



Children and Families Overview and Scrutiny Committee

15th December 2009

Report from the Director of Children and Families

For Information

Wards Affected:
ALL

Update on the transfer of responsibility for 16-19 education provision from the Learning and Skills Council to the Local Authority

1 Summary

- 1.1 The Apprenticeships, Skills, Children and Learning Act became law in November 2009. The act transfers the Learning and Skills Council's (LSC) responsibilities for funding and commissioning 16-19 education provision to local authorities from 1 April 2010.
- 1.2 The transfer of these responsibilities will help Brent Children's Partnership to integrate the planning, funding and local accountability of services provided for young people and their families. It will help to ensure that provision meets the needs of young people and that their outcomes improve.
- 1.3 This report sets out the responsibilities which the local authority (LA) will have and the progress the LA has made in planning for the commissioning of 16-19 education provision.

2 Recommendations

- 2.1 It is recommended that the Scrutiny Committee:
 - Notes the information provided in this report
 - Considers the implications for the LA and Brent's young people
 - Considers the proposed principles for strategic commissioning (refer to paragraph 4.6).

Detail

3 The 16-19 cohort

- 3.1 The LSC is funding 6,048 places for 16-19 year old learners in Brent this academic year. This represents a total budget of £32,878,000. Of these places: 1,671 are at the College of North West London; 3,400 at LA funded secondary schools; 60 at Brent Adult and Community Education Service (BACES); 150 at Certified Computing Personnel (CCP). The other funded places are at academies, special schools, apprenticeship training providers and providers sub-contracted to deliver in Brent.
- 3.2 The programmes of study funded include: 3,291 Level 3 (Advanced) places; 995 Level 2 (Intermediate) places; 887 Foundation Learning (Level 1 and Entry Level) places.
- 3.3 About 35% of Brent's 16-19 year old learners are from other LA areas. They are mainly from Barnet, Harrow, Hertfordshire, Ealing and Camden. Approximately 45% of Brent's 16-19 year old residents study in other boroughs. These are mainly Harrow, Barnet, Westminster, Kensington and Chelsea, Hammersmith and Fulham, Ealing and Camden.

4 Commissioning responsibilities

- 4.1 Brent Council will be the lead commissioner for local education provision for 16-19 year olds and for 16-25 year olds with learning difficulties and/or disabilities that start from September 2011 at school sixth forms, the College of North West London and training providers based in the borough. This includes Brent's provision for learners living outside the borough.
- 4.2 Brent Council's Children and Families Department established the **16-19 Funding and Commissioning Steering Group** in March 2009 to plan for the transfer of responsibilities from the LSC and to create Brent's commissioning plan. The Assistant Director for Strategy and Partnerships is leading the planning and chairs this group. It includes the Assistant Director for Achievement and Inclusion and representation from: Joint Strategy and Commissioning; Connexions; Planning, Information and Performance; Corporate Finance; Human Resources; Regeneration; 14-19. Commissioning will be led by the Joint Strategy and Commissioning team and will be managed by the Strategic Co-ordinator for 14-19 Education and Training.
- 4.3 Three new **national** organisations have been established to support the process:
The Young People's Learning Agency (YPLA) will:
 - Set the national framework for 16-18 commissioning

- Control the overall national budget for 16-19 education
- Monitor the quality of LAs' commissioning planning and regional planning
- Provide strategic data analysis to support LA commissioning
- Allocate funds to councils to deliver their commissioning plans
- Commission and monitor 16-18 provision at academies.

The Skills Funding Agency (SFA) will:

- Commission further education colleges and training providers to deliver education and training for learners over the age of 19 and to deliver apprenticeships for young people and adults
- Performance manage further education colleges.

The National Apprenticeship Service (NAS) is part of the SFA and will:

- Work with employers to develop apprenticeship programmes
- Help young people and adults to participate on apprenticeship programmes.

4.4 The London Regional Planning Group (RPG) has been established to lead and support LA-led 16-19 commissioning in London. Its key tasks will be to:

- Support and co-ordinate the commissioning process at borough and inter-borough level, with the aim of ensuring consistency, where appropriate
- Write and distribute a regional statement of priorities, in line with national guidance, to inform local commissioning priorities
- Undertake specific commissioning tasks at a regional level on behalf of all the London boroughs
- Lobby for sufficient resources for London's learners
- Submit a regional commissioning plan to the YPLA within the timetable of the National Commissioning Framework
- Seek to resolve conflict at a borough or inter-borough level and administer a complaints procedure, as required
- Undertake such other tasks as shall be agreed having regard to guidance on Regional Planning Groups published from time to time by the Department for Children, Schools and Families (DCSF).

The Regional Planning Group is accountable to London Council's Leaders Committee.

4.5 Brent is a member of two inter-borough commissioning groups based upon the travel-to-learn patterns referred to in paragraph 3.3. They are with:

- Barnet and Harrow (and possibly Hertfordshire)
- Hammersmith and Fulham, Camden, Kensington and Chelsea, Ealing and Westminster.

The LAs will use these groups to monitor the quality of outcomes for their residents studying at out of borough provision and to challenge

each other where outcomes are unsatisfactory. They will work together to ensure provision meets the needs of local young people and to avoid duplication. This may involve joint commissioning.

Commissioning Principles

- 4.6 Brent Council will be responsible for developing a 16-19 commissioning plan. The commissioning process must be based on published principles. The Local Government Association (LGA) has recommended that LAs start their discussions by considering the following as a possible set of principles:

The LA will commission whichever providers are best placed to deliver sustainable high quality outcomes for the young people for whom provision is being commissioned, regardless of governance. The LA's commissioning decisions will:

- *Ensure the best quality provision for each young person*
- *Meet both learner choice and economic need*
- *Ensure the future delivery of, and access to, the universal 2013 entitlement*
- *Ensure that individual commissioning decisions are made within the framework of a strategic approach to system-wide development*
- *Be impartial with respect to the type of provider*
- *Be independent of the LA of residence of the learner.*

Commissioning Priorities

- 4.7 LA commissioning plans must meet local, regional and national priorities. The **local priorities** for Brent's commissioning plan will be aligned to Brent Children and Young People's Plan. To meet priority 2, "Excellent education and training is available to all children and young people", Brent's commissioning plan will aim to achieve:

- Attainment and progress at Key Stage 5 that matches or exceeds national averages
- More young people with access to 21st century high quality learning environments
- Access for all young people to the information, knowledge and skills required to make informed choices and effective transitions to adulthood and working life
- Access for all young people aged 16-19 to a broad range of high quality learning opportunities and experiences including Diplomas and Apprenticeships.
- The development of young people's economic and financial capability.

- 4.8 The London **regional priorities** are:

- Participation rates: building towards full participation for all 16-19 year olds in relevant and appropriate learning by 2015
- Achievement rates: improving outcomes for young people
- Progression rates: for 14-19 year olds and older into further and high education and employment.

- 4.9 The **national priorities** are due to be published this month. They are likely to highlight the council's statutory responsibilities to:
- Provide all 16-19 year olds with access by 2013 to the 14-19 national entitlement to: Foundation Learning; Functional Skills; GCSEs and A Levels; Diplomas; Apprenticeships.
 - Engage all 17 year olds in education, training or employment with training by 2013 and all 18 year olds by 2015.
 - Provide access for all young people to the high quality impartial information, advice and guidance (IAG) that they need to make informed decisions about their futures.
- 4.10 The LA will be responsible for monitoring the success of all provision commissioned by the LSC that finishes or starts after April 2010. However, the responsibility for monitoring academies will rest with the YPLA. The Brent 16-19 Funding and Commissioning Steering Group is planning to use the national *Framework for Excellence* to assess the quality of Brent's provision and the provision that Brent residents attend. This framework includes the following criteria:
- The success rates of all course programmes. This includes the proportion of young people starting courses that achieve the qualifications and value-added measures of progress.
 - Learner destinations
 - Ofsted grades
 - Learner views
 - Resource efficiency
 - Financial health

All education and training providers have been informed about the framework through Brent's 14-19 Partnership. The College of North West London is part of the national pilot and the LA is conducting a local pilot with a school sixth form.

- 4.11 The LSC is legally responsible for commissioning places for the academic year commencing September 2010. LA officers are developing their skills by supporting the LSC's final commissioning round and by participating in training delivered by the LGA and London Councils. From April 2010, a Contracts Support Officer will transfer to the LA from the LSC.
- 4.12 Brent officers are actively participating in all RPG activities. To date the work has been on establishing regional protocols, managing the staff transfer and preparing to support the LSC's commissioning of 2010 provision.

5 Challenges

- 5.1 The proportion of Brent's young people attaining Level 2 by age 19 is 77.4% and attaining Level 3 by age 19 is 56.3%. Both figures are above the national average. However, these averages mask the

differences between groups of learners. For example the Level 3 attainment gap at age 19 between learners that were in receipt of free school meals at age 15 and those that were not is 18.8%. Although this is below the national average it illustrates that a key challenge will be the commissioning of provision that will ensure high quality outcomes for all groups of learners.

- 5.2 London has an over-supply of 16-19 education places compared to other regions and Brent's proportion of young people participating in education and training at age 17 is above the national average at 95%. This is likely to lead to a diversion of resources to other areas. However, intelligence from Brent Connexions shows that many of the young people that are not engaged are vulnerable and require targeted local provision that will have a higher per unit cost.
- 5.3 High quality impartial Information, Advice and Guidance is essential to support young people with their choices. The success rates at most of the borough's 16-18 providers are high. However, some young people are choosing pathways without adequate advice that is leading to high drop-out rates at some education providers. These young people are more likely to stay disengaged, having failed to achieve any of the qualifications that they had enrolled for. A key challenge will be to ensure that IAG is of a consistently high quality across all the schools, colleges and training providers that Brent young people attend.
- 5.4 The LA has been using existing resources to plan for the transfer. It is not clear how much it will be funded to manage these new responsibilities. However, the LA has been informed that from April it will receive funding equal to five LSC staff posts and funding to cover ancillary costs.

Background Papers

- a) Raising Expectations: Enabling the system to deliver White Paper
March 2008
- b) The Apprenticeships, Skills, Children and Learning Act 2009

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