

[Home](#) > [Qualifications: eligible for public funding](#)



Education & Skills
Funding Agency

Contents

1. [Introduction](#)
2. [Legal entitlements](#)
3. [Qualifications in scope for the 2018 to 2019 legal entitlements](#)
4. [English and maths](#)
5. [Levels 2 and 3](#)
6. [Adding qualifications to the legal entitlements](#)
7. [Local flexibility](#)
8. [Eligibility principles](#)
8. [Applying the principles and adding qualifications and components to the local flexibility offer](#)
9. [Components of qualifications](#)
10. [Reviewing qualification changes](#)

1. Introduction

This guidance covers the 2018 to 2019 legal entitlements and local flexibility offer for learners in England within the adult education budget (AEB).

This guidance is for awarding organisations. It sets out the process and the eligibility principles we apply to include qualifications in the adult education budget, as part of the legal entitlements and/or local flexibility

offer. It should also help you in being clear with your centres what can and cannot be fully funded, in the context of the legal entitlement offer.

This guidance does not include [advanced learner loans](#), [apprenticeships](#), the process for approving qualifications for funding under [Section 96](#), or [funding for learners aged 16 to 19](#).

Learner eligibility is set out in the [adult education budget funding rules 2018 to 2019](#).

Changes for 2018 to 2019

We have not changed the qualifications available in legal entitlements, as long as awarding organisations continue to make those qualifications available. The only exception to this is that we have removed [First Aid at Work qualifications and components from the local flexibility offer](#).

We have also not changed any of the eligibility principles we apply to make qualifications and their components available. We have taken this approach because we want to align, as far as possible, the eligibility rules and processes we use to make provision available for all learners aged 16 and above. We also want to stabilise the offer, as we begin to prepare for the implications of implementing Technical Education reform.

Qualifications eligible in 2017 to 2018 will still be eligible in 2018 to 2019, as long as the qualification is available for delivery and is visible on [Ofqual's Register of Regulated Qualifications](#).

We will fund the qualifications, and their components, delivered through the AEB using the Single Activity Matrix. More information is available in our [funding rates and formula 2018 to 2019](#).

2. Legal entitlements

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 and over, who have not previously attained a GCSE grade C/grade 4 or higher, 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 2018 to 2019](#).

In the funding year 2017 to 2018, we moved to a single offer at level 2 and level 3, and a single list of English and maths qualifications. By single offer, we mean that (as far as possible and where appropriate):

- there should be one list of qualifications for all learners undertaking English and maths
- for all learners undertaking their first level 2 or level 3 qualification, there should be a list focused on technical and applied qualifications appearing in the [16 to 19 performance tables](#)

Qualifications available in 2017 to 2018 legal entitlements will continue to be eligible in 2018 to 2019, as long as the qualification is available for delivery and is on [Ofqual's Register of Regulated Qualifications](#).

3. Qualifications in scope for the 2018 to 2019 legal entitlements

To be delivered as part of the entitlements for the funding year 2018 to 2019, a qualification must be:

- a regulated qualification offered by awarding organisations that are recognised by the Office of Qualifications and Examinations Regulation (Ofqual) or the Quality Assurance Agency for Higher Education (QAA)
- available in England
- available for learners aged 19 and over
- 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

Qualifications in scope for the entitlements in the 2018 to 2019 funding year

Level 2 and level 3 vocational qualifications	English and maths
16 to 23 core offer ¹ – technical and applied qualifications in the 16 to 19 performance tables (tech levels, applied general, technical certificates), A-levels, AS-levels, Access to Higher Education (HE), and GCSEs for 2018, 2019 and 2020.	English and maths core offer – GCSE English language and maths, functional skills in English language and maths at entry level to level 2.
Qualifications in the 16 to 19 performance tables for 2017, that were available in the funding year 2017 to 2018.	In addition, a limited number of other English language and maths qualifications from the RQF at entry level to level 1.

A learner with an overseas qualification will be deemed to have achieved their first level 2 and/or level 3 qualification if the [National Academic Recognition Information Centre \(NARIC\)](#) confirms that both of the following conditions are met.

- The qualification gained overseas is authentic.
- The qualification is comparable/compatible with a regulated qualification in England, which is currently part of the level 2 and level 3 legal entitlement for learners aged 19 to 23.

4. English and maths

We have a [single list](#) of qualifications ranging from entry level to level 2, for learners undertaking English and maths. This includes certain modular (unitised) qualifications drawn from the [Regulated Qualifications Framework](#) (RQF) at entry level and level 1. These modular qualifications focus on particular aspects of English language and maths, which a learner may need to address to progress to GCSE or Functional Skills at level 2.

We know there are some qualifications, which serve the needs of particular groups of learners that are not on the [16 to 19 condition of funding list](#). Because of this, we have retained certain additional modular (unitised) qualifications for adults.

We will continue to make the components (units) of eligible qualifications available to all eligible learners. This does not include GCSEs or Functional Skills.

The [English and maths entitlement list](#) already includes a range of qualifications for colleges and training

organisations for the funding year 2018 to 2019. Apart from any newly regulated GCSEs or Functional Skills, we will not add other qualifications to the list during 2018 to 2019.

We also identify approved English and maths qualifications in [the Hub](#) using the 'legal entitlement – English and maths' category.

5. Levels 2 and 3

In the funding year 2018 to 2019, we continue to align the level 2 and level 3 legal entitlement offer with the 16 to 19 performance tables.

The 2018 to 2019 level 2 and level 3 legal entitlement offer consists of:

- technical and applied qualifications in the 2018, 2019 and 2020 16 to 19 [performance tables](#)
- technical and applied qualifications in the 2017 performance tables which were included in the [2016 to 2017 legal entitlement list](#)
- GCSEs
- A and AS levels
- Access to Higher Education Diplomas – for learners aged 19 and above

For 2018 to 2019, we will retain legacy 2017 performance table qualifications that were available as part of the entitlement in 2016 to 2017.

There is a [single process](#) and set of [requirements](#) that qualifications need to meet to be confirmed as technical and applied qualifications for the 16 to 19 performance tables and entitlements.

We will automatically designate the following qualifications for entitlement:

- qualifications in the 2020 performance tables
- GCSEs
- AS level and A level
- Access to HE qualifications

We will update the level 2 and level 3 legal entitlements offer when the Department for Education (DfE) updates the performance tables every quarter.

If a qualification is not part of the entitlements, it may 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.

We have published a [list of level 2 and level 3 legal entitlement qualifications](#).

You will also be able to identify qualifications that are part of the level 2 and 3 entitlements in [the Hub](#) using the following [categories](#):

- legal entitlement – level 2
- only for legal entitlement at level 3

6. Adding qualifications to the legal entitlements

We will add the initial 2018 to 2019 legal entitlement offer to the Hub by the end of March 2018. After this update, we will continue to update the Hub quarterly. We expect the legal entitlement lists and [the Hub](#) to be updated in:

- June 2018
- September 2018
- December 2018
- March 2019

7. Local flexibility

Local flexibility is tailored provision for adults. It includes regulated qualifications and their components (units), and/or non-regulated learning, from entry level to level 2.

Local flexibility is about making a broad offer available, to respond to local skills and community needs. This is to support colleges and training organisations working with adults at lower levels, who want to re-engage with learning and/or their local labour market. Within local flexibility, there is also the facility for colleges and training organisations to select to deliver non-regulated learning. We only require delivery of a qualification where a learner exercises their legal entitlement, to a first full level 2 or first full level 3 and/or English and maths.

Where colleges and training organisations want to use qualifications and/or their components these must be from the [Regulated Qualifications Framework](#) (RQF), and be available on [the Hub](#). Qualifications and components confirmed as eligible for local delivery are in 'Local Flexibility' category.

Category field on the learning aims search screen

Category:

Class Code Category O: Education Assessment
Legal Entitlement-Level 2
Only for Legal Entitlement at Level 3
Legal Entitlement-English and Maths
Local Flexibility

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Where colleges and training organisations want to use non-regulated learning (including pre-entry level learning), they must ensure there is appropriate and robust quality assurance in place. For instance, ‘The Recognising and Recording Progress and Achievement framework (RARPA) Cycle’. Further information is available from the [Learning and Work Institute](#).

Irrespective of the type of provision used within the local flexibility offer, the outcomes must be the same – progression for the learner to further learning and/or into employment.

For 2018 to 2019, we have removed First Aid at Work qualifications and components from the local flexibility offer within the AEB. This is because these qualifications are now all at level 3, and local flexibility only covers learning up to and including level 2.

8. Eligibility principles

The regulated qualifications in scope for local flexibility are those at entry level, level 1 and level 2.

Apart from applying our eligibility principles, there is no approvals process or business rules for these qualifications. Our eligibility principles mean that not all qualifications (or their components) in the RQF are automatically available as part of local flexibility.

Not all learners accessing a qualification as part of local flexibility can be fully funded. The ‘provision and individuals we fund’ section of the [Adult Education Budget Funding Rules 2018 to 2019](#) identifies which

learners are eligible to be fully or co-funded for qualifications from the local flexibility offer.

We only make new qualifications eligible where you (the awarding organisation) have clearly recorded the following on the Office of Qualifications and Examinations Regulation's (Ofqual) [Register of Regulated Qualifications](#).

- Guided Learning (GL) as a component of Total Qualification Time (TQT), measured in guided learning hours (GLH)
- Sector subject area

In some cases, there may be qualifications with TQT but no GL. We do not expect there to be a significant number of these at entry level to level 2. Where we find qualifications with TQT only, we will review these on a case-by-case basis.

We apply 7 eligibility principles to qualifications to be included as part of local flexibility. A number of these align with those applied to approve qualifications for inclusion on [Section 96](#) and available to learners aged under 19.

In some instances, we need to review the qualification specification to check that the qualification meets the eligibility principles. Therefore, it is useful to have the link to the qualification specification included on Ofqual's Register of Regulated Qualifications for when we review the qualification.

7 eligibility principles

1. Available in England and for public funding

An Ofqual recognised awarding organisation must offer the qualification. It must be flagged on Ofqual's Register of Regulated Qualifications as available for public funding in England, for learners aged 19 and over.

2. Personal Learning Record

The awarding organisation that offers the qualification must have signed the [Awarding Organisation Agreement](#). They must regularly upload achievement data and adhere to the Learning Records Service (LRS) data management policy.

The Personal Learning Record is an online service that allows learners to view their achievement to date and identify the most suitable future learning. Further information is available on the LRS page of [GOV.UK](#).

To contact the LRS service desk, please telephone 0345 602 2589 or email [LRS Support](#).

3. UK visa requirements

The qualification must not link to [UK Visa requirements](#), such as International English for Speakers of other languages (ESOL) or the International English Language Testing System.

This does not apply to ESOL Skills for Life. We recognise these qualifications support learners, whose first language is not English, to undertake other qualifications. ESOL Skills for Life qualifications must be modular to make them eligible for funding.

4. Licence to practise and/or standalone qualifications

The qualification must not link to statutory employer requirements (including licence to practise).

We define licence to practise as where it is a legal (or statutory) requirement for all practitioners to obtain a licence that confirms the licence holder meets prescribed standards of competence. This includes situations where it is unlawful to carry out a specified range of activities for pay without first having obtained a licence.

Certain qualifications that meet statutory employer requirements or a licence to practise are eligible for unemployed learners. We define this in 'eligible qualifications' section of the [Adult Education Budget Funding Rules 2018 to 2019](#).

These qualifications are:

- forklift truck, food hygiene and health and safety
- security guarding, door supervision and CCTV operations (public space surveillance), needed to obtain a Security Industry Authority (SIA) licence

These qualifications are shown in the Hub under the 'Standalone and Licence to Practise' category.

We will only fund the security qualifications if one of the following commits to funding the SIA licence, which allows the learner to enter a job:

- a local employer
- individual
- work programme provider
- Jobcentre Plus

5. Vendor qualifications

The qualification must not be a vendor qualification linked to a particular employer or commercial system.

6. End-point assessment of apprenticeship standards

If the end-point assessment of an apprenticeship standard is designed as a qualification and is subject to Ofqual external quality assurance, learners cannot undertake that qualification outside of that standard. This applies at level 2 only.

7. Appropriate content

The qualification must not be used to recognise activity that might already be part of a learner's experience or is better delivered as non-qualification bearing activity. For example, we will not make eligible qualifications that serve as a record of:

- work experience
- college or other learning or training induction
- CV writing

job search activities

- participating in interviews
- parenting skills
- babysitting

Where qualifications at entry level and level 1 support independent living skills, we expect these to focus on progression in education and into employment.

We support a broad range of qualifications in independent living skills and related areas at entry level and level 1. At level 2 we expect qualifications to directly support the learner to acquire subject specific or occupational skills to help them progress into employment and/or further education. Therefore, at level 2 we will not make qualifications focussing on independent living, personal well-being, personal or social development or related areas eligible.

Within the local flexibility offer, we have included a number of competence-based qualifications where delivery and/or assessment may require a workplace setting. Colleges and training organisations must deliver these qualifications in line with the funding rules. This is set out in the 'learning in the workplace' and 'what we will not fund' section of the [Adult Education Budget Funding Rules 2018 to 2019](#).

Where a qualification is eligible for local flexibility, its components (units) may also be eligible and made available for delivery. We do not do this automatically. In order to make components eligible you must confirm that:

- there is a facility for learners to register on the component
- the learners can achieve the component in a standalone context, or as part of accumulating or transferring achievement towards a qualification

Once we have received confirmation from you, we will assess the component to ensure that it is eligible for funding.

Components at entry level to level 2 are eligible for funding offer where:

- they are part of a RQF qualification that has been confirmed as being eligible for local flexibility
- they meet [qualification eligibility principles](#)
- the component is not related to English and maths as only components that are part of approved English and maths legal entitlement qualifications are made eligible
- you have entered information about the component (including information about the qualification that it belongs to and the sector subject area, GL and learning outcome of the component) in Ofqual's awarding organisation portal
- you have confirmed to us there is a facility for learners to register on the component and the learners can achieve those components in a standalone context or as part of accumulating and transferring achievement towards a qualification

8. Applying the principles and adding qualifications and components to the local flexibility offer

We will add the initial 2018 to 2019 local flexibility qualification offer to [the Hub](#) in April 2018. After this update, we will continue to add eligible qualifications to the Hub every 3 months, in:

- July 2018
- October 2018
- January 2019
- April 2019

The diagram below shows the high-level details of this process. We will consider, on an exceptional basis, updating the local flexibility offer outside the normal quarterly window. We will only review the qualification if:

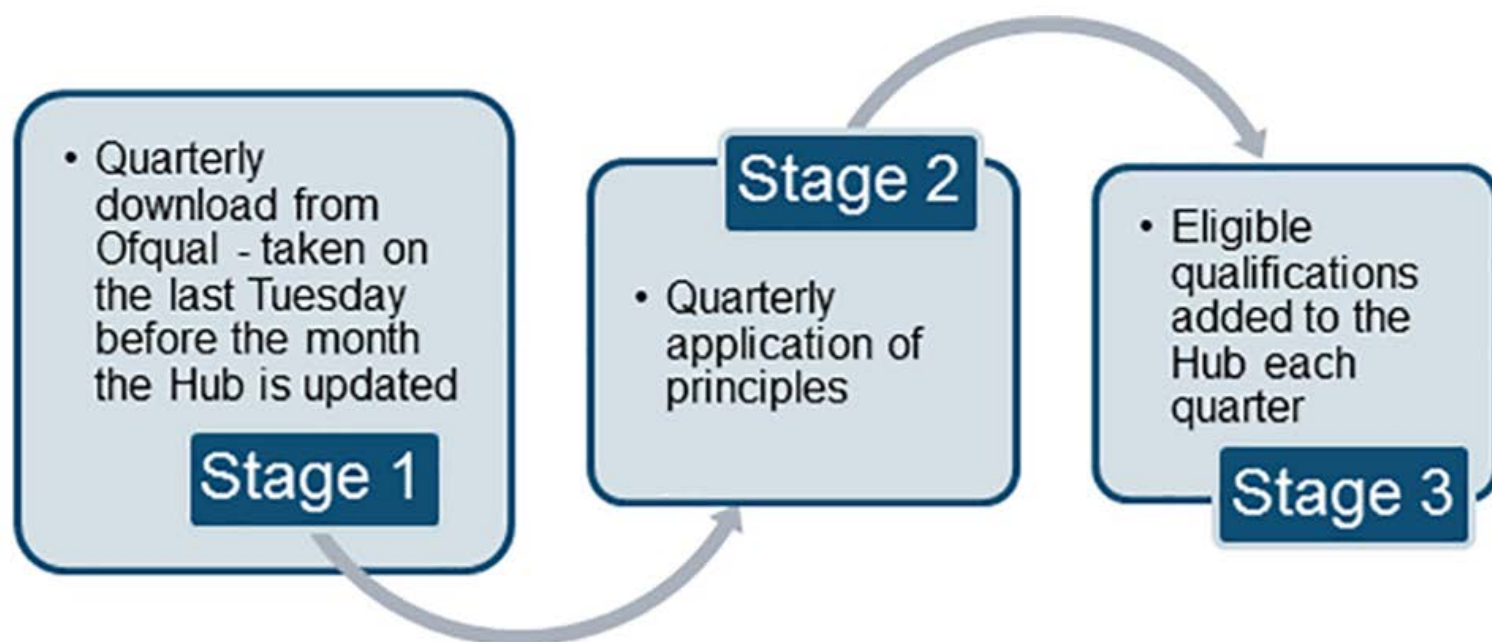
- it will be operational before the Hub is next updated
- colleges and training organisations are waiting to deliver the qualification

Where this is the case, you must email Qualifications.ESFA@education.gov.uk with the details of the qualifications (reference and title), and evidence that colleges and other training organisations have eligible learners waiting to start and register on the qualification.

For the 2018 to 2019 funding year, we will fund a qualification from 1 August 2018 to 31 July 2019, unless the:

- operational start date is later than 1 August 2018
- operational end date is before 31 July 2019

High-level process



9. Components of qualifications

For the 2018 to 2019 funding year, we will update the local flexibility offer with new components on a quarterly basis.

To do this, you must confirm those eligible qualifications whose components can be delivered in a standalone context using the 2018 to 2019 local flexibility component form. Where some of those components cannot be delivered in a standalone context, you must identify these components using the form. Once we have received this information we will apply the principles outlined in paragraph 44.

We will add the initial 2018 to 2019 local flexibility component offer to the Hub by May 2018. After this, we will update the component offer on a quarterly basis. You must submit the 2018 to 2019 local flexibility component form by:

- 15 May 2018 to be considered for the June update of the Hub
- 14 August 2018 to be considered for the September update of the Hub
- 13 November 2018 to be considered for the December update of the Hub
- 12 February 2019 to be considered for the March update of the Hub

10. Reviewing qualification changes

Every quarter, we will review significant changes to qualifications that may affect their funding rate, to decide whether to change the funding.

We do not automatically change the funding rate of a qualification if you significantly change its content, outcomes or size (increasing or decreasing). If you want us to review the funding rate of the qualification, you should email Qualifications.ESFA@education.gov.uk.

To review your qualification, we need the following information:

- confirmation of what the change is and when you made the change
- why you want us to review the qualification
- your reasons for making the change
- supporting evidence (from colleges, training organisations, professional bodies, employers, learners)

We will review funding rate requests on a quarterly basis through a governance group. The group meets in July 2018, October 2018, January 2019, and April 2019. The deadline for us to receive requests with additional evidence is the first working day of the month that the board is meeting. For example, requests for the board meeting in July 2018 must reach us by 1 July 2018. Please email requests with the evidence to Qualifications.ESFA@education.gov.uk.

We will also monitor any changes you may make to a qualification's operational end date on Ofqual's Register of Regulated Qualifications. We do this so we can inform colleges and training organisation about changes to the last date for enrolments. We use the operational end date and certification end date to manage funding dates for new and continuing learners.

To make sure learners are not disadvantaged, you should change operational and certification end date changes far enough in advance, that learners and providers have plenty of notice. You should also not

make multiple changes to the same qualification in a short period of time.

You should make sure you tell your centres when you are withdrawing a qualification, and give them details of the replacement qualification if that is applicable.

When we confirm the initial offer for 2018 to 2019, we will not include qualifications with an operational end date before 1 August 2018 on [Ofqual's Register of Regulated Qualifications](#). If you later extend this qualification and want us to consider it for funding, you must tell us by emailing Qualifications.ESFA@education.gov.uk.

If Ofqual takes [regulatory action](#) against you, we will review what action we will take. We will do this on a case-by-case basis, for your qualifications approved for delivery.

Contact us

If you are a college or training organisation and have any queries, please contact the [Service Centre](#) in the first instance.

If you are an awarding organisation and have any queries on the process, please email Qualifications.ESFA@education.gov.uk.

For information about Section 96 approvals, please email the [Section 96 mailbox](#).

For information about funding for learners aged 16 to 19, please use the [contact form on GOV.UK](#).

1. This offer will be delivered to learners aged 19 and over that are eligible for funding through AEB. __

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