

A short guide to the Education and Skills Bill

The Education and Skills Bill is a landmark piece of legislation. For the first time in over thirty years, we are legislating to change the education leaving age. In doing so, we are giving effect to an intention first set out in the Fisher Act of 1918, which proposed that children should remain in at least part-time education until the age of 18, a provision that was never enacted as a result of the period of austerity after the First World War. Almost a century – and two further Acts of Parliament in this area – later, we consider that now is the time to act and to extend educational opportunity to all young people until the age of 18.

Only if all our young people are engaged with learning, stay on in education or training to 18 and develop the skills that will enable them to succeed in life will we prosper together in a changing world economy. The UK's economy has transformed, and to compete in today's world as a leading edge economy it must continue to transform. As the Leitch Review highlighted, the need for highly knowledgeable and skilled people is growing, to meet the demands of an increasingly high-skilled economy. The availability of low-skilled jobs has declined sharply and will decline further. People with low skills will find it increasingly hard to find sustainable employment.

The economic imperative for increasing skills levels is clear, but so is the social imperative. Economic and social exclusion are closely linked. Young people who are not in education, employment and training post-16 are more likely to be involved in anti-social behaviour and crime, more likely to be teenage parents and more likely to be misusing drugs or alcohol. Better skills – for young people and adults – are the key to greater social mobility, and will contribute to improving health outcomes and to greater civic and community participation.

The Education and Skills Bill sets out to achieve this – new rights for young people to take up opportunities for education and training, and the support they need to take up these opportunities; alongside new responsibilities for all young people – and a new partnership between young people and parents, schools and colleges, local government and employers. The Bill sets out clear aspirations for the future. It has the potential to accelerate change, transforming the experience of the children who, now in their last year of primary school, will be the first cohort to whom the new participation duty will apply.

More than 74% of the UK's working age population in 2020 are already over the age of 16. The Bill's provisions will give adults a second chance to gain the skills they need to thrive throughout their working lives, whether through basic literacy and numeracy training, a first full level 2 qualification or, for those aged 19-25 a first full level 3 qualification. Taken together, the provisions in the Bill will extend opportunity to both young people and adults, to meet the ambition set out in the Leitch Review of achieving world class skills by 2020.

The Bill will legislate to...

...raise the participation age...

Young people will have a duty to participate in education and training post-16, which they will be able to do in a number of different ways, including:

- full-time education or training, for example, at a school or college
- work-based learning, such as an apprenticeship
- part-time education or training, if they are employed, self-employed or volunteering for more than 20 hours a week.

Central to the duty is the principle that young people may learn by attending more than one provider. This is at the heart of 14-19 reforms. The Bill therefore takes the opportunity to clarify governing bodies' power to arrange for young people to learn elsewhere than on the school site.

Parents have a role in and a responsibility for helping their child to participate. We are working to ensure that young people and their parents have access to up-to-date and practical information about the options available locally and the opportunities they lead on to.

We are consulting on transferring to local authorities the statutory responsibility for funding and securing provision for 16-19 year old, and will legislate for this in a future Bill as set out in the Draft Legislative Programme. We have also announced our intention to publish a draft Apprenticeships Bill. In the meantime, the Education and Skills Bill makes explicit the responsibility of the LSC to make provision for apprenticeships for both adults and young people.

Local authorities will be responsible for making sure that young people resident in their area participate. They will maintain accurate information about what young people are doing, and will provide support services that are designed to encourage, enable or assist participation. The Bill's provisions will ensure that local authorities' transport plans support young people's participation, and that local authorities have regard to a young person's wishes where these are based on religion or belief, where appropriate, as they are required to currently in relation to a parent's wishes.

Providers of post-16 education and training will be under a duty to tell the Connexions service if young people drop out, so that they can be contacted as soon as possible and offered support to re-engage.

There will be no new restrictions on young people working, providing they are engaged in at least part-time education or training. Before employing a 16 or 17 year old for more than 20 hours a week, over more than 8 weeks, employers will need to reassure themselves that the young person is participating, either by providing their own training or checking that the young person has a place on a course. Where they do not have their own accredited training programme, or are not arranging training, they will have to release the

young person for the equivalent of a day a week so that they can train elsewhere.

We will support all young people to make the most of the provision available to them. We will ensure that young people are aware of what is on offer to them, and have good quality, up to date information about what those options involve, so that the right choices to fit with their own aspirations and circumstances.

Raising the participation age to 18 will mean that there is a focus on preparing every young person throughout their school career for successful progression post-16 on a route that suits their individual needs and interests, as well as achievement within school.

Intervening early with targeted support when there are problems is critical if young people are to remain engaged and achieve worthwhile qualifications. We will support young people facing barriers to participation. In addition, it is vital to make sure that financial circumstances are not also a barrier to participation and that every young person, whatever their background, is able to benefit from the opportunities available. We will provide financial support to those who need it and make sure that it continues to be as effective as possible.

As a last resort, the Bill establishes a system for enforcing the duty to participate, because if the new requirement is to have the impact we want on participation, we need to be clear that it can be enforced if necessary. The enforcement system will only take effect if the young person has no reasonable excuse for not participating and still does not engage once a suitable programme has been identified and they have received every appropriate support. The Bill provides for a system of Attendance Notices, which in turn, if not complied with, could lead to the issuing of a Fixed Penalty Notice. The Bill also establishes appeal mechanisms to ensure that any young person is able to take their case to an independent panel if they feel they have not been treated fairly.

Legislating now means we can set expectations early on with those who will be the first to benefit – they begin secondary school next September. It also means we can ensure the provision and support is in place before the new requirement comes in, and that we can galvanise the system to deliver for all young people.

...give local authorities a duty to provide services which will enable, encourage or assist young people to participate...

The Bill transfers the statutory responsibility for the service currently known as Connexions to local authorities. This ties in with their responsibility for ensuring that all young people aged 16-18 in their area participate in education or training. They will maintain the information that tells them when a young person is participating, and will provide a service to all 13-19 year olds

in their area (13-24 year olds in the case of young people with a learning difficulty and/or disability) to encourage, enable or assist them to do so.

Transferring the responsibility for Connexions to local authorities will enable them to improve links between IAG services and other services for young people. Local authorities will be required to have regard to the recently issued Quality Standards for information advice and guidance, launched on 31st October 2007. These define our expectations of the information, advice and guidance services that local authorities should provide.

In a complex and changing world all young people need access to good quality, comprehensive and impartial information, advice and guidance (IAG). They also need good quality careers education in schools. The Bill makes clear that careers information and advice should be delivered impartially. This will tackle a longstanding and widely reported criticism that advice to young people is sometimes influenced by institutional interests.

For those young people with statements of special educational needs, local authorities will also have a duty to conduct assessments if the young person is leaving school to learn elsewhere. Local authorities will also have a power to arrange assessments for young people of compulsory school age with special educational needs but without statements who are leaving school to go to full-time further education or training.

...make sure that local decision making arrangements take proper account of 14-19 interests...

The Bill builds on local authorities' existing duty to collaborate with other local partners to secure the wellbeing of children and young people. It sets out that in fulfilling this duty with regard to 14-19 year olds, local authorities must work to secure effective collaboration with providers of 14-19 education and training. We expect this duty to be fulfilled through existing 14-19 partnerships; the Bill's provisions will help to strengthen such partnerships and ensure their sustainability. 14-19 partnerships have a key role in promoting collaboration between employers, providers and commissioners, including common curriculum timetabling, transport, IAG and workforce development.

To further support local arrangements for 14-19 delivery the Bill legislates to make a small change to the way Schools Forums are convened. Schools Forums, which local authorities must consult on the distribution of revenue funding, will be required to have non-schools members, where they do not already. Through regulations, we will require those non-schools members to include 14-19 and early years representation. This will allow more appropriate consideration of the distribution of 14-19 and early years funding, which is increasingly directed through Schools Forums.

...give adults a right to basic and intermediate skills and enable the benefits of adult skills to be measured...

The Bill introduces a duty on the Learning and Skills Council to ensure the proper provision of courses for functional literacy and numeracy programmes and courses leading to a first full level 2 qualification, and to ensure that they are provided without tuition fees. This will give adults the right to basic and intermediate skills at no cost to the learner. It also proposes a duty on the LSC to ensure that 19-25 year olds who are undertaking their first full level 3 qualification do not have to pay tuition fees.

If we are to achieve our ambition of world class skills by 2020, we need to be able to determine whether the training that learners are engaged in leads to skills that increase their employability and whether the qualifications being delivered are economically valuable. The Bill gives the Department for Innovation, Universities and Skills the ability to share information with other government departments – for example, in relation to the employment status and earnings of learners – for the purposes of analysing the benefits of skills training and of developing policy. The data produced for analysis will be anonymised.

...make small changes to the functions of the Qualifications and Curriculum Authority...

The Bill gives the Qualifications and Curriculum Authority additional powers, to enable it to recognise and accredit awarding bodies and therefore to target the majority of its regulatory activity at a higher level, thereby reducing bureaucracy and increasing the transparency of the accreditation process. The Bill also removes the requirement for the Secretary of State to consent to every approval decision on eligibility for funding which the QCA might take on his behalf. As part of an agreement reached with the Northern Ireland Assembly, the Bill extends the regulatory remit of the QCA in Northern Ireland to cover all vocational qualifications.

Changes were announced in September to the structure of the QCA. This Bill will not legislate to give effect to those changes. We consulted on proposed changes to the structure of the QCA in the consultation document *Confidence in Standards*, and will seek a future opportunity to legislate for these changes.

...rationalise the regulation and monitoring of independent schools and non-maintained special schools...

The Bill transfers the responsibility for regulating and monitoring independent schools to the Office for Standards in Education, Children's Services and Skills (Ofsted). Ofsted will have the responsibility for the registration of independent schools and with other, registered inspectorates, for confirming, through inspection, that they meet the independent school standards. The framework covering independent schools is extended to cover independent providers of part-time education where this forms the main part of a child's education. The Bill adds a new standard, covering the leadership and

management of institutions. It also makes provision for a number of small changes to the regulatory framework and makes changes to the arrangements for charging fees in relation to the inspection of independent schools.

Ofsted will also become the approval and regulatory authority for all non-maintained special schools (NMSS). The Chief Inspector will have the power to remove NMSS status from any school that s/he believes is not meeting the appropriate standards. The Bill establishes an appeals mechanism for schools to use if they do not agree with the Chief Inspector's decision.

The Bill abolishes the category of 'approved' independent school for the purposes of special educational needs. This will mean that the local authority maintaining a child's statement of special educational needs may place the child in any independent school that meets the independent school standards and can provide the provision set out in the child's statement, without the requirement for the local authority to seek consent from the Secretary of State to the placement. This reinforces a local authority's statutory duty to ensure appropriate provision is made for children and young people with special educational needs.

...make changes to inspection of initial teacher training, and to the inspection of pre-16 education and training in Wales...

As part of the provisions relating to inspection and regulation, the Bill takes the opportunity to give the National Assembly of Wales the power to make its own legislation on the inspection of pre-16 education and training without having recourse to the UK Parliament. The Bill does this by adding a new area to those set out in the Government of Wales Act as areas in which the National Assembly may introduce Assembly Measures. It will also enable the Assembly to legislate for the registration of independent educational institutions.

The Bill withdraws the statutory requirement that the Chief Inspector must give a notice period of at least eight weeks to an initial teacher training provider prior to carrying out an inspection. In its place, the Bill makes provision for the Chief Inspector to decide what that notice should be, which brings this in line with current law regarding the inspection of schools and initial teacher training in further education.

...amend the framework governing admissions pre- and post-16.

Young people will have a right to express a preference as to which school they wish to receive sixth form education and to appeal against any decision made. We are not removing the existing right for the young person's parent to apply and appeal on their behalf.

In addition the Bill proposes placing a duty on local authorities to produce an annual report on the school admission arrangements in their area. Alongside this it amends the School Standards and Framework Act 1998 to remove the

provisions for consultation on proposed admission arrangements, and instead provides a power for the Secretary of State to prescribe the consultation arrangements in regulations for 2010/11