



**Department
for Education**

Framework Document between the Department for Education and the Institute for Apprenticeships

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Institute for Apprenticeships

FRAMEWORK DOCUMENT

Introduction to the Framework Document and the Institute for Apprenticeships

This framework document has been drawn up by the Department for Education (the Department) to set up the broad framework within which the Institute for Apprenticeships (the Institute) will operate, and the relationship between the Institute and the Department for Education as the sponsor department. The Department's sponsor team is located in the Education and Skills Funding Agency (ESFA), and a separate MoU to this framework document sets out the day-to-day working arrangements on financial governance elements between the Department, the ESFA and the Institute. Copies of the framework document and any subsequent amendments have been placed in the Libraries of both Houses of Parliament and will be made available to members of the public on the Institute's website.

This framework does not convey any legal powers or responsibilities. It sets out agreed expectations for how day-to-day interactions will be handled. Both parties agree to operate within its terms. It is signed and dated by the Department and the Institute.

In this document, unless otherwise stated, the following definitions shall apply:

"the Accounting Officer"	The Chief Executive (CEO)
"the 2009 Act"	Apprenticeships, Skills, Children and Learning Act 2009
"the Annual Report and Accounts"	The report required to be prepared by the Institute under section ZA6 of the 2009 Act, including strategic report, directors report, and other statements published alongside the annual statement of accounts required to be audited by the National Audit Office
"the Board"	The non-executive members appointed pursuant to Schedule A1 of the 2009 Act
"the Chair"	The director appointed to serve as chair of the Institute Board by the Secretary of State
"the Department"	The Department for Education (DfE)

"ESFA"	The Education and Skills Funding Agency, an executive agency which is part of the Department for Education
"the Employment Regulations"	The Transfer of Undertakings (Protection of Employment) Regulations 2006
"the Government"	The UK Government
"Parliament"	The UK Parliament
"the Institute"	Institute for Apprenticeships (a non-departmental public body, NDPB)
"MoU"	Memorandum of Understanding between the Accounting Officers of DfE, ESFA and the Institute in support of this framework document
"the Principal Accounting Officer (PAO)"	The Department's Permanent Secretary
"the Secretary of State (SoS)"	The Secretary of State for Education
"the Services"	The services to be delivered by or on behalf of the Department by the Institute to achieve the aims and objectives specified in section 2 of this agreement.

This document sets out the broad corporate framework within which the Institute must operate and, in particular:

- the rules and guidelines relevant to the exercise of the functions, duties and powers of the Institute; and
- the conditions under which any public funds are paid to the Institute by the Secretary of State.

As policy and delivery responsibility for apprenticeships and technical education sits within the ESFA, this document is supported by a Memorandum of Understanding (MoU) between the Accounting Officers of the Department (Permanent Secretary, Principal Accounting Officer), ESFA (Chief Executive Officer) and the Institute (Chief Executive Officer). This is to allow the Chief Executive Officers (CEOs) of ESFA and the Institute to have a direct relationship with regards to matters of financial planning,

budgeting, monitoring and reporting, on behalf of the Principal Accounting Officer (DfE Permanent Secretary).

Amendments to the Framework Document

The Institute or the Department may propose amendments to this document at any time. Any changes to the rules and guidelines for the governance and operation of public bodies issued by Cabinet Office or HM Treasury, where these apply to the Institute, will be instructed to the Institute through amendment of this document. Legislative provisions take precedence over any part of the document. Significant variations to the document must be cleared with HM Treasury or the Cabinet Office as appropriate.

Interpretation of the Framework Document

Any question regarding the interpretation of the document will be resolved by the Department after consultation with the Institute and, as appropriate, with the Cabinet Office and/or HM Treasury.

Founding legislation and status of the Institute

This framework document has been developed to be consistent with the Apprenticeships, Skills, Children and Learning Act 2009 (the 2009 Act), as amended, and contains the legal provisions relating to the creation of the Institute and its functions. Legislation and legislative changes will take precedence over any part of this document.

Classification

For national accounts purposes, the Institute is classified to the central government sector. This means that the annual report and accounts of the Institute are fully consolidated into the Departmental group's annual report and accounts.

For policy / administrative purposes, the Institute is classified as an NDPB and is a Crown Body.

Purpose and aims of the Institute for Apprenticeships

The Institute is a non-departmental public body sponsored by the Department, it has been created in order to support the strategic aims of the Department and the integrity of the apprenticeships and technical education systems. Its current remit is to assure the quality of apprenticeships and provide advice to Government on future funding provision for apprenticeship training.

The Institute has several core functions set through legislation¹:

- setting quality criteria for the development of all occupational standards and assessment plans, irrespective of level, for occupations which the Institute considers appropriate;
- reviewing, rejecting or approving (and publishing) standards and assessment plans;
- for each standard, describing the occupation and the outcomes which a person will be expected to attain to successfully achieve the standard;
- maintaining and publishing occupational maps in relation to the 15 occupational routes; and
- ensuring all end-point assessments are quality assured, including quality assuring some itself.

In addition, the Institute will provide advice and assistance² to the Secretary of State in relation to:

- funding provision for apprenticeship training; and
- the development of T Levels, in particular technical education qualifications and the procurement of awarding organisations to develop those (ahead of the relevant provisions of the Technical and Further Education Act 2017 being commenced).

On commencement of the relevant provisions of the Technical and Further Education Act 2017 (date to be confirmed) the Institute for Apprenticeships will become the Institute for Apprenticeships and Technical Education and will have responsibility for approving the qualifications that form part of T Levels, including making arrangements to secure the availability of qualifications for approval³.

The Institute will also have responsibility for determining the additional steps towards occupational competence that make up each T Level programme⁴.

Governance, responsibilities and accountability

1. The Institute's legal origins of power and duties

The Institute's powers and duties stem from the Apprenticeships, Skills, Children and Learning Act 2009 (the 2009 Act), as amended, including by Schedule 1 to the Technical and Further Education Act 2017 (once commenced in full).

¹ <http://www.legislation.gov.uk/ukpga/2016/12/schedule/4/enacted>

² 2009 Act, s ZA3

³ 2009 Act, s A2DA

⁴ 2009 Act, s A2DB

2. Ministerial responsibility and accounting in Parliament

The Secretary of State for Education (the Secretary of State) and the Minister of State for Apprenticeships and Skills will account for the Institute's business in Parliament. The minister will have lead responsibility for oversight of the Institute on a day-to-day basis.

The Secretary of State can ask the Institute to prepare and submit a report, as soon as reasonably practical, on any matter relating to its functions.⁵

3. The Secretary of State

The Secretary of State will provide advice on the context and focus of the Institute's activities, and on departmental policy, through strategic guidance⁶, to which the Institute must have regard.

Although the Secretary of State will not be able to intervene in decisions made by the Institute, he or she can issue written directions to the Institute in the following circumstances:

- if he/she is satisfied that the Institute has failed to discharge one of its duties or if he/she is satisfied that the Institute has acted, or is proposing to act, unreasonably in exercising any function.⁷
- On commencement of the relevant provisions of the Technical and Further Education Act 2017 a direction can be made in connection with the exercise of any function relating to the Institute's technical education powers without the requirement to be satisfied of the matters set out above.⁸

The Institute has a statutory obligation to comply with any such direction.⁹

4. The Department's accounting officer's specific accountabilities and responsibilities as Principal Accounting Officer (PAO)

The Permanent Secretary as the Department's Principal Accounting Officer (PAO) has designated the Chief Executive as the Institute's Accounting Officer. The role and responsibilities of an Accounting Officer are set out in Chapter 3 of [Managing Public Money](#), and a letter is sent separately to the Accounting Officer on appointment.

The PAO is accountable to Parliament for the issue of any grant-in-aid to the Institute. The PAO is also responsible for advising the Minister of State for Apprenticeships and Skills on:

- an appropriate framework of objectives and targets for the Institute in light of the Department's wider strategic aims and priorities;

⁵ 2009 Act, s ZA6 (5)

⁶ 2009 Act, s ZA2 (2)

⁷ 2009 Act, s ZA7

⁸ 2009 Act, s A2DC

⁹ 2009 Act, s ZA8

- an appropriate budget for the Institute in the light of the Department's overall public expenditure priorities; and
- how well the Institute is achieving its strategic objectives and whether it is delivering value for money.

The PAO is also responsible for ensuring arrangements are in place in order to:

- monitor the Institute's activities;
- address significant problems in the Institute, making such interventions as are judged necessary;
- periodically carry out an assessment of the risks both to the Department and the Institute's objectives and activities;
- inform the Institute of relevant government policy in a timely manner; and
- bring concerns about the activities of the Institute to the full Institute Board, and, as appropriate, to the Department's Board, requesting explanations and assurances that appropriate action has been taken.

The PAO is responsible for making arrangements to satisfy himself or herself that the Institute has systems adequate to meet the standards set out in box 3.1 of 'Managing Public Money' (ie. that the Institute operates effectively and to a high standard of probity).

5. Sponsorship Team

The Sponsor and Partnership

The Department is the sponsor for the Institute. The Department and the Institute will have an open and honest, trust-based partnership supported by the principles set out in the [Partnerships between Departments and Arm's Length Bodies: Code of Good Practice](#). As such, both partners will ensure they clearly understand the strategic aims and objectives of the other party. Both partners will also commit to keeping each other informed of any significant issues and concerns.

The sponsor team, located within the ESFA (as an Executive Agency of the Department), is the primary contact and first port of call for the Institute, on all questions about the Department and/or central government's requirements of the Institute. The sponsor team will support the Chief Executive of the ESFA in their responsibilities toward the Institute as Senior Sponsor, and will provide briefing to enable effective support, challenge and monitoring at quarterly performance and ministerial meetings. They commission, through the Strategic Guidance, and monitor the Institute's activities, providing that the Institute is delivering its objectives. They will provide oversight of the Institute and are the main source of advice to the Minister of State for Apprenticeships and Skills on the discharge of his or her responsibilities in respect of the Institute. They also support the PAO on his or her responsibilities towards the Institute.

The Institute will regularly report progress on its performance against the relevant programme objectives, as set out in the Strategic Guidance, to the apprenticeship

and TE SROs.¹⁰ This will be done on a continuing basis through a proportionate and timely flow of information from the Institute.

The Senior Sponsor

The Department's Senior Sponsor for the Institute will be the Chief Executive of the ESFA. If this post is at any time vacant after the signing of this document, the Director for Apprenticeships will oversee sponsorship until a suitable replacement is in post. The Senior Sponsor will:

- act as the senior point of liaison between the Institute, the Department, Secretary of State and Ministers;
- be the main source of advice to Ministers on the discharge of his or her responsibilities in respect of the Institute;
- support and advise the PAO on his or her responsibilities toward the Institute;
- ensure that, where reasonably possible, the Institute's Chief Executive has advance notice of wider government announcements on apprenticeships;
- aid the flow of information and nurture relationships, facilitating the Institute's relationships with officials in other government Departments where reasonably possible;
- work collaboratively with the Institute's Chief Executive to facilitate the smooth operation of the arrangements set out in this framework document; and
- ensure requests for approval of expenditure are dealt with promptly and proportionately, and that Departmental approval is not unreasonably delayed and/or withheld for any reason, except where the Secretary of State reasonably considers that the proposed expenditure does not represent value for money. HM Treasury approval should be sought for all novel, contentious or repercussive expenditure in line with standard Departmental/ESFA procedures (see DfE referral process in Appendix 1).

6. Chief Executive of the ESFA

As well as Senior Sponsor, the Chief Executive of the ESFA is the Accountable Budget Holder for apprenticeships and technical education programmes and so will represent the PAO in the process of business planning and budget allocation for the Institute. This role is separate to the role of the Chief Executive as Accounting Officer for the ESFA. The roles of Senior Sponsor and Accountable Budget Holder do not always need to be held by the same person in the Department or ESFA, but do so for the purposes of this framework document. The Institute AO remains ultimately accountable to the PAO for the Institute's finances. Further detail on the relationship between the PAO, the Institute's AO and the Chief Executive of the ESFA is set out in the Memorandum of Understanding supporting this framework document.

¹⁰ 2009 Act, s ZA2 (2)

7. Responsibilities of the Institute's Chief Executive as Accounting Officer

General

The Chief Executive as Accounting Officer is personally responsible for:

- safeguarding the public funds for which he or she has charge;
- ensuring propriety, regularity, value for money and feasibility in the handling of those public funds;
- the day to day operations and management of the Institute;
- ensuring the Institute as a whole is run on the basis of the standards, in terms of governance, decision-making and financial management that are set out in Box 3.1 of *Managing Public Money*.

Managing conflicts of Interest

The Chief Executive should delegate to the Institute's Finance Director¹¹ (or one of the other Executive Board members) the discretion to refer proposals which could involve a conflict of interest to the Board, without first consulting him or her, if they believe that a conflict of interest arises and it would be inappropriate to bring it to the Chief Executive's attention first.

Responsibilities for accounting to Parliament

The accountabilities include:

- signing the Annual Report and Accounts (ARA); ensuring that proper records are kept in relation to the accounts and ensuring that these are properly prepared and presented in accordance with the 2009 Act by:¹²
- preparing and signing a governance statement covering corporate governance and risk management for inclusion in the ARA;¹³
- ensuring that effective procedures for handling complaints about the Institute are established and made widely known within the Institute, including how, where necessary, complaints will be escalated to the Department;
- acting in accordance with the terms of this document, *Managing Public Money* and other instructions and guidance issued from time to time by DfE, HM Treasury and Cabinet Office; and
- giving evidence, normally with the PAO, when summoned before the Public Accounts Committee, on the Institute's stewardship of public funds.
- ensuring Parliament is informed in a timely manner of transactions which are required to be specifically reported to it.

¹¹ In this instance, 'Finance Director' refers to a qualified finance professional at SCS level. This requirement is met by the Chief Financial Officer at the Institute.

¹² 2009 Act, s ZA6 and paragraph 11 of Schedule A1

¹³ 2009 Act, s ZA6 (2)

The Institute will provide substantive answers to parliamentary questions directly by letter from the Chief Executive to the Member of Parliament where the questions relate wholly to the Institute's own activities. In these cases, the Minister will table a written answer indicating that the Institute will write to the Member directly, and undertaking to place a copy of the Institute's reply in the Libraries of both Houses (as appropriate).

Responsibilities for accounting to DfE

Particular responsibilities to DfE include:

- establishing, in agreement with the Department, the Institute's corporate and business plans in the light of the Department's wider strategic aims and agreed priorities; informing the Department of progress in achieving the Institute's objectives in line with the strategic guidance issued by the Department, and in demonstrating how resources are being used to achieve those objectives; and
- ensuring that timely forecasts and monitoring information on performance and finance are provided to the Department; that DfE is notified promptly if over or under spends are likely and that corrective action is taken; and that any significant problems whether financial or otherwise are notified to the Department in a timely fashion.¹⁴
- ensuring there is a named senior information risk owner (SIRO) responsible for the organisation's information risk process.

Responsibilities for accounting to the Board

The Chief Executive is a member of the Institute's Board, with particular responsibility for:

- advising the Board on the discharge of its responsibilities as set out in this document, in the 2009 Act, and in any other relevant instructions or guidance that may be issued from time to time;
- advising the Board on the Institute's performance compared with its aims and objectives;
- ensuring that financial considerations are taken fully into account by the Board at all stages in reaching and executing its decisions, and that financial appraisal techniques are followed; and
- taking action as set out in paragraph 3.8.6 of *Managing Public Money* if the Board, or its Chair, is contemplating a course of action involving a transaction which the Chief Executive considers would infringe the requirements of propriety or regularity or does not represent prudent or economical administration, efficiency or effectiveness, is of questionable feasibility, or is unethical.

¹⁴ 2009 Act, paragraph 13 to Schedule A1. See also HM Treasury's *Managing Public Money*, which sets out the main principles for dealing with resources in UK public sector organisations.

8. The Institute's Board

The Board should ensure that effective arrangements are in place to provide assurance on risk management, governance and internal control. The Board should set up an Audit and Risk Assurance Committee chaired by an independent non-executive member to provide independent advice. The Board is expected to assure itself of the effectiveness of the internal control and risk management systems. The Board must also have a Remuneration Committee chaired by an independent non-executive board member to fulfil the requirements of the agreed pay framework in place at the time.

The Board has collective responsibility for:

- establishing the strategic direction of the Institute in line with the strategic guidance issued to the Institute and ensuring it discharges its statutory duties as set out in the 2009 Act and within the resources framework available;
- determining the steps necessary to deal with any developments which are likely to affect the Institute's ability to discharge its statutory functions and keeping the Minister of State for Apprenticeships and Skills informed if any such developments arise;
- ensuring that any statutory or administrative requirements for the use of public funds are complied with;
- ensuring that the Institute operates within the limits of its statutory authority and any delegated authority agreed with the Department, and in accordance with any other conditions relating to the use of public funds and that, in reaching decisions, the Board acts in accordance with *Managing Public Money* and any subsequent guidance issued by central Government. If, in practice, any of the guidance requirements should be found to constrain the Institute in the discharge of its functions, the Institute agrees to alert the sponsorship team who will liaise with the issuing department to consider the request to lift the requirement based on the evidence provided by the Institute. The sponsorship team will notify the Institute of the outcome promptly;
- ensuring that it receives regular financial information concerning the management of the Institute; is informed in a timely manner about any concerns about the activities of the Institute; and provides positive assurance to the Department that appropriate action has been taken on such concerns; and
- demonstrating high standards of corporate governance at all times, including by using the independent audit committee to help it address key financial and other risks.
- Appointing, after consulting the Secretary of State, a Chief Executive and, setting performance objectives and remuneration terms linked to these objectives for the Chief Executive which give due weight to the proper management and use and utilisation of public resources.

The Chair's personal responsibilities

The Chair is responsible to the Minister of State for Apprenticeships and Skills for ensuring that the Institute fulfils its statutory functions as set out in the 2009 Act. Communications between the Institute's Board and the Minister should normally be through the Chair. He or she is responsible for ensuring that the Institute's affairs are conducted with probity. Where appropriate, these policies and actions should be clearly communicated and disseminated throughout the Institute.

In addition, the Chair has the following leadership responsibilities:

- formulating the Board's strategy;
- ensuring that the Board, in reaching decisions, takes proper account of guidance provided by the Minister or the Department;
- promoting the efficient and effective use of staff and other resources;
- delivering high standards of regularity and propriety; and
- representing the views of the Institute to external stakeholders and the general public.
- annually reviewing the performance of the Board, committees and individual Board members.

The Chair also has an obligation to ensure that:

- the work of the Board and its members are reviewed and are working effectively;
- the Board has a balance of skills appropriate for directing the Institute's business, as set out in the Government Code of Good Practice on Corporate Governance;
- Board members are fully briefed on terms of appointment, duties, rights and responsibilities;
- he or she, together with other Board members, receives appropriate training on financial management and reporting requirements and on any differences that may exist between private and public practice;
- the responsible minister is advised of the Institute's needs when Board vacancies arise;
- the performance of individual Board members is assessed if they are being considered for re-appointment;
- there is a Board Operating Framework in place setting out the role and responsibilities of the Board consistent with the Government *Code of Good Practice for Corporate Governance*; and,
- there is a code of practice for Board members in place consistent with the Cabinet Office *Code of Conduct for Board Members of Public Bodies*.

Individual Board Members' responsibilities

Individual Board members should:

- comply at all times with the *Code of Conduct for Board Members of Public Bodies* and with the rules relating to the use of public funds and to conflicts of interest;
- not misuse information gained in the course of their public service for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations;
- comply with the Board's rules on the acceptance of gifts and hospitality and of business appointments; and
- act in good faith and in the best interests of the Institute.

9. Engagement

The Department and the Institute shall meet at least as often as specified in the governance meetings schedule at Appendix 3. Additional meetings will be agreed as necessary between the Department and the Institute.

10. Annual report and accounts

The Institute must operate management information and accounting systems which enable it to review in a timely and effective manner its financial and non-financial performance against budgets and targets set out in its corporate and business plans.

The Institute will form part of the department's Annual Report and Accounts, to this end, the performance of the Institute must be reported to the Department on a regular basis. The Institute must provide the Department with such financial or other corporate information as is required for departmental management purposes.

In accordance with section ZA6 of the 2009 Act, the Institute must prepare a statement of accounts at the end of each financial year. The Institute must send a copy of each statement of accounts to the Secretary of State, and the Comptroller and Auditor General, before the end of the month of August following the financial year to which the statement relates. A draft of the Institute's annual report and accounts should be sent to the Department in time for consolidation within the Department's accounts.

The annual report should:

- cover any corporate, subsidiary or joint ventures under the Institute's control;
- comply with the Treasury's Financial Reporting Manual (FReM);
- outline main activities and performance during the previous financial year and set out in summary form future plans.

The accounts should be prepared in accordance with the relevant statutes and specific accounts direction issued by the Department as well as the FReM. Information on performance against key financial targets is within the scope of the audit and should be included in the annual report.

A draft of the annual report and accounts must be sent to the sponsor team as soon as possible after it has been prepared and at least two weeks before the proposed publication date, subject to audit. The Secretary of State is responsible for laying a copy of the annual report and accounts in Parliament. The Institute should publish a copy of the annual report and accounts on the DfE website.

11. Internal audit

The Institute must establish and maintain arrangements for internal audit in accordance with HM Treasury's Public Sector Internal Audit Standards (PSIAS). The internal audit arrangements for the Institute must have regard to the Department's Group Internal Audit operating model (operational detail to be agreed between the Head of Internal Audit (HIA) of the Institute and the Department's Group HIA).

The Institute's internal audit function will be provided by the Government Internal Audit Agency (GIAA). The Institute is responsible for:

- ensuring the GIAA has complete access to all relevant records;
- setting up an Audit and Risk Assurance Committee (ARAC) of its Board in accordance with good practice suggested in the Cabinet Office *Corporate Governance in Central Government Departments: Code of Good Practice* and HM Treasury's *Audit and Risk Assurance Committee Handbook*;
- forwarding the audit strategy, periodic audit plans and annual audit report to the GIAA;
- putting in place effective controls to prevent fraud and theft; and
- reporting all cases of attempted, suspected or proven fraud, irrespective of the amount involved, and notifying the Department of any unusual or major incidents as soon as possible.

12. External audit

In accordance with paragraph 11 of Schedule A1 to the 2009 Act, the Comptroller & Auditor General (C&AG) audits the Institute's annual accounts and passes a copy of the audited annual report and accounts to the Secretary of State who will lay the annual report and accounts, which includes the C&AG's report, before Parliament.

Under the 2009 Act,¹⁵ the Institute must obtain consent from the Secretary of State if it wants to set up a subsidiary company. In the event that the Institute has set up and controls subsidiary companies, the Institute will ensure that the C&AG is appointed auditor of those company subsidiaries that it controls or whose accounts are consolidated within its own accounts. The Institute shall discuss with DfE the procedures for appointing the C&AG as auditor of the companies.

The C&AG:

- will consult the Department and the Institute on whom – the NAO or a commercial auditor – shall undertake the audit(s) on his behalf, though the final decision rests with the C&AG;

¹⁵ 2009 Act, paragraph 10 (4) of Schedule A1

- has a statutory right of access to relevant documents, including by virtue of section 25(8) of the Government Resources and Accounts Act 2000, those held by another party in receipt of payments or grants from the Institute;
- will share with DfE information identified during the audit process and the audit report (together with any other outputs) at the end of the audit, in particular on issues impacting on the Department's responsibilities in relation to financial systems within the Institute; and
- will, where asked, provide departments and other relevant bodies with Regulatory Compliance Reports and other similar reports which departments may request at the commencement of the audit and which are compatible with the independent auditor's role.

The C&AG may carry out examinations into the economy, efficiency and effectiveness with which the Institute has used its resources in discharging its functions. For the purpose of these examinations the C&AG has statutory access to documents as provided for under section 8 of the National Audit Act 1983. In addition, the Institute shall provide, in conditions to grants and contracts, for the C&AG to exercise such access to documents held by grant recipients and contractors and sub-contractors as may be required for these examinations, and shall use its best endeavours to secure access for the C&AG to any other documents required by the C&AG which are held by other bodies.

Right of access

The Institute will allow reasonable access by DfE to Institute records and personnel where this is necessary for the proper discharge of the responsibilities of the Minister of State for Apprenticeships and Skills in respect of the Institute to Parliament.

Management and financial responsibilities

13. *Managing Public Money* and other government guidance and instructions

Unless agreed by the Department and, as necessary, HM Treasury, the Institute shall follow the standards, rules, guidance and advice in *Managing Public Money*, referring any difficulties or potential bids for exceptions to the sponsorship team in the ESFA in the first instance. A list of guidance and instructions with which the Institute should comply is in Appendix 2.

Once the budget has been approved by the Department, the Institute has the authority to incur expenditure approved in the budget without further reference to the Department, providing that:

- the Institute complies with the delegations set out in Appendix 1. These delegations shall not be altered without the prior agreement of the Department (through the Senior Sponsor);
- the Institute complies with *Managing Public Money* regarding novel, contentious or repercussive proposals;

- the inclusion of any planned and approved expenditure in the budget does not remove the need to seek formal departmental approval (through the Senior Sponsor), where any proposed expenditure is outside the delegated limits or is for new schemes not previously agreed; and
- the Institute provides the Department with such information about its operations, performance, individual projects or other expenditure as the Department may reasonably require.
- the Institute ensures that its staff are familiar with the requirements of 'Managing Public Money'; and
- specific transactions which the Department is required to report to Parliament are brought to the Department's attention expeditiously and transparently

The Permanent Secretary as the PAO delegates financial authority directly to the Accounting Officer of the Institute. The Institute's Accounting Officer is therefore accountable to the PAO. The Institute's AO should aim to resolve matters relating to day-to-day financial governance, budgets, or expenditure with the Chief Executive of the ESFA (in their role as Accountable Budget Holder for Apprenticeships and Technical Education programmes). If such matters cannot be resolved, or pose significant risk to the Department, the Institute's AO should notify the PAO.

14. Corporate Governance

Board appointments and composition

Chair and Board members' appointments will be made by the Secretary of State in accordance with Schedule A1 to the 2009 Act and the *Code of Practice for Ministerial Appointments to Public Bodies*.

The Board is consisted of a Chair, a Chief Executive and a further 4-10 members, as is set out in the legislation establishing the Institute. In line with MPM chapter 4, box 4.1 and annex 4.1, a qualified finance director¹⁶ must also attend all Board meetings.

The finance director is to:

- be professionally qualified¹⁷;
- report directly to the permanent head of the Institute;
- be a member of the senior leadership team, the management board and the executive committee (and/or equivalent bodies).

¹⁶ In this instance, 'Finance Director' refers to a qualified finance professional at SCS level. This requirement is met by the Chief Financial Officer at the Institute.

¹⁷ The term professional finance director in this context means both being a qualified member of one of the five bodies comprising the Consultative Committee of Accounting Bodies (CCAB) in the UK and Ireland, i.e. the Chartered Institute of Public Finance and Accountancy, the Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants of Scotland, the Institute of Chartered Accountants in Ireland, the Association of Chartered Certified Accountants, or having equivalent professional skills and/or qualifications; and having relevant prior experience of financial management in either the private or the public sector.

The composition of the Board will reflect the “employer-led” ethos of the Institute, and members should have a balance of skills and experience appropriate to directing the Institute’s business.

Board appointments – the Chief Executive

In accordance with the 2009 Act,¹⁸ the first Chief Executive was appointed by the Secretary of State in consultation with the Chair. Subsequent Chief Executives will be appointed by the Board after consulting the Secretary of State. Chief Executives will be appointed for a term of no more than five years.

15. Risk management

The Institute should ensure that the risks that it faces are dealt with in an appropriate manner and in accordance with best practice in corporate governance. The Board should define the organisation’s risk tolerance and retain oversight of the key risks facing the Institute in delivering its strategic objectives. It should develop a risk management strategy in accordance with the Department’s *Risk Management Policy and Guidance* and the HM Treasury guidance: *Management of Risk: Principles and Concepts (the Orange Book)*.

It should adopt and implement the appropriate policies and practices to safeguard itself against fraud and theft, in line with the HM Treasury’s guide: *Managing the Risk of Fraud*. It should also take all reasonable steps to appraise the financial standing of any firm or other body with which it intends to enter into a contract or to give grant or grant-in-aid.

16. Strategic and business plans

The Institute should provide, at times agreed with the Department, its strategic plan which should reflect its strategic direction, priorities and objectives for the next three years.¹⁹

Each year of the three-year plan, amplified as necessary, should form the basis of the Institute’s annual business plan. The business plan should include a forecast of expenditure for the financial year to which the business plan relates, suitably classified by activity and key objectives, and clear success indicators. The business plan shall be updated to include key targets and milestones for the year immediately ahead and shall be linked to budgeting information so that resources allocated to achieve specific objectives can readily be identified by the Department.

Subject to any commercial considerations, the strategic and business plans should be published by the Institute on its website and made available to staff.

The following key matters should be included in the plans:

- key objectives and associated key performance targets for the forward years, and the strategy for achieving those objectives;
- a review of performance in the preceding financial year, together with comparable outturns for the Institute’s previous two years of operation, and an estimate of performance in the current year, where relevant;

¹⁸ 2009 Act, paragraph 5 of Schedule A1

¹⁹ 2009 Act, s ZA6 (5)

- and an assessment of the risk factors that may significantly affect the execution of the plan but that cannot be accurately forecast;
- plans for stakeholder communications – including public communications; and
- other matters as agreed between the Department and the Institute.

The main elements of the plan, including the key performance targets, must be agreed by the Institute's Board, with representation from the Department. Agreement should be undertaken in the context of the Strategic Guidance and the Department's wider public expenditure plans and decisions. Elements that have a direct impact on budget/resources should be flagged to the senior sponsor.

17. Budgeting procedures

Each year, in the light of decisions by the Department on the Institute's updated strategic plan, the Department will send to the Institute:²⁰

- a formal statement of the budgetary provision allocated by the Department in light of competing priorities across the Department and of any forecast income approved by the Department; and
- a statement of any planned change in policy affecting the Institute, through the strategic guidance.

The annual business plan should take account both of approved funding provision and any forecast receipts, and should include a budget of estimated payments and receipts together with a profile of expected expenditure and of draw-down of any departmental funding or other income over the year. These elements form part of the approved business plan for the year in question.

18. Grant-in-aid and any ring-fenced grants

Any grant-in-aid provided by the Department for the year in question will be voted on in the Department's Supply Estimate and be subject to Parliamentary control.

Funding should be phased through the year in instalments designed to echo the Institute's expenditure pattern. In this way the Institute need not carry significant cash balances at year end. The grant-in-aid will normally be paid in monthly instalments on the basis of written applications showing evidence of need. The Institute will comply with the general principle that there is no payment in advance of need. Cash balances accumulated during the course of the year from grant-in-aid or other Exchequer funds should be kept to a minimum level consistent with the efficient operation of the Institute; this total should not exceed 2% of total annual grant-in-aid.

The Institute should comply with the Treasury guidance that prevents any more than 2% being carried forward. Grant-in-aid not drawn down by the end of the financial year shall lapse. Subject to approval by Parliament of the relevant Estimates

²⁰ 2009 Act, s ZA2 (2)

provision, where grant-in-aid is delayed to avoid excess cash balances at the year end, the Department will make available in the next financial year any such grant-in-aid that is required to meet any liabilities at the year end (such as creditors), in line with HMT agreed budget exchange arrangements, as set out in the Consolidated Budgeting Guidance.

In the event that the Department provides the Institute separate grants for specific (ring-fenced) purposes, it would issue the grant as and when the Institute needed it on the basis of a written request. The Institute would provide evidence that the grant was used for the purposes authorised by the Department. The Institute shall not have uncommitted grant funds in hand, nor carry grant funds over to another financial year.

19. Reporting performance to the Department

The Institute should operate management, information and accounting systems that enable it to review in a timely and effective manner its financial and non-financial performance against the budgets and targets set out in its corporate and business plans. The Institute should inform the Department of any changes that make achievement of objectives more or less difficult.

Institute officials should report financial and non-financial performance, the achievement of key objectives and performance against the Department's strategic guidance through monthly meetings with officials in the sponsorship team in the ESFA. ESFA officials should also take the opportunity to explain wider policy developments that might have an impact on the Institute, and vice versa.

The Chief Executive of the ESFA, and the SROs for the Apprenticeships and Technical Education reform programmes, will meet with the Institute Chief Executive on a quarterly basis to discuss performance against budgets and objectives. The Minister of State for Apprenticeships and Skills will meet with the Chair and Chief Executive twice a year as part of an annual performance review and at other points in year as necessary. Further detail on the schedule of governance meetings is at Appendix 3.

The Institute and the Department will agree and comply with a Shared Service Agreement for key supporting functions, setting out the service level expectations of both parties. Deviation from the commitments agreed within this Agreement will be raised through the sponsorship team and escalated as necessary.

Providing monitoring information to the Department

As a minimum, the Institute should provide the Department with information monthly that will enable the Department satisfactorily to monitor:

- The Institute's cash management;
- Its draw-down of grant-in-aid; and
- The forecast outturn by resource headings.

In addition, the Institute should provide the Department with:

- other data required for Transparency reporting;
- an explanation of budget variances;
- other data, including monthly forecast profiles and actuals required for the Online System for Central Accounting and Reporting (OSCAR) (an HMTreasury system); and
- Its performance against the key performance indicators and measures.

The Institute will also need to contribute to the Department's quarterly GMPP returns, to enable effective budget monitoring against the published objectives of the apprenticeship and technical education programmes.

Dispute resolution process

It is expected that the Institute will continue to work closely with the Department on areas where the Department maintains policy responsibility (set out in the strategic guidance). Where it may be considered useful, such as where the focus of a policy might change or require further clarification, the Secretary of State is able to issue further statutory notices to the Institute throughout the year. We would expect discussions around policy changes to be discussed and agreed between officials in the Department and the Institute, following advice from Ministers.

Any disputes between the Department and the Institute will be resolved in as timely a manner as possible. The Department and the Institute will seek to resolve any disputes through an informal process in the first instance. The sponsorship team in the ESFA should be the first point of contact should this informal process fail to resolve the issue. The sponsorship team will escalate to the Institute's Senior Sponsor and Apprenticeships and Technical Education Programme Directors as necessary. A formal process, overseen by the Senior Sponsor, will be used to resolve the issue. Failing this, the Senior Sponsor will ask the Permanent Secretary to oversee the dispute. The Permanent Secretary may then choose to nominate a non-executive member of the Department's Board to review the dispute, mediate with both sides and reach an outcome, in consultation with the Secretary of State.

20. Public complaints

The Institute should handle comments, suggestions and complaints in accordance with its clear procedure and in line with the Parliamentary and Health Service Ombudsman's Principles of Good Complaint Handling. The Institute should publish guidance on submitting complaints to it on its website. This shall be in accordance with Parliamentary and Health Service Ombudsman's Principles of Good Complaint Handling.

21. Delegated authorities

The Institute's delegated authorities are set out in Appendix 1. The Institute shall obtain the Department's written approval (through the Senior Sponsor) before:

- entering into any undertaking to incur any expenditure that falls outside the delegations or which is not provided for in the Institute's annual budget as approved by the Department;

- incurring expenditure for any purpose that is or might be considered novel or contentious, or which has or could have significant future cost implications;
- making any significant change in the scale of operation or funding of any initiative or particular scheme previously approved by the Department;
- making any change of policy or practice which has wider financial implications that might prove repercussive or which might significantly affect the future level of resources required; or
- carrying out policies that go against the principles, rules, guidance and advice in *Managing Public Money*.

22. Transparency

The Institute shall act in a transparent manner and shall abide by applicable codes of practice and other guidelines issued by Government which relate to their financial management, operations and staff conduct.

23. Freedom of Information requests

Where a request for information is received by either party under the Freedom of Information Act 2000, the party receiving the request will consult with the other party prior to any disclosure of information that may affect their respective responsibilities.

24. Staff

Broad responsibilities for Institute staff

As provided for in the 2009 Act, the Institute staff will be employed as civil servants. The Institute will be responsible for determining the number of staff it has and their conditions of service, subject to approval from the Secretary of State.²¹

The broad responsibilities toward its staff are to ensure that:

- the rules for recruitment and management of staff create an inclusive culture in which diversity is fully valued; the recruitment policy is to support the apprenticeships programme and to recruit apprentices wherever possible; appointment and advancement is based on merit – there is no discrimination on grounds of gender, marital status, sexual orientation, race, colour, ethnic or national origin, religion, disability, community background or age;
- the level and structure of its staffing, including grading and staff numbers, are appropriate to its functions and the requirements of economy, efficiency and effectiveness;
- the performance of its staff at all levels is satisfactorily appraised and the Institute's performance measurement systems are reviewed from time to time;

²¹ 2009 Act, paragraph 5 (8) of Schedule A1

- its staff are encouraged to acquire the appropriate professional, management and other expertise necessary to achieve the Institute's objectives;
- proper consultation with staff takes place on key issues affecting them;
- adequate grievance and disciplinary procedures are in place;
- whistle-blowing procedures consistent with the Public Interest Disclosure Act 1998 are in place;
- A code of conduct for staff is in place based on the Cabinet Office's *Model Code for Staff of Executive Non-Departmental Public Bodies*.

Staff costs

Subject to its delegated authorities, the Institute should ensure that the creation of any additional posts does not incur forward commitments that will exceed its ability to pay for them.

Pay and conditions of service

Institute staff are subject to levels of remuneration and terms and conditions of service (including pensions) within the general pay structure agreed by DfE. The Institute has delegated power to amend these terms and conditions in line with HM Treasury pay guidance and will be subject to agreement by the Department.

Civil service terms and conditions of service apply to the rates of pay and non-pay allowances paid to Institute staff and to any other party entitled to payment in respect of travel expenses or other allowances. Payment shall be made in accordance with the *Civil Service Management Code* except where prior approval has been given by DfE to vary such rates.

Staff terms and conditions should be set out in an Employee Handbook, which should be provided to the sponsor team together with subsequent amendments.

The Institute should operate a performance-related pay scheme that will form part of the annual aggregate pay budget approved by the Department.

The travel expenses of board members should be reimbursed in line with the Institute's expenses policy.

The Institute shall comply with the EU Directive on contract workers – the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

Pensions, redundancy and compensation

Institute staff shall normally be eligible for a pension provided by membership of the Principal Civil Service Pension Scheme (PCSPS).

Any proposal by the Institute to move from the existing pension arrangements, or to pay any redundancy or compensation for loss of office, requires the prior approval of the Department and HM Treasury/Cabinet Office where applicable. Proposals on severance must comply with the rules in chapter 4 of [Managing Public Money](#) and Cabinet Office guidance on severance payments.

25. Review of the Institute

The Institute will be subject to a “Tailored Review” by the Department (in line with the Cabinet Office policy for the tailored reviews of public bodies) at least once in the lifetime of each Parliament or sooner in the event of a significant change in the scope or direction of its primary aims. These reviews ensure that the public body is delivering effectively against its aims and objectives and provide a robust challenge to, and assurance on, the continuing need for individual organisations – both their functions and form. Where it is agreed that an organisation should be retained, there will be a review of:

- its capacity for delivering more effectively and efficiently, including identifying the potential for efficiency savings, and where appropriate, its ability to contribute to economic growth. The review should include an assessment of the performance of the organisation or assurance that processes are in place for making such assessments; and
- the control and governance arrangements in place to ensure that the organisation and its sponsor are complying with recognised principles of good corporate governance.

The Department will schedule a “Tailored Review” in liaison with Cabinet Office and with consideration for other priorities. This will be conducted at an appropriate point to consider the Institute’s progress and the Department’s future needs and is currently planned to take place in 2020. The Terms of reference for this review will include:

- overall efficiency of the Institute;
- current context, ongoing and future requirements; and
- ways of working.

This Agreement will be reviewed jointly by the Department and the Institute following each review of the Institute’s functions as provided for above, or at any point with the agreement of the Department and the Institute.


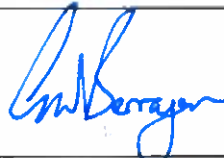
26. Abolition arrangements

The Institute has been established as a statutory corporation and Crown Body. In the event that Parliament should pass legislation for the Institute to be abolished as a legal entity any such arrangements should be given effect to in accordance with that legislation.

If the Institute is abolished, the Department shall put in place arrangements to ensure the orderly abolition of the Institute. In particular, it should ensure that the assets and liabilities of the Institute are passed to any successor organisation and accounted for properly. In the event that there is no successor organisation, the assets and liabilities should revert to the Department, which shall:

- ensure that procedures are in place in the Institute to gain independent assurance on key transactions, financial commitments, cash flows and other information needed to handle the abolition effectively and to maintain the momentum of work inherited by any residuary body;

- specify the basis for the valuation and accounting treatment of the Institute's assets and liabilities;
- ensure that arrangements are in place to prepare closing annual report and accounts and pass to the C&AG for external audit, and that, for non-Crown bodies funds are in place to pay for such audits. It shall be for the C&AG to lay the final annual report and accounts in Parliament, which include their report on the accounts;
- arrange for the most appropriate person to sign the closing annual report and accounts. In the event that another arm's length body (ALB) takes on the role, responsibilities, assets and liabilities, the succeeding ALB AO should sign the closing annual report and accounts. In the event that the Department inherits the role, responsibilities, assets and liabilities, the Department's AO should sign; and
- meet any abolition costs that the Institute cannot meet within its remaining in-year budget. More broadly, The Department and the Institute are signatories to a keep-well agreement, which sets out arrangements if the Institute is unable to meet its payment obligations.

	
Jonathan Slater	Sir Gerry Berragan
Permanent Secretary	Chief Executive
date 17/01/2019	date 14/1/19
(On behalf of the Department for Education)	(On behalf of the Institute)

APPENDIX 1 - List of delegated authorities

These delegated limits must be used in accordance with section 21 of the framework document, which sets out areas where the Institute should seek DfE approval before incurring any expenditure, in line with standard Departmental/ESFA procedures (see DfE referral process below).

1. GIFTS

The Institute should record all gifts given and received in a gifts register.

Gifts received by the Institute	Unlimited
Gifts given in a financial year, any one gift or total of gifts to one person/organisation	£0

2. LOSSES, WRITE OFFS AND SPECIAL PAYMENTS

The write-off of losses or approval of special payments should only be carried out by staff authorised to do so by and on behalf of the Institute's accounting officer.

Losses, write offs and special payments	£1000
Consolatory payments	£500

Special severance payments are novel and contentious and always require HMT approval. All redundancy payments outside contractual terms require DfE and Cabinet Office permission in all cases.

3. CONTINGENT LIABILITIES

Guarantees and indemnities	£0 (please seek DfE approval for any expenditure in this category).
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4. CONTRACTS

Unlimited authority for contracts, subject to section 21 and the following exceptions which all require [Cabinet Office approval](#). Limits apply for the life of the contract, excluding VAT where applicable. Unless otherwise specified, DfE limits for the Institute are the same as the Cabinet Office limits, and in all cases DfE clearance needs to be in place prior to approaching the Cabinet Office:

	DfE limits	Cabinet Office limits
Property, including facilities management	As Cabinet Office	£100,000 All new and

		extended facilities management contracts must be approved, regardless of cost.
Commercial control, including disputes <i>(the Institute must inform Cabinet Office and DfE of <u>any</u> dispute with a Government Strategic Supplier where the dispute is proposed for escalation to mediation, binding arbitration, could enter a formal dispute stage, or may result in early termination of a contract, but only seek Cabinet Office clearance for any settlement likely to exceed £10m)</i>	£2.1m	£10m (this applies to individual contracts with a value of £10m or more, framework agreements or dynamic purchasing systems where the cumulative value of spend is £10m or more, and material changes that result in a contract variation of £10m or more). This must be recorded in a commercial pipeline.
Advertising, marketing and communications	As Cabinet Office	£100,000
Existing and future digital and technology spend <i>(All novel and contentious digital and technology spend will need to be recorded in a digital pipeline)</i>	£25,000 As Cabinet Office	£100,000 Where the value of the contract is at or greater than the above limits, it should be added to the digital pipeline.
Learning and development (Civil Service Learning)	As Cabinet Office	£10,000 (for Department-specific L&D) All L&D that falls outside the core curriculum must be approved.
Consultancy	£20,000	£1m
Redundancy and compensation schemes	As Cabinet Office	All require approval
External recruitment	£142,000	n/a

5. DfE REFERRAL PROCESS

The Institute must refer any business cases which exceed the limits detailed in this appendix, or for which HM Treasury cannot delegate authority (e.g. novel, contentious, and/or repercussive), as follows:

- A copy of the business case should be sent to the commercial business partner (in case of commercial controls), finance business partner, and the sponsorship team, cc-ing the DfE Efficiency Controls (EC) team - request.ec@education.gov.uk
- DfE will aim to send DfE approvals back within one week
- The Finance Business Partner/sponsorship team will liaise with HMT to seek any necessary approvals.

Business cases should follow the 5-case model set out in the Treasury Green Book and make clear what legal advice has been followed (where appropriate), as well as flagging any wider impacts on Departmental policies, programmes or resource.

When expenditure requires Cabinet Office approval, the Institute should notify the sponsorship team and finance and commercial business partners that it is seeking this approval, and copy them into the relevant approval form when submitted to the Cabinet Office.

APPENDIX 2: Compliance with government-wide corporate guidance and instructions

The Institute should comply with the following general guidance documents and instructions:

- This document;
- Appropriate adaptations of sections of *Corporate Governance in Central Government Departments: Code of Good Practice*;
- *Code of Conduct for Board Members of Public Bodies*;
- *Code of Practice for Ministerial Appointments to Public Bodies*;
- *Code of Practice on Partnerships with Arms-Length Bodies*;
- *Managing Public Money* (MPM);
- *Government Financial Reporting Manual* (FReM);
- Public Sector Internal Audit Standards;
- *Management of Risk: Principles and Concepts* (the 'Orange Book');
- The Green Book: Central guidance on appraisal and evaluation
- The Aqua Book: Guidance on producing quality analysis for government
- *DfE Risk Management Policy and Guidance*;
- *HM Treasury Guidance on Tackling Fraud*;
- *Fees and Charges Guide*, Chapter 6 of MPM;
- *Departmental Banking: A Manual for Government Departments*, annex 5.6 of MPM;
- Relevant Dear Accounting Officer letters;
- *Regularity, Propriety and Value for Money*;
- The Parliamentary AND Health Service Ombudsman's *Principles of Good Administration*;
- Consolidation Officer Memorandum, and relevant Dear Consolidation Officer letters;
- Relevant Freedom of Information Act 2000 guidance and instructions (Ministry of Justice);
- *Model Code for Staff of Executive Non-Departmental Public Bodies* (Cabinet Office);
- Other relevant guidance and instructions issued by the Treasury in respect of Whole of Government Accounts;
- Other relevant instructions and guidance issued by the central Departments;
- Specific instructions and guidance issued by the DfE;
- Recommendations made by the Public Accounts Committee, or by other Parliamentary authority, that have been accepted by the Government and relevant to the Institute.

APPENDIX 3 – Schedule of governance meetings between the Department and the Institute

Meeting, Attendees & Frequency	Purpose	Reporting Documents
Monthly Catch-Ups Sponsorship Team Institute CFO and Corporate Services Team	<ul style="list-style-type: none"> To provide an update against agreed measures to assure current delivery of functions To manage and escalate risks and issues with policy or delivery to the Projects and Quality Board or Apprenticeships Programme Board To discuss possible future changes to policy and risks/issues associated with delivery 	<ul style="list-style-type: none"> Corporate Report
Quarterly Progress Meetings ESFA CEO and Apprenticeships and TE SROs Institute Chair and CEO	<ul style="list-style-type: none"> To review delivery against core functions To review current red risks and medium term risks and issues, and possible mitigations To review viability of the organisation – VfM, staff turn-over/ retention /vacancy filling 	<ul style="list-style-type: none"> Financial report Institute Balance scorecard and corporate report (including assessment of performance; risk; milestone; benefits) Meeting specific agenda
6 Monthly Progress Review Minister, ESFA CEO and Apprenticeships and TE SROs Institute Chair and CEO	<ul style="list-style-type: none"> To review delivery against core functions To review current red risks and medium term risks and issues, and possible mitigations To review viability of the organisation – VfM, staff turn-over/ retention /vacancy filling 	<ul style="list-style-type: none"> Financial report Institute Balance Scorecard and corporate report (including assessment of performance; risk; milestone; benefits) Meeting specific agenda
Annual Stocktake Minister, ESFA CEO and Apprenticeships and TE SROs Institute Chair and CEO	<ul style="list-style-type: none"> For the Institute to report on the delivery of its functions over the past year, including how it has considered the steers from Government set out in the Strategic Guidance. To discuss plans for the year ahead – including the Strategic Guidance High level assessment of progress towards achieving benefits 	<ul style="list-style-type: none"> Draft Institute Annual Report and coming year's business plan (if available) Draft Strategic Guidance (if available) Institute Balance Scorecard and corporate report (including assessment of performance; risk; milestone; benefits) Meeting specific agenda

