Funding Agreement Part 6

TEES VALLEY COMBINED AUTHORITY

Adult Education Budget

FUNDING AND PERFORMANCE MANAGEMENT RULES 2022/2023

(For the funding year 1 August 2022 to 31 July 2023)

This document sets out the funding rules that apply to all Providers of education and training who receive adult education budget funding for learners residing in the Tees Valley Combined Authority area.

1 April 2023 Version 4

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1. Introduction

Tees Valley is an area of significant economic opportunity, increasingly recognised as an exemplar region in Clean Energy and the Hydrogen economy. Alongside continuing and new local regeneration programmes across the whole region, exciting developments, including those taking place at the Teesworks site, establishing the largest Freeport in the UK and relocation of key Government Departments to the region, are driving economic growth and creating jobs.

Central to our growth plans is our ambition to become the national capital of clean growth and green energy, delivering a net zero industrial cluster by 2040, providing good jobs with long term prospects that local people can access. This supports Government's ambition for two million green jobs in the UK by 2030. The recently published Green Jobs Taskforce 'Report to Government, Industry, and the Skills Sector' states: "Achieving net zero by 2050 will require a system-wide transformation of the economy: most occupations, to varying extents, will become green."

Delivering this will depend on businesses having access to the skills they need to grow, as well as residents having the opportunity to develop and acquire the required skills and experience, at the required levels, to secure these roles.

Our vision for employment and skills in the Tees Valley is

- Every business has access to a readily available skilled workforce and know where to go to find the workforce they need
- Every business has access to workforce development and skills support, to sustain and grow their business
- There are clear, accessible, and appropriate training routes for priority and growth sectors
- Every Tees Valley resident can access a good and progressive job
- Every resident has access to the support needed to make informed decisions that will help them achieve their career and employment ambitions
- Every young person and adult are aware of the career opportunities and the route to achieve them

The devolution of the Adult Education Budget to the Tees Valley from 1 August 2019 and the further skills funding that has since been granted to the Tees Valley, will be critical in achieving our vision and ambitions.

2. Purpose of this document

This document sets out rules which apply to all providers of education and training who receive AEB and Level 3 Free Courses for Jobs funding from the Combined Authority, whether paid by Grant or under a Contract for Services. Providers must respond to the priorities set by the Combined Authority.

The AEB provides Combined Authority residents aged 19+ with a **statutory entitlement**, for those who want to improve their skill levels, the opportunity to engage in high quality provision which will equip them for work, an apprenticeship or other

learning. It enables flexible, tailored programmes of learning to be made available, which may or may not require a qualification, to help eligible residents engage in learning, build confidence, and enhance their wellbeing.

These rules do not apply to apprenticeships, traineeships, and advanced learner loans, Skills Bootcamps or to education and training services funded by the European Social Fund. The Education Skills Funding Agency (ESFA) will continue to fund apprenticeships, traineeships, and advanced learner loans for Tees Valley learners – you can access these separate funding rules on the GOV.UK website.

AEB funding is ring fenced for the purposes set out in these Rules and cannot be used to support other nationally funded programmes including:

- Provision outside of the Combined Authority for its residents unless agreed in advance
- Non-devolved AEB provision contracted by ESFA, GLA or other MCA areas
- Advanced learner loan facility
- 16-18 funding such as the study programme including learner support
- Advanced learner loans and loans bursary fund
- Traineeships for 16-18-year-olds or 19-23-year-olds
- Apprenticeships
- National Skills Fund
- Offender Learning; and
- Education and training services funded by the European Social Fund, Community Renewal Fund, National Lottery, or other Trusts.

This document should be read in conjunction with your Grant Funding Agreement or Contract for Services for Adult Education Budget and Level 3 Free Courses for Jobs. You must operate within the terms and conditions of these rule, and associated policies including the Individualised Learner Record (ILR) Specification. If you do not, you could be in breach of your funding agreement with TVCA.

For the purpose of this document, the term ‘Provider’ means the funding recipient and any other organisation providing adult skills provision that is funded by TVCA.
All information, including any hyperlinks were correct when TVCA published this document Adult Education Budget - Tees Valley Combined Authority (teesvalley-ca.gov.uk)

TVCA reserves the right to make changes to these rules and will publish any updated policies and rules on the TVCA website.

Understanding the terminology

1. The term ‘we’ refers to the Tees Valley Combined Authority.
2. When we refer to ‘you’ or ‘Providers’, this includes colleges, sixth form colleges, training organisations, local authorities and employers who receive AEB and Level 3 (FCFJ) funding from TVCA to deliver adult skills provision to Tees Valley residents. We will use the generic term ‘you’ or ‘Provider’ unless the requirements only apply to a specific Provider type.
3. We use the term ‘funding agreement’/’contracts for services’ to include:
   - 3.1 financial memorandum
   - 3.2 conditions of funding
4. We use the terms ‘individual’ and ‘learner’ to cover those whose provision is funded by us.
5. We use the term ‘provision’ or ‘learning’ to refer to all adult learning and skills that we fund, whether it is a regulated qualification or other learning.
6. If we refer to qualifications, either these will be from the Regulated Qualifications Framework (RQF) or an Access to Higher Education Diploma recognised and regulated by the Quality Assurance Agency (QAA).
7. If we refer to 'learning aims', we mean a single episode of learning, which could be a regulated qualification, a component of a regulated qualification, or non-regulated learning.
8. If we refer to ‘programmes’ we mean a coherent package of adult learning and skills which may include regulated qualifications, components of regulated qualifications or non-regulated learning with clearly stated aims supporting agreed outcomes.

   You can contact us through AEB@teesvalley-ca.gov.uk. You can also contact your nominated Provider Relationship and Performance Officer.

Section 1 - General Funding Requirements

Principles of funding

9. These funding rules apply to all learners residing in Tees Valley starting **new** learning aims on or after 1 August 2022.
10. TVCA will also fund continuing learners where the definition of continuing learners is those learning aims with a start date prior to 1 August 2022 and a planned end after 31 July 2022, (planned carry in).

11. Where learners do not complete their learning aim within the expected timescales, these learners will be categorised as un-planned carry in.

12. For those providers that have a contract for services to deliver Level 3 Free Courses for Jobs funding up to 31 July 2022, paragraph 10 does not apply.

13. The Tees Valley Adult Education Budget and Level 3 (FCFJ) must only be utilised to fund Tees Valley residents. Funding cannot be transferred between different budgets including where applicable, your ESFA Adult Education Budget, Apprenticeships, Traineeships, Advanced Learner Loans and Level 3 Free Courses for Jobs.

14. We will continually review and monitor whether the learning and skills you and your subcontractors provide is delivering positive and agreed outcomes as detailed and agreed by TVCA within your 2022/23 Delivery Plan. We will also monitor your performance to ensure that the funding you receive from TVCA is delivering high quality provision for adults in Tees Valley and represents good value for money. Regular Provider and TVCA performance monitoring meetings will be completed throughout the funding agreement period and further detail of these performance monitoring meetings and evaluation activities are detailed within the TVCA 2022/23 Provider Performance Management Framework.

15. If TVCA consider that the funding of learning and skills that has been provided is not delivering positive outcomes for adults in Tees Valley and/or the quality of provision is not to the required standard we reserve the right to withhold the funding.

16. Failure to comply with funding and subcontracting rules could lead to action or intervention.

17. ESFA policies and guidance about the oversight of Providers has been updated and were published in April 2019. The triggers for action and the type of action the ESFA or TVCA may take is set out in these documents and is in accordance with provisions in the TVCA Funding Agreements.

    https://www.gov.uk/government/publications/college-oversight-support-and-intervention

    https://www.gov.uk/government/publications/how-esfa-maintains-oversight-of-independent-training-Providers-itps/esfa-oversight-of-independent-training-Providers-operational-guidance

Who we will fund

18. We will fund:

    18.1. Individuals who meet the criteria with providers who have a Tees Valley Combined Authority funding allocation:

    18.2. continuing learners' resident in the Tees Valley devolved authority area, who have not completed their learning by 31 July 2022, as part of the award allocation for 22/23. No additional funding will be awarded.

19. You must check the eligibility of the learner at the start of each adult learning aim, and only claim funding for eligible learners.

20. In addition to paragraph 24, to be funded, on the first day of learning a learner must be:

    20.1 Aged 19 or older on 31 August within the 2022 to 2023 funding year if the learning aim is not traineeship and reside in a residence with a Tees Valley postcode. Please use the Office for National Statistics Postcode Directory (ONSPD) to confirm if the learner is eligible:

    http://www.ons.gov.uk/methodology/geography/geographicalproducts/postcodeproducts

21. The age of the learner on 31 August in the funding year determines whether the learner is funded through the TVCA's AEB methodology (for individuals aged 19 and over), or the young people's methodology (for learners aged 19-24 with an Education Health Care Plan).

22. All individuals aged 19 or over on 31 August 2022 who are continuing a programme they began aged 16 to 18 ('19+ continuers') will continue to be funded by the ESFA's young people's funding methodology.

23. It is the Providers responsibility to ensure that the relevant funding is secured from the relevant funding body in 2022/23 for their learners.

24. When we refer to a learners age being 19, this relates to the learner being aged 19 on the 31 August within the funding year they start a learning aim. For all other purposes, the age of the learner is at the start date of each month.

25. Learners will be eligible for TVCA funded AEB for the whole of the learning aim or programme if they are eligible for funding at the start, even if the duration is for over one year. You must reassess the learner for any further learning they start.

26. If an individual starts a learning aim or programme and is not eligible for funding, we will not fund their learning while they remain ineligible.

27. You must not fund a learner who is unable to complete a learning aim or programme of study in the time they have available. Any learner of any age must be able to achieve the learning aim or programme of study within the time they have available.

Residency Eligibility

28. Individuals will be eligible for funding if the learning is taking place in England, and they fulfil the residency requirements set out in one or more of the following categories:

    28.1 UK nationals and other persons with right of abode

    28.2 UK nationals in the (European Economic Area) EEA and Switzerland

    28.3 EEA nationals in the UK

    28.4 Other non-UK nationals

UK nationals and other persons with right of abode

29. UK nationals or other person with a right of abode who have been ordinarily resident in the UK, or the British Overseas Territories, or the Crown Dependencies (Channel Islands and Isle of Man) for at least the previous 3 years on the first day of learning.

The British Overseas Territories are listed in **Annex A.**

UK nationals in the EEA and Switzerland

30. UK nationals and their family members who:

    30.1 resided in the EEA or Switzerland by 31 December 2020 (or resident in the UK, having moved there from the EEA or Switzerland after 31 December 2017), and

    30.2 resided in the EEA, Switzerland, Gibraltar or the UK for at least the previous 3 years on the first day of learning and

    30.3 remained ordinarily resident in the UK, Gibraltar, the EEA or Switzerland between 31 December 2020 and the start of the course and

    30.4 the course starts before January 2028 [2]

    The EEA includes all the countries and territories listed in **Annex A.**

[1] Persons with the right of abode have the right to live and work in the UK without any immigration restrictions. Further details can be found here: Prove you have right of abode in the UK.

[2] Para 36.5 refers to the 7-year offer for UK nationals in EEA. More info on the 7-year offer can be found here https://www.gov.uk/guidance/uk-nationals-in-the-eea-and-switzerland-access-to-higher-education-and-19-further-education

EEA and Switzerland nationals in the UK with EU Settlement Scheme

31. EEA and Switzerland nationals who have obtained either pre-settled or settled status under EUSS, and have lived continuously in the EEA, Switzerland, Gibraltar, or the UK for at least the previous 3 years on the first day of learning.

The EEA includes all the countries and territories listed in annex A

Other non-UK nationals

32. Irish citizens in the UK or Ireland who have been ordinarily resident in the UK and Islands, and/or Ireland for at least the previous 3 years on the first day of learning.

33. Other non-UK nationals who have been ordinarily resident in the UK and Islands for at least the previous 3 years on the first day of learning and:

    33.1 have permission granted by the UK government to live in the UK and such permission is not for educational purposes only, or

    33.2 have obtained pre-settled or settled status under EUSS

34. Family members of EU nationals. A 'family member' is the husband, wife, civil partner, child, grandchild, dependent parent or grandparent of an EU national (principal). A family member is eligible for funding if:

    34.1 where required to do so, they have obtained pre-settled or settled status under EUSS, and

    34.2 the EU national (principal) has obtained pre-settled or settled status under EUSS and has been ordinarily resident in the UK, EEA and/or Switzerland for at least the previous 3 years on the first day of learning

35. Family members of an eligible person of Northern Ireland are eligible for funding if:

    35.1 they have been living in the UK by 31 December 2020 and
    35.2 they have obtained pre-settled or settled status under EUSS, and
    35.3 the eligible person of Northern Ireland (principal) has been ordinarily resident in the UK by 31 December 2020, for at least the previous 3 years on the first day of learning

36. Joining family members under the EU Settlement Scheme. Family members of an EEA or Swiss national can apply to EUSS after 30 June 2021, if they are joining them in the UK on or after 1 April 2021. They have 3 months to apply to EUSS from the date they arrive in the UK. They will have temporary protection and therefore be eligible for funding during those 3 months and

pending the outcome of any EUSS application made during that period (and of any appeal). The joining family member must also be ordinarily resident in the UK, Gibraltar, EEA, and/or Switzerland for at least the previous 3 years on the first day of learning.

37. Late applications to the EU Settlement Scheme. The closing date for EUSS was 30 June 2021 (except for joining family members of EEA or Swiss nationals). After this date, EEA and Swiss nationals applying for courses starting in the 2021 to 2022 academic year and beyond are generally eligible for funding only if they have been granted pre-settled or settled status under EUSS. However, there may be individuals who have reasonable grounds for making a late application to EUSS and, there may also be some individuals who have made an EUSS application on time, but are still waiting on a final decision on their status from the Home Office, including those that have lodged an appeal. Once a valid application has been made to EUSS (evidenced by receipt of a certificate of application), the applicant will have temporary protection, pending the outcome of that application. These individuals may be eligible for funding if they:
    - have been ordinarily resident in the relevant area for at least the previous 3 years on the first day of learning, and
    - have a certificate of application, and
    - are family members of EEA/Swiss nationals (if applicable)

Individuals with certain types of immigration status and their family members

38. Any individual with any of the statuses listed below is eligible to receive funding and are exempt from the 3-year residency requirement rule:

    38.1 Refugee status

    38.2 Discretionary leave to enter or remain

    38.3 Exceptional leave to enter or remain

    38.4 Indefinite leave to enter or remain [3]

    38.5 Humanitarian protection

    38.6 Leave outside the rules

    38.7 Ukraine Family Scheme

    38.8 Ukraine Sponsorship Scheme (Homes for Ukraine)

    38.9 Ukraine Extension Scheme

    38.10 The husband, wife, civil partner or child of any of the above in paragraphs 38.1 to 38.9

38.11 Section 67 of the Immigration Act 2016 leave [4]

38.12 Calais leave to remain [5]

38.13 British Nationals evacuated from Afghanistan under Operation Pitting

38.14 British Nationals evacuated from Afghanistan by the UK government before 6 January 2022

39. In relation to the above categories, you must have seen the learner's immigration permission. This would include the biometric residence permit (BRP) and in some cases an accompanying letter from the Home Office.

[3] *This includes Afghans eligible under the Afghan Relocation and Assistance policy (formally known as Locally Engaged Staff under the intimidation policy).*

[4] *A child of a person who has received leave under section 67 of the Immigration Act 2016 will come within paragraph 39.9 where they have been granted "leave in line" by virtue of being a dependent child of such a person.*

[5] *A child of a person who has received Calais leave to remain will come within paragraph40.11 where they have been granted "leave in line" by virtue of being a dependent child of such a person.*

Extension or variation of current immigration permission

40. Any learner or family member who has applied for an extension or variation of their immigration permission in the UK is still treated as if they have that leave. This only applies if the application was made before their current permission expired. Their leave continues until the Home Office decide on their immigration application. Their leave will continue where they have appealed or sought an administrative review of their case within the time allowed to them for doing so.

41. Therefore, a learner or family member is considered to still have the immigration permission that they held when they made their application for an extension, administrative review or appeal, and their eligibility would be based upon this status.

42. You may wish to find information, advice, and support on eligibility from the UK Council for International Student Affairs https://www.ukcisa.org.uk/

43. The learner's immigration permission in the UK may have a 'no recourse to public funds' condition. Public funds do not include education or education funding. Therefore, this does not affect a learner's eligibility, which must be decided under the normal eligibility conditions.

Asylum seekers

44. Asylum seekers are eligible to receive funding if:

44.1 they have lived in the UK for six months or longer while their claim is being considered by the Home Office, and no decision on their claim has been made; or,

44.2 are receiving Local Authority support under section 23C or section 23CA of the Children Act 1989 or the Care act 2014.

45. An individual who has been refused asylum will be eligible if:

45.1 they have appealed against a decision made by the UK government against granting refugee status and no decision has been made within six months of lodging the appeal; or,

45.2 they are granted support for themselves under section 4 of the Immigration and Asylum Act 1999; or,

45.3 are receiving local authority support for themselves under section 23C or section 23CA of the Children Act 1989.

Children of Turkish workers

46. A child of a Turkish worker is eligible if both the following apply:

46.1 the Turkish worker is ordinarily resident in the UK on or before 31 December 2020 and has Turkish European Community Association Agreement (ECAA) rights or extended ECAA leave and

46.2 the child has been ordinarily resident in the UK, EEA and/or Turkey for at least the previous 3 years on the first day of learning and is resident in the UK on or above 31 December 2020.

Persons granted stateless leave

47. A person granted stateless leave is a person who:

47.1 has extant leave to remain as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971); and,

47.2 has been ordinarily resident in the UK and Islands throughout the period since the person was granted such leave.

48. A stateless person must:

48.1 be ordinarily resident in the UK on the first day of the first funding year of the course; and

48.2 have been ordinarily resident in the UK and Islands throughout the three-year period preceding the first day of the first funding year of the course.

49. Certain family members are also eligible under this category if:

49.1 the spouse or civil partner of a person granted stateless leave (and who was the spouse or civil partner of that person on the leave application date), who is ordinarily resident in the UK on the first day of the first funding year of the course, and who has been ordinarily

resident in the UK and Islands throughout the three-year period preceding the first day of the first funding year of the course; or,

49.2 the child of a stateless person or of the stateless person's spouse or civil partner (and who was the child of that stateless person or the child of the stateless person's spouse or civil partner on the leave application date), was under 18 on the leave application date, is ordinarily resident in the UK on the first day of the first funding year of the course, and has been ordinarily resident in the UK and Islands throughout the three-year period preceding the first day of the first funding year of the course.

50. "Leave application date" means the date on which a person is granted stateless leave made an application to remain in the UK as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971).

Individuals who are not eligible for funding

51. You must not claim funding from TVCA for individuals who do not meet the eligibility criteria set out in paragraphs 18-50. Examples of individuals who do not meet the eligibility criteria include the following. Please note this list is not exhaustive:

those who are here without authority or lawful status

51.2 those who are residents in other authorities outside of the Tees Valley Combined Authority. It is the provider's responsibility to ensure that the relevant funding is secured from the relevant funding body for their learners who do not meet the eligibility for Tees Valley funding.

51.3 those who are resident in the Tees Valley on a student visa unless they are eligible through meeting any other of the categories described above

51.4 those who are in the Tees Valley on holiday, with or without a visa

51.5 those who are a family member of a person granted a student visa, who have been given immigration permission to stay in the Tees Valley and have not been ordinarily resident in the UK for the previous three years on the first day of learning

51.6 individuals who are ordinarily resident in the Channel Island or the Isle of Man, unless they are also ordinarily resident within Tees Valley

51.7 those whose biometric residence permit or residence permit imposes a study prohibition or restriction on the individual.

Learners in the armed forces

52. We will fund British armed forces personnel, Ministry of Defence (MoD) personnel or civil and crown servants where they are residents within the Tees Valley. We will class members of the British armed forces on postings outside of the UK, including their family members, as ordinarily resident in the Tees Valley.
53. Members of other nations' armed forces stationed in Tees Valley, and their family members, aged 19 and over, are eligible for funding if the armed forces individual has been ordinarily resident in England for the previous three years on the first day of learning. We will not fund family members that remain outside of Tees Valley.

Learners temporarily outside of England

54. If someone ordinarily resident in the Tees Valley works outside of England as part of their job, they are eligible for funding as long as some of the learning takes place in England. You cannot claim for the additional expense of delivering learning outside of England or the Tees Valley.

Fees and charging

55. You must not make compulsory charges relating to the direct costs of delivering a learning aim or learning programme to learners we fully fund, including those with a legal entitlement to full funding for their learning. Direct costs include any essential activities or materials without which the learner could not complete and achieve their learning.

56. If a fully funded learner needs a Disclosure and Barring Service (DBS) check to participate in learning, you cannot charge them for this. If the learning is associated with the learner's employment, their employer is responsible for carrying out and paying for this check.

57. When charging a fee to co-funded learners, the sum of the contribution and the learner's fee must not exceed the fully funded weighted rate for the learning aim, and the learner should not have to pay more than 50% of the unweighted rate.

Qualifying days for funding

58. A learner must be in learning for a minimum number of days between their learning start date and learning planned end date before you can earn funding, including learning support. For further information, please refer to the TVCA Adult Education Budget Funding Rates and Formula 2022 to 2023 on the Tees Valley Combined Authority' Egress Switch Secure Workspace.
59. This does not apply where the learner achieves the learning aim.

59.1 New starts must be reported within 2 reporting months of their start date

59.2 Achievements must be reported within 3 reporting months of the point of achievement.

Recognition of prior learning (RPL)

60. A learner could have prior learning or attainment that has been previously accredited by an awarding organisation or could be formally recognised and count towards achievement of a qualification. Providers must check prior learning by using the PLR (Personalised Learning Record) and record this in the Evidence Pack. If this is the case, you must:

    60.1 reduce the funding amount claimed for the learning aim by the percentage of learning and assessment the learner does not need

    60.2 follow the policies and procedures set by the awarding organisation regarding recognition of prior learning, including any restrictions concerning where RPL or prior attainment may not be applied

    60.3 ensure you have a robust internal RPL policy and appropriate resources to deliver RPL.

    We would not expect RPL or prior attainment to be used against the whole qualification, this is exemption rather than RPL.

61. You must not use prior learning to reduce funding for English and Maths qualifications up to and including level 2.

Breaks in learning

62. You and the learner can agree to suspend learning while the learner takes a break from learning. This allows the learner to continue later with the same eligibility that applied when they first started their learning.

63. We will not fund a learner during a break in learning.

64. You must record the date a learner takes a break in learning and the date they restart their learning in the ILR. Further guidance on recording breaks can be found in the ILR Provider Support Manual 2022 to 2023.

65. You must have evidence that the learner agrees to return and continue with the same learning aim; otherwise, you must report the learner as withdrawn. When the learner returns to learning, you must re-plan and extend the remaining delivery as required.

66. You must not use a break in learning for short-term absences, such as holidays or short-term illness.

What we will not fund

67. We will not fund:

67.1 qualifications, units, or learning aims that are not listed on the local list of qualifications flexibilities or on Find a learning aim or on the Qualification Search - ESFA List of Qualifications approved for funding (education.gov.uk)

without prior approval from the TVCA

67.2 provision to learners in custody - the Ministry of Justice funds prison education in England. Please note you can use your TVCA funded AEB to fund individuals released on temporary licence

67.3 any part of any learner's learning aim or programme that duplicates provision they have received from any other source

67.4 a learner to repeat the same regulated qualification where they have previously achieved it, unless it is for any GCSE where the learner has not achieved grade C, or 4, or higher

67.5 a learner to sit or resit a learning aim assessment or examination where no extra learning takes place.

68. Skills provision that can be accessed via National Skills Funded programmes including Level 3 Free Courses for Jobs and Skills Bootcamps, or other funded programmes.

69. Stand-alone employability/prep for work provision (we expect it to be embedded within the vocational/technical qualification/SSA pathway/skills programme)

Outcomes and Impact

70. It is important that all learners who access TVCA funded skills provision are able to utilise their learning in order to progress in their personal lives for example accessing courses funded through Learning for Inclusion, or for work/higher education through the skills funded courses.

71. Where possible, TVCA will use the ILR data to analyse the outputs and outcomes of the skills funding. However, it is acknowledged that the ILR cannot provide all of the necessary data and information that TVCA wish to collect in order to understand the outcomes for learners and the impact that the skills funding is having both on the individual and meeting the skills needs of employers.

72. Therefore, additional data and information will be required from providers throughout the funding period, and the quality and accuracy of this data will be vital in measuring the outcomes and impact.

73. TVCA aims to clarify the definition of progression for its funded providers as follows:

i. employment including apprenticeships (ideally within 12 weeks of completing their learning)
ii. in employment (such as promotion, increased responsibilities, increased pay as a result of the learning undertaken)
iii. next level learning for example:
    - non-regulated learning to regulated learning
    - Entry level to level 1 and within a sector subject area
    - Level 1 to level 2 and within a sector subject area
    - Level 2 to Level 3 and within a sector subject area
    - Level 3 short courses to full level 3 (FCFJ)
    - Level 3 to Higher Education

Subcontracting

Subcontracting Definition:

TVCA considers the term 'subcontracting' to encompass all third-party arrangements you have with other Providers where the Provider is managing and delivering a proportion of your TVCA AEB funding award.

It is important to note that you cannot be a subcontractor and a direct funded Provider of TVCA to deliver AEB. TVCA define a delivery subcontractor as a separate legal entity that has an agreement with you to deliver any provision that we fund for Tees Valley residents. A separate legal entity includes any training Provider with a UKPRN including those in your group and other associated companies.

The term 'subcontractor' will also apply to any partnership, associate, third party, working relationships you have where your staff and/or provision is managed by another partner/ institution. TVCA will consider all the above as a subcontracting arrangement and as such will require all relevant detail in your 2022/23 Delivery Plan for appraisal by TVCA. These arrangements must also be identified in the ILR using the Partner UKPRN Field. This type of partnership working will be reviewed at the relevant Provider Performance Meetings in terms of outcomes for learners and Provider quality assurance activities.

TVCA will review subcontracting for all Providers who subcontract. It will protect learners by looking for signs of non-compliance and checking with main Providers that the rules are being followed.

- It is vital that all directly funded organisations must properly monitor and control all subcontracted delivery. They must ensure that safeguarding is rigorously policed, that students enjoy the same entitlements as those learning in schools and colleges and that their education is of high quality.

- Lead Providers should set out in their organisation's strategic aims their reason for subcontracting, which must enhance the quality of their learner offer. Lead Providers are responsible for the selection and actions of their delivery subcontractors.

We expect Providers to maximise the amount of funding that reaches front line delivery of high-quality learning. Additional information describing our expectations of lead Providers when they subcontract are set out in TVCA's Subcontracting Policy.

74. You must take your own legal advice about the impact of Public Contracts Regulations 2015 on your recruitment of delivery subcontractors and have this advice available for inspection by us on request.

75. Your governing body or board of directors and your accounting officer (senior responsible person) must agree your policy for delivery subcontracting.

76. You must publish your policy for subcontracted delivery on your website.

77. As a minimum, your policy must include the following in respect of your delivery subcontracting:

    77.1 Your rationale for subcontracting, which must enhance the quality of your student offer. You must be clear about the educational rationale for your subcontracting position. We expect the rationale to meet one or more of the following aims:

    77.2 enhance the opportunities available to learners

    77.3 fill gaps in niche or expert provision, or provide better access to training facilities

    77.4 support better geographical access for learners

    77.5 to offer an entry point for disadvantaged groups consideration of the impact on individuals who share protected characteristics

    77.6 for each subcontractor, how you will determine a detailed list of your specific costs for managing them, specific costs for quality monitoring activities and specific costs for any other support activities offered by you to the subcontractor.

    77.7 for each subcontractor, how you will determine each cost is reasonable and proportionate to delivery of their teaching or learning and how each cost contributes to delivering high quality learning.

    77.8 timing for review of your policy for delivery subcontracting, which should be done annually.

78. We expect the policy, including the rationale to be published by 31 October 2022. It should be easy to navigate from the front page of your education and training web pages.

79. You must not subcontract to meet short-term funding objectives.

80. You must only use delivery subcontractors:

    80.1 if you have the knowledge, skills and experience within your organisation to successfully procure, contract with and manage those subcontractors and can evidence this with the CVs of relevant staff

    80.2 if your governing body/board of directors and your accounting officer (senior responsible person) determine the subcontractor as being of high quality and low risk, and provide written evidence confirming this

80.3 if you have robust procedures to ensure subcontracting does not lead to the inadvertent funding of extremist organisations

80.4 if before agreeing to use them you have described your reason for subcontracting, listed all services you will provide and the associated costs when doing so

81. You are responsible for all the actions of your delivery subcontractors and partners connected to, or arising out of, the delivery of the services, which you subcontract.

Level and Percentage of Subcontracting

82. Providers must not subcontract more than 40% of their allocation.

83. All subcontracting must be effectively planned on an annual basis and detailed within your 2022/23 Delivery Plan. Your Delivery Plan must be approved by TVCA prior to the procurement of any subcontracting provision.

84. A subcontractor can only enter into an agreement with one direct delivery partner and therefore cannot be a named subcontractor to multiple Providers.

85. It is important to note that you cannot be a subcontractor and a direct provider. TVCA will use the ILR to monitor subcontracting levels against your Delivery Plan.

86. As detailed in the funding agreement and in the 2022/23 TVCA Provider Performance Management Framework, any change in subcontracting delivery increase or decrease from your agreed delivery plan must be approved by TVCA. In addition, if you intend to use a subcontractor, not on your agreed Delivery Plan, you must inform TVCA immediately prior to any additional subcontracting procurement activity.

Selection and procurement of subcontracted provision

87. If you have not previously subcontracted AEB provision, you must get TVCA written approval before awarding a contract to a delivery subcontractor and retain evidence of this. You can find details about seeking written approval in the TVCA Subcontracting Policy 2022/2023.

88. When appointing delivery subcontractors, you must avoid conflicts of interest and you must:

88.1 write to us through your Provider Relationship and Performance Officer about any circumstances (for example, where you and your proposed subcontractor have common directors or ownership) which might lead to an actual or perceived conflict of interest

88.2 not award the contract without prior agreement from TVCA

88.3 keep as evidence both your request and our reply.

89. You must carry out your own due diligence checks when appointing delivery subcontractors and have both the process and the results available for inspection by your Provider Relationship and Performance Officer.

90. You must not use a delivery subcontractor's presence on any public register or database, as an indicator that they are suitable to deliver to your specific requirements.

91. You must not enter into any subcontracting arrangements or increase the value of your existing arrangements prior to review and approval by TVCA and if any of the following circumstances apply. These conditions will continue until we are satisfied that the concerns have been addressed and the circumstances below no longer apply:

    91.1 if Ofsted has rated your leadership and management as inadequate

    91.2 if you do not meet the ESFA Minimum Standards

    91.3 if the outcome of your annual financial health assessment, completed by ESFA is deemed inadequate, unless we have provided written permission in advance.

Entering into a subcontract

92. You must only award contracts for delivering provision funded by TVCA AEB to legal entities. If the legal entity is a registered company, it must be recorded as 'active' on the Companies House database.

93. You must not award a subcontract to any organisation if:

    93.1 it has an above-average risk warning from a credit agency

    93.2 it has passed a resolution (or the court has made an order) to wind up or liquidate the company, or administrators have been appointed its statutory accounts are overdue.

94. You must make sure that learners supported through subcontracting arrangements know about you and your delivery subcontractor's roles and responsibilities in providing the learning.

95. You must have a legally binding contract with each delivery subcontractor that includes all the terms set out in paragraphs 99 to 123.

96. You must have a contingency plan in place for learners in the event that:

    96.1 you need to withdraw from a subcontract arrangement

    96.2 a delivery subcontractor withdraws from the arrangement

    96.3 a delivery subcontractor goes into liquidation or administration.

97. You must make sure that the terms of your subcontracts allow you to:

    97.1 monitor the delivery subcontractor's activity

97.2 have control over your delivery subcontractors

97.3 monitor the quality of education and training provided by all delivery subcontractors.

98. You must obtain an annual report from an external auditor. The report must:

98.1 provide assurance on the arrangements to manage and control your delivery subcontractors

98.2 comply with any guidance issued by us.

99. You must supply us with a certificate signed by the external auditor and an authorised signatory to confirm you have received a report that provides satisfactory assurance. We may ask you to provide a copy of the full report prior to any award of a TVCA funding agreement.

Terms that you must include in your contracts with delivery of subcontractors

100. You must make sure your delivery subcontractors:

100.1 meet the requirements set out in our funding rules

100.2 provide you with ILR data so your data returns to ESFA, and then subsequently forwarded to TVCA for Tees Valley residents, accurately reflect your subcontractor's delivery information

100.3 give us, and any other person nominated by us, access to their premises and all documents relating to provision funded by the TVCA AEB

100.4 give you sufficient evidence to allow you to:

i assess their performance against Ofsted's Education Inspection Framework

ii incorporate the evidence they provide into your self-assessment report

iii guide the judgements and grades within your self- assessment report.

100.5 always have suitably qualified staff available to provide the education and training we fund through the AEB

100.6 co-operate with you to make sure there is continuity of learning if the subcontract ends for any reason

100.7 tell you if evidence of any irregular financial or delivery activity arises; irregular activity could include, but is not limited to:

i non-delivery of training when funds have been paid

ii sanctions imposed on the delivery subcontractor by an awarding organisation

iii an inadequate Ofsted grade

iv complaints or allegations by learners, people working for the delivery subcontractor or other relevant parties

v allegations of fraud.

100.8 are bound by European Social Fund (ESF) clauses from your funding agreement being then included in the subcontract, even if the provision being subcontracted is not funded by the ESF

100.9 do not use TVCA AEB funding or any other TVCA funding sources to make bids for, or claims from, any European funding on their own behalf

100.10 do not use payments made as match funding for ESF co-financing projects or any other funding sources.

101. You must include in your contract with each delivery subcontractor:

101.1 reference to your delivery subcontracting policy and where it can be found on your website

101.2 your reason for subcontracting with them

101.3 a list of all services you will provide to them and the associated costs for doing so. This must include a list of individually itemised, specific costs for managing the subcontractor, specific costs for quality monitoring activities and specific costs for any other support activities offered by you to the subcontractor

101.4 a description of how each specific cost is reasonable and proportionate to delivery of the subcontracted teaching or learning and how each cost contributes to delivering high quality learning.

Monitoring of subcontracted provision

102. You must manage and monitor all of your delivery subcontractors to ensure that high-quality delivery is taking place that meets TVCA funding rules.

103. You must carry out a regular and substantial programme of quality-assurance checks on the adult education and training provided by delivery subcontractors, including visits at short notice and face-to-face interviews with staff and learners. The programme must:

103.1 include whether the learners exist and are eligible

103.2 involve direct observation of initial guidance, assessment, and delivery of learning programmes.

104. The findings of your assurance checks must be consistent with your expectations and the delivery subcontractor's records.

105. Provider reports detailing the quality and outcomes of any subcontracted activity may be requested by TVCA at any time and must be provided to TVCA at all relevant TVCA Provider Performance Meetings for review.

106. TVCA will monitor your subcontracting provision at:

106.1 each in-year Provider Performance Review Meeting

106.2 end of year Annual Performance Review.

107. The level of subcontracting will be monitored, and the quality of outcomes assessed.

108. TVCA will utilise the destination/outcome fields of the ILR and Provider reports relating to the quality of all subcontracting provision, to assess the quality of both direct delivery and all subcontracted delivery.

109. It is a condition of funding that all outcomes for Tees Valley learners, either directly delivered by you or your subcontractors, are recorded on the ILR.

Second-level subcontracting

110. You must not agree the use of any delivery subcontractor where this would require you to subcontract adult education and training to a second level. All of your delivery subcontractors must be contracted directly by you, and you may have more than one subcontractor and must be approved by TVCA. The restriction on the level of subcontracting is in place to ensure:

103.1. that lead Providers retain clear and transparent accountability for the quality of training provision

103.2. that proper and appropriate controls are in place to manage the learner experience; and

103.3. that value for money is achieved by mitigating funding being utilised for multiple tiers of subcontractor management.

Reporting subcontracting arrangements

111. TVCA Delivery Plans will contain details of your subcontractors and TVCA will use this information to create a list of subcontractors on your behalf.

112. The TVCA will publish annually a summary of Provider subcontracting activity and information including the names of subcontractors and the value of the TVCA adult learner subcontracted provision.

113. These details will be confirmed with at your TVCA performance monitoring meetings.

Subcontracting Fees and Charges

114. TVCA recognise that there is a need for TVCA funded Providers to charge a management fee for managing a subcontracting agreement and the operation of activities related to ensuring high quality provision and positive outcomes for adult learners.

115. Management fees should be realistic, and an accurate reflection of the management costs incurred by the TVCA funded Provider and declared in the Delivery Plan. TVCA do not expect management fees to be charged at more than 20%.

116. TVCA reserves the right to challenge the level of management fee applied and the activities delivered by the Provider to warrant the management fee.

Distributing income between you and your delivery subcontractors

117. You must regularly review your delivery subcontracting fees and your governing body or board of directors and your accounting officer must sign a charges policy for this.

118. You must publish your delivery subcontracting fees and charges policy on your website before entering into any subcontracting agreements for the 2022 to 2023 funding year.

119. As a minimum, you must include the following in your delivery subcontracting fees and charges policy:

    119.1 Your contribution to improving your and your delivery subcontractor's quality of teaching and learning.

    119.2 How you will identify the support required and associated costs for different delivery subcontractors.

    119.3 The typical percentage range of fees you retain to manage delivery subcontractors, and how you calculate this range.

    119.4 The support delivery subcontractors will receive in return for the fee you charge.

    119.5 If appropriate, the reason for any differences in fees or support provided to different delivery subcontractors.

119.6 Payment terms between you and your delivery subcontractors, the timing of payments in relation to delivery and timescale for paying invoices and claims for funding received.

119.7 How and when you communicate and discuss your policy with current and potential delivery subcontractors.

119.8 Timing for review of your delivery subcontracting policy.

119.9 Where you publish your subcontracting policy.

120. You must tell us the actual level of funding paid and retained for each of your subcontractors within your Delivery Plan.

121. All subcontracting activity must be approved by TVCA prior to any delivery of any subcontracting provision.

122. Any changes to your subcontracting partners or increases in subcontract values must be agreed and approved in writing by TVCA via your Provider Performance and Relationship Officer.

123. The actual level of funding paid and retained for each of your delivery subcontractors in 2022/23 will be reviewed in-year at your Provider Performance Meetings and at your Annual Performance Review.

124. You must include the following in your published AEB delivery subcontractor fees and charges:

124.1 Name of each delivery subcontractor.

124.2 The UK Provider Reference Number of each delivery subcontractor, if appropriate.

124.3 Contract start and end date for each delivery subcontractor.

124.4 Funding we have paid to you for AEB delivery for Tees Valley residents by each delivery subcontractor in that funding year.

124.5 Funding you have paid to each delivery subcontractor for AEB delivery in that funding year.

124.6 Funding you have retained in relation to each delivery subcontractor's AEB delivery for that funding year.

124.7 If appropriate, funding each delivery subcontractor has paid to you for services or support you have provided in connection with the subcontracted delivery.

Evidence of use of TVCA Funding

Match funding

125. TVCA will not directly match fund any adult education budget funding with ESF. Providers may not utilise TVCA AEB as match funding for any source of funding without prior agreement from the TVCA.
126. You must hold evidence to assure us that you are using TVCA AEB funding appropriately. Most evidence will occur naturally from your normal business process.
127. You must ensure that claimed TVCA AEB funding is for individuals ordinarily resident in England, or who any exceptions set out in the 'Residency Eligibility' section apply to.
128. In line with General Data Protection Regulations (GDPR), you must record in the learning file what appropriate documentation you have seen rather than take photocopies to prove eligibility.

Evidence Pack

129. The evidence pack must contain evidence to support the TVCA AEB funding claimed and must be available to us if we need it.

130. Evidence in the evidence pack must assure us that the learner exists.

131. The learner must confirm information they provide is correct when it is collected.

132. If the time spent in learning is short, the level of evidence in the evidence pack would reflect this.

133. Where you hold information centrally, you only need to refer to the source.

134. If applicable, the evidence pack must confirm the following:

    134.1 All information reported to the ESFA for Tees Valley residents in the ILR and the TVCA Earnings Adjustment Statement (EAS), and if it applies, the supporting evidence for the data you report for each learner

    134.2 Your assessment and evidence of eligibility for funding and a record of what evidence the learner has provided

    134.3 All initial skills and diagnostic assessments

    134.4 A robust initial assessment with all eligible learners to establish their prior knowledge, skills, and experience.

    134.5 Consult the national Provider Learner Record System (PLR) to confirm a learner's prior learning and accurately record this in the learner evidence pack and the ILR.

134.6 The Tees Valley Combined Authority will not fund learning that has already taken place.

134.7 All pre-course and any ongoing IAG activity.

134.8 The Contractor shall provide impartial information, advice and guidance that is clear and easily accessible to Learners and will help Learners to understand the opportunities and support available to them about education, training and connected matters (including local employment linked to sector priorities, current employment market so that Learners are clear what opportunities the training will provide for them:

134.9 Where one of the main objectives of the Provision is to deliver impartial information and advice, the Contractor must achieve the Matrix Standard accreditation within six (6) months of the Agreement Date and maintain such accreditation for the Contract Period.

134.10 Where the Provision is delivered by a sub-contractor on behalf of the Provider, these requirements must be applied to the sub-contractor. This does not apply where the Contractor retains responsibility for the delivery of information, advice, and guidance to the Learners.

134.11 It is the responsibility of the Contractor to ensure any sub-contractor delivering the Services on its behalf has Matrix Standard accreditation.

134.12 The Contractor shall be aware that, once achieved, Matrix Standard accreditation is valid for three (3) years. The Contractor shall demonstrate its continuous improvement via annual continuous improvement checks with the matrix Standard assessor.

134.13 Evidence that the Personal Learning Record (PLR) has been used to check prior learning.

134.14 Information on prior learning that affects the learning or TVCA funding of any of the learning aims or programme.

134.15 For ‘personalised learning programmes’, for example, learning not regulated by a qualification, full details of all the aspects of the learning to be carried out, including supporting evidence of the number of planned hours reported.

134.16 A description of how you will deliver the learning and skills and how the learner will achieve.

134.17 The supporting evidence about why you have claimed funding and the level of funding for a learner, including details of any learner or employer contribution.

134.18 Support needs identified, including how you will meet these needs and the evidence of that

134.19 That learning is taking or has taken place and records are available.

134.20 A learner's self-declarations as to what state benefit, they claim.

134.21 A learner's self-declarations on their status relating to gaining a job.

134.22 All records and evidence of achievement of learning aims or learning programme. This must be available within three months of you reporting it in the ESFA ILR for Tees Valley residents.

135. You must keep evidence that the learner is eligible for funding. Where the learner is unemployed, this must include a record of what you have agreed with them, including the relevance of the learning to their employment prospects and the labour market needs.
136. If a subcontractor delivers any provision to the learner, it must clearly identify who it is. This must match the information reported to us in the ESFA ILR for Tees Valley residents.

Confirmation and signatures

137. The learner or employer must confirm the information is correct when it is collected. You must have evidence of this, which can include electronic formats.

138. We accept electronic evidence, including electronic/digital signatures. Where evidence is electronic, you must have wider systems and processes in place to assure you that learners exist and are eligible for funding.

139. Both electronic and digital signatures are acceptable, we do not specify which should be used, only that a secure process to obtain and store signatures is followed:

135.1. an electronic signature is defined as any electronic symbol or process that is associated with any record or document where there is an intention to sign the document by any party involved. An electronic signature can be anything from a check box to a signature

135.2. a digital signature is where a document with an electronic is secured by a process making it non-refutable. It is a digital fingerprint which captures the act of signing by applying security to a document. Usually documents which have a digital signature embedded re extremely secure and cannot be accessed or amended easily.

136. Where an electronic or digital signature is being held, from any party for any reason, you must ensure it is non-refutable, this includes the definitions of both wet and dry signatures. Systems and processes must be in place to assure to us that the original signature has not been altered. Where any

document needs to be renewed, and a new signature taken, it must be clear from when the new document takes effect, and both must be held.

137. You must keep effective and reliable evidence. You are responsible for making the evidence you hold easily available to us when we need it.

Starting, participating, and achieving

138. You can only claim TVCA funded AEB when directly related learning starts. This would not include enrolment, induction, prior assessment, diagnostic testing, or similar learning.

139. For your direct delivery, and any subcontracted delivery, you and where relevant, your subcontractor(s) must have direct centre approval and where appropriate, direct qualification approval from the respective awarding organisation for the regulated qualifications you are offering.

140. Delivery of the qualification (including learner registration with the awarding organisation) for direct delivery and any subcontracted delivery must be in line with the qualification specification and guidance set out by the relevant awarding organisation.

141. You must have evidence that the learning took place, and the learner was not certificated for prior knowledge.

142. Where the learning is certificated, you must follow your awarding organisation's procedure for claiming the relevant certificate(s) and ensure the learner receives them. You must evidence this has happened in the learner evidence pack.

Leaving learning

143. You must report the learning actual end date in the ILR for a learner who leaves learning as the last day that you can evidence, they took part in learning.

Individualised Learner Record

144. You must accurately complete all ESFA ILR fields as required in the 2022 to 2023 ILR Specification, published by the ESFA, even if they are not required for funding purposes.

145. The ESFA ILR must accurately reflect the learning and support (where applicable) you have identified, planned, and delivered to eligible Tees Valley residents. You must not report inaccurate information that would result in an inflated claim for funding.

146. Where your data does not support the funding claimed, we will take action to get this corrected and could recover funds you have overstated.

147. All destinations and/or progression details are a mandatory requirement for Tees Valley learners. Destination and progression must be detailed in the defined fields within the ESFA ILR. **This is a condition of funding.**

Self-declarations by learners

148. All self-declarations must confirm the learner's details and describe what the learner is confirming for requirements set out in this document.

149. If a learner self-declares prior attainment, you must check this in the personal learning record (PLR) and query any contradictory information with the learner. The PLR will not necessarily override the learner's self-declaration.

Section 2 – Tees Valley Adult Education Budget

Provision and individuals we fund

Legal entitlements

TVCA AEB supports four legal entitlements to full funding for eligible adult learners.

Note: The legal entitlements for level 2 and level 3 follow the definition of fullness in paragraphs 173 to 174 and 175 to 177, respectively. A learner can only be fully funded for one vocational qualification from the entitlement qualifications list when exercising their legal entitlement. Appropriate information, advice and guidance should be given to a learner and the learner should be made aware of their entitlement rights and progression routes on completing an entitlement qualification.

These are set out in the Apprenticeships, Skills and Children's Learning Act 2009, and enable eligible learners to be fully funded for the following qualifications:

- English and Maths, up to and including level 2, for individuals aged 19 and over, who have not previously attained a GCSE grade 4 (C), or higher, and/or
- first full qualification at level 2 for individuals aged 19 to 23, and/or
- first full qualification at level 3 for individuals aged 19 to 23
- essential digital skills qualifications, up to and including level 1, for individuals aged 19 and over, who have digital skills assessed at below level 1

A 10% increase is applied in the funding rates for all English, maths and digital skills qualifications associated with the Legal Entitlements.

To qualify for the 10% uplift, the qualifications must be fundable and listed on Find a Learning Aim under category 39 – 'Legal Entitlement-English and Maths' or category 42 – 'Digital Skills'.

150. If an individual meets the legal entitlement eligibility criteria, you must not charge them any course fees.

151. Eligible learners exercising their legal entitlement must be enrolled on qualifications that we have approved for funding through the relevant entitlement. For the funding year 2022 to 2023, Providers can find the qualifications we have approved in the ESFA list of qualifications approved for funding, for the following entitlement offers:

    151.1. English and Maths and/or

    151.2. Essential digital skills qualifications and/or

    151.3. Level 2 and Level 3.

Level 3 Free Courses for Jobs and legal entitlements

152. Eligible 19 to 23-year-old learners can access all qualifications from the Level 3 Free Courses for Jobs. If a learner aged 19 to 23 enrols on a qualification that is:

    152.1. included on both the legal entitlement list and the Level 3 Free Courses for Jobs list they will have exercised their legal entitlement. For more information on the eligibility criteria refer to paragraphs 168 to 172.

Local flexibility

TVCA will continue to support the delivery of flexible tailored provision for adults, including qualifications and components of these **and/or** non-regulated learning, up to level 3 – we call this 'local flexibility'.

Local flexibility provision either is fully or co-funded, depending on the learner's prior attainment and circumstances. Please refer to the 'level of TVCA contribution' tables on pages 34-36 and paragraphs 160 to 222 for learner eligibility.

Where appropriate for the learner, you can deliver local flexibility provision alongside a legal entitlement qualification.

153. For learners aged 19 to 23 progressing towards their first full level 2, they must undertake learning at entry and/or level 1 only from local flexibility.

Local flexibility and legal entitlements

154. Learners aged 19 to 23 who progress to their first full level 2, must only enrol on a qualification from the qualifications website the legal entitlement list set out in paragraph 155.

    Learners aged 19 to 23 and aged 24 and over who have already achieved at level 2, or above can undertake learning up to and including level 3 qualifications from the local flexibility offer or qualifications in the level 2 legal entitlement list available on the Qualifications website or Find a learning aim

155. Learners aged 24 and over who have not achieved a level 2 qualification can undertake learning up to and including level 2 qualifications from the local flexibility offer or qualifications in the level 2 legal entitlement list available on the Qualifications website or Find a learning aim
156. Learners aged 19+ who are seeking to retrain/change career to secure employment in a priority sector/high demand sector, and who have already achieved a level 2 or level 3 qualification will be fully funded to undertake a second level 2 or 3 qualification from the approved list Career Change Aims
157. Providers can seek to add qualifications to this list. All additional qualifications must be approved by TVCA prior to enrolment. Please contact your Relationship and Performance Officer.

Bespoke Employer Led Skills Programmes (BELP)

158. TVCA supports programmes which are directly linked to employment vacancies with employers.

    These programmes can include qualifications from the DfE list of approved qualifications Find a Learning Aim or can be qualifications/skills courses that are currently unfunded, but are required by employers, to enable a Tees Valley resident to move into employment. This can include a programme of skills including a licence to practice which could be funded as part of the Tees Valley local flexibilities. This must be based on evidence of need and must be linked directly to employment opportunities.

    Where the employer led skills programmes support the individual to acquire a “licence to practice” or a non-funded element you must consult TVCA and seek prior approval before delivering and using these codes in the ILR.

TVCA contribution table 1: 19 to 23-year-olds

The level of TVCA contribution we will fund is as follows.

Provision	19 to 23-year-olds	Notes
English and maths, up to and including level 2	Fully funded	Must be delivered as part of the legal entitlement qualifications
Essential Digital Skills Qualifications up to and including level 1	Fully funded	Must be delivered as part of the Digital legal entitlement qualifications list
First full Level 2 (excluding English & maths and Digital)	Fully funded	First full level 2 must be delivered as part of the legal entitlement qualifications. Level 2 provision from the local flexibility offer will not be funded for 19–23-year-olds who do not have a first full Level 2
Learning aims to progress to a full level 2 – up to and including level 1	Fully funded	Must be delivered as entry or level one provision from local flexibility
Level 3 legal entitlement (learners first full L3)	Fully funded	First full level 3 must be delivered as part of the legal entitlement qualifications
Level 3 Free Courses for Jobs	Fully funded	Learners without a full level 3 or above can access a qualification on the Level 3 Free Courses for Jobs qualification list
English for speakers of other languages (ESOL) learning up to and including level 2	Fully funded	For those eligible through unemployed or on a low wage
	Co-funded	For those who do not meet the definition of unemployed or do not meet the eligibility criteria for low wage
Learning aims at Level 2 and Level 3 where the learner has already achieved a first full level 2, 3 or above	Fully funded	For those eligible through unemployed, low wage or meet ‘Career change’ criteria
	Co-funded	For those who do not meet the definition of unemployed or do not meet the eligibility criteria for low wage or ‘Career change’

TVCA contribution table 2: 24+

The level of TVCA contribution we will fund is as follows.

Provision	24+	Notes
English and maths, up to and including level 2	Fully funded	Must be delivered as part of the legal entitlement qualifications list
Essential Digital Skills Qualifications up to and including level 1	Fully funded	Must be delivered as part of the legal entitlement qualifications list
Level 2 (excluding English and maths)	Fully funded	For those eligible through unemployed, on a low wage or meeting Career Change
	Co-funded	For those who do not meet the definition of unemployed, low wage or Career change
Learning to progress to level 2	Fully funded	For those eligible for their first full level 2 through unemployed or low wage
	Co-funded	For those who do not meet the definition of unemployed or do not meet the eligibility criteria for low wage - Career Change
Level 3 Free Courses for Jobs	Fully funded	Learners without a full level 3 or above accessing a qualification on the Level 3 Free Courses for Jobs qualifications list
English for speakers of other languages (ESOL) learning up to and including level 2	Fully funded	For those eligible through unemployed or on a low wage
	Co-funded	For those who do not meet the definition of unemployed (or do not meet the eligibility criteria for low wage
Learning aims up to and including level 2, where the learner has already achieved a first full level 2, or above	Fully funded	For those eligible through unemployed or on a low wage
	Co-funded	For those who do not meet the definition of unemployed or do not meet the eligibility criteria for low wage
Learning aims up to and including level 2, where the learner has not achieved a first full level 2, or above	Fully funded	For those eligible through unemployed or on a low wage or 'Career Change'
	Co-funded	For those who do not meet the definition of unemployed or do not meet the eligibility criteria for low wage or 'Career Change'

Definitions used in the adult education budget

Unemployed

159. For funding purposes, we define a learner as unemployed if one or more of the following apply:

159.1. They receive Jobseeker's Allowance (JSA), including those receiving National Insurance credits only

159.2. They receive Employment and Support Allowance (ESA)

159.3. They receive Universal Credit, and their take-home pay as recorded on their Universal Credit statement (disregarding benefits) is less than £617 a month (learner is a sole adult in their benefit claim) or £988 a month (learner has a joint benefit claim with their partner). These learners are still expected to be recorded in the ILR return as working, specifying the employment intensity and benefit status, utilising the Low Wage Pilot methodology outlined in paragraphs 162-164.

159.4. They are released on temporary licence, studying outside a prison environment, and not funded by the Ministry of Justice.

160. Providers may also use their discretion to fully fund other learners if both of the following apply. The learner:

160.1. receives other state benefits (not listed in paragraph 160) and their take-home pay (disregarding benefits) is less than £617 a month (learner is sole adult in their benefit claim) or £988 a month (learner has a joint benefit claim with their partner), and

160.2. wants to be employed, or progress into more sustainable employment, and their take-home pay (disregarding benefits) is less than £617 a month (learner is sole adult in their benefit claim) or £988 a month (learner has a joint benefit claim with their partner), and you are satisfied identified learning is directly relevant to their employment prospects and the local labour market needs.

Learners in receipt of low wage

161. TVCA will support adults to up-skill in order to support them progressing in work (increased responsibilities/promotion/increase in salary/career change or progression/remain in employment), You may fully fund learners, who are employed, or self-employed, and would normally be co-funded for provision, up to and including level 3. You must be satisfied the learner is both:

161.1. eligible for funding; and
161.2. earns less than £27,040 annual gross salary and

161.3. requires the training to support the outcomes in paragraph 161 (these must be recorded in the learner evidence pack and the data collection template)

161.4. From 1 August 2022 you may also fully fund learners who meet the criteria set out in paragraph 163.2 and paragraphs 169 to 170 for qualifications included in the National Skills Fund level 3 offer.

162. You must have seen evidence of the learner's gross annual wages in these circumstances. This could be a wage slip or Universal Credit statement within 3 months of the learner's learning start date, or a current employment contract which states gross monthly/annual wages. Please note this is not an exhaustive list, but you must evidence your decision to award full funding to an individual who would normally be eligible for co-funding

163. For learners who meet the requirement set out in paragraphs 162 and 163, you must record the learning aim as you normally would and set the full or co-funded indicator (FFI) to fully funded. You will also need to enter codes 010 and 023 in the Devolved Area Monitoring (DAM) fields for the learning aim to be recognised as a low wage pilot learner.

Career Change (Second Level 2 and 3 Qualifications)

164. Providers can fully fund learners, who are seeking to change careers. The career change must be linked to a Tees Valley sector priority area/sector of high demand replacement jobs:
    - Health and Social Care
    - Culture and Tourism
    - Construction
    - Logistics
    - Digital
    - Business and Professional Services
    - Biosciences
    - Chemicals and process
    - Clean Energy, Low carbon, and Hydrogen
    - Manufacturing (including Industrial Digitalisation)

165. You must be satisfied the learner is undertaking the skills to improve their prospects of entering employment within one of these sectors.
166. Where the learner is 19-23 seeking to change career and this will be their first level 2 or 3 they will also be able to access a qualification from the list of local flexibility qualifications Career Change Aims
167. You must record the evidence of career change within the Learner Evidence Pack, track and record the learner destination and employment outcome for a 6 months period following completion of the training, as a minimum.

168. AEB funding should only be used where the learner is not eligible for other funding such as Level 3 Free Courses for Jobs (FCFJ), Skills Bootcamps and Advanced Learner Loans to support their career change. This should be recorded in the Learner Evidence Pack.
169. For learners who meet this criteria, providers must use the appropriate DAM Code 30 and DAM code 23 within the ILR.

The Sector-Based Work Academy Programme is designed to help Jobcentre Plus claimants build confidence to improve their job prospects and enhance their CV, whilst helping employers in sectors with current local vacancies to fill them. sector based work academies can last up to 6 weeks and has 3 main components:

• pre-employment training

• work experience placement

• a guaranteed job interview.

The scheme runs in England (and Scotland). Participants remain on benefits throughout their placement.

Only the pre-employment training element in England can be funded through AEB local flexibility, and normally lasts 2-3 weeks. Jobcentre Plus fund the other components and will pay any travel and childcare costs whilst claimants are on the work experience placement.

FE Providers are part of the sector-based work academies local design

Sector-based Work Academy Programme (SWAP)

170. You must record in the evidence pack that you have seen the claimant's SWAP referral notification issued by Jobcentre Plus setting out start date and times for their AEB funded pre-employment training.
171. To claim full funding for claimants referred to SWAP pre-employment training you must use LDM code 375 and complete the Benefit Status Indicator (BSI) to identify the claimant is in receipt of Jobseeker's Allowance (BSI 1), Universal Credit (BSI 4), or Employment and Support Allowance (all categories) (BSI 5)

Job outcome payments

172. For eligible 19-year-old learners, we will pay the full 20% achievement element if they leave their training early to start a job. This is subject to meeting requirements in paragraph 249.1.

National Skills Fund - Level 3 Free Courses for Jobs

As part of the Lifetime Skills Guarantee, a targeted Level 3 Free Courses for Jobs has been developed to support adults without an existing full level 3 qualification and, from 1 April 2022, adults who meet the definition of 'low wage' or 'unemployed'. This offer is also known as the Free Courses for Jobs offer.

The offer includes:

- level 3 qualifications which will support the development of new skills for adult learners and improve the prospects of eligible adults in the labour market. In particular, eligible adults aged 24+ can now access fully-funded level 3 provision from the list of National Skills Fund Level 3 qualifications available via the ESFA list of qualifications for approved funding
- Additional level 3 qualifications for 19- to 23-year-olds that are not included in the legal entitlements.
- Support funding in line with paragraphs 272 to 276
- The ability for eligible learners to take one short qualification (identified by category code 49) without exhausting their eligibility. We expect this flexibility to be used where a learner could benefit from a more substantial qualification once they have completed a short qualification.

An uplift is payable at 2 different rates and follows the earnings methodology set out in the TVCA's Adult Education Budget: Funding Rates and Formula 2021 to 2022. This uplift should be used to support delivery of the Level 3 Free Courses for Jobs.

Only level 3 qualifications in this offer will attract an uplift. There may be additions to the list, to ensure it meets the needs of the economy – we encourage Providers to check availability regularly.

When qualifications are added to the list of qualifications included in this offer, they will become eligible for funding from that publication date, and not be backdated to the start of the Level 3 Free Courses for Jobs (1 April 2021) or the funding year.

Please note this policy is subject to potential further amendments and clarifications.

173. We will fully fund individuals as part of this offer where they:

173.1. are aged 19 or above on 31 August within the 2022 to 2023 funding year.

173.2. have not achieved a full level 3 qualification, or above, which meets the requirements set out in paragraphs 177 to 179; or

173.3. have not achieved a qualification available through the Level 3 Free Courses for Jobs , unless that qualification is a short qualification, in accordance with the rules outlined in paragraphs 171 and 172

173.4. enrol on the Level 3 Free Courses for Jobs qualifications approved for funding

174. From 1 April 2022, we will also fully fund individuals as part of the offer where they:

174.1. meet the unemployment or low wage criteria as described in paragraphs 160 to 161 and paragraph 162.3, and

174.2. if they already have an existing full Level 3 qualification or higher, or have achieved any other qualification included in the Level 3 Free Courses for Jobs qualifications list (paragraph 154), that qualification must have been achieved before 1 April 2021 or

174.3. if they have achieved a short qualification as set out in paragraph 171, and that was achieved after 1 April 2021, the individual is eligible for one further qualification through the offer.

174.4. enrol on the Level 3 Free Courses for Jobs qualifications approved for funding

175. Once a learner has achieved their qualification(s) in line with paragraphs 168 and 169, they will have exhausted their eligibility for the offer.

176. We will fund eligible learners to take one short qualification, followed by one further qualification in the Level 3 Free Courses for Jobs, without exhausting their eligibility. Short qualifications are identified by category code 49 which can be found in National Skills Funding Level 3 Offer – short qualification within Find a learning aim (fasst.org.uk)

177. A learner will not be eligible for this additional short qualification offer if they have already achieved one of the short qualifications prior to 1 April 2021.

178. You must not claim for AEB funding where learners are already being funded through an advanced learner loan (ALL), or a Skills Bootcamp (where applicable), for qualifications that are in the Level 3 Free Courses for Jobs. The criteria for ALL can be found in the Advanced learner loans funding rules 2021 to 2022.

179. You must:

179.1. use LDM code 378 and FFI code 1 to claim for funding for learners who meet the requirements set out in paragraph 168

179.2. use LDM code 378, FFI code 1, and LDM code 382 when recording learners who meet the low wage eligibility criteria set out in paragraph 169

179.3. record the employment status of learners accessing the offer in the ILR

179.4. use category code 49 to identify a short course qualification in find a learning aim

Full level 2

The inclusion of these qualifications in the level 2 entitlement list is under review.

180. Level 2 is the level of attainment which, is demonstrated by:

a. a General Certificate of Secondary Education in five subjects, each at grade 4 (C) or above, or

b. a Technical Certificate at level 2 which meets the requirements for the 16 to 19 performance tables

181. If a learner, aged 19 to 23 has achieved a level 2 qualification that was, at the time they started, or still is, classed as a full level 2, any subsequent level 2 qualifications will be fully funded if they meet the definition of unemployed, the eligibility criteria for low wage or Career Change.

Full level 3

The inclusion of these qualifications in the level 3 entitlement list is under review.

182. Level 3 is the level of attainment which is demonstrated by a:

182.1. General Certificate of Education at the advanced level in two subjects
182.2. General Certificate of Education at the AS level in four subjects
182.3. QAA Access to Higher Education (HE) Diploma at level 3
182.4. Technical level, or applied general qualification at level 3, which meets the requirements for the 16 to 19 performance tables.

183. If a learner has achieved a level 3 qualification that was not classed as a full level 3 at the time, they started it but has since been classed as a full level 3, and wants to enrol on any subsequent level 3 qualification, of any size, they may apply for an advanced learner loan (provided the qualification is designated for funding, and subject to learner eligibility conditions), or pay for their own learning. Where a learner is seeking a career change and meets the eligibility criteria set out previously, then they may be considered to be fully funded to undertake a second level 3 qualification.

184. For new linear AS and A levels, where a learner enrols on an AS qualification and continues with further study to take the A level qualification

in the same subject, you must record both the AS and A level in the ESFA ILR. The AS learning aim will be funded separately to the A level learning aim.

Approved qualifications

185. Where you deliver regulated qualifications and/or their components, you must ensure they are eligible for TVCA AEB funding by ensuring they are approved for ESFA funded AEB and available on Find a learning aim.

186. We will fund qualifications that are linked to occupational regulation/licence to practise. You can find more information about these qualifications on the Qualifications website.

187. Before delivering a component, you must check with the awarding organisation they provide a learner registration facility and the learner can achieve it alone or as part of accumulating achievement towards a qualification.

188. If the UK ENFC have confirmed authenticity of a qualification gained overseas and confirmed it is comparable/compatible with a regulated qualification in England, currently part of the level 2 and level 3 legal entitlement, the individual will be deemed to have achieved their first level 2 and /or level 3 qualification.

189. You must provide accurate unique learner number (ULN) information to awarding organisations and ensure all information you use to register learners for qualifications is correct. You can find more information about the Learner Records Service on the GOV.UK website.

Non-regulated learning

190. Where you deliver non-regulated learning, you must ensure it is eligible for funding. Such learning could include:

190.1. independent living skills or engagement learning supporting adults to operate confidently and effectively in life and work that lead to progression

190.2. locally commissioned and/or locally developed basic knowledge and skills needed to access technical qualifications

190.3. employability and labour market re-entry that led to progression

190.4. locally commissioned and/or locally devised technical education short courses (also known as taster sessions)

190.5. basic digital skills courses, including where learners are unable to undertake a digital skills qualification specified in the digital entitlement.

191. The eligibility principles we apply to non-regulated learning are as follows:

191.1. it must not be provision linked to UK visa requirements

191.2. it must not be provision linked to occupational regulation unless there is an agreed concession in place

191.3. it must not be restricted to being delivered to employees of only one employer

191.4. it must not be learning, for example, 'induction to college', that should be part of a learner's experience

191.5. it must not be a non-regulated version of a regulated qualification

191.6. it must not be above notional level 2 (that is, at notional levels 3 or 4)

191.7. at notional level 2 it must focus on technical provision.

192. Where you are delivering non-regulated learning, you must ensure you have appropriate and robust quality assurance processes in place. For instance, '*The Recognising and Recording Progress and Achievement (RARPA) Cycle*'. Further information on RARPA is available from the Learning and Work Institute.

193. It is the intention of TVCA to use the ILR to monitor, review and measure the quality and outcomes from non-regulated provision in 2022/23. Non-regulated learning should have clear achievement aims for the learners and identified progression outcomes prior to commencement of learning.

Learning in the workplace

194. We will fund learning in the workplace where there is evidence of need from the employer.

195. We will not fund learning in the workplace that is a statutory requirement of the employer.

English, Maths for those aged 19 or older

196. We will fully fund individuals, including individuals who are employed, aged 19 or older, who have not previously attained a GCSE grade A* to C or grade

4, or higher, in English and Maths, as part of their legal entitlement on the day they start the following qualifications:

196.1. GCSE English language or Maths

196.2. Functional Skills English or Maths from Entry to level 2

196.3. Stepping-stone qualifications (including components, where applicable) in English or Maths approved by the Department for Education and ESFA.

197. If a learner wants to 'retake' their GCSE English and Maths qualification because they did not achieve a grade 4 (C), or higher, we will not fund the learner to only resit the exam.

198. You must not enrol individuals on qualifications, which are not necessary for progressing towards a GCSE or Functional Skill level 2.

199. You must not fund an apprentice for English or Maths from the TVCA AEB.

200. We will fully fund non-regulated English and Maths learning for learners, including those assessed at pre-entry level, aged 19 years and over with significant learning difficulties or disabilities as part of a personalised learning programme, where assessment has identified the learner cannot undertake provision identified in paragraph 188.

201. You must:

201.1. carry out a thorough initial assessment to determine an individual's current level using current assessment tools based on the national literacy and numeracy standards and core curriculums or DFE published English and Maths Skills Subject content

201.2. carry out an appropriate diagnostic assessment to inform and structure a learner's evidence pack to use as a basis for a programme of study

201.3. enrol the learner on a level above that at which they were assessed and be able to provide evidence of this

201.4. deliver ongoing assessment to support learning

201.5. record the evidence of all assessment outcomes in the evidence pack.

202. The assessments must place a learner's current skills levels within the level descriptors used for the RQF.

Digital entitlement for those aged 19 or older

203. We will fully fund individuals, including individuals who are employed, aged 19 or older, assessed at below level 1, as part of their legal entitlement on the day they start the following qualifications: Essential Digital Skills qualification (EDSQ up to and including level 1)

204. We will fully fund non-regulated learning for learners, including those assessed at pre-entry level with significant learning difficulties and/or disabilities as part of a personalised learning programme, where assessment has identified the learner cannot undertake provision identified in paragraph 198. This provision must be aligned with the national standards for essential digital skills and must not be a non-regulated version of a regulated qualification (see rules for non-regulated learning, paragraphs 186 to 189)

205. You must:

205.1. carry out an initial assessment using current assessment tools based on the national standards for essential digital skills

205.2. carry out an appropriate diagnostic assessment to inform and structure a learner's evidence pack to use as a basis for a programme of study

205.3. enrol the learner on a level above that at which they were assessed and be able to provide evidence of this

205.4. deliver ongoing assessment to support learning

205.5. record the evidence of all assessment outcomes in the evidence pack.

The assessments must place a learner's current skills levels within the level descriptors used for the RQF.

Individuals aged 19 to 23 (excluding English, Maths and ESOL)

206. We will fully fund 19 to 23-year-olds, including individuals who are employed, on the day they start the following learning:

206.1. Qualifications defined within the legal entitlement that are a learner's:

206.1.1. first full level 2, and/or

206.1.2. first full level 3 as part of the legal entitlement and/or access to additional qualifications from the Level 3 Free Courses for Jobs

206.1.3. meet the condition relating to career change

206.2. Local flexibility provision:

206.2.1. up to and including level 1 to support progression

206.2.2. to a first full level 2, and/or

206.2.3. level 2 for those who already have a full level 2 if they are unemployed, low wage or Career Change

Individuals aged 24 or older (excluding English, Maths and ESOL)

207. We will fully fund individuals aged 24 or older on the day they start the following learning:

207.1. provision up to, and including, a level 2, if they are unemployed, set out in paragraphs 160 to 161

207.2. qualifications from the Level 3 Free Courses for Jobs, if learners do not have a full level 3 qualification and they meet the criteria set out in paragraph 174-176

208. qualifications from the Level 2 and Level local flexibilities where they are eligible under the low wage entitlement and/or seeking a career change.

209. We will co-fund all other learners.

English for Speakers of Other Languages (ESOL)

210. We will fully fund individuals aged 19 and over on the day they start their ESOL learning aim where they are unemployed, set out in paragraphs 160 and 161.

211. We will co-fund all other individuals aged 19 and over on the day they start their ESOL learning aim. Where learners are employed the low wage flexibility may apply, refer to paragraphs 162-164.

212. We will fund ESOL learning up to and including level 2.

213. Providers offering ESOL qualifications may need to deliver additional learning to individual learners that incurs additional cost above the qualification rate. You can access information on this in the TVCA Adult Education Budget Funding Rates and Formula 2022 to 2023.

Learners with learning difficulties or disabilities

214. We will fund learners with learning difficulties or disabilities as set out in the Apprenticeships, Skills, and Children and Learning Act 2009.

215. The TVCA has the responsibility for securing the provision of reasonable facilities for education and training suitable to the requirements of persons who are 19 and over. This includes learners with an identified learning difficulty or disability who have previously had an Education, Health and Care Plan (EHC) plan and have reached the age of 25.

216. The ESFA's young people's funding methodology will apply to learners aged 19 to 24, who have an Education, Health, and Care Plan (EHC) plan and require provision and support costs.

Learners with an Education, Health, and Care (EHC) plan

217. To access provision and support costs you must inform us before the start of the 2022 to 2023 funding year where a learner:

217.1. has reached the age of 25 and has not completed their programme of learning as set out in their EHC plan by the end of the previous funding year, or

217.2. will reach the age of 25 in the funding year, where their EHC plan is not extended by their local authority to allow them to complete their programme of learning.

218. The learner must:

218.1. have an EHC plan that confirms their needs could only be met by the training organisation they are, or were, attending; and,

218.2. continue to make progress on the programme of learning as set out in their EHC plan

219. If a learner has an EHC plan, you must report this in the 'Learner funding and monitoring' fields in the ILR.

220. We will not fund learners whose EHC plan is extended by the local authority beyond their 25th birthday. The local authority must continue to provide top-up funding and contract directly with the institution.

Learning for Inclusion

221. The Combined Authority will re-define Learning for Inclusion in the Tees Valley from 2022/23 academic year which will now be known as "Learning for Inclusion"

222. This will be a ring-fenced budget for Local Authority Providers only and will be based on the needs of the Local Authority area.
This will have a focus on:

- learning for personal development aimed at addressing the specific needs of adults within a Local Authority area such as isolation, social exclusion, mental health and well-being
- learning that aims to improve and develop stronger community engagement
- learning that supports local voluntary and other third sector organisations to develop their capacity to deliver learning opportunities for adults residing in those disadvantaged neighbourhoods

223. The Learning for Inclusion offer should provide outreach support and programmes of learning that will engage those affected adults and assist in addressing some of these types of issues.

224. Partnership working underpins the Learning for Inclusion objectives and is critical to developing and delivering an effective Learning for Inclusion offer in each locality. Providers must demonstrate how they will engage and work closely with a wide range of relevant partners, services, and stakeholders in a local area to help shape the Learning for Inclusion offer. These could include specialist partners, such as health, adult services, and voluntary and community sector (VCS) organisations.

225. Providers will be required to submit a Delivery Plan for the Learning for Inclusion provision. The Delivery Plan should detail:

- the evidence of need and rationale for this type of provision
- how the provision will be implemented, including how partners, other services and stakeholders will contribute to the delivery
- what impact the proposed learning programmes will aim to achieve including impact on the individual and the area, and how this will be measured and evidenced
- the number of adults you expect to engage in this learning
- the funding being requested

226. The Combined Authority will set an average learner funding value of £500**.**

227. Learners can access multiple courses through the "Learning for Inclusion"

228. Learning for Inclusion will follow the non-formula Funding Model 10.

229. You must ‘attribute costs’ for eligible learners, up to the value of your non-formula Learning for Inclusion allocation. This should include the cost of delivering learning and any support costs, in line with learner and learning support, you must record these costs in the learner’s evidence pack.

230. You have the flexibility to use all, or some, of your non-formula Learning for Inclusion funding in line with the AEB formula-funded methodology (Funding Model 35), to meet local demand.

231. You are not able to move any of your AEB formula funded allocation to support Learning for Inclusion.

232. You can support learners aged under 19 if they meet both of the following, they are:

232.1. a parent, carer or guardian attending a family learning or family, English, Maths, or language course

233. You must not use non-formula Learning for Inclusion funding for learning that is eligible for funding through other funding routes such as Funding Model 35, Advanced Learner Loan etc.

Partnership working

234. Partnership working underpins the Learning for Inclusion objectives and is critical to developing and delivering an effective learning offer in a given locality.

235. You must engage and work closely with a wide range of relevant partners, TVCA and stakeholders in your local area to help shape your learning offer to engage specific groups. These could include specialist partners and voluntary and community sector (VCS) organisations.

Prince’s Trust Team Programme

The Prince’s Trust Team Programme is a 12-week course designed to improve confidence, motivation, and skills for eligible 16- to 25-year-olds. Each ‘team’ recruits a mix of 16- to 25-year-olds of different abilities and backgrounds, including employees sponsored by their employer. Providers in partnership with the Prince’s Trust run and manage it on a local basis.

236. In order to deliver the team programme, you must get approval from the Princes Trust.

237. For eligible Tees Valley learners aged 19 to 25, TVCA will fund the team programme through the TVCA's adult funding methodology. Please also refer to the Princes Trust section in the Adult Education Budget Funding Rates and Formula 2022 to 2023 document.

238. For eligible learners aged 16 to 19, the team programme is funded through the ESFA's 16 to 19 funding methodology.

Support Funding

TVCA's AEB over-arching aim is to support as many eligible adult learners as possible to access learning. Some learners will need additional support to start or stay in learning.

Where you identify that a learner has a learning difficulty or disability, or a financial barrier, your TVCA AEB allocation may enable you to claim learning support and/or learner support funding to meet the additional needs of learners.

Learner and Learning Support funding requirements as separate to qualification funding within the Delivery Plan.

Learning support

239. Learning support is available to meet the cost of putting in place a reasonable adjustment, as set out in the Equality Act 2010, for learners who have an identified learning difficulty or disability, to achieve their learning goal.

240. Learning support must not be used to deal with everyday difficulties that are not directly associated with a learner's learning on their programme.

241. You must:

    241.1. carry out a thorough assessment to identify the support the learner needs

    241.2. agree and record the outcome of your assessment in the evidence pack

    241.3. record all outcomes on the evidence pack and keep all evidence of the assessment of the needs, planned and actual delivery

241.4. report in the ESFA ILR that a Tees Valley learner has a learning support need associated with an identified learning aim, by entering code LSF1 in the 'Learning Delivery Funding and Monitoring' field and entering the corresponding dates in the 'Date applies from' and 'Date applies to' fields.

242. All learning support claims must be recorded in the ILR. To claim any costs that exceed the fixed monthly rate you must also use the earnings adjustment statement (EAS).

243. You must keep evidence of these additional costs in the evidence pack. You must only record the excess amount on the EAS, not the whole learning support cost.

244. You may claim the entire cost through the EAS only when the learning aim is delivered in less than one calendar month.

Exceptional learning support claims above £19,000

If a learner, aged 25+ needs significant levels of support to start or continue learning and has support costs of more than £19,000 in a funding year, you can claim Exceptional Learning Support (ELS).

Learners aged 19 to 24 who require significant levels of support should have an Education Health Care (EHC) plan provided by their local authority and, therefore, would access funding from their local authority.

245. You must submit ELS claims at the beginning of the learner's programme, or when you identify the learner requires support costs more than £19,000 in a funding year, by completing and sending the TVCA ELS claims document.

246. To claim ELS for a learner aged 19 to 24 you must confirm why the individual does not have an EHC plan. This should be a letter or email from the learner's local authority stating the reasons(s) why the individual does not need an EHC plan.

247. When you claim exceptional learning support you must explain why you have claimed the amount you have, which would be linked to the learner's assessment and planned learning support claim. You must only claim amounts for your costs of providing the support to the learner and not include any indirect costs or overheads.

Learner support – Removing Barriers to Learning

248. Learner support is available to provide financial support for learners with a specific financial hardship preventing them from taking part/continuing in learning. Learner support should not be used as a marketing tool to incentivise learners to take up learning with a Provider. Before you award support to a learner, you must identify their needs within the following 'categories':

    248.1. Hardship funding – general financial support for financially disadvantaged learners to support participation in learning.

    248.2. 20+ Childcare funding – for learners aged 20 or older on the first day of learning who are at risk of not starting or continuing learning because of childcare costs.

    248.3. Residential Access funding – to support learners where they need to live away from home in order to access provision.

249. You must not claim more than 5% of your total Learner Support (including 19 to 24 traineeships) as administration expenditure. You must document your process for managing your administration costs over the current funding year and record, report and retain evidence on spending for each of the categories. You must follow these rules and claim learner support using the appropriate TVCA Data Collection Template.

250. You must:

    250.1. have criteria for how you will administer and distribute your funds; these must reflect the principles of equality and diversity and be available to learners and to us on request

    250.2. assess and record the learner's needs, demonstrating the need for support – you must record this information and retain in the evidence pack

    250.3. report the appropriate Learner Support Reason codes in the 'Learner Funding and Monitoring' fields in the ILR

    250.4. Learner Support claim forms can be submitted monthly. If you are submitting a monthly claim then you are required to submit this via Egress, by 4th working day of the month to coincide with ILR submission deadline. Any claims received after this will need to be re submitted the following month.

    250.5. consider the availability of other support for learners, for example from Jobcentre Plus

    250.6. make it clear to learners it is their responsibility to tell the Department for Work and Pensions about any learner support they are receiving

from you, as learner support payments may affect their eligibility to state benefits

251. You must not use learner support funds for any of the following:
    251.1. essential equipment or facilities if the learner is eligible to full funding with exception of the items covered in the Hardship section 242.1
    251.2. a learner in custody or released on temporary licence
    251.3. a learner carrying out a higher education course or learning aims fully funded from other sources
    251.4. to pay attendance allowances or achievement and attendance bonuses.

Hardship

252. You can use hardship funds for of the following:
    252.1. course-related costs, including course trips, books and equipment (where costs are not included in the funding rate)
    252.2. transport costs (but not make a block contribution to post-16 transport partnerships or routinely fund transport costs covered in the Local Authority's legal duty for learners of sixth-form age)
    252.3. examination fees
    252.4. accreditation fees, professional membership fees and any fees or charges due to external bodies
    252.5. your registration fees
253. In exceptional circumstances, you can use hardship funds to assist with course fees for learners who need financial support to start or stay in learning.
254. If an asylum seeker is eligible for provision, you may provide learner support in the form of course-related books, equipment, or a travel pass.

20+ childcare

255. You can only use childcare funding to pay for childcare with a childminder, provider, or childminder agency, registered with Ofsted.
256. You must not use childcare funding to:
    256.1. fund informal childcare, such as that provided by a relative
    256.2. set up childcare places or to make a financial contribution to the costs of a crèche
    256.3. fund childcare for learners aged under 20 on the first day of learning; instead you must direct them to the ESFA's 'Care to Learn' Programme.

257. You must not use childcare for those aged 20 years or older to top up childcare payments for those receiving ‘Care to Learn’ payments.

Residential Access Funding

258. You can use residential access funding to support ESFA funded AEB learners who meet eligibility criteria in paragraph 27, where they need to live away from home, for example to access specialist provision which involves a residential element, or to support learners who cannot access provision locally. You must. You must:
    258.1. set out the criteria and procedures for considering and agreeing applications for support from your residential access funds
    258.2. only pay for travel costs for learners who are awarded residential access funding in exceptional circumstances
    258.3. only claim residential access funding for the period the learner is resident, this could be accommodation which you own or manage or other accommodation which you have agreed to fund in line with your criteria
    258.4. ensure costs claimed represent value for money for the local area
    258.5. where you have your own residential facilities, you must publish your rates.

Job outcome payments

259. For fully funded learners who are unemployed, we will pay 50% of the achievement payment if they start a job before achieving the learning aim. If the learner then achieves the learning aim, we will pay the remaining achievement payment. The following conditions apply:
    259.1. The learner must provide you with evidence through a declaration, that they have a job for at least 16 hours or more a week for 4 consecutive weeks
    259.2. Where the learner was claiming benefits relating to unemployment, they must also declare that they have stopped claiming these.

Section 3 – Payments and Performance Management

Rules that apply to all Providers

260. This section sets out the principles by which we will manage your performance in the 2022 to 2023 funding year and this document should be read in conjunction with the 2022/23 TVCA Provider Performance Management Framework Policy.

261. In 2022/23, the Tees Valley Combined Authority will utilise the current ESFA ILR (Individual Learning Record) to calculate and monitor a Provider's spend against their Tees Valley AEB allocation.

262. All Providers in receipt of a 2022/23 funding allocation with TVCA will be allocated funds to implement their Delivery Plan. Payments will be made in line with the TVCA profile as below.

AEB Payment Model 2022/23 academic year

263 All providers will continue to receive a monthly profile payment of 8% of their AEB allocation from August 2022 – December 2022, in advance of delivery
264 Your R05 ILR data return will then be used to determine the funding that you have earned against those payments
265 We will move to actual payments from January 2023
266 Payments from January onwards will be reconciled on a month-to-month basis, so January to July payments will only be made if the August to December upfront payments have been earned
267 Payments will continue to the end of the academic year
268 Additional payments to providers will also be made following your R13 ILR data return and a final payment based on your R14 ILR data.

AEB Payment Model 2023/24 academic year

269 TVCA intends to implement the following payment model in future years:
270. All providers will continue to receive a monthly profile payment of 8% of allocation for August 2023 and September 2023, in advance of your delivery
271. We will move to actual payments October 2023
272. Payments from October onwards will be reconciled on a month-to-month basis, so payments will only be made if the August and September upfront payments have been earned
273. Payments will continue to the end of the academic year
274. Additional payments to providers will also be made following your R13 ILR data return and a final payment based on your R14 ILR data.

275. We will use our approach to funding to make sure learning provision is of a high quality. We will use your track record to assess your ability to deliver education and training to the required standard. Your record of accomplishment will include, but will not be restricted to, Ofsted grades, minimum quality standards, financial health, financial management and control, and your previous ESFA delivery against your funding agreements, where this information is available. Additional aspects of your delivery will also be monitored and reviewed and are detailed in the 2022/23 TVCA Provider Performance Management Framework.

276. As part of our financial assurance work, we will continue to monitor compliance with the funding rules. We will contact you where we identify you have submitted data that does not meet our funding rules and ESFA ILR and

EAS requirements. We will require you to correct inaccurate ESFA ILR and TVCA EAS data or to adjust your final funding claim.

277. All Providers will be subject to an annual compliance visit, TVCA will use a set of compliance criteria which will be communicated within a reasonable timeframe.

278. TVCA will procure the services of existing DfE/ESFA Auditors to undertake funding assurance reviews on its behalf on an annual basis.

279. All Providers must return their AEB ILR from R01, for Tees Valley residents receiving AEB. Further detail will be defined in your Provider funding agreement. All Providers must submit their ILR and EAS funding claims monthly and, where appropriate, provide a forecast to TVCA for the remainder of the funding year. The funding claims must include adult skills, Level 3 Free Courses for Jobs, non-formula funded community learning, learning and learner support funding.

280. In-year, we will review the actual spend you submit in your funding claims against the ESFA ILR for Tees Valley residents and the TVCA EAS data you provide.

281. In addition to the above, all Provider payments for 2021/22 academic year will be reconciled at the end of the funding agreement period. This reconciliation will occur following receipt of the Provider's R14 ILR return and supporting data. TVCA reserves the right to recover any underspend below the full TVCA AEB and Level 3 FCFJ allocations.

282. 2022/23 Delivery performance will be monitored throughout the funding agreement period to determine Provider TVCA AEB earnings against their TVCA AEB funding allocation.

283. If following monthly desk top performance management activities, it is deemed by TVCA that a Provider is significantly underperforming against their agreed Delivery Plan, TVCA reserves the right to instigate the Delivery Assurance Plan process.

284. There will be no funding payment for over delivery of the Provider's Delivery Plan unless previously agreed with TVCA prior to increases above the funding level detailed and agreed by TVCA and confirmed by TVCA in writing.

285. Funds cannot be 'vired' between funding agreements with TVCA and the ESFA.

286. Your funding agreement will state the maximum amount of TVCA AEB provision you can deliver between 1 August 2022 and 31 July 2023.

287. It will also state the maximum value of non-formula funded Learning for Inclusion we will fund (where applicable to you).

288. Your AEB allocation can be used to fund new starts, non-formula funded Learning for Inclusion (where applicable to you) and learner support.

289. You must submit ILRs for Tees Valley residents receiving AEB on a monthly basis and, where appropriate, provide a forecast to TVCA for the remainder of the funding year. The funding claims, and forecasts, must include adult skills, non-formula funded Learning for Inclusion and learner support funding.

National Skills Fund is part of the Lifetime Skills Guarantee, a targeted Level 3 Free Courses for Jobs has been developed to support adults without an existing full level 3 qualification.

It is separate from your TVCA funded AEB and we will manage it as a distinct allocation line.

This section covers the payment and performance management arrangements for your National Skills Fund for 24-year-olds and above only. For 19- to 23-year-old learners read TVCA funded AEB management rules.

290. Your TVCA National Skills Fund allocation line can be used to fund new starts and continuing learners for Tees Valley Residents to eligible 24-year-old learners and above for level 3 qualifications on the Qualifications in the National Skills Fund.

291. Funding for learner support and learning support is included in your contract value. We will monitor the amount of funding you spend on support costs and may request additional evidence.

292. You must use LDM code 378 to record delivery when you submit ILR data. Please refer to the ILR specification for more information about using LDM codes.

293. Your funding agreement will state the amount of TVCA funded National Skills Fund provision you can deliver between 1 August 2021 and 31 July 2022.

294. You must not transfer funding between the following budgets:

    294.1. AEB

    294.2. Level 3 Free Courses for Jobs

Annex A - Eligibility for funding

This annex sets out the countries falling within the below categories as referenced in paragraphs 34-48.

British Overseas Territories

• Anguilla

• Bermuda
• British Antarctic Territory
• British Indian Ocean Territory
• British Virgin Islands • Cayman Islands
• Falkland Islands
• Gibraltar
• Montserrat
• Pitcairn, Henderson Island, Ducie and Oeno Islands
• South Georgia and the South Sandwich Isles
• St Helena and its dependencies (Ascension and Tristan da Cunha)
• Turks and Caicos Islands

EEA

The EEA comprises of the following countries:

• All Member States of the European Union

You can access a list of member states on the EU website.

• With respect to EEA nationality, note that any Cypriot national living on any part of the island qualifies for EU residency and is considered an EU national.
• Iceland
• Lichtenstein
• Norway
• Switzerland

Although Switzerland is not part of the formally recognised EEA, its nationals are eligible under various international treaties signed by the UK and Swiss governments.

Table 3 lists territories that are categorised as being within the EU and or territories that are categorised as being part of the listed countries such that they satisfy our residency requirements for the purposes of the AEB funding rules.

Table 3:

Denmark	The following is part of Denmark: • Greenland • Faroe Islands

Finland	The following is part of Finland and the EU: • Aland islands
France	The following is part of France and the EU: • the French Overseas Department (DOMS) (Guadeloupe, Martinique, French Guiana (Guyana), Reunion and Saint Pierre et Miquelon) The following is part of France: • New Caledonia and its dependencies French Polynesia • Saint Barthélemy
Germany	The following is part of Germany and the EU: • Tax free port of Heligoland
Netherlands	The following is part of the Netherlands: • Antilles (Bonaire, Curacao, Saba, St Eustatius and St Maarten) • Aruba
Portugal	The following is part of Portugal and the EU: • Madeira • The Azores
Spain	The following is part of Spain and the EU: • the Balearic Islands, • the Canary Islands, • Ceuta • Melilla

To note: Andorra, Macau, Monaco, San Marino and the Vatican are not part of the EU or the EEA.

Annex B - Learning for Inclusion

- Focus public funding on people who are disadvantaged and least likely to participate, including in rural areas
- Widen participation and transform people's destinies by supporting progression relevant to personal circumstances, e.g.
  - improved confidence and willingness to engage in learning
    - learning for personal development aimed at addressing the specific needs of adults within a Local Authority area such as isolation, social exclusion, mental health and well-being
    - learning that aims to improve and develop stronger community engagement
    - learning that supports local voluntary and other third sector organisations to develop their capacity to deliver learning opportunities for adults residing in those disadvantaged neighbourhoods

The Learning for Inclusion offer should provide outreach support and programmes of learning that will engage those affected adults and assist in addressing some of these types of issues.

Partnership working underpins the Learning for Inclusion objectives and is critical to developing and delivering an effective Learning for Inclusion offer in each locality. Providers must demonstrate how they will engage and work closely with a wide range of relevant partners, services, and stakeholders in a local area to help shape the Learning for Inclusion offer. These could include specialist partners, such as health, adult services, and voluntary and community sector (VCS) organisations.

Learning for Inclusion detail should include:

- the evidence of need and rationale for this type of provision
- how the provision will be implemented, including how partners, other services and stakeholders will contribute to the delivery
- what impact the proposed learning programmes will aim to achieve including impact on the individual and the area, and how this will be measured and evidenced
- the number of adults you expect to engage in this learning
- the funding being requested

The Combined Authority will set an average learner funding value of £500 within this provision type.

Glossary

20+ childcare	A category of learner support to assist learners aged over the age of 20 who are at risk of not starting learning or leaving learning due to issues in obtaining childcare.
Adult funding methodology	The funding methodology for individuals aged 19 and over, participating in AEB learning. You can access adult funding methodology on the GOV.UK website.
Bespoke Employer Led Skills Programmes (BELPs)	Bespoke skills courses that are designed to address the specific skills needs of an employer to address a skills shortage or a skills gap. The bespoke courses can include non-regulated, regulated learning as well as specific industry related qualifications/licence to practice. These programmes are also specifically aimed at equipping adults with the skills that they need to move into employment in the related sector / with the designated employer. Bespoke Employer Led Skills Programmes must not provide training to existing employees that is a statutory/mandatory requirement of the employer. BELPs must be agreed in advance with TVCA Relationship and Performance Officer
Break in learning	When a learner is not continuing with their learning but has told you beforehand that they intend to resume their learning in the future.
Care to learn	A Department for Education scheme to assist young parents under the age of 20 with the childcare costs that may form a barrier to them continuing in education.
Continuing Learning Aims	Refers only to Learning Aims undertaken with a start date between 01/08/2022 and 31/07/2023 and a planned end date after the 31/07/2023
Components of regulated qualification	A subset of a qualification, which could be a unit.
Delivery Plan (TVCA)	All Providers intending to deliver AEB to Tees Valley learners are required to submit a Delivery Plan to TVCA. This plan allows TVCA to appraise the Provider in terms of suitability to deliver to Tees Valley residents.

Digital Entitlement	The study of EDS qualifications for learners who have digital skills assessed at below level 1. Qualifications that are designated up to and including level 1 are: • Essential Digital Skills Qualifications
Direct costs of learning	Any costs for items without which it would be impossible for the learner to complete their learning aim. This can include the costs of registration, examination or any other activities or materials without which the learner cannot achieve their programme of study.
Distance learning	Learning delivered away from the learner's main place of employment or place of learning.
Earnings adjustment statement (EAS)	The form Providers need to fill in to claim funding for Tees Valley learners that cannot be claimed through the Individualised Learner Record.
Education health and care (EHC) plan	An EHC plan replaces statements of special educational needs and learning difficulty assessments for children and young people with special educational needs. The Local Authority has the legal duty to 'secure' the educational provision specified in the EHC plan, that is, to ensure that the provision is delivered.
European Economic Area (EEA)	The European Economic Area, abbreviated as EEA, consists of the Member States of the European Union (EU) and 3 countries of the European Free Trade Association (EFTA) (Iceland, Liechtenstein and Norway; excluding Switzerland). The Agreement on the EEA entered into force on 1 January 1994. Please refer to Appendix A for more information.
Employment status (formerly employed)	The main types of employment status are: • worker • employee • self-employed and contractor • director • office holder More information on employment status is available.
English for speakers of other languages (ESOL)	The study of English by speakers of other languages.

European social fund (ESF)	The ESF is a structural fund from the European Union. It improves the skills of the workforce and helps people who have difficulties finding work. We are a co-financing organisation for the ESF.
Evidence Pack	A collection of documents and information brought together to form a single point of reference relating to the learning that is taking place. This provides the evidence to prove the learner exists, is eligible for funding, the learning to be provided, and delivery.
Exceptional learning support	Learning support funding to meet the costs of putting in place a reasonable adjustment for a learner who requires more than £19,000 in a funding year.
Find a learning aim (fasst.org.uk)	Find a learning aim provides online services to find the latest information on available qualifications, apprenticeship standards, T Levels and units. Standards will show you information on funding, dates and common components. Qualifications and units show you funding streams for courses and the last date learners can start.
Foundation Skills	Learning that is aimed at equipping adults with the foundation skills in preparing the for employment. Learning from entry level to up to level 1 and can include non-regulated and regulated learning.
Full level 2	The following qualifications are designated full at level 2: • a General Certificate of Secondary Education in five subjects, each at grade C or above, or grade 4 or above • a Technical Certificate at level 2 which meets the requirements for 2018 to 2019 16 to 19 performance tables
Full level 3	The following qualifications are designated full at level 3: • a General Certificate of Education at the advanced level in two subjects • a General Certificate of Education at the AS level in four subjects • a QAA Access to Higher Education (HE) Diploma at level 3 • a Tech level; or applied general qualification at level 3 which meets the requirements for 2018 16 to 19 performance tables

Functional skills	Applied practical skills in English, Maths and ICT that provide the learner with the essential knowledge, skills and understanding to enable them to operate effectively and independently in life and work.
Funding agreement including Contract for services	The agreement between the TVCA and Providers who receive funding for education and skills training on behalf of the Secretary of State for Education.
Funding year	The TVCA adult funding system operates on a funding year basis, which starts on 1 August and finishes on 31 July.
Guided learning	As defined by Ofqual: "The activity of the learner in being taught or instructed by – otherwise participating in education or training under the immediate guidance or supervision or – a lecturer, supervisor, tutor or other appropriate Provider of education or training. For these purposes, the activity of 'participating in education and training' shall be treated as including the activity of being assessed if the assessment takes place under the immediate guidance or supervision of a lecturer, supervisor, tutor or other appropriate Provider of education or training."
Hardship	Within learner support, a category of support to assist vulnerable and disadvantaged learners to remove barriers to education and training.
The ESFA Submit Learner Data Service	The ESFA Submit Learner Data Service provides online services including the return of your Individualised Learner Record and completed EAS. You can also search all learning aims, components of qualifications, apprenticeship frameworks and standards along with their validity and funding details. Where you deliver regulated qualifications and/or their components, you must ensure they are eligible for TVCA AEB funding as indicated on the ESFA Submit Learner Data Service. You can access it at: http://submitlearnerdatabeta.fasst.org.uk
Individualised learner record (ILR)	The primary data collection requested from learning Providers for further education and work-based learning in England. Government uses this data to monitor policy implementation and the performance of the sector. It is also used by organisations that allocate funding for further education. In 2022/23, TVCA will continue to utilise the ESFA ILR to record all outputs for Tees Valley residents. All Providers delivering TVCA AEB must complete all relevant ILR details and send this to the ESFA. The ESFA will then

	validate the Provider's data and forward TVCA the ILR for Tees Valley residents.
Job outcome payments	Payments made for learners who are unemployed at the start of learning who cease learning to take up a job.
Learning for Inclusion	learning for personal development aimed at addressing the specific needs of adults within a Local Authority area such as isolation, social exclusion, mental health and well-being
Learning support	Funding to enable Providers to put in place a reasonable adjustment, set out in the Equality Act 2010, for learners with an identified learning difficulty and/or disability to achieve their learning goal.
Learner support	Funding to enable Providers to support learners with a specific financial hardship that might prevent them from being able to start or complete their learning.
Learning aim reference number	The unique eight-digit code used to identify a specific learning aim.
Learning planned end date	The date entered onto the individualised learner record (ILR) when the learner is expected to complete their learning.
Legal entitlement	The Legal entitlement to education and training allows learners to be fully funded who are aged: • 19 and over, who have not achieved a, grade 4 (legacy grade C), or higher, and study for a qualification in English or Maths up to and including level 2, and/or 19 to 23, if they study for a first qualification at level 2 and/or level 3 19 and over, who have digital skills assessed at below level 1
Local flexibility	Regulated qualifications, and or their components, and non-regulated learning that the TVCA funds, that is **not** part of the English and Maths, or level 2 or level 3 legal entitlement offer. All regulated and non-regulated learning that is available for funding through the flexible local offer is listed on https://submit-learner-data.service.gov.uk/find-a-learning-aim/

Low wage threshold	The threshold of £27,040 as an annual gross salary, is based on the median full-time earnings for Tees Valley on the assumption of a 37.5 hour contract with paid statutory holiday entitlement Providers will need to check and evidence this in the learner evidence pack.
Non-regulated learning	Learning which is not subject to awarding organisation external accreditation in the form of a regulated qualification. It may be designed, delivered, and certificated by a Provider or another organisation. This could include: • independent living skills and engagement learning • employability and work skills • labour market re-entry • technical education tasters
Ofqual	The Office of Qualifications and Examinations Regulation, which regulates qualifications, examinations and assessments in England.
Personal learning record (PLR)	An ESFA database that allows individual learners access to their past and current achievement records. These can be shared with schools, colleges, further education training Providers, universities or employers.
Performance Management Framework (TVCA)	A TVCA management framework detailing how Providers will be managed and monitored form both a range of perspectives including quality performance (direct and subcontracted delivery) and earnings against profile.
Performance Management Points (TVCA)	Key points during the funding agreement when TVCA will review earnings against profile and apply a specification as detailed in this policy to ascertain if the Provider is underperforming against their TVCA allocation.
Recognising and Recording Progress and Achievement (RARPA)	Learning for Inclusion The Learning and Work Institute have undertaken a consultation on the RARPA Cycle and have published updated RARPA Guidance. This comprises a clear framework designed to support learners through the learning process, identifying key outcomes. It provides a robust approach to quality control and improvement of nonregulated provision with a focus on self-assessment that supports standards acceptable to the Office of Standards in Education (Ofsted). You can access further information from The Learning and Work Institute.

Recognition of prior learning (RPL)	An assessment method that considers whether a learner can demonstrate that they can: • meet the outcomes for a qualification or a component of a qualification through knowledge, understanding; or, • skills they already have and so do not need to undertake a course of learning for that component or qualification.
Relationship and Performance Officer (TVCA)	Every Provider approved to deliver AEB to Tees Valley residents is assigned a Provider Relationship and Performance Officer to support the Provider to monitor the quality of delivery and performance against allocation and the funding agreement.
Residential	Support provided under learner support to learners receiving specialist provision, which involves a residential element, or to support learners who cannot receive provision locally.
Regulated Qualifications Framework (RQF)	The RQF provides a way of understanding and describing the relative level and size of qualifications. The RQF, operated by Ofqual, is a single regulatory framework containing a range of general, technical and professional qualifications.
Senior responsible person	For example, Chief Executive, Managing Director, Principal or their equivalent.
sector-based work academies (all in lower case as DWP trademark)	Sector-based work academies are a DWP scheme that offers pre-employment training, work experience placements and a guaranteed job interview for recipients of Jobseeker's Allowance (JSA), Universal Credit (all work-related requirements group) or Employment and Support Allowance
Self-declaration	A process where the learner is able to confirm something through his or her own signature.
Start of learning	The date on which learning begins. We do not consider enrolment, induction, diagnostic assessment or prior assessment to be part of learning.
State benefits	State benefits are contributions, both financial and non-financial, made by central and local Government to individuals in certain circumstances to meet their day-to-day living needs.
Subcontractor	TVCA considers the term 'subcontracting' to encompass all third-party arrangements you have with other Providers where the Provider is managing and delivering a proportion of your TVCA AEB funding award.

	• TVCA defines a delivery subcontractor as a separate legal entity that has an agreement with you to deliver any provision that we fund for Tees Valley residents. A separate legal entity includes any training Provider with a UKPRN including those in your group and other associated companies. • The term 'subcontractor' will also apply to any partnership, associate, third party working relationships you have where your staff and/or provision is managed by another partner/institution. TVCA will consider all the above as a subcontracting arrangement and as such will require all relevant detail on your 2022/23 Delivery Plan for appraisal by TVCA. These arrangements must also be identified in the ILR using the Partner UKPRN Field. This type of partnership working will be reviewed at the relevant Provider Performance Meetings in terms of outcomes for learners and Provider quality assurance activities.
Take home pay	An unemployed learner may also receive an income alongside their benefit claim. In order to be fully funded under the unemployed definition their "take home pay" (stated on the Universal Credit statement) is less than £494 a month (sole adult in their benefit claim) or less than £782 a month (joint benefit claim with partner)
UK Provider reference number	A unique identifying number given to all Providers by the UK register of learning Providers.
Unique learner number	A 10-digit number used to match a learner's achievement to their personal learning record (PLR).

Summary of main changes

Please note this is not an exhaustive list of all changes. You must refer to the main document for the definitive rules.

Section	Page(s)	Change
Section 2 – Tees Valley Adult Education Budget	38	Unemployed – Updated the rules to align with administrative earnings thresholds in the EFSA AEB rule change