



Education & Skills  
Funding Agency

# **ESFA funded adult education budget (AEB): funding rules 2019 to 2020**

For the 2019 to 2020 funding year (1 August 2019 to 31 July 2020).

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

**Version 1, May 2019**

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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 2019. 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)

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

The devolved authorities will publish their own funding rules that will apply to providers in receipt of devolved adult education budget (AEB) funding, from 1 August 2019, for AEB delivery to residents in their areas. This excludes the 19-24 traineeship programme, 2018 to 2019 continuing learners 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:

- individuals resident in areas of England outside of the devolved authority areas undertaking ESFA funded AEB provision
- continuing AEB funded learners in England, including those resident in a devolved authority area, who have not completed their learning by 31 July 2019
- 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 19-24 traineeship programme

## Introduction and purpose of the document

1. This document sets out the ESFA AEB funding rules for the 2019 to 2020 funding year (1 August 2019 to 31 July 2020). 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.
2. ESFA funded AEB aims to engage adults and provide the skills and learning they need to progress in 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 respond to the priorities set by local commissioners and other stakeholders, for example, local enterprise partnerships 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
  - 4.4. individuals resident in a devolved authority area, unless they meet the criteria in sub-paragraph 26.2, 26.3 or 26.4
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. This document does not include performance management rules, which will be available in a further iteration.

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 2018 to 2019.

## 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 26.
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 26. 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 Business Operations Service Desk at [SDE.servicedesk@education.gov.uk](mailto:SDE.servicedesk@education.gov.uk) or telephone 0370 267 0001. 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 26.1, 26.3 and 26.4) starting new ESFA funded AEB learning aims on or after 1 August 2019, unless they meet the criteria in sub-paragraph 26.2.

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

24.1. adult education budget

24.2. 19 to 24 traineeship programme

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.

## Who we fund

26. We will fund:

26.1. individuals resident in areas of England outside of devolved authority areas undertaking ESFA funded AEB

26.2. continuing learners in England, including those resident in a devolved authority area, who have not completed their learning by 31 July 2019, for a period of 1 year only

26.3. 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

26.4. learners resident in England, including those resident in a devolved authority area, undertaking a 19 to 24 traineeship programme

27. 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'.

28. In addition to paragraph 26, to be ESFA funded, on the first day of learning a learner must be:
- 28.1. aged 19 or older on 31 August within the 2019 to 2020 funding year if the learning aim is not a traineeship, or
  - 28.2. starting a traineeship programme on or after 1 August of the academic year in which they have their 16th birthday
29. 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 [young people's funding methodology](#) (for individuals aged 16 to 19 and those aged 19 to 24 with an education health and care plan).
30. 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 [young people's funding methodology](#).
31. 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.
32. 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.
33. 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.
34. 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

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.

35. Individuals will be eligible for ESFA funded AEB if they meet the criteria in paragraph 26, the learning is taking place in England, and they:
- 35.1. 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
  - 35.2. 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
36. The EEA includes all the countries and territories listed in [annex A](#).
37. The eligibility of individuals who do not meet the requirements in paragraph 35 is [stated below](#).
38. 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 make a decision 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.
39. 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.
40. You can find further information on eligibility from the [UK Council for International Student Affairs](#).
41. 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

42. 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

43. 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 in these circumstances:

- 43.1. refugee status
- 43.2. discretionary leave to enter or remain
- 43.3. exceptional leave to enter or remain
- 43.4. indefinite leave to enter or remain
- 43.5. humanitarian protection
- 43.6. leave outside the rules
- 43.7. section 67 of the Immigration Act 2016 leave
- 43.8. Calais leave to remain
- 43.9. the husband, wife, civil partner or child of any of the above in subparagraphs 43.1 to 43.8

## Asylum seekers

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

- 44.1. 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
- 44.2. are receiving local authority support under [section 23C](#) or [section 23CA of the Children Act 1989](#) or the Care Act 2014

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

- 45.1. 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

- 45.2. they are granted support for themselves under [section 4 of the Immigration and Asylum Act 1999](#), or
- 45.3. 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

46. 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’.

47. 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.

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

48.1. 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

48.2. 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
<b>Family member not ordinarily resident in the EEA for three years</b>	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

49. A child of a Turkish worker is eligible if both the following apply:
- 49.1. the Turkish worker is currently ordinarily resident in the UK and is, or has been, lawfully employed in the UK
  - 49.2. 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

50. A person granted stateless leave is a person who:
- 50.1. 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
  - 50.2. has been ordinarily resident in the UK and Islands throughout the period since the person was granted such leave
51. A stateless person must:
- 51.1. be ordinarily resident in the UK on the first day of the first academic year of the course; and
  - 51.2. 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
52. Certain family members are also eligible under this category if:
- 52.1. 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
  - 52.2. 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

53. "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**

54. You must not claim funding for individuals who do not meet the eligibility criteria set out above, unless they are eligible under the [Fees and Awards Regulations 2007](#) (as amended). This includes:

- 54.1. those who are here without authority or lawful status;
- 54.2. 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
- 54.3. non-EEA citizens who are in the UK on holiday, with or without a visa
- 54.4. 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
- 54.5. individuals who are ordinarily resident in the Channel Islands or the Isle of Man, unless they are also ordinarily resident within England
- 54.6. those whose biometric residence permit or residence permit imposes a study prohibition or restriction on the individual

## **Learners in the armed forces**

55. 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 26, 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.

56. 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 26, 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**

57. 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**

58. 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.

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

60. 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.

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

62. 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.

63. 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**

64. 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.

65. 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.

## Qualifying days for funding

66. 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 2019 to 2020 guidance](#).

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

## Recognition of prior learning

68. 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:

68.1. reduce the funding amount claimed for the learning aim by the percentage of learning and assessment the learner does not need

68.2. follow the policies and procedures set by the awarding organisation for delivery and assessment of the qualification

69. We do not set limits on the length of time of either prior learning or previously certificated learning. However, where the individual's learning and/or achievement occurs outside of five years, you must assess whether the learning is still valid and relevant.

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

71. 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

72. 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.

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

74. 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.

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

## What we will not fund

76. We will not fund:

- 76.1. qualifications, units or learning aims that are not listed on [the Hub](#) or on the legal entitlement lists – please see paragraphs 145 to 149
- 76.2. 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 150.4.
- 76.3. end-point assessment outside of apprenticeship standards, which is subject to Ofqual external quality assurance and regulated as a qualification
- 76.4. any part of any learner’s learning aim or programme that duplicates provision they have received from any other source
- 76.5. individuals on learning aims or programmes eligible for ESFA funded AEB at the same time as any new apprenticeship they start, funded from an employer’s digital account or government employer co-investment
- 76.6. 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 C, or 4, or higher
- 76.7. 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.

77. 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. More information is available in our [register of training organisations](#) guidance.

78. 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:

78.1. be listed on the Register

78.2. be invited to tender

78.3. be able to increase contract value through growth cases

79. 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.

80. We define a delivery subcontractor as 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.

81. You must take your own legal advice about the impact of [Public Contracts Regulations 2015](#) on your recruitment of delivery subcontractors and have this advice available for inspection by us on request.

82. Your governing body or board of directors and your accounting officer (senior responsible person) must be satisfied that all your delivery subcontracting meets your strategic aims and enhances the quality of your learner offer. You must set out the reasons for subcontracting in your published supply chain fees and charges policy to reflect your strategic aims. You must be able to evidence this, such as minutes of meetings and written sign-off.

83. You must not subcontract to meet short-term funding objectives.

84. You must only use delivery subcontractors:

84.1. 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

84.2. 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

84.3. if you have robust procedures to ensure subcontracting does not lead to the inadvertent funding of extremist organisations

85. You are responsible for all the actions of your delivery subcontractors connected to, or arising out of, the delivery of the services, which you subcontract.

## **Selection and procurement**

86. 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.

87. When appointing delivery subcontractors you must avoid conflicts of interest and you must:

87.1. write to us through your provider-management lead 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

87.2. not award the contract without our written permission

87.3. keep as evidence both your request and our reply

88. 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. 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.

89. 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:

89.1. 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

89.2. we will place restrictions on your future use of ESFA funded AEB delivery subcontractors if this occurs

90. 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.

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

92. You must not enter into new subcontracting arrangements or increase the value of your existing arrangements if any of the following circumstances apply:

92.1. if Ofsted has rated your leadership and management as inadequate

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

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

These conditions will continue until we are satisfied that the concerns have been addressed and the circumstances above no longer apply.

## **Entering into a subcontract**

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

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

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

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

94.3. its statutory accounts are overdue

95. 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.

96. You must have a legally binding contract with each delivery subcontractor that includes all the terms set out in paragraph 98.

97. You must have a contingency plan in place for learners in the event that:
- 97.1. you need to withdraw from a subcontract arrangement
  - 97.2. a delivery subcontractor withdraws from the arrangement
  - 97.3. a delivery subcontractor goes into liquidation or administration
98. You must make sure that the terms of your subcontracts allow you to:
- 98.1. monitor the delivery subcontractor's activity
  - 98.2. have control over your delivery subcontractors
  - 98.3. monitor the quality of education and training provided by delivery subcontractors
99. 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. The report must:
- 99.1. provide assurance on the arrangements to manage and control your delivery subcontractors
  - 99.2. comply with any guidance issued by us
100. You must 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.

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

101. You must make sure your delivery subcontractors:
- 101.1. meet the requirements set out in the funding rules
  - 101.2. provide you with ILR data so your data returns to us accurately reflect your subcontractor's delivery information
  - 101.3. give us, and any other person nominated by us, access to their premises and all documents relating to ESFA funded AEB
  - 101.4. give you sufficient evidence to allow you to:
    - 101.4.1 assess their performance against [Ofsted's Common Inspection Framework](#)

101.4.1 incorporate the evidence they provide into your self-assessment report

101.4.2 guide the judgements and grades within your self-assessment report

101.5. always have suitably qualified staff available to provide the education and training we fund through ESFA funded AEB

101.6. co-operate with you to make sure there is continuity of learning if the subcontract ends for any reason

101.7. tell you if evidence of any irregular financial or delivery activity arises; irregular activity could include, but is not limited to:

101.7.1 non-delivery of training when funds have been paid

101.7.2 sanctions imposed on the delivery subcontractor by an awarding organisation

101.7.3 an inadequate Ofsted grade

101.7.4 complaints or allegations by learners, people working for the delivery subcontractor or other relevant parties

101.7.5 allegations of fraud

101.8. 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

101.9. do not use our funding to make bids for, or claims from, any European funding on their own behalf or on our behalf

101.10. do not use payments made as match funding for ESF co-financing projects

## Monitoring

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

103. 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:

103.1. include whether the learners exist and are eligible

103.2. involve direct observation of initial guidance, assessment, and delivery of learning programmes

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

## **Second-level subcontracting**

105. You must not agree the use of any delivery subcontractor where this would require you to subcontract education and training to a second level. All of your delivery subcontractors must be contracted directly by you.

## **Reporting subcontracting arrangements**

106. You must provide a fully completed subcontractor declaration by the dates we will give you. This will be at least twice during the 2019 to 2020 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.

107. You must also update your subcontractor declaration if your subcontracting arrangements change during the year.

## **Distributing income between you and your delivery subcontractors**

108. You must review your delivery subcontracting fees and charges policy and this must be signed by your governing body or board of directors and your accounting officer.

109. You must publish your delivery subcontracting fees and charges policy on your website before entering into any subcontracting agreements for the 2019 to 2020 funding year.

110. Employers receiving ESFA funded AEB funding from us must send information to your provider management manager/adviser. This information will be held on record and be available for requests under the [Freedom of Information Act](#).

111. As a minimum, you must include the following in your delivery subcontracting fees and charges policy:

111.1. your reason for subcontracting

111.2. your contribution to improving your and your delivery subcontractor's quality of teaching and learning

111.3. the typical percentage range of fees you retain to manage delivery subcontractors, and how you calculate this range

- 111.4. the support delivery subcontractors will receive in return for the fee you charge
- 111.5. if appropriate, the reason for any differences in fees or support provided to different delivery subcontractors
- 111.6. 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
- 111.7. how and when you communicate and discuss your policy with current and potential delivery subcontractors
- 111.8. timing for policy review
- 111.9. where you publish your policy

112. You must also tell us the actual level of funding paid and retained for each of your delivery subcontractors in 2019 to 2020. You must email this information to your provider management manager/advisor 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.

113. You must include the following in your published ESFA funded AEB delivery subcontractor fees and charges:

- 113.1. name of each delivery subcontractor
- 113.2. the UK Provider Reference Number (UKPRN) of each delivery subcontractor
- 113.3. contract start and end date for each delivery subcontractor
- 113.4. funding we have paid to you for ESFA funded AEB delivery by each delivery subcontractor in that funding year
- 113.5. funding you have paid to each delivery subcontractor for ESFA funded AEB delivery in that funding year
- 113.6. funding you have retained in relation to each delivery subcontractor's ESFA funded AEB delivery for that funding year
- 113.7. 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.

114. 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.

115. 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'.

116. 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](#).

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

118. 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 'learner file' section of this document.

### Evidence

119. 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.

120. You must make sure applications to ESFA funded AEB, and/or the traineeship programme, support your decision to claim ESFA funded AEB and support the individual's case for consideration as ordinarily resident in England, or any exceptions set out in the ['Residency Eligibility'](#) section.

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

## **Learner file**

122. The learner file must contain evidence to support the funding claimed and must be available to us if we need it.

123. Evidence in the learner file must assure us that the learner exists.

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

125. If the time spent in learning is short, the level of evidence in the learner file would reflect this.

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

127. If applicable, the learner file must confirm the following:

127.1. all information reported to us in the ILR and the earnings adjustment statement (EAS), and if it applies, the supporting evidence for the data you report

127.2. your assessment and evidence of eligibility for funding and a record of what evidence the learner has provided

127.3. all initial, basic skills and diagnostic assessments

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

127.5. 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

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

127.7. the supporting evidence about why you have claimed funding and the level of funding for a learner, including details of any learner or employer contribution

127.8. support needs identified, including how you will meet these needs and the evidence of that

127.9. 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

127.10. a learner's self-declarations as to what state benefit they claim

127.11. a learner's self-declarations on their status relating to gaining a job

127.12. 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

128. 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.

129. 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**

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

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

132. 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**

133. 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.

134. 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.

135. 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.

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

137. 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 learner file.

## **Leaving learning**

138. 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 learning.

## **Individualised Learner Record (ILR)**

139. You must accurately complete all ILR fields as required in the [2019 to 2020 ILR specification](#), even if they are not required for funding purposes.

140. 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 inflated claim for funding.

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

## **Self-declarations by learners**

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

143. 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 A\* - C or grade 4, 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

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

145. Eligible learner's exercising their legal entitlement, must be enrolled on qualifications from the:

145.1. [2019 to 2020 list of qualifications in the level 2 and level 3 legal entitlement](#) and/or

145.2. [2019 to 2020 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 33 and paragraphs 150 to 191 for learner eligibility. Where appropriate for the learner, you can deliver local flexibility provision alongside a legal entitlement qualification.

146. 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

147. 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 145.

148. 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 Hub](#).

149. 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 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+

\*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 [ESFA's young people's residency requirements](#).

\*\* 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 152.

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

### Unemployed

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

150.1. receive Jobseeker's Allowance (JSA), including those receiving National Insurance credits only

150.2. receive Employment and Support Allowance (ESA)

150.3. receive Universal Credit, and their earned income from employment (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)

150.4. are released on temporary licence, studying outside a prison environment, and not funded by the Ministry of Justice

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

151.1. receives other state benefits (not listed in paragraph 150) and their earned income (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

151.2. wants to be employed, or progress into more sustainable employment, and their earned income (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

152. 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:

152.1. eligible for co-funding, and

152.2. earns less than £16,009.50 annual gross salary

153. 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.

154. You must use LDM code 363 and FFI code 1 to claim full funding for learners who meet the requirements set out in paragraph 152.

## Full level 2

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

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

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

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

156. 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

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

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

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

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

157.4. Tech level; or applied general qualification at level 3, which meets the requirements for the 2019 and 2020 16 to 19 performance tables

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

158. If a learner aged 19 to 23 has achieved a level 3 qualification, that was, at the time they started, or still is, 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.

159. 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.

## Eligible qualifications

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

161. Certain qualifications that meet statutory employer requirements or a licence to practise are eligible for unemployed learners that meet the criteria in paragraph 150. You can find more information about these qualifications in the [qualification eligibility principles](#) guidance document.

162. 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.

163. We will make available further information on qualifications that are eligible for 2019 to 2020 in spring 2020.

164. If the [National Academic Recognition Information Centre](#) have 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.

165. 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

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

166.1. independent living skills or engagement learning supporting adults to operate confidently and effectively in life and work

166.2. locally-commissioned and/or locally-developed basic knowledge and skills needed to access technical qualifications

166.3. employability and labour market re-entry

166.4. locally-commissioned and/or locally-devised technical education short courses (also known as taster sessions)

166.5. community learning courses

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

167.1. it must not be provision linked to UK visa requirements

167.2. it must not be provision linked to statutory employer requirements (including a licence to practise) unless there is an agreed concession in place

167.3. it must not be vendor-specific provision, linked to a particular employer or commercial system

167.4. it must not be learning, for example, 'induction to college', that should be part of a learner's experience

167.5. it must not be a non-regulated version of a regulated qualification

167.6. it must not be above notional level 2 (that is, at notional levels 3 or 4)

167.7. at notional level 2 it must focus on technical provision

168. 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

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

169.1. English and/or maths up to and including level 2 (paragraph 171), and/or

169.2. a first full level 2 (paragraph 178.1.1), or

169.3. a first full level 3 qualification (paragraph 178.1.2)

170. 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:

170.1. it is a statutory entitlement qualification stated in paragraph 169, or

170.2. 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**

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

171.1. GCSE English language or maths

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

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

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

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

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

175. We will fully fund non-regulated English and maths learning for learners 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 171.

176. You must:

176.1. 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

176.2. carry out an appropriate diagnostic assessment to inform and structure a learner's learner file to use as a basis for a programme of study

176.3. enrol the learner on a level above that at which they were assessed and be able to provide evidence of this

176.4. deliver ongoing assessment to support learning

176.5. record the evidence of all assessment outcomes in the learner file

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

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

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

178.1. Qualifications defined within the legal entitlement that are a learner's:

178.1.1 first full level 2, and/or

178.1.2 first full level 3

178.2. Local flexibility provision:

178.2.1 up to and including level 1 to support progression to a first full level 2, and/or

178.2.2 level 2 for those who already have a full level 2, or above, if they are unemployed

179. 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 152.

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

180. 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, set out in paragraphs 150 to 151.

181. 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 152 to 154.

## English for speakers of other languages (ESOL)

182. We will fully fund individuals aged 19 and over on the day they start their ESOL learning aim where they are unemployed, set out in paragraphs 150 and 151.

183. 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 152 to 154.

184. 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

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

186. 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 26. 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.

187. 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

188. To access provision and support costs you must inform us before the start of the 2019 to 2020 funding year where a learner:

188.1. 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

188.2. 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

189. The learner must:

189.1. have an EHC plan that confirms their needs could only be met by the training organisation they are, or were, attending

189.2. continue to make progress on the programme of learning as set out in their EHC plan

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

191. 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

192. 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.

193. 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 209 to 227. You must record these costs in the learner's learning plan.

194. 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.

195. If you use all, or some of your non-formula community learning funding (stated in your appendix 1) to deliver formula funded non-regulated provision that may be similar to community learning, you must:

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

195.2. enrol learners following ESFA funded AEB eligibility requirements set out on page 33 and paragraphs 144 to 191, you must not use your non-formula community learning local fee remission policy

196. 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.

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

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

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

198. 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**

199. 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.

200. 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.

201. 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.

202. 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

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

204. 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.

205. 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.

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

207. 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.

208. For eligible learners aged 16 to 19, the team programme is funded through the ESFA's [young people's 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

209. 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.

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

211. You must:

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

211.2. agree and record the outcome of your assessment in the learner file

211.3. record all outcomes on the learner file and keep all evidence of the assessment of the needs, planned and actual delivery

211.4. 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

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

213. You can claim learning support if learning continues past the planned end date and the learner needs continued support.

## 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.

214. 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](#).

215. 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.

### Learner support

216. Learner support is available to provide financial support for learners 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'.

216.1. Hardship funding – general financial support for vulnerable and financially disadvantaged learners to support participation

216.2. 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

216.3. Residential Access funding – to support ESFA funded AEB learners (set out in paragraph 26) where they need to live away from home

217. 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).

218. You must:
- 218.1. 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
  - 218.2. assess and record the learner's needs, demonstrating the need for support
  - 218.3. report the appropriate Learner Support Reason codes in the 'Learner Funding and Monitoring' fields in the ILR
  - 218.4. complete a [mid-year funding forecast and a final claim](#)
  - 218.5. take into account the availability of other support for learners, for example from Jobcentre Plus
  - 218.6. 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
219. You must not use learner support funds for any of the following:
- 219.1. 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
  - 219.2. a learner in custody or released on temporary licence
  - 219.3. a learner carrying out a higher education course or learning aims fully funded from other sources
  - 219.4. to pay weekly attendance allowances or achievement and attendance bonuses

## Hardship

220. You can use hardship funds for the following:
- 220.1. course-related costs, including course trips, books and equipment (where costs are not included in the funding rate), domestic emergencies and emergency accommodation
  - 220.2. 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)

220.3. examination fees

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

220.5. your registration fees

220.6. support provided by others, or by providing items, services or cash direct to the learner. This can be a grant or a repayable loan

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

221. 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.

222. 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**

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

224. You must not use childcare funding to:

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

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

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

225. 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**

226. You must:

226.1. set out the criteria and procedures for considering and agreeing applications for support from your residential access funds

226.2. give priority to learners who need accommodation and only pay for travel costs in exceptional circumstances

## Job outcome payments

227. 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:

227.1. 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

227.2. 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 and increased 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 245 to 248.

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 specific are made clear.

228. 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:

228.1. they are unemployed, set out in paragraph 150, or

228.2. they have little or no work experience and are focused on employment, an apprenticeship or the prospect of this, and

228.3. they have been assessed as having the potential to be ready for employment or an apprenticeship within six months

### Core Offer

#### Work preparation training

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

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

231. 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.

232. 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.

233. For 16- to 18-year-olds, qualifications must be approved on [the Hub](#) for 16 to 18 funding in the 2019 to 2020 funding year.

## Work placement

234. 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.

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

236. 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.

237. 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).

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

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

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

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

## English and maths or ESOL

240. 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 176.

241. You must support learners to progress to a GCSE grade A\* to C, grade 4, or higher, or level 2 Functional Skills. You may use English and maths stepping-stone qualifications (including components, where applicable), as set out in paragraphs 171.

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

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

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

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

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

## Flexible element

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

246. 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.

247. 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.

248. For 16 to 18-year-olds, qualifications must be approved on [the Hub](#) for 16 to 18 funding in the 2019 to 2020 funding year.

## Traineeship programme duration

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

## Evidence

250. The learner file for a traineeship must contain evidence of:

250.1. a formal interview and feedback to the learner, where there is a vacancy

250.2. an exit interview, written feedback, and evidence of the time spent on, and activities performed during, work placements, when there is no vacancy

250.3. progression to a defined positive outcome within six months

## Outcomes

251. The following are recognised outcomes, if they are achieved and evidenced within 6 months of completing the traineeship:

251.1. an apprenticeship start that meets the minimum qualifying days evidenced by ILR records or a self-declaration by the learner

251.2. 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

251.3. progression to another English or maths qualification, which is a level higher than that, achieved in the traineeship

251.4. 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:

251.4.1 meets minimum qualifying days (set out in paragraph 66), or

251.4.2 a learner self-declares they are studying a level 2 or level 3 qualification at least 150 guided learning hours.

252. 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 227 for this combined rate.

## Support funding

253. Learning support for traineeships is available as set out in paragraphs 209 to 215. 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.

254. Learner support for traineeships is included in your 19 to 24 traineeship allocation and is available as set out in paragraphs 216 to 226.

### **Advertising traineeship opportunities**

255. 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 35.

### 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 2019.
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 26.
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.

Term	Description
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 General Conditions of Recognition September 2016</a>.</p>
Hardship	<p>Within learner support, a category of support to assist vulnerable and disadvantaged learners to remove barriers to education and training.</p>
The Hub	<p>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.</p>
Individualised learner record (ILR)	<p>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.</p>
Job outcome payments	<p>Payments made for learners who are unemployed at the start of learning who cease learning to take up a job.</p>
Learner file	<p>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.</p>
Learning support	<p>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.</p>

Term	Description
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.
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>In the 2019 to 2020 funding year the low wage threshold has been brought into line with the National Living Wage. The threshold of £16,009.50 as an annual gross salary, is based on the National Living Wage (25 and over hourly rate) of £8.21, on the assumption of a 37.5 hour contract with paid statutory holiday entitlement (Therefore, £8.21 multiplied by 37.5 hours per week, multiplied by 52 weeks per year). The 25 and over hourly rate of £8.21 rate comes into force in April 2019, and 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>

Term	Description
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>• Hillcroft College, now part of 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>
Ofqual	<p>The <a href="#">Office of Qualifications and Examinations Regulation</a>, which regulates qualifications, examinations and assessments in England.</p>
Personal learning record (PLR)	<p>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.</p>
Recognising and Recording Progress and Achievement (RARPA)	<p>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>.</p>

Term	Description
Recognition of prior learning (RPL)	<p>An assessment method that considers whether a learner can demonstrate that they can:</p> <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)	<p>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.</p>
Residential Support	<p>Support provided under learner support to learners receiving specialist provision, which involves a residential element, or to support learners who cannot receive provision locally.</p>
Regulated Qualifications Framework (RQF)	<p>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.</p>
Senior responsible person	<p>For example, chief executive, managing director, principal or their equivalent.</p>
Self-declaration	<p>A process where the learner is able to confirm something through his or her own signature.</p>
Skills advisory panel (SAP)	<p>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.</p>
Start of learning	<p>The date on which learning begins. We do not consider enrolment, induction, diagnostic assessment or prior assessment to be part of learning.</p>
State benefits	<p>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.</p>

Term	Description
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 A*-C, grade 4, 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	<p>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.</p>
Subcontractor	<p>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.</p>
Traineeship programme	<p>A programme to help unemployed young people to develop the necessary skills and experience to progress to an apprenticeship or long-term work.</p>
UK provider reference number	<p>A unique identifying number given to all providers by the UK register of learning providers.</p>
Unique learner number	<p>A 10-digit number used to match a learner's achievement to their personal learning record (PLR).</p>
Work placement	<p>A placement with an employer in a workplace setting as part of a traineeship.</p>
Young people's funding methodology	<p>The funding methodology for individuals aged 16 to 19 (and those aged 19 to 24 with an EHC plan). You can access <a href="#">young people's funding methodology</a> on GOV.UK.</p>

## Summary of main changes since funding rules 2018 to 2019

256. We have highlighted the main changes made in this document compared to the final version we published for 2018 to 2019 in the table below.

257. 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.

258. If you have a specific query on the funding rules, please email the [SDE.Servicedesk@education.gov.uk](mailto:SDE.Servicedesk@education.gov.uk) 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>	Page 5 - this document	We have added a new section to reflect the new legal framework which applies further to the devolution of adult education functions. These funding rules will only apply to learners set out in paragraph 26. We have also added in text to relevant paragraphs in section 1 and section 2.
Principles of funding	24.2 – this document	To make clear you cannot vire funds from your ESFA funded AEB allocation and your 19-24 Traineeships programme funding, where applicable.
Residency eligibility	29 – 2018 to 2019 AEB funding rules	We have removed paragraph 29 of the 2018 to 2019 funding rules to eliminate confusion with paragraph 33 of this document.
	35.1 – this document	We have used right of abode and settled status as both have a slightly different meaning and both are relevant to the paragraph. This has been agreed by the Home Office.
	38 – this document	Additional text has been added by the Home Office to clarify the rule.

	39 – this document	Additional text has been added by the Home Office to include those that are undertaking administrative review or appeal
	41 - this document	To aid clarity, we have moved this paragraph to the general eligibility requirements section.
	43.8 – this document	Additional status added by Home Office “Calais leave to remain
Asylum Seekers	44.2 and 45.3 – this document	The removal of “in the care of the local authority” as this is not relevant to 19+ learners, however learners who were “in the care” can still claim support from the LA.
Learners in the Armed Forces	55– this document	To make clear ESFA responsible for funding armed forces learners resident in ‘non-devolved’ areas only
Learners Temporarily Outside England	57– this document	To make clear ESFA will fund individuals resident in areas of England outside of devolved areas who temporarily live outside England provided some delivery takes place in England
Learners who live in Wales, Scotland or Northern Ireland	63 – this document	We have detached text from previous paragraph (61 in 2018 to 2019 AEB funding and performance management rules) to clarify we will fund learners close to borders within a provider’s catchment area, provided delivery takes place in England.
Recognition of prior learning	73.3 - 2018 to 2019 AEB funding rules	We have removed this paragraph to make these requirements simpler.
What we will not fund	76 – this document	We have moved this paragraph from section 2 as these requirements align better with section 1.

Evidence	120 – this document	We have added this paragraph to clarify the evidence requirements regarding individuals eligibility as ordinarily resident in England.
	121 – this document	We have added this paragraph to clarify evidence requirements and General Data Protection Regulations.
	130 - 2018 to 2019 AEB funding rules	We have moved traineeships evidence requirements to section 3 – traineeships.
Starting, participating and achieving	134 to 135 – this document	We have added in paragraphs to make clear that you, and any subcontractor(s) you use must hold direct centre approval and register learners undertaking a qualification, in line with awarding organisation guidance and policy
Legal entitlements and local flexibility	147 to 148 – this document and government contribution table on page 33	<p>We have added these paragraphs to make it clear that ESFA funded AEB learners aged 19-23 and 24+ who have already achieved a level 2 can enrol on different learning up to and including level 2 from local flexibility and entitlement list.</p> <p>We have also made it clear that learners aged 24+ who have not achieved a level 2 can enrol on learning up to and including level 2 from local flexibility and legal entitlement list.</p>
Unemployed definition	150 to 151 – this document	We have updated these paragraphs in line with the definition agreed with DfE and DWP, to add clarity on earned income allowances for individuals and households. References to the national minimum/living wage have been removed to avoid any anomalies with these and permitted earnings.
Learners in receipt of low-wage	152 to 154– this document	<p>The low-wage flexibility will be extended in the 2019 to 2020 academic year. The threshold has been increased in line with the National Living Wage 25+ hourly rate of £8.21, which comes into force in April 2019. We have also clarified that:</p> <ul style="list-style-type: none"> <li>self-employed individuals are eligible if they meet the published criteria</li> </ul>

		<ul style="list-style-type: none"> <li>• Universal Credit statements can be provided as evidence of income</li> <li>• only provision up to and including level 2 (that would normally be co-funded) is eligible</li> </ul>
Full level 2 / full level 3	155.3 and 157.5 – this document	We have added these paragraphs to reflect that technical certificates are listed in the full level 2 and level 3 legal entitlement list
Eligible qualifications	164 – this document	We have moved this paragraph from level 2 section to eligible qualifications section as this paragraph applies to both Level 2 and Level 3
Eligible qualifications	165 – this document	We have moved this paragraph from previous 'what we will fund section' to eligible qualifications as it aligns better.
Community Learning	197 – this document	In response to feedback we have re-inserted paragraphs that clarify learners under 19, who are a parent, carer or guardian can enrol on family learning programmes.
Traineeships	Information box - Section 3 - Traineeships page 49	We have inserted the traineeship programme as a separate section to make it clear the ESFA will continue to fund traineeships as a national programme to eligible young people resident in all areas of England.



Education & Skills  
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