



# MA Programme Business as usual FAQs

This document is solely for questions related to the published [MA Programme Conditions](#) and [Specification](#) and associated appendices.

Updated –10<sup>th</sup> July 2023

**Questions have been clustered under the following headings:**

**Each updated version will show latest additions in green.**

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## 1. Funding

### Q1.1 What are the different assignment types used on FIPS?

A1.1 In Paragraph 2.3 of the MA Programme Specification there are full details of the funding eligibility criteria for the MA Programme – below are some examples of Assignment type allocation and funding for some of the MA frameworks. We would always recommend that you discuss any queries you have with your SIA or MA Contract Executive.

Example	Assignment Type	Funding
Apprentice has completed SCQF L5 Administration prior to their 20 <sup>th</sup> birthday and then wishes to start SCQF L6 Administration after their 20 <sup>th</sup> birthday	Progression	Funding will be the progression funding of £350. (20-24 L6 £1,200 less 20-24 L5 £850)
Apprentice has completed SCQF L5 Hospitality and then wishes to start SCQF L7 Hospitality Supervision & Leadership	New Start	Full funding
Apprentice has completed SCQF L5 Construction Operations and then wishes to undertake SCQF L5 Plant Operations	Not eligible	Not eligible as only one pathway within a framework is fundable
Apprentice has partially completed SCQF L6 and is re- entered at SCQF L5 within 3 years	Re-entrant	No deduction to funding
Apprentice re-enters the same MA framework, within 3 years of leaving the previous assignment, and has moved from 16-19 to 20-24 age category	Re-entrant	The balance of funding from the previous age group will be applied
Apprentice has partially completed Light Vehicle Maintenance pathway and re-enters within 3 years to Heavy Vehicle Maintenance.	Re-entrant	Milestones and the value from the previous assignment will be deducted from the new Individual Payment Plan removed.
Apprentice progresses from Automotive SCQF L5 to L7	Progression	L5 funding is deducted from L7 at current year age group

**Q1.2 If a Participant discloses a disability or care experience after they have started on the MA Programme, can a Provider claim the enhanced funding retrospectively?**

A1.2 No. The 16 -19 contribution rate will not be back dated retrospectively to when the Apprentice started on their MA. However, the Provider can apply for funding and the Enhanced Funding Contribution rate will start from the date when the approved and signed Appendix 4 is uploaded onto FIPS. That is what we mean by pro-rata.

*The provider must adhere to the process detailed in Appendix 4, the MA Specification, and the EFC guidance document. The EFC application form must be completed in full, signed and dated by the Apprentice and Provider. Any inaccurate or incomplete forms will be rejected.*

**Example**

Where the Apprentice self discloses to their provider that they have a disability and/or care experience when they have started their MA (for example this could range from 1 month into their apprenticeship or two years into the apprenticeship) The provider must ensure that the Apprentice completes the self-disclosure part on appendix 4. The provider must identify and detail the type of support they will put in place to help the Apprentice achieve and sustain their apprenticeship. They must complete appendix 4 in full and accurately. Appendix 4 must be signed and dated by the apprentice and provider.

**End of Section 1.**

**2. Eligibility**

**Q2.1 Can an Apprentice work outside Scotland during their MA programme?**

A2.1 Yes. We understand there are instances where Apprentices occasionally work outside Scotland:

**Examples**

- Apprentices may work outside of Scotland as part of their programme for a short period of time
- Oil and Gas Apprentices work offshore in international waters in their 3<sup>rd</sup> and 4<sup>th</sup> Years
- Modern Apprentices attend induction, training courses and work-based events outside of Scotland

These examples do not constitute a change to the Apprentices main employment and normal working premises. Please speak to your SIA if you need further clarification.

## **Q2.2 Can an Apprenticeship be used solely to award CSCS cards for the Construction Sector?**

A.2.2 **No**, SDS expects that you put forward for MA registration only those employees who are in appropriate job roles/occupations (this applies to all MA frameworks). You, the Provider must evidence demonstrable need; this is part of the eligibility criteria for the MA Programme. All eligibility criteria set out in the MA Specification must be met. You must ensure through the initial assessment and learning plan that you can evidence that the Apprentice requires significant new knowledge and skills to fulfil their job role. Failure to evidence this SDS shall take steps to recover any funds paid in respect of Apprentices who are not employed within an appropriate job role/occupation.

## **Q2.3 Is an individual who is currently in education eligible for the MA Programme?**

A2.3 **No**. To avoid double funding, an individual is not eligible for the MA Programme if they are in any, employment, education, training, or enterprise programme funded by any UK or Scottish Government department or by SDS.

An individual is not eligible for the MA Programme if they are enrolled in education - either at School, Further Education College or University.

We have several data sharing agreements in place which allow us to undertake sample checks of eligibility for the MA Programme and this will flag up if someone is in education, training or an enterprise programme funded by any UK Government, Scottish Government department or SDS.

## **Q2.4 I have received an application from a 15-year-old and want to know if they are able to leave school and start an MA? What is the statutory school leaving age that applies in Scotland?**

A2.4 The individual cannot start an MA until they have officially left school. The official statutory school leaving dates for Scotland only are:

Statutory summer school leaver date is 31<sup>st</sup> May. If an individual's 16<sup>th</sup> birthday is on or between 1<sup>st</sup> March to 30<sup>th</sup> September, they are a statutory summer leaver.

### **Example**

If your 16<sup>th</sup> birthday is 5<sup>th</sup> March 2022, your statutory school leaving date is 31<sup>st</sup> May 2022

Statutory winter school leaver date is 23<sup>rd</sup> of December or at the start of the winter holidays in that school year depending on each local authority area. If an individual's 16<sup>th</sup> birthday is on or between 1<sup>st</sup> October and end of February, they are a statutory winter leaver.

### Example

If your 16<sup>th</sup> birthday is 25<sup>th</sup> February 2022, your statutory school leaving date is 23<sup>rd</sup> December 2021 or at the start of the winter holidays in that school year depending on each local authority area

Further information on official school leaving dates for Scotland can be found here: <https://www.gov.uk/know-when-you-can-leave-school>.

SDS have developed a short module to help with the understanding of the Statutory School Leaving Date requirements in Scotland and Providers should review and share this with all relevant staff. Click [here](#) to review the module

### Q2.5 What is the HMRC definition of an Apprentice in Scotland?

A2.5 HMRC have a data sharing agreement with SDS. For HMRC, regarding national minimum wage, Apprentices in Scotland are considered to be Apprentices with effect from the date their full details are registered on SDS's Funding Information and Processing System (FIPS). Your attention is drawn to Guidance on calculating the minimum wage from HMRC. Please note that this guidance may be updated by HMRC from time to time, and you should periodically check the webpage for any updated information.

### Q2.6 Is there a new process in place for employers to check an individual's right to work in the UK?

A2.6 Yes. As of 6 April 2022, the Biometric Residence Permit is **no longer** a valid form of evidence as someone's permission to work. To check someone's permission to work, the successful applicant will need to firstly obtain a Share Code by visiting [Prove Your Right to Work to an Employer](#). They will require their biometric residence card or permit number and their date of birth. The process takes less than 10 minutes and at the end, they will be presented onscreen with a Share Code which is to be shared with the employer.

The employer then visits [View a Job Applicant's Right to Work Details](#), enters the Share Code, applicant's date of birth and the company name, and will be presented with the Right to Work details of the successful applicant.

Employers must retain evidence of the online right to work check.

The Home Office have produced an [Employer's Guide to Right to Work Checks](#)

[Successful applicants proving their right to work to an employer](#)

[Employer viewing an applicant's right to work details](#)

[Employer's guide to right to work checks](#)

There is also an e-learning module available [here](#)

## **Q2.7 What does it mean if an individual who is in the UK and is on a visa that includes a “no recourse to public funds” and are they eligible for a MA?**

A2.7 If an individual is in the UK on a visa that includes a “no recourse to public funds” this means they are unable to claim any benefits that are classed as public funds. The benefits regarded as public funds for immigration purposes are included in [section 115 of the Immigration and Asylum Act 1999 and paragraph 6 of the Immigration Rules](#). A list of the current benefits that will be regarded as public funds is also available here: <https://www.gov.uk/government/publications/public-funds--2/public-funds>. **This is a very complex process and can change very quickly (therefore as at the date of this Q & A 10<sup>th</sup> July 2023)**, this list does not currently include any funding relating to the Modern Apprenticeship programme in Scotland.

An individual in the UK on a visa including a “no recourse to public funds” may be eligible for a MA, However the individual must meet all the eligibility criteria for a Modern Apprenticeship as set out in the MA Specification. This would include any time restrictions on an individual’s visa. Therefore, you must include this in your eligibility checks to make sure the length of stay remaining on the individual’s visa at the date the apprenticeship would start is sufficient to complete the apprenticeship.

### **End of Section 2.**

## **3. Signatures**

Please note that signatures must comply with the current MA Programme Specification and Conditions which requires Apprentices and Employers to sign and date all relevant MA Programme documentation.

We facilitated an Electronic Signatures Webinar in June 2022, you can view the [recorded session](#) and [Q & A](#) from the event [here](#).

### **Q3.1 Are wet signatures still accepted by SDS?**

A3.1 Yes. Wet, stylus and electronic signatures have all been accepted by SDS for some time.

### **Q3.2 Can a typed date be used on all SDS paperwork?**

A3.2 A typed date is acceptable for SDS Administration by the Apprentice and Employer even if there is a handwritten/ stylus signature.

Providers must not prepopulate any dates for the Apprentice and Employer in advance of signatures.

**Q3.3 If the Provider is also the employer, do you require a signature in both places on the Training Agreement and Apprentice Progress Review?**

A3.3 SDS requires a signature in both places on the Training Agreement and on the Apprentice Progress Reviews as there are different undertakings for each role. Best practice is that the “employer representative” signature would be someone who has a supervisory role with the MA and the “Provider” signature would be someone involved in the training element of the MA. In exceptional cases, where this is the same person, only one signature may suffice and, in these circumstances, Providers should seek the guidance of their SIA.

**End of Section 3.**

**4. Apprentice Progress Reviews (APRs)**

**Q4.1 Do all 3 parties (Apprentice, employer and provider) have to be present at the APR meeting, do all APRs need to be carried out face to face and signed on the same day?**

A4.1 For an effective high-quality review discussion to take place, all 3 parties should have an opportunity to input. We understand that it is not always possible for all 3 parties to meet face to face at the same time in the required timescales. It is good practice to complete reviews face to face, however post pandemic, a hybrid approach is acceptable so long as appropriate signatures are captured using the approved SDS measures as outlined in the spec under ‘signatures.’

If the Apprentice is on a **SOAR Payment Plan** and the employer representative is unable to attend the review meeting, the employer representative can add their contribution and signature within 3 weeks following the review date.

If the Apprentice is on a **QPR Payment Plan**, all signatures must be gained within the 6-week review window.

For more detailed information on the Apprentice Progress Review process please refer to the **APR SDS Exemplar Guidance** and the e- learning module. You can access this module by following the link to the Quality Assurance Learning Management System **LMS**.

**Q4.2 When is an Apprentice Progress Review (APR) due if one was completed earlier than the 13 weeks?**

A4.2 If you complete an APR with a candidate and employer at week 8, the next APR would be due 13 weeks from the date the review was completed, signed by all (the Apprentice, Employer and Provider) and dated by all.

**End of Section 4.**



## 5. Payment Plans

**Q5.1 When claiming a milestone as part of a QPR Payment plan, what is the timeframe between completion of the APR and making the milestone claim?**

A5.1 The Provider should aim to claim this as soon as possible once they hold the appropriate evidence to prevent any delays in the funding. The duration to claim this is 90 days from achievement as outlined in the MA Conditions Claims and Payment Arrangements Section 9.

**Q5.2 Has there been a change to the Payment Plan for Automotive framework and what paperwork do I need to use if I am delivering this framework?**

A5.2 Yes. The Automotive Framework changed in 20/21 to the Summary of Achievement Record (SOAR) payment plan. Please refer to the link below and read each of the guidance documents and information on which paperwork is required to deliver this framework.

<https://www.skillsdevelopmentscotland.co.uk/for-training-providers/fips-funding-information-and-processing-system/additional-information-for-specific-ma-frameworks/>

**End of Section 5.**

## 6. Documents & Forms

**Q6.1 When can the records be destroyed relating to an apprentice.**

A6.1 *If you have tagged Apprentices for ESF you must adhere to and follow the instructions on ESF document retention as detailed in Appendix 7 – ESF Audit Requirements.*

You can only destroy the records (either hard copy, scanned copy or electronic copy) if it has been 3 years from the end of the contract schedule of the final claim made against that apprentice. See example below.

Please refer to the MA Conditions section 28 for further information on Records Audit and General Assistance .

**Example.**

An Apprentice who started in 17/18 contractual year (November 2017), on a 4-year apprenticeship. The claim for the final milestone is made in December 2021 (21/22 contractual year). The Provider would be required to retain all records for this Apprentice until end of March 2025.

**Q6.2 I need to send SDS some documents relating to an apprentice. What kinds of information do we need to encrypt?**

A6.2 As per the programme Conditions, any personal information relating to the Data Protection Act in line with the Appendix 4 SDS information security Policy. As stated, all information being electronically sent under this act must be encrypted using 256 bit AES encryption and your SDS assigned password.

**Q6.3 I am unable to open/send/receive documents encrypted using AES-256 as specified in the MA Conditions Appendix 4 SDS Information Security Policy for NTP Providers?**

A6.3 You must use 7-zip to open these files. (Right click on the encrypted file, select 7-zip then open in archive you will be asked to insert your password). If you do not have 7-zip, you can download 7-zip for free from this link <https://www.7-zip.org/>. If this does not resolve the issue, please discuss this further with your SIA.

**Q6.4 In some of the documentation you refer to the “Employer” and in others the “Employer representative”, what is the difference?**

A6.4 The “Employer” is the name of the organisation that employs the Apprentice. The “Employer representative” is the name of the person that is acting on behalf of the Employer. Best practice is that the “Employer representative” is someone who has a supervisory role with the MA e.g. line manager, buddy, mentor.

**Q6.5 What changes necessitate the completion of a new Training Agreement?**

A6.5 If there is a change to the Apprentice’s Start Date or Qualification (for MA Engineering framework only) you must ensure that a new TA is completed. For any other changes to the TA please see the MA Specification Section 4.2.1 for details.

**Q6.6 Can you use e-signature software with the SOAR exemplar?**

A6.6 Following feedback from the e-signature webinar, we have created an additional “[SOAR exemplar](#)” which is suitable for use with e-signature software. The original “[Summary of Achievement Record Exemplar 2021-2022](#)” is still available for use but does not have e-signature functionality. Both exemplars contain all the minimum requirements as set out in the MA Specification. These minimum requirements have not changed since they were first introduced in April 2020.

The main features of the additional SOAR exemplar are:

- if it is for a single claim only rather than a cumulative document.
- it only requires the Apprentice and Assessor to sign once on the document.
- it includes e-signature fields.
- it is formatted in the same style as the other MA documents.

The SOAR exemplars are published as editable pdfs. We have removed the security settings to allow Providers to combine documents and/or to convert to Microsoft Word themselves. As such, we will not be providing Word versions of editable pdf documents.

## End of Section 6.

### 7. Awarding Body and MA frameworks

#### Q7.1 Why is there a delay in new qualifications being available in FIPS?

A7.1 SDS can only put qualifications/payment plans in FIPS in accordance with the published approved MA framework.

The Scottish Apprenticeship Governance structure ensures that there is a robust process in place to protect the integrity of the MA frameworks. The development and approval of MA frameworks is overseen by the Apprenticeships Approval Group (AAG) which sets out the timeframe for new and amended MA frameworks (including new qualifications within the MA framework) becoming available. As soon as a new or updated MA framework has been approved it is published on the ['What we do' pages of the SDS website](#) and [Employer page of the apprenticeships.scot website](#).

#### Example

If a new qualification code is not included within the published MA framework, we are unable to put that qualification in FIPS

#### Q7.2 How do I update FIPS when the Apprentice has chosen a different Engineering pathway?

A7.2 Using the FIPS Change of Circumstance – Qualification process as outlined in the FIPS Quick Start Guide. As of 25 June 2022, the Change of Circumstance Qualification process can only be used for changes to Engineering pathways. All other requests will be rejected.

For those who have claimed a start payment through the Payment Model Pilot please note that the Change of Circumstance process cannot be used. For further information please see Payment Model Pilot Guidance [here](#).

#### Q7.3 What do I do if an Apprentice changes job role with the same employer?

A7.3 If an Apprentice changes job role once they have started on a MA framework and wants to continue the MA programme, the Provider must ensure that the new job role has been matched to the most appropriate MA framework. The Apprentice

and Employer must agree to the change and fully aware that the correct MA framework has been identified to suit the new job role.

If there is an identifiable need to change the Apprentices MA framework, then the Apprentice will have to be removed from the current programme and recorded on FIPS as a leaver. The Apprentice must then be entered on to FIPS as a new start on the correct MA Framework. You will be expected to carry out the initial assessment and create a new Learning Plan to ensure you have the evidence that this is the correct framework for the Apprentice.

#### **Q7.4 What do I do if the Apprentice has been entered into FIPS using the incorrect VQ reference number?**

A7.4 As of 25 June 2022, if there is a change to the Apprentices qualification (excluding those on the MA Engineering framework) then the Apprentice will have to leave the programme and then be put through on the correct qualification as a new start or re-entrant (as defined in the MA Specification paragraph 2.3).

### **End of Section 7.**

## **8. End Dates**

#### **Q8.1 What expected end date should I enter FIPS?**

A8.1 The expected end date should be determined by your initial assessment of each Apprentice and should form part of the Apprentice Progress Review discussions. You should always record accurately the expected timescales for completion of the MA with the Apprentice. You should not automatically use the same expected end date for each Apprentice. The expected end date should be amended immediately if the Apprentice is likely to complete sooner or later than initially predicted.

You must also take account of lead times for collating, submitting, and certificating all supporting evidence of the MA framework authorised by the relevant SSO including evidence of achieving the full VQ or work-based qualification from the Awarding Body.

#### **Q8.2 When should I update the expected milestone dates in FIPS?**

A8.2 If an assignment has a **SOAR payment plan** and the expected end date has been amended due to how the Apprentice is progressing, the expected claim date of each milestone (unit achievement) should also be amended to reflect the Apprentice progress.

If an assignment has a **QPR payment plan** you must adhere to all the mandatory requirements set out in the MA Conditions and Specification.

If you are unable to do this or conduct a review within the 6-week window, you must discuss with your SIA the exceptional circumstances. SDS will review these exceptional circumstances and either approve or reject your request. Any significant exceptions may require you to amend any remaining milestones and expected end dates where advised to do so by your SIA.

Where a candidate will achieve the full Apprenticeship early, the remaining milestones will be automatically adjusted on FIPS in accordance with the new end date entered.

Where a candidate will achieve the full apprenticeship later than originally anticipated, and where all milestones have been claimed, 13-week reviews are still expected to be conducted and completed fully, documenting any change to end dates or apprentice/employer details.

### End of Section 8.

## 9. Leaving Codes

**Q9.1 If an Apprentice leaves the MA programme without completing, I sometimes struggle to find the most appropriate leaving codes, can you offer guidance?**

A9.1 The MA leaving codes were reviewed and updated for 21/22 to offer more clarity for providers and ensure consistency across the other programmes within the apprenticeship family. We recognise that circumstances vary so we have provided some examples below to illustrate the most appropriate options. **If you are unsure of other codes, please contact your SIA in the first instance to discuss.** Please see example below.

<b>Example</b>	<b>Main Leaving Code</b>	<b>Sub Leaving Code</b>
Inactivity	Difficulties with Course/attendance	Not achieving in line with training plan
Paid off or terminated due to lack of work	Unemployed	End of Employment Contract
Change of job role	Difficulties with course	Course no longer relates to plans

### End of Section 9.