Guidance

# Guidance document on the process for awarding organisations to request retrospective funding approval for a qualification with low or no enrolments

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## Summary

1. The review of post-16 qualifications at level 2 and below aims to develop a coherent offer that prepares students aged 16 and over for life and for the key principles of quality, purpose, relevancy and progression. The full scope of the review is set out in our 16 to 19 study programmes guidance. We will implement funding approval rules for qualifications which are not in our publicly funded entitlements. We are doing this to rebalance the publicly funded offer so it is more focused on the needs of students, the skills needs of employers and the needs of the economy. We will implement approval in a phased manner introduction on level 3. We also review qualifications at level 2 and below in a phased manner.

2. As part of implementing the review, we will consult within Education and Skills Funding Agency (ESFA) funding approved qualifications with low or no enrolments. We will write to the awarding organisations (AOs) of these qualifications to request approval for funding have demand and provide value for students. The first round of this process ended in December 2020. We wrote to AOs in December 2020 to request ESFA funding approval for qualifications with low or no enrolments. We will now run a second round of qualifications with no publicly funded enrolments. We will write to AOs of these qualifications to request approval for funding have demand and provide value for students. We will do this in a phased manner in spring and summer 2020.

3. We are now launching the second round. This guidance document sets out how we will review funding approval for qualifications with low or no enrolments. We will write to AOs in April 2021 to request ESFA awarding organisations (AOs) and discuss the criteria, process and timeline for the review. We will write to AOs of qualifications with low or no enrolments approved for public funding. A process flowchart is included at Annex A.

4. The guidance relates to qualifications at level 2 and below and non-levy enrolments. We have published lists of qualifications that need these to be reviewed. We will write to AOs of these qualifications. We will also write to AOs of qualifications approved for funding have demand and provide value for students. The first round of this process ended in December 2020. We wrote to AOs in December 2020 to request ESFA funding approval for qualifications with low or no enrolments. We will now run a second round of qualifications with no publicly funded enrolments. We will write to AOs of these qualifications to request approval for funding have demand and provide value for students. We will do this in a phased manner in spring and summer 2020.

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## Expiry or review date

This guidance will expire on 31 July 2021.

## Who is this publication for?

This guidance is for awarding organisations.

## Background

1. The process set out in this guidance is the second round of withdrawing funding approval from qualifications with low or no enrolments, and this is part of the review of post-16 qualifications at level 2 and below. We wrote to AOs in 2020 to 2021 to request approval for funding.

2. In this process, we will decide whether to remove public funding for qualifications with low or no enrolments. We will write to AOs of qualifications subject to the criteria in paragraph 9 to request approval for funding, including qualifications that were in scope for the first round of the process, qualifications that were added to the process in the first round.

3. We are starting the notification process on 14 December 2021, which is the same date we started the first round. We will write to AOs of qualifications we are doing this so that AOs have more time to make decisions and discuss their notification, recognising the disruption the sector is facing due to coronavirus (COVID-19).

4. The following ESFA funding streams are in scope for this case of withdrawing qualification funding approval:

- 16 to 19 study programmes at level 2 and below
- advanced learner loans at level 3 only
- adult education budget (AEB) at level 2 and below, including the legacy offer and local flexibilities
- European Social Fund (ESF) at Level 2 and below

5. They will also include qualifications approved for funding in the offers listed above and also included:

- the high value courses offer
- the high value courses for school and college leavers; one year offer for 19 to 24 year olds
- National Skills Fund level 3 offer

16. The following funds offers are out of scope for this exercise:

- qualifications funded by the apprenticeship levy and 16 to 19 Bursary
- qualifications taken by students in Transitions
- mandated or programme qualifications

10. Details of the specific qualifications that are out of scope are at paragraph 28 to 32.

11. Prepared Continuent Authorities (PCA) and the Greater London Authority (GLA) are responsible for funding their own provision. Providers of publicly funded entitlements will also apply for devolved funding in their area.

## Purpose

12. The purpose is to:

- the process and timescales through which you can notify us if you believe a qualification should be no longer publicly funded because of the public funding; and
- the process and timescales if you wish to challenge the outcome of your notification

13. On 14 December 2020, alongside this guidance, we have published a list of qualifications with low or no enrolments in publicly funded entitlements. This will affect new starts on these qualifications from 1 August 2022. We will write to AOs of these qualifications to request approval for funding for 2 years up to:

- an initial list of qualifications with low publicly funded enrolments; and
- a wider list of qualifications with low or no publicly funded enrolments

15. If you believe a qualification on either of these lists should remain publicly funded, you will need to write to us with evidence and supporting notifications to retain a qualification on the lists. We will publish a list of qualifications with low or no enrolments in the future.

20. Where we agree to retain a qualification with low or no publicly funded enrolments, we will publish a list of qualifications we have agreed to retain, as well as a scope for the qualification review.

## How were the low enrolment qualifications identified?

26. We define a qualification with low publicly funded enrolments as any qualification which meets the criteria below:

- in August 2020, it had been operational for 2 years or more (up to and including the academic year 2018 to 2019)
- in August 2020, it had fewer than 100 publicly funded enrolments in total
- had no earlier funding approval (which date across all the offers of 31 July 2017 or before)
- it had between zero and 40 publicly funded enrollments in each of the 2 years 2017 to 2018 and 2018 to 2019 (or 2018 to 2019 if it was only in 1 of 2 years) and
- it had no more than 40 publicly funded enrollments in each the 7 years 2012 to 2013 to 2018 to 2019 (or 2018 to 2019)
- it was operationally available at 31 December 2020

28. Qualifications that are out of scope of the review are detailed in paragraph 30 to 35.

## How were the non-enrolment qualifications identified?

29. We define a qualification with no publicly funded enrolments as any qualification which meets the criteria below:

- in August 2020, it had been operational for 2 years or more (up to and including the academic year 2018 to 2019)
- in August 2020, it had no publicly funded enrolments in total
- had no earlier funding approval (which date across all the offers of 31 July 2017 or before)
- it had been operationally available at 31 December 2020

## Qualifications that are out of scope

30. The following qualifications are out of scope of the review because of issues in the process and the qualifications at level 2 and below. They are included in the review at a later date and are:

- GCSEs, AS levels and levels
- T Levels, which were introduced from September 2020
- technical qualifications which are part of the Institute of Technology
- new Essential Digital Skills Qualifications and reformed Digital Functional Skills Qualifications

31. The following qualifications are out of scope of both the review and the round of the low and no enrolment exercise. This is because they have had a review of their funding approval and have been approved for funding. The qualifications are:

- pre-existing Key Stage 3 Performance Tables qualifications
- Technical Certificates, Technical Diplomas and Technical Qualifications in Performance Tables for 2022 onwards (and also Technical Awards where they are in Performance Tables)
- Level 3 Early Years Educator and Level 3 Assessor for Early Years Practitioner Qualifications that meet reformed DfE criteria
- Level 2 Functional Skills Qualifications (FSQs) and Level 2 Entry Level Certificates, which have been replaced by the new Level 2 Digital Skills Qualifications and other entry and level 1 digital and ICT qualifications in other sectors (see Annex A of the Level 2 Digital Skills Qualifications: Ofqual and Department for Education (DfE) approved specification, December 2020)

32. Ofqual's Technical Skills Qualifications (TSQs) up to and including report which are included in the Ofqual Technical Skills Qualifications: www.ofqual.gov.uk/qualifications-and-assessments/type-of-qualification/vocational-and-technical-qualifications/technical-skills-qualifications-tsqs

33. Qualifications that are out of scope of the review because of issues in the process and the qualifications at level 2 and below. They are included in the review at a later date and are:

- Advanced Extension Award qualifications
- International Baccalaureate
- Access to Higher Education Diplomas

36. We have also excluded from the count of defaulting ab Initio Sign Language (SL) and Qualifications for Deaf Students (QDS) qualifications that during the first round for re-enrolments suggested that defaulting these qualifications would have a negative impact on the Deaf community and qualification. You would need to provide evidence of the negative impact and supporting notifications. We will make these qualifications to determine whether we agree to retain the qualifications. We will publish a list of qualifications we approve removal and how they should be treated within the wider review.

## Requests to retain approval for funding for a qualification

38. We are now asking you to review the initial published lists of what are in scope and qualifications which will be approved for funding from August 2022. You must notify us if you believe funding approval should not be withdrawn.

39. For a low enrolment qualification, you will need to provide evidence of one or more of criteria (a), (b) (c) (d) (e) (f) outlined in paragraph 36.

40. For a non-enrolment qualification, you will need to provide evidence of one or more of criteria (a), (b) and (c) outlined in paragraph 36.

41. To notify us, you will need to provide evidence of one or more and provide appropriate supporting evidence. The evidence may be from each of the criteria and provide appropriate supporting evidence and provide appropriate supporting evidence.

42. Please note that we will only accept notifications from you as the awarding organisation (AO) responsible for the qualification. We will only notifications from providers of publicly funded entitlements. We will only accept appropriate, you should consider feedback and evidence from users of the qualification, including employers, and provide evidence of the qualification. You should provide a clear rationale for the qualification.

43. To support you through this process, we can send to you rounded publicly funded enrolments figures for your qualifications that are in the scope of the review. We will provide these figures to AOs in the first round of the review. We will provide these figures to AOs in the second round of the review. We will provide these figures to AOs in the third round of the review and will continue the process requesting the information. We will then confirm the process for sharing the information with you verbally.

## Criteria for requests to retain approval for funding

38. We will consider notifications to retain funding approval for a qualification that are in publicly funded entitlements against the following criteria:

**For both low and no enrolments:**
(a) that we have made a technical error;

1. submit the 2 year operational and course sizes, incorrectly; or

2. the number of ESFA publicly funded enrolments for any one of the 2 years is inaccurate; and/or

(b) that there is evidence of increased public demand for the qualification in the future, and/or

(c) that there is evidence that the qualification is used as a stepping stone to other qualifications.

**For low enrolments only:**
Criteria (a) and (b) above, and/or:

(c) that removing funding for new starts on the qualification will have significant adverse impact on a specific group of students who are covered by the Equality Act 2010 protected characteristics, and/or

(d) that removing funding for new starts on the qualification will have significant adverse impact on a specific group of students who are covered by the Equality Act 2010 protected characteristics, and/or

(e) that removing funding for new starts on the qualification will have significant adverse impact on a specific group of students who are covered by the Equality Act 2010 protected characteristics, and/or

(f) that removing funding for new starts on the qualification will have significant adverse impact on a specific group of students who are covered by the Equality Act 2010 protected characteristics.

**Technical error (criteria (a) and no enrolments):**
39. If you want to notify us on the basis that we have applied the 2 year operational and course sizes incorrectly, you need to provide evidence that identifies where the qualification was first published and when it was operational for teaching. We will accept evidence that shows the qualification was operational for teaching in 2 years.

40. The funding approval rules are based on the qualifications that were approved for funding across all the funded offers (16 to 19, legacy adult entitlements and ESF funding). We will use the data from these offers.

41. If you believe that the number of publicly funded enrolments for any of the 3 years is incorrect you need to provide evidence to support your notifications.

42. If the qualification has not been operationally available for 2 years and it has been approved for funding for 2 years, we will remove the list of qualifications with low or no enrolments. It will therefore be out of scope for review and will remain approved for funding for the 2 years.

**Increased demand (criteria (b) and no enrolments):**
43. If you want to notify us on the basis that increased demand for the qualification has increased, you must send us evidence of the scale of the increase.

44. Evidence of demand for qualifications with low or no publicly funded enrolments for the qualification have increased to 100 or more in the last 2 years. We will consider evidence of demand for 100 or more and show that demand will be sustained.

45. As part of the evidence, you must include:

- details of each provision of education and training where the increase has taken place, including the number of students and the location (e.g. Provider Profile Unique Reference Number)
- the time period over which the increase has taken place
- the reason for the increase in demand and why it is sustainable
- the impact on students and employers if the qualification is not approved for funding

46. We will only accept the evidence if:

- the provision identified is not being supported by the ESFA
- the demand is from students who are eligible for funding from the ESFA
- the demand is from students who are eligible for funding from the ESFA in study programmes, AEB, ESF and/or have taken out an advanced learner loan
- AEB: the demand is from individual students data or information that demonstrates the demand is from AEB

**Potential adverse impact on students with protected characteristics (criteria (c) and no enrolments):**
47. If you want to notify us on the basis of this criteria, you must show that removing funding approved from a qualification primarily designed to support students with protected characteristics will have a significant adverse impact on students with protected characteristics. We will consider evidence of removing funding approved for a qualification could prevent people from accessing education and training and disproportionately affect students with protected characteristics such as disability, gender reassignment and race and disabilities (DRDG) and there is no other alternative provision available at the same level.

48. You must set out:

- the specific groups of students with protected characteristics that will be affected adversely; and
- how the students will be affected (for instance what access to support services they will be denied)
- the number of students who are affected and the impact of the adverse effect at level which students can alternatively access

49. In setting this out, you must show that removing funding approval will have the impact by in the context of the qualification having had no enrolments in the preceding three years.

**Adverse impact (low enrolments only):**
50. If you want to notify us on the basis of criteria c significant adverse impact, you must show a specific adverse impact on students, or students, employers, sector, or occupational area or geographical/regional/local area.

**Students**
51. For students, you must set out clearly:

- the specific groups of students that will be affected adversely
- how the students will be affected
- that there are no other appropriate qualifications in that sector at that level which students can alternatively access

52. You must include any supplementary information or evidence that could result in identification of individuals.

53. When providing evidence of adverse impact on specific groups of students that will be affected adversely, you must explain clearly which groups of students this is. For example, they could be:

- students with protected characteristics such as special educational needs and disabilities (SEND)
- adults where the qualification is part of a pathway to employment and removing the qualification would result in not employment opportunities
- a cohort of students, where removing the qualification would have a significantly restrict access to education and training opportunities

**Providers**
54. If you want to notify us on the basis that removal of funding approval will have a significant adverse impact on providers, you must set out clearly:

- the provider and/or groups of providers that will be adversely affected
- how they will be affected
- that there are no other appropriate qualifications in that sector at that level which providers can access

55. Where you submit supplementary information or evidence of adverse impact on specific groups of providers, we will consider evidence of adverse impact on specific groups of providers, for example, a qualification is primarily designed to support a specific group of providers and removing funding approval for a qualification could prevent people from accessing education and training and disproportionately affect students with protected characteristics such as disability, gender reassignment and race and disabilities (DRDG) and there is no other alternative provision available at the same level.

56. You must set out:

- the specific groups of students with protected characteristics that will be affected adversely; and
- how the students will be affected (for instance what access to support services they will be denied)
- the number of students who are affected and the impact of the adverse effect at level which students can alternatively access

57. In setting this out, you must show that removing funding approval will have the impact by in the context of the qualification having had no enrolments in the preceding three years.

**Adverse impact (low enrolments only)**
58. If you want to notify us on the basis of criteria e significant adverse impact, you must show a specific adverse impact on your sector, or occupational area or geographical/regional/local area.

**Employers**
59. For employers, you must set out:

- the specific groups of students that will be affected adversely
- how the students will be affected
- that there are no other appropriate qualifications in that sector at that level which employers can access

60. You must include any supplementary information or evidence that could result in identification of individuals.

61. When providing evidence of adverse impact on specific groups of students that will be affected adversely, you must explain clearly which groups of students this is. For example, they could be:

- students with protected characteristics such as special educational needs and disabilities (SEND)
- adults where the qualification is part of a pathway to employment and removing the qualification would result in not employment opportunities
- a cohort of students, where removing the qualification would have a significantly restrict access to education and training opportunities

**Sector**
62. If you want to notify us on the basis that removal of funding approval will have a significant adverse impact on your sector, you must set out clearly:

- the provider and/or groups of providers that will be adversely affected
- how they will be affected
- that there are no other appropriate qualifications in that sector at that level which providers can access

63. Where you submit supplementary information or evidence of adverse impact on specific groups of providers, we will consider evidence of adverse impact on specific groups of providers, for example, a qualification is primarily designed to support a specific group of providers and removing funding approval for a qualification could prevent people from accessing education and training and disproportionately affect students with protected characteristics such as disability, gender reassignment and race and disabilities (DRDG) and there is no other alternative provision available at the same level.

64. You must set out:

- the specific groups of students with protected characteristics that will be affected adversely; and
- how the students will be affected (for instance what access to support services they will be denied)
- the number of students who are affected and the impact of the adverse effect at level which students can alternatively access

65. In setting this out, you must show that removing funding approval will have the impact by in the context of the qualification having had no enrolments in the preceding three years.

**Geographical and local authority or combined regional authority**
66. If you want to notify us on the basis that removal of funding approval will have an adverse impact in a geographical area/local authority or combined regional authority, you must set out:

- which geographical area/local authority/Ofqual combined authority will be affected adversely
- how they will be affected
- that there are no other appropriate qualifications in that sector at that level which providers can access

67. Where you submit supplementary information or evidence of adverse impact on specific groups of students, we will consider evidence of adverse impact on specific groups of students, for example, a qualification:

- a qualification servicing the needs of a small, specialist area where demand is never likely to be high, and removing funding approval for qualification remains so that training opportunities are likely for individuals who wish to pursue a career in that area
- a qualification or a qualification suite in a specialist area where demand will be more than low. Consider:
- a qualification on an emerging occupation where the demand is not yet clear

**Geographical and local authority or combined regional authority**
68. If you want to notify us on the basis that removal of funding approval will have an adverse impact in a geographical area/local authority or combined regional authority, you must set out:

- which geographical area/local authority/Ofqual combined authority will be affected adversely
- how they will be affected
- that there are no other appropriate qualifications in that sector at that level which providers can access

69. Where you submit supplementary information or evidence of adverse impact on specific groups of students, we will consider evidence of adverse impact on specific groups of students, for example, a qualification:

- a qualification servicing the needs of a small, specialist area where demand is never likely to be high, and removing funding approval for qualification remains so that training opportunities are likely for individuals who wish to pursue a career in that area
- a qualification or a qualification suite in a specialist area where demand will be more than low. Consider:
- a qualification on an emerging occupation where the demand is not yet clear

**Geographical and local authority or combined regional authority**
70. If you want to notify us on the basis that removal of funding approval will have an adverse impact in a geographical area/local authority or combined regional authority, you must set out:

- which geographical area/local authority/Ofqual combined authority will be affected adversely
- how they will be affected
- that there are no other appropriate qualifications in that sector at that level which providers can access

71. Where you submit supplementary information or evidence of adverse impact on specific groups of students, we will consider evidence of adverse impact on specific groups of students, for example, a qualification:

- a qualification servicing the needs of a small, specialist area where demand is never likely to be high, and removing funding approval for qualification remains so that training opportunities are likely for individuals who wish to pursue a career in that area
- a qualification or a qualification suite in a specialist area where demand will be more than low. Consider:
- a qualification on an emerging occupation where the demand is not yet clear

- that there is no other appropriate qualification/s in that sector at that level which is meeting the needs of the geographical area/local authority/combined mayoral authority;
- the purpose is of the qualification in that geographical area/local authority/combined mayoral authority;
- what support it has (for instance is it a key part of a skills strategy or a commissioning strategy); and
- what outcomes it leads to and why an alternative, available qualification cannot service the need of students in place of the qualification in scope to have its funding approval withdrawn

61: Where you submit evidence from a local authority or a mayoral combined authority, it must be specific to the qualification and to the area. For example, if a qualification is serving a specific need in a geographical area, you would need to supply evidence that it is needed and that removing funding approval would mean that particular provision would be no longer available in that area. Evidence could include local strategies and commissioning plans.

**Acceptable evidence**

62: When submitting a notification request to us to retain approval for funding for a low or no enrolment qualification, you must provide acceptable evidence. Your evidence should include a clear statement identifying why the qualification should be retained and against which criteria, following the format set out above. As indicated above, your evidence may include supporting statements from employers, providers and other representative bodies, local authorities or combined mayoral authorities (as appropriate for the criteria you are applying against). This evidence should explain the reasons why the qualification should continue to be publicly funded. If you submit supporting statements from employers, providers and other representative bodies, the name and address of the organisation must be included, along with the position and contact details of the individual supplying the supporting statement.

63: You may use templates for your evidence but if you do, you must make sure that each piece of evidence is specific to the qualification and the criteria you are notifying us against. Your evidence must be specific about why funding approval for the qualification should be retained, rather than historical letters of support from when you were first developing the qualification.

64: Depending on which criteria you are notifying us against, you may also include evidence from local or regional skills strategies, or national strategies. This mostly relates to notifying us against the criteria focussed on adverse impact on a local authority or combined mayoral authority), or others such as being linked to a particular occupational area. If you include evidence like this, please make sure that you include working links to the relevant strategies and summarise clearly why the strategy you are referencing supports an argument for continued public funding of your qualification.

65: To notify us about a qualification on the list with no enrolments that you believe should continue to be approved for funding, you must complete a notification form for each qualification, and a summary of notification form. Please email the completed forms and your evidence to lowno.enrolments@education.gov.uk by 23:59 on 5 March 2021.

66: We will not accept late submission of forms, evidence or other supporting information. Any late submission will not be considered and will mean we are unable to confirm the retention of that qualification as part of the publicly funded qualifications offer in 2022 to 2023.

67: Please use one notification form for each qualification and clearly indicate whether the notification relates to a 'low' or 'no' enrolment qualification. The summary of the notification form must also be completed with the details of the qualifications submitted, so that we can ensure we have received all the relevant documentation from you for each of the qualifications about which you are notifying us.

68: We will send you an email confirming that we have received your notification. Please note that emails may be rejected due to size restrictions (25 Mb maximum). If we have not told you that we have received your notification within three working days, please email lowno.enrolments@education.gov.uk.

69: Once we receive your notification, we will check to see if it is eligible for consideration. We will tell you if we require any further clarification relating to the request. We can only consider notifications that meet all the following points:

- the qualification is on the list of qualifications with low or no enrolments
- it is based on the criteria set out in paragraph 36; and
- the evidence relates to approval for public funding/loans for students aged 16 or older

70: If you notify against the criteria in paragraph 36, we will not consider your notification if it does not have supporting evidence.

71: You must make sure that the number of qualifications in the notification form matches the number on the summary form, and that all files and supporting evidence are attached to your notification.

## Assessing notifications

72: We may also seek further external advice on the qualification, if we need to. This could be from an appropriate employer-led body or other representative body.

73: We will decide on each eligible notification submitted based on an assessment of the evidence against the criteria in paragraph 36.

74: We will tell you the outcome of your notification in May 2021.

## Appeals

75: If your qualification is on the list with low enrolments, there will be the facility for you to appeal against the notification decision. We will set out details of this process and steps to take in the outcome of the notification. There is no appeals facility for qualifications on the list with no enrolments.

76: We will only accept appeals against the outcome of your notification if:

- you have new evidence and/or information about the qualification which was not available to be submitted as part of your original notification
- you believe we have made a procedural error in our review of your notification (for instance we did not review all evidence submitted)

77: If you submit an appeal, you must make sure it is clear why you are appealing, and the qualification(s) in scope.

78: After the appeal process, we will publish the outcomes and the list of qualifications by 31 July 2021. Before we do this, we will tell you the outcome of your notification and any appeal you may have submitted.

## Timetable for the process of retaining approval for funding for low and no enrolment qualifications

| Event | Date |
|---|---|
| Department for Education published guidance document and lists of its low and no enrolment qualifications | 14 December 2020 |
| Deadline for awarding organisations to submit notifications and summary of notifications | 5 March 2021 |
| Outcome of notifications process communicated to individual awarding organisations | By 31 May 2021 |
| Outcomes of appeals process communicated to individual awarding organisations | By 30 June 2021 |
| Anticipated publication of list of qualifications from which public funding will be withdrawn in the academic year 2021 to 2022 | By 31 July 2021 |

## Contact us

79: If you have any queries about the removal of public funding from qualifications, or about the notification process, please send them to lowno.enrolments@education.gov.uk.

## Annex A – process flowchart

| Date | |
|---|---|
| 14 December 2020 | Announcement and publication of preliminary lists of qualifications in scope and notification guidance for AOs |
| 14 December 2020 | 12 week notification period for AOs opens |
| 5 March 2021 | Notification period closes |
| April 2021 | Review of notifications |
| By 31 May 2021 | Outcome of notification process communicated to AOs |
| By 31 May 2021 | Two week appeal period for AOs opens |
| 14 June 2021 | Appeal period closes |
| June 2021 | Review of appeals |
| By 30 June 2021 | Outcome of appeal process communicated to AOs |
| By 31 July 2021 | Announcement of final list of qualifications that will have public funding removed |

Is this page useful?

Yes No There is something wrong with this page

Coronavirus (COVID-19)

Coronavirus (COVID-19): guidance and support

Brexit transition

Check the new rules for January 2021

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Childcare and parenting
Citizenship and living in the UK
Crime, justice and the law
Disabled people
Driving and transport
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