

REGULATORY AND OTHER COMMITTEE REPORT

NAME OF COMMITTEE:	Schools Forum
DATE OF MEETING:	25 April 2012
SUBJECT:	The Raising of the Participation Age in Post-16 Learning (RPA)
REPORT BY:	
NAME OF CONTACT OFFICER:	Keith Batty
CONTACT OFFICER TEL NO:	01522 553291
CONTACT OFFICER EMAIL ADDRESS:	kbatty@cfbt.com
IS THE REPORT EXEMPT?	No
IS REPORT CONFIDENTIAL?	No

SUMMARY

This report summarises the requirements of the legislation that will raise the age of compulsory participation in post-16 learning to 17 from September 2013 and to 18 from September 2015. It is provided for information and discussion.

DISCUSSION/ BACKGROUND

1. In order to improve the competitiveness of the nation and the employability of its residents, the previous Labour government brought forward legislation now incorporated in the Education and Skills Act, 2008, that requires young people to participate in accredited learning until the end of the academic year in which they are 17 from September 2013 onwards and until they are at least 18 from September, 2015 onwards. The age of compulsory school education remains

unchanged. Young people will still be required to remain at school (including academies) until the end of the academic year in which they are 16.

2. Participation in education and training post-16 may take the form of:

- Full time education or Training in a College of Further Education, in a School Sixth-Form or Sixth Form College; with an Independent Private Provider (IPP); with an Independent Specialist Provider (ISP) for learners with the most profound learning difficulties or in home education.
 - An Apprenticeship or Higher Apprenticeship (i.e. a job with nationally funded and prescribed training).
 - Part time accredited education or training for the equivalent of one day a week if employed, self-employed or volunteering for more than 20 hours per week. The requirement is expected to be at least 280 'guided learning hours' (glh) per year (compared with 100 glh for a single GCSE; or 150 glh for a single AS-level, for example). If the 16 or 17 year old is working for less than 20 hours per week or less than 8 weeks in a row there will be no requirement for the employer to facilitate the training but the young person will be expected to be participating in learning separately through enrolment as a part-time or full time student. If the young person is employed or volunteering for more than 20 hours per week, the employer is expected to be able to either:
 - a. Provide the accredited training in-house or
 - b. Check that the young person is enrolled on an accredited learning programme and agree reasonable hours of work to allow access to training.
3. The government has yet to clarify employers' responsibilities formally, but the expectation of release for training for one day-per-week has been most commonly mooted. It is also anticipated that employers will not be responsible for monitoring attendance, nor for paying wages, when young people are not at work.
4. In essence, unemployment or jobs without very significant training will no longer be permissible and there is currently no clarity about how the requirement will be enforced. A consultation on regulation of Raising the Participation Age is currently being undertaken.
5. The Coalition Government has reaffirmed its commitment to RPA. However, the responsibilities for the implementation of RPA of the Local Authority and of schools, colleges, Independent Private Providers and Independent Specialist Providers are complicated by related existing legislation and by recent changes to the Law:-

5.1 Legislative Changes resulting in the Raising of the Participation Age (RPA):

- a. The Education & Skills Act 2008 requires that, from September 2013, all young people shall remain in education and training to the end of

the academic year in which they are 17. From September, 2015, this requirement is extended to age 18.

- b. The Education Act, 2011, reinforces this requirement but gives the power to the Secretary of State for Education to decide how the requirement will be enforced.
- c. Enforcement is to be reviewed on an annual basis from 2014.

5.2 Other legislative duties and changes associated with the Raising of the Participation Age:

- a. Local Authorities have a duty to secure sufficient suitable education and learning opportunities for all young people 16-19 who require it under the Apprenticeships, Schools Children and Learning (ASCL) Act, 2009. Under RPA this will become a duty to all young people, not just those who seek further learning.
- b. Under the ASCL Act, Local Authorities also have a duty to secure sufficient suitable education and learning opportunities for all young people aged 16-25 with a Learning Disabilities Assessment under Section 139 of the Learning and Skills Act 2000 (with certain provisos).
- c. Under Section 139 of the Learning and Skills Act 2000, the Local Authority is required to carry out learning needs assessments for learners with Statements of Special Educational Needs leaving their existing provision. Needs assessment will continue to be carried out by advisers within Lincolnshire County Council's Additional Needs Service in liaison with the young person; his/her parents/ carers and with relevant professionals.
- d. The Education Act, 2011, removes the power of the Secretary of State to issue directions to local authorities relating to the exercise of its duty to make support services available for effective participation (i.e. through provision of 'Connexions').
- e. However, the 2011 Act retains local authorities' general duties under the Education and Skills Act 2008 to make available to young people (13-19 year-olds) and 20-24 year-olds with an assessed learning difficulty such services as they consider appropriate to encourage, enable or assist them to engage and remain in education or training.
- f. The Education Act 2011, removes the requirement on schools to allow access to pupils and facilities on their premises by persons involved in providing education and training support services (for example, Connexions personal advisers). However, the 2011 Act does require schools and pupil referral units to secure independent careers guidance for pupils in the school year in which they reach the age of 14 until they have ceased to be of compulsory school age (the

end of the academic year in which they are 16). The guidance must be impartial, and it must also include information on all 16 to 18 education or training options, including apprenticeships. A school cannot fulfil the duty by asking a teacher or another person employed by the school to provide guidance to all pupils. However, this would not prohibit a teacher from offering some careers advice. No enforcement mechanism is described.

- g. Statutory guidance regarding the duty to provide independent impartial careers guidance for young people in schools was published in March 2012. This includes the requirement to work with the local authority to support them in recording young people's post 16 plans and the offers they receive along with their current circumstances and activities.
- h. Schools, Colleges, Independent Private Providers (IPP) and Independent Specialist Providers (ISP) continue to have a duty to:
- Promote good attendance of 16 and 17 year olds.
 - Inform local authority support services if a young person has dropped out so that they can be contacted swiftly and offered support.
 - Provide independent impartial careers guidance to pupils in year 10 and 11. There will be a consultation on extending this requirement to year 7 and up to year 13.
- i. Under the Education Act 2011, local authorities continue to have responsibility for monitoring young people, for maintaining the Client Caseload Information System (CCIS) and for sharing this information with central government or their private sector partners. By integrating this information with data obtained from learning providers, the government plans to publish statistics annually about the destinations of school leavers for several years (age 16, 17 and 18 initially) after they have reached the compulsory school leaving age. It is through this means that the government hopes that schools will be held to account by the public.
- 5.3 The local authority retains responsibility for monitoring the learning needs of young people and for working with the education Funding Agency to commission provision to meet those needs. It also retains responsibility for continuing to support young people into that provision. As resources are finite and diminishing it is also important that those most in need of support are given priority access to it.
- 5.4 Clearly, from September 2012, schools now have much greater responsibility for the continued participation of their pre-16 pupils in post-16 learning. There will be a National Careers Service by then but, for young people, this will provide access to a telephone and helpline and website only. However, it is the Local Authority's

responsibility to support those young people who fail to progress or fail to or to be retained in their initial post-16 learning destination. It is in the local authority's best interest, therefore, to work in partnership with schools and other learning providers to help them fulfil their new responsibilities until good practice is fully embedded.

- 5.5 Equally, employers have new obligations although these may or may not become mandatory depending on the strategies that the Secretary of State deploys to ensure enforcement of the statutory requirements. A proactive publicity campaign is essential if employers as well as young people and their parents and carers are to make effective decisions as we approach the first year of RPA. The students who will enter Year 11 this September, will be making those decisions in the autumn of 2012. The indications from central government is that it is for local authorities to decide how best to manage their publicity and communications strategy to best meet local need while fulfilling their statutory obligations to support participation in post-16 learning by all.
- 5.6 The four-strand approach to the local implementation of the Raising of the Participation Age (RPA) shown in Table 1. This approach has been approved by the Lincolnshire 14-19 Strategic Partnership (that represents Lincolnshire learning providers and agencies supporting 14-19 year-olds) and by the County Council.

Table 1:

RPA Strand		Lead Organisation
1	The Local Authority continues to support the most vulnerable young people into learning	Children's Services locality teams and the Lincolnshire County Council Careers Service
2	Schools are adequately prepared to fulfil their responsibilities for ensuring the successful transfer of all young people into post-16 learning	The 14-19 Team and the Lincolnshire County Council Careers Service
3	The local authority has identified specific gaps in provision and is working with providers and the YPLA/ EFA to fill those gaps year on year	The 14-19 Planning and Allocation Team
4	Young people, parents, carers, employers, providers and support workers are aware of the implications for them of RPA	Education Business Partnership

6. Performance Indicators

The Department for Education is developing destination measures to show what young people do when they leave school. Destination measures will provide clear and comparable information on the success of schools in ensuring all their students have the best opportunity to progress and complete the transition on to a positive destination post 16. This information is expected to be published from 2013 onwards. In future years it is expected to become increasingly detailed, showing the progression of individual groups of young people (eg Care Leavers; SEND) to a range of post-16 and post-18 destinations.

7. Financial Implications

- 6.1 Learning provision post-16 is funded by the Education Funding Agency (EFA) that is part of the Department for Education and which has replaced the Young People's Learning Agency.. The cost of the any additional places in learning that will be required will be met by the EFA. Indeed, it was in anticipation of the need to fund extra places that the Coalition government decided to remove its investment in the Education Maintenance Allowance (EMA) and to reduce the amount of funding per learner that post-16 learning providers receive.

- 6.2 The expectation is that the additional capacity required to meet the requirements of RPA in terms of additional post 16 places will be met by an increase in the number of Apprenticeships rather than in other provision such as school sixth forms. The coalition government is investing heavily in increasing the number of employers offering apprenticeships to young people through financial incentives.
- 6.3 Under the 2011 Education Act, schools are tasked with the provision of guidance to try to ensure that all young people participate in learning post-16. No extra resource has been transferred to schools for this purpose. However, it has been argued that by setting a minimum funding guarantee and through the introduction of the Pupil Premium, schools have had not had to manage the same sort of reductions in funding as many other publicly funded organisations.
- 6.4 Funding and the requirement to run a Connexions Service has been withdrawn but the local authorities retain a duty to continue to support young people into learning. From 2013 this will apply to *all* young people. Within this duty, Local Authorities are able to set their own priorities and most if not all will prioritize young people in vulnerable groups. The Early Intervention Grant was created to allow local authorities to respond flexibly to their own priorities without ring-fencing rules. As an interim measure, the County Council agreed to the transfer of some guidance staff to a Careers Service for this purpose. It has agreed that the same level of funding will continue to be made available so that the Careers Service can continue their work.
- 6.5 The Careers Service will also provide a traded service to schools that will, from September 2012, are required to commission independent careers guidance from an external and approved source.

RECOMMENDATIONS

Schools' Forum is requested to:

1. Note the report and ask any questions that arise.
2. Note the four-strand approach to the local implementation of the Raising of the Participation Age (RPA) shown in Table 1.

BACKGROUND PAPERS			
PAPER TYPE	TITLE	DATE	ACCESSIBILITY
Report	"Improving Access to Post-16 Learning Provision in Lincolnshire".	09 Sept 2011	http://aspapps.lincolnshire.gov.uk/committeerecordsresults.asp
Act	Education Act 2011	November 2011	http://www.legislation.gov.uk/ukpga/2011/21/contents/enacted
	Learning and Skills Act 2000	July 2000	http://www.legislation.gov.uk/ukpga/2000/21/pdfs/ukpga_20000021_en.pdf
	Education and Skills Act 2008	November 2008	Education and Skills Act 2008
	Apprenticeships, Schools Children and Learning (ASCL) Act 2009	November 2009	Apprenticeships, Skills, Children and Learning Act 2009
Statutory Guidance	Statutory Guidance for Careers Guidance in Schools		http://www.education.gov.uk/about/dfes/statutory/g00205755/statutory-guidance-for-schools-careers-guidance-for-young-people
Web-pages	National Careers Service		https://nationalcareersservice.direct.gov.uk/Pages/Home.aspx