



Education & Skills  
Funding Agency

# **ESFA funded adult education budget (AEB): funding rules 2020 to 2021**

For the 2020 to 2021 funding year (1 August 2020 to 31 July 2021).

This document sets out the funding rules that apply to all providers of education and training who receive adult education budget funding from the Education and Skills Funding Agency

**First draft - May 2020**

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## Devolution of adult education functions

The devolution of adult education functions to specified combined authorities and the Mayor of London will apply in relation to the academic year from 1 August 2020. The following Combined Authorities will exercise, in relation to their area, certain adult education functions of the Secretary of State under the Apprenticeships, Skills, Children and Learning Act 2009. This transfer of functions has been achieved by way of orders made under the Local Democracy, Economic Development and Construction Act 2009:

- The Greater Manchester Combined Authority (Adult Education Functions) Order 2018 (SI 2018/1141)
- The Liverpool City Region Combined Authority (Adult Education Functions) Order 2018 (SI 2018/1142)
- The West of England Combined Authority (Adult Education Functions) Order 2018 (SI 2018/1143)
- The West Midlands Combined Authority (Adult Education Functions) Order 2018 (SI 2018/1144)
- The Tees Valley Combined Authority (Adult Education Functions) Order 2018 (SI 2018/1145)
- The Cambridgeshire and Peterborough Combined Authority (Adult Education Functions) Order 2018 (SI 2018/1146)

The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Adult Education Functions) Order 2019 (SI 2019/1457)

A delegation of those functions has been made in relation to the Mayor of London under section 39A of the Greater London Authority Act 1999. Both the transfer of the functions to the specified combined authorities; and the delegation of those functions in relation to the Mayor of London is referred to in this document as the devolution of adult education.

Where relevant in this document, specified combined authorities and the Mayor of London will be referred to as 'devolved authorities' or 'devolved authority area'.

Ministers have agreed that for a period of two years (2019 to 2020 and 2020 to 2021) providers that meet the following criteria will be funded nationally:

- qualify for a financial residential uplift for their learning provision, and
- receive more than two thirds of their income from AEB funding, and
- predominantly target the most disadvantaged learners

Since 1 August 2019 devolved authorities with responsibilities for adult education for their residents and associated budgets have published their own funding rules, for those providers in receipt of devolved adult education budget (AEB) funding, for AEB delivery to residents in their areas.

North of Tyne combined authority having responsibility of adult education and associated AEB for their residents from 1 August 2020.

In the 2020 to 2021 funding year this excludes the 19-24 traineeship programme, funding to support learners resident in North of Tyne who are continuing their learning from 2019 to 2020 and learners who attend a provider that will be funded nationally because they meet the criteria above.

As a result of the above changes, the content and requirements set out in this document **only** apply to:

- individual's resident in areas of England outside of the devolved authority areas undertaking ESFA funded AEB provision
- continuing AEB funded learners resident in North of Tyne devolved authority area, who have not completed their learning by 31 July 2020
- learners resident in England attending providers who meet the specified criteria above and will be funded nationally in 2019 to 2020 and 2020 to 2021
- learners resident in England, including those resident in a devolved authority area, undertaking a 19 to 24 traineeship programme

## Introduction and purpose of the document

1. This document sets out the ESFA AEB funding rules for the 2020 to 2021 funding year (1 August 2020 to 31 July 2021). These rules apply to all providers who receive ESFA funded AEB from the Secretary of State for Education acting through the Education and Skills Funding Agency (ESFA). [Section 101 of the Apprenticeships, Skills, Children and Learning Act 2009](#) allows for ESFA funded AEB to be subject to conditions in this way. It is our current advice for the funding year. We know that providers are working through exceptional circumstances due to Coronavirus (COVID-19). We may publish further updates to this guide about the impact of COVID-19 on our funding rules as these become clear. We will tell you about any changes in our ESFA update. We would like to take this opportunity to thank you for your continued hard work in these difficult times. For further information, please read [this guidance](#).

2. ESFA funded AEB aims to engage adults and provide the skills and learning they need to progress into, or within, work or equip them for an apprenticeship or other learning. It enables more flexible tailored programmes of learning to be made available, which may or may not require a qualification, to help eligible learners engage in learning, build confidence, and/or enhance their wellbeing.

3. Providers must have due regard to the skills analysis and priorities of Local Enterprise Partnership(s) and their Skills Advisory Panels.

4. These rules do not apply to:

- 4.1. apprenticeships
- 4.2. advanced learner loans
- 4.3. education and training services funded by the European Social Fund/HMT Guarantee
- 4.4. individuals resident in a devolved authority area, unless they meet the criteria in sub-paragraph 27.2, 27.3 or 27.4

5. This document forms part of the terms and conditions of funding and you must read them in conjunction with your funding agreement. You must operate within the terms and conditions of the funding agreement, these rules, and the Individualised Learner Record (ILR) specification. If you do not, you are in breach of your funding agreement with us.

6. All information, including hyperlinks were correct when we published this document.

7. ESFA reserves the right to make changes to these rules.

## How this document can help you

8. We have divided this document into 3 sections that contain general funding requirements, ESFA funded AEB and traineeship programme specific rules.
9. Each section may include:
  - 9.1. the context of the rule in a box, or set out in a table, and/or
  - 9.2. the rule/s itself as a numbered paragraph
10. We have included a [glossary](#) to explain technical terms.
11. We have included a [summary of changes](#) to explain new policy rules and amendments that differ from 2019 to 2020.

## Understanding the terminology

12. The term ‘we’ refers to the Secretary of State for Education, acting through ESFA, an executive agency sponsored by the Department for Education (DfE).
13. When we refer to ‘you’ or ‘providers’, this includes colleges, higher education institutions, training organisations, local authorities and employers who receive ESFA funded AEB from us to deliver education and training to learners set out in paragraph 27.
14. We will use the generic term ‘you’ or ‘provider’ unless the requirements only apply to a specific provider type. We use the term ‘funding agreement’ to include:
  - 14.1. financial memorandum
  - 14.2. conditions of funding (grant)
  - 14.3. contract for services
  - 14.4. conditions of funding (grant) – employer
15. We use the terms ‘individual’ and ‘learner’ to cover those whose provision is funded by us.
16. When we refer to ‘ESFA funded adult education budget’ or ‘ESFA funded AEB’ this is funding you can claim from us for delivery of AEB provision, and/or the traineeship programme to learners set out in paragraph 27. Please also refer to the [‘Devolution of adult education functions’](#) section.
17. We use the term ‘provision’ or ‘learning’ or ‘learning aims’ to refer to ESFA funded AEB, whether it is a regulated qualification, or other learning that is not a regulated qualification.



18. If we refer to qualifications, either these will be from the Regulated Qualifications Framework (RQF) or an Access to Higher Education Diploma recognised and regulated by the Quality Assurance Agency (QAA).

19. If we refer to 'learning aims', we mean a single episode of learning which could be a regulated qualification, a component of a regulated qualification or non-regulated learning.

20. If we refer to 'programmes', we mean a coherent package of learning which may include regulated qualifications, components of regulated qualifications or non-regulated learning with clearly stated aims supporting agreed outcomes.

21. We may refer to this document as 'funding rules' or 'the rules'.

## **Contacting us**

22. You can contact us through our [enquiry form](#). You can also contact your ESFA territory lead.

# Section 1 - general funding requirements

## Principles of funding

23. These rules apply to all learners (set out in sub-paragraph 27.1, 27.3 and 27.4) starting new ESFA funded AEB learning aims on or after 1 August 2020, unless they meet the criteria in sub-paragraph 27.2.

24. You must not transfer funding between the following budgets:

- 24.1. adult education budget
- 24.2. 19 to 24 traineeship programmes
- 24.3. apprenticeships
- 24.4. loans bursary fund
- 24.5. advanced learner loan facility

25. We will review and monitor whether the ESFA funded AEB provision you provide represents good value for money. If we consider that funding is significantly more than the cost of providing education and training, we may reduce your funding after consulting with you.

26. Failure to comply with funding and subcontracting rules could lead to action or intervention. Our policies and guidance about the oversight of providers has been updated and were published in April 2019. The triggers for action and the type of action we may take is set out in these documents and is in accordance with provisions in our Grant Agreements and Contracts for Services:

- [College oversight: support intervention](#)
- [How ESFA maintains oversight of independent training providers](#)

## Who we fund

27. We will fund:

- 27.1. individuals resident in areas of England outside of devolved authority areas undertaking ESFA funded AEB
- 27.2. continuing learners in North of Tyne devolved authority area, who have not completed their learning by 31 July 2020, for a period of 1 year only
- 27.3. learners resident in England attending a provider who meets specified criteria and will be funded nationally in 2019 to 2020 and 2020 to 2021 - see [devolution of adult education functions](#) section
- 27.4. learners resident in England, including those resident in a devolved authority area, undertaking a 19 to 24 traineeship programme

28. You must check the eligibility of a learner, including where in England they are resident, at the start of each learning aim, or their traineeship programme, and only claim funding for ESFA funded AEB for eligible learners. Please refer to the [glossary](#) definition of 'learner residency' and the devolution [postcode checker data set](#).

29. In addition to paragraph 27, to be ESFA funded, on the first day of learning a learner must be:

- 29.1. aged 19 or older on 31 August within the 2020 to 2021 funding year if the learning aim is not a traineeship, or
- 29.2. starting a traineeship programme on or after 1 August of the academic year in which they have their 16th birthday

30. The age of the learner on 31 August in the funding year determines whether the learner is funded through the ESFA's [AEB funding methodology](#) (for individuals aged 19 and over), or the [16 to 19 year olds funding methodology](#) (for individuals aged 16 to 19 and those aged 19 to 24 with an education health and care plan).

31. All individuals aged 19 or over on 31 August who are continuing a programme they began aged 16 to 18 ('19+ continuers') will be funded through the [16 to 19 year olds funding methodology](#).

32. Where we refer to a learner's age being 19, this relates to the learner being aged 19 on the 31 August within the funding year they start a learning aim. For all other purposes, the age of the learner is at the start of each learning aim.

33. Learners will be eligible for ESFA funded AEB for the whole of the learning aim or programme if they are eligible for funding at the start, even if the duration is for over one year. You must reassess the learner for any further learning they start.

34. If an individual starts a learning aim or programme and is not eligible for funding, we will not fund their learning while they remain ineligible.

35. You must not fund a learner who is unable to complete a learning aim or programme of study in the time they have available. Any learner, of any age, must be able to achieve the learning aim or programme of study within the time they have available.

## **Residency eligibility**

36. Individuals will be eligible for ESFA funded AEB if they meet the criteria in paragraph 27, the learning is taking place in England, and they:

- 36.1. are a citizen of a country within the European Economic Area (EEA) or other countries determined within the EEA, including those with bilateral agreements such as Switzerland, or have settled status or the Right of Abode in the UK, and

36.2. have been ordinarily resident in the EEA or other countries determined within the EEA, including those with bilateral agreements such as Switzerland, for at least the previous 3 years on the first day of learning

37. The EEA includes all the countries and territories listed in [annex A](#).

38. The eligibility of individuals who do not meet the requirements in paragraph 36 is [stated below](#).

39. Any learner or relevant family member who has applied for an extension or variation of their current immigration permission in the UK is still treated as if they have that leave. This only applies if the application was made before their current permission expired. Their leave continues until the Home Office decide on their immigration application. Their leave will continue where they have appealed or sought an administrative review of their case within the time allowed to them for doing so.

40. Therefore, a learner or relevant family member is considered to still have the immigration permission that they held when they made their application for an extension, administrative review or appeal, and their eligibility would be based upon this status.

41. You can find further information on eligibility from the [UK Council for International Student Affairs](#).

42. The learner's immigration permission in the UK may have a 'No recourse to public funds' condition. Public funds do not include education or education funding. Therefore, this does not affect a learner's eligibility, which must be decided under the normal eligibility conditions.

## **Non-EEA citizens**

43. A non-EEA citizen is eligible for funding if they have permission granted by the UK government to live in the UK, which is not for educational purposes, and have been ordinarily resident in the UK for at least the previous 3 years before the start of learning.

## Individuals with certain types of immigration status and their family members

44. Any individual with any of the statuses listed below is eligible to receive funding and are exempt from the 3-year residency requirement rule. You must have seen the learner's immigration permission which would include the biometric residence permit (BRP) and in some cases an accompanying letter from the Home Office in these circumstances:

- 44.1. refugee status
- 44.2. discretionary leave to enter or remain
- 44.3. exceptional leave to enter or remain
- 44.4. indefinite leave to enter or remain
- 44.5. humanitarian protection
- 44.6. leave outside the rules
- 44.7. section 67 of the Immigration Act 2016 leave
- 44.8. Calais leave to remain
- 44.9. the husband, wife, civil partner or child of any of the above in subparagraphs 44.1 to 44.6

## Asylum seekers

45. Asylum seekers are eligible to receive funding if they:

- 45.1. have lived in the UK for 6 months or longer while their claim is being considered by the Home Office, and no decision on their claim has been made, or
- 45.2. are receiving local authority support under [section 23C](#) or [section 23CA of the Children Act 1989](#) or the Care Act 2014

46. An individual who has been refused asylum will be eligible if:

- 46.1. they have appealed against a decision made by the UK government against granting refugee status and no decision has been made within 6 months of lodging the appeal, or
- 46.2. they are granted support for themselves under [section 4 of the Immigration and Asylum Act 1999](#), or
- 46.3. are receiving local authority support for themselves under [section 23C](#) or [section 23CA of the Children Act 1989](#)

## Family members of EU and EEA nationals

47. In the explanations below, the ‘principal’ is the European Union (EU) or EEA national. The ‘family’ or ‘family member’ is the learner, and must be the husband, wife, civil partner, child, grandchild, dependent parent or grandparent of the ‘principal’.

48. If the learner, who is a family member of an EEA national, has been ordinarily resident in the EEA for the 3 years prior to the start of their course, they are eligible for funding.

49. This table shows the eligibility for family members if:

49.1. the family member is now ordinarily resident in England, but has not been ordinarily resident in the EEA for at least the previous three years before the start of learning, and

49.2. a principal has been resident within the EEA for the last three years

		Principal ordinarily resident in the EEA for three years		
		EU (including the UK) citizen	Non-EU EEA citizen	Non- EEA citizen
Family member not ordinarily resident in the EEA for three years	EU (including the UK) citizen	Eligible	Eligible	Not eligible
	Non-EU EEA citizen	Eligible	Not eligible	Not eligible
	Non-EEA citizen	Eligible	Not eligible	Not eligible

## Children of Turkish workers

50. A child of a Turkish worker is eligible if both the following apply:

50.1. the Turkish worker is currently ordinarily resident in the UK and is, or has been, lawfully employed in the UK

50.2. the child has been ordinarily resident in the EEA and/or Turkey for the full 3-year period before the start of their programme

## Persons granted stateless leave

51. A person granted stateless leave is a person who:
- 51.1. has extant leave to remain as a stateless person under the immigration rules (within the meaning given in [section 33\(1\) of the Immigration Act 1971](#)); and
  - 51.2. has been ordinarily resident in the UK and Islands throughout the period since the person was granted such leave
52. A stateless person must:
- 52.1. be ordinarily resident in the UK on the first day of the first academic year of the course; and
  - 52.2. have been ordinarily resident in the UK and Islands throughout the 3 year period preceding the first day of the first academic year of the course
53. Certain family members are also eligible under this category if:
- 53.1. the spouse or civil partner of a person granted stateless leave (and who was the spouse or civil partner of that person on the leave application date), who is ordinarily resident in the UK on the first day of the first academic year of the course, and who has been ordinarily resident in the UK and Islands throughout the 3 year period preceding the first day of the first academic year of the course; or
  - 53.2. the child of a stateless person or of the stateless person's spouse or civil partner (and who was the child of that stateless person or the child of the stateless person's spouse or civil partner on the leave application date), was under 18 on the leave application date, is ordinarily resident in the UK on the first day of the first academic year of the course, and has been ordinarily resident in the UK and Islands throughout the 3 year period preceding the first day of the first academic year of the course
54. "Leave application date" means the date on which a person is granted stateless leave made an application to remain in the UK as a stateless person under the immigration rules (within the meaning given in [section 33\(1\) of the Immigration Act 1971](#)).

## Individuals who are not eligible for funding

55. You must not claim funding for individuals who do not meet the eligibility criteria set out above. Examples of individuals who do not meet the eligibility criteria include the following. Please note this list is not exhaustive:

- 55.1. those who are here without authority or lawful status
- 55.2. those who are resident in the UK on a Tier 4 (general) student visa unless they are eligible through meeting any other of the categories described above
- 55.3. non-EEA citizens who are in the UK on holiday, with or without a visa
- 55.4. non-EEA citizens who are a family member of a person granted a Tier 4 visa, who have been given immigration permission to stay in the UK and have not been ordinarily resident in the UK for the previous three years on the first day of learning
- 55.5. individuals who are ordinarily resident in the Channel Islands or the Isle of Man, unless they are also ordinarily resident within England
- 55.6. those whose biometric residence permit or residence permit imposes a study prohibition or restriction on the individual

## **Learners in the armed forces**

56. We will fund armed forces personnel, Ministry of Defence (MoD) personnel or civil and crown servants resident in England, who meet the criteria in paragraph 27, and where learning takes place in England. We will class members of the British armed forces on postings outside of the EU, including their family members, as ordinarily resident in the UK.

57. Members of other nations' armed forces stationed in England, and their family members, aged 19 and over, are eligible for ESFA funded AEB, set out in paragraph 27, if the armed forces individual has been ordinarily resident in England for 3 years. We will not fund family members that remain outside of England.

## **Learners temporarily outside of England**

58. Individuals resident in areas of England outside of devolved authority areas and who work outside of England as part of their job, are eligible for ESFA funded AEB as long as some of the learning takes place in England. You cannot claim for the additional expense of delivering learning outside of England.

## **Learners who live in Wales, Scotland or Northern Ireland**

59. Wales, Scotland and Northern Ireland have their own funding arrangements. You must develop arrangements with the relevant devolved administration if you are planning to deliver a significant quantity of learning to learners who do not live in England.

60. You must not actively recruit learners who live or work outside of England.



61. We will fund an individual who does not live in England if specialist skills training is only available in England and the individual wants to travel to, or live in, England to study or learn. We do not expect these numbers to be significant.

62. For learning delivered at an employee's workplace, we will fund individuals whose main employment or normal place of work is in England.

63. We will fund individuals who live in Scotland, Wales and Northern Ireland who require and are eligible for ESFA funded AEB, and work for a UK based employer. Delivery must take place in England. We do not expect these numbers to be significant.

64. Providers located close to the borders can deliver ESFA funded AEB to learners who are not resident in England but reside in their catchment area. Delivery must take place in England. We do not expect these numbers to be significant.

## **Fees and charging**

65. You must not make compulsory charges relating to the direct costs of delivering a learning aim to learners we fully fund, including those with a statutory entitlement to full funding for their learning. Direct costs include any essential activities or materials without which the learner could not complete and achieve their learning.

66. If a fully funded learner needs a Disclosure and Barring Service (DBS) check to participate in learning, you cannot charge them for this. If the learning is associated with the learner's employment, their employer is responsible for carrying out and paying for this check.

67. When charging a fee to co-funded learners, the sum of the government contribution and the learner's fee must not exceed the fully funded weighted rate for the learning aim, and the learner should not have to pay more than 50% of the unweighted rate.

## **Qualifying days for funding**

68. A learner must be in learning for a minimum number of days between their learning start date and learning planned end date before you can earn funding, including learning support. You can access this information in the [adult education budget: funding rates and formula 2020 to 2021 guidance](#).

69. This does not apply where the learner achieves the learning aim.

## Recognition of prior learning

70. A learner could have prior learning that has been previously accredited by an awarding organisation or could be formally recognised and count towards a qualification. If this is the case, you must:

- 70.1. reduce the funding amount claimed for the learning aim by the percentage of learning and assessment the learner does not need
- 70.2. follow the policies and procedures set by the awarding organisation for delivery and assessment of the qualification

71. You must assess whether any prior learning negates the need for a learner to undertake the whole learning aim.

72. You must not use prior learning to reduce funding for English and maths qualifications up to and including level 2.

73. If a learner enrolls on an advanced subsidiary (AS) level qualification followed by an A level, you must reduce the funding claimed for the A level to take account of the prior study of the AS level and record this in the 'Funding adjustment for prior learning' field in the ILR. More information available in our [ILR guidance](#).

## Breaks in learning

74. You and the learner can agree to suspend learning while the learner takes a break from learning. This allows the learner to continue later with the same eligibility that applied when they first started their learning.

75. We will not fund a learner during a break in learning.

76. You must record the date a learner takes a break in learning and the date they restart their learning in the ILR. Further guidance on recording breaks can be found in the ILR provider support manual 2020 to 2021.

77. You must have evidence that the learner agrees to return and continue with the same learning aim; otherwise, you must report the learner as withdrawn. When the learner returns to learning, you must re-plan and extend the remaining delivery as required.

78. You must not use a break in learning for short-term absences, such as holidays or short-term illness.

## What we will not fund

79. We will not fund:

- 79.1. qualifications, units or learning aims that are not listed on [the Hub](#) or on the legal entitlement lists – please see paragraphs 152 to 156
- 79.2. provision to learners in custody - the Ministry of Justice funds prison education in England. Please note you can use your ESFA funded AEB to fund individuals released on temporary licence as set out in paragraph 157.4
- 79.3. end-point assessment outside of apprenticeship standards, which is subject to Ofqual external quality assurance and regulated as a qualification
- 79.4. any part of any learner's learning aim or programme that duplicates provision they have received from any other source
- 79.5. training through ESFA funded AEB, where a learner is undertaking or planning to undertake an apprenticeship and where that training will.
  - 79.5.1 replicate vocational and other learning aims covered by the apprenticeship standard or framework, including English and maths
  - 79.5.2 offer career related training that conflicts with the apprenticeship aims
  - 79.5.3 be taking place during the apprentices working hours. Where an apprentice has more than one job, working hours refers to the hours of the job the apprenticeship is linked to
- 79.6. a learner to repeat the same regulated qualification where they have previously achieved it, unless it is for any GCSE where the learner has not achieved grade 4 (C) or higher
- 79.7. a learner to sit or resit a learning aim assessment or examination where no extra learning takes place

# Contracting

## Staying on the Register of Training Organisations

Please note this section is subject to potential further amendments and clarifications. These changes are likely to be made in further iterations of this document.

80. [The Register of Training Organisations](#) (the Register) is the ESFA's current market entry point for organisations that intend to deliver non-apprenticeship education and training services or operate in our supply chain as a subcontractor with an aggregated contract value of £100,000 or more.

81. If you and any subcontractors want to continue to be listed on the Register, you must successfully complete the Register, refresh, and update your information when we ask you to. If you fail to update when asked, you must apply at the next opening. During this period, you and any subcontractors will not:

81.1. be listed on the Register

81.2. be invited to tender

81.3. be able to increase contract value through growth cases

82. If your organisation does not apply at the next opening of the Register, or you fail the application process, we will review your funding arrangements.

## Subcontracting

Please note this section is subject to potential further amendments and clarifications. These changes are likely to be made in further iterations of this document.

From 2019, the ESFA will introduced an annual review of subcontracting for all providers who subcontract. This will look across all the ESFA programmes including 16-19 funding, the Adult Education Budget, Apprenticeships, and the European Social Fund. It will protect learners by looking for signs of non-compliance and checking with main providers that the rules are being followed.

- It is vital that all directly funded organisations must properly monitor and control all subcontracted delivery
- Lead providers should set out in their organisation’s strategic aims their reason for subcontracting, which must enhance the quality of their learner offer. Lead providers are responsible for the selection and actions of their delivery subcontractors

We expect providers to maximise the amount of funding that reaches front line delivery of high quality learning. We’ve published additional information describing our expectations of lead providers when they [subcontract](#). These rules have been reordered for clarity.

### Your policy for delivery subcontracting

83. You must take your own legal advice about whether, in subcontracting part of your service delivery, you are a contracting authority awarding a public contract as defined by of [Public Contracts Regulations 2015](#). If you are, then you should comply with the provisions of the 2015 Regulations. You must provide a synopsis of the legal advice for inspection by us on request.

84. Your governing body or board of directors and your accounting officer (senior responsible person) must agree your policy for delivery subcontracting. This policy must set out your reasons for subcontracting and that all your delivery subcontracting meets your strategic aims and enhances the quality of your learner offer. You must be able to confirm this by way of evidence, such as minutes of meetings and/or written sign-off. The minimum content for your policy for delivery subcontracting is set out in paragraph 92.

85. You must publish your policy for delivery subcontracting on your website.

86. You must not subcontract for delivery to meet short-term funding objectives.

87. You must only use delivery subcontractors:
- 87.1. if you have the knowledge, skills and experience within your organisation to successfully procure, contract with and manage those subcontractors and can evidence this with the CVs of relevant staff
  - 87.2. who your governing body/board of directors and your accounting officer (senior responsible person) determine as being of high quality and low risk, and provide written evidence confirming this
  - 87.3. if you have robust procedures in place to ensure subcontracting does not lead to the inadvertent funding of extremist organisations
  - 87.4. if before agreeing to use them you have described your reason for subcontracting, listed all services you will provide and the associated costs when doing so
88. You are responsible for the actions of your delivery subcontractors connected to, or arising out of, the delivery of the services, which you subcontract.

## **Review and publication of your policy for delivery subcontracting**

89. You must review your policy for delivery subcontracting annually. Your governing body or board of directors and your accounting officer must sign this.
90. You must publish your policy for delivery subcontracting on your website before entering into any subcontracting agreements for the 2020 to 2021 funding year.
91. Employers receiving ESFA funded AEB funding must send their policy for delivery subcontracting to their ESFA territorial manager. This information will be held on record and be available for requests under the [Freedom of Information Act](#).

## **Minimum content requirements for your policy for delivery subcontracting**

92. As a minimum, you must include the following in your policy for delivery subcontracting:
- 92.1. your contribution to improving your and your delivery subcontractor's quality of teaching and learning
  - 92.2. how you will identify the support required and associated costs for different delivery subcontractors
  - 92.3. how and when you communicate and discuss your policy for delivery subcontracting with potential delivery subcontractors, or current ones for new learner starts

- 92.4. for each subcontractor, how you will determine a detailed list of your specific costs for managing them, specific costs for quality monitoring activities and specific costs for any other support activities offered by you to the subcontractor
- 92.5. for each subcontractor, how you will determine each cost is reasonable and proportionate to delivery of their teaching or learning and how each cost contributes to delivering high quality learning
- 92.6. how you will ensure you describe to each subcontractor, before each subcontracting relationship is agreed:
  - 92.6.1 your reason for subcontracting
  - 92.6.2 the services you will provide when subcontracting to them and the associated costs when doing so, including a list of specific costs for managing the subcontractor, specific costs for quality monitoring activities and specific costs for any other support activities offered by you to the subcontractor
  - 92.6.3 how each cost is reasonable and proportionate to delivery of the subcontracted teaching or learning and how each cost contributes to delivering high quality learning
- 92.7. payment terms between you and your delivery subcontractors; the timing of payments in relation to delivery and timescale for paying invoices and claims for funding received
- 92.8. timing for review of your policy for delivery subcontracting
- 92.9. where you publish your policy for delivery subcontracting

## **Selection and procurement of your delivery subcontractors**

- 93. If you have not previously subcontracted provision we fund, you must get our written approval before awarding a contract to a delivery subcontractor and keep evidence of this. More information on [subcontracting and seeking written approval](#) is available.
- 94. When appointing delivery subcontractors, you must avoid conflicts of interest and you must:
  - 94.1. write to us through your ESFA territorial manager about any circumstances (for example, where you and your proposed subcontractor have common directors or ownership) which might lead to an actual or perceived conflict of interest and
  - 94.2. not award the contract without our written permission and

94.3. keep as evidence both your request and our reply

95. You must carry out your own due diligence checks when appointing delivery subcontractors and have both the process and the results available for inspection by us.

96. You must not use a delivery subcontractor's presence on the Register of Training Organisations, or any other public register or database, as an indicator that they are suitable to deliver to your specific requirements.

97. You must not appoint any delivery subcontractors with a contract value of £100,000 or greater for each funding year unless they are listed on the Register of Training Organisations first:

97.1. this also applies if the subcontract from you would take the total value of subcontracts that the delivery subcontractor holds to deliver education and training funded by us through ESFA funded AEB to £100,000 or more

97.2. we will restrict your future use of ESFA funded AEB delivery subcontractors if this occurs

98. You must obtain this information from each proposed delivery subcontractor and also refer to the latest published [list of declared subcontractors](#) and the Register of Training Organisations. If you use a delivery subcontractor who exceeds the £100,000 threshold and is not listed on the Register of Training Organisations, you must immediately end your subcontract with that organisation. This applies regardless of whether you were the provider whose contract took the delivery subcontractor over the threshold.

99. You must ensure that any delivery subcontractor you appoint continues to meet the requirements of the Register of Training Organisations and that you provide them with all the necessary support.

100. You must not enter new subcontracting arrangements or increase the value of your existing arrangements if any of the following circumstances apply. These conditions will continue until we are satisfied that the concerns have been addressed and the circumstances below no longer apply if

100.1. Ofsted has rated your leadership and management as inadequate

100.2. you do not meet our [minimum standards](#)

100.3. the outcome of your annual financial health assessment we carry out is inadequate, unless we have provided written permission in advance



## Entering into a delivery subcontract

101. You must only award contracts for delivering ESFA funded AEB provision to legal entities. If the legal entity is a registered company, it must be recorded as 'active' on the [Companies House](#) database.

102. You must not award a subcontract to any organisation if:

102.1. it has an above-average risk warning from a credit agency

102.2. it has passed a resolution (or the court has made an order) to wind up or liquidate the company, or administrators have been appointed

102.3. its statutory accounts are overdue

103. You must make sure that learners supported through subcontracting arrangements know about you and your delivery subcontractor's roles and responsibilities in providing the learning.

104. You must have a legally binding contract with each delivery subcontractor that includes all the terms set out in paragraph 109.

105. You must have a contingency plan in place for learners in the event that:

105.1. you need to withdraw from a subcontract arrangement

105.2. a delivery subcontractor withdraws from the arrangement

105.3. a delivery subcontractor goes into liquidation or administration

106. You must make sure that the terms of your subcontracts allow you to:

106.1. monitor the delivery subcontractor's activity

106.2. have control over your delivery subcontractors

106.3. monitor the quality of education and training provided by delivery subcontractors

107. You must obtain an annual report from an external auditor if the ESFA funded AEB contracts with your delivery subcontractors will exceed £100,000 in any one funding year.

107.1. the report must provide assurance on the arrangements to manage and control your delivery subcontractors and

107.2. comply with any guidance issued by us

108. You must also supply us with a certificate signed by the external auditor and an authorised signatory to confirm you have received a report that provides satisfactory assurance. We may ask you to provide a copy of the full report and any associated plan to implement the external auditor's recommendations.

### **Terms that you must include in your contracts with delivery subcontractors**

109. You must make sure your delivery subcontractors:

- 109.1. meet the requirements set out in these funding rules
- 109.2. provide you with ILR data so your data returns to us accurately reflect your subcontractor's delivery information
- 109.3. give us, and any other person nominated by us, access to their premises and all documents relating to ESFA funded AEB provision
- 109.4. give you sufficient evidence to allow you to:
  - 109.4.1 assess their performance against [Ofsted's Education Inspection Framework](#)
  - 109.4.2 incorporate the evidence they provide into your self-assessment report
  - 109.4.3 guide the judgements and grades within your self-assessment report
- 109.5. always have suitably qualified staff available to provide the education and training we fund through ESFA funded AEB
- 109.6. co-operate with you to make sure there is continuity of learning if the subcontract ends for any reason
- 109.7. tell you if evidence of any irregular financial or delivery activity arises; irregular activity could include, but is not limited to:
  - 109.7.1 non-delivery of training when funds have been paid
  - 109.7.2 sanctions imposed on the delivery subcontractor by an awarding organisation
  - 109.7.3 an inadequate Ofsted grade
  - 109.7.4 complaints or allegations by learners, people working for the delivery subcontractor or other relevant parties
  - 109.7.5 allegations of fraud

- 109.8. are bound by European Social Fund (ESF) clauses from your funding agreement being then included in the subcontract, even if the provision being subcontracted is not funded by the ESF
- 109.9. do not use our funding to make bids for, or claims from, any European funding on their own behalf or on our behalf
- 109.10. do not use payments made as match funding for ESF co-financing projects
- 110. You must include in your contract with each delivery subcontractor:
  - 110.1. reference to your delivery subcontracting policy and where it can be found on your website
  - 110.2. your reason for subcontracting with them
  - 110.3. a list of all services you will provide to them and the associated costs for doing so. This must include a list of individually itemised, specific costs for managing the subcontractor, specific costs for quality monitoring activities and specific costs for any other support activities offered by you to the subcontractor
  - 110.4. a description of how each specific cost is reasonable and proportionate to delivery of the subcontracted teaching or learning and how each cost contributes to delivering high quality learning

## **Monitoring of your delivery subcontractors and subcontracted provision**

111. You must manage and monitor all your delivery subcontractors to ensure that high-quality delivery is taking place that meets these funding rules.

112. You must carry out a regular and substantial programme of quality-assurance checks on the education and training provided by delivery subcontractors, including visits at short notice and face-to-face interviews with staff and learners. The programme must:

- 112.1. include whether the learners exist and are eligible
- 112.2. involve direct observation of initial guidance, assessment, and delivery of learning programmes

113. The findings of your assurance checks must be consistent with your expectations and the delivery subcontractor's records.

## Second-level delivery subcontracting

114. You must not agree the use of any delivery subcontractor where this would require you to deliver ESFA funded AEB provision to a second level. All your delivery subcontractors must be contracted directly by you and you may have more than one subcontractor. The restriction on the level of subcontracting is in place to ensure:

- 114.1. that lead providers retain clear and transparent accountability for the quality of training provision
- 114.2. that proper and appropriate controls are in place to manage the learner experience; and
- 114.3. that value for money is achieved by mitigating funding being utilised for multiple tiers of subcontractor management

## Reporting your subcontracting arrangements

115. You must provide a fully completed delivery subcontractor declaration by the dates we will give you. This will be at least twice during the 2020 to 2021 funding year. If you do not make the declaration on time, we will suspend your payments. If you do not subcontract, you must still provide a nil return to confirm this.

116. You must also update your subcontractor declaration if, and when your subcontracting arrangements change during the year.

117. You must report to us the actual level of funding paid and retained for each of your delivery subcontractors in 2020 to 2021. You must email this information to your ESFA territorial manager using a template which we will supply to you. We will let you know the date by when you must do this. We will publish the information on GOV.UK.

118. You must include the following on the template for ESFA funded AEB delivery:

- 118.1. name of each delivery subcontractor
- 118.2. the [UK Provider Reference Number](#) (UKPRN) of each delivery subcontractor
- 118.3. contract start and end date for each delivery subcontractor
- 118.4. funding we have paid to you for ESFA funded AEB delivery by each delivery subcontractor in that funding year
- 118.5. funding you have paid to each delivery subcontractor for ESFA funded AEB delivery in that funding year

- 118.6. details of the funding you have retained in relation to each delivery subcontractor's ESFA funded AEB delivery for that funding year
- 118.7. if appropriate, funding each delivery subcontractor has paid to you for services or support you have provided in connection with the subcontracted delivery

## Match funding requirements relevant to the adult education budget

We procure and manage contracts for ESF-funded provision on behalf of local enterprise partnerships that meets local needs. This includes matching the ESF contract value to other similar funding and learners, which we report to the ESF Managing Authority in England.

This means any learning funded by us becomes part of the ESF programme, and the ESF programme rules apply and will be subject to our ESF compliance checks and external audit.

119. You must not use the payments that we make as match funding for any ESF projects with any co-financing organisation or Managing Authority direct bids.

120. You must return complete ILR data, including contact details such as telephone numbers, and you must only return 'not knowns' in exceptional circumstances. In particular, you must ensure data for employment status prior to starting, household situation, prior attainment and destination is returned, as these are important for match funding. If the information is not provided, or 'not known', or is not available, then you must use 'learner has withheld this information'.

121. You and your subcontractors must follow the retention of documents, 'publicity' and horizontal themes rules and provide evidence as detailed in the [ESF 2014 to 2020 funding rules](#).

122. You and your subcontractors must follow the evaluation, surveys and annual implementation reporting rules in the ESF 2014 to 2020 funding rules.

123. You must keep to the rules of the ESF programme or you will break the conditions of your contract and this could result in us recovering funds. This includes keeping to the eligibility evidencing rules in the 'evidence pack' section of this document.

## Evidence

124. You must hold evidence to assure us that you are using ESFA funded AEB appropriately. Most evidence will occur naturally from your normal business process.

125. You must make sure applications for ESFA funded AEB, and/or the traineeship programme, support your decision to claim funding and support the individual's case for consideration as ordinarily resident in England, or any exceptions set out in the 'Residency eligibility' section.

126. In line with [General Data Protection Regulations](#) (GDPR), you must record in the evidence pack what appropriate documentation you have seen, rather than take photocopies to prove eligibility.

## **Evidence Pack**

127. The evidence pack must contain evidence to support the funding claimed and must be available to us if we need it.

128. Evidence in the evidence pack must assure us that the learner exists.

129. The learner must confirm information they provide is correct when it is collected.

130. If the time spent in learning is short, the level of evidence in the evidence pack would reflect this.

131. Where you hold information centrally, you only need to refer to the source.

132. If applicable, the evidence pack must confirm the following:

132.1. all information reported to us in the ILR and the earnings adjustment statement (EAS), and all supporting evidence to substantiate the data that you report

132.2. your assessment and evidence of eligibility for funding and a counter signed record of the evidence the learner has provided to support their eligibility for funding

132.3. copies of all assessments and diagnostics undertaken to determine a learners' requirements

132.4. information on prior learning that affects the learning or the funding of any of the learning aims or programme

132.5. for 'personalised learning programmes', for example, non-regulated learning aims, full details of all the aspects of the learning to be carried out, including supporting evidence of the number of planned hours reported in the ILR

132.6. a description of how you will deliver the learning and skills and how the learner will achieve

- 132.7. the supporting evidence about why you have claimed funding and the level of funding for a learner
- 132.8. details of any learner or employer contribution
- 132.9. support needs to be identified, including how you will meet these needs and the evidence of that
- 132.10. that learning is taking or has taken place (including a work placement if the learner is taking part in a traineeship) and records are available
- 132.11. if applicable, a learner's self-declaration as to what state benefit they claim
- 132.12. a learner's self-declaration on their status relating to gaining a job; and
- 132.13. all records and evidence of achievement of qualifications, learning aims or traineeship programme. This must be available within three months of you reporting it in the ILR.

133. Where the learner is unemployed, this must include a record of what you have agreed with them, including the relevance of the learning to their employment prospects and the labour market needs.

134. If a subcontractor delivers any provision to the learner, it must clearly identify who it is. This must match the information reported to us in the ILR.

## **Confirmation and signatures**

135. The learner must confirm the information is correct when it is collected. You must have evidence of this, which can include electronic formats.

136. We accept electronic evidence, including electronic/digital signatures. Where evidence is electronic, you must have wider systems and processes in place to assure you that learners exist and are eligible for funding.

137. Both electronic and digital signatures are acceptable, we do not specify which should be used, only that a secure process to obtain and store signatures is followed:

- 137.1. An electronic signature is defined as any electronic symbol or process that is associated with any record or document where there is an intention to sign the document by any party involved. An electronic signature can be anything from a check box to a signature and/or
- 137.2. A digital signature is where a document with an electronic signature is secured by a process making it non-refutable. It's a digital fingerprint which captures the act of signing by applying security to a document.

Usually documents which have a digital signature embedded are extremely secure and cannot be accessed or amended easily

138. Where an electronic or digital signature is being held, from any party for any reason, you must ensure it is non-refutable. This includes the definitions of both wet and dry signatures. Systems and processes must be in place to assure to us the original signature has not been altered. Where any document needs to be renewed, and a new signature taken, it must be clear from when the new document takes effect, and both must be held.

139. You must keep effective and reliable evidence. You are responsible for making the evidence you hold easily available to us when we need it.

### **Starting, participating and achieving**

140. You can only claim ESFA funded AEB when directly related learning starts. This would not include enrolment, induction, prior assessment, diagnostic testing or similar learning.

141. For your direct delivery, and any subcontracted delivery, you and where relevant, your subcontractor(s) must have direct centre approval and where appropriate, direct qualification approval from the respective awarding organisation for the regulated qualifications you are offering.

142. Delivery of the qualification (including learner registration with the awarding organisation) for direct delivery and any subcontracted delivery must be in line with the qualification specification and guidance set out by the relevant awarding organisation.

143. You must have evidence that the learning took place and the learner was not certificated for prior knowledge.

144. Where the learning is certificated, you must follow the relevant awarding organisation's procedure for claiming the relevant certificate(s) and ensure the learner receives them. You must evidence this has happened in the evidence pack.

### **Leaving learning**

145. You must report the learning actual end date in the ILR for a learner who leaves learning as the last day that you can evidence they took part in a learning activity.

### **Individualised learner record (ILR)**

146. You must accurately complete all ILR fields as required in the [2020 to 2021 ILR specification](#), even if they are not required for funding purposes.



147. The ILR must accurately reflect the learning and support (where applicable) you have identified, planned and delivered to eligible individuals. You must not report inaccurate information that would result in an overstatement of the funding claimed.

148. Where your data does not support the funding claimed, we will take action to correct this and we could recover funds you overstated.

### **Self-declarations by learners**

149. All self-declarations must confirm the learner's details and describe what the learner is confirming for requirements set out in this document.

150. If a learner self-declares prior attainment, you must check this in the [personal learning record \(PLR\)](#) and query any contradictory information with the learner. The PLR will not necessarily override the learner's self-declaration.

## Section 2 – ESFA funded adult education budget (AEB)

### Provision and individuals we fund

#### Legal entitlements

ESFA funded AEB supports 3 legal entitlements to full funding for eligible adult learners. These are set out in the [Apprenticeships, Skills and Children's Learning Act 2009](#), and enable eligible learners to be fully funded for the following qualifications:

- English and maths, up to and including level 2, for individuals aged 19 and over, who have not previously attained a GCSE grade 4 (C), or higher, and/or
- first full qualification at level 2 for individuals aged 19 to 23, and/or
- first full qualification at level 3 for individuals aged 19 to 23

151. If an individual meets the legal entitlement eligibility criteria, you must not charge them any course fees.

152. Eligible learners exercising their legal entitlement, must be enrolled on qualifications from the:

- 152.1. [2020 to 2021 list of qualifications in the level 2 and level 3 legal entitlement](#) and/or
- 152.2. [2020 to 2021 list of qualifications in the English and maths legal entitlement](#)

## Local flexibility

ESFA funded AEB also supports delivery of flexible tailored provision for adults, including qualifications and components of these **and/or** non-regulated learning, up to level 2 – we call this ‘local flexibility’.

Local flexibility provision either is fully or co-funded, depending on the learner’s age, prior attainment and circumstances. Please refer to the ‘[level of government contribution](#)’ table on page 36 and paragraphs 157 to 199 for learner eligibility. Where appropriate for the learner, you can deliver local flexibility provision alongside a legal entitlement qualification.

153. Learners aged 19 to 23 progressing towards their first full level 2, must undertake learning at entry and/or level 1 only from [local flexibility](#).

### Local flexibility and legal entitlements

154. Learners aged 19 to 23 who progress to their first full level 2, must only enrol on a qualification from the legal entitlement list set out in paragraph 152.

155. Learners aged 19 to 23 and aged 24 and over, who have already achieved at level 2, or above can undertake learning up to and including level 2 qualifications from the local flexibility offer or qualifications in the level 2 legal entitlement list available on the [Qualifications website](#) or [the Hub](#).

156. Learners aged 24 and over who have not achieved a level 2 qualification can undertake learning up to and including level 2 qualifications from the local flexibility offer or qualifications in the level 2 legal entitlement list available on the [Qualifications website](#) or [the Hub](#).

## Government contribution table

The level of government contribution for ESFA funded AEB is as follows.

Provision	19- to 23-year-olds	24+ unemployed	24+ other
English and maths, up to and including level 2 (Must be delivered as part of the legal entitlement)	Fully funded*	Fully funded*	Fully funded*
Level 2 (excluding English and maths) (First full level 2 must be delivered as part of the legal entitlement)	Fully funded* (first and full)	Fully Funded	Co-funded+
Learning to progress to level 2	Fully funded^ (up to and including level 1)	Fully funded	Co-funded+
Level 3 (First full level 3 must be delivered as part of the legal entitlement)	Fully funded* (first and full)	Loan-funded	Loan-funded
	Loan-funded** (previously achieved full level 3 or above)		
Traineeship <sup>#</sup>	Fully funded (including 16- to 24-year-olds <sup>##</sup> )	N/A	N/A
English for speakers of other languages (ESOL) learning up to and including level 2	Co-funded+	Fully funded	Co-funded+
	Fully funded – unemployed		
Learning aims up to and including level 2, where the learner has already achieved a first full level 2, or above	Co-funded+	Fully funded	Co-funded+
	Fully funded – unemployed		
Learning aims up to and including level 2, where the learner has not achieved a first full level 2, or above	N/A	Fully Funded	Co-funded+
<p>*Must be delivered as one of the English and maths, and/or first full level 2 or first full level 3 qualifications required as part of the legal entitlements.            ^Must be delivered as entry or level one provision from local flexibility.            # Excludes flexible element where funding depends on age and level.            ## 16- to 18-year-old learners must be eligible under the <a href="#">ESFA's young people's residency requirements</a>.            ** Availability of loans at level 3 does not replace the legal entitlement to full funding for learners aged 19 to 23 undertaking their first full level 3.            + Low wage flexibility may apply, refer to paragraph 159.</p>			

## Definitions used in the adult education budget (AEB)

### Unemployed

157. For funding purposes, we define a learner as unemployed if one or more of the following apply, they:

- 157.1. receive Jobseeker's Allowance (JSA), including those receiving National Insurance credits only
- 157.2. receive Employment and Support Allowance (ESA)
- 157.3. receive Universal Credit, and their take-home pay as recorded on their Universal Credit statement (disregarding benefits) is less than £338 a month (learner is sole adult in their benefit claim) or £541 a month (learner has a joint benefit claim with their partner)
- 157.4. are released on temporary licence, studying outside a prison environment, and not funded by the Ministry of Justice

158. Providers may also use their discretion to fully fund other learners if both of the following apply. The learner:

- 158.1. receives other state benefits (not listed in paragraph 157) and their take-home pay (disregarding benefits) is less than £338 a month (learner is sole adult in their benefit claim) or £541 a month (learner has a joint benefit claim with their partner), and
- 158.2. wants to be employed, or progress into more sustainable employment, and their take-home pay (disregarding benefits) is less than £338 a month (learner is sole adult in their benefit claim) or £541 a month (learner has a joint benefit claim with their partner), and you are satisfied identified learning is directly relevant to their employment prospects and the local labour market needs

### Learners in receipt of low wage

159. You may fully fund learners who are employed, or self-employed, and would normally be co-funded for provision, up to and including level 2. You must be satisfied the learner is both:

- 159.1. eligible for co-funding, and
- 159.2. earns less than £17,004.00 annual gross salary

160. You must have seen evidence of the learner's gross annual wages in these circumstances. This could be a wage slip or a Universal Credit statement within 3 months of the learner's learning start date, or a current employment contract which states gross monthly/annual wages. Please note this is not an exhaustive list, but you must evidence your decision to award full funding to an individual who would normally be eligible for co-funding.

161. You must use LDM code 363 and FFI code 1 to claim full funding for learners who meet the requirements set out in paragraph 159.

## Full level 2

162. Level 2 is the level of attainment which, is demonstrated by:

162.1. a General Certificate of Secondary Education (GCSE) in five subjects, each at grade 4 (C) or above, or

162.2. a Technical Certificate at level 2 which meets the requirements for the 2018, 2019, 2020, 2021 and 2022 16 to 19 performance tables

162.3. certain Technical Certificates in the 2017 16 to 19 performance tables

163. If a learner, aged 19 to 23 has achieved a level 2 qualification that was, at the time they started, or still is, classed as a full level 2, any subsequent level 2 qualifications will be co-funded. Please contact [qualifications.esfa@education.gov.uk](mailto:qualifications.esfa@education.gov.uk) if you need advice on a previous qualification's designation.

## Full level 3

164. Level 3 is the level of attainment which is demonstrated by a:

164.1. General Certificate of Education at the advanced level in two subjects

164.2. General Certificate of Education at the AS level in four subjects

164.3. QAA Access to Higher Education (HE) Diploma at level 3

164.4. Tech level, or applied general qualification at level 3, which meets the requirements for the 2018, 2019, 2020, 2021 and 2022 16 to 19 performance tables

164.5. certain Tech level, or applied general qualification in the 2017 16 to 19 performance tables

165. If a learner, aged 19 to 23 has achieved a level 3 qualification that was not classed as a full level 3 at the time they started it, but has since been classed as a full level 3, and wants to enrol on any subsequent level 3 qualification, of any size, they may apply for an advanced learner loan (provided the qualification is designated for funding, and subject to learner eligibility conditions), or pay for their own learning.

Please contact [qualifications.esfa@education.gov.uk](mailto:qualifications.esfa@education.gov.uk) if you need advice on a previous qualification's designation.

166. For new linear AS and A levels, where a learner enrolls on an AS qualification and continues with further study to take the A level qualification in the same subject, you must record both the AS and A level in the ILR. The AS learning aim will be funded separately to the A level learning aim.

## Approved qualifications

167. Where you deliver regulated qualifications and/or their components, you must ensure they are [approved for ESFA funded AEB](#) and available on [the Hub](#).

168. Where you deliver approved qualifications and/or their components you must ensure that learners are registered for the qualifications and/or component in line with the awarding policies and procedures. You must not 'pre-register' students a significant period in advance of the learner starting the qualification.

169. Certain qualifications that meet responsibility of the employer are eligible for unemployed learners that meet the criteria in paragraph 157. You can find more information about these qualifications in the [qualification eligibility principles](#) guidance document.

170. Before delivering a component, you must check with the awarding organisation they provide a learner registration facility and the learner can achieve it alone or as part of accumulating achievement towards a qualification.

171. If the [National Academic Recognition Information Centre](#) has confirmed the authenticity of a qualification gained overseas and confirmed it is comparable/compatible with a regulated qualification in England, currently part of the level 2 and level 3 [legal entitlement](#), the individual will be deemed to have achieved their first level 2 and/or level 3 qualification.

172. You must provide accurate unique learner number (ULN) information to awarding organisations and ensure all information you use to register learners for qualifications is correct. You can find more information in the [Learner Records Service guidance](#).

## Non-regulated learning

173. Where you deliver non-regulated learning, you must ensure it is eligible for funding. Such learning could include:

- 173.1. independent living skills or engagement learning supporting adults to operate confidently and effectively in life and work
- 173.2. locally-commissioned and/or locally-developed basic knowledge and skills needed to access technical qualifications
- 173.3. employability and labour market re-entry
- 173.4. locally-commissioned and/or locally-devised technical education short courses (also known as taster sessions)
- 173.5. community learning courses

174. The eligibility principles we apply to non-regulated learning are as follows:

- 174.1. it must not be provision linked to UK visa requirements
- 174.2. it must not be provision linked to occupational regulation unless there is an agreed concession in place
- 174.3. it must not be restricted to being delivered to employees of only one employer
- 174.4. it must not be learning, for example, 'induction to college', that should be part of a learner's experience
- 174.5. it must not be a non-regulated version of a regulated qualification
- 174.6. it must not be above notional level 2 (that is, at notional levels 3 or 4)
- 174.7. at notional level 2 it must focus on technical provision

175. Where you are delivering non-regulated learning, you must ensure you have appropriate and robust quality assurance processes in place. For instance, 'The Recognising and Recording Progress and Achievement (RARPA) Cycle'. Further [information on RARPA](#) is available from the Learning and Work Institute.



## Learning in the workplace

176. We will fund learning in the workplace where a learner has a statutory entitlement to full funding for:

176.1. English and/or maths up to and including level 2 (paragraph 178), and/or

176.2. a first full level 2 (paragraph 185.1.1), or

176.3. a first full level 3 qualification (paragraph 185.1.2)

177. We will not fund any qualification or learning aim delivered at an employee's workplace, and is either relevant to their job or their employer's business, unless:

177.1. it is a statutory entitlement qualification stated in paragraph 176, or

177.2. we have confirmed a national level concession that responds to a significant negative economic impact for a specific industry, or work placement or work experience, unless it is delivered as part of a traineeship programme, or the Prince's Trust Team programme

## English and maths for those aged 19 or older

178. We will fully fund individuals, including individuals who are employed, aged 19 or older, who have not previously attained a GCSE grade 4 (C), or higher, in English and maths, as part of their legal entitlement on the day they start the following qualifications:

178.1. GCSE English language or maths

178.2. Functional Skills English or maths from Entry to level 2

178.3. Stepping-stone qualifications (including components, where applicable) in English or maths approved by the Department for Education and ESFA

179. If a learner wants to 'retake' their GCSE English and maths qualification because they did not achieve a grade 4 (C), or higher, we will not fund the learner to only resit the exam.

180. You must not enrol individuals on qualifications which are not necessary for progressing towards a GCSE or Functional Skill level 2.

181. You must not fund an apprentice for English or maths from ESFA funded AEB.

182. We will fully fund non-regulated English and maths learning for learners, including those assessed at pre-entry level with significant learning difficulties or disabilities as part of a personalised learning programme, where assessment has identified the learner cannot undertake provision identified in paragraph 178.

183. You must:

- 183.1. carry out a thorough initial assessment to determine an individual's current level using current assessment tools based on the national literacy and numeracy standards and core curriculums or DfE published English and Maths Functional Skills subject content
- 183.2. carry out an appropriate diagnostic assessment to inform and structure a learner's evidence pack to use as a basis for a programme of study
- 183.3. enrol the learner on a level above that at which they were assessed and be able to provide evidence of this
- 183.4. deliver ongoing assessment to support learning
- 183.5. record the evidence of all assessment outcomes in the evidence pack

184. The assessments must place a learner's current skills levels within the level descriptors used for the RQF.

## Digital Skills for those aged 19 and over

This section is currently under construction and will be available for providers to view in version 1.

## Individuals aged 19 to 23 (excluding English, maths and ESOL)

185. We will fully fund 19 to 23-year-olds, including individuals who are employed, on the day they start the following learning.

- 185.1. Qualifications defined within the legal entitlement that are a learner's:
  - 185.1.1 first full level 2, and/or
  - 185.1.2 first full level 3
- 185.2. Local flexibility provision:
  - 185.2.1 up to and including level 1 to support progression to a first full level 2, and/or
  - 185.2.2 level 2 for those who already have a full level 2, or above, if they are unemployed

186. We will co-fund provision up to, and including, a level 2 for learners who have already achieved a full level 2, or above, who are employed. The low wage flexibility may apply, refer to paragraph 159.

## **Individuals aged 24 or older (excluding English, maths and ESOL)**

187. We will fully fund individuals aged 24 or older on the day they start provision up to, and including, a level 2, if they are unemployed, as set out in paragraphs 157 to 158.

188. We will co-fund all other learners aged 24 years and older for provision up to, and including, a level 2. Where learners are employed, the low wage flexibility may apply, please refer to paragraph 159 to 161.

## **English for speakers of other languages (ESOL)**

189. We will fully fund individuals aged 19 and over on the day they start their ESOL learning aim where they are unemployed, as set out in paragraphs 157 and 158.

190. We will co-fund all other individuals aged 19 and over on the day they start their ESOL learning aim. Where learners are employed, the low wage flexibility may apply, please refer to paragraphs 159 to 161.

191. We will fund ESOL learning up to and including level 2.

192. Providers offering ESOL qualifications may need to deliver additional learning to individual learners that incurs additional cost above the qualification rate. You can access information on how to do this in the [adult education budget: funding rates and formula 2019 to 2020](#) guidance.

## **Learners with learning difficulties or disabilities**

193. We will fund learners with learning difficulties or disabilities as set out in the [Apprenticeships, Skills, and Children and Learning Act 2009](#), section 111.

194. ESFA has the responsibility for securing the provision of reasonable facilities for education and training suitable to the requirements of persons who are 19 and over, set out in paragraph 27. This includes learners with an identified learning difficulty or disability who have previously had an education, health and care (EHC) plan and have reached the age of 25.

195. The [young people's funding methodology](#) will apply to learners aged 19 to 24, who have an EHC plan and require provision and support costs.

## Learners with an education, health and care (EHC) plan

196. To access provision and support costs you must inform us before the start of the 2020 to 2021 funding year where a learner:

- 196.1. has reached the age of 25 and has not completed their programme of learning as set out in their EHC plan by the end of the previous funding year, or
- 196.2. will reach the age of 25 in the funding year, where their EHC plan is not extended by their local authority to allow them to complete their programme of learning

197. The learner must:

- 197.1. have an EHC plan that confirms their needs could only be met by the training organisation they are, or were, attending
- 197.2. continue to make progress on the programme of learning as set out in their EHC plan

198. If a learner has an EHC plan, you must report this in the 'Learner funding and monitoring' fields in the ILR.

199. We will not fund learners whose EHC plan is extended by the local authority beyond their 25th birthday. The local authority must continue to provide top-up funding and contract directly with the institution.

## Community Learning

**This section only applies to providers with a non-formula Community Learning allocation included in appendix 1 of their contract.**

The purpose of Community Learning is to develop the skills, confidence, motivation and resilience of adults of different ages and backgrounds in order to:

- progress towards formal learning or employment and/or
- improve their health and well-being, including mental health and/or
- develop stronger communities

Community Learning Courses are delivered and reported on the ILR under the following four delivery strands:

- **Personal and Community Development Learning** - learning for personal and community development, cultural enrichment, intellectual or creative stimulation and for enjoyment (in most cases not leading to a formal qualification)
- **Family English, Maths and Language** - learning to improve the English, language and maths skills of parents, carers or guardians and their ability to help their children
- **Wider Family Learning** - learning to help different generations of family members to learn together how to support their children's learning
- **Neighbourhood Learning In Deprived Communities** - supports local Voluntary and other third sector organisations to develop their capacity to deliver learning opportunities for the residents of disadvantaged neighbourhoods

Please note, non-formula Community Learning funding follows funding model 10.

### Non-formula community learning funding

200. Where applicable, your ESFA funded AEB allocation will include an amount of non-formula community learning funding. We state this value in appendix 1 of your contract. You must deliver non-formula funded community learning provision in line with the existing community learning objectives set out in [annex B](#), up to this maximum amount.

201. Non-formula community learning funding is paid on a monthly profile. You must 'attribute costs' for eligible learners, up to the value of your non-formula community learning allocation. This should include the cost of delivering learning and any support costs, in line with learner and learning support paragraphs 217 to 236. You must record these costs in the learner's learning plan.

202. If we fund you through a grant or financial memorandum, you have the flexibility to use all, or some, of your non-formula community learning funding in line with the AEB formula-funded methodology (funding model 35), to meet local demand.

203. You can use this amount of non-formula community learning funding (stated in your Appendix 1) to deliver non-regulated provision that may be similar to community learning, and/or regulated qualifications to meet local demand. If you do, you must:

203.1. follow the ESFA funded AEB formula-funded methodology and submit ILR data under funding model 35

203.2. enrol learners following ESFA funded AEB eligibility requirements set out on page 36 and paragraphs 151 to 199 , you must not use your non-formula community learning local fee remission policy

204. If we fund your organisation through a contract for services, you do not have this flexibility, and we will reclaim unspent non-formula community learning funding at year-end.

205. You can support learners aged under 19 if they meet both of the following, they are:

205.1. a parent, carer or guardian attending a wider family learning or family, English, maths or language course

205.2. funded through non-formula community learning using funding model 10 in the funding model field (refer to ILR guidance for more information)

206. You must not use non-formula community learning funding for learning that is eligible for funding through an advanced learner loan.

## **Pound Plus and local fee remission policy**

207. Pound Plus - the 'Pound' represents the public pound, the 'Plus' is everything else that you can generate in addition to your non-formula community learning funding allocation, such as fee income, funding from other sources, resources in kind and other sources of revenue/sponsorship/volunteering.

208. You must have in place a 'Pound Plus' policy. You must invest Pound Plus fee income/savings for the people who most need, and can least afford, community learning provision.

209. Local fee remission policy - you must have in place and operate a fair and transparent community learning local fee remission policy that requires individuals to pay a course/tuition/joining fee, but also sets out clear eligibility criteria for those individuals who, due to their circumstances, qualify for either partial or total fee remission.

210. Your Pound Plus and Local Fee remission policies must be available on your website and/or in the venues you deliver community learning to eligible learners.

## Partnership working

211. Partnership working underpins the community learning objectives and is critical to developing and delivering an effective community learning offer in a given locality.

212. You must engage and work closely with a wide range of relevant partners and stakeholders in your local area to help shape your community learning offer to engage specific groups. These could include specialist partners, such as health, Jobcentre Plus and schools, and voluntary and community sector (VCS) organisations.

213. We expect you to work with other providers in your local area, who may be in receipt of non-formula community funding. We expect you to develop a strategic, efficient community learning offer to reduce duplication of courses in a locality, and signpost learners to other partners as and when appropriate.

## Prince's Trust Team Programme

The Prince's Trust Team Programme is a 12-week course designed to improve confidence, motivation and skills for eligible 16 to 25 year olds. Each 'team' recruits a mix of 16 to 25 year olds of different abilities and backgrounds, including employees sponsored by their employer. We fund the team programme. Providers in partnership with the Prince's Trust run and manage it on a local basis.

214. In order to deliver the team programme, you must get approval from the [Prince's Trust](#).

215. For eligible learners aged 19 to 25, we fund the team programme through the ESFA's [AEB funding methodology](#). Please also refer to the Princes Trust section in the adult education budget: funding rates and formula 2019 to 2020 guidance.

216. For eligible learners aged 16 to 19, the team programme is funded through the ESFA's 16 to 19 [funding methodology](#).

## Support funding

The ESFA funded AEB's over-arching aim is to support as many eligible adult learners as possible to access learning. Some learners will need additional support to start or stay in learning.

Where you identify that a learner has a learning difficulty or disability, or a financial barrier, your ESFA funded AEB allocation enables you to claim learning support and/or learner support funding to meet the additional needs of learners.

## Learning support

217. Learning support is available to meet the cost of putting in place a reasonable adjustment, as set out in the [Equality Act 2010](#), for learners who have an identified learning difficulty or disability, to achieve their learning goal.

218. Learning support must not be used to deal with everyday difficulties that are not directly associated with a learner's learning on their programme.

219. You must:

219.1. carry out a thorough assessment to identify the support the learner needs

219.2. agree and record the outcome of your assessment in the evidence pack

219.3. record all outcomes on the evidence pack and keep all evidence of the assessment of the needs, planned and actual delivery

219.4. report in the ILR that a learner has a learning support need associated with an identified learning aim, by entering code LSF1 in the 'Learning Delivery Funding and Monitoring' field and entering the corresponding dates in the 'Date applies from' and 'Date applies to' fields

220. You can claim learning support for the learner at a fixed monthly rate if you report it in the ILR. You must use the earning adjustment statement (EAS) if your costs exceed this monthly rate for the learner and you must keep evidence of these additional costs in the evidence pack. You can find details of how to make a claim in the [ESFA funding claims and reconciliation guidance](#).

221. You can claim learning support if learning continues past the planned end date and the learner needs continued support in order to complete their programme.



## Exceptional learning support claims above £19,000

If a learner needs significant levels of support to start or continue learning and has support costs of more than £19,000 in a funding year, you can claim exceptional learning support (ELS).

Learners aged 19 to 24 who require significant levels of support should have an EHC plan provided by their local authority and, therefore, would access funding from their local authority.

222. You must submit ELS claims at the beginning of the learner's programme, or when you identify the learner requires support costs more than £19,000 in a funding year, by completing and sending the [ELS claims document](#).

223. To claim exceptional learning support for a learner aged 19 to 24 you must confirm why the individual does not have an EHC plan. This should be a letter or email from the learner's local authority stating the reasons(s) why the individual does not need an EHC plan.

224. When you claim exceptional learning support you must explain why you have claimed the amount you have, which would be linked to the learner's assessment and planned learning support claim. You must only claim amounts for your costs of providing the support to the learner and not include any indirect costs or overheads.

### Learner support

225. Learner support is available to provide financial support for individuals with a specific financial hardship preventing them from taking part/continuing in learning. Before you award support to a learner, you must identify their needs within the following 'categories'.

- 225.1. Hardship funding – general financial support for financially disadvantaged learners to support participation
- 225.2. 20+ childcare funding – for learners aged 20 or older on the first day of learning who are at risk of not starting or continuing learning because of childcare costs
- 225.3. Residential Access funding – to support ESFA funded AEB learners (set out in paragraph 27) where they need to live away from home in order to access provision

226. You must not claim more than 5% of your total Learner Support (including for 19 to 24 traineeships) final claim as administration expenditure. You must document your process for managing your administration costs over the current funding year and record, report and retain evidence on spending for each of the categories. If you do not have a Learner Support allocation, you must follow these rules and claim learner support using the earnings adjustment statement (EAS).

227. You must:

227.1. have criteria for how you will administer and distribute your funds; these must reflect the principles of equality and diversity and be available to learners and to us on request

227.2. assess and record the learner's needs, demonstrating the need for support – you must record this information and retain in the evidence pack

227.3. report the appropriate Learner Support Reason codes in the 'Learner Funding and Monitoring' fields in the ILR

227.4. complete a [mid-year funding forecast and a final claim](#)

227.5. consider the availability of other support for learners, for example from Jobcentre Plus

227.6. make it clear to learners it is their responsibility to tell the Department for Work and Pensions about any learner support they are receiving from you, as learner support payments may affect their eligibility to state benefits

227.7. consider the most appropriate learner support fund to draw from where a learner is receiving ESFA AEB funding from us as well as through an Advanced Learner Loan

228. You must not use learner support funds for any of the following:

228.1. essential equipment or facilities if the learner is eligible to full funding. However, these learners can get support funding for childcare, transport and residential costs

228.2. a learner in custody or released on temporary licence

228.3. a learner carrying out a higher education course or learning aims fully funded from other sources

228.4. to pay attendance allowances or achievement and attendance bonuses

## Hardship

229. You can use hardship funds for the following:

229.1. course-related costs, including course trips, books and equipment (where costs are not included in the funding rate)

229.2. support with domestic emergencies and emergency accommodation provided by others, or by providing items or services or cash direct to the learner, this can be in the form of a grant or repayable loan provided by you

229.3. transport costs (but not make a block contribution to post-16 transport partnerships or routinely fund transport costs covered in the local authority's legal duty for learners of sixth-form age)

229.4. examination fees

229.5. accreditation fees, professional membership fees and any fees or charges due to external bodies

229.6. your registration fees

229.7. to support learners on a traineeship including the work placement element

230. In exceptional circumstances, you can use hardship funds to assist with course fees for learners who need financial support to start or stay in learning.

231. If an asylum seeker is eligible for provision, you may provide learner support in the form of course-related books, equipment or a travel pass. You must not give a learner who is an asylum seeker support in the form of cash.

## 20+ childcare

232. You can only use childcare funding to pay for childcare with a childminder, provider or childminder agency, registered with Ofsted.

233. You must not use childcare funding to:

233.1. fund informal childcare, such as that provided by a relative

233.2. set up childcare places or to make a financial contribution to the costs of a crèche

233.3. fund childcare for learners aged under 20 on the first day of learning; instead you must direct them to the ['Care to Learn' programme](#)

234. You must not use childcare for those aged 20 years or older to top up childcare payments for those receiving 'Care to Learn' payments.

## **Residential access funding**

235. You can use residential access funding to support ESFA funded AEB learners who meet eligibility criteria in paragraph 27, where they need to live away from home, for example to access specialist provision which involves a residential element, or to support learners who cannot access provision locally. You must:

- 235.1. set out the criteria and procedures for considering and agreeing applications for support from your residential access funds
- 235.2. only pay for travel costs for learners who are awarded residential access funding in exceptional circumstances
- 235.3. only claim residential access funding for the period the learner is resident, this could be in accommodation you own or manage or other accommodation which you have agreed to fund in line with your criteria

## **Job outcome payments**

236. For fully funded learners who are unemployed (including traineeships), we will pay 50% of the achievement payment if they start a job before achieving the learning aim. If the learner then achieves the learning aim, we will pay the remaining achievement payment. The following conditions apply:

- 236.1. the learner must provide you with evidence through a declaration, that they have a job for at least 16 hours or more a week for four consecutive weeks
- 236.2. where the learner was claiming benefits relating to unemployment, they must also declare that they have stopped claiming these

## Section 3 - Traineeships

Traineeships are a national programme which form an important part of supporting young people into apprenticeships, employment and further learning. The government has confirmed its support for traineeships through continued investment, and the aspiration for further growth.

The programme provides unemployed young people, resident in England, with the skills and experience to progress to an apprenticeship or sustainable work.

ESFA will continue to fund eligible individuals for the traineeship programme across England, including individuals resident in a devolved authority area, set out in the [‘Devolution of adult education functions’](#) section.

The traineeship core offer includes the following mandatory elements:

- work-preparation training
- work-placement, and
- English, maths or ESOL, where necessary

Providers can also offer a flexible element as set out in paragraphs 254 to 257.

We fund traineeships for 16 to 18 year olds (and 19 to 24 year olds with an EHC Plan) through the ESFA’s [young people’s funding methodology](#). We fund traineeships for 19 to 24 year olds through the ESFA’s [AEB funding methodology](#). The rules that apply to each age group are set out in the following section and 16 to 18 specifics are made clear.

237. We will fully fund individuals aged 16 to 24 who have not previously attained a first full level 3 qualification, for the core elements of their traineeship programme where:

- 237.1. they are unemployed, as set out in paragraph 157, or
- 237.2. they have little or no work experience and are focused on employment, an apprenticeship or the prospect of this, and
- 237.3. they have been assessed as having the potential to be ready for employment or an apprenticeship within six months

### Core Offer

#### Work preparation training

238. You must plan to deliver both the work preparation training and work placement to claim traineeship learning aim funding.

239. If work preparation training leads to a qualification, you must offer the qualification from an Ofqual-regulated awarding organisation.

240. Work preparation training must focus on activities that will help progression to an apprenticeship or, sustainable employment. Addressing the employability needs of the learner could include writing CVs, preparing for interviews, searching for jobs and developing interpersonal and communication skills.

241. Non-regulated learning must be a learning aim categorised as 'Work Preparation-SFA traineeships' on [the Hub](#). These aims will not attract additional funding as they are included in the single traineeship rate for work placement and work preparation training.

242. For 16 to 18 year olds, qualifications must be approved on [the Hub](#) for 16 to 18 funding in the 2020 to 2021 funding year.

## Work placement

243. A learner's work-placement must take place with an employer and allow the learner to develop new workplace knowledge, skills and behaviours. It must last at least 100 hours and must not be simulated learning in an artificial environment.

244. You must report the employer's details in the ILR within 4 weeks of the traineeship start date.

245. In exceptional cases, an individual can have separate work placements in different organisations. These must last at least 2 weeks with each employer, and at least 100 hours in total.

246. For learners on Jobseeker's Allowance or Universal Credit, work-placements can be up to 240 hours (or extended if an offer of an apprenticeship place is accepted).

247. The employer must offer at the end of each work-placement (which you must evidence) either:

247.1. a formal interview for a job or apprenticeship vacancy, plus feedback

247.2. an exit interview, written feedback and evidence of the learner's time and activities during the work-placement

248. For 16 to 18-year olds, the work placement must be the most substantial element of the programme which must be reported in the ILR as the core aim in a learner's traineeship.

## English and maths or ESOL

249. You must assess all 16 to 18 and 19 to 24 learners for English and maths in order to claim traineeship funding, in line with paragraph 183.

250. You must support learners to progress to a GCSE grade 4 (C), or higher, or level 2 Functional Skills. You may use English and maths stepping-stone qualifications (including components, where applicable), as set out in paragraph 178.

251. For 16 to 18 year olds, you must follow both of the following:

251.1. condition of funding set out in [16 to 19 study programmes](#)

251.2. English and maths condition set out in [16 to 19 funding: maths and English condition of funding](#)

252. You can continue to fund a learner to complete their English and maths qualifications beyond completion of their work-preparation training and work-placement.

253. You must support learners to achieve ESOL qualifications where necessary.

## Flexible element

254. We fund the flexible element in line with the general funding and ESFA funded AEB eligibility rules set out in this document.

255. You can offer activities, including appropriate technical qualifications and skills required by the local labour market that will help the learner move into work or remove a barrier to them entering work. This must exclude work preparation training and ESOL learning aims.

256. All elements of the programme (including work placement) are subject to a maximum of 35 hours activity each week to meet the requirements of state benefit rules.

257. For 16 to 18 year olds, qualifications must be approved on [the Hub](#) for 16 to 18 funding in the 2020 to 2021 funding year.

## Traineeship programme duration

258. The work placement, work preparation and flexible elements must be completed between 6 weeks and 6 months.

## Evidence

259. The evidence pack for a traineeship must contain evidence of:
- 259.1. a formal interview and feedback to the learner, where there is a vacancy
  - 259.2. an exit interview, written feedback, and evidence of the time spent on, and activities performed during, work placements, when there is no vacancy
  - 259.3. progression to a defined positive outcome within six months

## Outcomes

260. The following are recognised outcomes, if they are achieved and evidenced within 6 months of completing the traineeship:
- 260.1. an apprenticeship start that meets the minimum qualifying days evidenced by ILR records or a self-declaration by the learner
  - 260.2. a job, including being self-employed, for at least 16 hours a week and for 8 consecutive weeks within 6 months of leaving a traineeship, evidenced by a declaration from the learner or their employer
  - 260.3. progression to another English or maths qualification, which is a level higher than that, achieved in the traineeship
  - 260.4. further learning recognised in the 16 to 19 performance tables (for 19- to 24-year-olds, this includes qualifications as part of the legal entitlement), that:
    - 260.4.1 meets minimum qualifying days (set out in paragraph 68), or
    - 260.4.2 a learner self-declares they are studying a level 2 or level 3 qualification at least 150 guided learning hours

261. The achievement payment for the combined work-placement and work-preparation (single) rate is based on reporting a successful outcome, on the ILR in the programme aim. You must not claim job outcome payments described in paragraph 236 for this combined rate.

## Support funding

262. Learning support for traineeships is available as set out in paragraphs 217 to 224. For 16 to 18-year-olds, disadvantage funding, high-needs student funding, vulnerable student bursaries and discretionary bursaries are available through the ESFA's young people's funding methodology. More information is available in the [16 to 19 financial support for students](#) guidance.



263. Learner support for traineeships is included in your 19 to 24 traineeship allocation and is available as set out in paragraphs 225 to **Error! Reference source not found.**

### **Advertising traineeship opportunities**

264. You must advertise new traineeship opportunities on the [find a traineeship service](#), except where you have already matched an individual to an employer.

## Annex A: eligibility for funding

The [residency eligibility section](#) determines how eligibility to be ESFA funded can depend upon citizenship within the European Union (EU) or the European Economic Area (EEA). This annex details which countries will meet the residency requirements detailed in paragraph 36.

### Countries or areas where residency establishes eligibility for our funding

- a) Member states of the EU.

You can access a list of member states on the [EU website](#).

- b) Other territories categorised as being within the EU.

Other territories are categorised as being within the EU for the purposes of the fees regulations. These are:

**Cyprus:** any Cypriot national living on any part of the island qualifies for EU residency and is considered an EU national

**Finland:** includes the Aland Islands

**France:** the French Overseas Department (DOMS) (Guadeloupe, Martinique, French Guiana (Guyana), Reunion and Saint-Pierre et Miquelon) is part of metropolitan France and is part of the EU

**Germany:** includes the former German Democratic Republic and the tax-free port of Heligoland

**Portugal:** Madeira and the Azores are part of the EU; Macau is not

**Spain:** the Balearic Islands, the Canary Islands, Ceuta and Melilla are part of the EU

**United Kingdom:** Gibraltar is part of the territory of the EU

**To note:** The Channel Islands and Isle of Man are part of the United Kingdom and Islands but not part of the EU.

Andorra, Monaco, San Marino and the Vatican are not part of the EU.

- c) EEA and eligible overseas dependent territories.

For funding eligibility purposes, this is defined as all member states of the EU and Iceland, Liechtenstein, Switzerland, Norway and all the eligible British overseas territories and EU overseas territories listed in paragraph d) below.

Although Switzerland is not part of the formally recognised EEA, its nationals are eligible under various international treaties signed by the UK and Swiss governments.

d) Eligible overseas territories of other British and EU member states.

Learners who are nationals of certain British Overseas Territories and of certain European overseas territories are eligible for funding, depending on the three-year rule on residence in the EEA. These are as follows:

- Anguilla Bermuda
- British Antarctic Territory
- British Indian Ocean Territory
- British Virgin Islands
- Cayman Islands
- Falkland Islands Henderson Island Montserrat
- Pitcairn, Ducie and Oeno Islands
- South Georgia and the South Sandwich Isles
- St Helena and its dependencies
- Turks and Caicos Islands Greenland and Faroe Isles
- Antilles (Bonaire, Curacao, Saba, St Eustatius and St Maarten) Aruba
- New Caledonia and its dependencies French Polynesia
- Saint Barthélemy
- The Territory of Wallis and Futuna Islands Mayotte
- French Southern and Antarctic Territories

## Annex B: Community learning objectives

- Focus public funding on people who are disadvantaged and least likely to participate, including in rural areas and people on low incomes with low skills
- Collect fee income from people who can afford to pay and use where possible to extend provision to those who cannot
- Widen participation and transform people's destinies by supporting progression relevant to personal circumstances, including:
  - improved confidence and willingness to engage in learning
  - acquisition of skills preparing people for training, employment or self-employment
  - improved digital, financial literacy and/or communication skills
  - parents/carers better equipped to support and encourage their children's learning
  - improved/maintained health and/or social well-being
- Develop stronger communities, with more self-sufficient, connected and pro-active citizens, leading to:
  - increased volunteering, civic engagement and social integration
  - reduced costs on welfare, health and anti-social behaviour
  - increased online learning and self-organised learning
  - the lives of our most troubled families being turned around
- Commission, deliver and support learning in ways that contribute directly to these objectives, including:
  - bringing together people from backgrounds, cultures and income groups, including people who can/cannot afford to pay
  - using effective local partnerships to bring together key providers and relevant local agencies and services
  - devolving planning and accountability to neighbourhood/parish level, with local people involved in decisions about the learning offer
  - involving volunteers and voluntary and community sector groups, shifting long term, 'blocked' classes into learning clubs, growing self-organised learning groups, and encouraging employers to support informal learning in the workplace
  - supporting the wide use of online information and learning resources
  - minimising overheads, bureaucracy and administration

## Glossary

Term	Description
20+ childcare	A category of learner support to assist learners aged over the age of 20 who are at risk of not starting learning or leaving learning due to issues in obtaining childcare.
AEB funding methodology	The funding methodology for individuals aged 19 and over, participating in AEB learning. You can access <a href="#">AEB funding methodology</a> on GOV.UK.
Advanced learner loan	<a href="#">Advanced learner loans</a> are available for individuals aged 19 or above to undertake approved qualifications at levels 3 to level 6, at an approved provider in England. Advanced learner loans give individuals access to financial support for tuition costs similar to that available in higher education and is administered by Student Finance England.
Break in learning	When a learner is not continuing with their learning but has told you beforehand that they intend to resume their learning in the future.
Care to learn	A Department for Education scheme to assist young parents under the age of 20 with the childcare costs that may form a barrier to them continuing in education.
Continuers	Learners who commenced learning in a previous funding year and remain in learning as of 1 August 2020.
Community Learning	Helps people of different ages and backgrounds gain a new skill, reconnect with learning, pursue an interest, and learn how to support their children better, or prepare for progression to more formal courses/employment.
Components of regulated qualification	A subset of a qualification, which could be a unit.
Devolution of adult education functions	The devolution of adult education functions refers to the transfer of certain Secretary of State functions in the Apprenticeships, Skills, Children and Learning Act 2009 to specified Mayoral Combined Authorities by way of orders made under section 105A of the Local Democracy, Economic Development and Construction Act 2009, and the delegation of those functions to the Mayor of London under section 39A of the Greater London Authority Act 1999, in relation to their areas.

Term	Description
Direct costs of learning	Any costs for items without which it would be impossible for the learner to complete their learning aim. This can include the costs of registration, examination or any other activities or materials without which the learner cannot achieve their programme of study.
Earnings adjustment statement (EAS)	The form providers need to fill in to claim funding that cannot be claimed through the Individualised Learner Record (ILR).
Education health and care (EHC) plan	An EHC plan replaces statements of special educational needs and learning difficulty assessments for children and young people with special educational needs. The local authority has the legal duty to 'secure' the educational provision specified in the EHC plan, that is, to ensure that the provision is delivered.
Employment status (formerly employed)	<p>The main types of employment status are:</p> <ul style="list-style-type: none"> <li>• worker</li> <li>• employee</li> <li>• self-employed and contractor</li> <li>• director</li> <li>• office holder</li> </ul> <p>More information on <a href="#">employment status</a> is available.</p>
English for speakers of other languages (ESOL)	The study of English by speakers of other languages.
ESFA funded AEB	Funding you can claim from the ESFA for delivery of AEB eligible provision, and/or or traineeship programme provision to individuals set out in paragraph 27.
European social fund (ESF)	The ESF is a structural fund from the European Union (EU). It improves the skills of the workforce and helps people who have difficulties finding work. We are a co-financing organisation for the ESF.
Exceptional learning support	Learning support funding to meet the costs of putting in place a reasonable adjustment for a learner who requires more than £19,000 in a funding year.
Flexible element	Within a traineeship, the elements that sit alongside the core elements to form the qualification.
Full level 2	<p>The following qualifications are designated full at level 2:</p> <ul style="list-style-type: none"> <li>• General Certificate of Secondary Education in five subjects, each at grade C or above, or grade 4 or above</li> <li>• a Technical Certificate at level 2 which meets the requirements for 2018 to 2019 16 to 19 performance table</li> </ul>

Term	Description
Full level 3	<p>The following qualifications are designated full at level 3:</p> <ul style="list-style-type: none"> <li>• a General Certificate of Education at the advanced level in two subjects</li> <li>• a General Certificate of Education at the AS level in four subjects</li> <li>• a QAA Access to Higher Education (HE) Diploma at level 3</li> <li>• a Tech level or applied general qualification at level 3 which meets the requirements for 2018 16 to 19 performance tables</li> </ul>
Full or co-funding Indicator (FFI)	Indicates whether a learning aim is fully funded or co-funded in Adult Skills or Other Adult Funding.
Functional skills	Applied practical skills in English, maths and ICT that provide the learner with the essential knowledge, skills and understanding to enable them to operate effectively and independently in life and work.
Funding agreement	The agreement between the Secretary of State for Education acting through the Education and Skills Funding Agency (ESFA) and providers who receive funding for education and skills training.
Funding Model (10 and 35)	Identifies the funding methodology we apply to submission of finalised ILR data. For AEB funding, Funding Model 10 (Community Learning) and 35 (Adult Skills) are used, noting model 10 is non-formula funded (i.e. ILR data does not generate a funding rate and is paid on monthly profile) and model 35 is formula funded. More information is available in the <a href="#">2019 to 2020 ILR Specification</a> .
Funding year	The ESFA's adult funding system operates on a funding year basis, which starts on 1 August and finishes on 31 July.
General Data Protection Regulation	The General Data Protection Regulation (GDPR) is a, Europe-wide law that replaced the Data Protection Act 1998 in the UK. It is part of the wider package of reform to the data protection landscape that includes the <a href="#">Data Protection Bill</a> . The GDPR sets out requirements for how organisations have to handle personal data.
Guided learning	<p>As defined by Ofqual: “The activity of the learner in being taught or instructed by – otherwise participating in education or training under the immediate guidance or supervision or – a lecturer, supervisor, tutor or other appropriate provider of education or training. For these purposes the activity of ‘participating in education and training’ shall be treated as including the activity of being assessed if the assessment takes place under the immediate guidance or supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training.”</p> <p>You can find more information in the <a href="#">Ofqual Handbook</a></p>

Term	Description
Hardship	Within learner support, a category of support to assist vulnerable and disadvantaged learners to remove barriers to education and training.
The Hub	The <a href="#">Hub</a> provides online services including the return of your Individualised Learner Record (ILR) and completed EAS. You can also search all learning aims, components of qualifications, apprenticeship frameworks and standards along with their validity and funding details.
Individualised learner record (ILR)	The primary data collection requested from learning providers for further education and work-based learning in England. The government uses this data to monitor policy implementation and the performance of the sector. It is also used by organisations that allocate funding for further education.
Job outcome payments	Payments made for learners who are unemployed at the start of learning who cease learning to take up a job.
Evidence pack	A collection of documents and information brought together to form a single point of reference relating to learning that is taking place. This must provide evidence to prove the learner exists, is eligible for funding, the planned learning to be provided, and that learning has been delivered.
Learning support	Funding to enable providers to put in place a reasonable adjustment, set out in the <a href="#">Equality Act 2010</a> , for learners with an identified learning difficulty and/or disability to achieve their learning goal.
Learner residency	<p>We use the term ‘resident’ or ‘residence’ in this document for different purposes.</p> <ul style="list-style-type: none"> <li>• Residence in the UK, EU and EEA has specific definitions in education law, and this is set out in the ‘residency eligibility’ section.</li> <li>• Following the devolution of adult education functions, there is a new emphasis on residence in England, in determining and evidencing eligibility for ESFA funded AEB - see ‘who we fund’ and ‘evidence’ sections.</li> <li>• This means the permanent residency of an individual in England (i.e. not a temporary address for duration of learning taking place), immediately prior to enrolment determines eligibility for ESFA funded AEB.</li> </ul>
Learner support	Funding to enable providers to support learners with a specific financial hardship that might prevent them from being able to start or complete their learning.
Learning aim reference number	The unique eight-digit code used to identify a specific learning aim.
Learning delivery monitoring (LDM)	A code used as part of the Individualised Learner Record (ILR) to indicate participation in programmes or initiatives.



Term	Description
Learning planned end date	The date entered onto the individualised learner record (ILR) when the learner is expected to complete their learning.
Local flexibility	Regulated qualifications, and or their components, and non-regulated learning that the ESFA funds, that is <b>not</b> part of the English and maths, or level 2 or level 3 legal entitlement offer. All regulated and non-regulated learning that is available for funding through the flexible local offer is listed on <a href="#">the Hub</a> .
Low wage threshold	<p>The threshold of £17,004 as an annual gross salary, is based on the National Living Wage (25 and over hourly rate) of £8.72, on the assumption of a 37.5 hour contract with paid statutory holiday entitlement (therefore, £8.72 multiplied by 37.5 hours per week, multiplied by 52 weeks per year). The 25 and over hourly rate of £8.72 comes into force in April 2020 and is updated each year. Providers will need to check they are applying the correct 25 and over hourly rate following the annual change in April.</p> <p>More information on the <a href="#">National Living Wage</a> is available.</p>
Nationally funded providers	<p>Ministers have agreed that <a href="#">4 providers will remain funded nationally</a> for a transitional period of two further academic years (2019 to 2020 and 2020 to 2021). They are:</p> <ul style="list-style-type: none"> <li>• Fircroft College, Birmingham</li> <li>• Richmond and Hillcroft Adult and Community College, London</li> <li>• Northern College, Barnsley</li> <li>• Ruskin College Oxfordshire</li> </ul>
Non-regulated learning	<p>Learning which is not subject to awarding organisation external accreditation in the form of a regulated qualification. It may be designed, delivered and certificated by a provider or another organisation. This could include:</p> <ul style="list-style-type: none"> <li>• independent living skills and engagement learning</li> <li>• employability and work skills</li> <li>• labour market re-entry</li> <li>• technical education tasters</li> <li>• community learning</li> </ul>
Non-formula community learning funding	<p>Where applicable, providers receive a non-formula funded community learning allocation' as part of their AEB which is paid on a monthly profile. Submission of ILR data does not generate a funding value for the learning aim/s a learner participates on. Instead providers attribute costs up to the value of their non-formula community learning allocation. Providers submit community learning data through funding model 10. More information is available in the <a href="#">2019 to 2020 ILR Specification</a></p>

Term	Description
Ofqual	The <a href="#">Office of Qualifications and Examinations Regulation</a> , which regulates qualifications, examinations and assessments in England.
Personal learning record (PLR)	A database that allows individual learners access to their past and current achievement records. These can be shared with schools, colleges, further education training providers, universities or employers.
Recognising and Recording Progress and Achievement (RARPA)	The Learning and Work Institute have published <a href="#">updated RARPA Guidance</a> . This comprises a clear framework designed to support learners through the learning process, identifying key outcomes. It provides a robust approach to quality control and improvement of non-regulated provision with a focus on self-assessment that supports standards acceptable to the Office of Standards in Education (Ofsted). You can access further information from <a href="#">The Learning and Work Institute</a> .
Recognition of prior learning (RPL)	An assessment method that considers whether a learner can demonstrate that they can: <ul style="list-style-type: none"> <li>• meet the outcomes for a qualification or a component of a qualification through knowledge, understanding, or</li> <li>• skills they already have and so do not need to undertake a course of learning for that component or qualification</li> </ul>
Register of training organisations (the Register)	A register that provides assurance on organisations that deliver non-apprenticeship education and training services funded by the ESFA, or subcontractors with an aggregated contract value of £100,000 or more in our non-apprenticeship supply chain. Organisations apply to enter the register by completing our market-entry pre-qualification process, which includes due diligence questions and testing of capacity and capability.
Residential Support	Support provided under learner support to learners receiving specialist provision, which involves a residential element, or to support learners who cannot receive provision locally.
Regulated Qualifications Framework (RQF)	The RQF provides a way of understanding and describing the relative level and size of qualifications. The RQF, operated by Ofqual, is a single regulatory framework containing a range of general, technical and professional qualifications.
Senior responsible person	For example, chief executive, managing director, principal or their equivalent.
Self-declaration	A process where the learner can confirm something through his or her own signature.

Term	Description
Skills advisory panel (SAP)	SAPs aim to bring together local employers and skills providers to pool knowledge on skills and labour market needs, and to work together to understand and address key local challenges. This includes both immediate needs and challenges and looking at what is required to help local areas adapt to future labour market changes and to grasp future opportunities. This will help colleges, universities and other providers deliver the skills required by employers, now and in the future.
Start of learning	The date on which learning begins. We do not consider enrolment, induction, diagnostic assessment or prior assessment to be part of learning.
State benefits	State benefits are contributions, both financial and non- financial, made by central and local government to individuals in certain circumstances to meet their day-to-day living needs.
Statutory entitlement	<p>The <a href="#">statutory entitlement to education and training</a> allows learners to be fully funded who are aged:</p> <ul style="list-style-type: none"> <li>• 19 and over, who have not achieved a grade 4 (legacy grade C), or higher, and study for a qualification in English or maths up to and including level 2, and/or</li> <li>• 19 to 23, if they study for a first qualification at level 2 and/or level 3</li> </ul>
Study programme	Study programmes are for learners aged 16 to 19 and cover all levels up to level 3. Funding is for each learner, rather than for each qualification and can only have one core aim at a time.
Subcontractor	A separate legal entity that has an agreement with you to deliver any element of the education and training we fund. A separate legal entity includes companies in your group, other associated companies and sole traders. It also includes individuals who are self-employed or supplied by an employment agency, unless those individuals are working under your direction and control, in the same way as your own employees.
Traineeship programme	A programme to help unemployed young people to develop the necessary skills and experience to progress to an apprenticeship or long-term work.
UK provider reference number	A unique identifying number given to all providers by the UK register of learning providers.
Unique learner number	A 10-digit number used to match a learner's achievement to their personal learning record (PLR).
Work placement	A placement with an employer in a workplace setting as part of a traineeship.
Young people's funding methodology	The funding methodology for individuals aged 16 to 19 (and those aged 19 to 24 with an EHC plan). You can access <a href="#">16 to 19 funding methodology</a> on GOV.UK.

## Summary of main changes since funding rules 2019 to 2020

265. We have highlighted the main changes made in this document compared to the final version we published for 2019 to 2020 in the table below.

266. Please note this is not an exhaustive list of all changes. You must refer to the main document for the definitive rules, which apply to all providers of education and training who receive funding from the Secretary of State for Education acting through the ESFA.

267. If you have a specific query on the funding rules, please use the enquiry form or speak to your provider management manager/advisor.

Section	Paragraph	Change
Devolution of adult education functions section and relevant paragraphs in <a href="#">section 1</a> and <a href="#">2</a>	Devolution of adult education functions – Page 5, 6 and para 27.2	We have updated these sections to include the Order made for the transfer of education functions and associated budget to Newcastle upon Tyne, North Tyneside and Northumberland Combined Authority.
Introduction and purpose of the document	22 – this document	Contact details have been updated and now includes an <a href="#">enquiry form</a>
Who we will fund	28 – this document	The devolution postcode checker for learner residency has been linked to paragraph 28.
Individuals with certain types of immigration status and their family members	Para 44 – this document	Additional text has been added by the Home Office to clarify evidence for immigration permission.
Individuals who are not eligible for funding	55 – this document	Updated to reflect current legal position, Fees and Awards Regulations 2007 are no longer relevant and the eligibility categories in the funding rules are broader, the regulations do not add value to the rules and have been removed.
Fees and charging	65 – this document	Paragraph added to make it clear that you must not exceed the fully funded rate for the learning aim when charging learners who are co-funded

What we will not fund	79.6 – this document	We have made it clear that legacy GCSE grade C or higher is the equivalent of a grade 4 or higher under the new grading scheme.
Subcontracting	83 to 118.7 – this document	This section has been reorganised for clarity, no paragraphs have changed or been removed.
Evidence	124 – 150.	We have removed all references to ‘learner file’ and replaced them with ‘evidence pack’ for accuracy. Minor drafting changes have been made for clarity and has not changed policy.
Unemployed definition	157.3 , 158.1 and 158.2	We have updated these paragraphs in line with the definition. For clarity, references to ‘earned income’ have been replaced with ‘take-home pay’.
Full level 2 and English and maths for those aged 19 or older	162.1 and 178 – this document	We have made it clear that legacy GCSE grade C or higher is the equivalent of a grade 4 or higher under the new marking scheme.
Full level 3	65 – this document	Updated for clarity.
Eligible qualifications	168 – this document	This paragraph has been added to clarify your role where you deliver eligible qualifications and/or their components.
Digital Skills for those aged 19 and over		This is a new section under construction
English for speakers of other languages (ESOL)	192 – this document	Paragraph added to clarify that we will fund ESOL learning up to and including Level 2.
Learning support	221 to 222– this document	Paragraphs revised for clarity when claiming learning support.
Learner support	237 to 238 this document	Paragraphs revised for residential support funding



Education & Skills  
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