



Department  
for Education

# **Participation of Young People Statutory Guidance - Advice.**

## **Annex 1 – Defining Participation.**

**For local authorities**

**March 2013**

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## Defining Participation

1. In order for local authorities to fulfil their duties, they will need to be aware of how the duties on young people apply. This Annex sets out further information to support local authorities.
2. 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.
3. Where young people have accepted an offer of a place in education or training, or are participating, there is no requirement for them to participate during the usual breaks in learning (e.g. school/college holidays).
4. Where young people have attained 2 or more A levels or the other prescribed qualifications<sup>1</sup>, they are no longer *required* to participate but may benefit from support to continue their education or get a job.
5. The three primary routes for young people to participate are:
  - a. Full-time education;
  - b. An Apprenticeship;
  - c. Full-time work combined with part-time education or training.

## What counts as full-time education

6. Where a young person is attending full-time education at a school (including at an academy or free school), they will be meeting their duty to participate.
7. For young people attending other full-time education – whether that be a sixth-form college, general further education college, independent college, or otherwise apart from the settings below (paras 8 & 9) – the definition of full-time participation is at least 540 hours of guided learning a year. In accordance with the principles of 16-19 study programmes<sup>2</sup>, wider forms of education such as work experience can be included within those hours. In general, young people enrolled on a full-time study programme will be meeting the duty to participate.
8. For young people who are being home educated, no hourly requirement of education applies: the amount and content of that education is at the discretion of the home educator. In most circumstances it will be the young person themselves who states that they are home-educated. If the authority believes there is some doubt in the matter they may wish to seek confirmation of this from the parent or guardian, but no on-going monitoring of the education is required.

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<sup>1</sup> Any further qualifications will be confirmed following the passage of the ESA 2008 secondary legislation through Parliament in Spring 2013.

<sup>2</sup> <http://www.education.gov.uk/schools/teachingandlearning/curriculum/a00210755/16-19-study-programmes>

9. For young people who have been absent from the education system and are now attending a re-engagement programme, no hourly requirement of education applies. Local authorities should be satisfied that the express intention of the programme is to support the young person to move into full-time education at a school or college, an Apprenticeship, or full-time work with part-time training alongside. Once re-engagement onto one of those routes is secured, the wider requirements for participation apply. Local authorities are able to determine for themselves what counts as re-engagement provision. A suggested set of non-statutory principles for re-engagement provision has been developed by representatives from the sector with DfE to support this process and this forms Annex 3 to the Statutory Guidance. Advice on how local authorities can work with providers of the Youth Contract for 16-17 year olds<sup>3</sup> should be considered in deciding whether the provision put in place meets the needs of these young people.

## Apprenticeships and Traineeships

10. Entering into a contract of Apprenticeship satisfies the duty to participate and no further monitoring of that young person's training or employment is needed. Apprenticeship providers are included in the requirement to notify a local authority if a young person is no longer participating ('drops-out' of learning).
11. The Government is proposing to introduce Traineeships from September 2013. These would provide a new training route to equip young people to compete successfully for jobs, including Apprenticeships. Traineeships will be part of Study Programmes for 16-19 year olds so a young person enrolling on a Traineeship would meet the duty to participate.

## Full-time work with part-time education or training

12. Sections 5, 6 and 8 of ESA 2008 detail the requirements of this route. In order to be considered as participating, a young person must both be in full-time work and undertaking part-time education or training. The key definitions that local authorities will need to have regard to are that:
- To count as full-time work, the job must be for 8 or more weeks consecutively and for 20 or more hours per week. Where a young person's employment hours vary, employment of an average of 40 or more hours over a two week period can be considered as meeting the requirement. Part-time work (e.g. a weekend or evening job) is not affected by these requirements.
  - Full-time self-employment, holding a public office or working other than for reward (e.g. volunteering) should all be regarded in the same way as full-time employment. For volunteering placements, it is recommended that a written agreement is in place between the young person and the placement organiser, but it is not the local authority's responsibility to monitor this.

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<sup>3</sup><http://www.education.gov.uk/childrenandyoungpeople/youngpeople/participation/neet/a00203664/youth-contract>

- Part-time education or training alongside full-time work must be of at least 280 guided learning hours (GLH) per year. There is no set pattern for how these hours should be taken: at a given time a young person might not be undertaking education or training as long as it is clear that over the course of the year the hourly minimum will be met. Part-time education or training pursued alongside full-time work must constitute education or training leading towards an accredited qualification<sup>4</sup> and therefore have a GLH value attached. This education or training may be provided directly by an employer or by another organisation.

## Young people with full-time caring responsibilities

13. Local authorities may consider full-time caring responsibilities as full-time work depending on individual circumstances, so part-time education or training alongside that work would count as full participation. This is only likely to be appropriate where the young person is on the local authority's register of carers and/or is in receipt of carers' allowance. Young people who are parents caring for children would not be covered by this provision, as they would be expected to participate and may qualify for Care to Learn<sup>5</sup> funding to enable them to do so. As set out in para 30 of the guidance, a reasonable period of maternity leave is justified.

## Young people in jobs without training

14. Those in jobs without training should be encouraged to take up suitable part-time accredited education or training alongside their work. Local authorities should be aware of their duty to secure appropriate provision<sup>6</sup> for all young people and so ensure that flexible provision is in place where needed. Where necessary local authorities should work with employers to find an amicable solution.

## Young people taking gap years

15. Most young people who take gap years do so at 18 or older and will be unaffected by this legislation. For the small group of 16 and 17 year olds who are considering taking a gap year, the legislation applies in the following way:
  - Where the gap year is taken abroad, a local authority may need to make a judgement about whether that young person will be resident in England (para 29 of the Guidance).
  - Those remaining in England to work or volunteer would be expected to comply with RPA and undertake education or training in accordance with the duties set out in para 2 of this Advice.

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<sup>4</sup> <http://register.ofqual.gov.uk/>

<sup>5</sup> <http://www.education.gov.uk/childrenandyoungpeople/youngpeople/studentsupport/funding/a00203090/care-to-learn>

<sup>6</sup> Section 15ZA and 18A of the Education Act 1996 (as inserted by the ASCL Act 2009)



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