


# POLICY DOCUMENT

## Learner Attendance, Absence & Withdrawal Policy

Name of Policy	Date Effective	Review Date	Signature
Student Withdrawal Policy	01 January 2022	1 January 2023	

This policy outlines the responsibilities of FW Solutions Ltd, the apprentice and employer for learners' attendance, absence and withdrawal during an apprenticeship.

For an Apprenticeship, the Commitment Statement and Apprenticeship Agreement are agreed and signed by the employer, apprentice and FW Solutions Ltd and confirm the commitment to regular attendance and contribution to training for the successful completion of the apprenticeship, in line with current Apprenticeship Funding Rules <https://www.gov.uk/guidance/apprenticeship-funding-rules#the-latest-rules-2021-to-2022>

For an Advanced Learner Loan, the learner will apply directly to the Student Loan Company (SLC) for funding to cover the cost of the course fees as set by FW Solutions Ltd. FW Solutions will provide a LAFIL (Learning and Funding Information Letter) to the learner, which provides the key information in order to apply for the Advanced Learner Loan, in line with current Advanced Learner Loan Funding Rules <https://www.gov.uk/government/publications/advanced-learner-loans-funding-rules-2021-to-2022>

### FW Solutions Ltd will

- Keep accurate attendance/participation records and use these to identify learners at risk of leaving early(withdrawal)
- Support learners and employers in the event that an Agreed Break in Learning (ABIL) is required
- Determine, within 28 days of a learner disengaging with their training, their intention to continue with the apprenticeship
- Encourage and support learners in finding alternative employment if required
- Update the attendance/change of circumstances on the SLC portal for all Loan learners in line with the SLA (Service Level Agreement).

### Responsibilities of the learner

- Attend work and training as agreed, as long as fit to do so
- Advise the employer of sickness or absence and their FW Solutions Teaching and Learning Co-ordinator (TLC) when appropriate
- Agree annual leave with their employer and advise their TLC of annual leave dates
- Contact FW Solutions Ltd immediately if employment ceases or changes.

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### Responsibilities of the Employer

- Agree working and Off the Job training hours (for an apprentice) within the maximum hours allowed within the European Working Time Directive, taking note of special requirements for learners under the age of 18 years <https://www.gov.uk/maximum-weekly-working-hours>
- Record attendance and absence and address any issues promptly with the learner and FW Solutions Ltd if appropriate
- Attend progress reviews for the apprentices as agreed in the commitment statement
- Advise FW Solutions Ltd immediately if a learner is absent for a TLC visit or leaves their employment

Learners are able to access the VQ Manager (e-portfolio) to view their own engagement and attendance record and Employers can access this portal to view progress of their learners.

### Why learner commitment is important

Attendance is a significant factor of success. Attending face to face training, online training and e-courses provides the learners with the opportunities to develop the skills and knowledge necessary to successfully complete their programme of study. A decrease in levels of engagement and attendance can provide an early warning of problems. The Learner Activity Log component of VQ Manager is designed to:

- Improve the engagement, commitment and attendance of all learners
- Ensure a proactive approach to providing support when you need it
- Enable you to maximise your full potential, increasing success and achievement.

### What are Mitigating Circumstances?

Mitigating Circumstances are serious, unforeseen, unpreventable circumstances that significantly disrupt apprentice's/learner's progress or ability to take part in learning and assessment. Apprentices/learners are expected to plan their work so that they can meet assessment deadlines at the same time as other obligations they may have. The mitigating circumstances process should only be used if they experience significant disruption to their studies due to circumstances that were unforeseen and out of their control.

In order for a mitigating circumstance claim to be accepted, they must demonstrate, to FW Solutions that the mitigating circumstances:

- Were outside the apprentice/learner's control
- Were unforeseen and unforeseeable
- Failures of equipment, including IT systems and computer viruses will only be accepted when they occur site-wide at the employer's premises.

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### Submitting a claim for Mitigating Circumstances

Mitigating Circumstances claims should be submitted to Mrs S. Hardy, Director of FW Solutions by email to [s.hardy@fwsolutions.net](mailto:s.hardy@fwsolutions.net) or in writing to Mrs S. Hardy, FW Solutions Ltd, Windsor House, Cornwall Road, Harrogate, HG1 2PW

### Agreed Break In Learning

In some circumstances a break in learning can be arranged if the learner will not take part in learning for more than four weeks. A learner or the TLC/Employer can request 'An Agreed Break in Learning' which can prevent a withdrawal from the apprenticeship or adult learning programme. This request should be discussed with their TLC and Employer and may be as a result of:

- Serious short-term illness
- Long term illness
- Bereavement
- Sudden deterioration of a long-term condition
- Maternity/paternity/adoption leave
- personal/family issues
- mental health difficulties

An Agreed Break in Learning will result in the learner being suspended from learning for an agreed period of time and the situation monitored by the TLC.

An Agreed Break in Learning will not be allowed for more than 12 months unless in exceptional circumstances. No Break in Learning will be allowed for longer than 18 months in any circumstances.

### Withdrawal from an Apprenticeship

Learners may decide to withdraw or are withdrawn from their learning programme and/or the employer/setting for a variety of reasons:

- A learner wishes to withdraw from their programme as they no longer wish to complete their studies
- A learner is dismissed by their employer following the outcome of the disciplinary process, a criminal convictions panel or for academic misconduct.
- A learner is required to withdraw as an outcome of the fitness to study/practice processes i.e. medical condition

Learners wanting to withdraw must:

- seek advice and guidance as soon as possible from both their (TLC) and their Employer before making the decision to withdraw.
- Submit their withdrawal in writing to both their Employer and TLC stating their reason for their decision
- Take part in an exit interview with their TLC.

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Any Employer who has dismissed the apprentice/learner must

- Advise FW Solutions in writing giving the reasons for the dismissal
- Provide evidence that employment has been terminated.

Once a learner has been withdrawn from their programme of study:

- Any FW Solutions Ltd property loaned to them should be returned to the TLC.
- Any certificates they have already achieved will be forwarded to their home address.

### Redundancy

Apprentices who have their apprenticeship agreement terminated by reason of redundancy, on or after 15 October 2020, and who, on the day of dismissal, are either within six months of the final day of the practical period OR have completed at least 75% of the practical period specified in the apprenticeship agreement, may continue their apprenticeship training with FW Solutions without being employed under an apprenticeship agreement.

In these circumstances, we will continue to deliver the apprenticeship's training as long as all the remaining elements, including the end-point assessment, can be successfully delivered.

The apprentice or the employer must provide evidence of the apprentice's redundancy for retention by FW Solutions. FW Solutions will support the apprentice through to the end of the apprenticeship, including any assessment and we will make reasonable efforts to find the apprentice a new employer.

Apprentices who have their apprenticeship agreement terminated by reason of redundancy, on or after 15 October 2020, and who, on the day of dismissal, have completed less than 75% of the practical period specified in the apprenticeship agreement, and the remaining training represents a training duration of six months or more, may continue their apprenticeship training without being employed under an apprenticeship agreement.

FW Solutions will continue to deliver the apprenticeship's training, where it can be successfully delivered and the Education and Skills Funding Agency (ESFA) will fund the apprenticeship while the apprentice seeks another employer.

The apprentice or the employer must provide evidence of the apprentice's redundancy for retention by FW Solutions. FW Solutions will support the apprentice for up to 12 weeks, including any assessment and we will make reasonable efforts to find the apprentice a new employer.

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Where a new employer is not found within 12 weeks, the apprentice must be withdrawn from their apprenticeship and we will provide a 'record of apprenticeship part-completion' to support the individual to find new employment.

### Policy Review

Overall responsibility for this Learner Attendance, Absence & Withdrawal Policy within FW Solutions Ltd and the implementation thereof lies with Sandra J Hardy, Managing Director.

This policy will be reviewed annually by Sandra Hardy, Managing Director, Rebecca Warden, Business Development Director and Janet Williams, Office Manager.

This Learner Attendance, Absence & Withdrawal Policy is Version 4 and was adopted on 01/01/2022 following annual review.

This Learner Attendance, Absence & Withdrawal Policy is due to be reviewed on 01/01/2023.