs are recorded in OneFile or Aptem by the apprentice and accepted by a University representative. Apprentices are required to upload monthly training logs which include a combination of University attendance and training delivered at their workplace.
  - b) **University Attendance** which is monitored through the University attendance system, SEATS. Apprentices are required to attend all timetabled lessons.
  - c) **End Point Assessment (EPA) preparation.** Preparation for the EPA starts one or two years before the end of the apprenticeship and is undertaken at the workplace with the employer's support. In most cases the EPA will take place after graduation and it could take up to one year to complete the assessment process. The University receives the final instalment of 20% when the apprentice attempts the EPA. Apprentices who do not complete the EPA will be recorded as non-achievers. The EPA preparation is checked and recorded during tri-partite reviews and any apprentices 'at risk' are reported to the Apprenticeships Operations coordinator. This reporting process will be standardised as we set clear milestones for each EPA.
3. Proof of delivery and engagement must be stored in the apprentice's evidence pack which will be made available to ESFA auditors and Ofsted inspectors. If there is no proof of delivery, either because the apprentice was not actively engaging or because they were not recording their learning, a break in learning must be used. Breaks in learning are used where active learning has not taken place (or there is no evidence of it) for up to four weeks. A break in learning is agreed with the employer and recorded on the ILR. This pauses the apprenticeship and payments are stopped for the duration of the break.
4. Engagement with tripartite reviews
  - a. Tripartite reviews are an important part of the apprenticeship and they are an opportunity to discuss the progress to date against the Training Plan and to

set objectives for the next period. Reviews must take place every 12 weeks, as required by the ESFA Funding Rules. They are a three-way discussion between the apprentice, employer mentor (usually the line manager) and a University representative, so that there is a shared understanding of progress against the full apprenticeship. Each review is recorded on the apprenticeship platform, OneFile or Aptem, for auditing purposes. Inspectors can request to see evidence of any tripartite reviews.

5. Actions the University will take following a lack of engagement with Off-the-Jog training:
  - a. If an apprentice does not engage with active learning the apprentice and their employer will be contacted by the Apprenticeship Team and/or their Skills Coach to agree an action plan of how to bring their apprenticeship record back on-track.
  - b. The Apprenticeship Team will send a reminder in the first instance and a Letter of Concern if the OTJ logs are still missing 4 weeks after the deadline.
  - c. The Apprentice will be placed on a break in learning if there is no evidence of active learning in a calendar month.
  - d. The apprentice will remain on the University qualification for the duration of the break in learning so they can still attend university and rectify their OTJ logs.
  - e. If the apprentice does not engage with the Apprenticeship Team and/or the Skills Coach and agree to follow the action plan, they will be withdrawn from the University and the apprenticeship after 3 months of no engagement with active learning.
6. Actions the University will take if an apprentice does not attend university:
  - a. Apprentices and their employers will receive regular updates regarding attendance:
    - i. Regular emails will be sent to apprentices and their mentors according to attendance percentage (0%, 1-80%, and 81-100% attendance).
    - ii. The apprentice and mentor will be emailed to confirm the individual support plan for apprentice to get attendance on track and over 80%.
    - iii. Apprentices who do not attend University will receive weekly emails from the University. After 3 weeks of non-attendance a meeting will be requested to discuss non-attendance and whether a break in learning is required. If this meeting does not occur as a result of lack of engagement from the apprentice, the apprentice will be placed on a break in learning as per 6.a.v.
    - iv. After 4 weeks of non-attendance the apprentice will be placed on a break in learning.
    - v. From week 5 onwards of non-attendance the apprentice will be put "on hold" until attendance issues are resolved, or until the apprentice is withdrawn from the course (degree component) after 8 weeks of non-attendance via Registry and the University Retention team.
7. Actions the University will take if an apprentice misses a review:
  - a. Skills coach / Reviewer will email the apprentice and mentor immediately once a review is missed: request to reorganise the missed review within 2 weeks.

- b. The Apprenticeship Team will issue a Letter of concern to apprentice, mentor and course leader if a missed review hasn't been rescheduled within 2 weeks
  - c. The Apprenticeship Team will call the mentor and apprentice until a review is arranged by the Apprenticeship Team.
8. Before a withdrawal is processed, the Apprenticeship Team will try to contact the apprentice to agree an action plan. There will be at least 3 attempts to contact the apprentice including contacting their employer.
9. A withdrawal for non-engagement with active learning can happen at any time of the year, including summer.
10. A withdrawal can happen even if the apprentice has passed all university modules.
11. The Apprenticeship Team, an apprentice's Skills Coach, the Student Centre and Course and Module leaders, as well as an apprentice's Personal tutor, are available to support apprentices who are not able to engage with their apprenticeship programme. Apprentices should contact the University ([apprenticeships@westminster.ac.uk](mailto:apprenticeships@westminster.ac.uk)) as soon as possible to discuss their situation before Letters of Concern are issued.

#### Changes to the apprentice's employer

1. An apprentice must be in continuous employment throughout the apprenticeship in order to qualify for apprenticeship funding and to be able to engage with Off-the-Job activities. Please refer to the Redundancy section for exemptions.
2. Apprentices must have a valid Apprenticeship Agreement in place for the entire duration of their apprenticeship.
3. Apprentices and their employer must notify the Apprenticeship Team immediately if their employment might come to an end for any reason.
4. When employment or an apprenticeship agreement has ended (resignation, dismissal or any other action by the apprentice or the employer that results in the apprenticeship agreement ending, with the exception of redundancy) and new employment has commenced within 30 days, a withdrawal will not be recorded.
5. Where new employment has not commenced within 30 days, apprentices will be put on a break in learning. If a break in learning happens for this reason, apprentices will be expected to continue to engage with active learning so that they can achieve the apprenticeship within the planned end date.
6. If apprentice's do not re-start with a new employer after 12 weeks, they will be withdrawn from the apprenticeship so that funds are not paid when they are not employed. If an apprentice is withdrawn from the apprenticeship, they may have an option to transfer to an equivalent Part-Time course, if there is one available (this would need to be self-funded). If there is no Part-Time course available, they will be withdrawn from the University.
7. Apprentices must provide contact details of their new employer to the Apprenticeship Team before they accept the job offer. This is necessary to process the re-start and to establish if their new employer will support an apprentice to achieve the apprenticeship. If apprentices fail to notify the University, they may be withdrawn from the apprenticeship even if they have found a new employer.

## Redundancy

1. Apprentices must inform the University as soon as possible after they have been informed of a possible redundancy.
2. Apprentices must provide evidence of redundancy. This may be a copy of their dismissal notice (which cites the reason for dismissal as redundancy). In the absence of this, other evidence which would allow one to reasonably conclude that apprentices have been made redundant is acceptable (e.g. an email informing employees that the business is closing / has closed).
3. **Apprentices who have their apprenticeship agreement terminated by reason of redundancy who, on the day of dismissal, are within six months of the final day of the apprenticeship practical period OR they have completed at least 75% of the apprenticeship practical period specified in the apprenticeship agreement** may continue their apprenticeship training without being employed under an apprenticeship agreement. In these circumstances the University will continue to deliver the apprenticeship training so long as all the remaining elements, including the end point assessment, can still be successfully delivered.
  - a. The ESFA will fund 100% of the remaining costs of the total price, up to the funding band maximum.
  - b. The University will record the change in employment status in the ILR and ensure payments from the relevant apprenticeship service account stop, including where the apprenticeship is funded by a transfer. These dates must match the date the apprentice's apprenticeship agreement was terminated.
  - c. The University will support apprentices through to the end of the apprenticeship, including any assessment.
  - d. The University will make reasonable efforts to find apprentices a new employer. Please contact the Apprenticeship Team for advice on how to find a new employer.
  - e. If apprentices find a new employer where they can complete their apprenticeship, the new employer assumes all outstanding liabilities and benefits from that point. The University will negotiate a new price, if required, with the new employer and input this on the ILR. If apprentices take a job with an employer which is not related to their apprenticeship, the ESFA will continue to fund apprentices as per point 3a.
4. **Apprentices who have their apprenticeship agreement terminated by reason of redundancy who, on the day of dismissal, have completed less than 75% of the apprenticeship practical period specified in the apprenticeship agreement and the remaining training represents a training duration of six months or more:**
  - a. Apprentices who meet the above definition may continue their apprenticeship training without being employed under an apprenticeship agreement. In these circumstances the provider can continue to deliver the apprenticeship training, where it can be successfully delivered.
  - a. The ESFA will fund the remaining costs of the price previously negotiated for up to 12 weeks, while the apprentice seeks a new employer.
  - b. The University will record the change in employment status in the ILR and ensure payments from the relevant apprenticeship service account stop, including where the apprenticeship is funded by a transfer. These dates must match the date the apprentice's apprenticeship agreement was terminated.

- c. The University will make reasonable efforts to find the apprentice a new employer. Please contact the Apprenticeship Team to discuss this.
- d. If the apprentice finds a new employer where they can complete their apprenticeship, then the new employer assumes all outstanding liabilities and benefits from that point. The university must negotiate a new price, if required, with the new employer and input this on the ILR. If the apprentice takes a job with an employer which is not related to their apprenticeship, the University will continue to fund them as per point 3.
  - i. Where a new employer is not found within 12 weeks, the University will record the apprentice as withdrawn (by reason of redundancy) and will issue the apprentice with a 'record of apprenticeship part-completion' to support them to find new employment.
  - ii. This record will include, as a minimum, a) details of the apprentice; b) details of the apprenticeship (level, subject, start date and planned end date); c) the percentage of the apprenticeship completed; d) a summary of the knowledge, skills and behaviours that the apprentice has developed and evidenced during their time on the apprenticeship; and e) in the case of apprenticeships with mandatory qualifications, the qualification, or units thereof, achieved.
- e. If apprentices are made redundant and find a new employer, apprentices must provide contact details of their new employer to the Apprenticeship Team before they accept the job offer. This is necessary to process the re-start and to establish if their new employer will support the apprentice to achieve the apprenticeship. If apprentices fail to notify the University, they may be withdrawn from the apprenticeship even if they have found a new employer.

### Enrolment

All apprentices are required to follow the enrolment procedure at the start of each academic year. An apprentice who fails to complete their enrolment before the start of teaching week 3 will be deemed to have withdrawn from their apprenticeship and will normally have their enrolment at the University terminated.

### Other reasons for withdrawal

1. Apprentice may be withdrawn as part of academic failure on the Academic Regulations or excluded for disciplinary offences.

### Breaks in learning

1. Active learning must take place in every calendar month until the end of the practical period. If there is no evidence of active learning in every calendar month a break in learning will be used.
2. The University may place an apprentice on a break in learning if they fail to engage with active learning in any calendar month.
3. An apprentice may request to take a break in learning from their apprenticeship if they plan to return to the same programme at a later date.
4. An apprentice may take a break in learning either with, or without a break in employment.

5. The reason for the break and its expected duration must be agreed with the apprentice's employer. This could include medical treatment, parental leave or leave for other personal reasons.
6. The apprentice and the employer must contact the Apprenticeship Team before the break in learning happens to agree the start date and to complete the break in learning request form.
7. If the apprentice or employer fail to notify the University, a withdrawal may be recorded.
8. All breaks in learning must be discussed with the Course Leader who will replan the university qualification element of the apprenticeship depending on the duration and timing of the break.
9. A break in learning must not be used for:
  - a. annual leave, public holidays and short-term absence (including strikes) (where the apprentice is able to continue actively learning each calendar month);
  - b. where an apprentice has been made redundant: please refer to the redundancy section of this policy.
10. A break in learning will be used in circumstances where an apprentice changes employer (apart from for reasons of redundancy) and there is a break in employment of more than 30 days and up to 12 weeks (please refer to the Change to an apprentice's employer section of this policy).
11. The University will contact the employer or apprentice at least once whilst they are on a break in learning to confirm if they are still expected to return to active learning on the planned date.
12. The employer and apprentice must contact the Apprenticeship Team at least 4 weeks before the return from a break in learning. If possible, the apprentice will retain the same skills coach. Once the apprentice returns from a break in learning they will have to engage with active learning.
13. A plan, developed by the Course Leader and Skills Coach, will be put in place once the apprentice returns from a break in learning. This will ensure that the transition to active learning is managed and that the apprentice has adequate support in place to help them achieve. This will include guidance on academic studies, EPA and OTJ.
14. Where the apprentice takes a break in learning and then returns to the same apprenticeship, they will return to the same funding rules they were following prior to their break. The employer must revise the apprenticeship agreement and the University will revise the dates on the training plan, to account for the duration of the break. It must be clear that there have been multiple episodes of learning. The overall duration of the apprenticeship and the required volume of off-the-job training can remain the same (as though there had been no break in learning).
15. The University will record breaks in learning on the ILR and re-plan the delivery of any remaining training and / or assessment following a break, if required. Employers may temporarily pause payments through their apprenticeship service account until the provider's ILR has been updated.
16. The ESFA will stop making payments from funds in the employer's apprenticeship service account or government-employer co-investment if an apprentice has a break in learning.



17. If an apprentice is on a break in learning when an additional payment is due, the payment will be delayed until the apprentice resumes their apprenticeship and has reached an overall total of 90 or 365 days in learning.
18. If an apprentice is on a break in learning when a care leaver bursary payment is due, the payment will be delayed until the apprentice resumes their apprenticeship and has reached an overall total of 60, 120 or 300 days in learning.

### Appeals

1. If you wish to appeal the withdrawal decision you should submit a student complaint.

### Policy review date

1. August 2024

### Related policies

1. **ESFA Funding Regulations** <https://www.gov.uk/guidance/apprenticeship-funding-rules>
2. **Transfer Policy for Apprentices**
3. **Academic regulations** <https://www.westminster.ac.uk/current-students/guides-and-policies/academic-maters/academic-regulations>
4. **Mitigating Circumstances** <https://www.westminster.ac.uk/current-students/guides-and-policies/assessment-guidelines/mitigating-circumstances-claims>
5. **Enrolment procedure** <https://www.westminster.ac.uk/current-students/studies/your-student-journey/re-enrolment-for-continuing-students>
6. **Student Complaints** <https://www.westminster.ac.uk/current-students/guides-and-policies/student-maters/student-complaints>
7. **Student Disciplinary Procedure** <https://www.westminster.ac.uk/current-students/guides-and-policies/student-maters/student-code-of-conduct>