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Leyland Ridings, Cabinet Member for Children, Families & Educational Achievement
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To: Children Families and Education Policy Overview Committee
27 March 2009

Subject: **The Implementation and Planning of 16-19 transition for April 2010**

Classification: Unrestricted

Summary: This report sets out the context within which KCC will undertake its new role in respect of commissioning and funding 16 to 19 provision across Kent and Medway for April 2010 when those responsibilities are transferred from the Learning & Skills Council (LSC) following its abolition.

1. Background

- 1.1 This report sets out the framework of the new and significant 14 to 19 responsibilities the Local Authority will acquire following the abolition of the LSC, including commissioning all 16 to 19 education provision, implementing the national entitlement, apprenticeships, the qualification credit framework and raising the participation age.
- 1.2 Local Authorities will have a duty to promote effective participation of all young people in their area and will need to ensure there is provision and support that caters for all the progression pathways. The Local Authority will hold the responsibility for ensuring provision is designed, secured, monitored, supported and challenged in order to meet the needs of learners.
- 1.3 At the time of writing this report, further more detailed guidance is awaited from the DCSF. This had been expected earlier but it is now anticipated to be published at Easter. In the medium term, pending this more detailed information, a range of transition activities have been put in place as explained in the body of this report. However at this time the Local Authorities are unable to implement proposals or appoint staff to undertake this significant new role as the detailed guidance has yet to be published.
- 1.4 Three new government agencies will be established to replace the LSC:

- **Young People's Learning Agency (YPLA)** responsible for all 16 to 19 funding allocations and the agency that will work most closely with Local Authorities. This agency will also oversee the commissioning of specialist services. Staff appointments are currently being made to this new body from within the LSC and a detailed blueprint of the functions of the YPLA was published in January 2009.
- **National Apprenticeship Service (NAS)**. This service will oversee all apprenticeship programmes and funding. This service will be fully functioning from the 1st April 2009. A number of LSC staff will be appointed to this service.
- **Skills Funding Agency (SFA)**. This agency will be responsible for all post 19 learning and will continue to oversee FE capital funding. Further details of the operational aspects of this group are still unclear and it is not certain when guidance will be published.

2. Managing the transition process and commissioning 16 to 19 provision

- 2.1 The 14 to 24 Innovation Unit has been leading the implementation and supporting the delivery of the 14 to 19 reforms. The unit is well connected with key partners and is ideally placed to develop the 16 to 19 commissioning plans and oversee the commissioning of education services across the local authority in conjunction with CFE Finance. The unit has strong and effective working partnerships with the LSC, Connexions Service, integrated youth support services, regeneration and economic development teams and Medway Local Authority.

3. Developing the commissioning plans

- 3.1 The detailed guidance on the commissioning/allocations process is still to be published. However, it is clear that the Local Authority will not have total commissioning powers over the 16 to 19 provision as the funding available will be set by a national formula that will be run by the YPLA. We expect this national formula to be very close to that currently operated by the LSC, especially as that formula has only recently been changed. The extent of the Local Authority's influence in this process at this stage is still unclear but indications so far are that any influence will be extremely limited.
- 3.2 The current guidance sets out the need for local authorities to develop commissioning plans which outline:
- Where the places for resident learners will be secured, both within the LA area and for those travelling outside the authority.
 - What places will be secured in the institutions for which the authority is the lead commissioner
- 3.3 The LA will have to develop new relationships with FE colleges and work based learning providers to ensure funding allocations are distributed in a fair and transparent way. As the details of the commissioning process become clear there will be consultations with all stakeholders to shape the structure and inform the decision making process. It is expected that this dialogue will take place between September 2009 to February 2010, with final allocations being agreed with providers in April for a financial year that will begin in August 2010. It is already

clear that we will have to maintain the August-July financial year for 16-19 funding that the LSC adopted when it was created.

- 3.4 The 14 to 19 Strategic Planning Forum (Partnership) has a key role in setting the strategic priorities for delivery of the 14 to 19 entitlement through the 14 to 19 plan, including improving participation, raising of the participation age and overseeing the operational elements to deliver the strategy through the nine local planning forums. This plan will determine the need and demand for particular programmes and pathways. The Area Prospectus is integral to informing the 14 to 19 plan and will ensure that learners receive impartial information on all post 16 provision available to them.
- 3.5 The Local Authority and the 14 to 19 Strategic Forum will have distinct but complementary roles in the commissioning cycle. The Local Authority will need to provide information to ensure the planning of provision is based on an analysis of the current offer and how it needs to change to meet the needs of young people in the following year. This includes:
- Historic trends of what young people choose to do and their travel to learn patterns
 - Views of young people on what they want and need
 - The performance of providers
 - The future size and demographic makeup of cohorts
 - How provision fits with changes in local labour market trends
 - The provision will need to deliver the full participation on all pathways

4. Timescales

- 4.1 Pending the passage of the Education & Skills Bill the responsibilities for 16 to 19 commissioning and funding will transfer to local authorities from April 2010. This will be the start of the commissioning cycle for provision for the academic/financial year 2011/12. The KCC 14 to 19 commissioning plans and 14 to 19 strategic plan will need to be developed and revised over the spring /summer of 2010.
- 4.2 The Local Government Association and LSC are supporting LAs over the next two commissioning cycles to build the capacity and expertise within LAs and 14 to 19 partnerships.

5. Implementation

5.1 Stage 1 Sub Regional Groupings

All LAs are expected to work together in sub-regional groups. Kent and Medway have agreed to work together as a sub region. Both authorities are still awaiting feed back from GOSE on these proposals

5.2 Stage 2 Sub Regional Groupings

Kent and Medway had to submit proposals to GOSE to show how the outcomes for young people will be delivered through the 16 to 19 commissioning process across the sub-region by the 27th February. This includes information on governance, sub-

regional decision making processes, dispute resolution, staffing needs, reporting processes, financial and performance accountabilities

6. Transition arrangements

6.1 16 to 19 Sub Regional Transition group

A 16 to 19 Transition group was established in July 2008 to oversee the initial stages of transition. Currently the group comprises representatives of KCC, FE Colleges, Medway LA, work-based training providers and the LSC. The membership of this group will be reviewed as activities become more focused and national guidance becomes clearer. The group has developed a detailed implementation plan and communication strategy. This group will lead on the implementation of the Stage 2.

6.2 16 to 19 Project group

The LA and LSC 16 to 19 project group has been established to oversee the full integration of the 16 to 19 functions including finance, staffing, data and contracts. A detailed project plan with costings will be drawn up once the detailed guidance about the LA role has been received from the DCSF.

6.3 Communications with providers

Briefings for schools, colleges and work-based learning providers have taken place. Workshops were delivered by the 14 to 24 Innovation unit and CFE Finance at the end of February to ensure that all providers were briefed on first phase of the transition process. Further briefings will be held over the course of the next year. A detailed communication plan with the key dates and outline of the planning cycle has been drawn up.

6.4 Staffing, workshops and work shadowing for LSC Staff

Detailed information on LSC staff transferring to Local Authorities has yet to be received and that is a cause for some concern. The current position is that we cannot make any appointments before the 1st September 2009 largely because of a nationally agreed protocol between the LGA and LSC. To ensure that the LA has a robust understanding of the funding allocations and current LSC processes, LA officers are currently shadowing the LSC in terms of this year's grant allocations to FE colleges and work-based learning providers.

6.5 Whilst all the above arrangements are working well there is a concern that with just 12 months to go until all these new responsibilities transfer to Local Authorities we are still awaiting some significant elements of guidance from the Government. Critically, the information as to the process of transferring staff from the LSC to LAs is still outstanding, although recruitment from the LSC to some of the new successor agencies (YPLA, NAS and FSA) has already started. The workload in planning for the transition will increase markedly over the next few months and ideally we would look to secondments from the LSC to assist, but as this option is currently prohibited by the LSC we may have to look at other arrangements.

Recommendations

- Members of the Children Families and Education Policy Overview Committee are

asked to note the contents of this report

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Background Documents:

- *14 to 19 Partnerships and planning*
- *DCSF/DIUS/LSC documents on transition*

Other Useful Information: *None*