

**IMPLEMENTATION EXECUTIVE
16TH MARCH 2009****THE TRANSFER OF RESPONSIBILITY FOR THE PLANNING & FUNDING FOR
16-19 LEARNING FROM THE LEARNING AND SKILLS COUNCIL TO THE
LOCAL AUTHORITY FROM 2010****Executive Summary**

The White Paper, 'Raising Expectations Enabling the System to Deliver' set out a broad vision to ensure strong local leadership in the delivery of the national 14-19 reform agenda. A key component of the White Paper from September 2010 is the transfer of responsibility for the planning and funding of 16-19 learning and training provision from the Learning and Skills Council (LSC) to the Local Authority (LA). As a consequence of the changes in statutory duties and responsibilities the LA will become the strategic lead for all education and training 0-19.

In order to take on these new duties and responsibilities all LAs are being asked to develop proposals and submit these on a phased basis to the Government Offices for approval. In submitting our phase 2 proposal it is a requirement that in readiness to deliver this change the initial plans have political support.

Our proposal to develop the capacity for commissioning education and training, 16-19, focuses on developing and enhancing existing consultative and strategic groups with the 13-19 Strategic Board, which reports to the Children and Young People's Trust Board, taking a leadership role. The guidance from government also asked that we consider carefully the travel to learn patterns of learners, and where we have significant numbers travelling to other LAs we consider the development of a Sub Regional Group/Partnership. Following examination of the travel to learn patterns we concluded it was appropriate to develop a Sub Regional partnership with Swindon Borough Council. This was proposed to Government Office South West (GOSW) as part of our phase 1 submission and was accepted. We have subsequently developed the sub regional governance model on this basis, ensuring that the commissioning process for 16-19 links through both LA's Children and Young People's Trust Boards.

Proposal

That the Implementation Executive supports and approves:

- a) The proposals relating to the development of the model for leadership and governance of 13-19 (especially 16-19) relating to Wiltshire and the sub-regional partnership with Swindon Borough Council.
- b) The proposals relating to the contribution of the Trust Board to the governance of the Sub-Regional Partnership Strategic Board
- c) The development of proposals for the commissioning of the 13-19 provision locally and within the sub-regional partnership with Swindon Borough Council.

Reason for Proposal

From September 2010 the responsibility for the planning and funding of 16-19 learning and training provision transfer from the LSC to the LA. As a consequence of these changes in statutory duties and responsibilities the LA has to develop proposals and submit these on a phased basis to GOSW for approval. These proposals set out the planning to date and seek the support of the Implementation Executive in line with the requirement of phase 2 submission. It is a requirement that in readiness to deliver this change the initial plans have political support.

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THE TRANSFER OF RESPONSIBILITY FOR THE PLANNING AND FUNDING FOR 16-19 LEARNING FROM THE LEARNING AND SKILLS COUNCIL TO THE LOCAL AUTHORITY FROM 2010

Purpose of Report

1. The purpose of this report is to brief the Implementation Executive on the national and statutory changes related to the transfer of strategic responsibility for the commissioning of 16-19 Education and Training from the Learning and Skills Council (LSC) to the Local Authority (LA). The report outlines how we are responding locally to these national changes and proposes a model of governance for which we are seeking support from the Implementation Executive.

Background

2. Currently the LSC has the strategic responsibility for the planning and funding of all post 16 Education and Training; this includes School Sixth Forms. The responsibility for quality and overall provider effectiveness is shared with the LA. The LSC take the lead on all aspects of quality in relation to Colleges and Private Training Providers whilst the LA leads in relation to the quality of School Sixth Forms. The LSC lead on post 19 adult learning, whilst LAs lead on all aspects relating to 14-16 provision. As a consequence, to cover the 14-19 phase locally, the LSC and the LA work closely together.
3. The 14-19 phase in relation to Education and Training has been an area of national focus and development for a number of years. In September 2005 Wiltshire published its Strategy for 14-19 Education and Training and reports annually on its progress to the Children's Services Scrutiny Committee. The latest progress report was presented on the 12th March 2009. The 14-19 Strategy was updated in May 2008 to take account of the changes in the national agenda, statutory responsibility and local context. As a consequence the strategy was broadened to cover the 13-19 age range.
4. Strong local leadership with clear planning frameworks is seen by the government in the White Paper, 'Raising Expectations Enabling the System to Deliver' as an important requirement to take forward the 14-19 reform agenda and improve outcomes for young people. It is felt this approach will help to foster greater collaboration, drive a range of new qualifications and change the pattern of provision within local areas to address local needs. The Government also states that stronger links are required between education and skills and the wider regional strategic priorities, it is felt the creation of a single strategic lead 13-19 will help to secure this.
5. The proposal within the Children, Skills and Learning Bill, which is currently making its passage through Parliament, is that from September 2010 LAs will have responsibility for commissioning and funding all education and training for young people up to the age of 19 (25 for those young people who have a learning difficulty of disability), making the LA the strategic lead for all children's services. As a consequence the LSC will cease to exist.

6. A new slimline body, the Young People's Learning Agency (YPLA) will be established. Working both nationally and locally it will have the responsibility for supporting and enabling LAs to carry out their new duties. In effect the YPLA will lead the support for 14-19 and act as the link to both the Department for Children, Schools and Families (DCSF) and the Department for Universities, Innovation and Skills (DIUS). Within the responsibilities of the YPLA will be a support and challenge function to ensure that LAs have a robust and effective commissioning process in place. Where this is not the case they will have powers of intervention.
7. In addition to establishing the YPLA the government are also setting up the Skills Funding Agency (SFA). The SFA will lead on the commissioning of adult learning and training. This will cover all the provision supplied by Further Education Colleges, Private Training Providers and directly by Employers. The current contract in the Council for workforce development is Train to Gain which is an example of employer led provision. In the future this will be the responsibility of the SFA. The Skills Funding Agency will also oversee the work of the National Apprenticeship Service (NAS), which will lead nationally on the development of Apprenticeships to increase the number and range available. The NAS and the Adult Advancement and Careers Service will both start in April 2009.
8. In order to take on the responsibility for the planning and funding of the 16-19 phase government are asking every LA to go through a phased application or gateway process. At each stage we are being asked to demonstrate our readiness to take on these responsibilities against criteria. A number of national agencies are involved in judging the readiness of the authority.
9. Many young people live within one area but access and undertake their learning and training within another. To take account of this feature and to try and reduce the number of cross-area commissioning conversations all LAs were asked, in September 2008, to consider whether there was significant cross border travel to learn. Detailed analysis of 16-19 travel to learn patterns for 2006-07 revealed there is a reasonable (compared to other authorities) balance of provision between our single General Further Education College (Wiltshire College) with 40.9% or 3013 learners and School Sixth Forms (20 of its 29 schools are 11-19) with 50.5% or 3718 of its learners. Work based provision accounts for 8.6% of its learners. It also established that of the 16-19 year olds resident in Wiltshire, 747 learners travel to Hampshire, 312 to Gloucestershire, 404 to Bath and North East Somerset and 775 learners travel to the two Swindon based Colleges. Based on the guidance provided and in consultation with the 13-19 Strategic Board a proposal was made that if we were to sub-regionally group, then Swindon Borough Council would be a logical partner for Wiltshire within the South West. Feedback from GOSW who are considering the proposals, was supportive of the proposal to sub regionally group with Swindon and they recommended that we should move to phase 2 on that basis.
10. We were required to submit our phase 2 application by the 27th February 2009 and the application had to address the following criteria:
 - Governance
 - Collaborative and strategic contribution (the fit with wider priorities)
 - Resources and capacity (including shadowing arrangements with LSC)

- Policy and Planning (linked to strategic plans for delivery of the wider 14–19 agenda)
 - Quality and targets
11. The information and guidance relating to the range of responsibilities is being clarified on an ongoing basis. At this point we have not received detailed information and guidance relating to structures, resources, legal responsibilities and commissioning processes and timelines.

Main Considerations for the Implementation Executive

12. The approach that has been taken by officers of both Wiltshire Council and Swindon Borough Council is to, build on existing good practice, keep accountability as simple as possible and to ensure effective communication with providers and partners through the transition phase and beyond.
13. The proposal is therefore that both authorities build on the existing strategic groups focused on 13-19 who report to the Children and Young People's Trust Board. This is illustrated in Appendix 1. The joint authorities then establish a Sub Regional Group (SRG) Board made up of key representatives from each authority's Children and Young People's Trust Board. The SRG Board will be supported by a 16-19 Sub Regional Steering Group, which will be made up of key officers working on behalf of the Sub Regional Partnership and each individual authority.
14. In the case of Wiltshire we established some time ago a 13-19 Strategic Board for Wiltshire, reporting to the Children and Young People's Trust Board. This Board provides strategic leadership across the phase and governance for the local commissioning process. Aware that the new responsibilities and accountabilities were likely the 13-19 Strategic Board established a Planning and Funding Sub-Group (PFSG) to support the detailed development of commissioning and to provide an appropriate level of support and challenge to both the development of commissioning and the transition process.
15. The PFSG is already considering the business cycle for commissioning 16-19, the procurement processes (including funding) and the protocols which will be needed to secure the transfer of information and data to support planning as we move through transition. The group is using the Children and Young People's Trust Board commissioning framework to develop its detailed plans and processes and it aims to have a Wiltshire commissioning plan in place to support the transfer of responsibility from the LSC to the LA by September 2010. The Wiltshire Commissioning Plan will form the basis of planning with Swindon in the development of the joint Swindon and Wiltshire sub regional commissioning plan.
16. In the phase 2 application for taking on responsibility for 16-19 we recognised that the Sub Regional Group/Partnership would not be a legal entity and would therefore not be in a position to directly employ its own staff. Although at this stage exact staffing structures are not known, we are anticipating that staff will be employed by either LA and then deployed, by agreement, to work on activities related to the sub-regional group.

17. Currently the resource, including human resource, with which to undertake these new duties and responsibilities is unknown. We have been advised that resources will transfer from the LSC and the profile of this is likely to become clearer in the summer. It is likely to include the transfer of staff from the LSC, under TUPE, but no further information is known at this stage. Work to date on this is being managed within existing resource.
18. We are likely to receive feedback on our phase proposals during April/May at which point we will make necessary changes and move to phase 3 of planning. An early indication is that our submission is clear and concise. It is at this stage we anticipate that further detailed work will be required on such things as the full staffing model and a Sub Regional Commissioning Policy. At this stage we seek support from the Implementation Executive on the proposals and work to date.

Environmental Impact of the Proposal

19. At this stage there is no known environmental impact as a result of the transfer of responsibility from the LSC to the LA and in the proposals for governance, leadership and management of these new responsibilities.

Equality and Diversity Impact of the Proposal

20. The initial equality and diversity impact assessment has enabled changes to be made to the governance framework and the proposals which have been submitted to ensure that we are able to promote equality of opportunity, equal and fair access to services and the encouragement and involvement of particular groups including learners and members of the community.

Risk Assessment

21. The most significant risk to the new council is that the transfer of resource will not match the expectations and demands of the new responsibilities which it will hold. The approach taken and the work to date is to develop a flexible, light touch model that can responsively work within the resources which are provided.

Financial Implications

22. It is anticipated that sufficient resource will transfer from the LSC, via central government to fund the infra structure required to discharge our duties and responsibilities. Whilst the details are not yet known, we will be working closely with Swindon Borough Council to ensure that resources are properly deployed and we will have processes in place to identify any funding issues at an early stage.
23. The funds which are required to fund learning and training across all sectors are now provided on a formula basis, based on the annually agreed commissioning plan. It is anticipated that funding to procure the provision that has been commissioned will be available.

Legal Implications

24. At the point of preparing this paper and based on the guidance provided from government known legal issues are limited and have focused on the requirements of data management. Advice is currently being taken on expanding existing protocols with Swindon Borough Council to support the work of the sub regional group.
25. Advice will be taken on TUPE of staff and other human resource issues once further detail and guidance becomes available.

Conclusion

26. From September 2010 the LA will be responsible for securing education and training for all 16-19 year olds, in addition to their existing responsibilities for pre 16 learners. In readiness to take up these responsibilities and in response to the expectations and requirements placed upon the LA the proposal is for the 13-19 Strategic Board to lead on this work in Wiltshire and to report to Cabinet through the Children and Young People's Trust Board. The proposal is to work sub regionally with Swindon and to form a Sub Regional Partnership Board which is made up of key representatives from the Children and Young People's Trust Board in each authority.
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Background Papers

The following unpublished documents have been relied on in the preparation of this report:

Sub-regional Group Phase 2 Proposal from Swindon and Wiltshire. 27.03.09

Appendices

1. Swindon and Wiltshire Sub Regional partnership Governance Model

SRG Governance Model v.2

Appendix 1

Wiltshire

Swindon

