



Skills Funding  
Agency

# Review of the Non-Regulated Publicly-Funded Offer: Post-19

November 2013

Of interest to colleges and training organisations

## Purpose

- 1 This document sets out the objectives, scope and arrangements for a review of non-regulated provision which we are carrying out with a view to confirming the:
  - categories of non-regulated provision we will fund in 2014/15, and,
  - quality assurance arrangements we expect providers to have in place to support such provision.
  
- 2 This review is the mechanism by which organisations request that non-regulated aims other than those within the agreed categories (paragraph 13 below) are funded in 2014/15. There is no further mechanism for maintaining funding for non-regulated provision. **Any non-regulated provision not within the agreed categories or not agreed as a result of this review will not be funded in 2014/15.** Therefore, it is important that you take this opportunity to inform us if a particular learning aim should still be available for public funding in 2014/15.
  
- 3 This document also provides some background information on the range of non-regulated provision we currently fund. Non-regulated provision is defined by us as learning with no external awarding organisation accreditation. It is designed, delivered and, in some cases, certificated by a provider.
  
- 4 We recognise the relevance of non-regulated provision for some learners in some contexts, and, as such, intend to continue to fund this provision when we are assured that it:
  - is of high quality
  - is in the best interests of the individual, and,
  - supports progression to enable learners to access qualifications or, where a qualification is not appropriate or available, supports the

learner towards a meaningful outcome, including preparing for and entering employment.

## **Background**

- 5 Public funding is focussed on qualifications; because regulated qualifications offer learners access to nationally recognised and transferable achievement and, where the qualification is vocational, are benchmarked against relevant and up-to-date employer standards. As part of the regulated qualifications offer, the Qualifications and Credit Framework (QCF) in particular, offers a facility to accommodate a wide range of achievement and learners. It also provides access to flexible learning that can be undertaken in small steps enabling learners to achieve incrementally at a pace and in a way suited to meet their individual needs.
- 6 Alongside regulated qualifications, we also support unit delivery<sup>1</sup> as part of the offer for those who are unemployed and as part of the Offender Learning and Skills Service (OLASS). For these learners, a more flexible approach to learning and skills, which can be supported through unit delivery, is necessary. This enables some learners to gain the skills required to enter or re-enter employment. It provides others with the facility to undertake a qualification delivered through smaller steps. Achievements can be accumulated over time and banked towards full qualification achievement.
- 7 We have just commenced our 2013 annual review of the publicly-funded qualifications offer. A key part of this review is learner and employer demand for regulated qualifications. It will establish the initial qualifications offer for 2014/15. The review of non-regulated provision will run alongside the 2013 annual review.

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<sup>1</sup> For further information on unit delivery please refer to the Qualifications Information Guide for 2013/14 which is available on the [Provider section](#) of our website.

8 Whilst regulated qualifications remain the core of the directly funded offer within the Adult Skills Budget (ASB) we recognise that in some circumstances a regulated qualification is neither appropriate nor accessible. In 2011/12, 15% of classroom-based (including OLASS) enrolments were on non-regulated provision. This represents 3.6% of the total ASB and OLASS budgets combined and was worth approximately £87m. Our year-end 2012/13 data shows that the proportion of non-regulated provision funded within the ASB has remained at a similar level, although increased in actual value to £105m.

9 Analysis of 2012/13 non-regulated ILR enrolments<sup>2</sup> highlights that:

- 23% is at notional Levels 1, 2 and 3 (up 2% on 2011/12) and 34% at no specified level
- 8% is notional Sector Subject Area 'Arts, Media and Publishing' and 6% is 'ICT'
- 19% is English and maths (noting our intention not to continue funding this non-regulated provision with the exception of Learners with Learning Difficulties and/or Disabilities (LLDD) as the new suite of QCF qualifications are in place)
- 18% is ESOL (up 3% on 2011/12)
- 60% is notional Sector Subject Area 'Preparation for Life and Work', which includes English and maths and ESOL (up 3% on 2011/12)
- 18% of learners self declare that they have learning difficulties and/or disabilities.

## **What we are doing**

### **Review objectives, scope and arrangements**

10 We want the review of non-regulated provision to ensure that we fund only high-quality provision that will make a difference to learners, particularly

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<sup>2</sup> Figures for 2012/13 are provisional and have been produced from internal MI.

young adults, the unemployed and the low skilled. We know that for adult learners, in some circumstances, an Apprenticeship or a regulated qualification may prove initially inaccessible and/or inappropriate. We need, in these circumstances, to be clear that alternative non-regulated provision is available, robust and fit for purpose.

## **Review Objectives**

11 As part of the implementation of the QCF we undertook an exercise between 2010 and 2012 to remove non-regulated provision on the basis of a more flexible and inclusive regulated offer becoming available. This review builds on that work. But it will also go further by seeking to bring clarity about the categories of non-regulated provision we wish to continue to fund. As such the objectives of the review are to:

- ensure providers are maximising learner access to the regulated qualification and unit offer we currently fund
- enable us to be clear about when and where non-regulated provision should be funded, for which groups of learners and to put in place necessary arrangements to support this from August 2014
- ensure the delivery of the highest quality non-regulated provision by confirming the quality assurance arrangements we expect all providers to put in place.

12 Following completion of the review, we will publish well in advance of the new academic year start, the categories of non-regulated provision we will fund in 2014/15. We will not fund any non-regulated provision that falls outside these categories.

## **Review scope**

13 This review embraces the non-regulated provision funded from within the ASB and OLASS budgets. Please note however it:

- will exclude non-regulated provision delivered by Specialist Designated Institutions, provision delivered through the Innovation Code and provision delivered using Community Learning funding
- only relates to public funding for provision for new starts for adult learners (those aged 19 or older) in England from 1 August 2014. A learner who enrolls by 31 July 2014 on a learning aim which might have funding withdrawn in 2014/15 will still receive support to complete their learning aim
- should embrace **all** non-regulated aims recorded on *Class Codes* excluding provision mentioned in the first bullet point shown above.

### **Non-regulated provision for continued funding**

14 At the present time we believe there are three categories (and a possible fourth) of non-regulated provision which should be funded. We have agreed these categories with our Qualifications Advisory Group (QAG), which is independently chaired and has membership drawn from the sector. It advises us on all aspects of regulated qualifications and related provision. The categories are:

- provision delivered and funded through the **Innovation Code** (noting this is out of scope of this review)
- provision for **Learners with Learning Difficulties and/or Disabilities** (LLDD) where there is no appropriate vocational or non-vocational alternative regulated qualification.
- provision for **English for Speakers of Other Languages** (ESOL) where there is no appropriate alternative regulated qualification. This category of provision will be reviewed once the new QCF ESOL Skills for Life qualifications currently being developed are in place which is expected to be 1 August 2014.

15 In addition, we agreed with QAG that we may have a category of non-vocational 'other' non-regulated provision which could be used (outside of the Innovation Code) to respond to particular 'learning need(s)' or 'specific' learners. We expect this category to include provision at below Level 1 only. To help us determine what 'other' non-regulated provision we might continue to fund, we are consulting with you as part of this review.

16 Please note that English and maths provision has not been agreed as a non-regulated category for continued funding. Since January 2013 a new suite of QCF English and maths qualifications, intended to assist learners to progress to English and maths (GCSE A\* to C) or Functional Skills Level 2, was and continues to be approved for funding. We would expect you to record Learners with LDD requiring non-regulated English and/or maths against the non-regulated LLDD category.

### **What do you need to do?**

17 Our intention is not to fund any non-regulated provision other than that within the three categories outlined in paragraph 13 above. If you believe that a part of your provision should continue to receive public funding and is not in these categories, you must make the case. Funding will not be continued unless a compelling case is made and evidenced.

### **Review arrangements**

18 We ask you to review all the non-regulated provision you deliver:

- A. Against **all** available regulated qualifications currently operational and approved for funding. Where an appropriate regulated qualification exists we expect you to make the necessary arrangements to remove that non-regulated provision which duplicates the regulated offer. We appreciate that this may be a sizeable task for some providers with a wider range of non-regulated provision. See Annex A for a list of 'sources of useful information'. In addition the Association of Colleges

(AoC), HOLEX (national network of local adult learning providers) and The Third Sector National Learning Alliance have agreed that they will provide advice and support where possible.

B. Against the agreed non-regulated categories of LLDD and ESOL (you must enrol learners on regulated ESOL qualifications wherever possible) as set out in paragraph 13. (Noting that you must record the non-regulated learning aim and the reason for enrolment in each learning agreement).

C. For **any** remaining provision only (following completion of steps A and B) we ask that you review your non-regulated provision against the criteria below and confirm in respect of each non-regulated programme in your current offer that your non-regulated provision:

- engages learners on provision that is:
  - notional pre-entry and entry level only
  - non-vocational only **AND**
- is delivered as a coherent programme of learning. Where aspects of preparation for work are delivered, this must include units from regulated qualifications approved for funding **AND**
- either, helps to remove barriers to progression to a (named) regulated qualification which must be recorded in the learner's learning agreement and may include units from the named regulated qualification within their learning agreement, **or**,
- directly helps individuals into work

19 Please return the [Notification Form](#) if you wish us to consider continuing to fund any non-regulated provision:

- for which there is no regulated alternative
- that sits outside the agreed non-regulated categories of LLDD or ESOL but meets the criteria in step C above.



20 The proforma requests details of the provision, including a summary of the rationale and purpose, its size, notional level and why regulated provision is not being used. To make the case for retaining funding for a non-regulated learning aim, it is important that you evidence your search for a regulated learning aim that most closely matches the aim in question. It is also important that you specify the reasons why the identified regulated learning aim is not suitable for the learner(s) and evidence that the criteria above have been met.

### **Quality assurance**

21 Ensuring that the provision we fund is of high quality is a priority for us and we intend to put in place quality assurance arrangements for non-regulated provision that will be consistent and rigorous across the sector. In particular we understand that the Recognising and Recording Progression and Achievement (RARPA) standards and criteria are well known and already well used in the sector. Please see Annex B for more information. Following advice from QAG we therefore intend to confirm that the following rules will apply to all non-regulated provision we fund:

- that RARPA must be in place, from 1 August 2014 and you must retain necessary evidence within each learning agreement
- that you must 'certificate' any non-regulated provision you deliver so the learner has a clear record of their achievement to date.

### **Review of outcomes**

22 We will assess your responses to this consultation and make decisions on any additional categories of non-regulated provision we might continue to fund beyond the Innovation Code, LLDD and ESOL. We will seek advice on this from QAG when the group meets in January 2014.

23 Thereafter the categories of non-regulated provision we will fund for 2014/15 will be published well in advance of August 2014. We do not expect that any non-regulated provision sitting outside of the confirmed categories will be funded in 2014/15.

24 Once we have received your input, our decision on which categories of non-regulated provision are available for public funding for new starts in 2014/15 will be final. There will be no further opportunities for organisations to request that non-regulated learning aims, outside of the categories agreed, are made available for public funding in 2014/15. Therefore, it is important that you take this opportunity to inform us if a particular learning aim should still be made available for public funding in 2014/15.

### **How to alert us**

25 To notify us of non-regulated learning aims you wish us to consider funding:

- for which there is no regulated alternative
- sits outside the agreed non-regulated categories of LLDD or ESOL
- but meets the criteria in paragraph 18C above

You should complete and return the [Notification Form](#) to [Non-regulatedProvision@sfa.bis.gov.uk](mailto:Non-regulatedProvision@sfa.bis.gov.uk) by midday on 20 December 2013. You can download this form from the [Qualifications section](#) of our website

26 If you are notifying us of more than one learning aim, then use one notification form for each learning aim you are alerting us to. We will confirm receipt of your notification within three working days.

## Timetable

<b>Date</b>	<b>Activity</b>
<b>6 November 2013</b>	Review of non-regulated provision commences
<b>to 20 December 2013</b>	Providers undertake a review of their non-regulated provision and return completed pro-forma(s) for any non-regulated provision (for which there is no regulated alternative) they wish us to continue to fund outside of ESOL and LLDD.  We will issue a 'notification of receipt' within three days of receipt
<b>13 January 2014</b>	Recommendations to QAG for advice
<b>By End January 2014</b>	We will confirm, subject to review outcomes, the non-regulated categories of provision we will fund in 2014/15
<b>Before August 2014</b>	We will publish the categories of non-regulated provision in the Qualifications Information Guide (QIG)

**Simplified Funding Rates catalogue 2013/14**

<http://skillsfundingagency.bis.gov.uk/providers/FundingSimplification/>

**Register of Regulated Qualifications – Ofqual**

<http://register.ofqual.gov.uk/>

**NCS website**

<https://nationalcareersservice.direct.gov.uk/Pages/Home.aspx>

**Refer to individual Sector Skills Councils websites**

**Refer to individual LEP websites**

**Various RARPA documents – LSIS webpage**

<http://www.excellencegateway.org.uk/searchresults?qq=rarpa&submit.x=10&submit.y=15>

**RARPA Toolkit - NIACE**

<http://www.niacedc.org.uk/rarpa-toolkit>

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