

To: Lead Members for Children, Directors of Children's Services

11 October 2010

Dear Colleague

Commissioning of 16-19 education and training

A number of colleagues have contacted the LGA and the ADCS to ask for advice and clarification around our responsibilities for 16-19 education and training. There are still discussions taking place between Ministers and local authorities on a number of issues but we thought it would be helpful to writing to update you on what Councils should be doing in the interim so that we don't lose momentum.

The Secretary of State wrote to Councils in July setting out a vision for a simplified system, additional freedoms for providers and a strategic role for local authorities in 16-19 provision as part of the wider education vision in our areas. But in order to simplify the system, the Secretary of State decided that 16-19 providers should generally be funded on lagged learner numbers. While we agree that bureaucratic discussions with providers should not be necessary, the logical conclusion of having a lagged number approach is that we have a system that could leave little room for active commissioning. While a market driven approach is important, our position is that an actively commissioned system will help to shape the market and drive improvement more quickly. Any headroom in lagged numbers should be determined by local authorities working in partnership with providers locally. This would enable councils and providers to shape provision in their areas and in particular bring forward new provision to increase participation.

We are making these points through a new Ministerial Advisory Group and Ministers have agreed to explore solutions and make further recommendations. While we are engaging with these negotiations, it is vital that councils, working closely with providers and employers, continue to work on the commissioning of 16-19 education and training provision for the academic year 2011/12. Specifically:

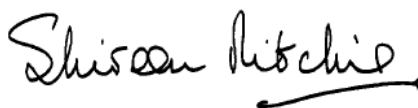
- The **statutory position** is clear. The ASCL Act 2010 has not been repealed. Section 41 places a clear duty on councils to secure enough suitable education and training for 16-19 year olds in their areas. It is important that you keep up the momentum to fulfil this duty.
- The requirement to work in Sub Regional and Regional Groupings has been lifted but many areas will want and need to continue to work collaboratively across local authority boundaries. Do consider what structures work best for your area in **partnership with neighbouring authorities**. We know that in many parts of the

country you will want and need to retain some cross authority or regional structures to ensure learners' and employers' needs can be properly addressed. It is important though that these reduce bureaucracy.

- While working with neighbouring authorities and in your 14-19 partnerships, you will want to continue to use the data provided by the YPLA and your local intelligence to **identify need and set priorities** so that you can be clear about the provision needed in your area and the outcomes that need to be achieved for young people. You should, with providers and employers, be identifying where there are gaps, where there is excess provision, provision where quality needs to be improved and priorities for infrastructure development. This will enable you to make a local commissioning statement, supported by your 14-19 partnership, by the end of October 2010.
- When you and your partners have a clear picture about the provision needed, you will have a better understanding of whether you and your partners need **flexibility in the lagged numbers allocations** in order to provide it. Specific examples will help the LGA and the ADCS to make the case for exemptions and so please do contact us or Helen Johnston (helen.johnston@local.gov.uk, 020 7664 3172) if you are able to provide additional information.
- The commissioned system will not work if we do not continue to **build strong working relationships** with providers and employers in our areas and it is vital that you continue to do that, including with the FE sector, Academies, the third sector and employers.

I hope that this advice is helpful and please do contact either of us or Helen Johnston if you need further clarification or if you have evidence that will help us to make the strong case for a local authority commissioned system.

Yours sincerely



Baroness Ritchie
Chairman, LGA Children and Young People
Board



Frankie Sulke
ADCS Policy Lead - 16 -19