

Mayor and Cabinet			
Report Title	Lewisham's statutory responsibilities for the Raising of the Participation Age		
Key Decision	No	Item No.	
Ward	All		
Contributors	Executive Director for Children & Young People (Head of Standards and Achievement)		
Class	Open	Date:	18 February 2015

1. Summary

This report responds to the referral from the Children and Young People Select Committee meeting, arising from discussions held on the officer report entitled "The Raising of the Participation Age (RPA) statutory duty", consider at its meeting on 12th November 2014.

2. Recommendations

That the Mayor is recommended to:

- 2.1 Note the response of the Head of Standards and Achievement in relation to the issues raised by the Children and Young People Select Committee meeting.
- 2.2 Agree for the response to be forwarded to the Children and Young People Select Committee.

3. Policy Context: The Raising of the Participation (RPA) Age in Lewisham

- 3.1 Since September 2013, all young people are under a duty to participate in education or training until the end of the academic year in which they turn 17. From September 2015, this will rise to their 18th birthday. Young people (aged 16-19 (up to 25 for LLDD)) are required to study or train in one of three primary routes:
 - Study full-time in a school, college or with a training provider.
 - Full-time work or volunteering combined with part-time education or training.
 - An Apprenticeship.
- 3.2 The delivery of RPA is a collaborative approach with:
 - support from Lewisham post-16 providers;
 - effective engagement with the Youth Contract providers to support 16 and 17 year olds;
 - effective engagement with the DWP / JCP reengagement mentoring programme;
 - 14-19 team resource to track and monitor NEET young people and their outcomes and destinations;
 - Youth Service, Baseline keyworker support;
 - the Lewisham NEET Traineeship; and
 - a range of private and voluntary sector organisation programmes.

(For further information about the RPA statutory duty and the Lewisham RPA strategy please see: Appendix 1 and 2)

4. Challenges

- 4.1 Collecting participation information is a major undertaking and the local authority is very much reliant on information received from schools and colleges. There are points in the tracking year when the numbers of NEETS and unknowns peak. This is a major challenge for tracking as many young people have a change of address, expired programme of study or studying outside the borough.
- 4.2 The particular challenge is to track 'unknowns' and reduce the number of unknowns further. Unknown young people are not necessarily NEET but their situation may have changed. This is being achieved by ensuring regular contact with young people through the NEET Tracking Team, data sharing agreements with other agencies, competitions and events, mail outs, door knocking, social media communication and online surveys. Reducing unknowns and NEETs is a far greater challenge as RPA will from September extend to 18 as it is very difficult to track participation at 17, 18 and 19.
- 4.3 The delivery of the service is the responsibility of three members of staff; a NEET tracking manager, a NEET tracking coordinator and a CallPoint employee; this is a small team for what is a challenging data collection exercise each year.
- 4.4 Once young people have been identified as having dropped out or at risk of dropping out of valid activity to meet RPA expectations, the challenge is to re-engage them quickly in a suitable programme. There are agencies available to provide advice and support but there is further need to develop a coordinated approach to ensure that support is relevant and focused on successful and sustained outcomes.

5. Background

The Children and Young People Select Committee made a referral at their meeting on 12th November 2014:

- 5.1 *"The Committee highlighted information in the report that showed that raising the participation age has significantly increased the scope of the responsibilities that rest with the local authority, with the expectation that it will be delivered within existing resources. The Committee were concerned that this represents an extra cost pressure for the Council at a time of severely restricted resources."*
- 5.2 *"The Committee raised concerns about the risks to delivering activities around increasing the participation of young people in education, employment or training that could arise from changes to the youth service, including the restructure of the way the service is delivered and budget reductions. The Committee sought reassurance that these risks had been identified and that proposed changes would not impact on the capability of the Council in delivering its statutory duties around the participation of young people in education, employment or training."*

6. Response

- 6.1 Currently, through a collaborative approach with key stakeholders, the local authority is confident that there is the infrastructure in place to deliver the RPA statutory duty.
- 6.2 However with RPA being raised to 18 there has been an increase in the scope of the responsibilities that rest with the local authority. As the participation age reaches 18, there will be issues of engagement with the 17-18 age group. Data on this group is more difficult to collect than it is for Y12 young people and this is a resource issue for the NEET Tracking team.
- 6.3 The NEET Reduction Strategy group, through the post-16 Tracking Action Plan, reviews practice and recommends on-going improvements of the NEET Tracking service. Currently the review is focusing on the role of Callpoint and consideration the services offered by 'Welfare Call', the organisation that tracks Children Looked After on behalf of local authorities, in order to tackle the challenge of unknowns and the 17-18 age group.
- 6.4 The on-going responsibilities for RPA that reside with the 14-19 and NEET Tracking team, are not without existing challenges and will be further increased by RPA being raised to young people aged 18. However, we will need to deliver the RPA statutory duty within existing resources and we have plans so to do.
- 6.5 The Youth Service contribution to RPA is currently under review and subject to the reshaping of youth re-engagement programmes. This would include the re-specification and commissioning of specialist one-to-one service to become part of a broader Targeted Family Support Service. The service as part of cost savings proposals is likely to involve reduced management, be run differently and funded through the Government's Troubled Families Grant.
- 6.6 The NEET programme is also the subject of savings proposals, and although this will not impact on the changes detailed, alternative funding is also being sought through schools, colleges, the City Bridge Trust and the Education Funding Agency.
- 6.7 For activities related to RPA the Youth Service will continue to have the ability to meet the statutory duties. Reduced capacity in the Youth Service will make the NEET tracking more challenging but we will nevertheless be able to meet requirements.

7. Equalities Implications

- 7.1 The intended impact of RPA is to ensure that all young people continue in education after sixteen and have the opportunity to further enhance their qualifications. This is particularly important for the most vulnerable who may have underachieved at school. There are also positive implications for provision for young people with learning difficulties and/or disabilities.

8. Financial implications

- 8.1 Support for Raising of Participation Age is provided from both the General Fund and the Dedicated Schools Grant. The Specialist one-to-one Service: operated out of Baseline in Lewisham Town Centre (£450k) and the Lewisham NEET Programme (£197k) are both funded from the General Fund.
- 8.2 A contribution is made from the Dedicated Schools Grant (£146k) to cover the Strategic Lead on 14 -19 and their work.
- 8.3 These services are not solely focused on Raising the Participation Age but help the authority fulfil its duties.
- 8.4 As part of the current savings round the Mayor is considering savings to services funded through the General Fund. Consideration is being given to reducing the Specialist 1:1 service budget to £390k and the NEET programme to £115k. Following the reduction to NEET programme, alternative sources of funding are being considered which would potentially come from schools, colleges and the Education Funding Agency.
- 8.5 The agreement of this response by the Mayor has no financial implications of itself.

9. Legal implications

- 9.1 Section 15ZA of the Education Act 1996 requires local authorities to secure enough suitable, full and part time education and training opportunities to meet the reasonable of the following people of its area:
- young people who are over compulsory school age but under 19; and
 - learners aged 19 or over, but under 256, who have (or should have had) a learning difficulty assessment under s 139A or 140 of the Learning and Skills Act 2000 but the duty does not extend to persons subject to a detention order.
- 9.2 In securing education and training opportunities, local authorities must take account of people's ages, abilities and aptitudes; any learning difficulties they may have; the quality of education or training; and the locations and times at which those opportunities are provided.
- 9.3 Section 68 of the Education and Skills Act 2008 imposes a duty on local authorities to make available to young people and relevant young adults for whom they are responsible such services as they consider appropriate to encourage, enable or assist them to engage and remain in education or training.
- 9.4 Section 68 provides that a local authority can fulfil the duty to make services available either by providing them itself or by making arrangements with others, which could include other local authorities. Subsection (5) provides that the duty on a local authority to make services available to a young person or relevant young adult for whom it is responsible does not apply if another local authority is also responsible for the person and services are actually being provided to the person by that other authority or under arrangements made by it.
- 9.3 Section 10 of the Education and Skills Act 2008 requires local authorities (so far as their powers extend) to promote the effective participation in education or training of

persons belonging to its area to whom Part 1 of the Education and Skills Act applies, with a view to ensuring that those persons fulfil the duty to participate in education or training.

- 9.4 The duty to participate in education or training applies to all young people in England (from 28 June 2013) until the end of the academic year in which they turn 17; and from 26 June 2015, to their 18th birthday.
- 9.5 In fulfilling and exercising its functions relating to the participation of young people in education or training the local authority must have regard to statutory guidance from the Secretary of State.
- 9.6 Section 12 of the Education and Skills Act 2008 requires local authorities to identify those young people in its area who are subject to the duty to participate in education or training but who are not so participating.
- 9.7 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.8 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 9.9 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.10 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value.
- 9.11 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- the essential guide to the public sector equality duty
 - meeting the equality duty in policy and decision-making
 - engagement and the equality duty

- equality objectives and the equality duty
- equality information and the equality duty

9.12 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

10. Crime and Disorder Implications

10.1 There are no crime and disorder implications arising from this report.

11. Environmental Implication

11.1 There are no environmental implications arising from this report.

If there are any queries arising from this report please contact Ruth Griffiths, 020 8314 3499