

Raising the Age of Participation

Date of issue	January 2009
Audience	Council
LSC office	National Office
Publication intent	Public
Agenda item	10
Paper	LSC 06/2009

Purpose

- 1 This paper provides the Council with a summary of the issues raised by the Government's proposals for raising the age for compulsory participation in education or training.

Recommendation

- 2 Members of the Council are invited to note and comment on the issues set out in this paper.

Background

- 3 At its meeting on 30 July 2008, Council agreed a programme of reports it wished to receive over the coming year on issues around young people's learning and skills.

Raising the age of participation in education or training

- 4 The current proposals for raising the age of participation in education or training were first published for consultation in March 2007, in the Green Paper: *Raising Expectations*. At its meeting on 9 May 2007, the Council agreed a formal response to the Green Paper.
- 5 The Council's response identified a number of overarching themes which had emerged from its consideration of the proposals:
 - the Learning and Skills Council is uniquely placed to ensure that a learning offer is in place up to age 18 which: spans the whole range from full-time general education to part-time training for those in

employment; is delivered by schools, colleges, training providers and the voluntary sector; and includes provision from Entry Level to Level 3 as well as non-formal awards

- in making participation by young people compulsory to age 18, we must accept an obligation on ourselves to ensure that the learning offer is of high quality and relevant to the needs of all young people; this will depend on the development of the 14 Diploma lines and of the Foundation Learning Tier
- our ambition to ensure that all young people enjoy a positive experience in learning from ages 16 to 18 depends crucially on their experience in learning at Key Stage 3 and Key Stage 4; the further education sector should no longer be the “second chance” for young people
- a high-quality learning offer for all young people will need to be underpinned by high-quality and independent information, advice and guidance, and by a comprehensive range of support including mentoring, personal support and financial support.

6 Having been strongly supported by those responding to the consultation, the proposals were given legislative force by the Education and Skills Act 2008, which received Royal Assent in November 2008.

7 The basic proposal is that all young people must remain in education or training until they reach their 18th birthday or they achieve a full Level 3 qualification, whichever occurs first. The education or training must be full-time, unless the young person is working for at least 20 hours a week, in which case they will be required to undertake 280 hours of learning a year.

8 The proposals are to be introduced in two phases, with the effect that by 2013 all young people will be required to be in education or training until the end of the academic year in which they achieve the age of 17, and by 2015 all young people will be required to be in education or training until their 18th birthday, unless they have achieved a full Level 3.

9 Section 60 of the Act provides that the Secretary of State must appoint a person to conduct a review of the initial operation of the proposals, to report within a reasonable time after the school leaving date in 2016.

Key Issues

10 The key issues raised by these proposals, which have been discussed both as part of the debate on the Bill and otherwise, are summarised at the Annex. In a number of cases, the Government has accepted points made,

but indicated that it would be more appropriate to cover it in guidance, rather than in primary legislation.

11 Those key issues are described under the broad headings:

- enforcement
- what counts as learning
- the 14-19 entitlement
- the Foundation Learning Tier
- what counts as work
- careers education
- support.

Clearance

This paper has been cleared by Rob Wye, National Director of Young People's Learning and Skills.

Communications

No external communications necessary.

Impact assessment

The various initiatives and activities described in this paper are intended to have a positive impact on the learning opportunities of young people, and in particular of disadvantaged young people.

Resources

The costs associated with the initiatives and activities described in this paper are within existing plans for increased participation by young people.

Paper creator	Rob Wye
Date created	January 2009
Document ref.	H:Council RPA 2009.doc

Raising the Age of Participation – key issues

Enforcement

- 1 There were great concerns that the proposals would lead to young people who did not comply with the requirement to stay in learning being “criminalised”. The Government has been very clear that enforcement measures – to be initiated by local education authorities – were necessary, not least to demonstrate that they were “serious” in saying that young people should stay in learning.
- 2 During the debates on the Bill, a number of assurances were given by the Government, and amendments made, including such things as appeals procedures, clarification of circumstances in which participation would not be required, and the deletion at age 21, of any record of conviction.
- 3 In particular, the Act provides that a local authority may develop a learning and support agreement with a young person, under which the young person could be provided with support in the form of medical or social care, including care for others, financial support or financial incentives. The support provided would be subject to conditions relating to the young person’s participation in education or training.
- 4 Provision is also included in the Act to enable local education authorities to issue enforcement notices to employers if it appears that the employer has not satisfied themselves that a young person has got arrangements in place to receive education or training, or does not give the young person time off to receive that education or training. Again, amendments were agreed to allow appeals and acceptable reasons for employers to not have arrangements in place.
- 5 For young people in employment, the Act provides that the duty on the employer to release them to participate in education or training remains in place until the first of the following occurs: the course finishes; the young person achieves a full Level 3; the young person reaches the age of 19; or the young person moves to live outside England.

What counts as learning

- 6 There was considerable discussion about what activities would be considered as **appropriate** full-time education or training. Whilst the presumption is that such education or training would lead to an accredited qualification, Ministers agreed that structured volunteering might be appropriate, and that for some young people who were not ready to engage in learning, a personal and social development programme might be

appropriate, although the aim of such programmes should be that the young person would enter learning at a later stage. This will be covered in more detail in guidance.

- 7 Young people in work for 20 hours a week or more will be expected to undertake at least 280 hours of **relevant** education or training. For these young people, the learning must be towards a QCA accredited qualification, although Ministers accepted that the learning need not be related directly to the young person's occupation. The definition of 280 hours is the lower of a total of 280 hours of actual learning, or the completion of a course or courses to which QCA has assigned 280 guided learning hours.
- 8 One interesting discussion was initiated by Lord Layard, who proposed an amendment to the effect that all learning by those in work should be away from the work-station. He was concerned that an employer might seek to count as eligible learning day-to-day instruction on how a young person should perform their job. Ministers accepted the broad principle, but considered that it might be appropriate for **some** learning to take place at the work-station, and again will address the matter in guidance.

The 14-19 entitlement

- 9 The government acknowledged from the outset that it would not be appropriate to require all young people to remain in learning if there were not appropriate learning opportunities and support in place.
- 10 In October 2008, the DCSF published *Delivering 14-19 Reform: Next Steps*, which, amongst other things, set out the learning offer being developed for 14-19 year olds. That offer comprises four routes:
 - Apprenticeship – an entitlement by 2013 of an Apprenticeship place for all suitably qualified 16 year olds
 - Diplomas – an entitlement by 2013 for 14-16 year olds to the first 14 Diplomas, and for 16-18 year olds to all 17 Diplomas
 - the Foundation Learning Tier – an entitlement by 2010 to study one of the progression pathways
 - general qualifications – for example GCSEs and A levels.
- 11 Consistent with the assurances given in Parliament, the DCSF also indicated that young people would be able to study qualifications which fell outside these routes if it was clear that was in their best interests (which could be fundable on the advice of the Joint Advisory Committee for Qualifications Approval [JACQA]), and also that some young people would pursue informal, unaccredited provision in order to help them re-engage. JACQA is currently co-chaired and serviced by the LSC and QCA, and will be co-chaired and serviced by the YPLA and QCDA from 2010.

12 The support to be available to young people will include:

- high quality and impartial Information, Advice and Guidance
- the Connexions Service personal advisers
- a guarantee of an offer of a suitable place in learning (the September Guarantee)
- the on-line 14-19 Prospectus
- a Common Application Process
- financial support including Education Maintenance allowance and Care to Learn.

The Foundation Learning Tier

13 A key feature of the 14-19 entitlement will be the Foundation Learning Tier progression pathways. The four pathways will provide opportunities for progression to:

- a first full Level 2 qualification
- skilled work or an Apprenticeship
- independent living or supported employment
- a Foundation (Level 1) Diploma or GCSEs.

14 Progression pathways will enable learners to develop personalised learning programmes, comprising qualifications drawn from Entry Level and Level 1 of the Qualifications and Credit Framework. It is anticipated that current programmes for 14-19 year olds, such as the Key Stage 4 Engagement Programme and Entry to Employment (E2E), would no longer be available, with those young people instead pursuing a progression pathway.

What counts as work

15 The Act defines full-time occupation as working at least 20 hours a week under a contract of employment – or in any other way which may be prescribed. Whilst this again will be covered in detail in guidance, the Act does give some indication of what might be included, including self-employment, multiple employments, and working variable hours. In the case of multiple employment, regulations will set out who is to be treated as the employer for the purposes of the Act.

Careers education

16 At its December meeting Council considered a report on Information, Advice and Guidance, and Members expressed their concerns about the quality and impartiality of current provision. In the Lords' debates, those same concerns were raised, particularly in respect of provision in schools. The Government did not agree to a full review of careers education by the Secretary of State, and also opposed a call for an all-age careers service.

The Act does, however, include a new requirement for schools to ensure that careers education is impartial, and, specifically, does: “*not seek to promote, contrary to the pupils’ best interests, the interests or aspirations of the school or of other persons or institutions*”.

- 17 The Children, Skills and Learning Bill, expected to be laid before Parliament shortly, is expected to include further amendments to the legislation on careers education in schools to include explicit mention that school should consider giving a pupil advice about Apprenticeship. In the pre-legislative scrutiny by the Children, Schools and Families Select Committee, concerns were raised that this might not go far enough, and that it should be a requirement that school give advice about Apprenticeship to all pupils.

Support

- 18 The Education and Skills Act 2008 also includes a range of measures designed to support young people in participating until 18, including:
- the transfer from the Secretary of State to local authorities of the duty to encourage, enable or assist participation by young people (in effect, responsibility for the Connexions service)
 - the transfer from the Secretary of State to local authorities of the duty to arrange assessment of the education and training needs of young people with learning difficulties
 - a duty on local authorities to make arrangements to promote co-operation between those involved in the provision of 14-19 education or training.
- 19 In addition, *Delivering 14-19 Reform: Next Steps* identified a range of other support for young people, including:
- excellent Information, Advice and Guidance
 - a 14-19 Prospectus in every area
 - a Common Application Process linked to the Prospectus
 - the September Guarantee for all 16 and 17 year olds.