

1. Introduction

Following the recent announcement by the Minister for Just Transition, Employment and Fair Work and COSLA Spokesperson for Community Wellbeing, regarding the implementation of the next stage of No One Left Behind, all Employability Fund (EF) Providers have been notified by email that SDS will not be extending contracts for the final +12 month period and contracts will expire on 31 March 2022. Contract expiry means that EF Providers cannot register starts after 31 March 2022. Please note that there are still ongoing contractual obligations beyond the expiry date (e.g. records retention, audit requirements, data protection and information security) as outlined in the [EF Rules 2020/21 \(as extended to 31 March 2022\)](#).

2. Residual Contracts

The NTP Commissioning team will contact you prior to the contract year end to establish your Contingent Liability for 2022/23 - claims for Participants who commenced training in 2021/22 and will continue after 31 March 2022.

Residual contracts will be offered to EF Providers to manage any ongoing activity and outstanding output/outcome claims and payments. Residual contracts do not include any starts and do not allow for any in year contract changes. The [EF Rules 2020/21 \(as extended to 31 March 2022\)](#) will be further extended to cover the period of the residual contract.

Residual contract holders will not be assigned a Skills Investment Adviser and will be managed by SDS assigned Contract Executives. There will be no flexibility to request any extensions to training for any Participant during the residual contract period.

The last EF Provider Activity Performance Report will be sent for period 12 (2021/22). There will be no further EF Provider Activity Performance Reports beyond this period.

3. Records retention, storage, access and disposal

All contractual requirements regarding records retention, storage, access, and disposal are detailed in the [EF Rules 2020/21 \(as extended to 31 March 2022\)](#).

- Part 3 Rule 11 (Data Protection)
- Part 3 Rule 16 (Consequences of Termination and Expiry)
- Part 3 Rule 21 (Records, Monitoring and General Assistance)
- Appendix 13 (Data Sharing)
- Appendix 14 (Processed Data)
- Appendix 15 (Information Security Policy)

EF “Records, evidence or accounts” can include but are not limited to the following (whether in electronic or hard copy):

- EF Eligibility Confirmation
- EF Training Agreement
- EF ITP

- EF Start/Leaver Notification
- EF Change of Circumstances
- Progression to a MA
- Progression to Employment (Job Outcome 1) Declaration
- Progression to Employment (Job Outcome 2) Declaration
- Evidence to support any output payment claimed
- Evidence to support any progression to FE or higher stage of SSP
- Evidence to support any claims under the COVID-19 Grant Relief scheme

4. FIPS

All 21/22 EF contracts will be automatically de-activated on FIPS as of 5pm 31 March 2022. This means that EF Providers will be unable to register any new starts from this date.

Residual contracts will be managed in FIPS and EF Providers will need to retain a FIPS licence to ensure that FIPS information is kept up to date and that claims can be processed for residual Participants.

EF Providers are reminded of the EF Rules Part 2, Rule 8.6 “All claims for payment relating to a Participant must be made no later than the last day of the calendar month occurring 15 months after the Participant’s leaving date.”

5. EF Provider closure

In the event of an EF Provider closure (e.g. ceased trading with immediate effect, in administration, liquidation, selected branch/division/site closures, planned closure at a future date) during the current contract period or the associated document retention period, the EF Provider should notify the employabilityfund@sds.co.uk inbox as soon as possible. SDS have an established process in the event of EF Provider closure to ensure that we capture all the information required including Participant files.

6. EF Referring Organisations

Both SDS CIAG and DWP are aware of EF closure and have been instructed that the last day that EF Providers will accept EF referrals is Wednesday 23 March 2022 to enable EF Providers to offer and administer appropriate starts by 31 March 2022. If an EF Provider wishes to progress an EF Participant to a higher stage within their own provision, they can continue to do this if appropriate (i.e. the individual is eligible and suitable and the EF Provider has available starts on their contract) up to and including 31 March 2022.

EF Providers are reminded that for all referrals to the EF it is the responsibility of the EF Provider to inform the referring organisation immediately if an individual does not attend for their interview or start the EF after the referral has been made. This will be critical as we near the end of EF.

7. Document retention requirements for activity supported by the European Social Fund

EF has not received any financial support from the European Social Fund (ESF). However, EF Providers may have been awarded other contracts by SDS, which have been supported by ESF. To ensure you meet your contractual obligations for all SDS contracts, we have prepared additional [guidance regarding document retention requirements for both ESF programmes](#) available on the [Training Provider area of the SDS website](#). You should specifically note the contracts included in each programme and the different retention dates applicable to each.

8. SDS Self Assessment Quality Action Plan

Residual contract holders do not require to submit a Self Assessment Quality Action Plan. As of 1 April 2022, the insightQ accounts of EF Providers with no other contract with SDS will be archived.

9. Health and Safety

SDS will withdraw its Health, Safety and Wellbeing Standard for EF Providers and all supporting documentation from circulation on 01 April 2022. All SDS Health and Safety monitoring activities are to cease from 01 April onwards - this includes the current requirement for Providers to report serious incidents involving Participants to the SDS Health and Safety Officer.

From 1 April 2022, the EF Rules Part 3 Rule 2.5 (Health and Safety) will be updated with emphasis that Providers are expected to directly comply with all applicable UK Health and Safety legislation, Approved Codes of Practice, etc. for the duration of residual contracts.

If you have any queries, please direct them to your SDS assigned Skills Investment Adviser in the first instance or alternatively you can email employabilityfund@sds.co.uk