



**Executive
11 April 2011**

**Report from the Director of
Children and Families**

BACES fees and charges 2011-12

1.0 Summary

- 1.1 This report sets out the proposals for the schedule of fees and charges for Brent Adult and Community Education Service effective from 1st September 2011 – 31st August 2012.

2.0 Recommendations

- 2.1 That the Executive approves the schedule of fees and charges, including room hire and other charges, shown at Appendix 1.

3.0 Detail

- 3.1 BACES is entirely grant funded with the majority of the funding being drawn down from the Skills Funding Agency (SFA) on an annually negotiated contractual basis. A small amount of funding is received from the Young People's Learning Agency (YPLA) for provision for 16-18 year olds. Income from tuition and examination fees also contributes towards the total budget. The funding year runs from 1st August to 31st July.
- 3.2 Indicative allocations have been provided from the Skills Funding Agency for the Adult Single Skills, Adult Safeguarded Learning and 16-18 grants for the period 1st August 2011 to 31st July 2012. The allocation shows a minimum of a £245k reduction in the contract value from 2010/11, plus £60k which is dependent on achieving job outcomes. See Appendix 2 for a comparison between contract values for 2010/11 and 2011/12.
- 3.3 Officers have taken into account the following principles in proposing the fees and charges for the academic year 2011/12:

- i) Fees and fee concessions should remain affordable for learners from under-represented, vulnerable and hard to reach groups
- ii) That there is a significant increase in fees on Personal and Community Development Learning courses for those that are able to pay (43%)
- iii) That fee setting takes into account the Skills Funding Agency policy which reduces the level of subsidy to those learners not in the national fee remission categories to 50%
- iv) That fees and fee concessions are comparable with neighbouring boroughs, and particularly those that are part of the West London region

3.4 The proposed schedule of fees and charges is shown at Appendix A.

4.0 Financial Implications

4.1 Income from fees and charges form an integral element of service budget projections for the year. The projected income from fees and charges for the academic year 2011/12 will be £250,000.

4.2 From 1st September 2011 the facility to pay by cheque will be removed.

5.0 Legal Implications

5.1 The Authority has a general statutory duty under Section 41 of the Apprenticeship Skills Children and Learning Act 2009, which amends Section 15 of the Education Act 1996, to secure that suitable education and training is provided to meet the reasonable needs of persons in its area who are over compulsory school age but under 19 and persons in its area who are aged 19 or over but under 25 and who have learning difficulties. The Authority may secure the provision of training outside as well as within its area. The Authority has the discretion to charge for non statutory services.

5.2 The provision of services outlined in this report are in furtherance of a power and the Council is entitled to make charges by way of cost recovery pursuant to Section 93 Local Government Act 2000.

5.3 The matters which members must take into account when making a decision include the public sector equality duty and the legal position is set out in detail in the paragraph relating to diversity implications.

6.0 Diversity Implications

- 6.1 The Equality Act 2010 Section 149 introduces a new public sector equality duty which came into force on 6th April 2011. It requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.
- 6.2 A 'protected characteristic' is defined in the Act as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.
- 6.3 Having due regard to the need to 'advance equality of opportunity' between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimize disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and encourage those who have a protected characteristic to participate in public life. Having due regard to 'fostering good relations' involves having due regard to the need to tackle prejudice and promote understanding.
- 6.4 The steps involved in meeting the needs of disabled persons include steps to take account of the persons' disabilities.
- 6.5 Complying with the duty may involve treating some people better than others, as far as that is allowed by the discrimination law.
- 6.6 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. The new Code of Practice under the new Act has yet to be published. The EHRC has however published guidance. The advice set out for members in this report is consistent with the published advice.
- 6.7 Having due regard to the equality duty must form an integral part of the decision making process. Members must consider the effect that implementing a particular policy will have in relation to equality before making a decision
- 6.8 The potential equality impact of the proposed changes to the BACES service has been assessed, and that assessment is found in the background papers. In summary it has been found that there will be an adverse impact on women, learners from ethnic minority communities and learners with learning difficulties and disabilities.
- 6.9 Where it is apparent from the analysis of the information that the policy would have an adverse effect on equality then adjustments should be made to avoid that effect. The steps proposed to be taken are outlined in 6.11 to 6.14

- 6.10 At the same time as complying with the above duty, Members must also pay regard to any countervailing factors which it is proper and reasonable for them to consider. Budgetary pressures, economics and practical factors will often be important. For BACES these include a need to increase fees and charges, particularly for those that are able to pay, in order to compensate for the funding reduction from the Skills Funding Agency and achieve a balanced budget.
- 6.11 The fees and charges schedule includes a sliding scale of concessionary rates which is designed to support those that would find it more difficult to pay. This is outlined in Appendix 1.
- 6.12 There is a hardship fund (£27,063) which supports learners on means tested benefits and those from low income households with examination and course fees
- 6.13 The childcare learner support funds pays for crèche facilities for learners on active benefits and means tested benefits whilst studying on a course at BACES.
- 6.14 For courses that are over 15 weeks, learners can pay in two instalments
- 7.0 Staffing/Accommodation Implications (if appropriate)
- 7.1 No staffing implications arise from this report.

Background Papers (essential)

- i) Equality Impact Assessment

Contact Officers:

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Krutika Pau
Director of Children and Families

BACES schedule of fees and charges – 1st September 2011 – 31st August 2012

Accredited courses (Adult Single Skills funded courses)

Fee category	Charge
Full fee (co-funded by Skills Funding Agency)	£3.00 per hour
Concessions* (Fully funded by Skills Funding Agency)	£0

* any learner in receipt of 'active' benefits i.e. job seekers allowance, Employment Support allowance (Work Related Activity Group); learners on literacy and numeracy courses – entry level to level 2, learners aged 16-18

Non-accredited courses

Course type	Fee category	Charge
Family literacy, language and numeracy.	All learners	£0
Wider family Learning	Full fee	£1.50 per hour
Wider family learning	Concessions*	£0
Neighbourhood Learning in Deprived Communities	Full fee	£1.50 per hour
Neighbourhood Learning in Deprived Communities	Concessions*	£0
First Steps	Full fee	£3.00 per hour
First Steps	Concessions**	£1.50 per hour
First Steps	Concessions*	£0
Personal and community development learning	Full fee	£5.00 per hour
Personal and	Concessions**	£1.50 per hour

community development learning		
Personal and community development learning	Concessions*	£0

* learners in receipt of 'active' benefits i.e. job seekers allowance, Employment Support Allowance (Work Related Activity Group)

** learners in receipt of means tested benefits other than JSA/ESA e.g. housing benefit, council tax benefit, income support, pension credit, learners aged 16-18

Cost recovery courses	£6 - £10 per hour
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Room hire

Community Hire Charges

Accommodation	Hourly Rate per Room 1-5 hours	Daily Rate per Room over 5 hours	Weekly rate for Bookings of 5 days
1 Room	£10.65	£69.00	£310.50
1 Hall	£16.50	£108.00	£483.00
Sewing Room	£15.00	£100.00	£450.00
Art Room	£15.00	£100.00	£450.00
Pottery/Stained Glass	£20.00	£120.00	£500.00
IT room	£30.00	£160.00	£700.00

Hire Charges for Self Organised Groups - start up prices for tutors for 1 term only.

Accommodation	Hourly Rate per Room
1 Room	£7.50
Hall	£10.00

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Sewing Room	£15.00
Art Room	£12.00
Pottery	£15.00

Other charges

Creche registration	£10 per term per child		
Exam registration	Varies according to awarding body and qualification		
Exam registration concessions*	Up to £10 of the full cost of the exam registration fee (subject to the limitations of the hardship fund)		
Exam registration concessions**	Up to £40 of the full cost of the exam registration fee		
Administration fee (where the learner chooses to transfer courses)	£15 per course		

*learners in receipt of 'active' benefits i.e. job seekers allowance, Employment Support Allowance (Work Related Activity Group); learners on literacy and numeracy courses – entry level to level 2, learners aged 16-18

** learners in receipt of means tested benefits other than JSA/ESA e.g. housing benefit, council tax benefit, income support, pension credit,

Appendix 2

BACES contract values 10/11 and 11/12

Contract	Contract value 2010/11	Contract	Contract value 2011/12	Difference
16-18 (including Additional learning support)	£35,453	16-18 (including Additional learning support)	£32,005	-£3,448
Adult Learner Responsive	£2,438,794	Adult Single Skills (of which Job outcomes)	£2,406,022 (£60,151)	-£84,083
Train to Gain	£51,311			
Adult Safeguarded Learning	£1,124,160	Adult Safeguarded Learning	£1,124,619	+£459
First Steps	£437,116	First Steps	£429,215	-£7901
Family Learning Impact Fund	£132,675	Family Learning Impact Fund	£0	-£132,675
Adult Learner Responsive additional learning support	£204,623	Adult Learner Responsive additional learning support	£200,531	-£4092
Discretionary learner support:		Discretionary learner support:		
Hardship	£26,659	Hardship	£27,063	+£404
Childcare	£72,634	Childcare	£77,044	+£4,410
ESOL	£18,129	ESOL	£0	-£18,129
Total	4,541,554		4,296,499(excl. job outcome payment)	-£245,055 (-£305,206 if job outcome target is not met)

Department: Children and Families	Person Responsible: Sue Hasty
Service Area: Achievement and Inclusion	Timescale for Equality Impact Assessment : 11 th April 2011
Date: 10-3-11	Completion date:
Name of service/policy/procedure/project etc: BACES Fees and Charges	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>
Predictive <input checked="" type="checkbox"/> Retrospective <input type="checkbox"/>	Adverse impact <input type="checkbox"/> Not found <input type="checkbox"/> Found <input checked="" type="checkbox"/> Service/policy/procedure/project etc, amended to stop or reduce adverse impact Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is there likely to be a differential impact on any group? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Please state below:
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Grounds of sexual orientation: Lesbian, Gay and bisexual	6. Grounds of age: Older people, children and young People

Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation conducted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Person responsible for arranging the review: Ilgun Yusuf	Person responsible for publishing results of Equality Impact Assessment: Sue Hasty
Person responsible for monitoring: Ilgun Yusuf	Date results due to be published and where: 11 th April – Executive committee
Signed: S. Hasty	Date: 17-3-11

Please note that you must complete this form if you are undertaking a formal Impact Needs/Requirement Assessment. You may also wish to use this form for guidance to undertake an initial assessment, please indicate.

1. What is the service/policy/procedure/project etc to be assessed?

BACES fees and charges 2011-12

2. Briefly describe the aim of the service/policy etc? What needs or duties is it designed to meet? How does it differ from any existing services/ policies etc in this area

The aim of the policy is to set the fees and charges for BACES' adult learning courses, crèche provision and room hire.

The main changes from the previous set of charges are:

Removal of entitlement to full fee concessions for learners on learner responsive courses in receipt of 'non-active' means tested benefits

Introduction of fees on wider family learning and formal first steps courses

Increase in fees on courses for Personal and Community Development Learning

Fee setting for courses supported by the Skills Funding Agency's (SFA's) Adult Single Skills contract takes into account the co-funded element of the funding formula. i.e. that learners should contribute up to 50% to the cost of the course at the full cost recovery rate.

3. Are the aims consistent with the council's Comprehensive Equality Policy?

The aims are consistent with the council's Comprehensive Equality Policy in that the concessionary fees are designed to encourage participation from those least able to pay, for example, people on means tested benefits, people with low levels of literacy, language and numeracy.

The fees and charges proposals including eligibility to concessionary rates is attached

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

Adult Single Skills courses

1323 learners out of 3465 (38%) of learners in receipt of non-active means tested benefits will lose entitlement to full fee concessions on learner responsive courses. Of the 1323 learners, 1283 (97%) are from ethnic backgrounds other than White British and are largely enrolled on ESOL courses and 1170 (88%) are female.

Adult Safeguarded learning courses:

Of the 3240 learners enrolled on adult safeguarded learning courses, 298 (9%) were enrolled on wider family learning courses and almost all learners were from Asian other, or Black Caribbean backgrounds. 100% were female. Under the fees and charges proposals these learners will now have to pay a fee.

174 learners (5%) were learners with learning difficulties and disabilities, of which 168 were from Asian Other, Indian or Black African backgrounds. Under the fees and charges proposals learners in receipt of a means tested benefits will pay the concessionary rate, whilst those in receipt of employment support allowance will continue to receive the full fee concession.

2051 (63%) learners were enrolled on Personal and Community Development Learning Courses. Of those that were not entitled to fee concessions, 923 (24%), would have to pay an additional £2.20 per hour. Almost all learners were from ethnic backgrounds other than white British.

To summarise, there will be an adverse impact on women, learners from ethnic minority communities and learners with learning difficulties and disabilities.

Whilst this data shows that the cohorts of learners will be affected by the proposed changes in the fees and charges, particularly on courses funded through the Adult Single Skills contract, the fee policy still makes full fee concessions available to those in most need i.e. those on Job Seekers Allowance and Employment Support Allowance, and a sliding scale of concessions for those in receipt of other means tested benefits.

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by race, gender and disability etc).

Quantitative data has been analysed for the 2009/10 academic year cohort of learners. This grouping typifies the profile of learners that enrol on BACES courses. The analysis of the data has focused on the elements of the proposed changes to the

fees and charges policy.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable)

Whereas under the current fees and charges policy course fees for learners with learning and difficulties and disabilities are automatically waived, under the proposed fees and charges policy learners with learning difficulties will now be subject to the eligibility criteria for fee concessions.

However, this does not have any implications for learner with learning difficulties or disabilities being able to access the full programme offer.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

Compared fees and charges to other local authority adult learning services e.g. Waltham Forest, Hammersmith and Fulham, Hounslow.

8. Have you published the results of the consultation, if so where?

No

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner?

There is concern in the national media e.g. TES, amongst trade unions (UCU) and through individuals' lobbying MPs.

Concerns are also being channelled through various national advisory bodies for adult and community learning such as the National Institute for Adult and Continuing Education, and professional networks such as HOLEX and LEAFA.

10. If in your judgement, the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or

hinder community relations.

The adverse impact can be justified because:

The increase in fees and removal of eligibility to full fee concessions for some courses funded by the Skills Funding Agency (Adult Single Skills) is consistent with national policy and is one which all SFA approved providers of learning and skills are affected.

There is a need to increase fees and charges, particularly for those that are able to pay, in order to compensate for the funding reductions for the Skills Funding Agency and achieve a balanced budget.

There is a sliding scale of concessionary rates for those that would find it most difficult to pay including full fee concessions for learners in receipt of job seekers allowance and employment support allowance

The fees and charges are consistent with other neighbouring boroughs and the national Skills Funding Agency policy.

The fees compare favourably amongst the London West adult and community learning providers.

11. If the impact cannot be justified, how do you intend to deal with it?

12. What can be done to improve access to/take up of services?

Promote the hardship fund. This is available for learners who find it difficult to pay but who may not be eligible for the full fee concessions. It is a cash-limited fund and each application has to be judged individually.

Promote the concessionary rates that are available and the good value of the full rate compared to other adult and community learning services

Promote easy ways to pay – credit card, over the phone, payment by two instalments for courses over 15 weeks long

13. What is the justification for taking these measures?

Because BACES is experiencing a series of budget reductions the increase in fees is justified. The fee policy has been designed to limit any adverse impact on those least able to pay.

14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible for this on the front page.

Participation targets by age, ethnicity, disability and gender are set annually. The targets reflect Brent demographics other than gender.

Participation levels against targets are monitored through monthly management meetings. Additional action is agreed where targets are not being met.

Ilgun Yusuf will lead on monitoring the targets although most managers will be involved in monitoring in their specific aspect of the programme.

15. What are your recommendations based on the conclusions and comments of this assessment?

Approve the fees and charges policy for the academic year 2011/12.

Develop further equality objectives

Should you:

1. Take any immediate action?
2. Develop equality objectives and targets based on the conclusions?
3. Carry out further research?

16. If equality objectives and targets need to be developed, please list them here.

Increase participation by males and White British.

Further equality objectives and targets to be developed and analysed by ethnicity, age, gender, disability for success rates (i.e. achievement of learning aims/qualifications).

17. What will your resource allocation for action comprise of?

Internal human resources – the management teams of the service

If you need more space for any of your answers please continue on a separate sheet

Signed by the manager undertaking the assessment:

Full name (in capitals please): Sue Hasty
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Date: 17-3-

Service Area and position in the council: Children and Families

Details of others involved in the assessment - auditing team/peer review:

Once you have completed this form, please take a copy and send it to: **The Corporate Diversity Team, Room 5 Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9HD**

Meeting
Date

Version no.
Date