



Skills Funding
Agency

The Legal Entitlements for 2016 to 2017

Version 2

March 2016

Of interest to colleges, other training organisations and awarding organisations

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Introduction

1. This document follows the **Skills Funding Letter** (December 2015). It accompanies the list of qualifications that you can be deliver as part of the Level 2, Level 3 and English and maths legal entitlements (the entitlements) in the Adult Education Budget (AEB). This document does not apply to qualifications that you deliver as part of apprenticeships.
2. We will agree the process for adding new qualifications to the entitlement with the Department for Education (DfE). We will confirm this following the publication of the Skills White Paper.
3. The entitlements allow learners aged:
 - 19 to 23 to be fully-funded if they study for a first qualification at Level 2 and/or Level 3
 - 19 plus to be fully-funded if they study for a qualification in English or maths up to and including Level 2

Details on learner eligibility for the entitlements are available in the **Adult Education Budget: Funding Rules 2016 to 2017**.

4. The Skills Funding Letter sets out the move towards a single:
 - entitlement offer for learners aged 16 to 23 focussed on high-quality technical and professional qualifications at Levels 2 and 3
 - list of English and maths qualifications for learners aged 16 plus to enable progression up to and including Level 2
5. Alongside the entitlements, local areas, colleges and other training organisations will decide the most appropriate type of activity to meet locally agreed outcomes and learner needs. In many cases, such as for learners re-engaging with learning and training or re-entering the labour market, this will not need to be a regulated qualification. You can find details on how the AEB

takes account of funding simplification and localism in the document **Adult Education Budget: Changing Context and Arrangements for 2016 to 2017**.

6. Where a college or other training organisation decides to deliver a regulated qualification as part of local flexibility, the qualification must be eligible for funding. We set out the principles we apply to confirm Entry Level to Level 2 qualifications from the **Regulated Qualifications Framework** (RQF) in our **Qualification Eligibility Principles** document.
7. The 2016 to 2017 funding year is a transition period as we move towards full skills devolution and the implementation of **Technical and Professional Education** (TPE) reforms. During this time we will work with DfE and the Education Funding Agency (EFA) to introduce a single:
 - entitlement offer for learners aged 16 to 23
 - list of English and maths stepping stone qualifications
 - process to identify and confirm qualifications for public funding
8. This transition gives time to move to new entitlement qualifications as well as make any changes to the curriculum that come out of the reform of TPE. We will say more about this when the Skills White Paper is published.
9. It is important to note that the entitlements offer represents only a small part of the AEB. If a qualification is not in the entitlements offer it may remain part of Advanced Learner Loans (at Level 3) or as part of local flexibility (at Level 2).
10. Figure 1 summarises how qualifications, components and bespoke, locally designed or tailored training provision will be available in the funding year 2016 to 2017.

Figure 1: How qualification Level cross references to public funding.

Level 4 – 6	Advanced Learner Loans – Process to designate (Prospectus)		
Level 3	Advanced Learner Loans – Process to designate (Prospectus)	Legal Entitlement to first full level 2 or 3– Alignment with 16-18	Legal Entitlement to English and Maths – Alignment with 16-18
Level 2	Local Flexibility – Eligibility Principles		
Level 1	Local Flexibility – Eligibility Principles		Legal Entitlement to English and Maths – Alignment with 16-18
Entry			

11. You can find information on how we designate qualifications at Level 3 and above for Advanced Learner Loans in the **Advanced Learner Loans Prospectus**. We also publish a **catalogue** that lists all the qualifications designated for Loans.

12. You will be able to identify entitlement qualifications in **the Hub** using the following **categories**:
 - Legal Entitlement – Level 2
 - Only for Legal Entitlement at Level 3
 - Legal Entitlement – English and maths

13. We will add information on qualifications that are eligible for funding as part of local flexibilities to **the Hub** in April 2016.

Qualifications in scope for the legal entitlements

14. To be delivered as part of the entitlements for the funding year 2016 to 2017 a regulated qualification must be:

- available in England
- available for learners aged 19 and over
- offered by awarding organisations recognised by the Office of Qualifications and Examinations Regulation (Ofqual) or the Quality Assurance Agency for Higher Education (QAA)
- offered by awarding organisations that regularly upload data to the Personal Learning Record in line with the **Awarding Organisation Agreement**, including the Learning Records Service Data Management Policy

15. Table 1 lists the types of qualification in scope for the entitlements in the 2016 to 2017 funding year.

Table 1: Qualifications included in the legal entitlements.

Vocational and general qualifications	English and maths
16 to 23 core offer* – Tech levels, Applied general, A-levels, AS-levels, Access to HE, Technical Certificates, GCSEs.	English and maths core offer – GCSE English and maths, functional skills in English and maths.
A limited number of other technical or professional qualifications from the RQF.	In addition, a limited number of other stepping stone English and maths qualifications from the RQF (including Free Standing Maths).

* The SFA is only responsible for delivering this offer to learners aged 19 and over.

English and maths

16. As indicated, we are working with DfE to move towards a single list of stepping stone qualifications from Entry to Level 1. We will draw stepping stone qualifications from the RQF. These should be modular (unitised) and focus on

particular aspects of English and maths, which a learner may need to address to progress to GCSE or Functional Skills.

17. We know there are some stepping stone qualifications that serve the needs of particular groups of learners, approved for funding, that are not on the DfE list. For learners aged 19 and older only, we have added these to the final stepping stone qualifications list on **the Hub** alongside details of the DfE-approved qualifications.
18. We will continue to make the components (units) of eligible stepping stone qualifications available to all eligible learners.

Levels 2 and 3

19. For the funding year 2016 to 2017, we have identified 'core' and 'non-core' parts of the entitlements. This approach supports, in advance of the broader TPE reforms, our transition towards a single 16 to 23 entitlement offer.
20. The 'core' part encompasses the following qualifications:
 - A-levels and AS-levels
 - GCSEs
 - QAA Access to Higher Education Diplomas
 - Tech levels
 - Applied general qualifications
 - Technical Certificates
21. The last three categories of qualification are those that DfE approve in the **2018 Performance Tables**. Through the consultation process we also included certain 2017 Performance Tables qualifications. These were not a replica to a qualification offered by the same awarding organisation in the 2018 Performance Tables and had demand from learners in the context of 19 to 23 legal entitlements.

22. We automatically designate qualifications that fall into the 'core' as 'full' for the purposes of the entitlement. As we move towards a single 16 to 23 entitlement offer only these qualifications will remain 'full'.

23. The 'non-core' part takes into account the impact on learners, training providers, awarding organisations and occupational areas of removing certain qualifications from the entitlement. We include and designate these as 'full' on the basis that they:
 - a. Meet a minimum size threshold of 300 hours of Guided Learning at Level 3 or 150 hours of Guided Learning at Level 2.
 - b. Do not replicate the title or a significant amount of the content of an awarding organisations qualifications in the 'core'.
 - c. Cross reference to the Standard Occupational Classification (SOC) at Unit Group level. They will therefore support entry into a recognised job role or occupational area or act as a pre-requisite for entry to a job role or occupational area.
 - d. Are currently approved as part of the entitlement offer for the funding year 2015 to 2016.

24. Where we have not included a qualification that is currently part of the offer for the funding year 2015 to 2016, this is because it:
 - a. Will not be operationally available for 2016 to 2017.
 - b. Falls below the minimum Guided Learning size threshold identified above.
 - c. Replicates the title and/or a significant amount of content of an awarding organisations qualification already in the 'core'.
 - d. Is not technical or professional and does not cross reference to a SOC or support entry into a recognised job role or occupational area.
 - e. Did cross reference to a SOC but has had no demand from learners aged 19 to 23 who are eligible to take the qualification as part of their entitlement.

25. The 'non-core' qualifications added to the entitlement will be available for the 2016 to 2017 funding year. We will not consider these for inclusion in the 2017 to 2018 funding year as we move towards a unified entitlements offer for 16- to 23-year-olds. We will also monitor the number of enrolments on these qualifications during the year.
26. If Ofqual takes **regulatory action** against an awarding organisation, we will review what action to take. We will do this on a case-by-case basis in respect of their qualifications approved for delivery.
27. If a qualification is not part of the entitlements it can still be available to a wider set of learners. Many qualifications at Level 3 are already included in the **Advanced Learner Loans catalogue**. Many qualifications at Level 2 will be eligible as part of the **local flexibility** offer.
28. If you have any queries about anything in this document, please email the **Qualifications team**.