

Joint protocol between the Local Government Association and the Third Sector National Learning Alliance on provision for 16-19 year olds

This protocol is designed as a draft for adaptation locally in the context of local compacts with the third sector

The planning and commissioning of education and training for 16-19 year olds will undergo significant change from 1 April 2010 next year, when local councils take over responsibility from the Learning and Skills Council (LSC). This change is part of a bigger reform programme for education and training for 14-19 year olds which aims to have all young people aged up to 18 in education or training by 2015. The transfer of 16-19 funding offers the opportunity to re-connect 16-19 education and training with other support for the wellbeing of young people and make sure every young person has access to the right sort of provision to ensure their success as adults.

Reducing the number of NEETs (young people Not in Employment Education or Training) is currently the top target for local area agreements in England, demonstrating that local councils want to meet the needs of all, not just those who are already able to cope.

We will not meet the needs of all by simply doing more of the same. Standard educational provision and standard settings will not attract or support young people who are in difficulty and likely to become NEET. But there are many third sector organisations who have experience of working with young people, giving them flexible, holistic support for their often multiple needs and problems in a way that is different or complementary to the work of schools and colleges. They can offer intensive support and look at the whole person, beyond the potential student. This sort of provision can seem expensive but it is value for money if a young person can be set on the road to a successful adult life.

The sort of provision that the third sector can make fits very well with the drive to work with partners and support children across the every child matters outcomes. Councils and children's trusts may be thinking about how to offer support that includes housing, youth justice, health and learning. A third sector provider, used to working with the individual in a holistic way, may be able to provide many or all of these separate elements through one programme. Third sector providers are important partners in meeting children's needs and should be actively engaged in children's trusts.

Diversity is a key feature of the 16-19 landscape. There is not just one type of provider but many. Third sector providers are sometimes small players in this landscape but they are significant players in terms of their actual and potential contribution to young people's lives. The range of providers includes:

- employers
- general FE colleges

- independent learning providers
- pupil referral units
- schools of all sorts with sixth forms
- sixth form colleges
- special schools with post-16 provision
- specialist colleges
- third sector providers

The important general principle is that local councils must understand the full range of providers and commission the best provision to meet the needs of young people in their area. They should look broadly at different ways of providing services, particularly for the most vulnerable young people. It is important that this understanding of the diversity of provision is built in from the outset.

Learning and the third sector

The Labour Force Survey shows around 45,000 third sector employees working in education, representing 2% of the education workforce. This figure captures those employees who say that their primary role is in formal education includes recognised training providers such as Rathbone, the Workers' Educational Association, Tomorrow's People, NACRO and YMCA Training. But, findings from the UK Workforce Hub Skills Survey (2007) show that 62% of third sector organisations provide learning and training as one of their areas of activity. This suggests that many organisations see learning and training as an important part of their remit, rather than as their primary function. They might include larger organisations such as Citizens' Advice Bureaux, MIND, Age Concern, volunteering centres or small community based groups who provide learning as part of a wider social mission. This learning does not necessarily take place in formal settings. In the case of Foyers, for example, it is often delivered in the form of one to one support from a key worker. In many cases, though, it provides a vital first step for marginalised individuals and communities who have not had access to learning through the traditional routes

These many organisations need a voice or voices and the LGA welcomes the setting up of the Third Sector National Learning Alliance (TSNLA), which has been developed with significant support from the third sector through extensive consultation. The LGA hopes that the TSNLA will become a voice for third sector providers which is trusted both by the provider organisations themselves and by government and other national organisations. The fact that the TSNLA's roots lie in the third sector itself means it can bring a distinctive voice that complements that of other whose membership may include some third sector providers but who are not sector owned. TSNLA wishes in particular to articulate the choice of those third sector organisations who may not see themselves as "learning providers" but who deliver learning as part of a wider mission.

The Learning and Skills Council has worked hard to develop its understanding of the third sector and improve its relationships and commissioning through its “Working Together” strategy. It is important that the learning and expertise developed in the LSC is not now lost. Important measures taken by the LSC include:

- The creation of the Working Together Advisory group to the LSC national council, which has been given full authority by the LSC Council to identify issues of concern about third sector engagement and funding, and explore alternative policy with key officials to effect change
- The extension of capital funding to the third sector for the first time which has allowed expressions of interest from organisations supporting 16 – 19 provision
- A staff development programme for LSC staff about who and what the third sector is and the range of provision they offer
- Developing a database of the range of providers, contracts and outcomes
- Third sector representative’s active involvement in the design of service provision and tender specifications for NEET provision.
- Third sector post holders and champions at every level of the LSC, locally, regionally, nationally and on their national Management Group.
- Nurturing the TSNLA and supporting the development of sub-regional learning and skills consortia and regional learning and skills networks

Local government has also been working to improve its understanding of the third sector and its commissioning. The IDeA (Improvement and Development Agency) has run the national programme for third sector commissioning which provides guidance and training for councils on how to improve their performance. It sets out 8 principles of good commissioning which are summarised here:

1. putting outcomes for users at the heart of the strategic planning process;
2. mapping the fullest practical range of providers with a view to understanding the contribution they could make to delivering outcomes;
3. engaging third sector organisations, as advocates for service users, where they have specialist knowledge regarding needs;
4. consulting potential provider organisations, including those from the third sector, well in advance when setting priority outcomes for new services to be commissioned;
5. ensuring contracting processes are transparent and fair and facilitate the involvement of the broadest range of suppliers, including through sub-contracting and consortia building where appropriate;
6. considering investing in the capacity of the provider base, particularly those working with hard-to-reach groups;
7. ensuring long-term contracts and risk sharing, wherever this can help to achieve efficiency and effectiveness; and

8. seeking feedback from service users, communities and providers in order to review the effectiveness of the commissioning process in meeting local needs

Both partners in this enterprise are under significant strain at the moment. The whole of the public sector and the third sector are, or soon will be, operating with constrained budgets. Policy changes, including 16-19, are challenging for local councils, but also for third sector providers who may, like councils, have to deal with changes on more than one front. This context is not something that either party can change, but is important to recognise that everyone will be feeling the pressure and be positive about the chances that closer working can bring, to get services right and spend scarce resources wisely.

Against this backdrop of pressures but important change, the TSNLA and LGA recommend that:

Both local councils and third sector providers should:

- Learn more about each other and challenge their own preconceptions
- Think about delivering the right quality services for young people through the best possible providers. Make sure that this provision is sustainable and treats the young person holistically and not just as a learner
- Build trust and long term relationships
- Use the principles from the national programme for third sector commissioning, and work within local compact agreements, using the national compact as a guide.

Local councils should:

- Involve young people in the commissioning process
- Involve third sector providers in understanding the needs of young people and in designing services.
- Explain clearly the commissioning process, what is required and how and when decisions will be taken
- Contract or grant aid the sector on a three year funding cycle unless there are good reasons not to do this
- Involve the third sector in the children's trust, 14-19 partnership and the 16-19 sub regional group, using existing organisations and networks to do this (eg sub-regional third sector learning and skills consortia)
- Recognise that delivery costs for third sector providers may be higher for client groups with significant difficulties and/or complex needs. Commissioning on the basis of value for money is not the same as choosing lowest cost.
- Design a commissioning process which allows third sector providers to compete on a level playing field throughout the process including playing a role in shaping and influencing future service provision and funding streams

Third sector providers should:

- Consider joining the both the TSNLA and their appropriate regional and sub-regional learning networks and make sure they are well informed
- Find out what drives their local council and the children's trust
- Find out the priorities of the LAA and make the case for how they can assist local strategic partnerships in meeting their targets
- Understand how they and their partners can contribute to local priorities, especially reducing the number of NEETs
- Consider collaborating with other like minded organisations to share resources
- Actively communicate how their services can be part of the solution to local problems

Note on commissioning under the new arrangements:

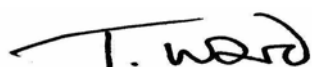
From 1 April 2010 councils will be responsible for commissioning 16 - 19 provision, including from independent and third sector providers. In most circumstances the host council will commission provision from providers based in their area. In some circumstances it may be appropriate for councils to decide to delegate the procurement, contracting and payment of providers to a lead council or possibly, in exceptional circumstances, to agree with the Young People's Learning Agency (YPLA) that they take on this role. The decision - which will rest primarily with councils and, in cases where they are asked to take on the role, with the YPLA - as to whether or not to delegate these responsibilities will be based upon factors such as the geographical spread of provision, the number of learners, and the range and type of provision. The YPLA will want to ensure that there is consistency in the approach adopted councils who decide to take on the lead arrangements.

These arrangements will be the subject of further discussion between councils, third sector providers and the YPLA.

Signed:



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Chairman LGA



Tim Ward
Chair, Third Sector National Learning Alliance

Further information:

National programme for third sector commissioning:

<http://www.idea.gov.uk/idk/core/page.do?pageId=6583598>

Third Sector National Learning Alliance (TSNLA)

<http://www.tsnla.org.uk/>

LGA:

www.lga.gov.uk

LSC third sector website:

<http://thirdsector.lsc.gov.uk/>

LSC:

<http://www.lsc.gov.uk/>

Raising Expectations Action Programme (React):

www.lga.gov.uk/react

Regional learning & skills networks can be accessed via the Regional Voluntary Sector Networks Forum (RVSNF)

<http://www.nacvs.org.uk/cvsdir/regional.shtm>

NIACE have a list of the sub-regional learning & skills consortia

<http://archive.niace.org.uk/Research/Volsector/Default.htm#VCS%20Learning%20Links>