



Education  
Funding  
Agency

# **Funding guidance for young people 2016 to 2017**

**Funding regulations**

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# Contents

Summary	5
Education Funding Agency: Funding guidance for young people 2016/17	5
1: Introduction and background	6
Introduction	6
Background	6
Scope of this document	7
2: Principles and conditions of funding	8
Principles of funding learning	8
Funding agreements and conditions	8
Funding conditions in respect of charges to students	9
3: Student eligibility	11
Introduction	11
Residency eligibility	11
Definition of ordinarily resident	12
Students eligible for funding	12
EEA, Switzerland and the overseas territories	14
No recourse to public funds	14
Students not eligible for EFA funding	14
Age	15
Students under 16	16
Students enrolled in schools	17
Groups of students	17
Normal recruitment area of institutions	17
Students from Wales, Scotland or Northern Ireland	18
Higher education students	18
Enrolment at more than one EFA-funded institution	18
Parents-to-be	18
Provision for offenders	19
4: Study programme eligibility	20
Introduction	20
Eligible provision	20

What hours will count towards a student's programme?	21
Planned hours	21
Qualification hours	22
Non-qualification hours	22
Programme type	23
Ineligible provision	23
5: Definitions and terminology	26
Absence and actual leaving date	26
Access to HE	26
Approved qualifications and LARS	26
Bursary funding	27
Collaboration	27
Full time and part time students	27
Higher-level programmes for students	27
Prescribed HE	27
Non-prescribed HE	28
Individualised learner record (ILR)	28
Minimum study programme duration	28
Planned qualification and non-qualification hours	29
Pre-entry information, advice and guidance	29
Provision of information on courses for 16 to 19 year olds	29
Prince's Trust Team Programme	29
Re-sits and re-takes	30
School census	30
Start date	30
Sub-contracted provision	30
Traineeships and supported internships	31
6: Evidence of student existence and eligibility	32
Introduction	32
Evidence of student existence and eligibility	32
Compliance evidence for student eligibility	32
Funding adjustments for ineligible students	33

Records of student existence and eligibility	33
Recording study programme hours	33
Table 1: summary of expected evidence of student existence and eligibility	34
Learning agreement and enrolment forms	34
Student attendance	36
Ceasing to attend, withdrawal from course and learning agreement amendment forms	37
Achievement	37
Documentation	38
Funding implications: all institutions	38
Annex A: Acronyms and glossary	39
Annex B: Summary of study programme hours eligibility criteria	40
General principles	40
Qualification hours	40
Non-qualification hours	40
Activity that is not eligible for funding	41
Example student timetables for funding auditors	42
Annex C: Withdrawals	44
Compliance evidence for withdrawals	44
Additional clarification on withdrawals guidance	45
Annex D: Condition of funding on provision of English and mathematics in 2016/17	48
Enrolments and exemptions	48
Students not meeting the condition of funding	49
Annex E: Academy and school sixth forms	50
Funding eligibility summary	50
Funding data arrangements	50
Maintaining supporting records	50
Collecting data	50
Annex F: Defining EU, EEA and eligible overseas dependent territories	53
Member states of the European Union	53
Notes on certain territories that fall within the EU	53
Member states of the European Economic Area (EEA)	54
EEA eligible overseas territories	54

# Summary

## Education Funding Agency: Funding guidance for young people 2016/17

This document is part of a series of booklets providing Education Funding Agency (EFA) Funding guidance for young people 2016/17.

- Funding regulations (this booklet)
- Rates and formula
- ILR funding returns
- Sub-contracting control regulations

This summary applies to all these booklets and as they are published they will be available from the [EFA funding guidance webpage](#).

These documents outline the main features of the EFA funding arrangements for 2016/17 and are an integral part of the EFA's funding agreements for young people aged 16 to 19 and those aged 19 to 24 funded by the EFA. All these documents should be read in this context, unless specifically stated otherwise. This is the definitive EFA guidance for 2016/17 and supersedes any previous funding guidance.

The sub-contracting control regulations document applies to institutions either with sub-contractors or considering sub-contracted delivery.

For further information, please contact the appropriate EFA office, or for maintained schools their local authority. [Contact details](#) for each EFA office can be found on GOV.UK.

# 1: Introduction and background

## Introduction

1. The Funding guidance for young people 2016/17 is written on behalf of the Secretary of State for Education who funds the provision of education, using their powers under section 14 Education Act 2002, through the Education Funding Agency (EFA).
2. These documents set out the EFA funding guidance for all funded programmes for young people in 2016/17 and cover all 16 to 19 funding provided by the EFA. Separate funding arrangements apply for 16 to 19 Apprenticeships, through the National Apprenticeship Service and Skills Funding Agency.
3. The national funding methodology has been used to determine the funding allocations for 2016/17. These allocations were confirmed by the EFA for individual institutions by March 2016.

## Background

4. All institutions that receive funding from the EFA (either directly or through local authorities (LAs)) for provision that falls within the scope of this document as defined below must comply with the Guidance.
5. Directly funded EFA institutions should treat the EFA territorial office that issued their funding agreement as their funding body for any queries on this guidance. For all EFA provision where funding is paid by the EFA to LAs (usually local authority maintained school provision), the LA should usually be treated as the funding body for any queries on this guidance.
6. The term 'institutions' is used to cover academies, schools, colleges and all other providers. The individual institution type(s) will be used where the Guidance applies only to that specific type(s) of institution. Similarly 'students' is used as a constant reference to guidance applying to all students and pupils.
7. EFA funding is paid on a funding year starting 1 August and ending on 31 July (1 September to 31 August for academies). LAs pay schools on a standard Treasury or LA financial year basis, usually starting 1 April and ending 31 March.
8. This document is expected to be used by funding body auditors in their funding audit testing of institutions for the necessary evidence of compliance with the Guidance.
9. Definitions of the terms used in this document are set out in Section 5 and a list of useful Acronyms is included in 'Annex A: Acronyms and Glossary'. Annex E relates only to provision delivered by academies or school sixth forms whose data is returned through the school census return.

## Scope of this document

10. The Guidance sets out the funding rules and regulations that apply to institutions delivering EFA young people's funded provision for the funding year 1 August 2016 to 31 July 2017.
11. This document sets out the EFA funding conditions for provision to students who meet both the student eligibility requirements in Section 3 and the following criteria:
  - a. are aged 16 to 19, or
  - b. are aged 19 to 24 and have an Education Health and Care Plan (EHCP), or
  - c. are aged 14 to 16 and meet the funding criteria set out in paragraphs 46 to 49 and in companion document Funding rates and formula.
12. At the time of publication, all the web links in this document were correct.

## 2: Principles and conditions of funding

### Principles of funding learning

13. Institutions must:
  - a. only record funding for students assessed as eligible for EFA funding under Section 3 of this document,
  - b. not record funding for students who are enrolled on study programmes funded by EFA at other institutions,
  - c. avoid any duplication of provision or multiple funding for the same provision within a student's study programme,
  - d. avoid recording EFA funding for any part of any student's study programme that duplicates that received from any other source, for example other EFA funding, funding from either the Skills Funding Agency, Higher Education Funding Council for England (HEFCE) or from any other source, and
  - e. ensure when entering the planned hours on data returns that the hours entered are realistic and deliverable to each individual student and that this can be evidenced if necessary to any funding auditor.
  
14. Institutions are now only expected to discuss with the EFA any circumstances that affect groups of students rather than individual students throughout the funding guidance documents. For circumstances that only affect an individual student the institution is expected to make any necessary decisions itself within the spirit of this guidance and simply record their decisions as audit evidence in accordance with usual student enrolment processes.

### Funding agreements and conditions

15. The EFA will enter into grant agreements with individual institutions paid directly by the EFA and with each LA for their maintained school provision. The grant agreement will set out the funds that the EFA has agreed to pay for the education and training provision expected to be delivered in return for that funding. These include EFA conditions in respect of charges that may be made to students for their provision. Annex D sets out the condition of funding that applies to all provision in respect of the delivery of English and mathematics within study programmes. To assist institutions in planning to meet the Condition of funding the EFA have issued detailed [guidance on the condition of funding](#) and the exemptions which is available on GOV.UK



## Funding conditions in respect of charges to students

16. The EFA attaches conditions to its grant funding in accordance with the following guidance by the Secretary of State.
- a. Tuition fees cannot be charged to students aged 16 to 18 in full time or part-time education by either EFA funded institutions or their sub-contractors. For the purposes of the funding agreement, '18', means 'under 19 on 31 August in the teaching year when the student commences a study programme'.
  - b. It is intended that such students should continue to receive free tuition in any consecutive subsequent year of study on the same study programme as recorded in their learning agreement.
  - c. No compulsory enrolment, registration or examination fees can be charged to students aged 16 to 18 in full time or part-time education, other than in the following circumstances.
    - i. institutions can apply reasonable conditions of attendance in order to qualify for free examination entry.
    - ii. institutions can charge for examinations and re-sits as follows.
      - where the required attendance or completion of work has not been achieved.
      - where the student fails without good reason to sit the examination for which the institution has paid.
      - where a student re-sits an examination resulting from an initial examination failure.
      - where a student re-sits an exam with the aim of achieving marginal improvements in grades.
    - iii. institutions must ensure that requirements for attendance and coursework are applied reasonably. Absences or non-completion of coursework because of illness or other acceptable reasons should not be grounds for charging.
  - d. Institutions are, however, able to set conditions for, and seek voluntary contributions from, students or their sponsors. Requests for voluntary contributions must make it clear that there is no obligation to contribute, and that students would not be treated differently according to whether they or their sponsors have made any contribution in response to the request.
  - e. No fee should be charged to students aged 16 to 18 for instrumental tuition which is part of the syllabus for a prescribed public examination, which includes music qualifications on the Section 96 list.

- f. No tuition fees can be charged for provision funded by the EFA for students with learning difficulties or disabilities aged 19 to 24
- g. Institutions may choose to charge students aged 16 to 18 in full time or part-time education for other elements of their study programme as set out here. There is no requirement to charge for optional extras. The institution funding the activity is free to determine whether any charge should be made for it and, if so, how much should be charged and to whom.
  - i. where clothing or equipment is necessary for the student's health or safety, a charge may be made for clothing and equipment that the student retains, but only if the student also has the option of borrowing the clothing or equipment free of charge.
  - ii. for the sale of learning materials in bookshops, or similar facilities in institutions, that enables students to secure discounts on books, stationery or similar materials.
  - iii. fines for the late return of library books or other disciplinary fines (provided such penalties have been made known in advance); and deposits on lockers, ID cards, keys, library cards or smartcards and equipment that are fully refundable except in cases of damage or theft. Fines and deposits are not fees.
  - iv. photocopying and printing, including computer printouts, are not fees as long as they are not course-specific, are optional and there are alternative sources for these services.
  - v. the recreational use of leisure and other non-academic facilities where the activity taking place is not a requirement of a course syllabus or not part of a student union membership free entitlement.
  - vi. travel, board and lodging and other additional costs, including any tuition costs, associated with field trips and similar activities that may form part of or be outside the requirement of the course syllabus or agreed study programme.
  - vii. optional extra activities where the activity is taking place outside a required part of an agreed study programme, and charging is at the discretion of the institution that would otherwise meet the cost of provision. Examples of optional extra activities include theatre, cinema or museum visits or other day or residential visits that are not a requirement of course syllabuses.

## 3: Student eligibility

### Introduction

17. This section provides guidance on student eligibility for EFA funding together with guidance on compliance in evidencing student eligibility in Section 6 to assist institutions in their enrolment processes.

18. Funding eligibility for young people post-16 is similar to the pre-16 school eligibility rules and students will consistently be either eligible or ineligible for EFA funding at all institution types.

19. Institutions must be able to demonstrate educational progression for students recruited onto programmes funded by the EFA and be able to record evidence of good educational reasons for any individual students recruited to programmes which do not provide progression. All such students should only make up a small percentage of the total student cohort. Education progression for core aims is further explained in paragraph 77.

### Residency eligibility

20. The main basis for assessing student eligibility is their ordinary residence and the following paragraphs set out the EFA funding eligibility criteria.

21. Institutions are reminded that they should seek advice from their funding body regarding any case where they are having difficulty assessing general student eligibility.

22. For funding purposes, the eligibility of the student must be established at the start of their programme. In order for a student to be eligible for funding the student must have the legal right to be resident in the United Kingdom at the start of their study programme. Any person subject to a Home Office deportation order will ordinarily be ineligible for funding until their situation has been resolved to the satisfaction of the Home Office, as funding should only be claimed for students who can complete their programmes.

23. In determining student eligibility, institutions should also satisfy themselves that there is a reasonable likelihood that the student will be able to complete their study programme before seeking funding for the student. This should include the practicality of providing a place for a student who may be unable to complete their programme if they are likely to leave the country permanently during their learning programme. Once a student is enrolled, the institution is expected to take all reasonable steps to ensure that the student can complete their programme.

24. Students who are attending programmes of more than one term's duration, and are eligible for funding at the start of their programme, will usually be eligible for funding

for the whole duration of their study programme as well as any subsequent funded programmes studied immediately end-on to their initial funded programme. This includes students studying consecutive programmes with no break in studies other than normal holiday periods. Similarly, students who are not eligible for funding at the start of their programme are very unlikely to become eligible for funding during the period of their learning programme.

## **Definition of ordinarily resident**

25. For funding purposes, the EFA 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 he or she or the person's parent or spouse or civil partner was working temporarily abroad will be treated as if the person had been ordinarily resident in the relevant area.

## **Students eligible for funding**

26. The following persons will be eligible for funding (these groups correspond to some of the groups in the Education (Fees and Awards) (England) Regulations 2007).

- a. A person on the 'relevant date'<sup>1</sup> 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'. 'Settled' means having either indefinite leave to enter or remain (ILE/ILR) or having the right of abode in the UK. British citizens and certain other people have the right of abode in the UK.
  - i. European Community-United Kingdom of Great Britain and Northern Ireland passports.
  - ii. British Dependent Territory Citizens (now known as British Overseas Territory Citizens).

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<sup>1</sup> In the student eligibility paragraphs, the term 'relevant date' refers to 'the first day of the first academic (or teaching) year of the course' and this is defined as:

- a. 1 September if the academic year starts between 1 August and 31 December,
- b. 1 January if the academic year starts between 1 January and 31 March,
- c. 1 April if the academic year starts between 1 April and 30 June,
- d. 1 July if the academic year starts between 1 July and 31 July.

- iii. those whose passports have been endorsed to show they have right of abode in the UK.
- iv. those who have a certificate of naturalisation or registration as a British Citizen.

b. students studying under reciprocal exchange agreements.

c. students 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 student has been resident in the EEA and Turkey for the full three-year period prior to the commencement of their programme.

27. In addition to considering the groups outlined above, the EFA will also consider the following groups of students to be eligible for funding.

a. people with refugee status (RS) or humanitarian protection (HP) or discretionary leave (DL) or exceptional leave to enter or remain (ELE/ELR), their spouses, civil partners 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 the course).

28. In addition to the groups above, the EFA will also consider the following groups of students (including those who may not have lived in the UK for the last three years) aged up to and including the age of 18 as eligible for funding.

a. those who are accompanying or joining parents or spouses or civil partners<sup>2</sup> who have the right of abode or leave to enter or remain in the UK (or accompanying or joining relevant family members, usually parents, who are EEA nationals), or those who are children of diplomats.

b. those who are dependants of teachers coming to the UK on a teacher-exchange scheme.

c. those who are entering the UK (where not accompanied by their parents) who are British (or EEA) citizens or those whose passports have been endorsed to either show they have the right of abode in this country or to show that they have no restrictions on working in the UK.

d. asylum seekers.

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<sup>2</sup> All eligibility references to a spouse should now be read to include a person who has participated in either a formal state-recognised marriage or a state-recognised civil partnership ceremony.

- e. those who are (including unaccompanied asylum seekers) placed in the care of social services or those in receipt of Section 4 support.

29. In addition to considering students in the categories listed in the three paragraphs above, the funding body will consider other exceptional circumstances. Where an institution believes that a student should be considered for funding under exceptional circumstances, it should contact its funding body.

## **EEA, Switzerland and the overseas territories**

30. For funding eligibility purposes, the EEA is defined as all members of the EU and Iceland, Liechtenstein, Switzerland and Norway and each of their overseas territories as listed in annex F. The Fees and Awards Regulations now confer extended eligibility on EEA citizens and their extended family members (such as grandchildren and grandparents). Students 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 F.

31. Students who are nationals of any new countries that join the EU (or EEA) or who become nationals of the EEA during their programmes will usually be eligible for EFA funding from the start of the next teaching year, subject to the student meeting the normal three-year residency requirements in the revised EEA, and for programmes that start on or after the date they become an EEA national.

## **No recourse to public funds**

32. Someone 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 student's eligibility, which must be determined under the normal eligibility criteria described in paragraphs 26-28 above.

## **Students not eligible for EFA funding**

33. Students undertaking either full time HE programmes or fully funded Skills Funding Agency or any EFA funding model are usually ineligible for other EFA funding models, 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 students should be claimed through their full time institution. For example, a school sixth form student will be ineligible for other EFA funding. Students whose whole programme is delivered through distance sub-contracted arrangements must comply with the guidance in document Sub-contracting control regulations: paragraphs 24 – 26.

34. Students from overseas (outside the EU and EEA) whose main reason for residence in England or the EEA has been attendance at a fee-paying school or non-maintained school are not usually eligible for funding. Periods spent in the UK as overseas fee-paying students in either public or private education do not count towards the three year period of legal residency in the UK that is usually required from non EEA students to be eligible for EFA funding.

35. All students who require a Confirmation of Acceptance of Studies (CAS) in order to obtain Home Office 'Tier 4 student immigration permission' to remain in UK are usually ineligible for EFA funding.

36. For funding purposes, an 'overseas' student will be defined as one who does not meet the criteria defining a 'home' student as set out in paragraphs 26-29 above. Overseas students are not eligible for funding and these students can be charged full-cost tuition fees.

37. All students whilst living in the Channel Islands and Isle of Man remain ineligible for EFA funding as the funding responsibility for their programmes remain with their own independent governments.

## Age

38. A 16- to 18-year-old student is any student who is aged 16, 17 or 18 on 31 August 2016. Such students are normally eligible for EFA funding, subject to the other regulations in this guidance.

39. To maintain eligibility for funding for individual students during a learning programme, a wider definition has been agreed with the Skills Funding Agency. A student who was aged 16, 17 or 18 on 31 August at the start of the funding year when they began a learning programme, as recorded on their learning agreement, continues to be funded as a 16- to 18-year-old student. If they become 19 years old during their learning programme such students are funded at 16 to 18 rates to complete their learning programmes.

40. A learning programme comprises all of a student's activities that lead to a set of outcomes agreed with the student as part of their IAG process. A learning programme may be composed of one or more learning aims and may span more than one funding year. A learning programme will generally be centred around learning aims at a single level, with a minority of, if any, learning aims at a different level being used to support the wider needs of the student (for example, a GCSE in mathematics maybe be appropriate for a student studying non-mathematical A levels). AS and A2 levels in the same subject taken in subsequent years are considered to constitute a single learning programme, whereas progression from GCSEs to A levels would usually constitute two separate learning programmes.

41. Students aged 19 or over who started their programme aged 16 to 18 under the definition in the above paragraphs ('19+ continuing students') are funded at young people rates by the Skills Funding Agency in FE and specialist colleges and in charitable and commercial providers, but by the EFA in sixth form colleges and in schools and academies.

42. Students aged 19 to 24 on the 31 August 2016 that have an Education Health and Care Plan (EHCP). All other students aged 19 and over on 31 August 2016 would not normally be funded by the EFA and are funded by Skills Funding Agency at adult rates.

## **Students under 16**

43. There is a single date when young people can legally leave school in England, which is the last Friday in June for those people who have completed Year 11. For the purposes of funding, 'under 16' means 'aged under 16 on 31 August 2016.

44. Where parents seek to enrol a young person of compulsory school age on a full time programme, and that young person has previously been in provision funded by a local authority (a maintained school, alternative provision or "education otherwise") or in an academy or free school, colleges (other than those eligible to claim direct funding under paragraph 46) and institutions are advised to involve the school and local authority (LA) in discussions as appropriate. In most cases, an institution wishing to enrol a student aged under 16 on 31 August 2016 should seek funding from the LA, school or academy if appropriate.

45. The EFA may fund provision for students of compulsory school age within the post 16 funding methodology as set out in the following paragraphs.

46. Compulsory school age students in eligible colleges are expected to be funded through the separate funding arrangements for the 14 to 16 age group, as described in full in [the guidance published on GOV.UK](#). Where a college meets these requirements and has notified the EFA of its intention to recruit 14 to 16 year olds direct then funding for all 14 to 16 year olds studying below level 3 will be through the separate 14 to 16 funding arrangements detailed in companion document funding rates and formula.

47. Institutions (including colleges eligible to claim funding for other 14 to 16 year olds in the above paragraph) may record elective home educated students for post-16 funding and these students will be counted for lagged funding purposes.

48. For individual compulsory school age students who have completed their statutory education and hold qualifications at least equivalent to a full level 2 (achieved at an earlier age than normal) and who wish to enrol on a full level 3 course in autumn 2016 then institutions may record them for post-16 funding without the need for individual student approval by the EFA and these students will be counted for lagged funding purposes.



49. In exceptional circumstances, for example students arriving in the UK for the first time during school year 11, the EFA will consider provision for such individual students of compulsory school age to be eligible for EFA post 16 funding. Groups of students would not be eligible for funding, since by inference such circumstances are unlikely to be exceptional.

50. Students who finish school in the early summer each year are funded and counted for government purposes as part of the year 11 group (including any enrolled after the school leaving date of the last Friday in June) in academies and secondary schools. Short programmes for year 11 students in June and July will therefore not be funded in 2016/17 and will not be counted when calculating lagged student numbers for future funding allocations. Institutions are free to offer any taster or induction programmes to any students but they should not be included in ILR data returns for the same funding year that students complete their year 11 (or any earlier year) studies.

## **Students enrolled in schools**

51. The EFA will not fund further education (FE) institutions directly for students who are enrolled full time in a school and who wish to follow part of their programme at a FE institution during school hours. In such circumstances, whatever the age of the student, this provision should be treated as collaborative or link provision, and the school is expected to meet the costs of this provision.

## **Groups of students**

### **Normal recruitment area of institutions**

52. The EFA expects institutions not to jeopardise the reputation of either themselves or the funding agency in terms of safeguarding public funds in their general student recruitment policy and practice in recognition that the EFA Treasury settlement is intended to fund education and training for young people resident within England before starting their individual programmes. Institutions are therefore not expected to recruit entire groups of students from outside their local area and prior permission to enrol such groups of students must be sought from the funding body. Any distance sub-contracting arrangements must comply with the guidance in document Sub-contracting control regulations: paragraph 24 – 26.

53. The EFA will usually regard an institution's normal recruitment area as the area in which the institution is physically situated which is expected to also take account of students' normal travel to learn patterns. This may include parts of Scotland or Wales where an institution is situated close to the border and this is explained in more detail in the paragraphs below.

54. This definition may be varied more tightly or loosely by the funding body, depending on the institution location, and each territorial office can help institutions to agree a reasonable definition of their normal recruitment area.

### **Students from Wales, Scotland or Northern Ireland**

55. Wales, Scotland and Northern Ireland have their own funding arrangements. There may be exceptional circumstances where, on occasion, individual Scottish or Welsh students may wish to travel to or reside in England to study when specialist provision is not offered locally. For institutions close to the borders some local areas within Wales and Scotland are expected to form part of their normal recruitment area as agreed by their EFA territorial office.

56. Students of all nationalities who are dependants of serving members of the British Armed Forces should be considered eligible for funding throughout their period of service on the same basis as other young people legally living in England where they attend funded institutions.

### **Higher education students**

57. The EFA does not expect to fund FE qualifications or other programmes for groups of Higher Education (HE) students. If, in order to gain their HE qualifications, a group of students requires, for example, key skills, additional tuition in mathematics or sports coaching awards, then this would normally be funded out of the resources provided for the HE programme.

### **Enrolment at more than one EFA-funded institution**

58. While the EFA recognises that students may occasionally enrol at more than one institution, groups of students enrolled on a full time programme at one institution should not be enrolled for funding purposes on part-time programmes with other institutions, including through sub contracted provision. For example, it would not be appropriate for several students enrolled on a full time sports and leisure programme to be enrolled at another institution to undertake a first-aid or sports coaching qualification.

### **Parents-to-be**

59. Students who are expecting to be unavoidably absent from learning for a period of time, such as for maternity or paternity leave, should not be discouraged from entering into a learning agreement. Institutions should ensure that the planned start and end dates for the student's programme, as agreed at the commencement of the programme, reflect the overall planned duration of study.

## **Provision for offenders**

60. Any institution delivering agreed EFA-funded programmes to students detained in English prisons may treat detainees as students eligible for EFA funding without the need to refer to student eligibility paragraphs 26-28. This concession only applies to students detained in prison and not to students serving community sentences, those under supervision in the community or those detained in immigration centres.

## 4: Study programme eligibility

### Introduction

61. The programme eligibility guidance reflects the Government's view that it is not for the Government or its agencies to determine either which individual qualifications a student should take, or to develop or generate new qualifications. Institutions must however comply with the advice in Annex D on the delivery of English and maths in their curriculum offer to students to meet the new funding condition. Institutions through their information, advice and guidance (IAG) processes should determine the curriculum offer to meet the needs of students including their HE entry and employment entry needs.

62. For 14 to 19 year old students, institutions are now and in the future expected to deliver qualifications from regulated awarding bodies whilst taking account of the concerns expressed in the Wolf Review that students need "a balanced and broad programme of study" The following paragraphs identify the key funding eligibility issues that institutions need to take into account to avoid any possibility of recording either double funding or funding for non-fundable individual student provision.

63. Where an institution intends to deliver provision that is not clearly identifiable within the implied terms of this Guidance for any group of students, the institution should contact its funding body, seek written clarification before proceeding and retain documentary evidence of any guidance given.

### Eligible provision

64. In the vast majority of cases young people should be predominantly enrolled in learning which leads to an external certificate offered by a regulated awarding organisation and approved on section 96.

65. Planned hours are those that are timetabled, organised and/or supervised by the institution, and take place in line with the institution's normal working pattern to deliver the study programme during the funding year 2016/17, and can include the following.

- a. planned tutor led activity on qualification bearing courses for the student.
- b. planned hours of tutorials, work experience or supported internship, and planned hours on other activities that are organised and provided by the institution, such as sport or volunteering.

66. As the sector progresses towards full implementation of raising the participation age (RPA), the EFA expect the number of funded part time students to reduce. In order to align with principles of study programmes and simplify the funding for part time students, the EFA no longer funds study programmes of less than two weeks in duration.

67. The qualifying period is set at six weeks for students with study programmes of 450 or more planned hours or programmes of more than 24 weeks and two weeks for all part time students below 450 planned hours whose programme is due to take between 2 weeks and 24 weeks.

68. Any student whose programme does not meet the full time criteria within the funding year will be treated as part time for funding purposes. This includes students whose programme crosses two academic years but is not full time within either year. This should not affect the normal delivery of full time programmes across two funding years where students undertake more organised examination preparation in the second year.

69. Full time students are not eligible for part time funding at a different institution if enrolled at more than one institution at the same time, in the same academic year.

## **What hours will count towards a student's programme?**

### **Planned hours**

70. The hours that will count towards a study programme are categorised as either qualification hours (planned learning hours) or non-qualification hours (planned employment, enrichment and pastoral hours).

71. To count for funding purposes, planned hours that make up a coherent study programme must be timetabled, organised and/or supervised by the institution and be within that institution's normal working pattern.

72. When entering the planned hours on data returns institutions must ensure that the hours entered are realistic and deliverable to each individual student and are supported by auditable evidence that the eligible activity offered to students is timetabled and exists. For all students where their planned programme hours are calculated using expected standard student attendance for a specific study programme, the planned hours must be calculated on the basis of the average planned hours attended by students. The average will take account of students who both complete early and finish later than average.

73. Students who are only recruited to start short study programmes should only have the planned hours recorded on data returns for those associated planned short programmes. Institutions may plan programmes for students with the intention of starting the student on a small or nested qualification in a particular subject and progressing them onto a larger qualification only if they are successful in the smaller one. In such cases, the planned hours for the programme must only include the hours for the smaller or nested qualification. When the institution is sure that the student will progress onto the larger qualification, the planned hours may be updated to include the additional delivery. This advice applies equally whether or not there is any gap between a student initial short study programme and their longer study programme.

74. Where an institution (or its sub-contractors) closes any delivery centre during the funding year they must remove all planned hours after the closure date from all their data returns unless they have retained the students in a different delivery centre to complete their study programmes. This includes removing all planned hours after the closure date for any students who withdrew from their study programme before the closure date.

75. Annexes B and C include more detail on planned hours' eligibility and qualifying periods.

## **Qualification hours**

76. For funding purposes only qualifications approved for teaching to 16 to 19 year olds under section 96 of the Learning and Skills Act 2000 (S96), or any alternative list which may be published by DfE in the future, can be included within a study programme as qualification activity. However a more restricted number of qualifications may be reported in annual performance tables.<sup>3</sup>

77. For those students capable of studying and achieving either A levels or a substantial vocational qualification as the most appropriate route to their career goal, the qualification will usually be at a level above the student's prior achievement and will be the core aim as it occupies the bulk of the study programme. For students who are not yet ready to study and achieve substantial vocational and/or academic qualifications at level 2, their study programme may consist of substantial work experience plus English and maths at level 2 if they have still to achieve these qualifications.

## **Non-qualification hours**

78. Work experience, including Traineeships, supported internships, or other work-related learning or activities are designed to help students secure experience, job-related or specialist skills of direct benefit to their future employment or study goals. Work experience and supported internships which the provider has planned, organised and supervised will be recorded as "non-qualification activity" and will be identified in data returns as one of six work experience learning aims to indicate the length of the work experience. Many students will also look for work experience opportunities independently, or take part time jobs and in such cases this independent work experience or part time work would not be funded as part of a study programme.

79. Personal and social development activity is included as part of the non-qualification activity provided it is planned, timetabled, organised and/or supervised. Any virtual learning element of the study programme should be planned, timetabled and

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<sup>3</sup> [Check school performance tables - GOV.UK](#)

organised by the institution. This does not include homework or independent study/research that is not timetabled.

80. Other activity, such as the Duke of Edinburgh Award, that might lead to an award but is not listed on S96 will not count towards qualification hours, but can count towards non-qualification hours.

81. Where students are allowed time away from the institution's premises to revise and prepare for exams this must also meet the criteria of being planned, being explicit in the student's timetable, and supervised and/or organised by a member of staff. Study leave should be time limited and the weekly number of hours should not exceed the student's planned weekly hours for the overall study programme. Study leave should be supervised or organised by the institution, for example by requiring the completion of structured revision or practice papers that are marked by a member of staff and where the student is given feedback. These hours can be counted for both years 12 and year 13. The time when the student is taking the exam can also be included in the total planned hours.

82. Voluntary extracurricular activities and clubs that operate during breaks or outside the institution's normal working day would not be included as part of the study programme.

## **Programme type**

83. Programmes are determined to be either academic or vocational by the type and size of qualifications studied.

84. For those programmes that include a combination of vocational and academic qualifications, institutions will determine whether it is an academic programme by deciding which academic or vocational qualifications make up the majority (core) of the programme. General Studies and Critical Thinking A levels should not be recorded as core aims and will not count in this calculation. The core aim will then determine whether the programme is academic or vocational.

## **Ineligible provision**

85. The following provision is not eligible for EFA funding and should not be included within any student's funded planned hours.

- a. qualifications falling out of approval. The EFA will fund continuing students enrolled on programmes before the approval end date in order to enable them to complete. The course itself, that is, the teaching and learning, and not just the student induction must have commenced before the approval end date. Where students are enrolled onto a course leading to a qualification nearing the end of its

approval, institutions are responsible for checking qualification availability, final registration and certification end dates with the awarding body.

- b. prescribed HE, including:
  - i. learning aims for the further training of teachers or youth or community workers,
  - ii. postgraduate learning aims,
  - iii. first-degree learning aims,
  - iv. learning aims for the Diploma in HE,
  - v. foundation degrees,
  - vi. learning aims for the Certificate in Education,
  - vii. learning aims for the HND or HNC,
  - viii. learning aims for any diploma awarded by an HE institution.
- c. company-specific knowledge learning aims.
- d. vendor-certificated courses, unless they are either approved or are embedded within and contribute directly towards the generic learning required to achieve an approved section 96 qualification. Examples of vendor certificates include those of information technology companies that are specific to those companies' own products and services.
- e. primary and advanced driving skills (for example, defensive driving) or piloting skills.
- f. any short study programmes of fewer than two weeks including any delivered through sub-contracted arrangements.
- g. any other learning aims that are considered to be fully funded from other sources including all full cost-recovery provision.
- h. approved qualifications identified on LARS as ineligible for funding.
- i. students are also ineligible for funding if they are recruited to attend short programmes at one institution while they are already enrolled on either EFA or SFA funded provision or are full time HE students at another institution. The funding principle remains that students should only be funded at one institution at a time.



- j. students are also ineligible for funding if their whole programme is delivered through distance sub-contracted arrangements which do not comply with the guidance in document Sub-contracting control regulations: paragraphs 24 – 26.

## 5: Definitions and terminology

86. This section provides detailed definitions and funding explanations of some of the key terms used in this Guidance and/or of relevance to funding. Explanations of acronyms are provided in annex A.

### Absence and actual leaving date

87. An institution may continue to record funding for reasonable student absences of up to four weeks (28 days) if the student continues in learning after the absence. Students who do not return to learning after being absent for four weeks should be withdrawn from their programme. The EFA does not distinguish between authorised and unauthorised absence for funding purposes.

88. The actual leaving date is the date when the student completes their learning activity, or the date when the student is deemed to have terminated the learning activity, if this is an earlier date (as set out in the [Specification of the Individualised Learner Record 2016/17](#)). Full guidance on withdrawals is available in annex C.

### Access to HE

89. All QAA-recognised Access to HE courses will lead to the award of the Access to Higher Education Diploma and will be identifiable by a qualification title using a standard format: Access to HE Diploma (subject/area of study). This and other requirements are detailed in the Diploma credit and qualification specifications available from the [Access to HE website](#). Access to HE programmes are designed to support adults seeking entry to HE and the EFA funds any young people on these programmes by exception.

### Approved qualifications and LARS

90. An approved qualification is a current qualification listed on section 96.

91. The Learning Aim Reference (or Rates) Service (LARS) is the repository for detailed information on learning aims. If you have any queries or questions on LARS, please contact the [SFA Service desk](#).<sup>4</sup>

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<sup>4</sup> [servicedesk@sfa.bis.gov.uk](mailto:servicedesk@sfa.bis.gov.uk)

## Bursary funding

92. The EFA gives financial support for particular groups of young students. This includes student support funds that support the student to stay in learning and [further information on this funding](#) is available on GOV.UK.

## Collaboration

93. Consortia must ensure that students within the consortium are recorded on only one institution's records. The institution at which students are recorded for funding at the start of the year should record on their own ILR or school census returns the qualifications studied by its students at any other institution through collaborative arrangements.

94. Institutions must not record for funding purposes on either their ILR return or their school census students who are already studying qualifications with other institutions who are recording the students for funding purposes.

## Full time and part time students

95. For funding purposes a full time student is one enrolled on a programme of at least 540 planned hours and a part-time student is engaged in a study programme of less than 540 planned hours in the academic year.

96. For some purposes other than funding calculations, it is important to measure whether a student is in full time education and training over a period other than a year. In this context, students engaged in education or training of more than 16 planned hours a week are also considered full time during this period.

## Higher-level programmes for students

### Prescribed HE

97. The EFA will support qualifications which enable students on level 3 programmes, where appropriate, to study at a higher level than level 3.

98. Section 105 of the Education Act 2005 gives governing bodies of maintained schools in England (and Wales) the power to arrange the provision of Higher Education (HE) for students in the school.

99. Institutions can deliver limited amounts of prescribed HE as part of a full time level 3 programme for an individual 16-to 18-year-old student, and the EFA will fund that HE learning aim, subject to the following conditions.

- a. the HE provision must fall within either paragraph 1(g) or 1(h) of Schedule 6 to the Education Reform Act 1988. This provision includes vocational courses at levels 4 and 5, modules of first degrees and components of Higher National Diplomas (HNDs) (but not the full award of degrees or HNDs).
- b. the HE provision must be a small part of the provision, typically instead of an AS-level and the young person must be enrolled on a full level 3 programme including the HE provision.
- c. institutions must substitute higher-level and more stretching provision in place of courses and qualifications that students might otherwise pursue.
- d. the provision must involve an appropriate amount of teaching or appropriate distance learning; it would not be acceptable for HE provision to be undertaken purely as private study.
- e. where distance or online learning is involved, there must be no charge to the student for course materials, supporting books, access to IT and similar activities or matters.
- f. other than in these circumstances, the EFA will not fund prescribed HE.

## **Non-prescribed HE**

100. The EFA has the power under Section 5(d) of the Learning and Skills Act 2000 to fund courses falling within paragraph 1(g) or (h) of Schedule 6 to the Education Reform Act 1988.

101. Non-prescribed learning aims are those higher-level vocational learning aims that are generally professional learning aims leading to accreditation by a professional body and do not include, for example, part-time certificates in HE or the high level qualifications that are delivered to students of high ability on dance, drama, and music courses. Changes in the volume and type of this provision should be considered by the funding body in the context of local needs analyses.

## **Individualised learner record (ILR)**

102. The individualised learner record (ILR) is used by institutions (other than those recording data using the school census) to record all relevant funding data about EFA-funded students. More information can be found in the [Specification of the Individualised Learner Record 2016/17](#).

## **Minimum study programme duration**

103. The minimum study programme duration for funding purposes is two weeks.

## Planned qualification and non-qualification hours

104. The planned qualification and non-qualification hours for the student for the funding year are recorded on the ILR and on the school census. If the student is on a study programme that spans more than one funding year then these fields must be amended at the start of each funding year with only the planned hours recorded for each separate year of data. The total of both hours fields are used to determine the full or part time funding rate for the student. Timetabled hours for any learning aims or other activities that are not funded by the EFA must not be included in the total number of hours recorded in these fields.

## Pre-entry information, advice and guidance

105. The funding for each student's programme is based on the principle that students are provided with clear pre-entry advice and guidance. Such advice and guidance are crucial if the study programme is to match a student's aspirations, expectations and abilities. The developing Government national database on 16 to 19 courses should assist these processes in the future.

106. The successful outcome of pre-entry advice and guidance is a learning agreement/enrolment form signed on behalf of the institution and by the student as set out in section 6.

## Provision of information on courses for 16 to 19 year olds

**107.** Young people need to make informed choices about their post-16 education and training options and should be able to access comprehensive information about all options available. To facilitate this, the Government has developed a national database of 16 to 19 courses, linked to the existing database of post-19 courses, for which those with SFA funding already have to supply information. Institutions providing EFA-funded courses for 16 to 19 year olds are expected to provide information to the government about the courses they plan to offer from 2016/17, to agreed data standards which will be collated on this national database. To support institutions an [operational guide](#) is available on GOV.UK.

## Prince's Trust Team Programme

108. The institution overhead rate (management fee) should be no more than a maximum of 15 per cent of the total EFA funding. Any figure above 15 per cent will require prior approval from the EFA in collaboration with the Prince's Trust. For the purpose of the condition of funding, the EFA recognise that the Team Programme will support young people to progress towards GCSE standard and has been approved as a stepping stone towards a GCSE in these subjects.

## Re-sits and re-takes

109. Where learning programmes are designed to enable students to re-sit or re-take examinations and assessments these are not generally eligible for funding as the activity has already been funded. Where there are exceptional circumstances outside the control of the student or institution, such as a period of long term sickness, or good educational reasons then the re-take delivery hours for individual students may be included in the funded study programme hours. All such students should only make up a small percentage of the total student cohort.

110. Where a student fails to complete a learning aim in the expected time span and stays on for additional time, including revision sessions or re-sits, no further funding should be recorded. No planned hours should be included in funding returns claimed for students merely re-taking examinations.

111. Qualifications leading to a GCSE grade A\*-C in English and/or maths where the student has not yet achieved a grade C in these subjects are not treated as retakes for funding purposes.

## School census

112. The DfE collection of data from schools and academies is the school census. This is the equivalent of ILR data collected from non-school institutions funded by the EFA. Further information on the school census is included in Annex E: Academy and school sixth forms.

## Start date

113. Start dates are used to determine when and whether funding should be recorded for any student. They are determined by the date on which the student's learning aim begins. Further details of how start dates relate to funding and the qualifying periods of attendance to count as a funding start are given in annexes B and C.

## Sub-contracted provision

114. Sub-contracted provision, including any franchised or partnership provision, is learning provision that is delivered with the involvement of a third party and all institutions using third parties to deliver any of their funded provision must follow the guidance in companion document Sub-contracting control regulations. The EFA expect written contracts that meet this guidance to be in place before any students are enrolled and are recorded on either ILR data or school census returns.

115. Historic funding eligibility problems have more often arisen where students are attending institutions outside of their normal recruitment area, particularly where this

involves sub-contracted provision and in such cases additional safeguards are required from institutions for all such delivery. Given the known risks of irregularity in distance sub-contracting the EFA will not normally fund such 16 to 19 provision subcontracted by institutions. A range of factors to be considered by institutions when deciding whether distance sub-contracting may be included in funding returns is set out in the separate document Sub-contracting control regulations paragraphs 24 -26.

## **Traineeships and supported internships**

116. These are funded as part of the post 16 funding methodology and are subject to all the guidance within these documents. [EFA traineeships advice](#) is available from the GOV.UK.

## **6: Evidence of student existence and eligibility**

### **Introduction**

117. This section is for all funded institutions and for all funded students. This is the core EFA funding compliance or funding audit guidance on evidencing existence and eligibility of all students on EFA funded provision.

### **Evidence of student existence and eligibility**

118. The EFA recognises that different procedures and emphasis will be appropriate to different types of student. However, it is for institutions to decide what procedures to carry out. Institutions that choose not to carry out any procedures will put their programme funding at risk. Therefore institutions should have auditable evidence of:

- (a) the process used for the enrolment, and
- (b) the record of teaching or support activity for each student.

**119.** Institutions need to be able to demonstrate that a robust system is in place for planning student programmes which are timetabled or roomed and align with staff timetables. There should be evidence that the significant majority of the students are attending the majority of their planned programme. It is inevitable that some planned activities will not run and that some student individual plans will change in year but this should not be the case for most students. Institutions should be monitoring/managing and reporting on student compliance with their study programmes and should also be monitoring delivery of study programmes by curriculum colleagues.

### **Compliance evidence for student eligibility**

120. Institutions are required to scrutinise applications for study by students to ensure that they are eligible for EFA funding under Section 3 and to support the student's case for consideration as ordinarily resident in England. Good practice is for institutions to record (rather than photocopy) documentation to prove eligibility, including any relevant documentary evidence to support any individual student eligibility granted for students not meeting the normal three-year residency requirement. Where documentation is recorded as having been seen, institutions need to be fully aware of the implications of the documents they are approving. In particular, institutions are advised that the EFA does not require or expect passports to be photocopied by institutions, although passport numbers or references may be recorded by institutions where necessary.

121. 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. 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.

122. Institution management must check enrolment forms to see if evidence has been gathered on the residency status and eligibility of the student.

## **Funding adjustments for ineligible students**

123. Where EFA funding has been claimed for ineligible students and/or programmes, the institution would be expected to revise their data return to record such students as those listed below as not eligible for EFA funding. This includes among others:

- a. students attending provision delivered outside England,
- b. overseas (Home Office with Tier 4 immigration status) students or illegal immigrants.

## **Records of student existence and eligibility**

### **Recording study programme hours**

124. The funding simplification introduced from 2013/14 is expected to reduce all institutions' administration costs in relation to evidencing funded student activity. The EFA expects as part of each individual student enrolment process a timetable or learning plan to be available that sets out the study programme the student will follow that includes individual learning aims and other funded activities that make up the funded hours entered on the student data records (either ILR or school census). This is expected to be the primary source of funding audit evidence.

125. For the non-qualification element of the funding total, institutions are reminded that for an activity to be entered on the data set as publicly fundable they should be able to evidence that they have incurred a recognisable cost in delivering that activity. For this reason, for example, homework after the end of the teaching day remains a non-fundable activity. For the non-qualification element, institutions will need to show how they are improving their students' employability skills through experience in the workplace and participation in other activities of value which do not necessarily lead to qualifications but enable progression to higher levels or study and/or into employment.

126. Institutions need to be able to evidence that students have both started and attended for the year in order to record retention in the data return. For students for whom the institution has evidence of success in externally awarded learning aims this should be sufficient audit evidence of both the start and retention of the student on that learning aim. This advice is summarised in the table below.

127. Each institution remains responsible for the content of each individual student's study programme, although they are expected to follow the broad advice in the document Study Programmes for 16-to-19 year-olds published in July 2012 in drawing up individual student learning programmes. In particular for those students who have not achieved the expected minimum GCSE grade C in English or mathematics, institutions should be able to show in the composition of the individual study programme how they are assisting the student to meet the necessary minimum education requirements before completing their study programme. The provision of English or mathematics will be enforced through a condition of funding as set out in annex D.

**Table 1: summary of expected evidence of student existence and eligibility**

Evidence required for	Evidence required
Student eligibility for public funding	As set out in sections 3 and 6.
Student eligibility for full or part time funding	Timetable or learning plan to be available that sets out the study programme the student will follow that reflects the hours recorded in the ILR/School Census.
Eligible activities for inclusion in study programme	All activities in a student's learning plan or timetable which are: <ul style="list-style-type: none"> <li>• planned</li> <li>• supervised and/or organised by a member of staff</li> <li>• taking place usually within the institution's normal working pattern - including twilight sessions provided they meet the other principles</li> </ul> <ul style="list-style-type: none"> <li>- The institution should be able to evidence that they have incurred a recognisable cost in delivering that activity.</li> <li>- The planned hours on data returns institutions must ensure that the hours entered are realistic and deliverable to each individual student and are supported by auditable evidence that the eligible activity offered to students is timetabled and exists</li> </ul>
Student retention	(a) If completed – either evidence from an external awarding body of success in the core qualification, or evidence, from registers or otherwise, that the student had completed the learning activities leading to the core qualification (b) If continuing – evidence (for example registers) that the student was still attending the core qualification at the end of the academic year.
Core aim	Learning plan indicating which qualification is the core aim of the study programme.

## Learning agreement and enrolment forms

128. The EFA considers it essential that students have access to clear and full information on any charges for their programme (that must comply with the guidance in paragraph 16) before enrolment and that they are provided with pre-entry advice and guidance. The successful outcome of pre-entry advice and guidance is a learning agreement or enrolment form signed by the student and the institution. While recognising

that different types of student may require different approaches to advice and guidance, the learning agreement/ enrolment form (either as separate or combined forms) must provide confirmation that the following broad areas have been covered:

- a. the choice of learning programme,
- b. entry requirements for each learning aim within the learning programme,
- c. an assessment of the suitability of the learning programme,
- d. support for the student, and
- e. the nature of the procedures involved in the process of advice and guidance.

129. An institution should retain a learning agreement/ enrolment form signed on behalf of the institution and by the student as compliance evidence to support its funding claim. While all students funded by the EFA should have a learning agreement, the detail should be proportionate to the length of the learning programme. The EFA is aware that some institutions have invested in electronic signature recording systems and these are acceptable where the student has made the electronic signature on the funded institution premises in the presence of a member of staff of the institution. In such cases the students must be given either an electronic or paper copy of the document they have signed on the institution's premises.

130. The learning agreement and/or enrolment form must include the following key details.

- a. The student's name, address (including the postcode and time spent at that address), age and residency status, which will indicate whether the student is a home or overseas student. For students not resident in the United Kingdom for the three years prior to the commencement of their programme, institutions must be able to evidence alternative student eligibility as set out in paragraphs 27-29.
- b. The learning programme and expected student outcomes, including start and end dates for all learning aims.
- c. The number of planned hours or other planned funded activities in each year of the programme.
- d. Where provision, including IAG for the student, is delivered by a sub-contractor the EFA funded institution should make sure that IAG of an equivalent quality is being delivered to these students.
- e. Evidence of the assessment and guidance process by which the learning agreement was reached must be recorded.

- f. All students must have seen the privacy notice (formerly the data protection statement) included in the ILR Specification Document Appendix F during their enrolment process.
- g. Confirmation that part-time students are not enrolled on any funded study programmes at other institutions must be included within these documents. Institutions enrolling students on short part-time study programmes are expected to use the Learner Record Service and the student Personal Learning Record to verify that such students are only attending their own institution.

131. All institutions must make sure that they and all of their sub-contractors fully understand the rules on student eligibility. Enrolment forms completed by sub-contractors must fully address the issue of evidencing student eligibility. This is particularly important if the sub-contractor is only recording that they have seen any necessary supporting documentary evidence, rather than copying the documentation with the enrolment form to the institution. Institutions should ensure that their sub-contractors make available, on a sample basis at least, either clear records or actual copies of the documentation being used to support the eligibility of their students.

## **Student attendance**

132. There should be evidence that individual students were undertaking the specified study programme during the learning period for which funding and retention is being recorded.

133. For most students this will take the form of registers of attendance. Experience has shown these to be key legal records in supporting the accuracy of data returns. Regular management review of registers may, therefore, be of benefit to institutions in ensuring the accuracy of data returns and reducing the risk of making ineligible funding returns or claims to the funding body.

134. All institutions should consider the benefits of a good register system to help them to monitor student attendance and progress. This will also support materially accurate data returns and funding claims. Register systems need to be proportionate in delivering benefits to institutions that offset the costs involved in running these systems and appropriate to the mode of delivery. The EFA offers no advice or preference on types of systems, which may be either paper-based or electronic, or a mixture of such systems.

135. It is very important that all institutions ensure that any sub-contracted organisations can evidence claimed student contact time with tutors to avoid any eligibility issues over their sub-contracted provision.

136. The following advice on registers must be taken into account following the advice in the paragraphs above.

- a. Each specific session (only one register is needed where, for example, sessions are continuous or where only small breaks occur) should have a register, including, the day, time and duration of each session, and the number of planned hours to be delivered. For example, some institutions may simply use morning and afternoon registers or use electronic register systems to meet these requirements.
- b. Each register should include the name of the student, the student reference number and the name of the tutor(s). It should be completed at the start of each session with the relevant date and indicate attendance, absence or lateness. In the case of authorised absence, appropriate evidence of prior approval shall be available.
- c. The register should either be signed or initialled by the tutor at each session or record who approved the register entries.
- d. The details recorded on the register must be consistent with the learning aims and other funded activities recorded on the student timetable.
- e. This should include the location at which the provision is being delivered where this is outside the institution's usual premises.
- f. Institution management is expected to undertake sample checks on student attendance in classes. Checks are especially important in the case of any sub-contracted delivery or provision.

## **Ceasing to attend, withdrawal from course and learning agreement amendment forms**

137. Where a student withdraws from their programme or course, transfers to another programme or changes one of their learning aims or their mode of study, this should be indicated on an appropriate form used by the institution. This should be signed by the tutor, and used to ensure that the information on the data return is correct and that the learning agreement is amended correctly. Institutions should consider whether students should sign as well to confirm their consent to the change in their programme. Further advice on withdrawals is given in annex C.

## **Achievement**

138. The current data arrangements continue the historical process of recording actual achievement in data returns. Achievement continues to give institutions easy audit compliance evidence of retention particularly in relation to the student's core learning aim. The advice on evidence of achievement is therefore still applicable, for both funding and inspection purposes. Evidence that a student has achieved must be available. This could be:

- a. evidence of entry to and completion of a relevant programme,
- b. an official results list or slip, or a certificate issued by the awarding body (either by paper or electronic records), or
- c. for institution-accredited programmes, a record of achievement, institution certification and/or progress reports indicating achievement of the student's learning programme.

139. Institutions are required to have evidence that supports records or claims for achievement of non-accredited learning aims to be as robust as that for qualifications that are regulated by Ofqual.

140. Where achievement is recorded, institutions should retain learning outcomes' records with the associated initial assessment records or learning agreements, showing that the student has met the agreed learning aims and achieved the appropriate objective.

## Documentation

141. In all circumstances, the institution must retain original documents including, for example, attendance records, enrolment records and learning agreements. In considering how long these documents should be retained, all institutions are reminded that documentation that underpins funding claims or returns needs to be treated as financial and legal records. Methods and decisions relating to retention should be consistent with the institution's usual rules and methods for financial record retention.

142. Under no circumstances must these documents be retained by sub-contractors or at sub-contractor premises. It is normally expected that the institution itself will be registered with the awarding body for the core qualification being studied and students must be registered with the awarding body in order to be eligible for EFA funding.

## Funding implications: all institutions

143. Where data or evidence is identified as being incorrectly recorded in the data return, the institution is expected to revise their data return and funding claim accordingly.

144. In exceptional cases, where the EFA or its funding auditors find evidence of funding being systematically recorded that used planned hours where the evidence of delivery is not realistic or deliverable then the EFA will require auditors to ensure that institutions have reduced the funded planned hours to only those hours that can be clearly evidenced as delivered to each individual student. The EFA will then apply these revised hours to all future lagged funding values.

## Annex A: Acronyms and glossary

(This list includes acronyms that may be used in any of the funding guidance documents although some are not used in this publication.)

2016/17	Denotes EFA funding year from August 2016 to July 2017
2016-17	Denotes financial year from April 2016 to March 2017
BIS	Department for Business, Innovation and Skills (which includes the Skills Funding Agency)
DfE	Department for Education
EEA	European Economic Area
EFA	Education Funding Agency
EHCP	Education Health and Care Plan
GCSE	General Certificate in Secondary Education
ICT	Information and communications technology
ILR	Individualised learner record
IMD	Index of Multiple Deprivation
LAs	Local Authorities
LARS	Learning Aim Reference Service
NAO	National Audit Office
NEET	Post-16s not in education, employment or training
NQF	National Qualifications Framework
Ofqual	Office of Qualifications and Examinations Regulation
OU	Open University
QAN	Qualification accreditation number (also known as Learning Aim Reference)
QCF	Qualifications Credit Framework
Section 96	This is a list of approved qualifications which are eligible for EFA funding.
SEN	Special educational needs
SOA	Super-output area

## **Annex B: Summary of study programme hours eligibility criteria**

### **General principles**

1. All fundable hours, including those over the full time funding threshold should be recorded on the institution data return and will count towards the total that make up a study programme when they:
  - a. are directly relevant to the student's study programme,
  - b. are planned, explicit in the student's learning plan or timetable, supervised and/or organised by a member of staff, and
  - c. take place normally within the institution's normal working pattern – including twilight sessions, provided they meet the other principles.

### **Qualification hours**

2. Qualification hours are the time in a study programme that is spent working towards the achievement of a qualification that is approved for teaching to 16 to 19 year olds under section 96 of the Learning and Skills Act 2000 (S96).
3. It should be noted that qualifications that are not approved under S96 cannot be taught in schools, but can be delivered by other providers.

### **Non-qualification hours**

4. Non-qualification hours are time that does not count towards a qualification counted above, and that is either:
  - a. spent working towards informal certificates,
  - b. spent gaining or other non-qualification activity (including activity to give young people the skills they need to live more independently and be integrated within their community), or
  - c. for tutorial purposes, or
  - d. spent on work experience, other work-related activities, or
  - e. volunteering and/or community activities or enrichment activities organised and quality assured by or on behalf of the institution whether paid or not, including activity such as the Duke of Edinburgh Award that might lead to an award but is not listed on S96.



## Activity that is not eligible for funding

5. The following are examples of activities that are not funded.
  - a. Voluntary extra-curricular activities and clubs delivered during breaks or outside the normal working pattern.
  - b. Study that is homework or independent study/research that is not timetabled.
  - c. Time spent in employment and or work experience organised by anyone other than by or on behalf of the organisation.
  - d. Time spent on volunteering and/or community activities that are not organised by or on behalf of the institution.

## Evidencing timetables to auditors for all students

6. The EFA fund post-16 study programmes based on planned hours. Institutions need to show in a simple format that they are recording the planned hours in the ILR accurately in accordance with the hours on the student timetable/learning agreement

7. The EFA has included two examples of calculating individual student summary planned hours below to help institutions meet the requirement to evidence planned hours recorded on the ILR/school census to funding auditors. The summary planned hours in the examples must correspond to the individual student detailed timetable and/or learning agreement, or similar student records. Institutions who produce similar schedules for all funding audit samples should simplify their funding audit.

8. Institutions choose their own management information (MI) system and we are aware of two main ways that MI systems record planned hours for programmes. For each way, institutions must make sure that additional evidence is either generated by the MI system or that they hold it separately.

- Recording planned hours at individual learning aim and activity level, and then adding these together to get the total planned hours for individual students. Institutions must have evidence for how they have calculated planned hours recorded in the ILR or census. This is particularly important when there are hours recorded as employment, enrichment and pastoral (EEP) hours in the ILR/Census (for example, university preparation or pastoral support) that are not recorded under a learning aim.

- Recording planned hours at student study programme level. Institutions must have a breakdown showing how they have calculated the planned hours. This evidence can be 'naturally occurring evidence' such as a timetable, learning agreement, or enrolment form. The audit process will be more straightforward when the breakdown compares easily to other evidence of what is planned in the programme.

## Example student timetables for funding auditors

<b>Example 1:</b> Summary of planned hour timetable - shown for a full time student taking 3 A levels together with some associated funded activities (year 1 August 2016 - 31 July 2017)			
Subject / Activity	Planned hours (qualification)	Planned hours (non-qualification)	ILR student level planned hours
A level Physics*	170		
A level Chemistry*	170		
A level Maths *	140		
GSCE English	50		
Student experience mentoring		10	
Work experience		30	
University preparation		10	
<b>Total study hours</b>	<b>530</b>	<b>50</b>	<b>580</b>

Notes on above table

\* The qualification planned hours include practical supervised laboratory work together with specific subject supported revision and the exam time as this is delivered as part of the qualification curriculum.

<b>Example 2:</b> Summary of planned hour timetable - shown below for a part-time student (year 1 August 2016- 31 July 2017)			
Subject / Activity	Planned hours (qualification)	Planned hours (non-qualification)	ILR student level planned hours
Work experience (planned start October 2015)		220	
Functional skills Maths (planned start January 2016)	60		
Functional skills English (planned start October 2016)	90		
Interview coaching (summer term 2016)		20	
Level 1 hairdressing (planned start March 2016)	80		
Total study hours	230	240	470

## Annex C: Withdrawals

### Compliance evidence for withdrawals

1. The EFA general guidance on withdrawals is set out below and gives advice on the funding position in relation to eligibility to count students as a start for funding purposes.
2. A student should be considered to have withdrawn from a study programme where they are known to have made a decision to withdraw from the study programme, or to transfer from a full time to a part-time study programme or from a part-time to a full time study programme. Either the student or the student's tutor should have confirmed this in writing.
3. In addition, for full time programmes and part-time programmes of more than 24 weeks in duration, which are not distance-learning programmes, a student should be considered to have withdrawn where they have not attended classes for at least four continuous weeks, excluding holidays. This is unless there is auditable evidence of an intention to return. Compliance evidence includes a student's or employer's letter or formal internal notes such as tutorial reports, contracts of behaviour or personal action plans.
4. For distance learning provision, a withdrawn student would be one failing to meet the following guidance on participation or contact:
  - a. attendance at a centre or log-on to learning materials,
  - b. receipt of work or projects by the tutor (electronic or hard copy),
  - c. any communication with the tutor that indicated that the student was still active on their learning aim, including any planned contacts.
5. Institutions should ensure that students are withdrawn from a programme where they have not attended classes for four continuous weeks, excluding holidays. Withdrawals should be actioned in a timely manner, and where a student has not been withdrawn but has been absent for more than four weeks, there should be auditable evidence of an intention to return.
6. Where a student has not been in attendance during a programme, and is deemed to have withdrawn, then the student record should be appropriately adjusted to reflect that the student has withdrawn.
7. Student withdrawal dates should be promptly and accurately recorded in order to reflect the last date of actual recorded attendance. All student withdrawals must be recorded in the ILR or school census.

8. Withdrawn students cannot be recorded as having completed their course and are not usually recorded as achieved students. Students should also be correctly recorded as having transferred to another qualification, or withdrawn without transferring.

9. The date of a student's withdrawal should be recorded in all circumstances as the last date of their actual attendance, not the date on which the student's record was flagged as withdrawn. While students may not be classified as withdrawn until four weeks have elapsed since their last attendance, or for open and distance learning since the missed contact, the date of withdrawal should still be recorded as the date of last actual participation.

10. When checking the withdrawal mechanism, institutions should have robust systems in place to ensure that students with erratic attendance due to illness or other legitimate circumstances are identified. In the case of students with mental ill-health or other legitimate reasons for erratic attendance, institutions should retain evidence of assessment and/or notification from the student, parent, advocate or medical adviser that there is a strong intention to return. In these exceptional cases, the student need not be entered as withdrawn within the usual timescales. If the student fails to return, the withdrawal date should be the last date of attendance.

11. Student withdrawals are not expected to occur in a systematic pattern. Where the number of students shown as withdrawing from courses shortly after meeting either the funding start criteria or other key dates appears to be disproportionate, institutions and funding auditors may wish to pay particular attention to the attendance records and associated management controls for such courses.

12. An institution should also always take active measures to ensure that the student is continuing on the programme and has not withdrawn. This should be done, for example, by providing a planned timetable for the receipt of assignments and then checking with students who have not provided an assignment on the due date. Good practice suggests that students should be contacted at regular intervals to check that they are still following the programme. It is not acceptable to assume that silence means a student is 'continuing'. Institutions are reminded of the advice in paragraph 23 of this document to do everything they can to help students complete their programmes and see early withdrawal from programmes as a last and not a first resort. Institutions need to check that sub-contractors are implementing the guidance.

## **Additional clarification on withdrawals guidance**

13. The following is included to help clarify the funding situation for withdrawals.

Q1 If a student is studying four AS level learning aims over one year starting in September and withdraws from one of them after five weeks, may funding be recorded all year for the withdrawn learning aim?

A1 No. If the learning aim is withdrawn before the student meets the qualifying period of the study programme the hours for the withdrawn AS level should be excluded from the planned hours total for the year. In reviewing the planned hours the institution may include any planned hours that are then planned to displace the hours lost by the student withdrawal from the initial AS level aim.

If the learner transfers from a qualification before the qualifying start period, then the timetabled hours up to the point of transfer may be included in this field if they would make a significant material difference to the learner's total planned hours such that they would move from one funding band to another.

If the learner withdraws from all their learning aims and leaves the provider, the hours recorded in this field should not be amended.

Q2 When a full time student reduces their programme, at what point do they become a part-time student?

A2 If a student is a full time student after the funding qualifying start period they remain a full time student for statistical and funding purposes for the whole year.

Q3 What dates are used to determine a student's study programme qualifying period for funding purposes?

A3 This is determined using the student's earliest learning aim start date and latest learning aim planned end date.

Q4 If a student stops attending class with no notification to the institution, when is the date of withdrawal?

A4 The date of the last attendance on the learning aim is the date of withdrawal. This should be found in the class register.

Q5 If a student stops attending classes and a member of college staff telephones the student to discuss his or her learning progress, can this be counted as guided learning and be deemed the date of withdrawal?

A5 No. Learning must be specific to the course being studied. The telephone call described here is assistance of a general nature and is not counted for planned hours purposes.

Q6 If a student stops attending classes and sometime later the student is persuaded to attend the institution to discuss his or her learning attendance, can this be counted as planned hours learning and be deemed the date of withdrawal?

A6 No. As in the previous answer, learning must be specific to the course being studied. The meeting described here is assistance of a general and administrative nature.

Q7 A student on a one-year learning aim stops attending at Easter to revise at home yet turns up and sits the examination in early June. When is the date of withdrawal?

A7 Early June. Sitting the examination is assessment of the student's achievement and will count as learning. In practice, given the relatively short period of non-attendance, it is unlikely institutions would treat such students who passed their examination and qualification as withdrawals, instead recording them as successful completers.

Q8 Is the date of withdrawal for open-learning or distance-learning provision worked out in the same way as for traditional provision?

A8 Yes. It is the date of the last participation.

Q9 If a student completes the first year of a two-year programme and then fails to return for the second year, can the institution record a funding value for the second year?

A9 No. The student must meet the start criteria for each separate funding year.

Q10 For traineeships where the student achieves an early progression either into sustainable employment, full time education, other training or an Apprenticeship how should this be treated for funding retention purposes?

A10 Where the outcome meet the definition of successful progression from a traineeship then the institution should treat the student as completed on their ILR data return so the student is treated as retained for funding purposes.

## Annex D: Condition of funding on provision of English and mathematics in 2016/17

1. This annex gives a summary of the condition of funding on provision of English and maths. To assist institutions in planning to meet the Condition of funding the EFA has issued detailed [guidance on the condition of funding](#) and the exemptions which is available on GOV.UK.
2. The teaching of English and maths qualifications is a condition of funding for students undertaking study programmes who do not hold an A\*-C in these subjects and are studying for 150 hours or more in the academic year. Students on programmes of less than 150 hours are not required to study maths and English qualifications, but institutions should include some maths and English content in courses taken by such students to facilitate their learning.
3. Full time students (those on a study programme of at least 540 planned hours if age 16 to 17 or at least 450 hours if age 18) starting their study programme who have a grade D GCSE or equivalent qualification in maths and/or English must be enrolled on a GCSE or approved IGCSE qualification, rather than an approved stepping stone qualification.
4. A student who has grade D in both maths and in English will need to be enrolled on GCSE or approved IGCSE in both subjects in each academic year and is required to continue to study until they achieve at least a grade C.
5. To meet this requirement, individual institutions should use the flexibilities available to tailor a study programme, so that each student is enabled to improve in maths and/or English to the best of their ability.

### Enrolments and exemptions

6. To count as enrolled on a qualification that meets the condition of funding a student has to meet the qualifying period for funding (6 weeks for students with a planned length of 24 weeks or more and 2 weeks for students with a planned length of less than 24 weeks) against the maths and/or English aim. The condition of funding relates to enrolments rather than exam entries, this provides flexibility for providers to determine when best for a student to be entered for and sit an exam.
7. There are a small number of students who are not able to take a GCSE or a stepping stone qualification, for example those with multiple and complex needs. These students can be exempt from studying qualifications but appropriate literacy and numeracy should still be included in their study programme.



8. Students who have studied in a country that does not provide GCSEs are also potentially exempt from the condition of funding where the overseas qualifications they hold are established as equivalent to GCSE grade C.

9. If a post-16 student achieves a GCSE A\*-C or qualification deemed as equivalent by other means, e.g. entering for, and studying a qualification outside of their study programme, then they will have met the condition of funding for the remainder of their study programme.

## **Students not meeting the condition of funding**

10. Any student where the condition of funding set out in the guidance is not met will be removed from lagged student numbers for 2018/19. The institution will receive advance warning of this in their January 2018 Student Number Statement.

## **Annex E: Academy and school sixth forms**

### **Funding eligibility summary**

1. In this annex the term sixth form refers to both academy and maintained school sixth forms and has been produced to:
  - a. summarise the main student eligibility section for academy and school sixth forms, and
  - b. to include any additional guidance that is only relevant to academy and school sixth form provision.

### **Funding data arrangements**

#### **Maintaining supporting records**

2. By accepting funding from the EFA, sixth forms take on an obligation to:
  - a. maintain all records in accordance with EFA funding guidance,
  - b. allow the appointed auditor or audit firm access to the sixth form's premises to carry out the audit, and to the data records relating to the sixth form's funding from the EFA,
  - c. ensure records are retained to enable the EFA to gain assurance as described in Section 6 of this document,
  - d. ensure the accuracy of all data relating to sixth form funding, and
  - e. have in place adequate control procedures to ensure error levels are kept to a minimum.

#### **Collecting data**

3. Post-16 data collections occur as part of the school census. For sixth forms, data is collected on individual student learning aims (the qualifications each student is studying at any point during the year).
4. Schools need to identify and record the substantial (core) learning aim for those students undertaking a vocational or mixed study programme and school management information systems are expected to hold a data item "core aim indicator".
5. Schools and academies must record study programmes hours on the school census. The planned hours fields are now be available in each autumn census.

6. Qualification-level data is required for the following reasons.
  - a. To assist OFSTED with their success rates reviews to enable a fairer and more accurate comparison of the effectiveness of different institutions across the post-16 sector.
  - b. To allow sixth forms to monitor the performance of different groups of students.
  - c. To calculate the retention rate for funding, as explained in the companion document Rates and formula.
7. In the census, sixth forms need to record:
  - a. each student and that student's details,
  - b. the aims studied by each student, including the Qualification Accreditation Number (QAN),
  - c. the start, planned end and actual end dates of each aim,
  - d. the status of each aim,
  - e. the student's prior attainment grades for GCSE maths and English,
  - f. students who are exempt from studying maths or English GCSE or who have attained UK equivalent qualifications, and
  - g. the student's attainment in GCSE maths and English at the end of year 11 used to calculate disadvantage block 2 funding.
8. It is important that the start and end dates (both expected and actual end dates) and the status of each aim are completed accurately.
9. Sixth forms should record all qualifications for which they expect to receive funding.
10. The data collected will provide a full history for an academic year, not just snapshot data on a particular date. This will allow the student record to be identified at any chosen time of the year.
11. During the year, sixth forms should indicate the status of each aim. Four options are available.
  - a. 'Transfer' - when a student ceases studying for one qualification in order to start on a new, often related, qualification.
  - b. 'Withdrawal' - when a student ceases a qualification without any consequent new/replacement qualification being started.

- c. 'Completed' - when the aim has been completed, irrespective of whether the aim has been achieved or not.
- d. 'Continuing' - when the aim is not yet complete and study is continuing.

12. The difference between a transfer and a withdrawal is especially important for performance purposes as a transfer is not taken into account when calculating qualification success rates but a withdrawal is. A withdrawal is treated as if the student has stopped studying for that qualification.

13. Further support on [completing the census](#), including a helpdesk is available through the GOV.UK.

## Annex F: Defining EU, EEA and eligible overseas dependent territories

1. This annex lists the qualifying countries and/or areas that establish student eligibility for EFA programme funding.

### Member states of the European Union

- Austria
- Belgium
- Bulgaria
- Croatia
- 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

2. The following notes help to further define those territories which should be regarded as part of the EU for the purposes of the fees regulations.

- a. Finland: includes Aland Islands.
- b. 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.
- c. Germany: includes territory of the former German Democratic Republic prior to German unification. The tax-free port of Heligoland is included within the EU.
- d. Portugal: Madeira and the Azores are part of the EU. Macao is not.
- e. Spain: the Balearic Islands, the Canaries, Ceuta and Melilla are part of the EU.
- f. UK: Gibraltar is part of the territory of the EU. The Channel Islands and Isle of Man are not part of the EU, nor are the sovereign bases on Cyprus.
- g. Other territories: Andorra, Monaco, San Marino and the Vatican are not part of the EU.

## Member states of the European Economic Area (EEA)

3. This includes all the EU countries and territories listed above, together with Iceland, Liechtenstein, Norway and Switzerland. For simplicity, for institutions that have to assess students for eligibility for EFA 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.

## EFA eligible overseas territories

4. These will be either UK or EU overseas territories for which the EFA will allow institutions to claim funding (please refer to paragraph 30 in the main guidance).

### Eligible British overseas territories

- Anguilla
- Bermuda
- British Antarctic Territory
- British Indian Ocean Territory
- British Virgin Islands
- Cayman Islands
- Falkland Islands
- Montserrat
- Pitcairn, Ducie and Oeno Islands; Henderson Island
- 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   | France   | Netherlands  |
|---|--|--|
| <ul style="list-style-type: none"><li>• Greenland and Faroe Isles</li></ul> | <ul style="list-style-type: none"><li>• New Caledonia and dependencies</li><li>• French Polynesia</li><li>• Wallis and Fortuna</li><li>• Mayotte</li><li>• French Southern and Antarctic Territories</li><li>• St Barthélemy</li></ul> | <ul style="list-style-type: none"><li>• Antilles (Bonaire, Curacao, Saba, St Eustatius and St Maarten) and Aruba</li></ul> |



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