

Report of the Director of Learning, Culture and Children's Services

## **14-19 Reforms – the York response to national changes**

### **Summary**

1. This report summarises the Local Authority's 14-19 Plan (a statutory appendix of the Children and Young People's Plan) which sets out priorities for developments to 2015 and takes account of the transfer of 16-19 funding and associated commissioning role to the LA in April 2010. In support of a major strand of the 14-19 plan it recommends that the Executive agree that the Council should play a leading role in the development of an enlarged Apprenticeship programme for 16-19 year olds in the City.
2. Paragraphs 4 to 15 briefly set out the national policy relating to the curriculum for 14-19 year olds, explain the York response to this change agenda and the priorities set out in the 14-19 Plan.
3. Paragraphs 16 to 20 deal with the 16-19 funding transfer, explaining how the LA will develop the capacity to manage the funding allocations and setting out the statutory frameworks governing this activity.

### **Background**

#### **14-19 Plan**

4. The 14–19 Curriculum Reforms have been the subject of a series of Green and White Papers since 2005. They set out an ambitious agenda of curriculum change which aims to better prepare young people to succeed in the fast changing economic environment of the 21<sup>st</sup> century. In addition to the established qualifications (GCSEs and A Levels), we have to ensure that young people can access new Diplomas, undertake an apprenticeship as part of a strong national drive to expand their numbers or, in the case of lower attaining young people (at Level 1 or Entry Level which is equivalent to low grade GCSEs or below), follow a Foundation Learning programme.
5. Alongside the curriculum changes there is a requirement for all young people to remain in education or training to age 17 (from 2013), and ultimately age 18 (from 2015), known as Raising the Participation Age (RPA).

6. National policy is for these reforms to be progressed by 14-19 Partnerships comprising all relevant stakeholders (providers of education and training including schools and colleges, agencies providing Information, Advice and Guidance to young people, employers and voluntary sector organisations). Local Authorities are required to be the Lead Strategic Partner in these partnerships. Progress is monitored through an annual progress check by Children's Services Advisers at Government Offices in the regions in addition to the Ofsted Inspection regime.
7. In York, good progress has been made on this agenda and the work of the Learning City York 14-19 Partnership is held up as an example of good practice. The Department for Children, Schools and Families has used York in case studies in both guidance ("14-19 Partnerships and Planning", January 2009) and the latest White Paper ("Your child, your schools, our future: building a 21<sup>st</sup> century schools system", June 2009). We contribute to the National Training Programme for other LAs and have been given funding to develop a national exemplar facility linked to the Diploma.
8. The introduction of the Diploma is one of the highest profile reforms. Diplomas mix academic study with application of knowledge and skills in practical and workplace situations. There are fourteen Diplomas linked to different economic sectors and three to traditional subject areas. A full list is given in Annex 1, along with a link to further information on the qualification. York is one of only six areas in the country to have been granted permission to deliver all fourteen of the Diplomas available in 2010 from September of that year. This places the city at the leading edge of developments and our Diploma programme involves a higher proportion of 14-19 year old learners than in any other LA in Yorkshire and the Humber.
9. The Learning City York Partnership, led by the LA and Learning and Skills Council (LSC), meets all the statutory requirements in terms of membership and organisational structures. It has undertaken a significant amount of work to scope the needs of young people and the potential contributions of providers in preparation for the curriculum changes and RPA. In the Autumn Term 2008, partners undertook an intensive strand of development work under the banner of "Vision York 2013". This resulted in agreement of a set of aspirations for learners in York and a set of key principles to underpin development work. There has been extensive consultation of stakeholders and an independent study of York's 14-19 options was commissioned earlier this year.
10. In September 2009, the LA produced its 14-19 Plan ("Achieving Excellence: York's 14-19 Plan 2009-15"). This is now the focus of development work. (Copies are available in the members' lounge). The plan has four key themes. Each is underpinned by a programme of activity and further development work set out in an accompanying action plan. Each plan contains short term actions to be taken (mostly statutory requirements or previously agreed decisions) and areas for further exploration. For each theme, partners have agreed the membership of task groups to produce implementation plans or options for consideration and subsequent adoption by the Partnership. The task groups are chaired by members of the 14-19 Strategy and Resources Group, providing for distributive leadership but maintaining accountability.

11. Theme 1: Information, Advice & Guidance (IAG), including Common Applications Process (CAP) and admissions issues. Our young people are being offered an increasing range of options and opportunities. In order to ensure that they take full advantage, Enjoy and Achieve and Achieve Economic Wellbeing they will need much more comprehensive, and impartial, information, advice and guidance. This theme focuses on developing guidance packages for delivery in schools and on the provision of additional support for learners and parents/carers. The LA has a statutory duty to ensure that young people are provided with appropriate IAG, so this will be quality assured against the relevant national standards. DCSF requires the implementation of a CAP for applications to enter post 16 learning from September 2012, meaning that it must be operational the previous September. This will mean that a single electronic application form will be used to apply to any provider in the city. With its introduction the possibility of standardised entry requirements will also be considered.
12. Theme 2: Provision. York has standards of attainment which are well above national and regional averages. However, some learners are significantly disadvantaged by a lack of appropriate provision, other young people will have to be brought into participation post 16 and the full range of opportunities provided. These issues will have to be addressed against a backdrop of demographic decline and restraint of public expenditure. The plan therefore calls for a shift in focus towards lower attaining learners (the progress of learners who do not achieve Level 2 (5+A\* - C (or equivalent) at GCSE) when age 16 is subsequently poor), learners with learning difficulties and disabilities (LDD) and young people between the ages of 16 and 19 who are not in employment, education or training (NEET). It also identifies the need for review of provision for higher attaining Level 3 (A Level equivalent) learners. This is because the range of options will be greater with more opportunities (to take up Apprenticeships or Diplomas, for example) and the cohort is falling. Hence, in order to maintain the viability and further improve the high standards of provision, schools and colleges will have to work collaboratively, possibly within a system of "Centres of Excellence".
13. There is a national priority around increasing the numbers of Apprenticeships which commands broad support. Apprenticeships are a recognised and respected "brand" and, in their modern form, offer significant opportunities for young people to gain higher level qualifications and acquire skills in a work based environment. In York, even before the full effects of the economic downturn were felt, the number of apprenticeships was declining. We have set a challenging initial target to restore apprenticeships to their 2007 level.
14. Theme 3: Strengthening and Sustaining Partnership working. The Learning City York 14-19 Partnership is a "soft" partnership. Whilst it meets all requirements in terms of membership and group structure, it operates through consensus and has no legal status. Currently, much of its activity, and the resulting provision, is funded by national grants, especially those linked to Diplomas. These grants will end in the short term. In order to tackle the complex challenges ahead both a model of governance capable of dealing with contentious issues and a sustainable funding model need to be developed.

Additionally, in order to maintain a focus on all learners, the Partnership needs to develop a suite of Performance Indicators covering outcomes for all learners in the City so that it can measure progress and conduct rigorous self evaluation.

15. Theme 4: The Role of the LA. The 14-19 Reforms and post 16 funding transfer mean that the LA has range of new statutory duties relating to learner entitlements, provision of IAG and the funding of provision. The LA wants to work with providers, utilising their strengths and experience, to ensure that these duties are carried out, to quality assure their delivery and to establish fair and transparent processes to discharge its funding responsibilities.

### **Transfer of 16-19 Funding**

16. In the summer of 2007, proposals were published for machinery of government (MOG) changes including the transfer of funding for post-16 education to local authorities from April 2010. In 2008/09, through funding for York College and post 16 provision in York schools, the sum involved would have been £21.5m.
17. Within the Yorkshire and Humber Region, an Interim Regional Strategic Planning Forum operating at Director of Children's Services level was established (July 2008) to progress the transfer. In line with the requirements of the transfer, the four authorities of York, North Yorkshire, East Riding and Hull submitted proposals to Government Office for Yorkshire and the Humber and DCSF (October 2008) outlining why they should form a sub regional grouping. These proposals have been assessed in a two stage process and the sub regional grouping is now working collaboratively towards the transfer. Within the Local Authority, a transition group with members from School Improvement, Young People's Services, Resource Management and Legal Services has been meeting on a regular basis since March 2009.
18. The sub regional grouping has agreed some key principles for sub regional working and conducting the funding allocations process currently undertaken by the LSC. These are the basis for the memorandum of understanding which underpins the work of the four LAs :
  - A focus on the learner first, not the provider first
  - A commitment to align with local and regional economic and skills needs
  - A commitment to integrate 16-19 commissioning with other strategic priorities for children, families and communities
  - A commitment to a mixed economy of providers in which all sectors are treated equitably
  - A commitment to operate in a transparent and inclusive way locally and sub-regionally
  - A commitment to co-operate well sub-regionally, particularly in meeting agreed timescales for the annual strategic commissioning cycle
  - A commitment to incorporate sub-regional needs and issues into planning at local level

19. Because its functions are transferring to LAs and other agencies from April 2010, the LSC will not exist thereafter. In order to provide the capacity within the LA to carry out the business cycle associated with planning, funding and quality improvement of 16-19 education a number of LSC staff, determined by national formula, will transfer to the LA. The matching process is now complete and of the York allocation of six full time staff at various levels, three full time and 2 part time postholders have been identified. The LA will receive additional financial resource equivalent to the difference between the planned and actual allocation. This can be used to fund posts matching the requirements of the staffing structure required and fill the gaps in expertise left after the matching process.
20. It is important to highlight that the allocation of funding to providers will be governed by a national commissioning framework and national funding formula driven by existing patterns of learner choice and offering little leeway for the LA in the early stages following the transfer. The framework and formula do incorporate enhanced local and sub regional planning which are part of the rationale for the transfer. Reports on progress throughout the annual cycle will be presented to key partnership forums such as the YorOK board, the Learning City York Board and 14-19 Partnership structures. Members will also receive reports on Key Performance Indicators included in the Local Area Agreement and Service Plan monitoring. It is envisaged that there will be three reporting points to the Executive member each year. These would be in the Autumn term (Sub Regional / Local Area Statements of Need), Spring term (Sub Regional Commissioning Plan) and late in the Summer term (annual review of local 14-19 Plan).
21. Reports on the 14-19 reforms have been presented to members on a regular basis, most recently to EMAP (March 2009, November 2008) and Scrutiny Committee (September 2008).

## **Consultation**

22. The 14-19 Partnership has a defined structure of groups covering all areas of activity which enables comprehensive consultation of stakeholders. In addition, through the "Vision York" activity and independent study a large scale consultation over future 14-19 strategy has taken place this year. Consultation of learners through "Learner Voice" activity is building on school council activity, with the Edge Learner Forum carrying out a learner review of new Diploma provision.
23. The post 16 funding transfer is a significant and complex issue. In order to progress it:
  - Officers are working in close consultation with the LSC (York and North Yorkshire Office) and sub regional partner Local Authorities.
  - The Director (supported by the Principal Adviser 14-19) is a member of the Regional Planning Forum which is the primary body consulting on regional issues.

- Through 14-19 Partnership structures all post 16 providers and a wide range of other stakeholders are being kept fully informed, as are the Board of Learning City York (Lifelong Learning Partnership) and the YorOK Board (ultimately accountable for 14-19 Education).
- A wider York stakeholder consultation event was held in February 2009 and a sub regional provider briefing on 10th December 2009.

## **Options**

24. Not applicable to the specific contents of this report.

## **Analysis**

25. Work with Partners over the past year and the report of the independent study have reinforced the priorities previously identified by the LA and LSC for the development of 14-19 and, in particular, 16-19 provision in York. Broadly stated these are:
  - Provision for NEETs, including learners with Special Educational Needs (SEN) and LDD
  - Developing more provision at Entry Level, Level 1 and Level 2 to raise participation and improve progression
  - Increasing the breadth of provision, including at Level 3
  - More effective (and impartial) Information, Advice & Guidance
26. As previously stated, this requires a shift in focus towards lower attaining learners who are less well served under current arrangements. Providers are already beginning to respond to these priorities. Examples include:
  - New NEET provision at York College supported by Young People's Services.
  - Increasing collaboration between York College and Applefields School to support the progression of learners with higher level needs.
  - The development of provision for lower attainers as part of the new post 16 provision at Archbishop Holgate's.
  - The collaboration of all partners in an enhanced programme of IAG support including the provision of a comprehensive "After Year 11 in York" booklet and a city wide options and opportunities event.
27. There are, however, significant challenges ahead. Following recent declines in the number of Apprenticeships in York and the national priority attached to their development, we need to reinvigorate the Apprenticeship route.
28. The development of a city wide strategy and partnership approach has implications for providers. Schools and colleges are used to a high degree of autonomy and institutional independence in decisions around their development plans. This creates some tensions when their individual aspirations are not consistent with city wide priorities for all learners. In particular, demographic decline and the introduction of a greater range of qualifications have implications for the current pattern of A Level provision. There is clearly a sufficient supply of such provision and its quality is high. However, the amount on offer will have to reduce in the coming years.

## **Corporate Objectives**

29. The 14–19 Strategy is central to success of the Children and Young People's Plan and the Council's strategies around economic development, and in particular to Corporate Priorities 7 (Skills and Knowledge) and 9 (Narrowing the Gap).

## **Implications**

### **Financial**

30. The MOG changes are expected to be achieved within the context of no overall budget growth beyond existing LA and LSC budgets. The only additional funding to support this process has been £15k from GOYH to the sub regional grouping, which was allocated to consultant support for the development of the Stage 2 submission. Other additional capacity during the transition phase has had to be found within existing budgets.
31. In the longer term, growth (ie the introduction of new provision to meet the needs of the raising of the participation age) has to be funded by savings resulting from smaller cohorts (demographic decline). The LA, in its commissioning role, will have to work within this constraint, as will providers when developing strategic plans at institutional level.
32. At the present time, no information regarding capital support for 16–19 education following the funding transfer has been provided. This means that there is currently no scope to plan for coherent development of facilities to support the introduction of provision which addresses identified priorities
33. The actual amount of additional financial resource associated with the gap between staff matched and staff allocated (Para 19) has yet to be confirmed, which is delaying reorganisation and recruitment options.
34. Whilst the provision of additional resource to support the transfer of LSC staff in to the LA has been mooted in various forums, there has been no official confirmation or publication of indicative amounts. Such funding would support, for example, accommodation, IT and telecommunications costs.
35. The LA will assume responsibility for over £22m of additional funding. This will require the development of appropriate audit methodology and provision of additional capacity within LCCS Finance, which would have to be funded from within the additional resource referred to in paragraph 33.

### **Human Resources (HR)**

36. On 1 April 2010, following a period of shadowing, LSC staff will transfer to the local authority. The Transfer of Undertakings (Protection of Employment) Regulations (TUPE) and the Cabinet Office Protocol will apply. For some time the Local authority has been considering and discussing with the staff concerned, how those staff transferring from the LSC can best be integrated into the existing local authority structure.

37. HR advice has centred on preparing a clear understanding within the authority of what York's staffing establishment requirements are likely to be in order to carry out the new functions of commissioning and broader 14-19 activity. A staffing structure is at an advanced state of development and will be brought forward through the usual Directorate channels.
38. There are still a number of issues around conditions of employment, additional benefits, pensions etc that still have to be clarified at national level.

### **Equalities**

39. An enhanced Equalities Impact Assessment of the 14-19 Strategy is being carried out during the Autumn Term 2009.

### **Legal**

40. There are legal implications around the staffing transfer and the issuing of contracts to providers commissioned outside of the national commissioning framework under separate grant funding which has previously been administered by the LSC. Examples are the contract for Young Apprenticeship programmes with York College and the contract for Education Business Links with the North Yorkshire Business Education Partnership (NYBEP). Legal Services has been represented on an internal transition group and consulted on developments.
41. With sub regional partners we are working to clarify issues and arrangements around the sharing of a range data used to inform planning and commissioning.

### **Information Technology (IT)**

42. It is not anticipated that any complex bespoke IT systems will be involved in the transfer, given that provision of data and management information will be the responsibility of the Young People's Learning Agency (YPLA). The IT Client Services manager within LCCS has been briefed on the requirements for transferring staff.
43. Five new user accounts will need to be set up on the CYC system. There will be a licence cost involved with this set up of around £100 per user.

### **Risk Management**

#### **14-19 Plan**

44. As noted above, DCSF emphasises the role of the LA as Lead Strategic Partner in 14-19 developments. It also highlights the involvement of stakeholders through a 14-19 Partnership. In common with many such partnerships, Learning City York has no legal status and relies on City of York Council for support in a range of key areas such as HR and procurement. The 14-19 Plan highlights the need to strengthen the partnership and place it on a sustainable footing.



45. Additionally, the development of the new curriculum pathways and entitlements will require the displacement of existing provision. Within all mainstream providers there are, necessarily, implications for staffing structures and budgets.
46. The development of new provision is central to efforts to raise participation and achievement, improve progression, reduce NEETs and support economic development in York. Nonetheless it remains vulnerable in the early stages to unpredictable national press publicity and political influences.

### **Transfer of 16-19 Funding**

47. Key LA staff are devoting significant time and energy to progressing the changes and managing the transition.
48. The staffing transfer has progressed well and Officers are confident that the staff matched to the LA will prove be valuable additions to our staff. However, there remain a number of significant unresolved issues around HR aspects of the transfer and associated financial resources.

### **Recommendations**

49. The Executive is asked to note the good progress made on delivering the 14-19 Curriculum Reforms and the high regard in which the work of the York Partnership is held. It is also asked to endorse the strategic approach to continuing developments set out in the 14-19 Plan.
50. Further, Executive is asked to note the good progress made within the LA and with Sub Regional Partners on the 16-19 Funding Transfer and the opportunities and challenges it presents. It is also asked to endorse the LAs approach to the changes at sub regional and regional levels.
51. Finally, Executive is asked to agree that the Council, as the largest employer in the area, build on existing development work and play a leading role in developing an enlarged apprenticeship programme for young people in the city. In addition to the creation of new apprenticeship places across the council at a time when employment opportunities are restricted by the economic recession, this would also include encouraging partner organisations offer places themselves.

Reason: to ensure that progress towards the 2013 learner entitlements and the development of provision necessary to deliver RPA in York can be maintained, that the LA is in position to assume new statutory responsibilities associated with the post 16 funding transfer, and that the key apprenticeship pathway is made more widely available for young people in the city.

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**Wards Affected:** *List wards or tick box to indicate all*

All

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### Background Papers:

Achieving Excellence: York's 14-19 Plan 2009-15

### Annexes

Annex 1: 14-19 Reforms: Diplomas