



# **Grant Policy**

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**Engineering Construction Industry Training Board**

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# **Grant Policy**

## **Purpose**

1. The purpose of this policy is to provide definition and direction to all relevant stakeholders, as to the principles for the grant aiding of training and testing related activities in the Engineering Construction Industry (ECI) using ECITB levy funds. This policy reflects the ECITB's statutory purpose and powers to make grant payments, which are described in the Industrial Training Act 1982.
2. Grants can be paid to a variety of parties in pursuance of the ECITB's statutory purpose and powers. In the main, grants are paid to employers in the ECI who train their workforce (both employed and labour-only contractors). However, the ECITB is also empowered to pay grants to other parties who are involved in the provision of training (for example, parties involved in the delivery of training and testing services, and the development of training courses and tests or qualifications) which meet the needs of the industry.
3. The Board has delegated authority and responsibility for decisions to approve grant schemes and to make arrangements for the payment of grants to the ECITB's Operations and Grant Committee (OGC).
4. This policy lays out the main objectives, principles and arrangements which guide the OGC in making its decisions concerning grants payments. The processes relating to the management and payment of grants are set out in the annexes.

## **Main Objectives**

4. The ECITB's main objectives in making decisions relating to grant are to ensure that payments are:
  - permitted by the Industrial Training Act 1982;
  - in pursuance of the Board's strategic objectives and operating plans;
  - meet the required standards in terms of regularity and propriety;
  - demonstrate value for money; and
  - subject to appropriate decision-making criteria and controls.

## **Eligibility for ECITB grant**

6. The OGC will make decisions to pay grant to support training and training related activities, provided that the objectives described above are fulfilled. This means that the OGC has the authority to select the types of training and training related activities for grant funding, and to reject other activities, to meet the strategic aims and priorities of the Board.

7. The OGC may select individual areas of training activity for grant aid which meet a specific industry need, or pay grant to recipients in different industry sectors, or to assist different categories of employers (for example, SME's) to ensure training needs are being addressed.

9. Training and training related activities which relate to the areas defined in paragraph 2 of Annex A are the priority areas of focus for grant aid. The training activities outlined in paragraph 3 of Annex A are specifically excluded from ECITB grant aid, unless the OGC considers that there are exceptional reasons to pay grant to support this type of training activity.

10. Grant to support training activities is primarily awarded to employers which operate "leviable establishments," and which appear on the ECITB's Register of Leviable Establishments (i.e. "in-scope employers"). Training grant is awarded to support the training of workers within the employer's establishment. This includes labour-only contractors as well as employees. However, the ECITB can award grant to employers, training providers, individuals and other institutions which may not be in-scope employers but are within the ECI.

11. The Board may pay maintenance and travelling allowances to persons attending courses provided or approved by the Board.

### **The relationship between levy and grants**

12. The decision to pay grant to an in-scope employer will not be influenced by the quantum of the industrial training levy for which the employer may be liable. Some small and medium sized employers (SME's) are exempt from the levy but will be eligible to receive training grants. Grant payment decisions are made based on the nature of the training or training related activities to be undertaken.

### **Budgetary Considerations**

13. All grant aid decisions are taken having regard to budgetary considerations. The ECITB will endeavour to ensure that all grant claimants have a reasonable opportunity to apply for grant to support their training and training related activities within the principles set out in this policy. The ECITB's operational plan and budget will reflect the ECITB's strategic objectives and how they will be addressed.

### **Claiming Grant**

14. In the normal course of business, it is incumbent on all grant recipients to reach agreement with the ECITB and to secure a "commitment" for grant ahead of the activity for which grant is sought. Subject to the provisions below, once a "grant commitment" has been made, the agreed grant will be paid following the submission of confirmatory evidence that the activity has occurred. Further details on the process for securing commitments and the provision of evidence are in Annex B.

## **Grant Rates**

15. ECITB's grant rates (i.e. the quantum of a grant payment) are set by the OGC having regard to the following main factors:

- Balance between a claimant's costs and value for public money.
- Current training fees set by third party providers.
- Incentivising and leveraging desired training behaviours within the industry.

The Operations grants manager and OGC will review market training fees twice a year and adjust prevailing grant rates as and when necessary.

## **Interface with other policy areas**

### **ECITB – Contractual obligations and liabilities during Insolvency**

16. From a legal perspective all training grants are discretionary in nature, and any indication that grants are available or an agreement to pay may be withdrawn at any time. The only exception to this rule is when the ECITB has made a formal agreement to pay grants. Therefore, this policy sets out the principles of grant support that are likely to be available to eligible parties following prior discussions with the ECITB. This policy does not form a contractual offer or a contract between employers and the ECITB. Nothing in this policy affects the ECITB's legal rights or duties, including its rights to introduce new services, alter existing arrangements or withdraw the availability of grant support and services at any time and for whatever reason.

17. In the case of an employer entering into insolvency proceedings or arrangements, or in the case where an employer may no longer be operating a viable establishment and is under review, the ECITB operates a separate policy which deals with such situations, which will affect grant commitments and payments.

## **Review of Policy**

18. This Policy will be reviewed at least every three years or sooner if necessary.

## **Challenges and Appeals**

19. Any challenges to any aspect of this policy or appeals against any decisions taken concerning grants will be considered by the OGC in the first instance. If dissatisfied with the outcome, the complainant may refer the matter to the Board for review.

20. Any such complaints or appeals should be made either through the complaints process set out on the ECITB website and attached at Annex C or directly to the Chief Executive of the ECITB.

**Annexes:**

- A. ECITB Approved Training – Key principles and priorities
- B. Grant aid process – Key principles
- C. Complaints and Appeals concerning ECITB Grant Decisions

**Appendix:**

1. Appendix 1 to Annex A, Regional Discretionary Funding Key Principles.

## **ECITB Approved Training – Key principles and priorities**

### **ECITB Approved Training**

1. A key tenet of the ECITB's strategy is to support and encourage the transferability of skills across all sectors of the industry. Increasing the mobility of a skilled workforce will help reduce unnecessary waste and duplication. Therefore, grant aid is prioritised to support training related activities which are aligned to national and industry specific standards. Where training is not aligned to national or industry specific standards, grant aid may be provided but at a reduced rate to incentivise the industry to use transferable standards.
2. Grant aid can be provided for any training or assessment related activity that supports any principal or related activities as defined in the Board Order, however, the Board prioritises training in certain areas as being critical to the productivity and safety of the industry and to meet current and future industry demands. These training areas are:
  - New entrant training, specifically
    - Apprenticeships
    - Graduate development
    - Reskilling sector transferees
    - Pipeline skills programmes such as scholarships, work ready, and support operatives
  - Upskilling existing workers – Skills and technical training
    - Craft/technician skills (eg. Mechanical joint integrity, NDT)
    - Safety training (including behavioural safety and human factors)
    - Project management / project controls / commercial awareness
    - Design training (eg CAD, BIM)
    - Skills to support net zero (eg energy transition leadership)
    - Digital skills (eg. Data analytics)
  - Behavioural and cultural change in the industry – Management and professional training
    - Leadership, Management and Supervisory development
    - Mental Health Awareness
    - Diversity and Inclusion
  - Validation of competence (VQ's, technical tests)
  - Training as a contractual requirement (e.g. Work access, plant operations)

3. There are some areas of training undertaken in the industry which are required to gain access to sites or to ensure a worker can travel offshore. These passport schemes are excluded from grant support. Currently these are:
  - CCNSG National and renewal
  - CSCS safety test
  - BOSIET
  - FOET
  - MIST
  - Sea Survival
4. Notwithstanding the lists in paragraphs 2 and 3, the Board and the OGC may reprioritise grant aid or support excluded training if the needs of the industry justify the deviation.
5. The grants which are available in respect of ECITB approved training are set out in the schedule of grants in the grant management system in the ECITB's Membership Services Portal ("MSP"). Any requests for grants to support training outside the schedule should be submitted through a Regional Discretionary Fund application, also using the MSP.
6. The key principles for establishing and using the Regional Discretionary Fund are set out in Appendix 1 to this annex.

### **Employer's in-house training**

7. Employer's in-house training activities may attract grant payment, as this supports the development and productivity of an employer's workforce. Internal training can be grant aided if the employer can provide verifiable learning outcomes which will be retained by ECITB for audit purposes only. For the avoidance of doubt, grant support for employer's in-house training will be to support the delivery of training. Grant support will not normally be provided to cover the costs of development of an employers in house training.

## **Regional Discretionary Funding – Key Principles**

1. All regional budget holders are responsible for establishing the regional employers consensus to help determine how the discretionary fund should be deployed each year with respect to the following:
  - Percentage of grant support for approved applications.
  - Whether a different percentage of grant should be applied to different types of training.
  - Providing fair and equitable use across the year to ensure employers have reasonable access.

This will be part of the regions operational planning for each year and consensus should be sought from employers through regional fora. The parameters set will be approved by the Head of Regional Operations as part of the overall operational plan.

2. All discretionary applications should meet the criteria outlined in this appendix and may require written in-depth justification for training support dependent upon the type of training and level of grant support requested. Where the requests fall within the principal and related activities of the Board Order and are from employers who are on the ECITB Register of Leivable Establishments, the discretionary application is dealt with according to financial authority levels.
3. The primary goals of this grant scheme are to increase engagement with training by employers, provide learning solutions to employers where there is no existing ECITB approved grant which meets their needs, and to make the training supply chain more responsive to the skills needs of the industry.
4. The eligibility criteria applied in reaching grant award decisions are:
  - a. As a general rule, the fund is to be used for securing and funding external training, rather than in-company programmes.
  - b. If the fund is used for training which aligns with objectives of the ECITB strategy, the budget holder for the region can decide to fund this at a higher level. Preference should be given for programmes that show specific skill enhancements or where there is a key market failure in existing market provision.
  - c. Non-eligible training programmes (see Annex A para 3) and any training where there is an existing support mechanism within the ECITB or from another funding agency.
  - d. Preference should be given for programmes involving several collaborating employers, rather than single company schemes.
  - e. Preference should be given to programmes or innovations in training that attract additional levered support to achieve more or better outcomes.
  - f. The funds should be used to procure training not to cover other costs.



## **ECITB Grant Policy – Annex B**

### **Grant aid process – Key principles**

#### **Claiming Grant**

1. There are two ways that in-scope employers may apply for grant payments for training and testing activities;
  - a. either through an ECITB Approved Training Provider (ATP) or Approved Centre in respect of ECITB-approved training, tests or qualifications, or
  - b. directly by the employer through the Membership Services Portal (MSP).
2. Either way, it is incumbent on the employer to secure the ECITB's commitment for the funding before the activity occurs through the grant management system in the MSP. When employers do not seek a commitment ahead of a training activity there is a risk that grant will not be paid. Where employers request support through the Regional Discretionary Fund the requested value should not include VAT as the ECITB is unable to support such costs through this fund.
3. When a commitment for grant is approved by the ECITB in the MSP it has a validity of 120 days. This means that commitments should only be made when the employer expects the training activity and evidence requirement can be completed within this time frame.

#### **Evidence requirement**

4. All grant claims are paid on the satisfactory verification of evidence that the activity for which the grant has been requested has occurred. Types of evidence required include, attendance sheets and certificated outcomes.
5. Where a grant claim is for a commitment made through the Regional Discretionary Fund, evidence of the amount paid for the activity is also required. This is to verify the fees paid for the activity by the employer and is usually a copy of a third party invoice.

If the training is developed and delivered internally, the employer will be required to provide verifiable learning outcomes for the training as well as attendance sheets.

6. Where evidence can take more than 3 months to access from the provider, or where the learner is on a programme of longer than 9 months duration, evidence that the employer has paid for the activity may be accepted (normally a copy of a paid invoice will suffice).

7. Occasionally grants from the Regional Discretionary Fund may be made on the basis of an underlying contractual agreement between ECITB and the receiver of the grant. Where this is the case, the agreement must be signed and included in the bundle of evidence submitted for each grant claim. 'Written agreement' may be a contract, deed or Memorandum of Understanding (MoU).

### **Employer's declaration**

8. When requesting grant support or claiming grant directly the employer is agreeing to the following:
  - a. The ECITB auditors and financial controllers can have access to further evidence of training activity if required as part of normal auditing or further verification if required.
  - b. The employer is not receiving any other external funding for the training activity which could directly replace the ECITB funding (i.e. funding from clients or asset owners).

### **ECITB responsibility**

9. When claims for grant are received in the MSP the ECITB will aim to complete the approvals process and pay the grant within 6 weeks subject to the timely submission of any required evidence. When commitments requests are received in the MSP the ECITB will aim to complete the approvals process within 12 working days.

### **Claiming of grant for non-leviable establishments**

10. Where grant support for other activities relating to training or testing does not involve a claim by an in-scope employer, the mechanisms, milestones and evidence requirements will be part of the business case and any associated agreement between the ECITB and the parties involved.

## **ECITB Grant Policy – Annex C**

### **Complaints and Appeals concerning ECITB’s Grant decisions**

Any party who has a legitimate interest may:

- complain about, or challenge any aspect of the ECITB’s Grant Policy, or
- submit an appeal with regard to any decision taken by the ECITB in the application of the Grant Policy.

Parties who are regarded as having a legitimate interest in such matters include:

- Any employer in the engineering construction industry whose workers attend, or might attend, training courses and facilities;
- Any learner in the engineering construction industry who might attend training courses;
- Any training provider or educational institution which provides, or might provide, training courses or training facilities for learners in the engineering construction industry; or
- Any party who is involved in the development of training course or related matters for use by learners in the engineering construction industry.

The ECITB’s Board has delegated authority for discharging its statutory functions in connection with grants to its Operations and Grants Committee (OGC). In the first instance, any complaints in connection with such matters will be referred to and considered by the OGC, which will seek to resolve the issue.

If the OGC concludes that the matter can only be resolved by the ECITB’s Board, or if the complainant is dissatisfied with the OGC’s outcome, the matter may be referred to the ECITB’s Board for review.

#### **Procedure**

The following procedures will be followed:

Any such complaints, challenges and appeals (described as “grievances” for the purposes of this procedure) should be made in accordance with the ECITB’s Complaints Policy and Procedures set out on the ECITB’s website and set out below. Examples of an appeal could include an employer seeking retrospective support for commitments that have expired due a clear business reason on behalf of the employer or due to an oversight by the ECITB in engaging with such an employer around the specific grant commitment which has expired.

Each appeal will be reviewed on a case-by-case basis with any extenuating circumstances taken into account.

Employers must note that any successful appeal for previous years training activity could impact on the in-year budget availability for training priorities for that employer.

#### *Informal Review and Resolution*

1. Upon receipt, an authorised representative of the ECITB will contact the complainant, in an attempt to resolve the issue in good faith, and without the need to refer the matter to the OGC. Such discussions should take place during a period of twenty (20) Working Days following the date of receipt of the complaint.
2. Any information exchanged during the discussions described above between the parties shall be privileged, confidential and without prejudice to either the complainant's or the ECITB's legal position in any formal proceedings.

#### *Review and decision by the Operations and Grants Committee*

3. In the event it is not possible to achieve agreement, or the complaint is still outstanding after 20 days of receipt, the complaint will refer to the OGC, together with a report prepared by the ECITB's representative who undertook the discussions described above. The report must include details of the complaint and the circumstances giving rise to it.
4. Upon receipt of the report the OGC will consider the complaint at its first available meeting.
5. The nature or circumstances of the complaint may lead the OGC to conclude that the matter can only be resolved by the ECITB's Board, and in such circumstances the complaint will be referred directly to the Board, together with a written report, which must include details of the complaint, the circumstances giving rise to it, and the OGC's reasons for referring the matter to the Board for review.
6. If the OGC feels that it is competent to address the complaint, the OGC must consider the matter afresh and objectively. Prior to reaching any conclusions or making any decisions, the OGC must satisfy itself that an adequate investigation has occurred, and it has received sufficient information.
7. The OGC must have regard to the following factors, insofar as they are relevant to the complaint, when it considers the aspect of the Grants Policy, and/or the ECITB's decision, which is/are the subject(s) of the complaint.
  - a. The Board's statutory role, purposes and functions;
  - b. The terms of the Board's delegated authority to the OGC to perform the functions defined in the OGC's Terms of Reference;
  - c. The ECITB's Strategy and Operating Plans;
  - d. The concepts of regularity and propriety, supported by the Seven Principles of Public Life; and
  - e. The need for efficiency, economy, effectiveness and prudence in the administration of public resources, to secure value for public money.

8. The OGC may reach a conclusion or make decisions about the complaint, which may involve a modification to the ECITB's Grant Policy, and/or a reconsideration of the decision which was the subject of the complaint.
9. The outcome of the OGC's review shall be communicated to the complainant in a timely, comprehensive and appropriate manner. This may either in writing or by an agreed meeting between an authorised representatives of the ECITB and the complainant.

### **Appeals to the Chair of the ECITB's Board**

10. If the OGC's decision fails to resolve the complainant's complaint to the complainant's satisfaction, the OGC will refer the complaint to the Chair of the ECITB's Board, together with a written report, which must include details of the complaint, the circumstances giving rise to it, and the OGC's review.
11. The Chair of the Board will decide either how the matter should be resolved or whether the matter should be referred to the Board for a decision. If the Chair of the Board should decide to resolve the complaint, he/she will have regard to the factors described in 8 above, insofar as they are relevant to the complaint.

### **Referral to the ECITB's Board**

12. In the event that the OGC has referred the complaint directly to the Board, or if a decision of the Chair of the Board does not resolve the complaint to the complainant's satisfaction, the complaint will be referred to the Board for a decision at its next meeting. The Board will be provided with a written report, which must include details of the complaint, the circumstances giving rise to it, and the OGC's and the Chair's reviews.
13. The Board will attempt to settle the complaint having regard to the factors described in 8 above, insofar as they are relevant to the complaint. The Board will consider the matter collectively at a meeting. The outcome of the Board's review and conclusion shall be communicated to the complainant, either in writing or by an agreed meeting between an authorised representatives of the ECITB and the complainant.
14. In the event that the complainant should not accept or agree with the findings, recommendations or decision arising from the Board's review of the complaint, the complainant shall not be bound by such findings, recommendations or decision(s). Nothing in this procedure shall prevent the complainant from seeking from any legal remedy relating to the matter.