

Children & Young People Overview and Scrutiny Committee

6 September 2012

A Framework for the Commissioning of Post-16 Provision

Recommendation

To scrutinise the Framework for commissioning post-16 provision set out in Section 6 of the report, and to forward any comments to Cabinet for their consideration.

1.0 Purpose

The purpose of this report is to set out an approach to the commissioning of post-16 provision, which recognises the autonomy and freedom of colleges, training providers and now academy schools, and therefore the very different role to be played by the Council.

2.0 Statutory Duties

- 2.1 The Council has a statutory duty to secure suitable education and training in order to meet the needs of young people in Warwickshire who are over compulsory school age but under the age of 19.
- 2.2 For young people who have a learning disability or difficulty, the Council remains responsible for meeting their needs until the age of 25.
- 2.3 The Education and Skills Act 2008 raises the participation age (RPA) that young people remain in education or training to age 17 from 2013, and to their 18th birthday from 2015. The Council is required to promote the participation of all 16 and 17 year olds in education and training and to identify those young people who are not participating.
- 2.4 How the Council exercises its responsibilities and commissions post-16 provision is complex since most provision will be made in institutions which are not the statutory responsibility of the Council. In most circumstances, decisions as to the expansion or reduction of provision will be taken by those institutions and not by the Council. The commissioning of the majority of provision must therefore be undertaken in partnership and agreement with institutions.
- 2.5 The Education Funding Agency (EFA) is responsible for funding post-16 provision whether in schools, colleges or with training providers. Funding is based on 'lagged' student numbers, i.e., providers will receive funding for the academic year 2012-2013 based on actual student numbers in 2011-2012. Special arrangements are in place to fund new provision such as new opening

sixth forms. The Skills Funding Agency (SFA) is responsible for funding Apprenticeship providers and, through the National Apprenticeship Service (NAS), commissioning apprenticeship places nationally. From April 2013, the Council will receive the funding in respect of 'high need' learners and will be expected to commission appropriate provision for this group of young people.

3.0 Context

3.1 Current Providers

Post-16 education is currently provided via:

- School sixth forms (22 of the 35 secondary schools currently have sixth forms)
- Special schools (6 of the 7 special schools offer post-16 provision)
- Colleges of further education (FE) (there are 3 in Warwickshire: North Warwickshire & Hinckley College, Warwickshire College and Stratford College. Provision is delivered through a number of local campuses, e.g., Rugby)
- Sixth form college (King Edward VI College in Nuneaton)
- Training providers (approximately 10 providers delivering foundation learning/work-based learning and 171 delivering Apprenticeship Training)
- Specialist colleges and non-maintained independent specialist schools for young people with learning difficulties or disabilities

3.2 New Provision

3.2.1 Permission has been given to North Warwickshire & Hinckley College to open two studio schools in Hinckley and North Warwickshire. The Hinckley studio school will open in September 2012; the studio school in North Warwickshire is planned to open in September 2013.

3.2.2 A studio school provides for young people aged 14-19 with 300 places in total. They are intended to have innovative methods of teaching and learning, an emphasis on vocational and applied qualifications and close links with employers.

3.2.3 A submission has also been approved to establish a University Technology College (UTC). The preferred site is Westwood School, Coventry. The UTC will be led by Warwick University in partnership with Jaguar Land Rover. It will provide again for 300 students aged 14-19 and will offer applied and vocational qualifications linked to engineering and technology.

3.2.4 Plans for other UTCs within Warwickshire have been discussed and UTCs have opened or will be opening in neighbouring authorities. These institutions will attract learners currently attending Warwickshire schools.

3.2.5 It is open to Academy Schools currently offering 11-16 provision to seek permission from the Secretary of State to open post-16 provision, with a presumption that agreement will be given. In this situation, the Council is a consultee but has no part in the decision-making process. One 11-16 Academy in Warwickshire has applied to the Secretary of State to open post-

16 provision, one 11-16 Academy is opening a sixth form from September 2012 through franchise arrangements with a Coventry secondary school and other 11-16 Academies are entering similar arrangements with FE colleges. Under franchise arrangements, the students are on the roll of the existing provider but the courses are delivered in whole or in part on the site of the 11-16 school and using the staff of that school.

3.3 Sufficiency

- 3.3.1 Studies carried out jointly by the Council and the Learning & Skills Council (the body responsible at the time for post-16 provision) indicated that broadly there was sufficient post-16 provision at all levels across the county, with a combination of sixth forms, FE and sixth form college provision and training providers. However, recent data indicates that there are insufficient apprenticeship places to meet the needs of all young people seeking employment with training opportunities.
- 3.3.2 Under the previous government, outstanding schools with certain specialisms were given the opportunity to develop post-16 provision with a presumption that such developments would be approved by the Council. Two schools in Nuneaton and one in Alcester opened new sixth forms under these arrangements in September 2011. In addition, the Nuneaton Academy also opened a sixth form in September 2011. Capital funding was made available for all four developments from national monies.
- 3.3.3 The development of new provision already adds to the diversity of existing provision and increases access and the choice of institutions available to students and it is argued that competition will lead to higher standards. However, all of the new sixth forms have focussed on Level 3 academic qualifications, principally A-levels. The growth in the number of providers, while the number of learners at this level remains static, at best raises questions of value for money and provider viability. There is evidence from national research that generally small sixth forms are less successful than larger providers and are unable to offer on their own the breadth of subject choices.
- 3.3.4 In such a diverse system, impartial information, advice and guidance (IAG) for students is key to ensuring young people take up appropriate courses which meet their abilities, needs and aspirations. From September 2012, responsibility for providing IAG will lie with schools and not the Local Authority as previously, although local authorities remain responsible for providing IAG for vulnerable groups of young people. Protocols around the delivery of IAG are being developed to ensure that young people are on appropriate courses to prevent 'drop out' and poor outcomes.

3.4 Issues

- 3.4.1 The more applied and employer-led learning offered by Studio Schools and University Technology Colleges further adds to the diversity and choice and opportunities for young people from age 14, but represents additional

provision when the number of students is not actually increasing. Age 14 is not a normal institutional admission point for Warwickshire learners, however the Admissions Service is working with the newly emerging organisations to ensure a smooth transition for our young people at this stage should they require it. The Access and Organisation Team will monitor the numbers of young people in Warwickshire schools and draw to members' attention instances of falling rolls which could affect the financial viability of individual institutions.

- 3.4.2 The numbers of young people wishing to access an apprenticeship have risen markedly in recent months. This rise in demand coupled with the decrease in employment opportunities generally has resulted in insufficient apprenticeship places being available to meet the needs. Officers in Learning and Achievement are working closely with Economic Development teams both within the County and District Councils to support the "Going for Growth" agenda by developing and implementing strategies to engage employers and to stimulate the market. Regular meetings are held with the National Apprenticeship Service to identify gaps (whether geographic or occupational) and to commission additional provision where possible.

4.0 Quality

- 4.1 Clearly the initial focus of the commissioning process is the sufficiency of provision, but the quality of provision is also a significant concern.
- 4.2 Responsibility for quality lies with the Governors of the institution. For non-Academy schools with sixth forms (9 schools at September 2012), the Local Authority will monitor the quality of the provision (attainment, achievement, retention, destination) and intervene in line with the strategy for school improvement.
- 4.3 For other providers, including FE colleges, the Local Authority will monitor the quality of provision and draw to the attention of the leadership of that provider any concerns the LA may have and offer brokerage support as appropriate. Concerns regarding the quality of 16-19 provision relating to any provider may be escalated upwards to the EFA/SFA/NAS and ultimately to the Secretary of State.
- 4.4 The current strategy for secondary school improvement is being revised and developed to reflect the rapidly changing landscape in relation to the newly emerging and diverse providers of 14-19 education and training. Elected members will be asked to consider and approve the revised strategy in the autumn.

5.0 Vulnerable Learners

- 5.1 The Council will work to ensure that there is sufficient, high-quality provision which meets the needs of all learners across the county, with particular emphasis on those groups of vulnerable young people, and those young people who may be disadvantaged because of a protected characteristic.

Provision will be identified and supported which addresses the needs of young people with learning difficulties and/or disabilities and encourages those who face multiple barriers to remain in learning until they have reached their full potential.

6.0 The Commissioning of Post-16 provision

6.1 Notwithstanding the statutory duties of the Council decisions on the pattern of post-16 provision and accountability for its quality are not the responsibility of the Council but of individual institutions themselves. However, as the 'champion of the learner' the Council does have a responsibility to secure the entitlement of young people to the broadest range of courses and programmes and impartial advice and guidance to inform their choices.

The role of the Council therefore is to:

- Establish a framework based on an agreed set of agreed principles in which decisions are made
- Provide data and information on potential student numbers and the sufficiency and quality of existing provision
- Identify gaps in provision and negotiate with providers to ensure needs are met
- Support the improvement of the quality for the education and training provided for young people and intervene where necessary
- Promote partnerships and collaboration to ensure access for all students to the broadest range of courses and programmes both academic and applied

6.2 A set of post 16-principles were agreed following consultation with the County Strategic Partnership and individual schools, colleges and training providers at the meeting of the Cabinet on 27th January 2011. They are given as **Appendix A**.

6.3 The Commissioning Cycle

6.3.1 The Council will undertake a strategic review of post-16 provision on an annual basis and prepare a position statement for each area of the county including information and data on:

- Demographic trends and current and forecast student numbers
- The number of young people not in education, employment or training (NEETs)
- Information on vulnerable groups e.g., Looked After Children, Gypsy Roma & Travellers, excluded pupils, young people with special educational needs and disabilities, and free school meals attainment gaps
- Current provision including participation, attainment, achievement, retention and destinations
- The national legislation and financial context, including arrangements for supporting students from deprived backgrounds e.g., 16-19 Bursary
- The local policy context, including the arrangement for post-16 transport
- The aspirations and views of young people

- 6.3.2 In the light of published data and information, the Council will meet with the County Secondary Phase Strategic Partnership, the Area 14-19 Partnerships and the Association of Training Providers to:
- Consider the sufficiency and quality of the provision available in the area, to identify any gaps in provision and how they could best be met
 - Assess any plans for new provision or the decommissioning of existing courses and programmes against the information on sufficiency and the agreed principles for commissioning post-16 provision
 - Identify where collaborative partnership arrangements can give access to more students to a greater range of courses, programmes and qualifications

A joint planning and review meeting involving lead officers from the EFA/SFA/NAS will be held at least twice a year to discuss gaps in provision, any concerns over delivery and attainment and to enable solutions to be arrived at. If necessary, the Council will meet with individual providers to discuss curriculum changes, collaborative solutions, targeting provision etc.

- 6.3.3 Where there is insufficient provision, more generally or for particular vulnerable groups, the Council will discuss with individual providers the Area Partnerships, sub-regional partners and the EFA/SFA/NAS how and where additional provision can be made/commissioned, e.g., submitting bids to the European Social Fund. Wherever possible, that new provision will be part of collaborative arrangements to ensure access and choice for the widest number of learners. Officers will work closely with the Area Partnerships to encourage and facilitate collaborative solutions where this is in the interests of the young people.

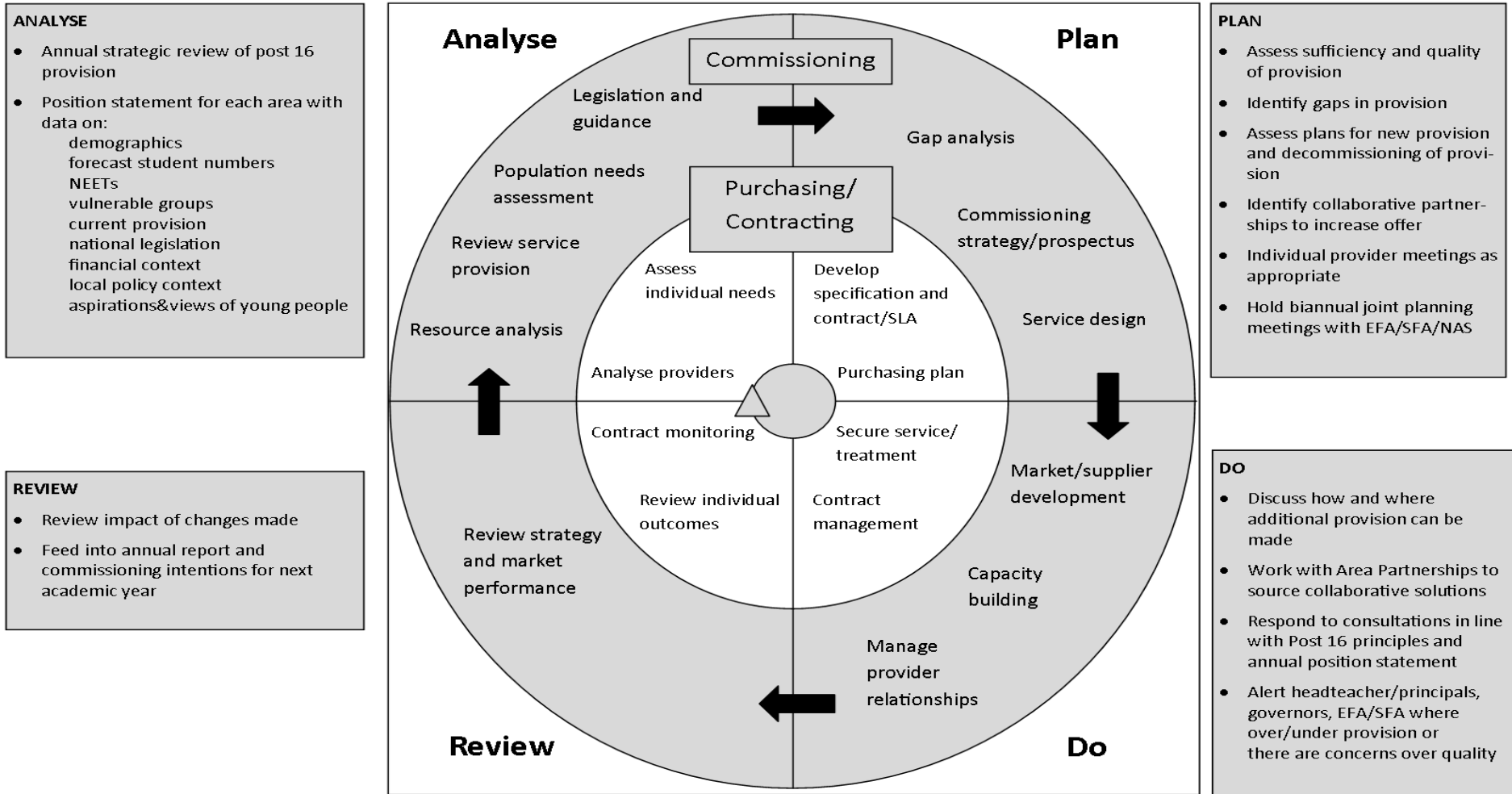
Where we are consulted on proposals to develop new provision, the Authority's response will be considered against the Post-16 principles as set out in Appendix A and the annual position statement.

Where there is too much provision or provision is not of high quality, the Council will alert the institution of those concerns initially through the headteacher and principal but also to the Governors involving the EFA/SFA as appropriate.

- 6.3.4 The Council will review the impact of the changes made and this will be fed into the annual report and commissioning intentions for the next academic year.

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COMMISSIONING OF POST 16 PROVISION



PT0948 Chart Analyse Plan

Principles for Commissioning Post 16 Provision

In considering the future options and judging the outcome for the delivery of post 16 provision in Warwickshire the following principles will be adhered to:

- 1) The needs of young people are considered as paramount and take precedence over the needs of individual institutions.
- 2) Structures and provision should result in the widest possible choice, progression and offer of curriculum opportunities for all the young people within the area and need to be responsive to learner demand.
- 3) Any proposed developments must contribute to the further raising of education, training and employment aspirations and increase overall participation.
- 4) All provision must be of a high standard as demonstrated by high levels of achievement, good completion rates and progression opportunities.
- 5) The outcome should contribute to local diversity and safeguard the interests of vulnerable young people including looked after children and those young people with special educational needs and disabilities.
- 6) Provision on offer must be fully accessible to learners and take into account sustainable transport arrangements to a learning site/opportunity.
- 7) The value for money of any proposal will be a major consideration, including any capital resource requirements. The viability of any individual post 16 institutional offer must be taken into account.
- 8) Due regard should be given to the needs of the labour market and employer demand when considering 14-19 development proposals.
- 9) The Local Authority will promote 14-19 collaborative arrangements to maximise all learner choice and opportunity.