



Education & Skills  
Funding Agency

# The Legal Entitlements for 2017 to 2018

Version 1

June 2017

Of interest to awarding organisations

# Contents

<b>Introduction</b>	<b>2</b>
<b>Qualifications in scope for the 2017 to 2018 legal entitlements</b>	<b>4</b>
Table 1: Qualifications included in the legal entitlements.	4
English and maths	5
Levels 2 and 3	6
<b>Monitoring qualification changes</b>	<b>8</b>

## Introduction

1. This document covers the 2017 to 2018 legal entitlement offer in England within the adult education budget (AEB).
2. We publish it so you (awarding organisations) are clear about what is eligible for funding and how we update the legal entitlement offer. It should also help you in being clear with your centres what can and cannot be fully funded in the context of the legal entitlement offer.
3. It does not include information about **learner eligibility**, **local flexibility offer**, **advanced learner loans**, **apprenticeships**, the process for approving qualifications for funding under **Section 96**, or **16 to 19 funding**.
4. It accompanies the **list of qualifications** that colleges and training organisations can deliver as part of the level 2, level 3 and English and maths legal entitlements (the entitlements) in the AEB.
5. The entitlements allow learners aged:
  - 19 to 23 to be fully-funded if they study for a first qualification at level 2 and/or level 3
  - 19 plus, who have not previously attained a GCSE C or grade 4, or higher, to be fully-funded if they study for a qualification in English or maths up to and including level 2

Details on learner eligibility for the entitlements are available in the **Adult Education Budget: Funding Rules 2017 to 2018**.

6. The 2016 to 2017 funding year was a transition period in advance of moving to a single entitlement offer at level 2 and level 3 and a single list of English and maths qualifications. By single offer we mean that, as far as possible and where appropriate:

- for all learners undertaking English and maths there should be one list of qualifications
  - for all learners undertaking their first level 2 or level 3 qualification there should be a list focussed on technical and applied qualifications appearing in the **16 to 19 performance tables**
7. For 2017 to 2018 we have made minimal changes to the qualifications available in legal entitlements, apart from, as confirmed in 2016, focussing on 16 to 19 performance table qualifications. We have taken this approach because:
- we wish to stabilise the offer as we begin to prepare for the implementation of **Technical Education (TE) reform** and to manage the transition to a more locally-driven skills system
  - in advance of TE reform, we will continue to align, as far as possible, the eligibility rules and processes we use to make provision available for all learners aged 16 and above

## Qualifications in scope for the 2017 to 2018 legal entitlements

8. To be delivered as part of the entitlements for the funding year 2017 to 2018 a qualification must be:
- a regulated qualification offered by awarding organisations recognised by the Office of Qualifications and Examinations Regulation (Ofqual) or the Quality Assurance Agency for Higher Education (QAA)
  - available in England
  - available for learners aged 19 and over
  - offered by awarding organisations that regularly upload data to the Personal Learning Record in line with the **Awarding Organisation Agreement**, including the Learning Records Service Data Management Policy
9. Table 1 lists the qualifications in scope for the entitlements in the 2017 to 2018 funding year.

**Table 1:** Qualifications included in the legal entitlements.

Level 2 and level 3	English and maths
16 to 23 core offer* – technical and applied qualifications in the 2018 and 2019 16 to 19 performance tables (tech levels, applied general, technical certificates), A-levels, AS-levels, Access to HE and GCSEs.	<b>English and maths core offer</b> – GCSE English language and maths, functional skills in English language and maths at entry level to level 2.
Certain qualifications in the 2017 16 to 19 performance tables	In addition, a limited number of other stepping stone English language and maths qualifications from the RQF at entry level to level 1 (including Free Standing Maths).

\* This offer will be delivered to learners aged 19 and over that are eligible for funding through AEB.

10. If the National Academic Recognition Information Centre (NARIC) has confirmed the authenticity of a qualification gained overseas and confirmed it is comparable/compatible with a regulated qualification in England which currently is part of the level 2 and level 3 19 to 23 legal entitlement, then the individual will be deemed to have achieved their first level 2 and/or level 3 qualification.

### **English and maths**

11. During 2016 to 2017, we worked with DfE to arrive at a **single list** of qualifications from entry to level 2. These include stepping stone qualifications, including free-standing mathematics qualifications and certain modular (unitised) qualifications drawn from the **Regulated Qualifications Framework** (RQF) at entry and level 1. Stepping stone qualifications focus on particular aspects of English language and maths, which a learner may need to address to progress to GCSE or Functional Skills at level 2.
12. We know there are some stepping stone qualifications that serve the needs of particular groups of learners, that are not on the 16 to 19 condition of funding **list**. Therefore, in 2016 to 2017 for learners aged 19 and older only, we retained certain additional stepping stone qualifications. These remain available for 2017 to 2018.
13. We will continue to make the components (units) of eligible stepping stone qualifications available to all eligible learners.
14. As we **announced** in 2016 to 2017:
  - a. legacy English and maths GCSEs will not be funded for learners to study, or continue to study in 2017 to 2018. All learners must undertake the reformed GCSEs graded 9-1.
  - b. International GCSEs and equivalent Level 1/2 certificates in English and maths counting towards the **EBacc measure** will no longer be

approved for learners to study or continue to study under the English and maths legal entitlements.

15. The English and maths entitlement lists already includes a range of qualifications for colleges and training organisations for 2017 to 2018. Apart from any newly regulated GCSEs or Functional Skills we will not be adding other qualifications to the list during 2017 to 2018.
16. Alongside the published English and maths entitlement list, we also identify approved English and maths qualifications in **the Hub** using the 'legal entitlement – English and maths' category.

### **Levels 2 and 3**

17. For the funding year 2017 to 2018, we have aligned the level 2 and level 3 legal entitlement offer with the 16 to 19 performance tables.
18. The 2017 to 2018 level 2 and level 3 legal entitlement offer consists of:
  - a. technical and applied qualifications in the 2018 and 2019 16 to 19 **performance tables**
  - b. technical and applied qualifications in the 2017 performance tables which were included in the **2016 to 2017 legal entitlement list**
  - c. GCSEs
  - d. A and AS levels
  - e. Access to Higher Education Diplomas – for learners aged 19 and above
19. In advance of the introduction of TE reform, we have retained **those 2017 performance table qualifications which we made available as part of the entitlement in 2016 to 2017**. We will review these qualifications at the end of the 2017 calendar year. We will not be adding further qualifications from the 2017 performance tables to the 2017 to 2018 offer or any other qualifications outside of those highlighted in paragraph 21 below.

20. There is a **single process** and set of **requirements** that qualifications need to meet to be confirmed as technical and applied qualifications for the 16 to 19 performance tables and entitlements.
21. We will automatically designate qualifications in the 2018 or 2019 performance tables, GCSEs, AS and A Level and Access to HE qualifications for the purposes of the entitlement. We will update the level 2 and level 3 legal entitlements offer when the performance tables are updated each quarter.
22. In 2016 to 2017 we retained a limited number of other qualifications (which we referred to as the 'non-core'), to support the transition to a single offer. **As we indicated last year, these qualifications are not included in the 2017 to 2018 funding year** and the only 'non-core' qualifications for 2017 to 2018 will be the retained 2017 performance table qualifications.
23. If a qualification is not part of the entitlements, it may still be available to a wider set of learners. Many qualifications at level 3 are already included in the **Advanced Learner Loans catalogue**. Many qualifications at level 2 will be eligible as part of the **local flexibility** offer.
24. We have published a **list of level 2 and level 3 legal entitlement qualifications**.
25. You will also be able to identify qualifications that are part of the level 2 and 3 entitlements in **the Hub** using the following **categories**:
  - Legal entitlement – level 2
  - Only for legal entitlement at level 3

## Monitoring qualification changes

26. Every quarter, we will review significant changes to qualifications that may impact on their funding rate, to decide whether to change the funding.
27. We do not automatically change the funding rate of a qualification if you make a significant change to a qualification that results in the size of the qualification increasing or decreasing or the content or outcomes of the qualification changing. If you wish us to review the funding rate of the qualification you should contact us using the **qualifications inbox**.
28. In order to review your qualification, we will require the following:
  - confirmation of what the change is and when you made the change
  - why you wish us to review the qualification
  - the rationale for the change
  - supporting evidence (from colleges, training organisations, professional bodies, employers, learners)
29. Requests to review funding rates are considered on a quarterly basis by a governance board. The board meets in July 2017, October 2017, January 2018, April 2018. Requests with additional evidence should be sent by email to the **qualifications inbox** on the first working day of the month that the board is meeting for it be considered that quarter.
30. We will also monitor any changes you may make to a qualification's operational end date. This is so we can inform colleges and training organisations of changes to the last date for enrolments. We use the operational end date and certification end date to manage funding dates for new and continuing learners. To ensure learners are not disadvantaged it is helpful that operational and certification end date changes are carried out in advance and multiple changes are not made for the same qualification in a short period of time. You should also ensure you inform your centres of any changes you make to a qualification's operational end date.

31. Where a qualification is no longer visible on **Ofqual's Register of Regulated Qualifications** the qualification will not be part of the 2017 to 2018 offer.
32. If Ofqual takes **regulatory action** against an awarding organisation, we will review what action we will take. We will do this on a case-by-case basis in respect of their qualifications approved for delivery.
33. If you have any queries about anything in this document, please email the **Qualifications team**.
34. For information about Section 96 approvals please email the **Section 96 mailbox**.