

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1	Meeting:	Children and Young People’s Scrutiny Panel
2	Date:	Friday 15 October 2010
3	Title:	14-19 Partnership, Governance and Planning
4	Directorate:	Children and Young People’s Services

5 Summary

On 20 July 2010, the Secretary of State for Education announced that some of the functions transferred to local authorities (LA) under the Apprenticeship, Skills and Learning Act (ASL) (December 2009) would be reassigned to other agencies from 1 August 2010. Rotherham Metropolitan Borough Council’s (RMBC).will need to consider the implications of this announcement on 14-19 governance, planning and funding arrangements.

Ministers have affirmed their commitment to the strategic role of LAs in shaping 16-19 provision, identifying gaps, establishing new provision and developing the market. LAs will continue to have a duty to ensure that enough suitable education and training is provided to meet the reasonable needs of young people in their area for those:

- who are over compulsory school age but under 19
- who are aged 19 or over but under 25 and are subject to learning difficulty or disability assessment.

At the same time, however, the government is committed to freeing school and colleges in areas such as the curriculum design and inviting applications from schools to become Academies. Furthermore, the policy will introduce lagged funding, and simplify the funding arrangements. Funding of open Academies, Sixth Form Colleges (SFC), General Further Education Colleges (FEC) and commercial and charitable providers (but not School Sixth Forms (SSF)) will be handled through central agencies.

When taken together with the government’s relocation of funding responsibilities, the granting of additional freedoms to maintained schools and colleges, the encouragement for the creation of Academies, free schools and university technical colleges free of LA control, this provides LAs with a high level strategic role in developing the direction of provision, but reduces their leverage with providers and the opportunity to shape provision to meet perceived learner needs.

6 Recommendations

That Elected Members to agree RMBC’s strategic role in shaping and delivering a coherent 14-19 learning offer in Rotherham by:

- a) Sustaining the effective and long-standing 14-19 partnership (i.e. the 14-19 Resource and Strategy Group (RSG)) in Rotherham to enable a strategic and collective approach to the changes announced by the Education Secretary; and a rapid response to the Education Act expected in November; and

- b) Agreeing that the 14-19 RSG is held to account for developing and delivering a new 14-19 (25) Learning Plan based upon the following priorities:
- Promote Post 16 participation, retention and progression.
 - Raise Post 16 achievement including closing the attainment gap at level 2 and 3 at 19.
 - Promote a high quality curriculum offer and support and guidance for learners.
 - Provide strong strategic leadership and operational efficiencies.

7 Proposals and Details

Where Are We Now?

The announcement by the Education Secretary on 20 July 2010 will result in:

- The Young People's Learning Agency (YPLA) directly funding 16-19 provision in SFCs, FECs, private and charitable providers; and learners in Academies.
- The YPLA allocating funding on a lagged basis – this means that the YPLA will set the 2011/12 core allocation budgets for SSFs, SFCs and FECs based upon data of 2010/11 learner numbers.
- LAs no longer required to form Regional Planning Groups and Sub-Regional Groups.
- The YPLA continuing to provide funds to LAs to passport to maintained SSFs and to resource Young (14-16) Apprenticeships and Education Business Partnerships.
- The Skills Funding Agency (SkFA) continuing to fund Apprenticeships.
- LAs continuing to secure provision for young people with LDD.
- Provision for young offenders in custody aged 10-18 from 1 September 2010 has become the responsibilities of LAs.

RMBC, therefore, will not be responsible for planning and funding (c£37m) post-16 education and training providers (other than SSFs without Academy status). It is unclear on whether LA's will be required to continue to have a 14-19 (25) Learning Plan, or a 14-19 Partnership, or to produce an annual local 16-19 Commissioning Statement. However, RMBC will continue to have a clear duty and power of assumption to ensure that sufficient, suitable education and training is provided to meet the reasonable needs of young people in the Borough who are over compulsory school age but under 19; and who are aged 19 or over but under 25 and are subject to a LDD assessment.

As a result, the Cabinet Member for Safeguarding and Developing Learning Opportunities for Children agreed on 22 September 2010 to:

- Inform Cabinet that the 14-19 (25) Learning Plan will not now be a 'key decision' for Elected Member's consideration;
- Inform the Performance and Scrutiny Overview Committee that any production of a 16-19 Commissioning Statement will not require Scrutiny, as it will now not include how RMBC will allocate c£37m for 16-19 learning provision; and
- Endorse a re-draft of the 14-19 (25) Learning Plan to take account of the announcement by the Secretary of State for Education on 20 July 2010 and the new Education Act expected in November.

Future Role

RMBC's 14-19 Team in discussion with the Cabinet Member for Safeguarding and Developing Learning Opportunities for Children and the YPLA, SkFA and other partners believe that the following six functions will be required to ensure that RMBC meets the priorities set out in 6b above.

a) Local Needs Analysis

- Using both qualitative and quantitative LA data and that of the YPLAs to ensure a clear understanding of participation, retention and achievement in the Borough by preparing an accurate picture of learner, different sectors, different wards, different groups, etc.

b) Leading Local Strategic 14-19 Partnership and Stakeholder Management to Shape 16-19 Provision

- The LA using the above analysis to draw up with its partners a local statement of where needs are being met and where they are not. This has two functions:
 - i. It informs schools, colleges and providers in drawing up their own post-16 provision plans; and
 - ii. It forms the base for identifying gaps and proposing costed bids to access any external funding to meet gaps.
- Managing the 16-19 Market and Meeting Gaps – the LA working with schools, colleges and providers to prepare a case for the portion of any unallocated funding; in particular demonstrating whether the new provision is meeting need (i.e. growth or displacement).

d) Improving Service to Learners

- By joining up 11-16 and 16-19 (e.g. a significant issue in 16-19 remains the lack of continuity of service to learners with LDD (up to 25 under the ASCL Act) between Statements for 11-16 and the S139a for 16-25.
- Exploring the option of LAs working together to develop shared service solutions to issues such as an increased local offer to reduce out of Borough placements.
- By ascertaining the views of children, young people and their families and carers to inform provision and services.

e) Responding to Government Policy and Targets

- Currently the LA is held responsible for the following national indicators on achievement of Level 2 and Level 3 qualifications at age 19, reducing the inequality gap in attainment levels at age 19 and increasing 16-19 participation in learning and thereby reducing NEET.
- Translating Government initiatives into the Rotherham context, as policy in applied learning or vocational education does not stand still (e.g. recently there has been the move from e2e to Foundation Learning with the LA providing briefing to providers; and a key issue now is the ending of programme led apprenticeships and the possible introduction of entry level apprenticeships).

f) Building Capacity and Levering in Financial Support

- The LA will need to continue to be successful in attracting external funding into education, such as European Social Fund (ESF).
- Supporting schools, colleges and providers in making bids to increase their provision to ensure they follow the procedures in the statutory guidance and the LA remains the decision-maker with appeal to an independent adjudicator.
- Brokering where it is more cost effective for provision to be purchased by one organisation than each sourcing the provision.

- The LA, with agreement of stakeholders and partners, will need to continue making capital bids.

8 Finance

Finance for 14-16 and 16-19 provision is currently being reviewed by the Coalition Government and more should be known following the Comprehensive Spending Review

- The c£37m of Learner Responsive funding per annum, ring-fenced for the 16-19 (25) education and training provision in the Borough, will no longer be routed through the LA, but instead be commissioned and administered through the YPLA.
- ESF 14-19 NEETs Response Fund monies is c£3.5m contracted by the SkFA to RMBC from August 2008 to December 2011 to reduce NEET.
- Area Wide Grant, which includes delivering Connexions
- Designated Schools Grant – will be affected as the Government routes funding directly through schools and as schools become Academies and Free Schools.

9 Risks and Uncertainties

Details of main risks affecting project	Likelihood of risk/threat	Consequence of risk/threat	Steps to be undertaken to minimise and mitigate risk
Resources and Structure	High	Until the Education Bill is published it is difficult to predict the precise impact, but it is clear that the Coalition Government is intent on freeing up schools and education providers from LA control.	Rotherham sustains its 14-19 Partnership and develops an agreed 14-19 Plan to shape 16-19 provision in the Borough.
Servicing Functions	High	Clearly this change, outside of schools with sixth forms, cuts out the need for RMBC to fund and to hold financial assurance functions for 16-19 and removes the need for RMBC to manage funding agreements with 16-19 providers.	The present National Commissioning Framework is to be withdrawn and the intention is to have a new version in place by September, which details the business cycle, process and responsibilities for 16-19 for the academic year 2011/12. Until that document and the Schools White Paper are produced, it is not possible now to state the overall requirement to service this function, other than to say it should be reduced.

10 Policy and Performance Agenda Implications

The LA has a number of Local Area Agreement Targets and National Performance Indicators, which are set out in the 14-19 (25) Learning Plan on participation, achievement/attainment and narrowing the inequality gap in achievement/attainment – it is unclear at this stage the targets and indicators that will continue for 14-19 learning. A re-draft of the Plan will be developed in the context of the new Education Act and take into full consideration any variations in targets and indicators.

11 **Background Papers and Consultation**

- Paper to the Cabinet Member and Advisers for Safeguarding and Developing Learning Opportunities for Children on 22 September 2010.
- 14-19 (25) Learning Plan.
- 14-19 Resource and Strategy Group's Terms of Reference.

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