

# **TEES VALLEY COMBINED AUTHORITY**

## **Adult Education Budget**

### **FUNDING AND PERFORMANCE**

### **MANAGEMENT RULES 2019/2020**

**(For the funding year 1 August 2019 to 31 July  
2020)**

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.

## Contents

Introduction and purpose of the document .....	5
How this document can help you .....	5
Understanding the terminology .....	6
Section 1 - general funding requirements.....	7
Principles of funding .....	7
Who we fund .....	7
Eligibility for funding * .....	8
Non-EEA citizens .....	9
Individuals with certain types of immigration status and their family members.....	9
Asylum seekers.....	10
Family members of EU and EEA nationals .....	10
Children of Turkish workers.....	11
Persons granted stateless leave .....	11
Individuals who are not eligible for funding.....	12
Learners in the armed forces .....	13
Learners temporarily outside of England.....	13
What we fund .....	13
Fees and charging.....	14
Qualifying days for funding.....	14
Recognition of prior learning .....	14
Breaks in learning .....	15
Contracting .....	15
Staying on the Register of Training Organisations .....	15
Subcontracting .....	16
Subcontracting Definition: .....	16
Level and Percentage of Subcontracting.....	17
Selection and procurement of subcontracted provision.....	17
Entering into a subcontract.....	18
Terms that you must include in your contracts with delivery of subcontractors .....	19
Monitoring of subcontracted provision.....	20
Second-level subcontracting .....	21

Reporting subcontracting arrangements .....	21
Subcontracting Fees and Charges .....	22
Distributing income between you and your delivery subcontractors .....	22
Match funding .....	23
Evidence .....	23
Learner file .....	24
Confirmation and signatures .....	25
Starting, participating and achieving .....	25
Leaving learning .....	25
Individualised Learner Record.....	26
Self-declarations by learners.....	26
Section 2 – Tees Valley Adult Education Budget .....	27
Provision and individuals we fund .....	27
Legal entitlements .....	27
Local flexibility .....	27
TVCA contribution table .....	29
Definitions used in the adult education budget.....	30
Unemployed.....	30
Learners in receipt of low wage.....	30
Full level 2 .....	31
Full level 3.....	31
Eligible qualifications .....	32
Non-regulated learning .....	32
Learning in the workplace.....	33
What we will not fund.....	33
English and maths for those aged 19 or older .....	34
Individuals aged 19 to 23 (excluding English, maths and ESOL) .....	35
Individuals aged 24 or older (excluding English, maths and ESOL) .....	35
English for Speakers of Other Languages (ESOL) .....	35
Learners with learning difficulties or disabilities .....	36
Community Learning .....	37
Non-formula funding.....	37

Pound Plus and local fee remission policy .....	38
Partnership working.....	39
Prince’s Trust Team Programme.....	39
Support funding .....	39
Learning support .....	40
Exceptional learning support claims above £19,000 .....	41
Learner support.....	41
Hardship.....	42
20+ childcare.....	43
Residential Access Funding .....	43
Job outcome payments .....	43
Section 3 – payments and performance management .....	44
Rules that apply to all Providers .....	44
Annex A - Eligibility for funding.....	47
Annex B - Community Learning Objectives .....	49
Glossary .....	50

## **Introduction and purpose of the document**

1. This document sets out the Tees Valley Combined Authority (TVCA) adult education budget (AEB) funding rules for the 2019 to 2020 funding year (1 August 2019 to 31 July 2020). The rules apply to all providers of education and training who receive AEB funding from the Secretary of State for Education acting through TVCA for Tees Valley residents.
2. AEB aims to engage adults and provide the skills and learning they need to equip them for work, an apprenticeship or other learning. It enables more flexible tailored programmes of learning to be made available, which may or may not require a qualification, to help eligible adult learners engage in learning, build confidence, and/or enhance their wellbeing.
3. Providers must respond to the skills priorities detailed within TVCA's 2019/20 Adult Education Strategic Skills Plan, the TVCA Strategic Economic Plan (SEP), and the Education, Employment and Skills Strategy.
4. These rules do not apply to apprenticeships, traineeships and advanced learner loans 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.
5. This document forms part of the terms and conditions of funding and you must read them in conjunction with your funding agreement. You must operate within the terms and conditions of the funding agreement, these rules, and the Individualised Learner Record (ILR) Specification. If you do not, you are in breach of your funding agreement with TVCA.
6. All information, including any hyperlinks were correct when TVCA published this document.
7. TVCA reserves the right to make changes to these rules and will publish any updated policies and rules on the TVCA website.

## **How this document can help you**

8. We have divided this document into three sections that contain the general funding requirements, AEB specific funding rules and payment and performance management rules. Each section may include:
  - 8.1 the context of the rule in a box, and/or
  - 8.2 the rule itself as a numbered paragraph
9. We have included a glossary to explain technical terms.

## Understanding the terminology

10. The term 'we' refers to the Secretary of State for Education, acting through TVCA.
11. When we refer to 'you' or 'providers', this includes Colleges, Sixth Form Colleges, training organisations, Local Authorities and employers who receive funding from us to deliver adult education and training to Tees Valley residents. We will use the generic term 'you' or 'provider' unless the requirements only apply to a specific provider type.
12. We use the term 'funding agreement' to include:
  - 12.1 financial memorandum
  - 12.2 conditions of funding (grant)
13. We use the terms 'individual' and 'learner' to cover those whose provision is funded by us.
14. We use the term 'provision' or 'learning' to refer to all adult learning that we fund, whether it is a regulated qualification or other learning.
15. 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).
16. 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.
17. If we refer to 'programmes' we mean a coherent package of adult learning which may include regulated qualifications, components of regulated qualifications or nonregulated learning with clearly stated aims supporting agreed outcomes.

# Section 1 - general funding requirements

## Principles of funding

18. These funding rules apply to all learners residing in Tees Valley starting **new** learning aims on or after 1 August 2019. The only exception is for individuals continuing their learning from the 2018 to 2019 funding year. Continuing learners will continue to be funded by the ESFA.
19. The Tees Valley Adult Education Budget 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 and advanced learner loans.
20. We will continually review and monitor whether the education and training you provide is delivering positive and agreed outcomes as detailed and agreed by TVCA within your 2019/20 Delivery Plan. We will also monitor your performance to ensure that the funding you received 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 2019/20 Performance Management Framework.
21. If we consider the funding of education and training we have provided is not delivering positive outcomes for adults in Tees Valley and/or the quality of provision is not to the required standard and/or where applicable is significantly more than the cost, we may reduce the amount of funding we pay after consulting with you. Please see TVCA 2019/20 Performance Management Framework for further information.

## Who we fund

22. You must check the eligibility of the learner at the start of each adult learning aim, and only claim funding for eligible learners.
23. To be funded by us, on the first day of learning a learner must be:
  - 23.1 Aged 19 or older on 31 August within the 2019 to 2020 funding year 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>

23.2 Learners residing in residences that do not have an eligible Tees Valley postcode will be funded via the relevant Mayoral Combined Authority (MCA), Greater London Authority (GLA) or ESFA.

24. The age of the learner on 31 August in the funding year determines whether the learner is funded through the TVCA's AEB methodology. Learners aged 18 or below or learners aged 19-24 with an Education Health Care Plan, will continue to be funded by the ESFA's young people's funding methodology.
26. All individuals aged 19 or over on 31 August 2019 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.
27. It is the providers' responsibility to ensure that the relevant funding is secured from the relevant funding body in 2019/20 for their learners.
28. Where we refer to a learner's 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 of each learning aim.
29. A learner's eligibility will not change during the learning aim or learning programme.
30. Learners will be eligible for funding for the whole of the learning aim or learning programme if they are eligible for funding at the start, even if the duration is for over one year.
31. You must reassess the learner's eligibility for funding for any further learning they start.
32. 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.
33. You must not fund a learner who is unable to complete a learning aim in the time they have available. Any adult learner aged 19 or over must be able to achieve the learning aim or learning programme within the time they have available.

### **Eligibility for funding \***

34. Providers must make sure an individual is eligible before claiming funding for them.
35. Individuals will be eligible for funding if the learning is taking place in England and they:
  - 35.1 are a citizen of a country within the European Economic Area (EEA) or other countries determined within the EEA, including those with bilateral agreements such as Switzerland, or have the Right of Abode in the UK; and,



- 35.2 have been ordinarily resident in the EEA or other countries determined within the EEA, including those with bilateral agreements such as Switzerland, for at least the previous three years on the first day of learning.
36. The European Economic Area (EEA) includes all the countries and territories listed in Annex A.
37. The eligibility of individuals who do not meet the requirements in paragraph 36 is stated below.
38. Any learner or relevant family member who has applied for an extension or variation of their current immigration permission in the UK is still treated as if they have that leave. Keeping this permission applies as long as the application was made before their current permission expired. Their leave continues until the Home Office make a decision on their immigration application.
39. Therefore, a learner or relevant family member is considered to still have the immigration permission that they held when they made their application for an extension, and their eligibility would be based upon this status.
40. You can find further information on eligibility from the [UK Council for International Student Affairs](#).

## **Non-EEA citizens**

41. A non-EEA citizen is eligible for funding if they have permission granted by the UK government to live in the UK, which is not for educational purposes, and have been ordinarily resident in the UK for at least the previous three years before the start of learning.

## **Individuals with certain types of immigration status and their family members**

42. Any individual with any of the statuses listed below is eligible to receive funding and are exempt from the three-year residency requirement rule. You must have seen the learner's immigration permission in these circumstances:
- 42.1 Refugee Status
  - 42.2 Discretionary Leave to Enter or Remain
  - 42.3 Exceptional Leave to Enter or Remain
  - 42.4 Indefinite Leave to Enter or Remain
  - 42.5 Humanitarian protection
  - 42.6 Leave Outside the Rules

42.7 The husband, wife, civil partner and child of any of the above in subparagraphs 42.1 to 42.6

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, so 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 they are in the care of the local authority and are receiving Local Authority support under section 23C or section 23CA of the Children Act 1989 or section 21 of the National Assistance Act 1948.

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 they are in the care of a local authority and are receiving local authority support for themselves under section 23C or section 23CA of the Children Act 1989.

## **Family members of EU and EEA nationals**

46. In the explanations below, the 'principal' is the European Union (EU) or EEA national. The 'family' or 'family member' is the learner, and must be the husband, wife, civil partner, child, grandchild, dependent parent or grandparent of the 'principal.'

47. If the learner, who is a family member of an EEA national, has been ordinarily resident in the EEA for the three years prior to the start of their course, they are eligible for funding.

48. Table 1 shows the eligibility for family members if:

48.1 the family member is now ordinarily resident in England, but has not been ordinarily resident in the EEA for at least the previous three years before the start of learning; or,

48.2 a principal has been resident within the EEA for the last three years.

**Table 1: Eligibility for Family Members**

		Principal ordinarily resident in the EEA for three years		
		EU (including the UK) citizen	Non-EU EEA citizen	Non- EEA Citizen
Family member not ordinarily resident in the EEA for three years	EU (including the UK) citizen	Eligible	Eligible	Not eligible
	Non-EU EEA citizen	Eligible	Not eligible	Not eligible
	Non-EEA citizen	Eligible	Not eligible	Not eligible

### Children of Turkish workers

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

- 49.1 The Turkish worker is currently ordinarily resident in the UK. The Turkish worker is or has been, lawfully employed in the UK
- 49.2 The child has been ordinarily resident in the EEA and/or Turkey for the full three-year period before the start of their programme.

### Persons granted stateless leave

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

- 50.1 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,
- 50.2 has been ordinarily resident in the UK and Islands throughout the period since the person was granted such leave.

51. A stateless person must:

- 51.1 be ordinarily resident in the UK on the first day of the first academic year of the course; and,

- 51.2 have been ordinarily resident in the UK and Islands throughout the three-year period preceding the first day of the first academic year of the course.
52. Certain family members are also eligible under this category:
- 52.1 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 academic 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 academic year of the course; or,
- 52.2 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 academic 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 academic year of the course.
53. "Leave application date" means the date on which a persons 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**

54. You must not claim funding from TVCA for individuals who do not meet the eligibility criteria set out above unless they are eligible under the Fees and Awards Regulations 2007 (as amended). This includes:
- 54.1 those who are here illegally
- 54.2 those who are residents in other authorities outside of the Tees Valley Combined Authority
- 54.3 those who are resident in the Tees Valley on a Tier 4 (general) student visa unless they are eligible through meeting any other of the categories described above
- 54.4 non-EEA citizens who are in the Tees Valley on holiday, with or without a visa
- 54.5 non-EEA citizens who are a family member of a person granted a Tier 4 visa, 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

- 54.6 individuals who are ordinarily resident in the Channel Island or the Isle of Man, unless they are also ordinarily resident within Tees Valley
- 54.7 those whose biometric residence permit or residence permit imposes a study prohibition or restriction on the individual

## **Learners in the armed forces**

- 55. We will fund 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 European Union (EU), including their family members, as ordinarily resident in the Tees Valley.
- 56. 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 three years. We will not fund family members that remain outside of Tees Valley.

## **Learners temporarily outside of England**

- 57. 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.

***\*Please note: the section 'Eligibility for funding', may be subject to change following the UK's exit from the European Union.***

## **What we fund**

- 58. You must make sure that learning is eligible for funding before the learner starts. [The ESFA Hub](#) contains details of eligible regulated qualifications, qualification components and non-regulated learning aims.
- 59. You must not claim funding where a learner only sits or resits a learning aim assessment or examination and no extra learning takes place.
- 60. You must not claim funding for any provision you deliver to a learner whose learning is taking place outside England.
- 61. You or your subcontractors must not claim funding for any part of any learner's learning aim or programme that duplicates provision they have received from any other source.
- 62. You must not enrol individuals on learning aims or learning programmes eligible for AEB funding at the same time as any new apprenticeship they start, funded from an employer's digital account or Government-employer co-investment.

63. We will not fund 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 level 4, or higher.
64. 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.

## **Fees and charging**

65. 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 statutory 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.
66. If a fully funded learner needs a Disclosure and Barring Service 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.

## **Qualifying days for funding**

67. 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 2019 to 2020 on the Tees Valley Combined Authority.
68. This does not apply where the learner achieves the learning aim.

## **Recognition of prior learning**

69. A learner could have prior learning that has been previously accredited by an awarding organisation or could be formally recognised and count towards a qualification. If this is the case, you must:
  - 69.1 reduce the funding amount claimed for the learning aim by the percentage of learning and assessment the learner does not need
  - 69.2 follow the policies and procedures set by the awarding organisation for delivery and assessment of the qualification
  - 69.3 not claim funding if the prior learning meets the full requirements of the awarding organisation to achieve the learning aim
70. We do not set limits on the length of time of either prior learning or previously certificated learning. However, where the individual's learning and/or

achievement occurs outside of five years, you must assess whether the learning is still valid and relevant.

71. You must not use prior learning to reduce funding for English and maths qualifications up to and including level 2.
72. If a learner enrolls on an advanced subsidiary (AS) level qualification followed by an A level, you must reduce the funding claimed for the A level to take account of the prior study of the AS level and record this in the 'Funding adjustment for prior learning' field in the ILR. You can access ILR information on the GOV.UK website.

## **Breaks in learning**

- 72 You can suspend learning while the learner takes an agreed and organised break from learning, where it is known that the intention of the learner is to return. This allows the learner to continue later with the same eligibility that applied when they first started their learning. Typical examples include; for economic reasons, long term sickness, maternity leave or religious trips.
- 73 Breaks in learning must not be used to 'suspend' learning where contact is lost or the attendance or academic performance of the learner is poor.
- 74 We will not fund a learner during a break in learning.
- 75 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.
- 76 You must not use a break in learning for short-term absences, such as holidays or short-term illness.

## **Contracting**

### **Staying on the Register of Training Organisations**

- 77 In 2019/20, TVCA will continue to utilise the ESFA's Register of Training Organisations (the Register) as the market entry point for organisations that intend to deliver adult learning programmes or operate in our supply chain as a subcontractor with an aggregated contract value of £100,000 or more.
- 78 We expect you and any subcontractors to continue to be listed on the Register. You must successfully complete the Register, refresh, and update your information when asked to do so. If you fail or do not update when asked, you must apply at the next opening. During this period, you and any subcontractors will not:
  - 78.2 be listed on the Register

- 78.3 If your organisation does not apply at the next opening of the Register, or you fail the application process, we will review your funding arrangements.

## 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.

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 on your 2019/20 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.

79. 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.
80. Your Governing Body or Board of Directors and your accounting officer (senior responsible person) must be satisfied that all your delivery subcontracting meets your strategic aims and enhances the quality of your learner offer. You must set out the reasons for subcontracting in your published supply chain fees and charges policy to reflect your strategic aims. You must be able to evidence this, such as minutes of meetings and written sign-off.
81. You must not subcontract to meet short-term funding objectives.
82. You must only use delivery subcontractors:
- 82.1 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



- 82.2 who your governing body/board of directors and your accounting officer (senior responsible person) determine as being of high quality and low risk, and provide written evidence confirming this
- 82.3 if you have robust procedures to ensure subcontracting does not lead to the inadvertent funding of extremist organisations
- 83. 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**

- 84. All subcontracting must be effectively planned on an annual basis and detailed within your 2019/20 Delivery Plan. Your Delivery Plan must be approved by TVCA prior to the procurement of any subcontracting provision.
- 85. TVCA will use the ILR to monitor subcontracting levels against your Delivery Plan.
- 86. Any changes to your subcontracting arrangements, detailed on your 2019/20 Delivery Plan, must be approved and agreed with your TVCA Provider Relationship and Performance Officer 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.
- 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
- 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 the ESFA Register of Training Organisations, or any other public register or database, as an indicator that they are suitable to deliver to your specific requirements.

91. Where a subcontractor is not on the ESFA Register of Training Organisations, additional due diligence activities must be undertaken and evidenced. This evidence may be requested by TVCA at any point during the funding agreement.
92. You must not appoint any delivery subcontractors with a contract value of £100,000 or greater for each funding year unless they are listed on the ESFA Register of Training Organisations first:
  - 92.1 this also applies if the subcontract from you would take the total value of all subcontracts that the delivery subcontractor holds to deliver AEB funded education and training to £100,000 or more
  - 92.2 we will place restrictions on your future use of AEB delivery subcontractors if this occurs
93. You must obtain the information relating to the total subcontracted funding value from each proposed delivery subcontractor and also refer to the latest published List of [Declared Subcontractors](#) and the ESFA Register of Training Organisations. If you use a delivery subcontractor who exceeds the £100,000 threshold and is not listed on the ESFA Register of Training Organisations, you must inform TVCA immediately. This applies regardless of whether you were the provider whose contract took the delivery subcontractor over the threshold.
94. 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:
  - 94.1 if Ofsted has rated your leadership and management as inadequate
  - 94.2 if you do not meet the ESFA Minimum Standards
  - 94.3 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**

95. 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.
96. You must not award a subcontract to any organisation if:
  - 96.1 it has an above-average risk warning from a credit agency
  - 96.2 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

97. 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.
98. You must have a legally binding contract with each delivery subcontractor that includes all the terms set out in paragraph 101.
99. You must have a contingency plan in place for learners in the event that:
  - 99.1 you need to withdraw from a subcontract arrangement
  - 99.2 a delivery subcontractor withdraws from the arrangement
  - 99.3 a delivery subcontractor goes into liquidation or administration
100. You must make sure that the terms of your subcontracts allow you to:
  - 100.1 monitor the delivery subcontractor's activity
  - 100.2 have control over your delivery subcontractors
  - 100.3 monitor the quality of education and training provided by all delivery subcontractors
101. You must obtain an annual report from an external auditor if the AEB contract with your delivery subcontractors will exceed £100,000 in any one funding year. The report must:
  - 101.1 provide assurance on the arrangements to manage and control your delivery subcontractors
  - 101.2 comply with any guidance issued by us
102. 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**

103. You must make sure your delivery subcontractors:
  - 103.1 meet the requirements set out in our funding rules
  - 103.2 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
  - 103.3 give us, and any other person nominated by us, access to their premises and all documents relating to provision funded by the TVCA AEB
  - 103.4 give you sufficient evidence to allow you to:

- 103.4.1 assess their performance against Ofsted's Common Inspection Framework
- 103.4.2 incorporate the evidence they provide into your self-assessment report
- 103.4.3 guide the judgements and grades within your self-assessment report
- 103.5 always have suitably qualified staff available to provide the education and training we fund through the AEB
- 103.6 co-operate with you to make sure there is continuity of learning if the subcontract ends for any reason
- 103.7 tell you if evidence of any irregular financial or delivery activity arises; irregular activity could include, but is not limited to:
  - 103.7.1 non-delivery of training when funds have been paid
  - 103.7.2 sanctions imposed on the delivery subcontractor by an awarding organisation
  - 103.7.3 an inadequate Ofsted grade
  - 103.7.4 complaints or allegations by learners, people working for the delivery subcontractor or other relevant parties
  - 103.7.5 allegations of fraud
- 103.8 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
- 103.9 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
- 103.10 do not use payments made as match funding for ESF co-financing projects or any other funding sources

## **Monitoring of subcontracted provision**

- 104. You must manage and monitor all of your delivery subcontractors to ensure that high-quality delivery is taking place that meets TVCA funding rules.
- 105. 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:
  - 105.1 include whether the learners exist and are eligible

- 105.2 involve direct observation of initial guidance, assessment, and delivery of learning programmes
106. The findings of your assurance checks must be consistent with your expectations and the delivery subcontractor's records.
107. 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.
108. TVCA will monitor your subcontracting provision at:
- 108.1 each in-year Provider Performance Review Meeting
  - 108.2 end of year Annual Performance Review
109. The level of subcontracting will be monitored and the quality of outcomes assessed.
110. 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.
111. **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**

112. 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 approved by TVCA.

## **Reporting subcontracting arrangements**

113. TVCA Delivery Plans will contain details of your subcontractors and TVCA will use this information to create a list of subcontractors on your behalf.
114. 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.
115. These details will be confirmed with at your TVCA performance monitoring meetings.

## **Subcontracting Fees and Charges**

116. 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.
117. 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.
118. 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**

119. 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.
120. You must publish your delivery subcontracting fees and charges policy on your website before entering into any subcontracting agreements for the 2019 to 2020 funding year.
121. As a minimum, you must include the following in your delivery subcontracting fees and charges policy:
  - 121.1 Your reason for subcontracting
  - 121.2 Your contribution to improving your and your delivery subcontractor's quality of teaching and learning
  - 121.3 The typical percentage range of fees you retain to manage delivery subcontractors, and how you calculate this range
  - 121.4 The support delivery subcontractors will receive in return for the fee you charge
  - 121.5 If appropriate, the reason for any differences in fees or support provided to different delivery subcontractors
  - 121.6 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
  - 121.7 How and when you communicate and discuss your policy with current and potential delivery subcontractors
  - 121.8 Timing for policy review
  - 121.9 Where you publish your policy

122. You must tell us the proposed level of funding for each of your subcontractors within your Delivery Plan.
123. All subcontracting activity must be approved by TVCA prior to any delivery of any subcontracting provision.
124. 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
125. The actual level of funding paid and retained for each of your delivery subcontractors in 2019/20 will be reviewed in-year at your Provider Performance Meetings and at your Annual Performance Review.
126. You must include the following in your published AEB delivery subcontractor fees and charges:
  - 126.1 Name of each delivery subcontractor
  - 126.2 The UK Provider Reference Number of each delivery subcontractor
  - 126.3 Contract start and end date for each delivery subcontractor
  - 126.4 Funding we have paid to you for AEB delivery for Tees Valley residents by each delivery subcontractor in that funding year
  - 126.5 Funding you have paid to each delivery subcontractor for AEB delivery in that funding year
  - 126.6 Funding you have retained in relation to each delivery subcontractor's AEB delivery for that funding year
  - 126.7 If appropriate, funding each delivery subcontractor has paid to you for services or support you have provided in connection with the subcontracted delivery

## **Match funding**

127. 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.

## **Evidence**

128. 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.

## Learner file

129. The learner file must contain evidence to support the TVCA AEB funding claimed and must be available to us if we need it.
130. Evidence in the learner file 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 learner file would reflect this.
133. Where you hold information centrally, you only need to refer to the source.
134. If applicable, the learner file 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, basic skills and diagnostic assessments
  - 134.4 Information on prior learning that affects the learning or TVCA funding of any of the learning aims or programme
  - 134.5 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
  - 134.6 A description of how you will deliver the learning and skills and how the learner will achieve
  - 134.7 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
  - 134.8 Support needs identified, including how you will meet these needs and the evidence of that
  - 134.9 That learning is taking or has taken place and records are available
  - 134.10 A learner's self-declarations as to what state benefit they claim
  - 134.11 A learner's self-declarations on their status relating to gaining a job



134.12 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 digital signatures, but you must have wider systems and processes in place to assure you that learners exist and are eligible for funding.
139. 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**

140. You can only claim funding for learning when directly related learning starts. This would not include enrolment, induction, prior assessment, diagnostic testing or similar learning.
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 file.

### **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 [2019 to 2020 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 you have claimed, we will take action to get this corrected and could recover funds you have claimed.
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 three legal entitlements to full funding for eligible adult learners. 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 A\* - C or grade 4, 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

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

151. Eligible learner's exercising their legal entitlement, must be enrolled on qualifications from the:

151.1 [2019 to 2020 list of qualifications in the level 2 and level 3 legal entitlement](#) and/or

151.2 [2019 to 2020 list of English and maths legal entitlement](#)

#### 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 2 – 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' table paragraph 154 and paragraphs 155 to 177 for learner eligibility.

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

152. 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. When

learners' progress to their first full level 2 (legal entitlement) they must enrol on a qualification from the relevant legal entitlement list set out in paragraph 151.

153. Individuals who have already achieved at level 2, or above, eligible for funding, must undertake any further level 2 qualifications only from local flexibility (not from legal entitlement) available on the ESFA Hub. This is set out in further detail in:

153.1 paragraphs 184 and 185, for individuals aged 19 to 23

153.2 paragraphs 186 and 187, for individuals aged 24 and over

## TVCA contribution table

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

Provision	19 to 23-year-olds	24+ unemployed	24+ other
English and maths, up to and including level 2 (Must be delivered as part of the legal entitlement)	Fully funded*	Fully funded*	Fully funded*
Level 2 (excluding English and maths) (First full level 2 must be delivered as part of the legal entitlement)	Fully funded* (first and full)	Fully Funded	Co-funded+
Learning to progress to level 2	Fully funded^ (up to and including level 1)	Fully funded	Co-funded
Level 3 (First full level 3 must be delivered as part of the legal entitlement)	Fully funded* (first and full)	Loan-funded	Loan-funded
	Loan-funded** (previously achieved full level 3 or above)		
English for Speakers of Other Languages (ESOL) learning up to and including level 2	Co-funded +	Fully funded	Co-funded+
	Fully funded – unemployed		
Learning aims up to and including level 2, where the learner has already achieved a first full level 2 or above	Co-funded +	Fully funded	Co-funded+
	Fully funded – unemployed		
<p>*Must be delivered as one of the English and maths, and/or first full level 2 or first full level 3 qualifications required as part of the legal entitlements.</p> <p>^Must be delivered as entry or level one provision from local flexibility.</p> <p>** Availability of loans at level 3 does not replace the legal entitlement to full funding for learners aged 19 to 23 undertaking their first full level 3.</p> <p>+ Low Wage flexibility may apply, refer to paragraphs 157 to 159</p>			

## Definitions used in the adult education budget

### Unemployed

155. For funding purposes, we define a learner as unemployed if one or more of the following apply:
- 155.1 They receive Jobseeker's Allowance (JSA), including those receiving National Insurance credits only
  - 155.2 They receive Employment and Support Allowance (ESA) and are in the work-related activity group (WRAG)
  - 155.3 They receive Universal Credit, and earn either less than 16 times the appropriate age-related rate of the national minimum wage/national living wage a week, or £338 a month (individual claims) or £541 a month (household claims) and Jobcentre Plus determine as being in one of the following groups:
    - 155.3.1 All Work-Related Requirements Group
    - 155.3.2 Work Preparation Group
    - 155.3.3 Work-Focused Interview Group
  - 155.4 They are released on temporary licence, studying outside a prison environment, and not funded by the Ministry of Justice.
156. Providers may also use their discretion to fully fund other learners if both of the following apply. The learner:
- 156.1 receives other state benefits (not listed in paragraph 155) and earns either less than 16 times the appropriate age-related rate of the national minimum wage/national living wage a week, or £338 a month (individual claims) or £541 a month (household claims)
  - 156.2 wants to be employed, or progress into more sustainable employment, if they earn either less than 16 times the appropriate age-related rate of the national minimum wage/national living wage a week, or £338 a month (individual claims) or £541 a month (household claims) and you are satisfied the learning is directly relevant to their employment prospects and the local labour market needs.

### Learners in receipt of low wage

157. You may also fund learners, who are employed and cannot contribute towards the cost of co-funding fees. You must be satisfied the learner meets both the following:
- 157.1 is eligible for co-funding; and,
  - 157.2 earns less than £15,736.50 annual gross salary.

158. You must have seen evidence of the learner's gross annual wages in these circumstances. This could be a wage slip 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 must support your decision to award full funding to an individual who would normally be eligible for co-funding.
159. You must use LDM code 363 and FF1 code 1 to claim full funding for learners who meet the requirements set out in paragraph 157.

## Full level 2

160. Level 2 is the level of attainment which, is demonstrated by:
  - 160.1 a General Certificate of Secondary Education in five subjects, each at grade C or above, or grade 4 or above, or
  - 160.2 Technical Certificate at level 2 which meets the requirements for the 2018, 2019 and 2020 16 to 19 performance tables
161. 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 co-funded.

Please contact [qualifications.esfa@education.gov.uk](mailto:qualifications.esfa@education.gov.uk) if you need advice on a previous qualification's designation.
162. If the [National Academic Recognition Information Centre](#) have confirmed the 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.

## Full level 3

163. Level 3 is the level of attainment which is demonstrated by a:
  - 163.1 General Certificate of Education at the advanced level in two subjects
  - 163.2 General Certificate of Education at the AS level in four subjects
  - 163.3 QAA Access to Higher Education (HE) Diploma at level 3
  - 163.4 Tech level; or applied general qualification at level 3, which meets the requirements for the 2018, 2019 and 2020 16 to 19 performance tables
164. Funding for level 3 qualifications from TVCA is only available as legal entitlement. All learners over the age of 23 or aged 19-23 with a prior attainment of level 3 or above will not be funded by the TVCA to undertake a level 3 qualification.

165. For new linear AS and A levels, where a learner enrolls 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.

## **Eligible qualifications**

166. Where you deliver regulated qualifications and/or their components, you must ensure they are eligible for TVCA AEB funding as indicated on the ESFA Hub.

167. Certain qualifications that meet statutory employer requirements or a licence to practise are eligible for unemployed learners that meet the criteria in paragraph 155. You can find more information about these qualifications in the ESFA Qualification Eligibility Principles document on the GOV.UK website.

168. 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.

## **Non-regulated learning**

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

169.1 independent living skills or engagement learning supporting adults to operate confidently and effectively in life and work

169.2 locally-commissioned and/or locally-developed basic knowledge and skills needed to access technical qualifications

169.3 employability and labour market re-entry

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

169.5 community learning courses

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

170.1 It must not be provision linked to UK visa requirements

170.2 It must not be provision linked to statutory employer requirements (including a licence to practise) unless there is an agreed concession in place

170.3 It must not be vendor-specific provision, linked to a particular employer or commercial system

170.4 It must not be learning, for example, 'induction to college', that should be part of a learner's experience

170.5 It must not be a non-regulated version of a regulated qualification



170.6 It must not be above notional level 2 (that is, at notional levels 3 or 4)

170.7 At notional level 2 it must focus on technical provision

171. 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.

172. It is the intention of TVCA to use the RARPA model to monitor, review and measure the quality and outcomes from non-regulated provision in 2019/20. Non-regulated learning should have clear achievement aims for the learners and identified progression outcomes prior to commencement of learning.

## Learning in the workplace

173. We will fund learning in the workplace where a learner has a statutory entitlement to full funding for:

173.1 English and/or maths up to and including level 2 (paragraph 158), and/or

173.2 a first full level 2 (paragraph 165.1.1), or

173.3 a first full level 3 qualification (paragraph 165.1.2)

## What we will not fund

174. We will not fund any:

174.1 learning aim delivered at an employee's workplace, and is either relevant to their job or their employer's business, unless:

174.1.1 it is statutory entitlement learning stated in paragraph 173

174.1.2 we have confirmed a national level concession that responds to a significant negative economic impact for a specific industry

175. You must not use your TVCA AEB allocation to deliver provision to learners in custody. [The Ministry of Justice](#) funds prison education in England. Please note you can use your TVCA AEB to fund individuals released on temporary licence as set out in paragraph 155.4.

176. We will not fund, end-point assessment, which is subject to Ofqual external quality assurance and, regulated as a qualification.

## English and maths for those aged 19 or older

177. 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:
- 177.1 GCSE English language or maths.
  - 177.2 Functional Skills English or maths from Entry to level 2.
  - 177.3 Stepping-stone qualifications (including components, where applicable) in English or maths approved by the Department for Education and ESFA.
178. If a learner wants to 'retake' their GCSE English and maths qualification because they did not achieve a grade 4 or higher (C or higher), we will not fund the learner to only resit the exam.
179. You must not enrol individuals on qualifications, which are not necessary for progressing towards a GCSE or Functional Skill level 2.
180. You must not fund an apprentice for English or maths from the TVCA AEB.
181. 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 158.
182. You must:
- 182.1 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
  - 182.2 carry out an appropriate diagnostic assessment to inform and structure a learner's learner file to use as a basis for a programme of study
  - 182.3 enrol the learner on a level above that at which they were assessed and be able to provide evidence of this
  - 182.4 deliver ongoing assessment to support learning
  - 182.5 record the evidence of all assessment outcomes in the learner file
183. 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)**

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

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

184.1.1 first full level 2, and/or

184.1.2 first full level 3

184.2 Local flexibility provision:

184.2.1 up to and including level 1 to support progression to a first full level 2, and/or

184.2.2 level 2 for those who already have a full level 2 if they are unemployed

185. We will co-fund provision up to, and including, a level 2 for learners who have already achieved a full level 2, or above, who are not unemployed. The low wage flexibility may apply, refer to paragraph 157.

## **Individuals aged 24 or older (excluding English, maths and ESOL)**

186. We will fully fund individuals aged 24 or older on the day they start provision up to, and including, a level 2, if they are unemployed, set out in paragraphs 155 to 156.

187. We will co-fund all other learners aged 24 years and older for provision up to, and including, a level 2. Where learners are employed the low wage flexibility may apply, refer to paragraph 157

## **English for Speakers of Other Languages (ESOL)**

188. 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 155 and 156.

189. 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 157 to 158.

190. 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 2019 to 2020.

## **Learners with learning difficulties or disabilities**

191. We will fund learners with learning difficulties or disabilities as set out in the Apprenticeships, Skills, and Children and Learning Act 2009, section 111.

192. 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.

193. 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. You can access the ESFA's [young people's funding methodology](#) on the GOV.UK website.

194. To access provision and support costs you must inform us before the start of the 2019 to 2020 funding year where a learner:

194.1 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

194.2 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.

195. The learner must:

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

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

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

197. 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.

## Community Learning

**This section only applies to providers with a non-formula community learning allocation included their funding agreement.**

The purpose of Community Learning is to develop the skills, confidence, motivation and resilience of adults of different ages and backgrounds in order to:

- progress towards formal learning or employment and/or Apprenticeships
- improve their health and well-being, including mental health and/or
- develop stronger communities

Community learning courses are delivered and reported on the ESFA ILR under the following four delivery strands:

- **Personal and community development learning** - learning for personal and community development, cultural enrichment, intellectual or creative stimulation and for enjoyment (in most cases not leading to a formal qualification)
- **Family English, maths and language** - learning to improve the English, language and maths skills of parents, carers or guardians and their ability to help their children
- **Wider family learning** - learning to help different generations of family members to learn together how to support their children's learning
- **Neighbourhood learning in deprived communities** - supports local Voluntary and other third sector organisations to develop their capacity to deliver learning opportunities for the residents of disadvantaged neighbourhoods

In 2019/20, TVCA will continue to use the above categories for community learning.

Please note, non-formula community-learning funding follows funding model 10.

### Non-formula funding

198. Where applicable, your TVCA AEB allocation will include and detail an amount of non-formula community learning funding separately to your ASB formula funded learning. You must deliver non-formula funded community learning provision as detailed and approved within your 2019/20 Delivery Plan

199. Non-formula community learning funding is paid in equal monthly payments. You must 'attribute costs' for eligible learners, up to the value of your non-formula community learning allocation. This should include the cost of

delivering learning and any support costs, in line with learner and learning support, paragraphs 213 to 235. You must record these costs in the learner's learning plan.

200. You have the flexibility to use all, or some, of your non-formula community learning funding in line with the AEB formula-funded methodology (funding model 35), to meet local demand.
201. You can use this amount of non-formula community learning funding stated in your funding agreement to deliver non-regulated provision that may be similar to community learning. If you do, you must:
  - 201.1 follow the TVCA AEB formula-funded methodology and submit ILR data under fund model 35
  - 201.2 enrol learners following the AEB eligibility requirements set out on and paragraphs 155 to 177; you must not use your community learning local fee remission policy
202. You must not use non-formula community learning funding for learning that is eligible for funding through an advanced learner loan.

### **Pound Plus and local fee remission policy**

203. **Pound Plus** - the 'Pound' represents the public pound, the 'Plus' is everything else that you can generate in addition to your non-formula community learning funding allocation, such as fee income, funding from other sources, resources in kind and other sources of revenue/sponsorship/volunteering.
204. You must have in place a 'Pound Plus' policy. You must invest Pound Plus fee income/savings for the people who most need, and can least afford, community-learning provision.
205. **Local fee remission policy** - you must have in place and operate a fair and transparent community learning local fee remission policy that requires individuals to pay a course/tuition/joining fee, but also sets out clear eligibility criteria for those individuals who, due to their circumstances, qualify for either partial or total fee remission.
206. Your Pound Plus and Local Fee remission policies must be available on your website and/or in the venues you deliver community learning to eligible learners. If requested, your Local Fee Remission Policy should be shared with your TVCA Provider Relationship and Performance Officer.

## Partnership working

207. Partnership working underpins the community learning objectives and is critical to developing and delivering an effective community-learning offer in a given locality.
208. You must engage and work closely with a wide range of relevant partners, TVCA and stakeholders in your local area to help shape your community learning offer to engage specific groups. These could include specialist partners and voluntary and community sector (VCS) organisations.
209. We expect you to work with other providers in your local area, who may be in receipt of non-formula community funding. We expect you to develop a strategic, efficient community-learning offer to reduce duplication of courses in a locality, and signpost learners to other partners as and when appropriate.

## 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.

210. In order to deliver the team programme, you must get approval from the Princes Trust.
211. 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 2019 to 2020 document.
212. For eligible learners aged 16 to 19, the team programme is funded through the ESFA's young people's funding methodology.

## Support funding

The AEB's 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 enables 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**

213. 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.
214. Learning support must not be used to deal with everyday difficulties that are not directly associated with a learner's learning on their programme.
215. You must:
- 215.1 carry out a thorough assessment to identify the support the learner needs
  - 215.2 agree and record the outcome of your assessment in the learner file
  - 215.3 record all outcomes on the learner file and keep all evidence of the assessment of the needs, planned and actual delivery
  - 215.4 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
216. You can claim learning support at a fixed monthly rate if you report it in the ILR. You must use the TVCA EAS if your costs exceed this monthly rate and you must keep evidence of these costs. You can find details of how to make a claim in the ESFA Funding Claims and Reconciliation Guidance.
217. You can claim learning support if learning continues past the planned end date and the learner needs continued support.
218. The reasons(s) why the individual does not need an EHC plan.



## 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 EHC plan provided by their local authority and, therefore, would access funding from their local authority.

219. 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 ELS claims document.
220. To claim exceptional learning support 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.

### Learner support

221. Learner support is available to provide financial support for learners with a specific financial hardship preventing them from taking part/continuing in learning. Before you award support to a learner, you must identify their needs within the following 'categories':
- 221.1 Hardship funding – general financial support for vulnerable and financially disadvantaged learners. Please see paragraph 226 for further details
  - 221.2 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. Please see paragraph 229 for further details
- 222 Residential Access funding – to support learners where they need to live away from home.
- 223 You must not claim more than 5% of your total Learner Support final claim 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
- 224 You must:
- 224.1 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

- 224.2 assess and record the learner's needs, demonstrating the need for support
  - 224.3 report the appropriate Learner Support Reason codes in the 'Learner Funding and Monitoring' fields in the ILR
  - 224.4 complete monthly EAS claims and a final claim
  - 224.5 take into account the availability of other support for learners, for example from Jobcentre Plus
  - 224.6 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
- 225 You must not use learner support funds for any of the following:
- 225.1 Essential equipment or facilities if the learner is eligible to full funding. However, these learners can get support funding for childcare, transport and residential costs
  - 225.2 A learner in custody or released on temporary licence
  - 225.3 A learner carrying out a higher education course or learning aims fully funded from other sources
  - 225.4 To pay weekly attendance allowances or achievement and attendance bonuses

## **Hardship**

- 226 You can use hardship funds for any of the following:
- 226.1 Course-related costs, including course trips, books and equipment (where costs are not included in the funding rate), domestic emergencies and emergency accommodation
  - 226.2 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)
  - 226.3 Examination fees
  - 226.4 Accreditation fees, professional membership fees and any fees or charges due to external bodies
  - 226.5 Your exam registration fees
  - 226.6 Support provided by others, or by providing items, services or cash direct to the learner. This can be a grant or a repayable loan
- 227 In exceptional circumstances, you can use hardship funds with course fees for learners who need financial support to start or stay in learning.

228 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. You must not give a learner who is an asylum seeker support in the form of cash.

## **20+ childcare**

229 You can only use childcare funding to pay for childcare with a childminder, provider or childminder agency, registered with Ofsted.

230 You must not use childcare funding to:

230.1 fund informal childcare, such as that provided by a relative

230.2 set up childcare places or to make a financial contribution to the costs of a crèche

230.3 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

231 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**

232 You must:

232.1 set out the criteria and procedures for considering and agreeing applications for support from your residential access funds; and,

232.2 give priority to learners who need accommodation and only pay for travel costs in exceptional circumstances

## **Job outcome payments**

233 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:

233.1 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 four consecutive weeks

233.2 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

- 234 This section sets out the principles by which we will manage your performance in the 2019 to 2020 funding year and this document should be read in conjunction with the 2019/20 TVCA Performance Management Framework Policy.
- 235 In 2019/20, 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.
- 236 All providers in receipt of a 2019/20 Funding Agreement with TVCA will be allocated funds to implement their Delivery Plan. Payments will be made in line with the national profile as below.

**Table 1: National Monthly Payment Profile**

	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	P11	P12
Monthly profile	14.44%	8.58%	8.67%	7.08%	5.69%	7.44%	5.39%	5.36%	12.69%	10.21%	8.70%	5.75%
Cumulative monthly profile	14.44%	23.02%	31.69%	38.77%	44.46%	51.90%	57.29%	62.65%	75.34%	85.55%	94.25%	100.00%

- 237 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 2019/20 TVCA Performance Management Framework.
- 238 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 requirements. We will require you to correct inaccurate ESFA ILR and TVCA EAS data or to adjust your final funding claim.
- 239 All providers are encouraged to return their AEB ILR from R01, particularly if adult learning recruitment commences from 1 August 2019 and/or the provider previously provided an AEB ILR return to the ESFA from R01. Further detail will be defined in your provider funding agreement. All providers must submit their ILR and EAS funding claims on a monthly basis following the RO4 submission.

- 240 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.
- 241 In addition to the above, all provider payments will be reconciled at the end of the funding agreement period against the 2019/20 provider allocation. This reconciliation will occur following receipt of the provider's R14 ILR return. TVCA reserve the right to recover any underspend below the full TVCA AEB 2019/20 allocation.
- 242 Delivery performance will be monitored throughout the funding agreement period to determine provider TVCA AEB earnings against their TVCA AEB funding allocation.
- 243 At key performance management points, a provider's earnings against profile will be reviewed and analysed.
- 244 TVCA will reserve the right to re-profile, reconcile or cease payments at any point during the funding agreement period if the provider is identified as having a funding under performance outside of the following tolerances:
- 244.1 R04 – 20% December
  - 244.2 R08 – 10% April
  - 244.3 R12 – 5% July
  - 244.4 R14 – 0% October
- 245 Any provider with an identified funding under performance at any of the performance management points must work with their designated TVCA Relationship and Performance Officer and submit a plan to TVCA outlining how they intend to address the under delivery.
- 246 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.
- 247 In extenuating circumstances, where the recovery of unspent Tees Valley AEB funding will result in a negative strategic or economic impact on either the learner, community or provider, TVCA will consider a longer-term recovery arrangement with the provider. This decision will be based on robust evidence of improvements in future performance and the continued delivery of high quality provision for Tees Valley residents.
- 248 Your funding agreement will span two financial/fiscal years:
- 248.1 August 2019 to March 2020: periods 1 to 8 of the 2019 to 2020 funding year
  - 248.2 April 2019 to July 2020: periods 9 to 12 of the 2018 to 2019 funding year
- 249 Your allocation will be split according to the national payment profile into these two funding envelopes.

- 250 Provider payments will be capped to the value of each funding envelope.
- 251 Following end of year reconciliation, TVCA may agree to realign allocations or release funds over and above the funding cap but this will be based on availability of funds and cannot be guaranteed.
- 252 Funds cannot be 'vired' between funding agreements with TVCA and the ESFA.
- 253 Your funding agreement will state the maximum amount of TVCA AEB provision you can deliver between 1 August 2019 and 31 July 2020.
- 254 It will also state the maximum value of non-formula funded community learning we will fund (where applicable to you).
- 255 Your AEB allocation can be used to fund new starts, non-formula funded community learning (where applicable to you) and learner support.
- 256 You must submit ILRs for Tees Valley residents receiving AEB on a monthly basis from R04 and, where appropriate, provide a forecast to TVCA for the remainder of the funding year. The funding claims must include adult skills, non-formula funded community learning and learner support funding.

## Annex A - Eligibility for funding

The section on eligibility determines how eligibility to be funded can depend upon citizenship within the European Union or the European Economic Area (EEA). This Annex details which countries will meet the residency requirements detailed in paragraph 36.

### **Countries or areas where residency establishes eligibility for our funding**

a) Member states of the European Union.

You can access a list of member states on the [EU website](#).

b) Other territories categorised as being within the European Union.

Other territories are categorised as being within the European Union for the purposes of the fees regulations; these are:

**Cyprus:** any Cypriot national living on any part of the island qualifies for EU residency and is considered an EU national

**Finland:** includes the Aland Islands

**France:** the French Overseas Department (DOMS) (Guadeloupe, Martinique, French Guiana (Guyana), Reunion and Saint-Pierre et Miquelon) is part of metropolitan France and is part of the EU

**Germany:** includes the former German Democratic Republic and the tax-free port of Heligoland

**Portugal:** Madeira and the Azores are part of the EU; Macau is not

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

**United Kingdom:** Gibraltar is part of the territory of the EU

**To note:** The Channel Islands and Isle of Man are part of the United Kingdom and Islands but not part of the EU.

Andorra, Monaco, San Marino and the Vatican are not part of the EU.

c) EEA and eligible overseas dependent territories.

For funding eligibility purposes, this is defined as all member states of the EU and Iceland, Liechtenstein, Switzerland, Norway and all the eligible British overseas territories and EU overseas territories listed in paragraph d below.

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.

- d) Eligible overseas territories of other British and EU member states. Learners who are nationals of certain British Overseas Territories and of certain European overseas territories are eligible for funding, depending on the three-year rule in residence in the EEA. These are as follows:

- Anguilla
- Bermuda
- British Antarctic Territory
- British Indian Ocean Territory
- British Virgin Islands
- Cayman Islands
- Falkland Islands
- Henderson Island
- Montserrat
- Pitcairn, Ducie and Oeno Islands
- South Georgia and the South Sandwich Isles
- St Helena and its dependencies
- Turks and Caicos Islands
- Greenland and Faroe Isles
- Antilles (Bonaire, Curacao, Saba, St Eustatius and St Maarten) Aruba
- New Caledonia and its dependencies
- French Polynesia
- Saint Barthélemy
- The Territory of Wallis and Futuna Islands
- Mayotte
- French Southern and Antarctic Territories



## Annex B - Community Learning Objectives

- Focus public funding on people who are disadvantaged and least likely to participate, including in rural areas and people on low incomes with low skills
- Collect fee income from people who can afford to pay and use where possible to extend provision to those who cannot
- Widen participation and transform people's destinies by supporting progression relevant to personal circumstances, e.g.
  - improved confidence and willingness to engage in learning
  - acquisition of skills preparing people for training, employment or self-employment
  - improved digital, financial literacy and/or communication skills
  - parents/carers better equipped to support and encourage their children's learning
  - improved/maintained health and/or social well-being
- Develop stronger communities, with more self-sufficient, connected and pro-active citizens, leading to:
  - increased volunteering, civic engagement and social integration
  - reduced costs on welfare, health and anti-social behaviour
  - increased online learning and self-organised learning
  - the lives of our most troubled families being turned around
- Commission, deliver and support learning in ways that contribute directly to these objectives, including:
  - bringing together people from backgrounds, cultures and income groups, including people who can/cannot afford to pay
  - using effective local partnerships to bring together key providers and relevant local agencies and services
  - devolving planning and accountability to neighbourhood/parish level, with local people involved in decisions about the learning offer
  - involving volunteers and Voluntary and Community Sector groups, shifting long term, 'blocked' classes into learning clubs, growing self-organised learning groups, and encouraging employers to support informal learning in the workplace
  - supporting the wide use of online information and learning resources
  - minimising overheads, bureaucracy & administration

## 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 <a href="#">adult funding methodology</a> on the GOV.UK website.
Advanced learner loan	Advanced learner loans are available for individuals aged 19 or above to undertake approved qualifications at levels 3 to level 6, at an approved provider in England. Advanced learner loans give individuals access to financial support for tuition costs similar to that available in higher education and is administered by Student Finance England.
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.
Continuers	Learners who commenced learning in a previous funding year and remain in learning as of 1 August 2019.
Community Learning	Helps people of different ages and backgrounds gain a new skill, reconnect with learning, pursue an interest, and learn how to support their children better, or prepare for progression to more formal courses / employment.
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.
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.
Employed	An individual who has a contract of employment. This does not include self-employed individuals.
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.
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.
Full level 2	The following qualifications are designated full at level 2: <ul style="list-style-type: none"> <li>• a General Certificate of Secondary Education in five subjects, each at grade C or above, or grade 4 or above</li> <li>• a Technical Certificate at level 2 which meets the requirements for 2019 to 2020 16 to 19 performance tables</li> </ul>
Full level 3	The following qualifications are designated full at level 3: <ul style="list-style-type: none"> <li>• a General Certificate of Education at the advanced level in two subjects</li> <li>• a General Certificate of Education at the AS level in four subjects</li> <li>• a QAA Access to Higher Education (HE) Diploma at level 3</li> <li>• a Tech level; or applied general qualification at level 3 which meets the requirements for 2019 16 to 19 performance tables</li> </ul>

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	The agreement between the Secretary of State for Education acting through TVCA and providers who receive funding for education and skills training.
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 Hub	The ESFA Hub 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.
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 2019/20, 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.

Learner file	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.
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.
Local flexibility	Regulated qualifications, and or their components, and non-regulated learning that the TVCA funds, that is <b>not</b> 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 <a href="#">The ESFA Hub</a> .
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: <ul style="list-style-type: none"> <li>• independent living skills and engagement learning</li> <li>• employability and work skills</li> <li>• labour market re-entry</li> <li>• technical education tasters</li> <li>• community learning</li> </ul>
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 from 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)	The Learning and Work Institute have undertaken a consultation on the RARPA Cycle and have published <a href="#">updated RARPA Guidance</a> . 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 <a href="#">The Learning and Work Institute</a> .
Recognition of prior learning (RPL)	An assessment method that considers whether a learner can demonstrate that they can: <ul style="list-style-type: none"> <li>• meet the outcomes for a qualification or a component of a qualification through knowledge, understanding; or,</li> <li>• skills they already have and so do not need to undertake a course of learning for that component or qualification.</li> </ul>
ESFA Register of training organisations (the Register)	A register that provides assurance on organisations that deliver non-apprenticeship education and training services funded by the ESFA, or subcontractors with more than £100,000 in our non-apprenticeship supply chain. Organisations apply to enter the register by completing our market-entry pre-qualification process, which includes due diligence questions and testing of capacity and capability.
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.
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.
Statutory entitlement	The <a href="#">statutory entitlement to education and training</a> allows learners to be fully funded who are aged: <ul style="list-style-type: none"> <li>• 19 and over, who have not achieved a Grade A*-C, grade 4, or higher, and study for a qualification in English or maths up to and including level 2, and/or</li> <li>• 19 to 23, if they study for a first qualification at level 2 and/or level 3</li> </ul>
Study programme	Study programmes are for learners aged 16 to 19 and cover all levels up to level 3. Funding is for each learner, rather than for each qualification and can only have one core aim at a time.
Subcontractor	A separate legal entity that has an agreement with you to deliver any element of the education and training we fund. A separate legal entity includes companies in your group, other associated companies and sole traders. It also includes individuals who are self-employed or supplied by an employment agency, unless those individuals are working under your direction and control, in the same way as your own employees. The term subcontractor will also apply to any partnership work you have where your staff and/or provision is managed by another partner/institution. TVCA will consider this a type

	of subcontracting arrangement and as such will require all relevant detail on your Delivery Plan for approval and review at relevant Performance Meetings. This arrangement must also be identified in the ILR using the Partner UKPRN Field.
Traineeship	A programme to help unemployed young people to develop the necessary skills and experience to progress to an apprenticeship or long-term work.
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).
Work placement	A placement with an employer in a workplace setting as part of a traineeship.
Young people's funding methodology	The ESFA's funding methodology for individuals aged 16 to 19 (and those aged 19 to 24 with an Education Health and Care plan). You can access <a href="#">young people's funding methodology</a> on the GOV.UK website.