

Skills Development Scotland Individual Training Account Operational Rules and Guidance

V1.2 23.05.18

Contents

Operational Rules for Training Providers

These Operational Rules are made by the Scottish Ministers pursuant to the Individual Learning Account (Scotland) Regulations 2011. These Operational Rules take into account all existing amendments, and all amendments made in The Individual Learning Account (Scotland) Amendment Regulations 2017. Training Providers require to ensure that they are at all times aware of any changes to these Operational Rules. The current applicable version of the Operational Rules is available through the SDS Website.

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1. Definitions and Interpretation

1.1. In the Operational Rules, the following words and phrases shall have the meaning set out opposite them:

- 1.1.1. “**Account Holder’s Year**” means the period commencing on the date the Training Account Holder is first verified by any Training Provider through the Verification Procedure as being eligible for ITA funding as a Training Account Holder, and expiring on the first day of the same month in the following year, and each subsequent period of 12 months;
- 1.1.2. “**Approved Training**” means each course of study, instruction, education or training (including distance training and correspondence courses) which has been approved by SDS for the purposes of the Scheme (and in respect of which such approval has not been withdrawn) and is made available by a Training Provider in terms of the Scheme;
- 1.1.3. “**Definition of Eligible Training**” means the criteria for each episode of Approved Training which the Training Provider must satisfy, as set out in Annex A as may be amended by SDS from time to time;
- 1.1.4. “**ITA Approved Training Provider**” means an organization, business or individual that provides Approved Training and/or Approved Training materials with associated Approved Training support which has a current, valid Training Provider Registration Agreement with SDS demonstrating registration as an approved provider of training under the Scheme, and whose registration has not been suspended, cancelled or withdrawn;
- 1.1.5. “**ITA Database**” means the database of ITA Approved Training Providers and Approved Training maintained by SDS;
- 1.1.6. “**Marketing Guidelines**” means the guidelines published by SDS from time to time for marketing Approved Training opportunities and the Training Provider as an ITA Approved Training Provider;
- 1.1.7. “**Online ITA System**” means the web based systems maintained by or on behalf of the Scottish Ministers for Training Providers in terms of the Scheme to process all Scheme transactions (sometimes referred to as ‘FIPS’);
- 1.1.8. “**Operational Rules**” means these Operational Rules as may be amended from time to time by Scottish Ministers;
- 1.1.9. “**Qualifying Person**” has the meaning set out in the Regulations;
- 1.1.10. “**Quality Standards**” means those standards set out in the Schedule to the Training Provider Registration Agreement, as varied by SDS from time to time in accordance with the Training Provider Registration Agreement;
- 1.1.11. “**Regulations**” means the Individual Training Account (Scotland) Regulations 2011, made by the Scottish Ministers under the Education and Training (Scotland) Act 2000 as the same may be varied, amended or replaced from time to time;
- 1.1.12. “**Scheme**” means all and any aspects of the Individual Training

Account Scheme operated by SDS and the Scottish Ministers in terms of the Regulations;

- 1.1.13. “**SDS**” means The Skills Development Scotland Co. Limited (a company with registered number SC204868) having its registered office at Floor 1, Monteith House, 11 George Square, Glasgow G2 1DY, being the Training Account Administrator designated by or on behalf of the Scottish Ministers for the purposes of administering the ITA Database and registering eligible applicants as ITA Approved Training Providers in terms of the Regulations;
- 1.1.14. “**SDS Website**” means the SDS website currently at <https://www.skillsdevelopmentscotland.co.uk/for-training-providers/> or such replacement website(s) as SDS may introduce from time to time;
- 1.1.15. “**Training Account Holder**” means an individual who qualifies and has been registered as a Training Account Holder in terms of the Regulations and whose registration has not been cancelled by the Scottish Ministers;
- 1.1.16. “**Training Episode**” means each episode of Approved Training requested by a Training Account Holder and accepted and entered into the Online ITA System by the Training Provider in accordance with the Operational Rules;
- 1.1.17. “**Training Provider**” means a person or body which is a Qualifying Person in relation to ‘Training Providers’ in accordance with the Regulations, and is identified as a ‘Training Provider’ in a Training Provider Registration Agreement with SDS;
- 1.1.18. “**Training Provider Registration Agreement**” means the agreement between the Training Provider and SDS as the Training Account Administrator, specifying the obligations of the parties relating to the Scheme, including maintenance of the Quality Standards;
- 1.1.19. “**User Permission**” means the terms and conditions applicable to the use by each of the Training Provider’s users, of the Online ITA System, details of which are available on the training provider area of the SDS Website as amended from time to time;
- 1.1.20. “**Verification Procedure**” means the procedure to establish eligibility for, and maintain registration as, a Training Account Holder as referred to in rule 8.

1.2. Where the Operational Rules state that any communication may be ‘in writing’ this includes communications sent by email to or from customer.services@sds.co.uk (or such alternative address as SDS may advise from time to time).

2. Application of the Operational Rules

2.1. The Operational Rules apply to each Training Provider.

3. Changes to the Operational Rules

3.1. The Operational Rules may be amended and/or replaced in whole or in part by Scottish Ministers. In the event of any amendment and/or replacement, the revised Operational Rules shall be published on the SDS Website. Each Training Provider must regularly check the SDS Website to ensure it is familiar with the current Operational Rules.

4. Approved Training Details

- 4.1. Each Approved Training course must comply in full at all times with the Definition of Eligible Training. For the avoidance of doubt approval by SDS does not negate SDS' right to subsequently withdraw approval where it is discovered that the course does not meet the Definition of Eligible Training
- 4.2. To request approval from SDS for Approved Training, the Training Provider shall submit such details as SDS may request, of each proposed ITA course, through the Online ITA System.
- 4.3. SDS shall use reasonable endeavors to assess each full ITA course submission within 10 working days of the submission. Provided SDS is satisfied that the submission meets the Definition of Eligible Training, SDS shall publish the course details on www.myworldofwork.co.uk (or such replacement website as SDS may specify from time to time). In the event that SDS is not satisfied that the submission meets the Definition of Eligible Training, the course details shall not be published on the said website.
- 4.4. SDS may require additional information to support a submission, which the Training Provider shall require to submit, if the Training Provider wishes SDS to assess the eligibility of the course.
 - 4.4.1 If SDS rejects a course the Training Provider will be allowed one appeal only. SDS will not require to accept or consider any submission or documentation provided, that is not contained in, or provided with the original appeal. If the supporting evidence does not satisfy SDS, the course will be deemed rejected.
- 4.5. The Training Provider shall provide all training that constitutes Approved Training in accordance with the Training Provider Registration Agreement and the course content, description and details provided as supporting information in accordance with rule 4.2 above.
- 4.6. The Training Provider shall not market any ITA training opportunities unless the course has been published as set out in this rule 4.
- 4.7. The Training Provider must advise SDS in writing of any and each change in the details of any Approved Training which has been published on the said website, within five working days of each such change.
- 4.8. Where a Training Provider offers any individual Approved Training course on a modular basis (i.e. where the individual Approved Training course forms one part of a series of connected courses each with its own aims, outcomes and assessment methods) the Training Provider must offer all modules as individual Approved Training courses in the series at the same time. The Training Provider must therefore ensure that details of each such Approved Training course are submitted to SDS for approval at the same time. Where SDS does not approve any individual Approved Training course, (or SDS withdraws its approval of any such Approved Training course), all connected Approved Training courses in the series must be withdrawn by the Training Provider simultaneously.

4.9. Training providers may only offer courses in the ITA curriculum area(s) selected in the relevant section of the Provider Registration application form.

4.10 If a Training Provider wishes to provide training in a curriculum area not selected in the relevant section 2(b) of the Provider Registration application form, the Training Provider must resubmit the relevant section to SDS and provide such evidence regarding the delivery and quality of such additional courses to SDS, as SDS may request.

5. Marketing of Approved Training

5.1. All marketing activity in respect of Approved Training relating to the Training Provider must be in compliance with the Marketing Guidelines, which may be varied from time to time by SDS.

6. Pricing of Training Episodes

6.1. The price of any Training Episode on which any claim for ITA funding is calculated must be the price published on the ITA Database on the date when the Training Provider accepts the Training Account Holder's application to undertake that Approved Training, following satisfactory completion of the Verification Procedure. No reduction in that price may be offered for any reason.

6.2. The published price of an Approved Training course must be the same as the price charged by the Training Provider to non-Training Account Holders at the time of booking.

6.3. Scottish Ministers and SDS are entitled to take reasonable account of the value of each Approved Training course relative to the price charged for the Approved Training course. In the event that SDS does not consider that the price proposed (or being charged) for any Approved Training course by a Training Provider, constitutes appropriate value (which shall include without limitation, any scenario where approximately equivalent Approved Training is available on the ITA Database at a lower price, or other Approved Training is available at a similar price, which provides additional or improved training), Scottish Ministers and SDS reserve their respective rights to either reject the proposed lower value course (if it is a proposed Approved Training course), or remove the lower value Approved Training from the ITA Database, (where it has previously been approved and entered onto the ITA Database). Training Providers shall be entitled to fulfill all booked Training Episodes made in accordance with the Operational Rules prior to the date of any such removal.

6.4. SDS shall pay the price charged up to a maximum of £200 for each Training Episode duly undertaken in accordance with the Training Provider Registration Agreement. VAT shall not be payable (either by SDS or the Training Account Holder) in respect of the price paid by SDS.

7. Number of Training Episodes

7.1. Funding is only available under the ITA Scheme for one Training Episode in each Account Holder's Year for each Training Account Holder. The Training Provider shall not therefore be permitted to claim ITA funding in relation to a Training Account Holder where a claim in respect of ITA training has already been paid (or is due to be paid) by SDS under the Scheme in respect of the Training Account Holder in that individual's Account Holder's Year.

8. Verification Procedure to establish eligibility for, and maintain registration as, a Training Account Holder

8.1. A Training Account Holder applicant must meet the Training Account Holder Qualifying Person criteria set out in the Regulations to become and remain a Training Account Holder. Each Training Provider, prior to booking a person on to a course, must verify the following Qualifying Person criteria for each Training Account Holder applicant as follows: -

8.1.1. If the Training Account Holder applicant has identified in his/her application on the ITA Online System that he/she is employed and that his/her gross income from earnings shall not exceed £22,000 in the Account Holder's Year, the Training Provider must: -

8.1.1.1. no later than the date on which the Training Account Holder applicant would, once verified as a Training Account Holder, commence the Training Episode, examine a valid copy of the year end tax certificate from the UK tax body (currently HMRC) (or such other form as SDS may advise from time to time) for the last full tax year occurring prior to the date of examination for the Training Account Holder applicant, (which tax year end date must not be later than the date occurring 3 months before the date on which the Training Provider undertakes the examination), which certificate must demonstrate such status and earnings for the financial year to which the certificate relates. The Training Provider shall require the Training Account Holder applicant to provide a clear copy of the certificate; or

8.1.1.2. examine valid copies of the last three pay slips for the Training Account Holder applicant from within the three-month period immediately preceding the date on which the Training Provider undertakes the examination following the request for the booking from the Training Account Holder applicant (which date must be no later than the date on which the Training Account Holder applicant would, once verified as a Training Account Holder, commence the Training Episode). The pay slips must be valid, and collectively indicate that, if extrapolated over the 12 month period commencing on the first date to which the earliest pay slip information relates, the Training Account Holder applicant's gross income from earnings would not during that 12 month period, exceed £22,000. The Training Provider shall require the Training Account Holder applicant to provide the copy pay slips; or

8.1.1.3. in respect of any Training Account Holder who is in employment but who will not have been eligible to receive the evidence referred to in rules 8.1.1.1 or 8.1.1.2 examine supporting documentation from the Training Account Holder applicant's employer which must be on the employer's letter headed paper, signed by a manager and indicate the applicant's start day and yearly salary.

8.1.2. If the Training Account Holder applicant has identified in his/her application on the ITA Online System that he/she is in receipt of any of the following (as indicated in the application): -

8.1.2.1. Invalid care allowance payable under section 70 of the Social Security Contributions and Benefits Act 1992; 8.1.2.4. Incapacity benefit payable under section 30A of the Social Security Contributions and Benefits Act 1992;

8.1.2.2. State pension credit payable under section 1 of the State Pension Credit Act 2002; or

8.1.2.3 Universal Credit payable under Welfare Reform Act 2012

the Training Provider must no later than the date on which the Training Account Holder applicant would, once verified as a Training Account Holder, commence the Training Episode examine a clear and valid copy letter or electronic equivalent from the Department for Work and Pensions confirming that the Training Account Holder applicant is as at the date of the letter in receipt of the benefit (or benefits, as applicable) identified by the Training Account Holder applicant. The Training Provider shall require the Training Account Holder applicant to provide the copy letter, which must be dated no earlier than the date occurring 3 months prior to the date of booking of the Training Episode.

8.1.3. If the Training Account Holder applicant has identified in his/her application on the ITA Online System that he/she is self-employed and that his/her gross income from earnings shall not exceed £22,000 in the Account Holder's Year, the Training Provider must no later than the date on which the Training Account Holder applicant would, once verified as a Training Account Holder, commence the Training Episode examine (i) a clear and valid copy of the tax return submitted by the Training Account Holder applicant to HMRC for the last full tax year occurring prior to the date of examination or (ii) a clear and valid copy of an SA302 for the Training Account Holder applicant issued by HMRC in respect of the last full tax year occurring prior to the date of examination (or in each case, such other evidence as SDS may advise from time to time) which evidence must demonstrate such status and gross income for that tax year. The Training Provider shall require the Training Account Holder applicant to provide the evidence; or (iii) where the Training Account Holder applicant has identified in his/her application on the ITA Online System that he/she is self-employed but has not been trading long enough to provide the evidence required under rule 8.1.3, the applicant examine a headed paper letter from the applicant's accountant stating that the applicant's anticipated gross income from earnings shall not exceed £22,000 in the Account Holder's Year.

8.1.4. If the Training Account Holder applicant has identified in his/her application on the ITA Online System that he/she is not employed, self-employed, or in receipt of any of the benefits referred to in rule 8.1.2, the Training Provider must no later than the date on which the Training Account Holder applicant would, once verified as eligible for ITA funded training, commence the Training Episode obtain the signature of the Training Account Holder applicant to the relevant status declaration form, confirming how the applicant supports himself/herself, available on specific request from the SDS ITA helpline, details of which are available on the SDS Website. Only forms issued by SDS in relation to the specific applicant must be used. The signed declaration must not be dated earlier than the date of booking of the Training Episode.

8.1.5. If the Training Provider is unsure of any evidence submitted by the Training Account Holder then clarification and guidance can be sought through Skills Development Scotland Customer Service Team in respect to this evidence.

8.2. In the event that: -

8.2.1. a Training Account Holder has been verified as a Training Account Holder on the ITA Online System (“Original Verification”),

8.2.2. the Training Account Holder has not subsequently commenced a Training Episode within the relevant Account Holder’s Year, and

8.2.3. the Training Account Holder applies to any Training Provider other than the original Training Provider who carried out the Original Verification, to undertake a Training Episode following the Original Verification (“Subsequent Application”); the Training Provider in receipt of the Subsequent Application shall require to complete the full verification procedure outlined in this Rule 8 in respect of the Subsequent Application subject only to the following variation: -

8.2.3.1 The relevant date(s) of the evidence to be examined by the Training Provider shall (at the discretion of the Training Account Holder) be either the relevant dates that (i) applied on the date of the Original Verification, or (ii) apply as at the date of the verification to be undertaken in respect of the Subsequent Application.

8.3. In the event that: -

8.3.1. a Training Account Holder has been verified as a Training Account Holder on the ITA Online System (“Original Verification”),

8.3.2. the Training Account Holder has not subsequently commenced a Training Episode within the relevant Account Holder’s Year, and

8.3.3. the Training Account Holder applies to the same Training Provider who carried out the Original Verification, to undertake a Training Episode following the Original Verification (“Subsequent Application”);

The Training Provider in receipt of the Subsequent Application shall not require to undertake a further Verification Procedure.

8.4. The Training Provider must ensure that the Online ITA System does not at the date when the Training Provider undertakes the Verification Procedure (or, in the circumstances described in rules 8.2 and 8.3, the date when the Training Provider is booking the Subsequent Application Training Episode) indicate that the Training Account Holder applicant is participating in Community Jobs Scotland or any SDS funded training (which includes without limitation, Modern Apprenticeship training, Employability Fund training, Work Able Scotland training or any other programmed identified on the Online ITA System).

8.5. In the event that: -

8.5.1. the Training Account Holder applicant fails to provide the necessary evidence;

8.5.2. any of the evidence does not on reasonable examination appear to be accurate or genuine;

8.5.3. any of the evidence provided by a Training Account Holder applicant does not demonstrate (or indicate, where appropriate) the eligible status (and/or earnings, as applicable) claimed by the Training Account Holder

8.5.4. the Online ITA System indicates that the Training Account Holder applicant is participating in any SDS funded training programme;

The Training Provider shall refrain from booking the Approved Training on the Online ITA System and shall not be entitled to any funding in respect of any such booking.

8.6. The Training Provider shall retain copies of all eligibility evidence referred to in this rule 8, signed and dated by the Training Account Holder applicant on the first page thereof, in accordance with the audit and compliance monitoring provisions set out in the Training Provider Registration Agreement. For the avoidance of doubt, where the Training Provider undertakes any verification in accordance with rule 8.2, the Training Account Holder must re-sign and date his/her signature on the copy evidence as at the date of verification of the Subsequent Application.

8.7. In the event that the Training Provider becomes aware through any source that a Training Account Holder no longer meets the Qualifying Person requirements, (including for the avoidance of doubt, where the Training Account Holder does not satisfy or no longer satisfies the Verification Procedure requirements set out in this rule 8), the Training Provider must promptly: -

8.7.1. email customer.services@sds.co.uk confirming relevant details; and

8.7.2. cancel any bookings made by the Training Provider, (and desist from making any further bookings or providing any training) in relation to that individual.

8.8. SDS reserves the right to reject any booking where SDS becomes aware that any individual identified on the Online ITA System as a Training Account Holder does not meet the full eligibility criteria set out in the Regulations and the Operational Rules. This rule 8.8 does not negate the Training Provider's obligations set out in rules 8.1 to 8.7.

9. Management of Training Episodes

9.1. All bookings, confirmations or cancellations of any Training Episode must be conducted via the Online ITA System.

9.2. A Training Episode may be booked on the Online ITA System at any point after a Training Account Holder applicant has been verified as a Training Account Holder in accordance with rule 8 and up until the last day of his/her Account Holder's Year, provided any booked Training Episode is completed no later than the last day of his/her Account Holder's Year.

9.3. Training Providers can at their discretion, take a refundable deposit to ensure that Training Account Holder attends, provided that: -

9.3.1 This deposit must be refunded prior to claiming ITA funding,

9.3.2 This deposit must not be added to the cost of the course. (This does not prejudice a Training Provider's right to [charge more than £200 for the course];

9.3.3 Deposits should be no more than 10% of the £200 ITA funding.

9.4 Training Providers are expected to show reasonable flexibility around rescheduling, at the Training Provider's own cost, training where any Training Account Holder is unable to attend due to circumstances outwith their control (including but not limited to bereavement, illness or adverse weather).

10. Confirming the start of a booked Training Episode

10.1. The start of a Training Episode for each individual Training Account Holder is deemed to be:

10.1.1. for classroom-based training, the date on which the Training Account Holder first attends a class (for any training course that incorporates a mix of classroom and distance learning, this will be deemed classroom based training);

10.1.2. for distance or open training (as defined in the Definition of Eligible Training), the date on which the Training Account Holder has received and confirmed acceptance of all the training materials and equipment necessary to start the Training Episode.

10.2. For any Training Episode, the start of training for any individual Training Account Holder must be confirmed on the Online ITA System no later than 10 days after the course start.

10.3. Any claim for payment of ITA funding before the start date of training is not permitted.

10.4 Any claim for payment of ITA funding before the start date made in error must be brought to attention of the SDS Customer Service team immediately.

11. Cancelling a booking on the Online ITA System

11.1. The Training Provider must record any cancelled Training Episode on the Online ITA System no later than 5 days after the date the decision is taken (whether by the Training Provider or the Training Account Holder) to cancel the episode.

11.2. All records relating to any booking, even if cancelled, must be retained by the Training Provider for inspection, in accordance with the audit and compliance monitoring provisions set out in the Training Provider Registration Agreement.

12. Evidence of Attendance at Training Episode

12.1. The Training Provider must retain for audit purposes: -

12.1.1. for all classroom-based training, an attendance register, signed by each Training Account Holder who attended the training (or any part of the training); or

12.1.2 for distance or open training (as defined in the Definition of Eligible Training), suitable evidence demonstrating receipt by each Training Account Holder of all training materials and equipment necessary to start the Training Episode, for example, a read receipt or reply to an email.

13. Annual Certificate of Assurance

13.1 On an annual basis the Provider shall complete a 'Provider Annual Certificate of Assurance' in a format determined by SDS. This must be completed and signed by the Chief Executive/Contract Signatory or equivalent and be submitted to SDS by such date as SDS shall specify, to confirm that the Provider has fully complied since the commencement of the ITA Training Provider Agreement with, and shall, for the duration of the Training Provider Registration Agreement (which shall include, for the avoidance of doubt, any applicable record retention period) fully comply with the ITA Operational Rules and the Training Provider Agreement. SDS shall not be required to recognise or pay claims in relation to any services that the Provider has performed under any Contract Schedule, before the date when SDS receives the duly completed and executed certificate.

14. Complaints Process

14.1 SDS operates a complaints process, which can found at <https://www.skillsdevelopmentscotland.co.uk/about/policies/complaints/> or at such alternative website as SDS may advise from time to time.

ANNEXA

Definition of Eligible Training - Training eligible for ITA funding

1. General information

- 1.1. The Scottish Ministers reserve the right to vary the eligibility criteria in accordance with the Regulations, at any time, by giving prior notice to Training Providers.
- 1.2. A Training Account Holder can only benefit from ITA funding if: -
 - 1.2.1. he/she meets the Qualifying Person criteria set out in the Regulations at the date on which the Training Provider undertakes the Verification Procedure;
 - 1.2.2. he/she is registered as a Training Account Holder with the Scottish Ministers in accordance with the Regulations; and
 - 1.2.3. The full sum charged to the Training Account Holder for the Training Episode does not when added to the ITA funding payable for the Training Episode, exceed the applicable price of the Training Episode on the ITA Database.

2. Costs which qualify for ITA funding

- 2.1. In addition to the Training Episode tuition fees, ITA funding may be used to pay other costs directly associated with the Training Episode, such as books and other materials (e.g. online subscriptions), registration, examination, accreditation and assessment fees or for qualifications, provided that they are reasonably required and in reasonable proportion to the actual course cost. For the avoidance of doubt, ITA funding for each Training Episode is capped at the amount stated in rule 6.4.

3. Costs which do not qualify for ITA funding

- 3.1. Costs for any of the following items shall not qualify for ITA funding: -
 - 3.1.1. Additional items not identified in the Training Provider's submission to SDS for approval of the Training Episode
 - 3.1.2. Computer hardware
 - 3.1.3. Travel and accommodation.
 - 3.1.4. Stand alone tests
 - 3.1.5 Attendance at conference/seminars/talks
 - 3.1.5 Any deposits agreed between Training Provider and Account Holder
- 3.2. The items identified in paragraph 3.1 of this Annex A are not exhaustive.

4. Training

- 4.1. To be considered Distance Training, a course must have no classroom element at all, with the exception of tests at the end of the course. Any courses with a mix of classroom and distance learning are deemed classroom based courses for the purposes of claiming funds.
- 4.2 To qualify for ITA funding, distance Approved Training must include a level of qualified tutor support and/or monitoring via email or telephone as deemed appropriate by SDS.
- 4.3. Without prejudice to paragraph 4.1 of this Annex distance training without tutor support and monitoring, will **not** qualify for ITA funding.

5. Eligible Training

- 5.1. Training Episodes must: -
 - i. only be offered by an ITA Approved Training Provider;
 - ii. meet the full requirements set out in the Regulations and this Annex A;
 - iii. have been formally approved by SDS in accordance with the Operational Rules; and
 - iv. be properly entered with all related details into the current ITA Database.

6. Training that does not qualify for ITA funding

- 6.1. The following types of training do not qualify for ITA funding: -
 - 6.1.1. full-time education
 - 6.1.2. full-time further education courses
 - 6.1.3. full-time higher education courses
 - 6.1.4. advanced professional qualifications at SCQF 9
 - 6.1.5. training which is a statutory requirement for the individual's continuing employment
 - 6.1.6. lessons towards attaining a driving licence category A or B
 - 6.1.7. courses given as a reward or an inducement by an employer
 - 6.1.8. private flying lessons (including fixed wing, rotary and paragliding)
 - 6.1.9. diving lessons (scuba, deep sea and high board)
 - 6.1.10. outward bound type courses; and leisure or sporting activities other than those that lead to a recognized coaching or teaching qualification,
 - 6.1.11. postgraduate study

6.1.12. Employability skills provided as part of SDS' service offer e.g. CV writing, or interview skills, and any and all other training which Scottish Ministers and/or SDS may specify in the Operational Rules from time to time.

6.1.13 – General personal development courses with no specified vocational element.

6.2. The following definitions are applied to the exclusions set out in paragraph 6.1 of this Annex A: -

6.2.1. **“secondary education”** as defined in section 135(2) (b) of the Education Scotland Act 1980.

6.2.1.1 **“full-time further education”** as defined in Part 1 F1 (3) of the Further Education and Higher Education (Scotland) Act 1992 means any programme of learning, not being school education, provided for persons over school age, being a programme falling, for the time being, within section 6 of this Act.

6.2.2. **“full-time higher education” (HE)** as defined in section 38(2) (b), (c), (d) or (e) of the Further Education and Higher Education (Scotland) Act 1992. This includes full-time degree courses offered by Universities or Colleges and courses such as Higher National Certificates, Higher National Diplomas and Diplomas of Higher Education which match the definition of full time courses. Part-time HE courses, including distance training courses such as those offered by the Open University are not considered to be full-time higher education.

6.2.3. **“Advanced professional qualifications”**, is defined as being courses leading to a professional qualification at SCQF level 9 (Ordinary degree) or above, or which are generally recognised as a graduate or postgraduate qualification by professional bodies and/or employers (e.g. many qualifications in accountancy or architecture).

6.2.4. **“Training which is a statutory requirement for the individual’s continuing employment”** is defined as being any training which an employee is required by law to undertake in order to carry out the duties associated with his or her employment (e.g. certain health and safety training).

6.2.5. **“Driving lessons in category A or B”** is defined as being those which lead to the award of an ordinary driving licence (i.e. for ordinary car or motorcycle driving). ITA funding may be used to gain a driving qualification which is additional to an ordinary driving licence e.g. HGV or forklift truck driving. ITA funding may also be used to gain a driving instructor qualification.

6.2.6. **“Courses given as a reward or inducement by an employer”** is defined as:

6.2.6.1. Courses provided to reward an employee (paying for, or reimbursing, the cost of any facilities or other benefits) for the performance of the duties of his or her office or employment under his or her employer or for the manner in which he or she has performed them; or

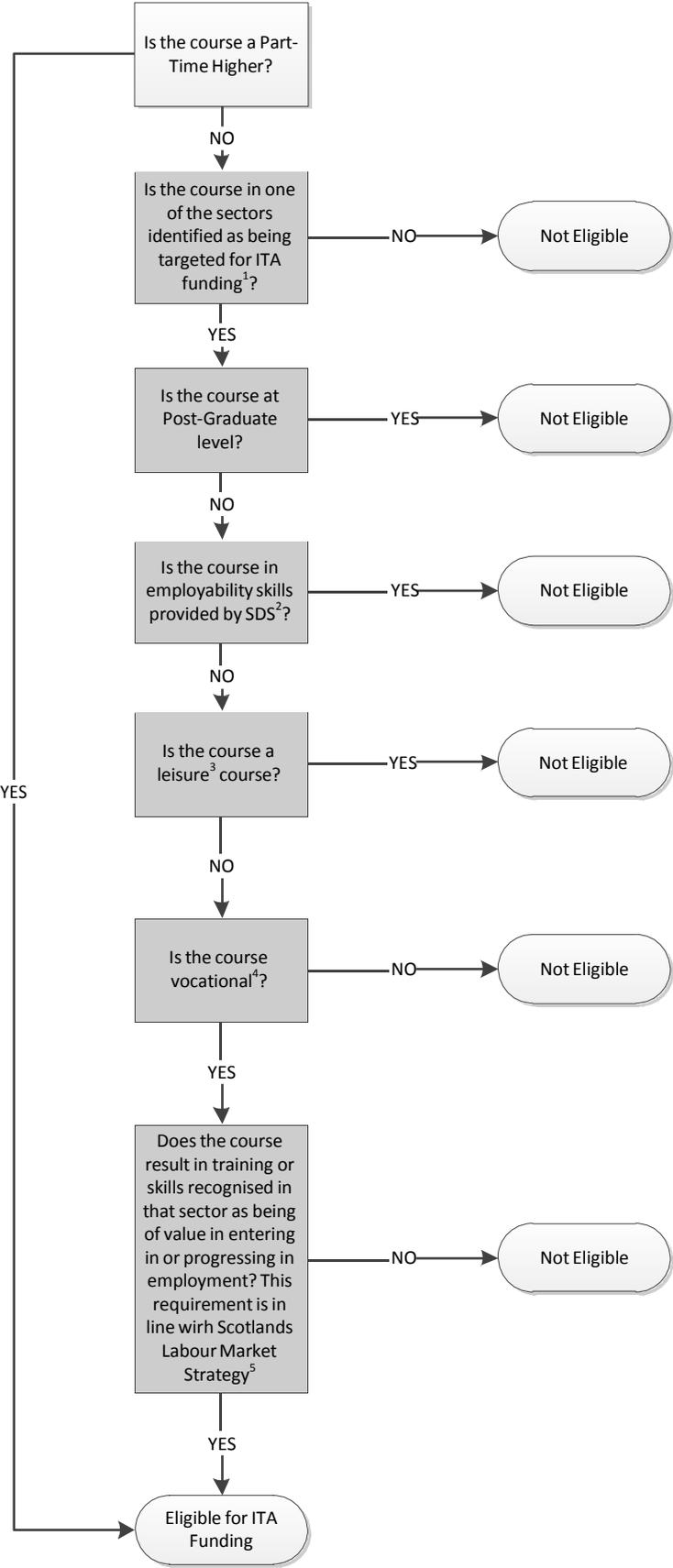
6.2.6.2. Courses which provide the employee with an employment inducement, which is unconnected with the imparting, instilling, improvement or reinforcement of knowledge, skills or personal qualities.

6.2.7. **“Leisure or sports activities”** is defined as leisure or sport activity courses other than those which specifically offer a recognized coaching or teaching qualification. Courses which could be undertaken for either leisure or vocational purposes e.g. languages or ICT must result in certification recognised, in their sector, as being of value for achieving or progressing in employment in line with the Scottish Government Labour Market Strategy.

6.2.8. **“Postgraduate study”** is defined as a level of study above SCQF level 10; i.e. SCQF levels 11 and 12.

6.3. The exclusions contained in paragraph 6.1 of this Annex A are not exhaustive.

Figure one- Definition of Eligible Training



Notes to assist with Definition of Eligible Training

1. Is the course vocation within one of the approved sectors for ITA funding. The approved sectors for funding are as follows:

- i. Adult Literacy and Numeracy Tutoring
- ii. Agriculture
- iii. Business
- iv. Construction
- v. Early Years and Childcare
- vi. Fitness, Health and Beauty
- vii. Health and Safety
- viii. Hospitality
- ix. STEM
- x. Language
- xi. Security
- xii. Social care
- xiii. Transport

Targeted areas are subject to change.

- 2. For example interview skills, CV writing
- 3. Leisure courses are defined as courses that have no employability element, for example arts and crafts appreciation, hobby courses, basic driving lessons, sports (other than coaching)
- 4. Education and training which aims to equip people with practical knowledge, skills and/or competences required to meet the needs of employers in particular sectors-
- 5. The [Scottish Labour Market strategy](#) seeks to address specific issues including

Labour Market Issue	Learner Outcomes
Addressing Barriers	Enable equal access to an increased range of opportunities while challenging bias and systemic institutional bias: <ul style="list-style-type: none"> ➤ Provide learners from equality groups access to skills and training required to enter or progress in employment
Tackling Inequalities	Tackle inequalities in health, wellbeing and education across Scotland, including widening access to higher and further education: <ul style="list-style-type: none"> ➤ Provide learners with skills to meet sectoral or regional skills gaps
Up-skilling	Ensure that the workforce is adequately equipped with the skills that businesses need, both now and in the future: <ul style="list-style-type: none"> ➤ Provide learners with the skills or training to meet the requirements of a specific industry
Digital Technology	Ensure that our population is equipped with the necessary digital capabilities, qualifications and specialisms: <ul style="list-style-type: none"> ➤ Provide learners with digital skills
Support for Carers	Support those with caring responsibilities to participate in the labour market: <ul style="list-style-type: none"> ➤ Provide learners with skills to begin a career or progress a career as a carer.
Childcare	Support the expansion of free early Training and childcare provision: <ul style="list-style-type: none"> ➤ Provide learners with the skills to begin a career or progress a career in childcare provision.