**BSW ICS Levy Transfer Service Level Agreement**

**Version 5.0 November 2021**

1. **Parties covered by SLA**

**Levy Transfer Organisations**

* Any BSW ICS member that has a levy pot and wishes to transfer part of it to fund apprenticeships within a receiving organisation.

**Levy Receiving Organisations**

* Any non-levy paying organisation within BSW ICS that wishes to apply for levy transfer to cover apprenticeship costs.
* Any levy paying organisation within BSW ICS that has used all their funds and wishes to apply for levy transfer to cover apprenticeship costs.
* Any organisation outside BSW ICS that requests levy transfer.

1. **Scope of SLA**

This SLA sets out the terms in which the BSW ICS levy paying organisations will be able to transfer their levy to non-levy payers, or other organisations requesting levy transfers. The aim of this agreement is to ensure that levy funds stay within the BSW ICS to promote apprenticeships that will benefit the organisations, the staff and the overall workforce of all health and social care organisations within the BSW ICS, in accordance with the **OPDG** (Operational People Delivery Group) goals. Furthermore, it will aim to promote close working relationships between all health and social care organisations in the BSW ICS, including placement opportunities and shared practice/learning through the apprenticeship programmes.

Most BSW ICS organisations are facing a levy deficit due to the limited number of available apprenticeships and a slow take up to apprenticeships in the first period of the levy system, and as such it will require a substantial period of apprenticeship growth and prolonged overspend in order to balance the levy account. Levy transfer opportunities provide another way for organisations to spend their levy to work towards a balance of the account. Each organisation should undertake their own financial planning to ensure any transfer fits within their planned long term spend.

This will provide an opportunity for non-levy paying organisations, or those that have used their levy, to provide apprenticeships in the most cost effective way by using excess levy money from other employers in the region. If left unused, the excess levy money will be returned to the government as a tax.

This will assist the receiving organisations to train their staff to a higher standard in a shared network, thus taking the pressure off other organisations in the health and care sector, as they will be able to deal with more cases in their organisation.

Whilst all organisations agree to the principles of this document, each request for levy transfer is treated on an individual basis and organisations are under no obligation to provide levy transfer.

1. **Division of transfer and assessment of priority of receiving organisations**

All applications for the transfer of levy funds to cover apprenticeship activity will be submitted to the BSW ICS Apprenticeship Network via the nominated organisation / person, using the Levy Transfer Application Form (annex 1) and will align to the process for approval of transferring levy funding within BSW (annex 2). Applications will be discussed at the monthly meetings. The nominated organisation / person will be **BSW Apprenticeship Lead Petra Freeman** ([petra.freeman1@nhs.net](mailto:petra.freeman1@nhs.net)).

Levy transfer priority will be assessed by the group aligned to the apprenticeships already procured BSW ICS and will reflect and amendments and updates to approved list.

The principles guiding the demand for levy sharing are as follows:

*- Increasing the skills and training level of the ICS workforce across all sectors through the effective use of apprenticeship programmes.*

*- Improving relationships between the partnering organisations, including the creation of opportunities for more varied placements for apprentices and other students, and creating stronger working relationships.*

*- Improving patient care by providing more highly trained staff across the sector.*

*- Providing opportunities for shared learning between apprentices across settings.*

*- Reducing the costs to the non-levy paying organisations for purchasing apprenticeships and encouraging the widening of participation in apprenticeships.*

*- Providing an opportunity for ICS organisations to transfer unused levy that may otherwise be lost if left unused.*

Where there is more demand within priority areas than the group is able to give in levy transfer, the BSW Apprenticeship Network will review the cases based on current workforce strategy.

All other apprenticeships will be considered after the priority apprenticeships have been provided for.

Each request for levy transfer will be treated on an individual basis, in accordance with the terms set out in this agreement. There is no obligation for any organisation to provide levy transfer; however, should they wish to, it must be within the terms set out in this agreement.

Any disputes will be resolved, in the first instance, by the Educational Leads Group.

All organisations have the right to appeal against any decision made by the Education and Talent for Transformation Group. Appeals will be heard by the **OPDG** (Operational People Delivery Group).

Organisations that are not able to receive levy from the group will be signposted towards the government levy matching service, or towards the co-investment model.

1. **How much can be transferred**

<https://www.gov.uk/guidance/transferring-apprenticeship-service-funds#how-much-can-be-transferred>

1. **What transfers can pay for**

<https://www.gov.uk/guidance/transferring-apprenticeship-service-funds#what-transfers-can-pay-for>

1. **How to start a transfer**

<https://www.gov.uk/guidance/transferring-apprenticeship-service-funds#how-to-start-a-transfer>

1. **Guidance for Levy Transfer Organisations**

<https://www.gov.uk/guidance/transferring-apprenticeship-service-funds#employers-who-are-transferring-funds>

1. **Guidance for Levy Receiving Organisations**

<https://www.gov.uk/guidance/transferring-apprenticeship-service-funds#employers-who-want-to-receive-a-transfer>

1. **State aid / what is state aid**

Employers need to take account of [state aid](https://www.gov.uk/guidance/state-aid) rules when receiving funds from other organisations until December 2020. This will be reviewed in January 2021.

<https://www.gov.uk/guidance/transferring-apprenticeship-service-funds#state-aid>

[[Withdrawn] State aid - GOV.UK (www.gov.uk)](https://www.gov.uk/guidance/state-aid#what-is-state-aid)

1. **Non-completion of payments**

If the levy transfer organisation is no longer able to meet the agreed liability of the levy transfer amount, the apprenticeship will revert to a co-investment model with the levy receiving organisation paying the 5% contribution and the government paying the 95% co-investment amount, in accordance with the ESFA funding rules.

If the levy transfer organisation merges with another organisation, their DAS account will be closed and a new account will be set up under the name of the newly formed merger organisation. This will result in the transfer payments being stopped. Where possible, the newly formed merger organisation will continue the liability, under guidance from the ESFA in transferring the liability across. If this is not possible, the apprenticeship will revert to a co-investment model with the levy receiving organisation paying the contribution and the government paying the rest, in accordance with the ESFA funding rules.

If the levy transfer organisation is acquired by another organisation, their DAS account will be closed at the point of acquisition. This will result in the transfer payments being stopped.

Where possible, the acquiring organisation will continue the liability, under guidance from the ESFA in transferring the liability across. If this is not possible, the apprenticeship will revert to a co-investment model with the levy receiving organisation paying the contribution and the government paying the rest, in accordance with the ESFA funding rules.

1. **Completion/Non-completion/Pause of apprenticeships**

If an apprentice successfully completes their apprenticeship, the levy receiving organisation must notify the levy transfer organisation as soon as possible. This will result in the cessation of the transfer of levy funds to the levy receiving organisation and the cessation of the receipt of levy funds by the levy transfer organisation for the apprentice.

If an apprentice stops their study programme for any reason, the levy receiving organisation must notify the levy transfer organisation as soon as possible. This will result in a non-completion of the apprenticeship, the cessation of the transfer of levy funds to the levy receiving organisation and the cessation of the receipt of levy funds by the levy transfer organisation for the apprentice.

If an apprentice pauses their apprenticeship programme due to a prolonged break in work, the levy receiving organisation must notify the levy transfer organisation as soon as possible, stating the duration of the break and the reason. This will result in a pause to the transfer of levy funds to the levy receiving organisation and of the receipt of levy funds by the levy transfer organisation for the apprentice. The levy receiving organisation must notify the levy transfer organisation when the apprentice resumes, in order for the transfer of funds to resume.

**Annex 1 – Application Form**

**\*\* PLEASE ENSURE THIS FORM REMAINS IN WORD FORMAT\*\***

**BSW ICS Partnership Funded Apprenticeships**

**Levy Transfer Application Form**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Levy receiving organisation details** | | | | |
| Organisation name: |  | | Number of required places: |  |
| Address: |  | | Start date: |  |
| Organisational Apprentice Lead / organisational contact: |  | | Has the manager agreed to support 20% off the job training: |  |
| Telephone no: |  | | Does the receiving organisation already have a levy account: | Yes / No |
| Email: |  | | If no, is the receiving organisation happy to set up an account | Yes / No |
| Proposed training provider: | |  | | |
| Proposed apprenticeship: | |  | | |
| Requested total funding amount: | |  | | |
| Proposed programme length: | |  | | |
| Please detail the potential benefit of this apprentice/apprenticeship to the Banes, Swindon and Wiltshire Partnership: | |  | | |
| Please detail the potential benefit of this apprentice/apprenticeship to the receiving organisation. | |  | | |

**Apprenticeship Lead / Apprentice Manager Signature of requesting organisation:**

**Date:**

**Outcome of application**

To be completed by BSW Apprenticeship Lead or Nominated Person / other designated organisation, such as the transfer organisation.

|  |  |  |  |
| --- | --- | --- | --- |
| Date application discussed: |  | Has a transfer been agreed: | Yes / No |
| If transfer not approved please state reason(s) why: |  | | |
| Name of levy transfer organisation: |  | Number of apprentices to be funded: |  |
| Contact name & details for levy transfer organisation: |  | Amount of funding agreed: | £ |
| Has an MoU been signed by transferring organisation: | Yes / No | Date receiving organisation informed of available funding: |  |
| Has the receiving organisation appealed against the decision? | Yes / No | Date appeal referred to the Education Leads Group |  |

**BSW Apprenticeship Lead / Nominated Person Signature:**

**Date receiving organisation informed of decision:**

**Annex 2 – Process for approval of transferring levy funding within BSW for 2021- 2022**