

# **West Yorkshire Combined Authority**

## **Adult Education Budget (AEB): funding and performance management rules 2021 to 2022**

For the 2021 to 2022 funding year (1 August 2021 to 31 July 2022).

This document sets out the funding rules that apply to all providers of education and training who receive adult education budget funding from the West Yorkshire Combined Authority.

**Version 6 – August 2021**

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## Introduction and Purpose of this Document

1. This document sets out the West Yorkshire Combined Authority AEB funding rules for the 2021 to 2022 funding year (1 August 2021 to 31 July 2022). These rules contain conditions of funding (in accordance with section 101 of the Apprenticeships Skills Children and Learning Act 2009) and apply to all providers who receive AEB from the Secretary of State for Education acting through the West Yorkshire Combined Authority.

## Priorities for Adult Education Budget

2. The Combined Authority is building upon previous national AEB Funding and Performance Management Rules, with some changes to reflect local commissioning decisions for West Yorkshire residents in 2021/2022. These rules are technical in nature, produced for an audience of Colleges, Local Authority Adult and Community Learning Providers, Independent Training Providers and other organisations (known henceforth as Providers). They are a reference document for the purposes of delivering AEB funded learning for West Yorkshire residents for the academic year 2021/2022.
3. The Adult Education Budget is aligned to the Combined Authority's AEB Strategy, link [here](#). AEB is one of many ways in which adult training is funded and skills are developed, its principal purpose is to engage adults and provide them with skills and learning needed for work, an apprenticeship and/ or further learning. The refreshed Employment and Skills Framework 2021-2025, to be published in Summer 2021, will identify key priorities and actions for partners in the region, including to address higher level skills, digital skills, working towards net zero carbon economy and inclusive growth.
4. Within the context of the above strategies, we have defined the following priorities for the Adult Education Budget in West Yorkshire:
  - Support the unemployed to gain and sustain employment.
  - Unlock progression opportunities and career adaptability through skills, particularly for those on low wages and with insecure work.
  - Make learning more inclusive to support disadvantaged residents.
  - Increase the supply of skills to support key sectors in West Yorkshire.
  - Improve West Yorkshire's resilience by identifying and delivering the skills needed for the future.
5. The Combined Authority will allocate grant funding to a number of Further Education colleges and local authorities delivering to West Yorkshire residents in line with our legal advice. Other organisations that intend to deliver devolved AEB funded provision to West Yorkshire residents will be through a contract for services.
6. These rules do not apply to:
  - Apprenticeships.
  - Traineeships

- advanced learner loans
  - education and training services funded by the European Social Fund
  - UKSPF - UK Shared Prosperity Fund (subject to confirmation).
  - Provision funded by Government as a response to the pandemic e.g. Kickstart, Restart.
7. 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 \(ILR\) - GOV.UK](#). If you do not, you are in breach of your funding agreement with us.
  8. All information, including hyperlinks were correct when we published this document and West Yorkshire Combined Authority reserves the right to make changes to these rules.

## Understanding the Terminology

9. The terms 'we' and 'us' refer to the West Yorkshire Combined Authority.
10. When we refer to 'you' or 'providers', this includes colleges, higher education institutions, training organisations, local authorities and employers who receive West Yorkshire Combined Authority funded AEB to deliver education and training to our residents.
11. We will use the generic term 'you' or 'provider' unless the requirements only apply to a specific provider type. We use the term 'funding agreement' to include:
  - Grant funding agreement
  - Contract for services
12. We use the terms 'resident' and 'learner' to describe those eligible to undertake Combined Authority funded AEB learning as they have a post code which confirms they will reside in West Yorkshire at the outset and for the duration of any provision.
13. 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).
14. We use the term 'provision' or 'learning' to cover the learning aims and programmes funded by us. 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 qualification as detailed in the Learning Aim Service. [Find a learning aim \(fasst.org.uk\)](#) or as agreed with the Combined Authority.
15. If we refer to 'programmes', we mean a coherent package of learning which may include regulated qualifications, components of regulated qualifications or non regulated learning with clearly stated aims supporting agreed outcomes.

16. We may refer to this document as ‘funding rules’ or ‘the rules’.

## **Contacting Us**

17. You can contact us through our [AEBinfo@westyorks-ca.gov.uk](mailto:AEBinfo@westyorks-ca.gov.uk) email address.

# Section 1: General Funding Requirements

## Principles of Funding

18. AEB funding must be considered in the broader skills funding and policy landscape, which encompasses traineeships, apprenticeships, Learner Loans and HE activity not devolved to the Authority. All of these are however inextricably linked to AEB in terms of resident progression within the post-16 skills and employment system. It is also important to recognise the importance of the additional skills provision supported by government in response to the COVID-19 pandemic.
19. These rules apply in relation to all residents starting new Combined Authority funded AEB learning aims on or after 1<sup>st</sup> August 2021. You must check the eligibility of the learner and we will not fund learning for any resident whilst they remain ineligible. We will also not fund a learner who is unable to complete a learning aim or programme of study in the time available.
20. You must not transfer, cross or double fund learning supported by devolved Combined Authority AEB funding for West Yorkshire residents with:
  - AEB from national ESFA funds
  - AEB from other devolved budgets
  - 19- 24 traineeship programmes
  - Apprenticeships
  - Advanced learner loans bursary fund
  - Advanced learner loan facility
  - ESF
  - Any other funded provision including Government response to the pandemic e.g. Kickstart/ Restart/ Traineeships
21. Our relationship with the provider base will be primarily strategic rather than transactional, with a strong focus on proactive performance management and working together. We expect high quality provision, delivering measurable impact on the progression and outcomes for Combined Authority residents and representing value for money to the public purse.
22. Failure to comply with these rules could lead to informal or formal performance management action being taken by the Combined Authority. The triggers for action and the type of action we may take is set out in these rules and in your Grant Agreements and/ or Contract for Services.
23. Residents continuing their learning from the 2020/2021 funding year who were a resident within the Combined Authority at the commencement of learning will continue to be funded through an ESFA allocation in the 2021/2022 academic year.
24. You must not transfer funding between the Combined Authority call-off contract and grant funding agreements should you as a Provider hold both types of funding agreement with us. To aid transparency, the value of grant allocations and call-off contracts will be published annually by the Authority.

25. You must complete learner records accurately, including the resident's Unique Learner Number (ULN) field, in order to access Combined Authority funding. As West Yorkshire's overall AEB allocation is calculated by government based on residency within the Combined Authority area, it is particularly important that as part of your initial assessment you ensure the resident's postcode relates to where the learner resides at the start of their programme of learning, and where they expect to be living for the duration of that learning. Should any changes occur the Learner Record Service information must be updated. You can find more information in the Learner Records Service guidance here [Using the Learning Records Service - GOV.UK.](#)
26. You must hold evidence to assure the Combined Authority that you are using the funding appropriately. Most evidence will occur naturally from your normal business processes. We retain the right to request performance management information and related evidence as part of the ongoing risk-based performance management process.
27. The Combined Authority support subcontracting when approached strategically with integrity, i.e. it extends the breadth and reach of provision to under-represented or hard to reach residents; provides opportunities to offer small scale, niche or specialist provision; creates partnerships which support learner progression and builds capacity and supports flexible delivery. Additional information on our approach to sub-contracting is in Annex D.
28. We will in advance of the 1<sup>st</sup> August 2021
  - On-board all our providers
  - Undertake a financial due diligence exercise
  - Agree a delivery plan (the value of which form part of your grant or contract)
  - Develop and agree a payment schedule

## **Fees and Charging**

29. You must not make compulsory charges relating to the direct costs of delivering a learning aim to learners we fully fund, including those with a legal entitlement to full funding for their learning. Direct costs include any essential activities or materials without which the learner could not complete and achieve their learning.
30. If a fully funded learner needs a Disclosure and Barring Service (DBS) check to participate in learning, you cannot charge them for this. If the learning is associated with the learner's employment, their employer is responsible for carrying out and paying for this check.

## **Funding Rates and Formula**

31. You can access this information in our Funding Rates and Formula document for 2021/22

## Qualifying Days for Funding

32. 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. You can access this information in the Adult Education Budget: Funding Rates and Formula 2021/22 guidance. This does not apply where the learner achieves the learning aim.

## Recognition of Prior Learning

33. 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:
  - reduce the funding amount claimed for the learning aim by the percentage of learning and assessment the learner does not need as a result of receiving the prior learning, and
  - follow the policies and procedures set by the awarding organisation for delivery and assessment of the qualification.
34. You must assess whether any prior learning negates the need for a learner to undertake the whole learning aim.
35. You must not use prior learning to reduce funding for English or Maths qualifications up to and including level 2.
36. 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. More information on the adjustment of fields is available in the ESFA's [ILR guidance](#).

## Breaks in Learning

37. You and the learner can agree to suspend learning while the learner takes a break from learning. This allows the learner to continue later with the same eligibility that applied when they first started their learning.
38. You must record the date a learner takes a break in learning and the date they restart their learning in the ILR. Further guidance on recording breaks can be found in the ILR provider support manual 2021/22.
39. You must have evidence that the learner agrees to return and continue with the same learning aim, otherwise, you must report the learner as withdrawn. When the learner returns to learning, you must re-plan and extend the remaining delivery as required.
40. You must not use a break in learning for short-term absences, such as holidays or short-term illness.

## Subcontracting

41. Subcontracted learning has an important role to play in the delivery of the AEB. Subcontractors can help widen participation amongst niche groups that would otherwise be hard to reach. Subcontracting also provides an entry point to funding for smaller voluntary and community sector and niche Providers, where they may not otherwise be able to meet the minimum contract values.
42. Subcontracting will be agreed as part of agreeing your Delivery Plan, the value of which will be part of your grant agreement or call-off contract. It will only be agreed where this enriches the learning offer.
43. Any changes to subcontractors or the amount of subcontracting you want to undertake following agreement of your Delivery Plan must be discussed and agreed with your key account manager in advance of them undertaking any delivery.
44. We define a delivery Subcontractor as 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 within your group, other associated companies, and sole traders. It also includes residents who are self-employed or supplied by an employment agency, unless those residents are working under your direction and control, in the same way as your own employees.
45. 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. Subcontracts of all values will be declared and published once agreed by the Authority. If your organisation does not apply a rigorous subcontracting due diligence process, we will review your funding arrangements and limit your ability to subcontract provision.
46. You must not subcontract to meet short-term funding objectives.
47. Additional information on subcontracting is included in Annex D.

## Response to the COVID 19 Pandemic

48. The specific flexibilities which the Authority has in place for 2021/22 in response to the pandemic are set out in Annex E.

## Section 2: Who we fund

### Residency Eligibility

49. Determining eligibility based on nationality, immigration status and other related considerations is a matter for central government, particularly considering the United Kingdom's withdrawal from the European Union. The Combined Authority is required to follow any directive given by the Secretary of State in this regard and is therefore adopting the eligibility for funding rules as set out in Annex A of the ESFA rules, as they apply to residents within West Yorkshire.
50. You must check the eligibility of a learner, including where in West Yorkshire they are resident, at the start of each learning aim, and only claim funding from the Combined Authority or eligible learners. Please refer to the glossary definition of 'learner residency', and the devolution postcode checker data set.
51. The learning is taking place in the West Yorkshire Combined Authority geography, and they:
  - 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 settled status or
  - the Right of Abode in the UK, and
  - 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 3 years on the first day of learning.
52. The EEA includes all the countries and territories listed in Annex A, alongside additional information regarding:
  - learner's eligibility, nationality, citizenship
  - Learners who live in Wales, Scotland or Northern Ireland
  - Non-EEA citizens
  - Residents with certain types of immigration status
  - Asylum Seekers
  - Family members of EU and EEA nationals
  - Children of Turkish workers
  - Persons granted stateless leave.
53. We will fund learners who are residents of West Yorkshire who on the first day of learning within the 2021 to 2022 funding year are aged 19 or older. Wales, Scotland and Northern Ireland and those not living in the Combined Authority area will have their own funding arrangements.
54. The age of the learner on 31 August in the funding year determines whether the learner is funded through the Combined Authority's AEB funding methodology for residents aged 19 and over, or the ESFA's 16 to 19 year olds funding methodology for residents aged 16 to 19 and those aged 19 to 24 with an Education Health and Care (or EHC) plan.

55. Learners will be eligible for the Combined Authority funded AEB for the whole of the learning aim or programme if they are eligible for funding at the start, even if the duration is for over one year. You must reassess the learner for any further learning they start and confirm that they have a Combined Authority post code.

## Unemployed

56. For funding purposes, we define a learner as unemployed if one or more of the following apply, they:
- receive Jobseeker's Allowance (JSA), including those receiving National Insurance credits only,
  - receive Employment and Support Allowance (ESA),
  - receive Universal Credit, and their take-home pay as recorded on their Universal Credit statement (disregarding benefits) is less than £345 a month (learner is sole adult in their benefit claim) or £552 a month (learner has a joint benefit claim with their partner), or
  - are released on temporary licence, studying outside a prison environment, and not funded by the Ministry of Justice.
57. Providers may also use their discretion to fully fund other learners if both of the following apply. The learner:
- receives other state benefits (not listed in paragraph 57) and their take home pay (disregarding benefits) is less than £345 a month (learner is sole adult in their benefit claim) or £552 a month (learner has a joint benefit claim with their partner), and
  - wants to be employed, or progress into more sustainable employment, and their take-home pay (disregarding benefits) is less than £345 a month (learner is sole adult in their benefit claim) or £552 a month (learner has a joint benefit claim with their partner), and you are satisfied identified learning is directly relevant to their employment prospects and the local labour market needs.

## Learners Aged 19 to 23 (excluding English, Maths, Digital and ESOL)

58. We will fully fund 19 to 23 year olds, including residents who are employed, on the day they start:
- qualifications defined within the legal entitlement.
  - first full level 2, and/or
  - first full level 3.
59. We will fund the National Flexible Offer provision see paragraph 114
- up to and including level 1 to support progression to a first full level 2, and/or
  - level 2 for those who already have a full level 2, or above, if they are unemployed.
60. 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 employed. The low wage flexibility may apply, refer to paragraph 72.

61. We will fully fund residents aged 24 or older on the day they start provision, up to and including a level 2, if they are unemployed, as set out in paragraph 57.
62. 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, please refer to paragraph 72.

## **Learners in the Armed Forces**

63. We will fund armed forces personnel, Ministry of Defence (MoD) personnel or civil and crown servants, who meet the criteria in paragraph 55, and where learning takes place in West Yorkshire. We will class members of the British armed forces on postings outside of the EU, including their family members, as ordinarily resident in the UK.
64. Members of other nations' armed forces stationed in West Yorkshire, and their family members, aged 19 and over, are eligible for Combined Authority funded AEB as set out in paragraph 55 if the armed forces resident has been ordinarily resident in England for 3 years.

## **Learners Temporarily Outside of West Yorkshire**

65. Learners' temporarily resident in areas outside of devolved authority areas and who work outside of West Yorkshire as part of their job, are eligible for Combined Authority funded AEB providing some of the learning takes place in England. You cannot claim for the additional expense of delivering learning outside of England.

## **Learners with Learning Difficulties and/ or Disabilities**

66. We will fund learners with learning difficulties and/or disabilities as set out in the Apprenticeships, Skills and Children and Learning Act 2009.
67. The Combined Authority have the responsibility for securing the provision of reasonable facilities for education and training suitable to the requirements of persons who are 19 and over, set out in paragraph 55. This includes learners with an identified learning difficulty and/or disability who have previously had an education, health, and care (EHC) plan and have reached the age of 25.
68. The [young people's funding methodology](#) will apply to learners aged 19 to 24, who have an EHC plan and require provision and support costs.

## **Learners with an Education, Health and Care (EHC) Plan**

69. To access provision and support costs you must inform us before the start of the 2021 to 2022 funding year where a learner:
  - 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
  - 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.

70. The learner must:
- have an EHC plan that confirms their needs could only be met by the training organisation they are, or were, attending, and
  - continue to make progress on the programme of learning as set out in their EHC plan.
71. If a learner has an EHC plan, you must report this in the 'Learner funding and monitoring' fields in the ILR.

## Learners in Receipt of Low Wage

72. You may fully fund learners who are employed, or self-employed and would normally be co-funded for provision up to and including level 2 if you are satisfied the learner is both:
- eligible for co-funding, and
  - earns less than £17,374.50 annual gross salary.
73. You must have seen evidence of the learner's gross annual wages in these circumstances. This could be a wage slip or a Universal Credit statement within 3 months of the learner's learning start date, or a current employment contract which states gross monthly/annual wages. Please note this is not an exhaustive list, but you must evidence your checks and decision to award full funding to a resident who would normally only be eligible for co-funding for audit purposes.
74. To record learning aims for this programme you should:
- Enter 1 Fully-Funded in the Fully Funded Indicator field (FFI)
  - Ensure the code DAM010 for Low Wage programme delivery is recorded against the Learning Aim
  - Also use the code DAM023 to override the validation rules.

## Who We Will Not Fund

75. You must not claim funding for residents who do not meet the eligibility criteria set out above. Please note this list is not exhaustive, but examples of residents who do not meet the eligibility criteria include the following:
- those who are in the UK without authority or lawful status;
  - those who are resident in the UK on a Tier 4 (general) student visa unless they are eligible through meeting any other of the categories described above;
  - non-EEA citizens who are in the UK on holiday, with or without a visa;
  - non-EEA citizens who are a family member of a person granted a Tier 4 visa, who have been given immigration permission to stay in the UK and have not been ordinarily resident in the UK for the previous three years on the first day of learning;
  - residents who are ordinarily resident in the Channel Islands or the Isle of Man, unless they are also ordinarily resident within West Yorkshire;

- those whose biometric residence permit or residence permit imposes a study prohibition or restriction on the resident.
76. We will not fund family members that remain outside of West Yorkshire.
  77. 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 in such cases.
  78. We will not fund a learner during a break in learning.
  79. We will not fund learning for any resident whilst they remain ineligible. We will also not fund a learner who is unable to complete a learning aim or programme of study in the time available.

## Section 3: What We Fund

### Legal Entitlements

80.

The Combined Authority will fully fund the following for eligible adult learners.

**The first three entitlements** are set out in the [Apprenticeships, Skills and Children Learning Act 2009](#), and enable eligible learners to be fully funded for the following qualifications:

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

**The new entitlement from August 2020**

- Information technology ('digital') skills, up to and including level 1, for residents aged 19 and over, who have digital skills assessed at below level 1.

81. Eligible learners exercising their legal entitlement, must be enrolled on qualifications from the qualification's 2021 to 2022 [approval manual](#).

## Funding Contribution Table

82. The level of contribution for the Combined Authority funded AEB is set out in the table below. Additional information on provision is included after the table.

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*
Essential Digital Skills Qualifications up to and including level 1	Fully funded*	Fully funded*	Fully funded*
English for speakers of other languages (ESOL) learning up to and including level 2	Co-funded if employed+	Fully funded	Co-funded+
	Fully funded unemployed		
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 delivered as part of the legal entitlement)	Fully funded*	Loan-funded	Loan-funded
Learning aims up to and including level 2, where the learner has already achieved a first full level 2 or above	Co-funded if employed+	Fully funded	Co-funded+
	Fully funded unemployed		
Learning aims up to and including level 2, where the learner has not achieved a first full level 2, or above	N/A	Fully Funded	Co-funded+
<p>*Must be delivered as one of the English and Maths, Digital entitlement 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 paragraph 73</p>			

## English and Maths for those aged 19 or older

83. We will fully fund residents, including residents who are employed, aged 19 or older, who have not previously attained a GCSE grade 4 (C) or higher, in English and Maths as part of their legal entitlement on the day they start the following qualifications:
  - GCSE English language or Maths.
  - functional skills English or Maths from Entry to Level 2.
  - stepping-stone qualifications (including components, where applicable) in English or Maths approved by the Department for Education and/ or ESFA.
84. If a learner wants to 'retake' their GCSE English and Maths qualification because they did not achieve a grade 4 (C), or higher, we will not fund the learner to only resit the exam.
85. You must not enrol residents on qualifications which are not necessary for progressing towards a GCSE or Functional Skill level 2.
86. You must not fund an apprentice for English or Maths from the Combined Authority funded AEB.
87. We will fully fund non-regulated English and Maths learning for learners, including those assessed at pre-entry level with significant learning difficulties and/ or disabilities as part of a personalised learning programme, where assessment has identified the learner cannot undertake provision identified in paragraph 84.
88. You must:
  - carry out a thorough initial assessment to determine a learner's current level using current assessment tools based on the national literacy and numeracy standards and core curriculums, or DfE published English and Maths Functional Skills subject content,
  - if necessary, carry out an appropriate diagnostic assessment to inform and structure a learner's evidence pack to use as a basis for a programme of study,
  - enrol the learner on a level above that at which they were assessed and be able to provide evidence of this,
  - deliver ongoing assessment to support learning, and
  - record the evidence of all assessment outcomes in the evidence pack.
89. The assessments must place a learner's current skills levels within the level descriptors used for the RQF.

## Digital entitlement for those aged 19 or older

90. We will fully fund residents, including residents who are employed, aged 19 or older, assessed at below level 1 on the essential Digital Skills qualification (EDSQ including up to level 1) as part of their legal entitlement on the day they start their learning.

91. We will fully fund non-regulated learning for learners, including those assessed at pre-entry level with significant learning difficulties and/or disabilities as part of a personalised learning programme, where assessment has identified the learner cannot undertake provision identified in paragraph 91. This provision must be aligned with the national standards for essential digital skills and must not be a non-regulated version of a regulated qualification (see rules for non-regulated learning, paragraphs 131-133)
92. You must:
- carry out an initial assessment using current assessment tools based on the national standards for essential digital skills,
  - if necessary, 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,
  - enrol the learner on a level above that at which they were assessed and be able to provide evidence of this,
  - deliver ongoing assessment to support learning, and
  - record the evidence of all assessment outcomes in the evidence pack.
93. The assessments must place a learner's current skills levels within the level descriptors used for the RQF.

## English for speakers of other languages (ESOL)

94. We will fully fund residents aged 19 and over on the day they start their ESOL learning aim where they are unemployed, as set out in paragraphs 49 and 50.
95. We will co-fund all other residents aged 19 and over on the day they start their ESOL learning aim. Where learners are employed, the low wage flexibility may apply, please refer to paragraphs 61 to 63.
96. We will fund ESOL learning up to and including level 2.
97. Providers offering ESOL qualifications may need to deliver additional learning to resident learners that incurs additional cost above the qualification rate. You can access information on how to do this in the funding rates and formula 2021/22 guidance.

## Full Level 2

98. Level 2 is the level of attainment which is demonstrated by:
- a General Certificate of Secondary Education (GCSE) in five subjects, each at grade 4 (C) or above, or
  - a Technical Certificate at level 2 which meets the requirements for the 2018, 2019, 2020, 2021 and 2022 16 to 19 performance tables.
  - certain Technical Certificates in the 2017 16 to 19 performance tables.
99. If a learner aged 19 to 23 has achieved a level 2 qualification that was, at the time they started, or still is, classed as a full level 2, any subsequent level 2 qualifications will be fully funded if they meet the definition of unemployed

(paragraphs 57 to 58) or meet the eligibility criteria for low wage (paragraph 73-75). Please contact [qualifications.esfa@education.gov.uk](mailto:qualifications.esfa@education.gov.uk) if you need advice on a previous qualification's designation.

## Full Level 3

100. Level 3 is the level of attainment which is demonstrated by a:
- General Certificate of Education at the advanced level in two subjects.
  - General Certificate of Education at the AS level in four subjects
  - QAA Access to Higher Education (HE) Diploma at level 3.
  - tech level, or applied general qualification at level 3, which meets the requirements for the 2018, 2019, 2020, 2021 and 2022 16 to 19 performance tables.
  - certain Tech level or applied general qualification in the 2017 16 to 19 performance tables.
101. If a learner aged 19 to 23 has achieved a level 3 qualification that was not classed as a full level 3 at the time they started it, but has since been classed as a full level 3, and wants to enrol on any subsequent level 3 qualification of any size, they may apply for an advanced learner loan (provided the qualification is designated for funding, and subject to learner eligibility conditions), or pay for their own learning.
102. Please contact [qualifications.esfa@education.gov.uk](mailto:qualifications.esfa@education.gov.uk) if you need advice on a previous qualification's designation.
103. 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 ILR. The AS learning aim will be funded separately to the A level learning aim.

## Level 3 Adult Offer and the Level 3 Legal Entitlement

104. Eligible 19 to 23 year old learners can access all qualifications from the level 3 adult offer. If a learner aged 19 to 23 completes a qualification that is included on both the legal entitlement list and the level 3 adult offer list they will have exercised their level 3 legal entitlement.

## National Skills Fund – 24+ Level 3 Adult Offer

105. As part of the Lifetime Skills Guarantee, a targeted level 3 adult offer has been developed to support adults without an existing full level 3 qualification. The offer includes:
- Level 3 qualifications which will support the development of new skills for adult learners and improve the prospects of eligible adults in the labour market. In particular, adults aged 24+ will now be able to access fully funded Level 3 provision from the list of qualifications available through this offer.
  - Support funding in line with Annex B paragraphs 7 to 10.

- The ability for eligible learners to take one short qualification (identified by category code 49) without exhausting their eligibility. We expect this flexibility to be used where a learner could benefit from a more substantial qualification once they have completed a short qualification.

106. An uplift is payable at two different rates and follows the earnings methodology set out in our funding rates and formula 2021/22 document. This uplift should be used to support delivery of the level 3 adult offer.

107. Only level 3 qualifications on the Qualifications in the National Skills Fund level 3 adult offer will attract an uplift. There may be additions to the list, to ensure it meets the needs of the economy, so we encourage providers to check availability regularly.

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

109. We will fully fund residents as part of this offer where they:

- are aged 19 or above on 31 August within the 2021/22 funding year.
- have not achieved a full level 3 qualification, or above, which meet the requirements
- enrol on the level 3 adult offer qualifications approved for funding.

110. You must use LDM code 378 and FFI code 1 to claim.

## Learning in the Workplace

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

- English and/or maths up to and including level 2, and/ or
- a first full level 2 or
- a first full level 3 qualification, or
- an essential digital skills qualification, up to and including level 1.

112. We will not fund any qualification or learning aim delivered at an employee's workplace that is relevant to their job or their employer's business, unless:

- it is a legal entitlement qualification or
- we have confirmed the provision can be delivered as part of your Delivery Plan.

## Flexible Offer

113. The Combined Authority will support delivery to adults of provision, including qualifications and components of these and/ or non-regulated learning, up to level 2 as a Funded Flexible Offer. The provision in our offer is fully or co-funded, depending on the learner's age, prior attainment, and circumstances.

114. Please refer to our funding contribution table on page 16 for learner eligibility. Learners aged 19 to 23 progressing towards their first full level 2 must undertake learning at entry and/or level 1 only from the approved qualifications list.

## **Flexible Offer and Legal Entitlements**

115. Where appropriate for the learner, you can deliver the flexible offer alongside a legal entitlement qualification. Learners aged 19 to 23 who progress to their first full level 2 must only enrol on a qualification from the Qualification funding approval funding year 2021/22 manual.
116. Learners aged 19 to 23, and aged 24 and over who have already achieved at level 2 or above, can undertake learning up to and including level 2 qualifications from the flexible offer or qualifications for the level 2 legal entitlement available on the Qualifications website or on Find a Learning Aim.
117. Learners aged 24 and over who have not achieved a level 2 qualification can undertake learning up to and including level 2 qualifications from the local flexibility offer or qualifications in the level 2 legal entitlement list available on the Qualifications website or on Find a Learning Aim.

## **Prince's Trust Team Programme**

118. 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.
119. The West Yorkshire Combined Authority will fund the team programme. Providers in partnership with the Prince's Trust run and manage it on a local basis. In order to deliver the team programme, you must get approval in writing from the Prince's Trust.
120. For eligible learners aged 19 to 25, we fund the team programme through the ESFA's AEB funding methodology. Please also refer to the Princes Trust section in our funding rates and formula 2021 to 2022 guidance.

## **Support Funding**

121. The West Yorkshire Combined Authority's overarching 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.
122. Where you identify that a learner has a learning difficulty and/or disability, or a financial barrier, your West Yorkshire funded AEB allocation enables you to claim learning support and or learner support funding to meet the additional needs of learners. Additional information is in Annex B.

## Job Outcome Payments

123. 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:
- 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, and
  - where the learner was claiming benefits relating to unemployment, they must also declare that they have stopped claiming these as a learner to an employer.

## Approved Qualifications

124. Where you deliver regulated qualifications and/ or their components, you must ensure they are approved for ESFA funded AEB and available on Find a Learning Aim.
125. Where you deliver approved qualifications and/ or their components you must ensure that learners are registered for the qualifications and/ or component in line with the awarding policies and procedures. You must not 'pre-register' students a significant period in advance of the learner starting the qualification.
126. Subject to approval from the Combined Authority we will fund certain qualifications that are linked to specific regulations for a particular occupation and where provision is the responsibility of the employer for eligible unemployed learners that meet the criteria in paragraph 49. You can find more information about these qualifications in the Qualification funding approval: funding year 2021/22 manual.
127. 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.
128. If the National Academic Recognition Information Centre has 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 resident will be deemed to have achieved their first level 2 and/ or level 3 qualification.
129. 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.

## Non-regulated Learning

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

- independent living skills or engagement learning supporting adults to operate confidently and effectively in life and work,
- locally commissioned and/ or locally developed basic knowledge and skills needed to access technical qualifications,
- employability and labour market re-entry,
- locally commissioned and/ or locally devised technical education short courses (also known as taster sessions), or
- community learning courses.

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

- it must not be provision linked to UK visa requirements,
- it must not be provision linked to occupational regulation unless we have confirmed the provision can be delivered as part of your Delivery Plan.
- it must not be restricted to being delivered to employees of only one employer,
- it must not be learning, for example, 'induction to college', that should be part of a learner's experience,
- it must not be a non-regulated version of a regulated qualification,
- it must not be above notional level 2 (that is notional levels 3 or 4), and
- at national level 2 it must focus on technical provision.

132. 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.

## Community Learning

133.

This section only applies to providers with a non-formula Community Learning allocation included as part of their Delivery Plan and Annex to their Grant 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
- improve their health and well-being, including mental health; and/ or
- develop stronger communities.

Community Learning Courses are delivered and reported on the 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.

Please note - Community Learning funding follows funding model 10.

## Non-formula Community Learning Funding

134. Where applicable, the Combined Authority funded AEB allocation will include an amount of non-formula community learning funding. We state this value in Appendix 1 of your grant agreement with us. You must deliver non-formula funded community learning provision in line with the existing community learning objectives set out in Annex C, up to this maximum amount.
135. Non-formula community learning funding is paid on a monthly profile. 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 the section on learner and learning support paragraphs 118, 119 and Annex B. You must record these costs in the learner's evidence pack.
136. If we fund you through a grant, 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.
137. You can use this amount of non-formula community learning funding (stated in your Appendix 1) to deliver non-regulated provision that may be similar to community learning, and/ or regulated qualifications to meet local demand. If you do you must:
  - follow the ESFA funded AEB formula-funded methodology and submit ILR data under funding model 35,
  - enrol learners following the Combined Authority funded AEB eligibility requirements, you must not use your non-formula community learning local fee remission policy.
138. If we fund your organisation through a contract for services, you do not have this flexibility, and we will reclaim unspent non-formula community learning funding at year end.
139. You can support learners aged under 19 if they are:
  - a parent, carer or guardian attending a wider family learning or family, English, maths, or language course and
  - funded through non-formula community learning using funding model 10 in the funding model field (refer to ILR guidance for more information).
140. 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**

141. 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.
142. 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.
143. You must also have in place and operate a fair and transparent community learning local fee remission policy that requires residents to pay a course/ tuition/ joining fee, but also sets out clear eligibility criteria for those residents who qualify for either partial or total fee remission due to their circumstances.
144. 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.

## **Partnership Working**

145. Partnership working underpins the community learning objectives and is critical to developing and delivering an effective community learning offer in a given locality.
146. You must engage and work closely with a wide range of relevant partners and stakeholders in your local area to help shape your community learning offer to engage specific groups. These could include specialist partners, such as health, Jobcentre Plus and schools, and voluntary and community sector (VCS) organisations.
147. 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.

## **What We Will Not Fund**

148. We will not fund.
  - qualifications, units or learning aims that are not listed on the Find a Learning Aim or on the legal Qualification funding approval: funding year 2021/22 manual
  - provision to learners in custody- the Ministry of Justice funds prison education in England,
  - end-point assessment outside of apprenticeship standards, which is subject to Ofqual external quality assurance and regulated as a qualification,
  - any part of any learner's learning aim or programme that duplicates provision they have received from any other source,

- training through the Combined Authority funded AEB, where a learner is undertaking or planning to undertake an apprenticeship or any other funded programme and where that training will:
  - replicate vocational and other learning aims covered by the apprenticeship standard or framework, including English and Maths,
  - offer career related training that conflicts with the apprenticeship aims, or
  - be taking place during the apprentices working hours (where an apprentice has more than one job, working hours refers to the hours of the job the apprenticeship is linked to).
- 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 4 (C) or higher,
- a learner to sit or resit a learning aim assessment or examination where no extra learning takes place, or
- training in the employer's workplace.

## Section 4: Evidence

149. You must hold evidence to assure us that you are using the Combined Authority funded AEB appropriately. Most evidence will occur naturally from your normal business processes.
150. You must make sure applications for the Combined Authority funded AEB support your decision to claim funding and support the resident's case for consideration as ordinarily resident in England, or any exceptions set out in the 'Residency eligibility' section.
151. In line with General Data Protection Regulations (GDPR), you must record in the evidence pack what appropriate documentation you have seen, rather than take photocopies to prove eligibility.

### Evidence Pack

152. The evidence pack must contain evidence to support the funding claimed and must be available to us if we need it.
153. Evidence in the evidence pack must assure us that the learner exists.
154. If the time spent in learning is short, the level of evidence in the evidence pack would reflect this.
155. Where you hold information centrally, you only need to refer to the source.
156. If applicable, the evidence pack must confirm the following:
  - all information reported to us in the ILR and the earnings adjustment statement (EAS), and all supporting evidence to substantiate the data that you report.
  - your assessment and evidence of eligibility for funding, and a countersigned record of the evidence the learner has provided to support their eligibility for funding.
  - copies of all assessments and diagnostics undertaken to determine a learner's requirements.
  - information on prior learning that affects the learning, or the funding of any of the learning aims or programme.
  - for 'personalised learning programmes', for example, non-regulated learning aims, full details of all the aspects of the learning to be carried out, including supporting evidence of the number of planned hours reported in the ILR.
  - a description of how you will deliver the learning and skills, and how the learner will achieve.
  - the supporting evidence about why you have claimed funding, and the level of funding for a learner.
  - details of any learner or employer contribution.
  - support needs identified, including how you will meet these needs and the evidence of that.
  - that learning is taking or has taken place and records are available.

- a learner's self-declaration as to what state benefit they claim or on their status relating to gaining a job; and
- all records and evidence of achievement of qualifications, learning aims or traineeship programme. This must be available within 3 months of you reporting it in the ILR.

157. 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.

158. 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 ILR.

## Confirmation and Signatures

159. The learner must confirm the information is correct when it is collected. You must have evidence of this.

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

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

- an electronic signature is defined as any electronic symbol or process that is associated with any record or document where there is an intention to sign the document by any party involved:
- an electronic signature can be anything from a check box to a signature and/ or a digital signature is where a document with an electronic signature is secured by a process making it non-refutable. It is a digital fingerprint which captures the act of signing by applying security to a document. Usually documents which have a digital signature embedded are extremely secure and cannot be accessed or amended easily.

162. Where an electronic or digital signature is being held, from any party for any reason, you must ensure it is non-refutable. This includes the definitions of both wet and dry signatures. Systems and processes must be in place to assure to us the original signature has not been altered. Where any document needs to be renewed, and a new signature taken, it must be clear from when the new document takes effect, and both must be held.

163. 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

164. You can only claim Combined Authority funded AEB when directly related learning starts. This would not include enrolment, induction, prior assessment, diagnostic testing or similar learning.
165. For your direct delivery and any subcontracted delivery, you and where relevant, your subcontractor(s), must have direct centre approval and, where appropriate, direct qualification approval from the respective awarding organisation for the regulated qualifications you are offering.
166. Delivery of the qualification (including learner registration with the awarding organisation) for direct delivery and any subcontracted delivery must be in line with the qualification specification and guidance set out by the relevant awarding organisation.
167. You must have evidence that the learning took place, and the learner was not certificated for prior knowledge.
168. Where the learning is certificated, you must follow the relevant awarding organisation's procedure for claiming the relevant certificate(s) and ensure the learner receives them and evidence this has happened in the evidence pack.

## Leaving Learning

169. You must report the learning actual end date in the Individualised Learner Record (ILR) for a learner who leaves learning as the last day that you can evidence, they took part in a learning activity.
170. You must accurately complete all ILR fields as required in the 2021/22 ILR specification ([Specification of the Individualised Learner Record for 2021 to 2022](#)), even if they are not required for funding purposes.
171. The ILR must accurately reflect the learning and support (where applicable) you have identified, planned and delivered to eligible residents. You must not report inaccurate information that would result in an overstatement of the funding claimed.
172. Where your data does not support the funding claimed we will take action to correct this and recover funds you overstated.

## Self-Declarations by Learners

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

174. 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 5 – Payments and Performance Management

### Grant Payments

175. If your devolved Combined Authority AEB is allocated to you as a grant for 2021 to 2022 we will make payments on profile as set out in the grant agreement.
176. Your grant agreement will state the maximum amount of Combined Authority funded AEB provision you can deliver between 1 August 2021 and 31 July 2022. Where applicable, it will also state the maximum value of non-formula funded community learning we will fund and any National Skills Funding to support the 24+ Adult Learner 3 Offer. (Separate Agreement will be issued for Level 3)
177. Your AEB grant allocation can be used to fund new starts, non-formula funded community learning and/ or the new 24+ Adult Learner offer (where applicable).
178. You must provide three funding claims during the year setting out your actual delivery to date and, where appropriate, provide a forecast for the remainder of the funding year. The funding claims must include adult skills, non-formula funded community learning and learner support funding. The funding claims you must provide are set out below but please refer to the [funding claims guidance](#) (when published) for details of the:
- mid-year forecast funding claim.
  - year-end forecast funding claim.
  - final funding claim.
179. The funding agreements for AEB grant allocations and AEB contract for services remain separate with different payment arrangements. You cannot vire funds between the two if both are held.

### Contracts for Services

180. Your Combined Authority funded AEB contract for services can only be used to deliver formula funded adult skills (excluding 19-24 traineeships) and learner support and we will state the maximum of adult skills provision and learner support you can deliver between 1 August 2021 and 31 July 2022.
181. We will manage your contract in accordance with [Public Contracts Regulations 2015](#).
182. You must use DAM code 002 (Procured Devolved Adult Education Budget (AEB)) to record delivery under this contract when you submit ILR data. Please refer to the [ILR specification](#) for more information about using DAM codes.

183. We will pay for adult skills provision on the basis of your actual delivery each month, up to your contract value for the financial year. We will calculate the value of your actual delivery using the latest validated ILR and EAS data you provide.
184. Additional information on our approach to Performance Management is included in Annex F.

## Annex A: Eligibility for Funding

### Learners Who Live in Wales, Scotland, or Northern Ireland

1. Wales, Scotland and Northern Ireland and those not living in the West Yorkshire Combined Authority area of England will have their own funding arrangements. You must develop arrangements with the relevant devolved administration, Mayoral Combined Authority/ GLA or the Education and Skills Funding Agency if you are planning to deliver a significant quantity of learning to learners who do not live in the Combined Authority.
2. You must not actively recruit learners who live or work outside of West Yorkshire.
3. For learning delivered at an employee's workplace, we will fund residents whose main employment or normal place of work is in the Combined Authority area.
4. We will fund learners who live in Scotland, Wales and Northern Ireland and the non- West Yorkshire Combined Authority areas of England who require and are eligible for Combined Authority funded AEB, and work for a UK-based employer located in West Yorkshire. Delivery must take place in the Combined Authority area. We do not expect these numbers to be significant.
5. The 'Residency eligibility' section determines how eligibility to be funded by the Combined Authority applies to learners and can depend upon citizenship within the European Union (EU) or the European Economic Area (EEA). This annex details which countries will meet the residency requirements detailed in paragraph 49.

### Residency Eligibility

6. Individuals will be eligible for ESFA funded AEB if they meet the criteria in paragraph 53, the learning is taking place in West Yorkshire, and they fulfil the residency requirements set out in one or more of the following categories:
7. UK nationals and other persons with right of abode
8. UK nationals in the European Economic Area (EEA)
9. EEA nationals in the UK
10. Other non-UK nationals

### UK Nationals and Other Persons With Right of Abode

11. Individuals who meet the criteria in paragraph 52 and they:
  - are UK nationals or other person with a right of abode in the UK and

- have been ordinarily resident in the UK or British Overseas Territories or Crown Dependencies (Channel Islands and Isle of Man) for at least the previous 3 years on the first day of learning
- The British Overseas Territories are listed below:
  - 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

## UK Nationals in the EEA

12. Individuals who meet the criteria in paragraph 52, and they:

- are UK nationals
- are living in the EEA on or before 31 December 2020
- have lived in the EEA only or the EEA and UK only for at least the previous 3 years on the first day of learning
- have lived continuously in the EEA only and/or the EEA and the UK only between 31 December 2020 and the start of the course
- the course starts before January 2028
- the EEA includes Member States of the European Union You can access a list of member states on the EU website.

13. The EEA comprises of the following countries:

- All Member States of the European Union You can access a list of member states on the EU website.

- With respect to EEA nationality, note that any Cypriot national living on any part of the island qualifies for EU residency and is considered an EU national. alongside
- Iceland
- Lichtenstein
- Norway
- Switzerland, although Switzerland is not part of the formally recognised EEA, its nationals are eligible under various international treaties signed by the UK and Swiss governments.

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

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

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

## EEA Nationals in the UK

16. Individuals who meet the criteria in paragraph 52

- with respect to EEA nationals other than Irish nationals, have obtained either pre-settled or settled status under the EU Settlement Scheme
- have lived continuously in the EEA, Gibraltar or UK for at least the previous 3 years on the first day of learning
- the EEA includes all the countries and territories listed in paragraph 13

## Other Non-UK Nationals

17. Individuals who meet the criteria in paragraph 52, and they fulfil the requirements of one or more of the conditions below. A non-UK national who:

- has permission granted by the UK government to live in the UK and such permission is not for educational purposes only and,
- has been ordinarily resident in the UK for at least the previous 3 years on the first day of learning

18. A non-UK national who is also a non-EEA national and:

- has obtained pre-settled or settled status under the EU Settlement Scheme and
- has been ordinarily resident in the UK for at least the previous 3 years on the first day of learning

19. An Irish national:

- who is not also a UK national and
- has been ordinarily resident in the UK or Ireland for at least the previous 3 years on the first day of learning

## **Family Members of UK and EEA Nationals**

20. A 'family member' is the husband, wife, civil partner, child, grandchild, dependent parent or grandparent of a UK or EEA national. A family member is eligible for funding if they:

- where required to do so, have obtained pre-settled or settled status under the EU Settlement Scheme and
- have been ordinarily resident in the UK or EEA for at least the previous 3 years on the first day of learning

## **Individuals With Certain Types of Immigration Status and their Family Members**

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

- 20.1 Refugee status
- 20.2 Discretionary leave to enter or remain
- 20.3 Exceptional leave to enter or remain
- 20.4 Indefinite leave to enter or remain
- 20.5 Humanitarian protection
- 20.6 Leave outside the rules
- 20.7 Afghan Locally Engaged Staff under the intimidation policy
- 20.8 the husband, wife, civil partner or child of any of those listed here
- 20.9 Section 67 of the Immigration Act 2016 leave

## 20.10 Calais leave to remain

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

## Extension or Variation of Current Immigration Permission

23. Any learner or 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. This only applies if the application was made before their current permission expired. Their leave continues until the Home Office decide on their immigration application. Their leave will continue where they have appealed or sought an administrative review of their case within the time allowed to them for doing so.

24. Therefore, a learner or family member is considered to still have the immigration permission that they held when they made their application for an extension, administrative review or appeal, and their eligibility would be based upon this status. A child of a person who has received leave under section 67 of the Immigration Act 2016 will come within paragraph 20.9 where they have been granted "leave in line" by virtue of being a dependent child of such a person. A child of a person who has received Calais leave to remain will come within paragraph 20.10 where they have been granted "leave in line" by virtue of being a dependent child of such a person.

25. You may wish to find information, advice and support on eligibility from the UK Council for International Student Affairs.

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

## Children of Turkish workers

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

- the Turkish worker is ordinarily resident in the UK on or before 31 December 2020 and has Turkish European Community Association Agreement (ECAA) rights or extended ECAA leave and
- the child has been ordinarily resident in the UK, EEA and/or Turkey for at least the previous 3 years on the first day of learning and is resident in the UK on or before 31 December 2020

## Asylum Seekers

28. Asylum seekers are eligible to receive funding if they:

- have lived in the UK for 6 months or longer while their claim is being considered by the Home Office, and no decision on their claim has been made, or
- are receiving local authority support under section 23C or section 23CA of the Children Act 1989 or the Care Act 2014.

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

- they have appealed against a decision made by the UK government against granting refugee status and no decision has been made within 6 months of lodging the appeal, or
- they are granted support for themselves under section 4 of the Immigration and Asylum Act 1999, or
- are receiving local authority support for themselves under section 23C or section 23CA of the Children Act 1989

## Persons Granted Stateless Leave

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

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

31. A stateless person must:

- be ordinarily resident in the UK on the first day of the first funding year of the course; and
- have been ordinarily resident in the UK and Islands throughout the 3-year period preceding the first day of the first funding year of the course

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

- the spouse or civil partner of a person granted stateless leave (and who was the spouse or civil partner of that person on the leave application date), who is ordinarily resident in the UK on the first day of the first funding year of the course, and who has been ordinarily resident in the UK and Islands throughout the 3-year period preceding the first day of the first funding year of the course; or
- the child of a stateless person or of the stateless person's spouse or civil partner (and who was the child of that stateless person or the child of the stateless person's spouse or civil partner on the leave

application date), was under 18 on the leave application date, is ordinarily resident in the UK on the first day of the first funding year of the course, and has been ordinarily resident in the UK and Islands throughout the 3 year period preceding the first day of the first funding year of the course.

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

## Annex B: Support Funding

### Learning Support

1. 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 and/ or disability, to achieve their learning goal.
2. Learning support must not be used to deal with everyday difficulties that are not directly associated with a learner's learning on their programme.
3. You must:
  - carry out a thorough assessment to identify the support the learner needs,
  - agree and record the outcome of your assessment, and keep all evidence of the assessment of the needs, planned and actual delivery in the evidence pack,
  - report in the ILR that a 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.
4. You can claim learning support for the learner at a fixed monthly rate if you report it in the ILR. You must use the earning adjustment statement (EAS) if your costs exceed this monthly rate for the learner and you must keep evidence of these additional costs in the evidence pack. You can find details of how to make a claim in the ESFA funding claims and reconciliation guidance.
5. You can claim learning support if learning continues past the planned end date and the learner needs continued support in order to complete their programme.

### Exceptional Learning Support Claims Above £19,000

6. If a learner 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).
7. 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.
8. 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.
9. To claim exceptional learning support for a learner aged 19 to 24 you must confirm why the resident does not have an EHC plan. This should be a letter or email from the learner's local authority stating the reason(s) why the resident does not need an EHC plan.

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

## Learner Support

11. Learner support is available to provide financial support for residents 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'
  - hardship funding – general financial support for financially disadvantaged learners to support.
  - 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.
  - residential Access funding – to support the Combined Authority funded AEB learners (set out in paragraph 21) where they need to live away from home in order to access provision.
  - COVID-19 response – support disadvantaged learners who cannot undertake online delivery in the event of local or national measures in response to COVID-19
12. 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. If you do not have a Learner Support allocation, you must follow these rules and claim learner support using the earnings adjustment statement (EAS).
13. If you have a Learner Support allocation you must:
  - 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.
  - assess and record the learner's needs, demonstrating the need for support – you must record this information and retain in the evidence pack.
  - report the appropriate Learner Support Reason codes in the 'Learner Funding and Monitoring' fields in the ILR.
  - complete a mid-year funding forecast and a final claim.
  - consider the availability of other support for learners, for example from Jobcentre Plus.
  - 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.
14. You must not use learner support funds for any of the following:
  - 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).
  - a learner in custody or released on temporary licence.

- a learner carrying out a higher education course or learning aims fully funded from other sources.
- to pay attendance allowances or achievement and attendance bonuses.

## Hardship

15. You can use hardship funds for the following:
  - course-related costs, including course trips, books and equipment (where costs are not included in the funding rate),
  - support with domestic emergencies and emergency accommodation provided by others, or by providing items or services or cash direct to the learner, this can be in the form of a grant or repayable loan provided by you,
  - 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),
  - examination fees,
  - accreditation fees, professional membership fees and any fees or charges due to external bodies,
  - your registration fees, or
  - to support learners on a traineeship including the work placement element.
16. In exceptional circumstances, you can use hardship funds to assist with course fees for learners who need financial support to start or stay in learning.
17. If an asylum seeker is eligible for provision, you may provide learner support in the form of course related books, equipment, cash payments or a travel pass.

## 20+ Childcare

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

21. You can use residential access funding to support the Combined Authority funded AEB learners who meet our eligibility criteria, where they need to live away from home, for example to access specialist provision which involves a

residential element, or to support learners who cannot access provision locally. You must:

- set out the criteria and procedures for considering and agreeing applications for support from your residential access funds,
- only pay for travel costs for learners who are awarded residential access funding in exceptional circumstances, and
- only claim residential access funding for the period the learner is resident, this could be in accommodation you own or manage or other accommodation which you have agreed to fund in line with your criteria.
- ensure costs claimed represent value for money for the local area.
- where you have your own residential facilities, you must publish your rates.

## Annex C: 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, including:
  - 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 proactive 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 o minimising overheads, bureaucracy and administration.
- Community learning will be monitored annually to measure the impact, destination and progression outcomes this learning is having on our residents.

## Annex D: Subcontracting

### Subcontracting

From April 2022 the Combined Authority will conduct an annual review of subcontracting for all providers who subcontract. It will protect learners by looking for signs of non-compliance and checking with main providers that the rules are being followed.

- It is vital that all directly funded organisations must properly monitor and control all subcontracted delivery.
- Lead providers should set out in their organisation's strategic aims their reason for subcontracting, which must enhance the quality of their learner offer. Lead providers are responsible for the selection and actions of their delivery subcontractors.

We expect providers to maximise the amount of funding that reaches front line delivery of high-quality learning. We've published additional information describing our expectations of lead providers when they [subcontract](#). These rules have been reordered for clarity.

### Your policy for delivery subcontracting

1. Your rationale for subcontracting must enhance the quality of your student offer. You must be clear about the educational rationale for your subcontracting position.
2. For each subcontractor you should detail:
  - a list of your specific costs for managing them, including specific costs for quality monitoring activities and for any other support activities offered by you to the subcontractor, and
  - how you will determine each cost is reasonable and proportionate to delivery of their teaching or learning and how each cost contributes to delivering high quality learning.
3. You should also document the timing for review of your policy for delivery subcontracting, which should be done annually. We expect the policy, including the rationale to be published by 31 October 2021. It should be easy to navigate from the front page of your education and training web pages.
4. Your governing body or board of directors and your accounting officer (senior responsible person) must also agree your policy for delivery subcontracting. This policy must set out your reasons for subcontracting and that all your delivery subcontracting meets your strategic aims and enhances the quality of your learner offer. You must be able to confirm this by way of evidence, such as minutes of meetings and/or written sign-off.
5. You must include all subcontracted delivery within your delivery plan and agree this with the Combined Authority prior to the start of the funding year.
6. You cannot enter into agreements with additional subcontractors without express permission of the Combined Authority in advance.

7. You must only use, delivery subcontractors 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.
  - your governing body/ board of directors and your accounting officer (senior responsible person) determine as being of high quality and low risk.
  - you have robust procedures in place to ensure subcontracting does not lead to the inadvertent funding of extremist organisations.
  - before agreeing to use them you have:
    - described your reason for subcontracting.
    - listed all services you will provide in your delivery plans, and the associated costs when doing so.
8. You are responsible for the actions of your delivery subcontractors connected to, or arising out of, the delivery of the services, which you subcontract.

## **Review and publication of your policy for delivery subcontracting**

9. You must review your policy for delivery subcontracting annually. This policy must be signed by your governing body or board of directors and your accounting officer.
10. You must publish your policy for delivery subcontracting on your website before entering into any subcontracting agreements for the 2021 to 2022 funding year.

## **Minimum content requirements for your policy for delivery subcontracting**

11. As a minimum, you must include the following in your policy for delivery subcontracting:
  - how a maximum 20% management fee can be applied to subcontractors:
  - your contribution to improving your and your delivery subcontractor's quality of teaching and learning:
  - how you will identify the support required and associated costs for different delivery subcontractors:
  - how and when you communicate and discuss your policy for delivery subcontracting with potential delivery subcontractors, or current ones for new learner starts:
  - for each subcontractor, how you will determine a detailed list of your specific costs for managing them, quality monitoring activities and other support activities offered by you to the subcontractor:
  - for each subcontractor, how you will determine each cost is reasonable and proportionate to delivery of their teaching or learning and how each cost contributes to delivering high quality learning:
  - how you will ensure you describe to each subcontractor, before each subcontracting relationship is agreed:
    - your reason for subcontracting, and

- the services you will provide when subcontracting to them and the associated costs when doing so, including a list of specific costs for managing the subcontractor, specific costs for quality monitoring activities and specific costs for any other support activities offered by you to the subcontractor:
- how each cost is reasonable and proportionate to delivery of the subcontracted teaching or learning and how each cost contributes to delivering high quality learning:
- payment terms between you and your delivery subcontractors, including the timing of payments in relation to delivery and timescale for paying invoices and claims for funding received:
- timing for review of your policy for delivery subcontracting:
- where you publish your policy for delivery subcontracting; and
- how you will align all subcontracting arrangements to the Combined Authority AEB strategy.

## **Selection and procurement of your delivery subcontractors**

12. You must get our written approval before awarding a contract to a delivery subcontractor and keep evidence of this.
13. When appointing delivery subcontractors, you must avoid conflicts of interest and you must:
  - write to us 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, and
  - not award the contract without our written permission, and
  - keep as evidence both your request and our reply, and
  - must be clear in your delivery plans on the sub-contractors you will be using.
14. You must carry out your own thorough due diligence checks when appointing delivery subcontractors and have both the detailed process and the results available for inspection by us.
15. You must not use a delivery subcontractor's presence on the Register of Training Organisations, or any other public register or database, as an indicator that they are suitable to deliver to your specific requirements.
16. You must not enter into new subcontracting arrangements or increase the value of your existing arrangements if any of the following circumstances apply until we are satisfied that concerns have been addressed and the circumstances no longer apply, or we have provided written permission in advance:
  - Ofsted monitoring visits show insufficient progress:
  - Ofsted has rated your organisation as inadequate; or
  - the outcome of the annual financial health assessment we carry out on you is inadequate.

## Entering into a delivery subcontract

17. You must only award contracts for delivering the Combined Authority funded AEB provision to legal entities. If the legal entity is a registered company, it must be recorded as 'active' on the [Companies House](#) database.
18. You must not award, or renew a subcontract to any organisation if:
  - it has an above average risk warning from a credit agency;
  - it has passed a resolution (or the court has made an order) to wind up or liquidate the company, or administrators have been appointed; or
  - its statutory accounts are overdue.
19. 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.
20. You must have a legally binding contract with each delivery subcontractor, including the terms we have stipulated.
21. You must have a contingency plan in place for learners in the event that:
  - you need to withdraw from a subcontract arrangement;
  - a delivery subcontractor withdraws from the arrangement.; or
  - a delivery subcontractor goes into liquidation or administration.
22. You must make sure that the terms of your subcontracts allow you to:
  - monitor the delivery subcontractor's activity,
  - have control over your delivery subcontractors, and
  - monitor the quality of education and training provided by delivery subcontractors.
23. You must obtain an annual report from an external auditor for the Combined Authority funded AEB contracts with your delivery subcontractors which provides assurance on your arrangements to manage and control your delivery subcontractors and comply with any guidance issued by us.
24. You must also 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 and any associated plan to implement the external auditor's recommendations.

## Terms that you must include in your contracts with delivery subcontractors.

25. You must make sure your delivery subcontractors:
  - meet the requirements set out in these funding rules;
  - provide you with ILR data so your data returns to us accurately reflect your subcontractor's delivery information;
  - give us, and any other person nominated by us, access to their premises and all documents relating to the Combined Authority funded AEB provision;
  - give you sufficient evidence to allow you to:

- assess their performance against [Ofsted's Education Inspection Framework](#),
- incorporate the evidence they provide into your self-assessment report, and
- guide the judgements and grades within your self-assessment report;
- always have suitably qualified staff available to provide the education and training we fund through the Combined Authority funded AEB:
- co-operate with you to make sure there is continuity of learning if the subcontract ends for any reason:
- tell you if evidence of any irregular financial or delivery activity arises, irregular activity could include, but is not limited to:
  - non-delivery of training when funds have been paid,
  - sanctions imposed on the delivery subcontractor by an awarding organisation,
  - an inadequate Ofsted grade,
  - complaints or allegations by learners, people working for the delivery subcontractor or other relevant parties, or
  - allegations of fraud or corruption:
- are bound by ESF clauses from your funding agreement being then included in the subcontract, even if the provision being subcontracted is not funded by the ESF:
- do not use our funding to make bids for, or claims from, any European funding on their own behalf or on our behalf; and
- do not use payments made as double funding for ESF co-financing projects.

26. You must include in your contract with each delivery subcontractor:
- reference to your delivery subcontracting policy and where it can be found on your website,
  - your reason for subcontracting with them,
  - a list of all services you will provide to them and the associated costs for doing so. This must include:
    - a list of itemised, specific costs for managing the subcontractor:
    - specific costs for quality monitoring activities and for any other support activities offered by you to the subcontractor:
    - a description of how each specific cost is reasonable and proportionate to delivery of the subcontracted teaching or learning; and
    - how each cost contributes to delivering high quality learning.

## **Monitoring of your delivery subcontractors and subcontracted provision**

27. You must manage and monitor all your delivery subcontractors to ensure that high-quality delivery is taking place that meets these funding rules.
28. You must carry out a regular and substantial programme of quality assurance checks on the education and training provided by your delivery subcontractors, including visits at short notice and face-to-face interviews with staff and learners. The programme must:
- include whether the learners exist and are eligible, and

- involve direct observation of initial guidance, assessment and delivery of learning programmes.
29. The findings of your assurance checks must be consistent with your expectations and the delivery subcontractor's records.

## **Second-level delivery subcontracting**

30. You must not agree the use of any delivery subcontractor where this would require you to subcontract the Combined Authority funded AEB provision to a second level.
31. All your delivery subcontractors must be contracted directly by you, and you may have more than one subcontractor. The restriction on the level of subcontracting is in place to ensure:
- that lead providers retain clear and transparent accountability for the quality of training provision,
  - that proper and appropriate controls are in place to manage the learner experience, and
  - that value for money is achieved by mitigating funding being utilised for multiple tiers of subcontractor management.

## **Reporting your subcontracting arrangements**

32. In advance of any new subcontracted provision permission must be sought from the Combined Authority.
33. You must provide a fully completed delivery subcontractor declaration by the dates we will give you. This will be at least twice during the 2021 to 2022 funding year. If you do not make the declaration on time, we will suspend your payments. If you do not subcontract, you must still provide a nil return to confirm this.
34. You must also update your subcontractor declaration if and when any of your subcontracting arrangements change during the year.
35. You must report to us the actual level of funding paid and retained for each of your delivery subcontractors in 2021 to 2022. You must email this information to the Combined Authority AEB Manager using a template which we will supply to you. We will let you know the date by when you must do this and then publish the information on GOV.UK.
36. You must include the following on the template for funded AEB delivery:
- name of each delivery subcontractor,
  - the [UK Provider Reference Number](#) (UKPRN) of each delivery subcontractor,
  - contracts start and end date for each delivery subcontractor,
  - funding we have paid to you for the Combined Authority devolved funded AEB delivery by delivery subcontractor in that funding year,
  - funding you have paid to each delivery subcontractor for the Combined Authority devolved funded AEB delivery in that funding year,

- details of the funding you have retained in relation to each delivery subcontractors Combined Authority funded AEB delivery for that funding year, and
- if appropriate, funding each delivery subcontractor has paid to you for services or support you have provided in connection with the subcontracted delivery.

## Annex E: COVID 19 Skills Recovery Package

1. On 8 July 2020 the Chancellor announced exceptional funding as part of the wider COVID-19 skills recovery response. The response package includes Sector-based Work Academy Programme refer to paragraphs 2 to 5.

### Sector-Based Work Academy Programme (SWAP)

2. The Sector-based Work Academy Programme (SWAP) is designed to help Jobcentre Plus claimants build confidence to improve their job prospects and enhance their CV, whilst helping employers in sectors with current local vacancies to fill them. SWAP can last up to 6 weeks and has 3 main components:
  - pre-employment training
  - work experience placement
  - a guaranteed job interview
3. The scheme runs in England (and Scotland). Participants remain on benefits throughout their placement. Only the pre-employment training element in England can be funded through AEB local flexibility, and normally lasts 2-3 weeks. Jobcentre Plus fund the other components and will pay any travel and childcare costs whilst claimants are on the work experience placement. FE providers are part of the SWAP local design process and are informed when to expect referrals and how many.
4. You must record in the evidence pack that you have seen the claimant's SWAP referral notification issued by Jobcentre Plus, setting out start date and times for their AEB funded pre-employment training.
5. To claim full funding for claimants referred to SWAP pre-employment training you must use LDM code 375 and complete the Benefit Status Indicator (BSI) to identify the claimant is in receipt of Jobseekers Allowance (BSI 1), Universal Credit (BSI 4) or Employment Support Allowance (BSI 5)

### Learner Support (COVID 19)

6. You can support disadvantaged learners who are undertaking classroom or blended learning to continue to participate via online learning where the learner is self-isolating, or caring for others affected by coronavirus (COVID-19), or is otherwise affected by local/ national measures if they:
  - do not have internet access at home, and/or
  - do not have a suitable device, i.e. laptop or tablet, to complete the necessary online course work.
7. You must secure value for money when purchasing IT devices and/ or internet access including:
  - deploying any unused devices before you purchase new ones,
  - exploring options to access low cost second hand or recycled devices,
  - avoiding entering long term contract arrangements, and
  - holding a record of actual costs for any IT devices and/ or internet access bought for this purpose and make this available to us, if asked.

8. IT devices you purchase must only be loaned out to learners and returned at the end of their learning aim to allow them to be re-used by other learners. Learners must sign a declaration confirming:
  - they will return the device when their online learning aim(s) complete, or if they leave before completing their learning, and
  - they will return the device in the same condition in which they received it.
9. You must maintain an up-to-date record of the loan and return of devices to learners.
10. You must record the following evidence in the learner's evidence pack:
  - the outcome of the assessment undertaken to identify the learner's resident need, and
  - the learner declaration

**Annex F: Performance management review**

See attached

## Annex G: Glossary

Term	Description
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.
AEB funding methodology	The funding methodology for residents aged 19 and over, participating in AEB learning. You can access <a href="#">AEB funding methodology</a> on GOV.UK.
Advanced learner loan	<a href="#">Advanced learner loans</a> are available for residents aged 19 or above to undertake approved qualifications at levels 3 to level 6, at an approved provider in England. Advanced learner loans give residents access to financial support for tuition costs similar to that available in higher education and is administered by Student Loans Company.
A Level	A subject-based qualification conferred as part of the General Certificate of Education, as well as a school leaving qualification offered by the educational bodies in the United Kingdom and the educational authorities of British Crown dependencies to students completing secondary or pre-university education.
Adult Education Budget (AEB)	Combines all the Education Skills Funding Agency participation and support funds for adult education and skills training, but does not include apprenticeships, Traineeships, continuing learners and advanced learner loans funding;
Action Plan	Document detailing the steps you will undertake to achieve your Delivery Plan should you be underperforming
AS Level	An independent qualification encompassing the first year of an A Level qualification's content
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 2021.
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 or aims.

<b>Term</b>	<b>Description</b>
Delivery Plan	The document which sets out the activity to be delivered by the provider.
Department for Education	The Department for Education is a department of Her Majesty's Government responsible for child protection, education, apprenticeships and wider skills in England.
Devolution of adult education functions	The devolution of adult education functions refers to the transfer of certain Secretary of State functions in the Apprenticeships, Skills, Children and Learning Act 2009 to specified Mayoral Combined Authorities by way of orders made under section 105A of the Local Democracy, Economic Development and Construction Act 2009, in relation to their areas.
Digital Entitlement	The study of Essential Digital Skills (EDS) qualifications for learners who have digital skills assessed at below level 1.
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.
Disclosure and Barring Service (DBS) check	A non-departmental public body of the Home Office of the United Kingdom. The DBS enables organisations in the public, private and voluntary sectors to make safer recruitment decisions by identifying candidates who may be unsuitable for certain work, especially involving children or vulnerable adults, and provides wider access to criminal record information through its disclosure service for England and Wales.
Earnings adjustment statement (EAS)	The form providers need to fill in to claim funding that cannot be claimed through the Residents Learner Record (ILR).
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.
Education Skills Funding Agency (ESFA)	The Education and Skills Funding Agency is an executive agency of the government of the United Kingdom, sponsored by the Department for Education. The ESFA is accountable for funding education and training for children, young people and adults.
Employment status (formerly employed)	The main types of employment status are: <ul style="list-style-type: none"> <li>○ worker</li> <li>○ employee</li> <li>○ self employed and contractor</li> <li>○ director</li> <li>○ office holder</li> </ul>

Term	Description
	More information on <a href="#">employment status</a> is available.
English for speakers of other languages (ESOL)	The study of English by speakers of other languages.
Equality Act 2010	The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society
Equality and Diversity Impact Measures (EDIMS)	Data reporting measures set by the Authority to address any key equality and diversity issues prioritised by the Authority through its strategic planning processes to measure how Providers are collectively narrowing these gaps through skills provision.
European social fund (ESF)	The ESF is a structural fund from the European Union (EU). 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.
'Find a learning aim' service	Formally known as the Learning Aim Reference Service (LARS) the 'Find a learning aim' service offers a web-based search facility. It allows users to search by most commonly used fields for Qualifications, Units, Apprenticeship Frameworks and Apprenticeship Standards and their associated validity and funding details.
Full level 2	<p>The following qualifications are designated full at level 2:</p> <ul style="list-style-type: none"> <li>• 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 2018 to 2019 16 to 19 performance table.</li> </ul> <p>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 3 legal entitlement, the resident will be deemed to have achieved their first level 3.</p>

Term	Description
Full level 3	<p>The following qualifications are designated full at level 3:</p> <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 2018 16 to 19 performance tables.</li> </ul> <p>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 3 legal entitlement, the resident will be deemed to have achieved their first level 3.</p>
Full or co-funding Indicator (FFI)	Indicates whether a learning aim is fully funded or co-funded in Adult Skills or Other Adult Funding.
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 West Yorkshire Combined Authority and providers who receive funding for education and skills training.
Funding Model (10 and 35)	<p>The funding methodology we apply to submission of finalised ILR data. For AEB funding, Funding Model 10 (Community Learning) and 35 (Adult Skills) are used, noting model 10 is non-formula funded (i.e., ILR data does not generate a funding rate and is paid on monthly profile) and model 35 is formula funded. More information is available in the <a href="#">2021/22 ILR Specification</a>.</p>
Funding year	The Combined Authority adult funding starts on 1 August and finishes on 31 July.
General Data Protection Regulations	The General Data Protection Regulations (GDPR) are Europe-wide legislation that replaced the Data Protection Act 1998 in the UK. The GDPR sets out requirements for how organisations have to handle personal data.
General Certificate of Secondary Education (GCSE)	In the United Kingdom, the General Certificate of Secondary Education (GCSE) is an academic qualification, generally taken in several subjects by pupils in secondary education in England, Wales, and Northern Ireland.

Term	Description
Guided learning	<p>As defined by Ofqual:</p> <p><i>“The activity of the learner in being taught or instructed by – otherwise participating in education or training under the immediate guidance or supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training.</i></p> <p><i>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.”</i></p> <p>You can find more information in the <a href="#">Ofqual Handbook</a>.</p>
Hardship	Within learner support, a category of support to assist vulnerable and disadvantaged learners to remove barriers to education and training.
Individualised Learner Record (ILR)	The primary data collection requested from learning providers for further education and work-based learning in England. The 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.
Job outcome payments	Payments made for learners who are unemployed at the start of learning who cease learning to take up a job.
Evidence pack	A collection of documents and information brought together to form a single point of reference relating to learning that is taking place. This must provide evidence to prove the learner exists, is eligible for funding, the planned learning to be provided, and that learning has been delivered.
Learning support	Funding to enable providers to put in place a reasonable adjustment, set out in the <a href="#">Equality Act 2010</a> , for learners with an identified learning difficulty and/or disability to achieve their learning goal.
Learner residency	We use the term ‘resident’ or ‘residence’ in this document for different purposes. For AEB devolved funding they must have a West Yorkshire Combined Authority Post Code. Additional residency requirements apply to those outside of the Combined Authority and UK, EU and EEA rules apply.
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	Statements that describe the overarching intentions of a course.
Learning aim reference number	The unique eight-digit code used to identify a specific learning aim.
Learning delivery monitoring (LDM)	A code used as part of the Individualised Learner Record (ILR) to indicate participation in programmes or initiatives.

Term	Description
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 ESFA 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="#">Find a learning aim</a>
Low wage threshold	<p>The threshold of £17,374.50 as an annual gross salary, is based on the National Living Wage (23 and over hourly rate) of £8.91, on the assumption of a 37.5-hour contract with paid statutory holiday entitlement (therefore, £8.91 multiplied by 37.5 hours per week, multiplied by 52 weeks per year).</p> <p>The 23 and over hourly rate of £8.91 comes into force in April 2021 and is updated each year. Providers will need to check they are applying the correct 23 and over hourly rate following the annual change in April.</p> <p>More information on the <a href="#">National Living Wage</a> is available.</p>
National Insurance Credit	Applies if you're not paying National Insurance, for example when you're claiming benefits because you're ill or unemployed. Please see <a href="http://www.gov.uk">www.gov.uk</a> for further information on eligibility and how to apply.
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.
Non-formula community learning funding	Where applicable, providers receive a non-formula funded community learning allocation' as part of their AEB which is paid on a monthly profile. Submission of ILR data does not generate a funding value for the learning aim/s a learner participates on. Instead, providers attribute costs up to the value of their non-formula community learning allocation. Providers submit community learning data through funding model 10. More information is available in the <a href="#">2020/21ILR Specification</a>
Ofqual	The <a href="#">Office of Qualifications and Examinations Regulation</a> , which regulates qualifications, examinations and assessments in England.
Quality Assurance Agency (QAA)	The independent body that checks on standards and quality in UK higher education.
Personal learning record (PLR)	A database that allows resident learners access to their past and current achievement records. These can be shared with schools, colleges, further education training providers, universities, or employers.
Recognising and Recording Progress and Achievement (RARPA)	The Learning and Work Institute 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 non-regulated provision with a focus on self-assessment that supports standards acceptable to the Office of Standards in Education (Ofsted).

Term	Description
	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>
Residential Support	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	For example chief executive, managing director, principal, or their equivalent.
Self-declaration	A process where the learner can confirm something through his or her own signature.
Local Employment Skills Panels & the Leeds City Region Enterprise partnership (LEP)	Aim to bring together local employers and skills providers to pool knowledge on skills and labour market needs, and to work together to understand and address key local challenges. This includes both immediate needs and challenges and looking at what is required to help local areas adapt to future labour market changes and to grasp future opportunities. This will help colleges, universities and other providers deliver the skills required by employers, now and in the future.
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 residents in certain circumstances to meet their day-to-day living needs.
Statutory entitlement	The <a href="#">legal 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 4 (legacy grade C), 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> <li>• 19 and over, who have digital skills assessed at below level 1.</li> </ul>

Term	Description
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 residents who are self-employed or supplied by an employment agency, unless those residents are working under your direction and control, in the same way as your own employees.
Technical Certificate	A qualification which provides you with extensive knowledge in your chosen apprenticeship career path. Alongside the NVQ, it is a key component of some apprenticeship programmes. Technical Certificates are issued to residents who have completed a specialised course of study that is related to specific vocational skills.
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).
Universal Credit	Universal Credit is a United Kingdom social security payment that was designed to simplify the benefits system and to incentivise paid work. It is replacing and combining six benefits for working-age people who have a low household income (income-based Employment and Support Allowance, income-based Jobseeker's Allowance, and Income Support; Child Tax Credit and Working Tax Credit; and Housing Benefit). Please see <a href="http://www.gov.uk">www.gov.uk</a> for further information on eligibility and how to apply.
Work placement	A placement with an employer in a workplace setting as part of a traineeship.
Young people's funding methodology	The funding methodology for residents aged 16 to 19 (and those aged 19 to 24 with an EHC plan). You can access <a href="#">16 to 19 funding methodology</a> on GOV.UK.

## Summary of Main Changes 2021 to 2022

We have highlighted the main changes made in this document compared to the previous version.

Section	Paragraph	Change
Full Level 2	99	Clarification on funding for Unemployed and learners on Low Wage.
Annex A Eligibility for Funding	6-29	Clarification made to reflect ESFA funding rules
Learners in receipt of low wage	73-75	Low wage increased to £17,374.50 from £17,004  DAM codes 10 and 23 to record low wage delivery
Annex G Glossary		National Living Wage now for learners aged 23 and over from April 2021, changed from 25 and over.
Unemployed	57, 58	Universal Credit rate increased as per ESFA rules
Contracts for Services	183	Code updated from LDM code 357 to DAM code 002
Legal Entitlements	82	Errors on dates for legal entitlements fixed and changed from 2020/21 to the correct funding year 2021/22.
Prince's Trust Team Programme	121	Errors on dates for funding rates and formula guidance changed from 2020/21 to the correct funding year 2021/22.