

APPENDIX 1

Children and Young People's Overview and Scrutiny Committee

16 June 2010

New Council responsibilities for 16 – 19 education and training

Appendix 1

1. As a result of the ASCL Act 2009, the City Council now has the duty to secure sufficient suitable education and training provision to meet the reasonable needs of 16 – 19 year olds in its area, as well as for young people up to the age of 25 where a learning difficulty assessment is in place, taking into account provision made in other authority areas. This includes provision made in school sixth forms, sixth form colleges, Further Education (FE) colleges, and by private and voluntary training providers. The Council is also the 'lead commissioner' of 16 – 19 education and training for all providers in the city, except Academies and apprenticeship providers.
2. This development is consistent with the development of Children and Young People's Trusts. The City Council must now plan to secure the best provision for the young people of Brighton & Hove from pre-school right through to entry into the work place or higher education, in line with local priorities, and taking into account the planned raising of the participation age to 18 by 2015.
3. A new national body called the Young People's Learning Agency (YPLA) has been established to support local authorities in fulfilling their 16 – 19 role. The YPLA will ensure that local authorities' plans can be contained within the national 16 – 19 budget, and will manage the national 16 – 19 funding formula. It has also taken over from the Department for Education (DfE) the commissioning and funding role for open Academies. The DfE retains the planning and decision making functions in relation to new Academies.
4. The Learning and Skills Council (LSC), which was previously responsible for 16 – 19 education and training, ceased to exist on 31 March 2010, and staff have transferred from the LSC to the City Council to lead the new 16 – 19 responsibilities and to provide support for other areas such as 14 – 19, apprenticeships and adult skills. This 'Post 16 Development Team' is located within the 11 – Adult team within the Schools Advisory Service.
5. On 1 April, the YPLA published a National Commissioning Framework as statutory guidance to local authorities on how they should fulfil their planning and commissioning role. The Framework sets out an annual commissioning cycle which includes the development by each local authority of a Commissioning Statement and then a Commissioning Plan. The Framework summary document is included as Appendix 2.
6. The Commissioning Statement should include an overview of current provision, an identification of gaps and concerns, and a description of the

Council's priorities for development. In particular, the Commissioning Statement should demonstrate the Council's strategy for raising the participation age to 18 by 2015. The Commissioning Plan sets out the amount of provision to be made through each provider in the following academic year.

7. Key steps in the commissioning cycle include:
 - Interim Commissioning Statement (July)
 - Final Commissioning Statement (November)
 - Commissioning Plan (February)
 - Funding allocations confirmed (March)

Throughout the cycle, it is essential to engage with providers and other partners individually, and collectively through the 14 – 19 Partnership Board.

8. Authorities must take into account provision made outside their area where learners may choose to attend. This is especially important in an authority such as Brighton & Hove, which sits at the centre of a 'travel to learn' area shared with East and West Sussex. Each year around a quarter (c 950) of Brighton & Hove residents aged 16 – 18 choose to go outside the city for their learning. However, many more from elsewhere choose to learn in the city. This includes around 900 learners from West Sussex and around 550 from East Sussex, and overall the city is a net 'importer' of around 600 learners each year. The three authorities have agreed a formal Memorandum of Understanding (Appendix 3), setting out how they will work together in developing plans which are coherent and do not provide wasteful duplication.
9. The total funding for 16 – 19 education and training providers in Brighton & Hove is in the order of £29m (£23m for colleges and £6m for school sixth forms). This funding will continue to be calculated through the national 'demand led' formula previously used by the LSC, and will be provided to local authorities via the YPLA. Authorities are required to pass on the amounts calculated for each provider. At this stage, therefore, the discretion which authorities may exercise to commission provision differently may be limited. However, the National Commissioning Framework still provides authorities with some powerful levers for influencing the development of provision which meets local needs.
10. For three years, starting in 2010-11, authorities will also receive a Special Purpose Grant to meet the costs of staff transferred from the LSC.
11. The status of the colleges as autonomous legal entities has not changed. However, the local authority is now the statutory sponsor of sixth form colleges in its area, and is responsible for monitoring their performance and financial affairs. The Skills Funding Agency, established as part of the

Department for Business, Innovation & Skills (BIS) to plan and fund 19+ education and training, is the sponsor of FE colleges, such as City College. The Agency must take into account inputs from local authorities in respect of these colleges' 16 – 19 provision.

12. Some key challenges for Brighton & Hove arising from this transfer of 16 – 19 responsibilities may include:
- Securing the development of new provision, especially at Levels 1 and 2, which ensures that there are sufficient and suitable opportunities for all learners to progress and succeed in learning and find employment, especially in the context of raising the participation age to 18 by 2015
 - Challenging unsatisfactory performance and inefficient use of resources, where these exist, and developing a climate across the city where all 16 – 19 providers support each other in the goal of becoming good or outstanding
 - In line with the city's Apprenticeship Strategy, increasing the number of apprenticeship opportunities across the city, and ensuring that these are attractive to learners
 - Ensuring there are strong links between the planning and commissioning of 16 – 19 education and training and the City Employment and Skills Plan
 - With the Economic Development team, building on the work of the successful Education Business Partnership to ensure that there are high quality arrangements for employer engagement in education and training
 - Improving provision for learners with learning difficulties and/or disabilities up to age 25, so that wherever possible they can access local provision that fully meets their needs
13. There is a potential financial risk to the Council relating to the funding of learners with learning difficulties and/or disabilities aged 19 – 25 placed with an Independent Specialist Provider (ISP). The budget for the SE region is managed by the YPLA on behalf of the SE local authorities, but it is possible that any overspend against this budget would fall to be met by the authorities. This is the subject of ongoing discussion between YPLA and the authorities.

