

2011/12 Learner Eligibility and Contribution Rules

Version 2.1

August 2011

Changes in Version 2.1

Listed below are the main changes in version 2.1 from version 2 of the 2011/12 Learner Eligibility and Contributions Rules.

Change number	Original paragraph v2	New Paragraph v2.1	Type of Change
1.	30	30	Correction
2.	101	101	
3.	-	102 - 103	Additional information
4.	Annex 3 Notes	Annex 3 Notes	Additional information
5.	Annex 4	Annex 4	Additional information

1: Introduction and Background

- 1 The Skills Funding Agency (the Agency) is an agency of the Department for Business, Innovation and Skills (BIS). Its role is to fund and regulate adult further education and skills training in England.
- 2 Our mission is to ensure that individuals and businesses can access the skills training they need to succeed in playing their part in society and in growing England's economy. We do this in the context of policy set by BIS and informed by the needs of businesses, communities and sector and industry bodies.
- 3 This document details which individuals can be funded by the Skills Funding Agency and the level of government subsidy that they can receive in order to help pay for the costs of learning. It replaces previous guidance issued jointly with the Young People's Learning Agency (YPLA) in 2010/11 and by the Learning and Skills Council (LSC) prior to that. Where this defines provision for 16-18 year olds this only relates to Apprenticeships and not to YPLA provision.
- 4 Therefore, this document is vitally important to those colleges and training organisations that recruit learners who will be funded by the Agency. This includes mainstream provision such Adult Skills (previously known as Adult Learner Responsive and Train to Gain), Apprenticeships, the Joint Investment Programme, European Social Funded activity and Adult Safeguarded Learning. It also applies to all trials, project and pilots that the Agency funds.
- 5 Unless explicitly stated in this document or Funding Requirements these rules apply to all learners funded by the Agency in 2011/12, whether a new learner starting an aim or programme for the first time in 2011/12 or a learner who is continuing a learning aim or programme which was started prior to 2011/12.
- 6 This document is the first step in determining the eligibility for funding. In addition to these rules, specific eligibility criteria for different funding routes will also have to be considered. These specific eligibility criteria will be contained in the Funding Requirements, for example, Apprenticeships and workplace learning.
- 7 This document provides detailed rules on the learner eligibility approach for 2011/12 together with rules on compliance in evidencing learner eligibility to assist colleges and training organisations in their enrolment processes. This document will be used by Agency auditors in their audit testing for the necessary evidence of compliance with these rules.
- 8 When referring to both colleges and training organisations the term 'Providers' will be used as the generic reference within this document, unless specified otherwise.
- 9 This document forms part of the Contract/Funding Agreement between the Provider and the Chief Executive of Skills Funding in the delivery of Agency provision. It can only be varied in writing by the Chief Executive of Skills Funding or by those that are authorised to do so. Any amendment to these requirements will explicitly state that it has that authority.

2: Learner Eligibility for Funding

- 10 The Agency funds learning in England. Therefore, unless specified elsewhere in this document only learning physically taking place in England is eligible for funding. This includes delivery of learning within a classroom, workshop, workplace, distance learning, E-Learning, open learning or combinations of any or all of these (usually referred to as blended learning).
- 11 Eligibility for Agency funding is based on the Apprenticeships, Skills, Children and Learning Act 2009, the Education Act 2005, Education (Fees and Awards) (England) Regulations 2007 and other legislation as appropriate.
- 12 Eligible individuals to be funded by the Agency must be either:
- An individual aged 19 years or older on 31 August within the Funding Year in question where the learning is not workplace learning or
 - An individual aged 19 years or older on the day they start workplace learning or
 - An Apprentice, who must have left full-time compulsory education as defined by Education Act (School Leaving Date) Order 1997.
- 13 This includes learners aged 19-24 with Additional Learning Support (ALS) needs up to and including £5,500 in year, regardless of whether an individual has a Learning Disability Assessment (LDA) or not. It excludes those aged 19 or more but not 25 years of age with ALS needs above £5,500 in year, who are the funding responsibility of the Young People's Learning Agency (YPLA), regardless of whether an individual has a Learning Disability Assessment (LDA) or not.
- 14 Workplace learning is defined as:
- Any learning aim predominantly delivered within the work place and in connection with the employed learner's occupation or their employer's business
 - An Apprenticeship Framework (all levels)
 - Basic Skills in Literacy and Numeracy delivered to an employed learner supported¹ by their employer.

For funding purposes, all learning not defined as workplace learning is treated as classroom learning.

¹ 'supported' meaning paid time off work, access to learning during working time or delivered in the employer's premises in work time

Determination of Learner Eligibility

- 15 For funding purposes, the eligibility of the learner must be established before the start of their programme. In order for a learner to be eligible for Agency funding for their learning programme, the learner must have the legal right to be resident in the United Kingdom at the start of their programme. Any person subject to a Home Office deportation order will be ineligible for funding.
- 16 In determining learner eligibility and before seeking funding for the learner, Providers must also satisfy themselves that there is a reasonable likelihood that the learner will be able to complete their programme of study. This must include the practicality of providing a place for a learner who may be unable to complete their programme if they are likely to leave the country permanently during their learning programme. Once a learner is enrolled by a Provider, the Provider must take all reasonable steps to ensure that the learner can complete their programme.
- 17 Learners who are ineligible at the start of an aim or programme for Agency funding and decide to start that aim or programme of learning, funded either by them or another, will remain ineligible for Agency funding, for those aims or programmes, even if their circumstances change to make them eligible.

Assessing Eligibility

- 18 The main basis for assessing learner eligibility is their ordinary residence and the following paragraphs set out the Agency's funding eligibility criteria.
- 19 Providers are reminded that they must seek advice from the Agency regarding any case where they are having difficulty assessing learner eligibility.

Spouses and Civil Partners

- 20 All eligibility references to a spouse must now be read to include a person who has participated in either a formal state-recognised marriage or a state-recognised civil partnership ceremony.

Definition of '2011/12 Academic Year' or '2011/12 Funding Year'

- 21 This is 1 August 2011 to 31 July 2012.
- 22 The term Academic year and Funding year are interchangeable in respect to Agency funding.

Definition of 'Relevant Date'

- 23 This is the date on which the learner starts learning. This not the date of enrolment or induction but when the learning activity commences.

European Economic Area (EEA), Switzerland and the Overseas Territories

- 24 For funding eligibility purposes, the EEA is defined as all members of the European Union (EU) and Iceland, Liechtenstein, Switzerland and Norway and each of their overseas territories as listed in Annex 2.
- 25 The Fees and Awards Regulations now confer extended eligibility on EEA citizens and their extended family members (such as grandchildren and grandparents).
- 26 Learners who are nationals of certain British Overseas Territories and of certain European Overseas Territories will also be eligible for funding, subject to the usual three-year rule on residency. Qualifying territories are listed in Annex 2.
- 27 There are, however, a number of categories of individuals (provided the individual satisfies the criteria set out in paragraph 29 at the start of their learning aim) who can become eligible for Agency funding. Those who become:
- An EU national or the relevant family member of an EU national
 - An EEA/Swiss migrant worker or the relevant family member of such a worker
 - The child of a Swiss national or of a Turkish worker
 - Recognised as a refugee, are given humanitarian protection or discretionary leave or the relevant family member of such a person.

Definition of Ordinarily Resident

- 28 For funding purposes, the Agency regards as ordinarily resident in a given country any person who habitually, normally and lawfully resides from choice and for a settled purpose in that country. Temporary absences from the relevant area should be ignored. Someone who has not been ordinarily resident because they or the person's parent or spouse was working temporarily abroad and they were required to accompany them will be treated as if the person had been ordinarily resident in the relevant area.

Learners Eligible for Funding

- 29 The following persons will be eligible for funding (these groups correspond to the groups listed in the Education (Fees and Awards) (England) Regulations 2007), namely:
- A person on the 'relevant date' who is 'settled' in the UK, and who has been ordinarily resident in the UK and Islands (that is including the Channel Islands and the Isle of Man) for the three years preceding the 'relevant date' (see paragraph 23 above), and whose main purpose for such residence was not to receive full-time education during any part of the three-year period.

'Settled' means having either Indefinite Leave to Enter or Remain (ILE/R) or having the right of abode in the UK. British citizens and certain other people have the right of abode in the UK. The following have the right of abode in the UK:

- those with European Community–United Kingdom of Great Britain and Northern Ireland passports
 - British Dependent Territory Citizens (now known as British Overseas Territory Citizens)
 - those whose passports have been endorsed to show they have right of abode in the UK
 - those who have a certificate of naturalisation or registration as a British Citizen.
- A national of any European Union (EU) country or the spouse or child or grandchild or dependant parent or grandparent of an EU national, or of the EU national's spouse, where the learner has been ordinarily resident in the European Economic Area (EEA) for the three years preceding the 'relevant date'
 - An EEA migrant worker or the spouse or child or dependant parent or grandparent of an EEA migrant worker, or of the EEA migrant worker's spouse, where the learner has been ordinarily resident in the EEA for the three years preceding the 'relevant date'
 - Anyone who is recognised as a refugee by the UK Government (granted refugee status) who has remained ordinarily resident in the UK and Islands since being so recognised, or the spouse or child of such a refugee
 - Anyone refused refugee status but who has been granted leave to stay by the Secretary of State, granted humanitarian protection (HP) or discretionary leave (DL), or was granted exceptional leave to enter or remain (ELE/ELR) by the UK Government, and who has remained ordinarily resident in the UK and Islands since being so recognised, or the spouse or child of such a person
 - Learners studying under reciprocal exchange agreements
 - Learners who are children of Swiss nationals where the learner has been resident in the EEA for the full three-year period prior to the commencement of their programme
 - Learners who are children of Turkish workers where the Turkish worker has been lawfully employed and resident in the UK at any time in the past and where the learner has been resident in the EEA and Turkey for the full three-year period prior to the commencement of their programme.
- 30 The Agency will also treat a non-EEA national who is in the UK with work related immigration permission as eligible for funding after completing three years of residence in the UK with any work-related permission, or the spouse or child aged under 18 years of such a person.
- 31 In addition to considering the groups outlined above, the Agency will also consider the following groups of learners to be eligible for funding:

- a) People with humanitarian protection (HP) or discretionary leave (DL) or exceptional leave to enter or remain (ELE/ELR), their spouses and children.
 - b) People with recently settled status (this means those having been granted indefinite leave to enter or remain, right of abode or British citizenship within the three years immediately preceding the start of their learning).
 - c) The spouse of a person with settled status, where the spouse is not a citizen of an EEA country and has been resident in the UK for three years.
 - d) The spouse of an EEA national living within the UK, where the spouse is not a citizen of an EEA country and has been resident in the UK for one year
- 32 The Agency will also consider, as eligible for funding,
- a) Asylum seekers who have legally been in the UK pending consideration of their claim by the Home Office for longer than six months and no decision has been made
 - b) Asylum seekers refused asylum but eligible and granted support under Section 4 of the Immigration and Asylum Act 1999.
- 33 It must be noted by Providers that the eligibility of failed asylum seekers receiving Section 4 support at the time of issuing this document is being reviewed by the Government. If a change is made, it is the Provider's responsibility to ensure that a learner's eligibility is correctly assessed prior to them starting an aim.
- 34 In addition to the groups above, the Agency will also consider the following groups of 16–18 year-old learners as eligible for funding for an Apprenticeship¹:
- a) 16-18 year-olds who are accompanying or joining parents who have the right of abode or leave to enter or remain in the UK (or accompanying or joining parents who are EEA nationals), or those who are children of diplomats.
 - b) 16-18 year-olds who are dependants of teachers coming to the UK on a teacher-exchange scheme.
 - c) 16-18 year-olds entering the UK (where not accompanied by their parents) who are British (or EEA) citizens, or 16-18 year olds whose passports have been endorsed to show they have the right of abode in this country.
 - d) All 16–18-year-old asylum seekers.

¹ Other funding may be available, refer to Young People's Learning Agency Learner Eligibility Guidance.

- e) All 16-18 year-old learners (including unaccompanied asylum seekers) who are placed in the care of social services.
- 35 Learners who are following aims or a programme of more than one funding year's duration, and are eligible for Agency funding at the start of their programme, will be eligible for funding for the whole duration of the aim or programme. Any subsequent Agency funded aims or programmes studied immediately end-on to their initial funded aim or programme will need to be reassessed.
- 36 Learners previously funded by the YPLA who become the responsibility of the Agency when continuing their aim or programme after their 19th birthday will be eligible for Agency funding.
- 37 For all ages of individuals, eligibility for funding is based on the premise that any learner must be able to complete and achieve the aim or programme of study within the time that they have available. For example, a learner who is planning to leave England in 3 months and this is known to the Provider before starting an aim cannot be funded for an aim that is planned to take 12 months to complete and achieve.
- 38 Any learning aim that has been started and is not funded by the Agency for any reason, which is funded by the learner or from another source, cannot be funded by the Agency at a later date even if the learner's circumstances change or that budget becomes available.

European Social Fund (ESF)

39 This paragraph applies solely to Agency co-financed ESF learners to take account of ESF rules and regulations. These require learners to be ordinarily resident and able to work in the UK to be eligible for ESF assistance. The guidance in the paragraphs above on learner eligibility are amended to take account of the separate ESF guidance as follows:

- **Additional learner eligibility entitlement:** workers who have come to the UK with valid work permits are usually eligible for ESF co-financing assistance without the normal three-year waiting period.
- **Reduced learner eligibility entitlement:** learners (asylum-seekers) eligible under paragraph 32 above will not usually be eligible for ESF co-financing funding as they will not have the right to work in the UK.
- **Individual ESF Co-financing contracts:** Providers will also need to check their specific individual contract guidance for any additional learner eligibility guidance contained within their individual contract specifications as this may extend learner eligibility guidance for a small number of projects each year.

Parents-to-be

40 Learners who are expecting to be unavoidably absent from learning for a period of time, such as for maternity or paternity leave, must not be discouraged from entering into a learning agreement. Providers must ensure that the planned start and end dates for the learner's programme, as agreed at the commencement of the programme, reflect the overall planned duration of study. This may also include a planned break in learning where learning will recommence.

No Recourse to Public Funds

41 An individual who has 'no recourse to public funds' included in their passport stamp, would not be in breach of their immigration conditions if they had access to state-funded education in the UK. 'Public funds' are defined in the immigration rules, and the benefits and services listed do not include education or any education funding. This condition in a passport therefore makes no difference to a learner's eligibility, which must be determined under the normal eligibility criteria.

Learners Not Eligible for Agency Funding

42 Learners undertaking full-time programmes fully funded either by the Higher Education Funding Council for England (HEFCE) or the Young People's Learning Agency are ineligible for other Agency funding provision unless specifically allowed within the Funding Requirements, as the funding provided is intended to cover the whole of their learning programmes. All and any additional educational programmes that are appropriate for individual learners must be claimed through their full time Provider. For example, a school sixth form learner will not be ineligible for Apprenticeship funding.

- 43 Full time is defined as an aim or programme of aims which is delivered in 450 guided learning hours or more within one funding year or that the aim involves 16 guided learning hours or more per week.
- 44 Individuals ineligible for Agency funding can still be recruited by Providers. However, the cost of the learning would be paid by the individual, their employer or another party. The amount charged must take into account the costs of delivery and the resources used that have been funded from the public purse. This 'full cost' delivery must not be to the disadvantage of delivery to Agency funded learners.

Learners from Wales, Scotland or Northern Ireland

- 45 Providers are reminded that Wales, Scotland and Northern Ireland have their own funding arrangements. Providers must develop arrangements with the devolved administration where they are planning to deliver a significant quantity of learning to non-English residents.
- 46 However, there may be exceptional circumstances where an individual or a very small group of non-English resident individuals may wish to travel to or reside in England to study and learn. This can only be for specialist provision not offered anywhere else other than in England. Where this specialist provision is offered to very small groups of non-English residents the Provider must contact their Agency Account Manager for authorisation before recruitment commences. This does not mean that providers will actively recruit learners from outside of England. If the group or provision is sufficiently large enough then the Provider will be required by the Agency to approach the respective devolved administrations with a view to obtaining funding directly for those learners. Although the Agency will take into account the circumstances of any request, it is unlikely that a group of more than 10 individual starts within a funding year will be authorised.
- 47 For workplace learning the Agency is generally content to fund non-English resident learners (usually those learners resident in Wales, Scotland or Northern Ireland) whose substantive employment and normal working premises are in England. Where an employer, based in the UK, locates their training provision solely in England and this would include non-English residents the authority to recruit must be sought from the Provider's Agency Account Manager. As in paragraph 46 it unlikely that that a group of more than 10 individual starts within a funding year will be authorised.
- 48 Reciprocal funding arrangements exist with the funding councils for Wales and Scotland for Providers, who are close to the borders, to deliver classroom learning in England to non-English residents, who fall within a Provider's catchment area.
- 49 All learners, whilst resident in the Channel Islands and Isle of Man, remain ineligible for Agency funding, as the funding responsibility for their programmes remain with their own independent governments.

Learners in the Armed Forces

- 50 The Agency recognises that British Armed Forces (Armed Forces) personnel wish to continue in education and training while serving their country. The Agency will fund eligible programmes of study for service personnel, Ministry of Defence (MoD) personnel or civil servants, their spouses and dependants via a Provider in the following circumstances:
- where the individual normally resides in other parts of the UK but is on a posting in England or is accompanying a member of the service personnel, Ministry of Defence (MoD) personnel or civil servant
 - where an individual normally resides in England but is posted outside England as part of his or her work with the Armed Forces or is accompanying a member of the service personnel, Ministry of Defence (MoD) personnel or civil servant. This includes both cases where the individual begins an aim or programme in England and is posted elsewhere while enrolled on this aim or programme and cases where the individual commences an aim or programme while posted outside England. In both cases, the Agency will fund the aim or programme to completion.
- 51 Individuals of other nationalities serving as members of the Armed Forces are considered eligible for funding throughout their period of service on the same basis as their British national counterparts. This includes the funding eligibility provided under the conditions described in the above and extends to their spouses and dependants on accompanied postings. This does not apply to spouses and families who do not join members of the Armed Forces and instead remain outside of England.

Learners Employed Temporarily Outside England

- 52 Where, as part of the requirements of employment, a person who is ordinarily resident in England is required to work outside England for short periods, that person and their spouse and dependants, where the spouse or dependants are also ordinarily resident in England, will be considered eligible for funding as long as a quantity of learning takes place physically in England.

Periods of Study Outside of England

- 53 The Agency recognises that learners who are eligible for funding as ordinary residents and are undertaking a substantial Agency funded programme in England may spend a short period outside England as part of this aim or programme. The Agency will consider such provision eligible for funding where this provides a minor but essential part of a qualification, which cannot be provided in England. No additional funding is available to fund such activity.

Unforeseen Events and Special Cases

- 54 The Agency will issue guidance in-year in response to directives from government that identify exceptional circumstances that may result in additional groups of individuals becoming eligible for funding.

Higher Education Learners

- 55 The Agency does not fund aims or programmes for groups of higher education (HE) learners. The funding provided by the Higher Education Funding Council for England (HEFCE) for HE learners is intended to fund all of the learners' programmes. If, in order to gain their HE qualifications, a group of learners requires, for example, key skills, additional tuition in mathematics or sports coaching awards, then this would be funded out of the resources provided by the HEFCE for the HE programme.
- 56 Responsibility for the funding of all prescribed Higher Education lies within HEFCE. Prescribed HE encompasses Foundation Degrees and, since August 1999, Higher National provision.
- 57 The Agency has the power to fund non-prescribed HE learning aims in Agency funded Providers. Non-prescribed learning aims are those that fall outside the schedule of prescribed learning aims of Higher Education as defined in the Education (Prescribed Learning Aims of Higher Education) (Wales) (Amendment) Regulations 1998. These higher-level learning aims generally encompass vocational qualifications at Level 4 and above, which may have a primary purpose of confirming occupational competence, or be about preparing for further development, learning or training.
- 58 In addition, qualifications listed within Higher Apprenticeship frameworks will be jointly funded by the Agency and HEFCE. The Agency will be responsible for the Key/Functional Skills/GCSE (with enhanced functional content) and non-prescribed HE learning aims and HEFCE for any prescribed HE learning aims.

Enrolment at More Than One Agency Funded Provider

- 59 The Agency recognises that learners may occasionally enrol at more than one Provider. Groups of learners enrolled on a full-time aim or programme at one Provider must not be enrolled on part-time aims or programmes with other Providers, especially through sub-contracted provision. For example, it would not be appropriate for several learners enrolled on a full-time sports and leisure programme to be enrolled at another Provider to undertake a first-aid or sports coaching qualification, especially through sub-contracted provision.

Small and Medium Enterprises (SMEs)

- 60 An SME is defined as an organisation with less than 250 employees. Where the organisation is part of a group, then the total number of employees must be used. This includes private and public sector. Private sector companies should include subsidiaries and holding companies. Public sector organisations should include those parts where they control or are controlled by another entity, such as libraries, schools and nurseries that are part of a local authority. Organisations based outside of the UK must use the total number of employees worldwide.

Provision for Offenders

- 61 Offenders learning and skills is one of the Agency's priorities. To assist in delivering this priority and reduce bureaucracy, any Provider delivering agreed

Agency-funded programmes to individuals detained in English prisons may treat detainees as individuals eligible for Agency funding without the usual evidence required. This concession only applies to the distinct Offenders' Learning and Skills Service (OLASS) funding and individuals detained in prison. It does not apply to individuals serving community sentences, those under supervision in the community or those detained in immigration centres where the rules on eligibility are fully applicable.

3: Evidence of Learner Existence and Eligibility

- 62 This section is for all Providers and for all learners. This section on evidencing existence of learners is included here for ease of reference for all Agency funded provision. Further audit rules and requirements will be published in the Funding Requirements.

Evidence of Learner Existence and Eligibility

- 63 A principle of funding learning is that the Agency must be able to confirm that funding has been correctly claimed and that the Provider can evidence that the learner exists and that they are eligible for Agency funds.
- 64 The Agency recognises that different procedures and emphasis will be appropriate to different types of learners, but evidence will be required of the process used for the enrolment and record of activity for each learner. It is for each Provider to decide what procedures to carry out, but any Provider that fails to have a robust process in place will put their funding at risk.

Compliance Evidence for an Individual's Eligibility

- 65 Providers must not claim funding for learners who are not ordinarily resident in England, irrespective of their mode of attendance, unless exemptions are given elsewhere in these rules.
- 66 Providers are required to scrutinise applications for study by individuals to ensure that they are eligible for Agency funding under Section 2 and to support the individual's case for consideration as ordinarily resident in England. Good practice is for Providers to record documentation to prove eligibility, including any relevant documentary evidence for learners not meeting the normal three-year residency requirement. Where documentation is recorded as having been seen, Providers need to be fully aware of the implications of the documents they are approving. In particular, Providers are advised that the Agency does not require or expect passports to be photocopied, although passport numbers or references may be recorded by Providers where necessary.
- 67 Foreign nationals will have Home Office documentation that outlines their status, for example refugee status, humanitarian protection, discretionary leave or exceptional leave to enter or remain (ELE/ELR) in the UK. Providers are reminded that adult asylum seekers are only eligible for funding if they meet the conditions set out in section 2.
- 68 Asylum seekers will be able to produce an Application Registration Card (ARC) which is issued on or close to the date of their asylum claim. The date of issue will be recorded on the ARC. To demonstrate that they are currently supported under the Immigration and Asylum Act 1999 and thus eligible for Agency funding, a recent (that is, less than one month old) copy of a person's post office receipt of Asylum Support (AS) assistance will be required. The ARC is used to

evidence the asylum seeker at the post office before obtaining the receipt. Up to April 2007, AS was known as the National Asylum Support Service (NASS) and may still be referred to as such. The post office receipt will usually need to be dated at least six months after the ARC issue date to comply with eligibility. It should not usually be necessary to see post office receipts for each month since the ARC was issued, merely a post office receipt issued for the same month as the learner enrolment. It is likely that the post office receipt will identify the AS support as Section 95 support.

- 69 To demonstrate that they are currently supported under Section 4 of the Immigration and Asylum Act 1999 and thus eligible for Agency funding, learners will need to produce confirmation from the Home Office of Section 4 support within three months of the issue date. Section 4 support is often given to asylum seekers who have been refused asylum but who cannot return home. As a result, individuals may no longer have an ARC.
- 70 Individuals on Job Seekers Allowance (JSA) or Employment and Support Allowance (ESA) (Work Related Activity Group (WRAG) will be given a referral letter by Jobcentre Plus where they are mandated to training. Jobcentre Plus will also ensure that the necessary referral notification is sent to the provider. Those individuals who self-refer or are not mandated will be able to ask for a "Proof of Benefit Letter" from the [Benefit Enquiry Line](#) in order to evidence eligibility to the Provider. In addition to the "Proof of Benefit Letter", those on Employability and Support Allowance may also be in receipt of a "Work Capability Assessment" indicating that they are in the Work Related Activity Group.
- 71 Providers must not claim Agency funding for provision wholly delivered outside England. This restriction applies to provision delivered in Wales, Scotland, Northern Ireland, the Channel Islands and the Isle of Man as well as in other countries.

Learning Agreement

- 72 The Learning Agreement is vital in establishing the existence of the learner and enables the Provider to substantiate that the information supplied by the learner has been confirmed as correct by the learner. Signed copies, subject to using electronic evidence, of the full Learning Agreement must be retained by the Provider and a copy given to the learner.
- 73 This document is also an on-going record of the learner in learning and must be updated as required and necessary. It is a requirement that the information contained in the Learning Agreement accurately matches the information sent to the Agency in the learner's ILR. Failure to do so will result in the funding associated with that learner being removed.
- 74 While recognising that different types of learners may require different approaches to advice and guidance, the Learning Agreement must provide confirmation that the following broad areas have been covered:
- the learner's name and address

- evidence, where appropriate, that the learner is eligible to receive Agency funding
 - entry requirements for each learning aim or programme within the learning, if appropriate
 - details of any assessments
 - the learning programme and expected learner outcomes, including start and planned end dates, aim reference numbers, awarding organisation and aim title and in respect of 'personalised learning programmes' full details of all the aspects of the learning to be undertaken for all learning aims
 - a description of how the learning will be delivered. For example, the total number of guided learning hours planned in each year for each learning aim (this includes both listed and unlisted provision) or the frequency of visits required if delivered on the employer's premises
 - where relevant, confirmation of the full personal contribution that the learner will have to make towards the cost of learning
 - details of additional learning and learner support that will be provided for the learner
 - details of any further information in support of the learning aim.
- 75 If any provision for the learner is delivered by a sub-contractor, then the name of the organisation that is the main contract holder as well as the sub-contractor must be clearly identified and visible to the learner and their employer, if applicable. This must match the information returned to the Agency in the Provider's ILR in fields UK Provider reference number (2010/11 ILR reference A56) and Subcontractor or partnership UKPRN (2010/11 ILR reference A22).
- 76 A Provider must retain a Learning Agreement, as compliance evidence to support the funding claimed. While all learners funded by the Agency must have a Learning Agreement, the detail must be proportionate to the length of the learning programme. Learning Agreements may also be combined with other complementary documents to prevent any unnecessary document duplication, such as enrolment and induction material.
- 77 Providers must be able to evidence that they are delivering good-quality information, advice and guidance (IAG) to their learners through good retention and achievement levels. This must provide supporting evidence that any basic skills and additional learning and learner support needs have been properly identified and have led to good progression opportunities for the learners.

Learner Attendance

- 78 There must be evidence that individual learners were undertaking the specified learning programme during the learning period for which funding is being claimed. This is particularly important for qualifications that are funded directly on the amount of guided learning hours delivered.

79 For learning not undertaken in the workplace this will take the form of registers of attendance. Learning delivered in the workplace will require records of contact for both reviews and learning activity. Experience has shown these to be key legal records in supporting the accuracy of data returns. Regular management review of registers will be of benefit to Providers in ensuring the accuracy of ILR returns and reducing the risk of making ineligible funding returns or claims to the funding body.

Registers

80 All Providers must have a good register system to help them to monitor learner attendance and progress. This will also support materially accurate data returns and funding claims. The Agency offers no advice or preference on types of systems, which may be either paper-based or electronic, or a mixture of such systems.

81 It is very important that all Providers ensure that any sub-contracting organisations can evidence claimed learner contact time with tutors to avoid any eligibility issues over their sub-contracted provision.

82 A register may cover more than a single aim, where appropriate, but where this is the case the register should be sufficiently detailed to provide the information in paragraph 83 for each aim.

83 For learning not delivered in the workplace each specific register must:

- include the title of the aim, the aim code, the qualification aim (or aims) details, the intended start and end date, the day, time and duration of each session, location of the delivery and the number of guided learning hours to be delivered
- include the name of the learner, the learner reference number and the name of the Provider's staff
- be completed at the start of each session with the relevant date and must indicate attendance, absence or lateness. In the case of authorised absence, appropriate evidence of prior approval must be available
- be signed or initialled by the Provider's staff at the time of each session and must never be completed outside of the actual contact time.

Ceasing to Attend, Withdrawal from Aims and Programmes and Learning Agreement Amendment Forms

84 The Provider must have an attendance policy in which it sets out the Provider's rules on non-attendance, withdrawal and transfer. The Agency does not have a general policy on attendance, as it requires individual Providers to have their own. Providers must take into account the nature of delivery and learner characteristics in developing such a policy.

85 Where a learner withdraws from their programme or aim, transfers to another programme or changes one of their learning aims or their mode of study, this

must be indicated on the Learning Agreement. This must be signed by the Provider's staff, and used to ensure that the information on the ILR data return is correct. Where attendance is also recorded on a register then the withdrawal date must also be recorded.

- 86 When dealing with learners referred from Jobcentre Plus under Skills Conditionality, colleges and training organisations are required to comply with Jobcentre Plus data handling requirements.

4: Personal and Employer Contributions

- 87 This section applies to all classroom and workplace learning but does not apply to Adult Safeguarded Learning (ASL).
- 88 All learners eligible for funding are either fully funded or co-funded. Where the learner is co-funded then either the learner or their employer will need to make a contribution towards the costs of learning to add to the state's contribution.
- 89 In workplace learning, it is the employer's responsibility to contribute where required. Providers must ensure that the correct information is recorded on the ILR, i.e. in order that the distinction between workplace learning and classroom learning is clear.
- 90 Providers must ensure that before a learner starts learning that the learner and their employer, if delivered in the workplace, are fully aware of any contributions that they may have to pay, including all fees, examination and assessment fees during the learning activity in order to achieve their learning aim or programme.
- 91 Providers must also ensure that all learners are aware of their Fees and Charging Policy; so that if a learner's circumstances change, they are aware of the consequences in respect of the tuition fees, which may or may not be charged.
- 92 The Adult Skills Budget is broken down into two sub-categories to ensure learning takes place in an appropriate context. These are:
- Classroom learning
 - Workplace learning.
- 93 Workplace learning is defined as:
- Any learning aim predominantly delivered within the work place and in connection with the learner's occupation or employer's business
 - An Apprenticeship Framework (all levels)
 - Basic Skills in Literacy and Numeracy delivered to an employed learner supported¹ by their employer.
- 94 For funding purposes, all learning not defined as workplace learning is treated as classroom learning.

¹ 'supported' meaning paid time off work, access to learning during working time or delivered in the employer's premises in work time

- 95 In 2011/12 it is expected that the employer will make the appropriate contribution towards the cost of learning. The rules on personal contributions (fee remission) do not apply to workplace learning. Providers must not require a learner to make a contribution in workplace learning unless they are also the employer i.e. they are self-employed.
- 96 In the delivery of 16-18 Apprenticeships, Providers must not charge employers for any delivery of the mandatory elements of the Apprenticeship Framework. Where, in agreement with the employer, the Provider delivers additional services or provision to the employer's apprentices, then additional funding may be sought from the employer. Providers must not make it a condition of delivery that additional provision is taken up by an employer in order to access 16-18 Apprenticeships.

Fee Remission

- 97 [Further Education – New Horizon. Investing in Skills for Sustainable Growth](#) set out the Government's intention to focus funding on those who need it most. The intention is to change the statutory entitlements to fully funded provision. As this will require new legislation, it will not be possible to implement fully these changes until 2012/13 at the earliest. However, there are changes being made in 2011/12. See Annexes 3, 4 and 5.
- 98 Those learners entitled to a full subsidy are usually referred to as in receipt of full fee remission or fully funded. Where a part subsidy is available the funding will be referred to as co-funded.
- 99 From 2011/12, the following learners will be entitled to full fee remission:
- Individuals on Job Seekers Allowance (JSA)¹ or Employment and Support Allowance (ESA) in the Work Related Activity Group (WRAG). Where there is a joint claim, then both individuals are eligible for fee remission. Where an individual is a dependant of a claimant (but not part of a joint claim or claiming themselves), they are not automatically eligible for full fee remission but they may be eligible under other criteria. Fully funded provision for eligible learners can include units and awards as well as full qualifications
 - Learners (of all ages) studying their first full Level 2 qualification
 - Entry² or Level 1 aims (excluding Skills for Life) where a learner has an entitlement to a full Level 2 qualification, in that they must have a highest prior attainment of Level 1 or below, but need a step up from basic skills in order to progress to a full Level 2
 - 19-24 year old learners studying their first full Level 3 qualification

¹ Including those in receipt of JSA National Insurance Credit only

² Personal and Social Development aims and Entry Level vocational qualifications are not funded in the workplace

- Level 3 ‘jumpers’ of all ages (those taking a full Level 3 or above without having attained a first full Level 2 qualification)
- 19-24 year old Level 4 ‘jumpers’ studying their first full Level 4 or above without having attained a first full Level 3 qualification
- Learners studying aims that are Adult Basic Skills and Functional Skills in literacy and numeracy, excluding Skills for Life English for Speakers of Other Languages (ESOL)
- Trade Union representatives studying Trades Union Congress (TUC) learning aims
- An individual¹ studying their first full Level 3 qualification that has left the British Armed Forces² after completing 4 or more years of service or have been medically discharged, due to an injury in active service, after completing basic training.

100 The Government’s response to the Wolf Review on Vocational Learning included a commitment to make those aged 19 up to 24 years, who have not reached GCSE level in maths and English language, to be fully-funded in order to achieve this level. Therefore, Maths and English language GCSEs will be fully-funded in 2011/12, where they are undertaken by learners aged 19 - 24 years. This is regardless of whether a learner has already achieved a full level 2 qualification. In respect of Apprentices, full funding will not be made available for GCSE Maths and English language in an Apprenticeship framework. Apprentices who wish to take up this offer will be able to access it via the wider Adult Skills offer outside of their apprenticeship programme.

101 From 2011/12, the following groups will now **not** be entitled to claim full fee remission, compared to 2010/11, unless they are covered by paragraph 102, and will be required to make a personal contribution, to add to the state contribution, towards the cost of their learning:

Those in receipt of:

- Council Tax Benefit
- Housing Benefit
- Income Support
- Working Tax Credit
- Pension Credit
- contribution based ESA (unless in the Work Related Activity Group)

¹ Armed service personnel not civilian

² This can be up to 10 years after the member left the British Armed Forces

- any other individual not listed as eligible in paragraph 99.
- 102 The Agency recognises that there are unemployed individuals who are in receipt of a state benefit (other than JSA or ESA (WRAG)), who want to enter employment and need skills training to do so. For 2011/12, at the discretion of the provider, they will be eligible for full funding for units and other learning aims that will help them enter employment.
- 103 These individuals will need to confirm that they are in receipt of a state benefit and they want to enter employment. This can be done using a self-declaration form to confirm that they are part of this eligible group, as it is recognised that more formal evidence would be difficult to obtain in a timely and cost effective manner.
- 104 Providers are reminded that special funding and eligibility arrangements apply for an offender studying through the separate Offenders' Learning and Skills Service (OLASS) arrangements whilst in custody as stated in paragraph 61. Other than those, there are no variations to the rules on eligibility and contributions for offenders serving their sentence either in prison or in the community. Offenders, including prisoners released temporarily to study with mainstream colleges and training organisations, will only be fully funded if they fall into one or more categories in paragraph 99.
- 105 In 2011/12, ESOL will be ineligible for funding where it is delivered in the workplace.
- 106 Where ESOL is not delivered in the workplace it will be:
- Fully-funded for those who are on JSA or ESA (WRAG)
 - Co-funded for all other eligible learners.
- 107 Changes to eligibility for fee remission will apply from 1 August 2011, to new learners only, learners re-taking an aim or existing learners starting a new aim or programme. This will apply to any new aim started in 2011/12 even if the aim had been previously recorded in the learner's Learning Agreement.
- 108 Learners continuing an aim or aims from 2010/11 will continue to receive the fee remission as established in 2010/11. **This only applies to continuing aims or programmes.** For example, a learner progressing from an Intermediate Apprenticeship to an Advanced Apprenticeship is 'continued' learning and not 'continuing' and, therefore, the changes would apply to the new programme.
- 109 A learner eligible for full fee remission on enrolment for an aim or programme shall be eligible for the whole of the aim or programme, even if their circumstances change. This also applies to those learners who start an aim co-funded. Learners transferring aims, at the same level, within a funding year, retain their eligibility to full or co-funding as established at the start of the original aim. Providers must not 'technically' withdraw and re-start a learner in order to change from co-funding to full funding where the learner circumstances change.
- 110 Offenders undertaking learning outside the prison whilst Released on Temporary Licence (RoTL) will be fully-funded if they meet the criteria set out in

paragraph 99. This applies to all provision including that delivered in the workplace. Prisoners will only be eligible for Apprenticeship funding if they are able to fulfil the requirements of an Apprenticeship that is: the apprentice is working under a contract of employment, they are able to complete a suitable Specification of Apprenticeship Standards for England (SASE) compliant framework and they are able to work for 30 hours a week or more unless there are exceptional circumstances based on the needs of the individual. It is possible for prisoners eligible for RoTL into paid employment to be undertaking an Apprenticeship if there is a partnership in place to ensure that the employer, prison authorities, provider and prisoner are fully committed to successful completion of a SASE compliant Apprenticeship framework.

- 111 Offenders serving their sentence, or being supervised, in the community will be entitled to funding based on their circumstances, such as benefits status, or prior attainment as described in paragraph 99.
- 112 Progression funding is fully funded and is available to a learner who has a Level 2 entitlement and needs the additional step up from basic skills in order to progress to a full Level 2. The Provider has to be assured they can progress to a Level 2, otherwise the provision is co-funded.

Employer Contributions in Workplace Learning

- 113 All 16-18 Apprenticeships will be fully funded.
- 114 All 19+ Apprenticeships competency and technical knowledge qualifications will be co-funded with the expectation that the employer will make a contribution of 50 per cent towards the cost of delivery. The employer contribution towards Key, Functional Skills or GCSEs within an Apprenticeship will be 17.5 per cent.
- 115 All workplace learning that is co-funded, outside of an Apprenticeship, will have an expectation that the employer will make a contribution of 50 per cent towards the cost of learning where the learner is aged 19+.
- 116 The employer contribution is mandatory where the learning is defined within scope of State Aid or is funded through the Joint Investment Programme. The Provider must be able to evidence that the employer has made their contribution.
- 117 Changes to employer contributions will apply from 1 August 2011, to new learners only or existing learner starting a new aim. Learners continuing an aim or aims from 2010/11 will continue to be fully funded as appropriate as established in 2010/11. **This only applies to continuing aims and not to continued learning, where a new aim is started in 2011/12.**

Compliance Evidence

- 118 It is the responsibility of the Provider to have a robust process to establish eligibility for fee remission for learners. Evidence must be available to show that:
 - checks are carried out to ensure that learners are eligible for full fee remission

- the fee remission status of the learner is accurately recorded at the start of their programme
- claims or records for full fee remission funding are justified
- the learner concurs in writing that their previous level of attainment is as stated in their Learning Agreement.

Annex 1

Qualification Equivalency Levels

- 1 Currently within England regulated qualifications, both vocational and non vocational are referenced to either the National Qualifications Framework (NQF) or the Qualifications and Credit Framework (QCF). In addition, for qualifications which are offered by higher education institutions and defined as prescribed higher education¹ there is the Framework for Higher Education Qualifications (FHEQ). The NQF has been in operation for over twenty years and encompasses vocational qualifications and also public or general qualifications such as A Levels, GCSEs and Functional Skills. The QCF is a more recent framework and has been in operation since 2008 and encompasses mostly (but not exclusively) vocational qualifications which are unit based and credit bearing.
- 2 Since April 2010, the Skills Funding Agency has been focussing funding on qualifications in the QCF and away from qualifications in the NQF. This is because the Agency believes that the QCF, as a unit based and credit qualification system, is better able to respond to the changing needs of learners and employers particularly in terms of offering a more flexible qualifications system. All vocational qualifications in the QCF have been developed in line with up to date employment standards (National Occupational Standards) and with the support of Sector Skills Councils (SSCs).
- 3 Both the NQF and the QCF span nine levels from Entry Level to Level 8. Level is an indication of the relative demand, complexity and/or depth of achievement and/or the autonomy of the learner in demonstrating the achievement. The level descriptors for the NQF and the QCF are very similar, the main difference is at Entry Level where, in the QCF, Entry Level 1 is positioned as recognising progress across a continuum that ranges from the most elementary of achievements to beginning to make use of skills, knowledge or understanding that relate to the immediate environment.
- 4 The other major difference between NQF and QCF, is that in the NQF there are 'types' of qualification which are determined through specific criteria (for instance general qualifications such as A Levels and GCSEs or Functional Skills) and in the QCF qualifications are defined through purpose (for example confirming occupational competence or preparing for further learning or training) and size/volume of achievement (within the QCF qualifications can be within three bands of credit value: Award, 1 to 12 credits; Certificate, 13 to 36 credits and Diploma, 37 credits and above). The use of purpose rather than type in the QCF does not mean that National Vocational Qualifications (NVQs) for instance, have disappeared in the QCF. There will be qualifications in the QCF where NVQ is used within the title and these tend to designate competence based qualifications. Further information is available from the Office of Qualifications and Examinations Regulation ([Ofqual](#)).

¹ Prescribed HE which is funded by HEFCE covers degrees, Foundation degrees, Higher Nationals, and is mainly provision where the institution has degree awarding powers.

- 5 Level descriptors in the QCF build on those used in the NQF as well as aligning with a range of level descriptors from other qualification frameworks nationally and internationally. The five upper levels of the QCF are intended to be consistent with the levels of the Framework for Higher Education Qualifications (FHEQ).
- 6 Both the NQF and the QCF operate across England, Wales and Northern Ireland. In Scotland, the Scottish Credit and Qualifications Framework (SCQF) operates. This encompasses qualifications that are credit bearing and spans 12 levels from 1 to 12. A broad comparison of levels across UK and Ireland including the SCQF, NQF/QCF and FHEQ, is available from the [Qualification Assessment Agency](#).
- 7 In the main, the same range of awarding organisations operating in the NQF are also recognised to operate in the QCF, including both larger awarding organisations such as City and Guilds, Edexcel (BTEC) and OCR as well as smaller, niche organisations.

Comparison of Qualifications across Frameworks

- 8 For comparability of qualifications across the main qualifications frameworks available in England, Wales and Northern Ireland (specifically the NQF, QCF and FHEQ), please refer to Appendix 1. The level of achievement for each qualification is of most significance when comparing qualifications.
- 9 Apprenticeships are also included in the Appendix in terms of the new classifications of Intermediate Level, Advanced Level and Higher Apprenticeships.

European Qualifications Framework

- 10 The European Qualifications Framework (EQF) has been developed to provide a common reference system that assists in comparing national qualifications frameworks, systems and levels (including higher education) for **vocational** education and training across European Union member states.
- 11 Further information on the European Qualifications Framework can be found from the [European Commission Education and Training website](#) and a useful European qualification [comparison tool](#) has been provided comparing UK qualifications with Europe.

Overseas Equivalent Qualifications

- 12 The National Academic Recognition Information Centre for the UK (NARIC) offers information and advice on the comparability of overseas qualifications with those from the UK. More information is available on the [NARIC website](#).

Strategic Regulation of Awarding Organisations and Qualifications

- 13 Ofqual undertook a consultation exercise between October 2010 and January 2011 on approaches to regulation. Following the consultation Ofqual will finalise, in the light of feedback, the approach to regulation. One of the recommendations in the '[From Transition to Transformation: Strategic Regulation of Awarding Organisations and Qualifications](#)' consultation was a move to one framework to which all regulated qualifications currently in the NQF and QCF will be

referenced. It is proposed that the overarching framework for regulated qualifications must be based on levels. It is proposed that the single framework will accommodate the qualifications and units in both of the existing frameworks.

Appendix 1 - Prior attainment levels

Level Descriptors	National Qualifications Framework – NQF (England) ¹	Qualifications and Credit Framework – QCF (England)	Framework for Higher Education (Maintained by the Quality Assurance Agency)	Apprenticeships / SASE
Entry level qualifications recognise basic knowledge and skills and the ability to apply learning in everyday situations under direct guidance or supervision. Learning at this level involves building basic knowledge and skills and is not geared towards specific occupations.	<ul style="list-style-type: none"> • Entry Level certificate <u>English</u> • Entry Level Certificate in Practical Horticulture Skills (Entry 2) • Entry Level Award in WorkSkills (Entry 3) 	<ul style="list-style-type: none"> • Award in Personal Development and Teamwork • Certificate in Life and Living Skills • Award in Public Services 		
Level 1 qualifications recognise basic knowledge and skills and the ability to apply learning with guidance or supervision. Learning at this level is about activities which mostly relate to everyday situations and may be linked to job competence.	<ul style="list-style-type: none"> • GCSEs grades D-G • Introductory Certificate in Basic Construction Skills • National Award in Leisure and Tourism 	<ul style="list-style-type: none"> • NVQ Award in Business and Administration • Award in Hospitality and Catering Principles (Multi-Skilled) 		
Level 2 qualifications recognise the ability to gain a good knowledge and understanding of a subject area of work or study and to perform varied tasks with some guidance or supervision. Learning at this level involves building knowledge and/or skills in relation to an area of work/subject area and is appropriate for many job roles.	<ul style="list-style-type: none"> • GCSEs grades A*-C • First Certificate in English • Level 2 Award in Hospitality Skills • National Certificate for Veterinary Care Assistants 	<ul style="list-style-type: none"> • Certificate in IT User Skills (ITQ) • Certificate in Hairdressing Services • NVQ Diploma in Highways Maintenance (Construction) (QCF) 		SASE Intermediate Level Apprenticeship containing qualifications at Level 2
Level 3 qualifications recognise the ability to gain, and where relevant apply a range of knowledge, skills and understanding. Learning at this level involves obtaining detailed knowledge and skills. It is appropriate for people wishing to go to university, people working independently, or in some areas supervising and training others in their field of work.	<ul style="list-style-type: none"> • AS/A levels • International Baccalaureate • Level 3 Diploma in Vehicle Fitting Operations • National Diploma in Art and Design 	<ul style="list-style-type: none"> • Certificate in Practical Horticulture • Diploma in Specialist Support for Teaching and Learning in Schools • NVQ Diploma in Engineering Maintenance 		SASE Advanced Level Apprenticeship containing qualifications at Level 3

¹Version 2.1, 12 August 2011
 Examples of qualifications are for illustrative purposes only

Level Descriptors	National Qualifications Framework – NQF (England)	Qualifications and Credit Framework – QCF (England)	Framework for Higher Education (Maintained by the Quality Assurance Agency)	Apprenticeships / SASE
<p>Level 4 qualifications recognise specialist learning and involve detailed analysis of a high level of information and knowledge in an area of work or study. Learning at this level is appropriate for people working in technical and professional jobs, and/or managing and developing others.</p>	<ul style="list-style-type: none"> • Certificates of higher education • Diploma in Dance Education • NVQ for Communication Technologies Professionals 	<ul style="list-style-type: none"> • Diploma for Accounting Technicians • NVQ Diploma in Laboratory and Associated Technical Activities • HNC Diploma in Hospitality Management 	<p>Certificate</p> <ul style="list-style-type: none"> • Certificates of higher education 	<p>SASE Higher Apprenticeship containing qualifications at Level 4</p>
<p>Level 5 qualifications recognise the ability to increase the depth of knowledge and understanding of an area of work or study to enable the formulation of solutions and responses to complex problems and situations. Learning at this level involves the demonstration of high levels of knowledge, a high level of work expertise in job roles and competence in managing and training others.</p>	<ul style="list-style-type: none"> • NVQ in Supply Chain Management • National Certificate in Professional Acting • Diploma in Human Resource Development • Diploma in Business Information Systems 	<ul style="list-style-type: none"> • NVQ Diploma in Occupational Health and Safety Practice • HND Diploma in Computing and Systems Development • Certificate In Meteorological Broadcasting 	<p>Intermediate</p> <ul style="list-style-type: none"> • Foundation degrees 	<p>SASE Higher Apprenticeship containing qualifications at Level 5</p>
<p>Level 6 qualifications recognise a specialist high level knowledge of an area of work or study to enable the use of an individual's own ideas and research in response to complex problems and situations. Learning at this level involves the achievement of a high level of professional knowledge and is appropriate for people working as knowledge-based professionals or in professional management positions.</p>	<ul style="list-style-type: none"> • National Diploma in Professional Production Skills • Licentiate Diploma in Music Literacy • Higher Diploma in Tourism and Hospitality Management 	<ul style="list-style-type: none"> • Advanced Diploma in Financial Planning • Diploma in Construction Contracting Operations Management • NVQ Diploma in Controlling Lifting Operations - Planning Lifts (Construction) 	<p>Honours</p> <ul style="list-style-type: none"> • Bachelor degrees 	

Level Descriptors	National Qualifications Framework – NQF (England)	Qualifications and Credit Framework – QCF (England)	Framework for Higher Education (Maintained by the Quality Assurance Agency)	Apprenticeships / SASE
<p>Level 7 qualifications recognise highly developed and complex levels of knowledge which enable the development of in-depth and original responses to complicated and unpredictable problems and situations. Learning at this level involves the demonstration of high level specialist professional knowledge and is appropriate for senior professionals and managers.</p>	<ul style="list-style-type: none"> • Postgraduate Diploma in Business Management & Marketing 	<ul style="list-style-type: none"> • Fellowship in Music Performance • NVQ Diploma in Built Environment Design and Consultancy Practice 	<p>Masters</p> <ul style="list-style-type: none"> • Masters degrees 	
<p>Level 8 qualifications recognise leading experts or practitioners in a particular field. Learning at this level involves the development of new and creative approaches that extend or redefine existing knowledge or professional practice.</p>	<ul style="list-style-type: none"> • Specialist awards 	<ul style="list-style-type: none"> • Diploma in Strategic Direction and Leadership 	<p>Doctoral</p> <ul style="list-style-type: none"> • Doctorates 	

Annex 2

EU, EEA and Eligible Overseas Dependent Territories

- 1 This annex lists the qualifying countries and/or areas that establish individual eligibility for Agency programme funding.
- 2 Details can be found on the [European Union website](#).

Member States of the European Union

- Austria
- Belgium
- Bulgaria
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- United Kingdom

Notes on certain territories that fall within the EU

- 3 The following notes help to define those territories that must be regarded as part of the EU for the purposes of the fees regulations:

Cyprus: The whole island became part of the EU on 1 May 2004. Ordinary residence is defined as any part of the island to qualify for EEA residency

Finland: includes 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 territory of the former German Democratic Republic prior to German unification. The tax-free port of Heligoland is included within the EU

Portugal: Madeira and the Azores are part of the EU. Macao is not

Spain: the Balearic Islands, the Canaries, Ceuta and Melilla are part of the EU

United Kingdom: Gibraltar is part of the territory of the EU. The Channel Islands and Isle of Man are not part of the EU

Other territories: Andorra, Monaco, San Marino and the Vatican are not part of the EU

Member states of the European Economic Area

4 This includes all the EU countries and territories listed above, together with the following countries:

- Iceland
- Liechtenstein
- Norway
- Switzerland¹

Eligible Overseas Territories

5 These will be either United Kingdom or EU overseas territories for which the Agency will allow colleges and training organisations to claim funding.

Eligible British Overseas Territories

- Anguilla
- Bermuda
- British Antarctic Territory
- British Indian Ocean Territory
- British Virgin Islands
- Cayman Islands
- Falkland Islands

¹ For simplicity, for Providers that have to assess individuals for eligibility for Agency funding, Switzerland is treated as within the EEA. In law, Switzerland is not part of the formally recognised EEA but its nationals are similarly eligible under various international treaties signed by the UK and Swiss governments.

- Montserrat
- Pitcairn, Ducie and Oeno Islands
- South Georgia and the South Sandwich Isles
- St Helena and its Dependencies
- Turks and Caicos Islands

Eligible overseas territories of other EU member states

Denmark

- Greenland and Faroe Isles
- Henderson Island

Netherlands

- Antilles (Bonaire, Curacao, Saba, St Eustatius and St Maarten) and Aruba

France

- New Caledonia and Dependencies
- French Polynesia
- Wallis and Fortuna
- Mayotte
- French Southern and Antarctic Territories

Annex 3 - Full and Part Learner Subsidies for Learners aged 19 years and older

2011/12	Unemployed on active benefits (see notes)	19-24 year old	Classroom based		Workplace learning Small and Medium Enterprises (SME) Less than 250 employees		Workplace learning Large employer [^] 250 employees or more	
			25+, without a first Level 2	25+ qualified to Level 2 or above	25+, without a first Level 2	25+ qualified to Level 2 or above	25+, without a first Level 2	25+ qualified to Level 2 or above
Stand alone units	Fully funded	Not funded	Not funded	Not funded	Not funded	Not funded	Not funded	Not funded
Adult Basic Skills (including Functional Skills in Literacy and Numeracy)	Fully funded	Fully funded	Fully funded	Fully funded	Fully funded	Fully funded	Fully funded	Fully funded
ESOL	Fully funded	Co-funded (classroom) Not funded (workplace)	Co-funded	Co-funded	Not funded	Not funded	Not funded	Not funded
Progression Funding (Entry & Level 1 vocational and PSD aims)	Fully funded	Fully funded* (classroom) Fully funded* (vocational Level 1 only, workplace)	Fully funded*	Co-funded	Fully funded* (vocational Level 1 only)	Co-funded (vocational Level 1 only)	Fully funded* (vocational Level 1 only)	Co-funded (vocational Level 1 only)
Full Level 2	Fully funded	Fully funded (for those without a Level 2) Co-funded (with Level 2 or above, classroom) Co-funded (with Level 2 or above, workplace SME only, otherwise not funded in workplace)	Fully funded <i>(co-funded for 24+, from 2012/13)</i>	Co-funded	Fully funded <i>(co-funded for 24+, from 2012/13)</i>	Co-funded	Fully funded <i>(co-funded for 24+, from 2012/13)</i>	Not funded
Other Level 2	Fully funded	Co-funded (classroom) Not funded (workplace)	Co-funded	Co-funded	Not funded	Not funded	Not funded	Not funded

* Fully funded if the learner has not attained Level 2 and needs the additional step up from basic skills in order to progress to a full Level 2, otherwise co-funded

[^] Large employer in the context of eligibility (reduction in funding still applies to employer 1,000 employees or more)

2011/12	Unemployed on active benefits (see notes)	19-24 year old	Classroom based		Workplace learning Small and Medium Enterprises (SME) Less than 250 employees		Workplace learning Large employer [^] 250 employees or more	
			25+, without a first Level 2	25+ qualified to Level 2 or above	25+, without a first Level 2	25+ qualified to Level 2 or above	25+, without a first Level 2	25+ qualified to Level 2 or above
Full Level 3	Fully funded	Fully funded (for those without a Level 3) Co-funded (with Level 3 or above, classroom) Not funded (with Level 3 or above, workplace)	Fully funded (<i>co-funded for 24+, from 2012/13</i>)	Co-funded	Fully funded (<i>not funded for 24+, from 2012/13</i>)	Not funded	Fully funded (<i>not funded for 24+, from 2012/13</i>)	Not funded
Other Level 3	Fully funded	Co-funded (classroom) Not funded (workplace)	Co-funded	Co-funded	Not funded	Not funded	Not funded	Not funded
Full Level 4 or above¹	Fully funded	Fully funded (for those without a Level 3) Co-funded (with Level 3 or above, classroom) Not funded (with Level 3 or above, workplace)	Fully funded (<i>co-funded for 24+, from 2012/13</i>)	Co-funded	Fully funded (<i>not funded for 24+, from 2012/13</i>)	Not funded	Fully funded (<i>not funded for 24+, from 2012/13</i>)	Not funded
Apprenticeships (all Levels)	Not funded	Co-funded (workplace)	Not funded	Not funded	Co-funded	Co-funded	Co-funded	Co-funded

[^] Large employer in the context of eligibility (reduction in funding still applies to employer 1,000 employees or more)

¹ Non-prescribed HE only

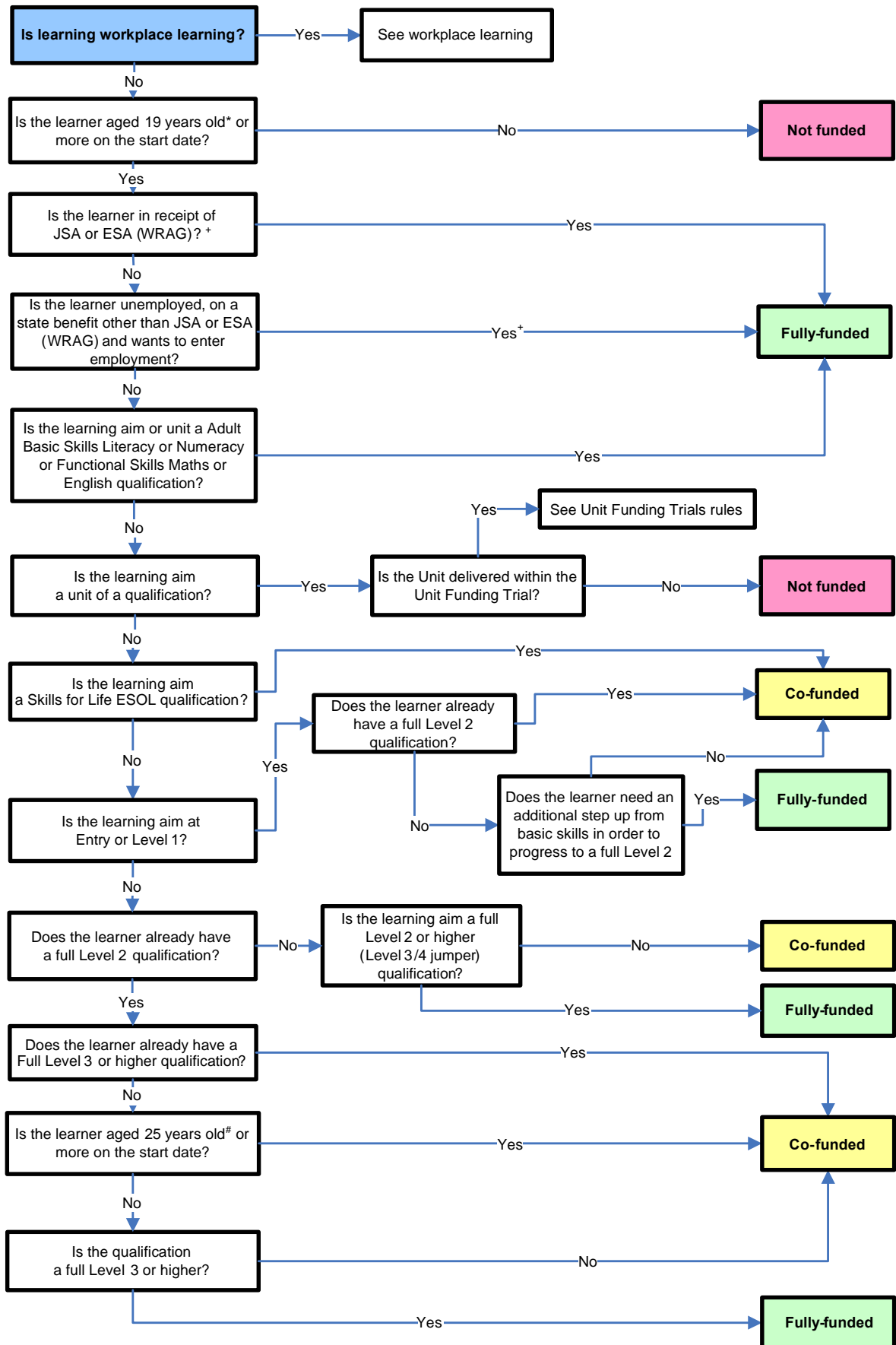
Notes

- Progression funding is available to a learner who has a Level 2 entitlement and needs the additional step up from basic skills in order to progress to a full Level 2 and the provider is assured they can progress to a Level 2, otherwise the provision is co-funded.
- Personal and Social Development aims and Entry Level provision are not available to workplace learning.
- Where provision is delivered in the workplace, e.g. Apprenticeships, there is an expectation that the employer contributes 50 per cent of the costs of competency and technical knowledge learning aims and 17.5 per cent of Key Skills/Functional Skills/GCSEs
- All Apprenticeship delivery is a mixture of workplace and classroom delivery as specified in the Apprenticeship Framework and cannot be delivered solely in the classroom
- Funding for units of qualifications is also available through other parts of the 2011/12 unit offer, such as, the Joint Investment Programme and the Unit Delivery Trials for participating colleges and training organisations
- From 2012/13, policies applied to 19-24 year olds in 2011/12, will apply to 19-23 year olds only (subject to changes in legislation)
- Workplace learning is defined as:
 - Any learning aim predominantly delivered within the work place and in connection with the learner's occupation or employer's business
 - An Apprenticeship Framework (all levels)
 - Basic Skills in Literacy and Numeracy delivered to an employed learner supported by their employer.
- For funding purposes, all learning not defined as workplace learning is treated as classroom learning
- Active benefits are Job Seekers Allowance (JSA)¹ or Employment and Support Allowance (ESA) in the Work Related Activity Group (WRAG).
- At the discretion of the provider, individuals who are unemployed, in receipt of a state benefit (other than JSA or ESA (WRAG)), who want to enter employment and need skills training to do so, can be fully funded for units and other learning aims that will help them achieve this goal.

Please note, the table does not reflect the changes to funding eligibility expected in 2013/14, as a result of loans, as this is subject to further consultation. However, it is likely that **all Level 3 and above provision, including Apprenticeships, for those aged 24+** will be funded through loans.

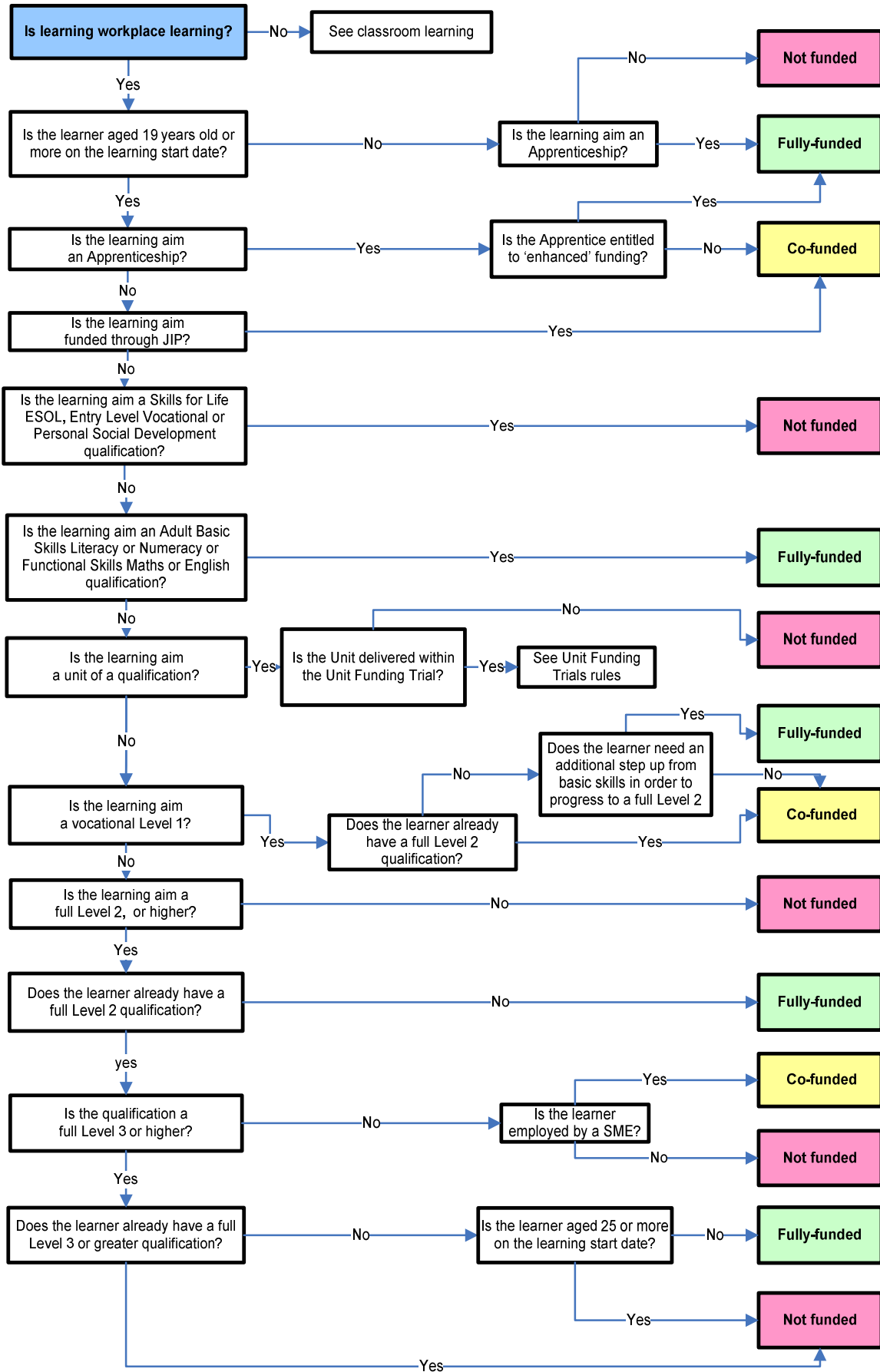
¹ Including those in receipt of JSA National Insurance Credit only

Annex 4 - Classroom Learning



* The definition of 19 years of age is based on the learners age as at 31 August in the funding year
 # The definition of 25 years of age is the learner's actual age on the start date of the aim
 + Provider discretion

Annex 5 - Workplace Learning



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