



Skills Funding
Agency



Department
for Work &
Pensions

New English language requirements¹

Introduction

This note provides a joint update from the Department of Work and Pensions (DWP) and the Skills Funding Agency on the new English language requirement from 28 April 2014 (England only).

This note is primarily aimed at training providers and job centres located in the 17 districts which have been identified as likely to see increased demand for English language training and where additional funding² to meet this demand has been agreed with some providers.

There are also a further 8 districts where increased demand is expected and for whom a small amount of funding will be prioritised by the Skills Funding Agency. Details of those districts are provided in the Questions and Answers below.

For the remainder of the network, we expect demand to be met from existing arrangements.

The above planning assumptions will be subject to ongoing review by DWP and the Skills Funding Agency.

Background

The 2013 Comprehensive Spending Review announced a rigorous, systematic approach to ensuring that Jobseeker's Allowance (JSA) claimants (and equivalent Universal Credit group) with poor spoken English, improve their language skills in order to continue receiving benefit. The measure underlines the importance of a good standard of English in getting a job and integrating into society.

This new policy introduces a requirement for claimants with a low level of spoken English to be identified at the beginning of their claim and referred to the most appropriate English language training. Those who fail to start, participate in, or complete their training will potentially face a benefit sanction.

Update

The DWP and the Skills Funding Agency have been working closely together to ensure that this new programme will be launched on 28 April 2014.

However the success of the policy relies on job centres, colleges and other providers continuing to work in partnership to finalise and implement local arrangements. This will include confirming your proposed local delivery model and feedback arrangements.

¹ Known to providers as 'ESOL Plus Mandation funding'.

² Against specified criteria – see Q and A 22.

The Skills Funding Agency is in the process of agreeing the 2013 to 2014 and 2014 to 2015 funding allocations with those providers who have been identified to receive additional 'ESOL Plus Mandation funds'. Updated contracts for 2013 to 2014 delivery are scheduled to be issued in early April. Allocations for 2014 to 2015 will be included in providers' overall Adult Skills Budget allocations which will be finalised at the end of March 2014.

To identify those with poor English speaking and listening skills (below entry level 2), the DWP have developed a new screening tool. The tool is currently undergoing testing to ensure it is fit for purpose and will be used by advisers in job centres in England from 28 April 2014.

Some frequently asked questions and answers

Thank you for sending your questions and issues which are emerging as your discussions and preparations progress. Below are questions and answers which we hope will help address as many of these as possible.

Please let us know if you have further questions. You can do this by contacting your relationship manager in the first instance.

Next Steps

The key next steps are:

- Skills Funding Agency to finalise allocations
- DWP to complete the testing of the screening tool and 'roll out' across all local offices
- Local JCPs to implement new screening tool
- Providers in receipt of additional ESOL Plus Mandation funding to prepare for increased volume of learners from 28 April

We would like to thank you for your contributions to date and look forward to working closely with you over the coming months as we roll out the new programme.

New English language requirements Question and answers

Why are we doing this and who is it for?

Q1. What are the new English language requirements?

The 2013 Spending Review announced a significant package of reforms to increase the support and requirements on claimants on out-of-work benefits. This includes requiring all claimants whose poor spoken English is a barrier to work to improve their English language skills.

Q2. Why is it being introduced?

People who claim benefits that require them to look for work have a responsibility to do everything they can to find a job. Poor spoken English can be a barrier to finding work, and appropriate training to improve it gives people a better chance of finding sustainable employment.

Q3. Is this for all benefit claimants?

No. At present this will only be for people claiming Jobseeker's Allowance and Universal Credit (all-work related requirements group) from 28 April 2014.

Q4. Job centres can mandate claimants to address their language need already, with the potential loss of benefit if they fail to comply, so what's different?

The policy represents a much more rigorous, systematic approach to identifying, assessing and addressing poor language skills. The following features represent a departure from current processes:

- screening applied to all claimants from the start of the claim
- a focus on specified skills levels
- increased employability focus and context for ESOL provision

Q5. What about claimants whose English isn't below entry level 2 but whose English skills remain a barrier to getting a job?

JSA and Universal Credit (UC) claimants whose English language needs are not below entry level 2, but remain a barrier to them moving into work, can continue to be mandated to assessment and provision as per the existing business process.

Q6. Does this rule apply to everywhere in Britain?

The policy will be introduced in England from April 2014. The policy will be extended to apply to claimants in Scotland and Wales and we hope to be able announce a start date shortly.

How will individuals be referred and what will they learn?

Q7. How will job centre advisers be able to identify if a claimant needs English language training?

All claimants will be screened at the start of their claim. Those with an obvious or identified need will be referred for assessment. Where the provider confirms the claimant is below entry level 2, the adviser makes immediate referral to provision.

Q8. What standard of English language speaking ability must someone have to be considered for this?

Those with English language speaking and listening skills below entry level 2 will be mandated to undertake learning. (Entry level 2 is the expected ability of a 7- to 9-year-old).

Q9. Which English language provision is in scope for this funding?

To meet the expectation in the Skills Funding Statement, the scope of the offer is 'to improve the speaking and listening skills of the learners to entry level 1 or entry level 2.' In order to deliver this, providers will, after necessary assessment/s, enrol learners on either:

- a regulated ESOL qualification at entry level 1 or entry level 2 (noting new ESOL Skills for Life qualifications are currently in development). No other levels of ESOL provision will be eligible for funding using this additional ESOL money
- a non-regulated programme of learning (which must be based on the national literacy and numeracy standards and used only where no regulated qualification is available) which the provider must certify and must use Recognising and Recording Progress and Achievement (RARPA) as a means of quality assurance

Q10. Aren't the English language qualifications being revised?

Yes, they are currently under revision. The new qualifications, however, will not be in place until August 2014 and claimants mandated to English language training before then, will be enrolled on the current ESOL qualifications.

Q11. How long is the training and will claimants be expected to continue attending the job centre and look for work?

We expect the training to generally last between 7 and 20 weeks and for fewer than 16 hours per week. This will be agreed between the provider and the job centre. While training, claimants will still be expected to attend the job centre and undertake their agreed activities, such as looking for work, as a condition of claiming benefits.

Q12. What do you expect claimants to achieve within 7 to 20 weeks? It's not much time to complete an ESOL qualification.

The focus of this policy of mandation is on the claimant's speaking and listening skills. Claimants need to try to make progress in these skills and where possible to achieve a qualification within 6 months that indicates they have moved up a level in these skills and are at, or, progressing towards entry level 2. There will be claimants who are unable to achieve a qualification in this time and in this case, making progress, within the time limits, is key.

Q13. What happens if someone fails to successfully complete their qualification?

If a claimant fails to successfully complete their qualification because they failed to attend or participate, a sanction may be applied. Claimants who fail their final assessment or who do not make demonstrable progress confirmed by the provider may be re-mandated to training.

Q14. Will a claimant have met their conditionality, even if they don't achieve a qualification within 6 months?

Provided the claimant has started and completed their training and demonstrated progression as confirmed by the provider, they will have met their conditionality requirement. However, if they would benefit from making greater progress with their spoken English, they could be re-mandated to complete their course. This will be down to a local decision between the provider and the job centre.

Q15. What about people with learning difficulties or who may have disabilities?

People with learning difficulties and/or disabilities will be treated in the same way as any other individual with an identified learning need. Providers will have access to learning support funds to support learners with an identified learning need. This funding will also ensure any reasonable adjustments are in place, or in appropriate cases, exemptions, for people with disabilities, where applicable. All referrals will be fully compliant with the Equality Act 2010.

Job centre advisers also seek advice and guidance from Disability Employment Advisers (DEAs) and work psychologists regarding claimants who may have additional support needs while attending training. DEAs and work psychologists can also be consulted in circumstances where it may be unclear whether or not a disabled or vulnerable claimant should be referred to learning or sanctioned if they do not comply.

Q16. What if a claimant doesn't attend the training?

Learners would be treated by the provider as any other learner with regard to non-attendance. However, for a mandated claimant, if the learner decides not to start or complete this training, the provider must notify JCP as they may face potential benefit sanctions.

Q17. What happens after the training?

If a claimant remains unemployed at the end of their training, their adviser will discuss the appropriate next steps, including re-referral, where appropriate.

Q18. Will travel and other expenses be paid for claimants to attend provision?

Yes, claimants will be able to seek reimbursement from job centres for travel and childcare costs.

Q19. How will participation be monitored?

We are updating the Individualised Learner Record to enable providers to record delivery of this programme. Providers must identify the learning aims in the ILR that are delivered from this additional funding, using code **LDM329** in the Learning Delivery Funding and Monitoring fields.

In DWP, existing data reporting methods (Labour Market System) will enable DWP to monitor participation.

Q20. What should job centre advisers do if there isn't any training provision currently available in their district?

In this situation, the adviser should contact their local partnership manager who will escalate the matter in the usual way, following the guidance provided in the skills guide for partnership managers.

How is this new training to be funded and how have providers been selected?

Q21. Is the government expecting existing providers to meet the demand in provision?

To support the expected increase in demand for English language training, additional resource of £30m in the 2014 to 2015 financial year (indicative £45m in 2015 to 2016 financial year) has been made available.

Q22. How will the additional funding be allocated?

To ensure the funding reaches the geographical areas where there is likely to be increased demand for English language training, the extra funds have been allocated to a specific group of English language providers within their Adult Skills Budget.

The providers identified to receive this additional funding have been selected on the basis of:

- being located within the geographical areas where DWP expect the greatest increase in English language demand as a result of this announcement
- having at least 500 ESOL entry-level starts in the 2012 to 2013 academic year

Q23. Which districts have been identified to receive the additional funding?

The districts in receipt of additional funding are:

- Birmingham and Solihull
- Black Country
- Derbyshire
- Gloucestershire and West of England
- Greater Manchester East and West
- Greater Wessex
- Leicestershire and Northamptonshire
- Lincolnshire, Nottinghamshire and Rutland
- London and Home Counties
- Mercia
- Merseyside
- North East Yorkshire and the Humber (Hull)
- Northumberland, Tyne and Wear (Newcastle)
- South Yorkshire
- Staffordshire and Shropshire
- Thames Valley
- West Yorkshire

Providers in scope have already agreed their allocations with the Skills Funding Agency.

Q24. What if a provider is experiencing significant increases in referrals as a result of this policy but has no extra funding?

In addition to the allocation of the additional funding to the areas above, an extra £2m is available to support delivery of this programme by other providers. Although this programme can be delivered in any JCP district, we will prioritise these funds to the areas below. The districts where JCP expects some increased demand are:

- Cumbria and Lancashire
- Durham and Tees Valley
- East Anglia
- Essex
- Greater Manchester Central and Cheshire

- Northumberland, Tyne and Wear (excluding Newcastle)
- Nottinghamshire, Lincolnshire and Rutland
- Surrey and Sussex
- North East Yorkshire and the Humber (excluding Hull)

Q25. How can providers receive a share of the £2m?

Providers can use the Adult Skills Budget to deliver this programme and we will monitor uptake in the above areas and allocate the above funds as part of the Skills Funding Agency's performance management process.

Q26. Can providers use the additional allocations for their existing ESOL provision?

Providers in receipt of the additional funding must continue to deliver their existing ESOL offer from the funds in their current ASB. They must not use the additional funding for learners not deemed to be in scope, that is, mandated by JCP and assessed with English language skills below entry level 2.

Q27. Is the additional funding intended to set up new and separate English language provision for mandated claimants?

No. The English language provision currently offered by providers will continue at all levels of learning including reading, writing and speaking and listening. However the additional funding will enable providers to enrol greater numbers of learners in scope, that is, mandated by JCP and assessed with English language skills below entry level 2. How they do this will depend on local arrangements, in line with current freedoms and flexibilities.

Q28. What if a district / provider isn't on either list for additional funding?

All providers can use their Adult Skills Budget allocation to deliver the ESOL provision. DWP and the Agency will however keep under review the likely demand across all districts through joint monitoring of the programme.