



Department
for Education

Statutory Guidance on the Participation of Young People in Education, Employment or Training

For local authorities

March 2013

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Summary

About this guidance

1. This is statutory guidance from the Department for Education (DfE). A local authority must have regard to it when exercising its functions relating to the participation of young people in education or training. The annexes to this guidance contain departmental advice to help recipients understand what the Department considers the statutory provisions to mean in particular circumstances.
2. Apart from the elements identified in this statutory guidance, it is for local authorities to determine their approach.

Review date

3. This guidance is being published in advance of the commencement of the relevant sections of Part 1 of the Education and Skills Act 2008 (ESA 2008) to help local authorities plan for implementation of the **raising of the participation age**. The Department will review this guidance by June 2014.

What legislation does this guidance relate to?

4. This guidance is being issued under sections 18 and 68(4) of ESA 2008 in relation to sections 10, 12 and 68 of that Act. This guidance replaces the existing guidance on section 68.

Who is this guidance for?

5. This guidance is for all local authorities in England.

Responsibilities of local authorities

6. The Government's approach is to give local authorities freedom and flexibility to decide how to fulfil their statutory duties. That is why we are only specifying key activities to help them to fulfil those duties. It is a requirement that local authorities will have regard to the following guidance when deciding how to organise and resource their services.

Duties on local authorities relating to participation

7. Local authorities have **existing responsibilities** to support young people into education or training, which are set out in the following duties:

- **Secure sufficient suitable education and training provision** for all young people aged 16-19 and for those aged 20-24 with a Learning Difficulty Assessment in their area¹. Guidance on this duty is included at para 9.
- Make available to young people aged 13-19 and to those aged 20-24 with a Learning Difficulty Assessment support that will **encourage, enable or assist them to participate in education or training**². Tracking young people's participation successfully is a key element of this duty. Guidance on this duty is included at paras 12-19.

In addition, ESA 2008 places two new duties on local authorities with regard to 16 and 17 year-olds. These relate to the raising of the participation age (RPA):

- A local authority in England must ensure that its functions are (so far as they are capable of being so) exercised so as to **promote the effective participation** in education or training of persons belonging to its area to whom Part 1 of ESA 2008 applies, with a view to ensuring that those persons fulfil the duty to participate in education or training³ (see paras 24-27).
- A local authority in England must make arrangements to enable it to **establish** (so far as it is possible to do so) **the identities of persons** belonging to its area to whom Part 1 of ESA 2008 applies but who are **failing to fulfil the duty to participate** in education or training (see paras 28-30).

Funding for these duties

8. Local authorities are expected to meet any costs incurred in the delivery of these duties from their overall budgets, including central government grants such as the Business Rates Retention Scheme.

9. **Funding for education and training provision** for 16-19 year olds is provided to schools, colleges and training providers by the Education Funding Agency (EFA). The document *Guidance for local authorities: Funding 16–19 education and training*⁴ sets out further information about the role of local authorities and how they can fulfil their duty to secure sufficient and suitable provision for young people. Where local authorities feel that there is a specific gap in provision which cannot be addressed by existing providers, this guidance sets out the process that they can take to submit evidence to the EFA. Re-engagement programmes should be used to support young people who are not in education, employment or training

¹ Sections 15ZA and 18A of the Education Act 1996 (as inserted by the Apprenticeships, Skills, Children and Learning Act 2009))

² Section 68 Education and Skills Act 2008

³ Section 10 ESA 2008

⁴ <http://www.education.gov.uk/childrenandyoungpeople/youngpeople/studentsupport/funding/a00203196/16-19-funding>

(NEET) back into learning. Examples of re-engagement programmes include programmes funded by the European Social Fund (ESF) and the Youth Contract funded by the EFA. Other ways of re-engaging young people may be sourced locally.

10. In addition to EFA funding for education and training provision, local authorities will receive a budget through the Dedicated Schools Grant (DSG) for costs associated with **high needs students** aged 16 -24 for the 2013-14 financial year. This will be combined with the pre-16 high needs budget to create one all age budget which can be used to fund specialised provision for young people with high needs who enter the system as a result of RPA.
11. **The 16-19 Bursary Fund** provides targeted support to help young people to overcome any specific financial barriers to participation. This funding is administered by schools, colleges and training providers. Local authorities can work with providers in their area to coordinate and support the delivery of the 16-19 Bursary⁵.

Delivering the existing duty to support participation

12. The guidance in this section relates to local authorities' existing duty under **section 68 of ESA 2008**. This applies to all young people aged 13-19 and those aged 20 to 24 with a Learning Difficulty Assessment.
13. In order to discharge this duty, local authorities must collect information to **identify young people** who are **not participating**, or who are at risk of not doing so, to target their resources on those who need them most. The information collected must be in the format specified in the Client Caseload Information System (CCIS) Management Information Requirement⁶. To meet this requirement, local authorities will need to have arrangements in place to confirm young people's current activity at regular intervals. This may be through exchange of information with education and training providers and other services as well as direct contact with young people.
14. Local authorities will be expected to continue to work with schools to identify those who are in need of **targeted support** or who are at risk of not participating post-16. They will need to agree how these young people can be referred for intensive support, drawn from the range of education and training support services available locally. Tools such as risk of NEET indicators may support this⁷.
15. Local authorities are expected to lead the **September Guarantee** process, which underpins the delivery of this duty. This is the process by which local authorities aim to ensure that all 16-17 year olds receive an offer of a suitable place in education or training by the end of September each year⁸.

⁵ <https://www.gov.uk/1619-bursary-fund>

⁶ <http://www.education.gov.uk/childrenandyoungpeople/youngpeople/participation/a0074374/national-client-caseload-information-system-nccis-management-information-required-from-ccis>

⁷ <http://www.education.gov.uk/childrenandyoungpeople/youngpeople/participation/rpa/a0075564/rpa-past-projects>

⁸ <http://www.education.gov.uk/childrenandyoungpeople/youngpeople/participation/transitionintoeducationandtraining/a0064102/offersofeducationandtraining>

16. Information on the **number and proportion of young people** in each area who:

- receive an offer under the September Guarantee,
- are participating in education or training,
- who are NEET, or
- whose current activity is not known

will be taken from the CCIS data reported to DfE and made available publically via the DfE website on a regular basis.

17. Local authorities are expected to pay particular attention to young people who are not in any form of education, employment or training. This includes working with the **Youth Contract providers** to develop provision that will meet the needs of 16-17 year olds NEET in the area and referring those who are eligible for support to local providers in line with the guidance issued by the EFA⁹.

18. Local authorities should continue to maintain close **links with Jobcentre Plus** to ensure that young people who are NEET and receiving benefits get support that is appropriate to their needs. This responsibility is best met by the development of local partnership agreements, which set out the ways in which local authorities and Jobcentre Plus will work together.

19. 16-17 year olds are, in certain circumstances, eligible to claim Job Seeker's Allowance (JSA), Income Support (IS) or Employment Support Allowance (ESA)¹⁰. Whilst decisions about the payment of benefits will be made by Jobcentre Plus, any under-18 wishing to make a claim must first register with the local authority as a condition of entitlement. Local authorities must follow the processes set out in the 'Benefits Liaison Guidance'¹¹ issued by DWP to ensure that **benefit regulations** are adhered to.

Delivering the new duties to support RPA

20. Part 1 of ESA 2008 places a new duty on young people themselves. From 2013, **all young people will be under a duty to participate in education or training until the end of the academic year in which they turn 17. From 2015, this will rise to their 18th birthday.** This section of the guidance relates to these age groups, though local authorities are free to consider its wider application to support other young people (e.g. 17 year olds prior to 2015 and those aged 18 or over). Advice on the definitions of participation in education or training is set out in Annex 1 to this guidance.

21. The aim is to ensure that every young person continues their studies or takes up training and goes on to successful employment or Higher Education. The **Government's strategy for maximising the participation** of young people is set

⁹<http://media.education.gov.uk/assets/files/pdf//youth%20contract%20la%20roles%2001%20october%2012.pdf>

¹⁰ This guidance will be revised following the introduction of Universal Credit.

¹¹ <http://www.dwp.gov.uk/publications/specialist-guides/supporting-young-benefit-claimants>

out in *Building Engagement, Building Futures*¹².

22. **Schools have a crucial role** in preparing young people for post-16 education and training. They also have specific responsibilities for young people with statements of SEN leaving school, including arranging an annual review of the statement which focuses on transition from school. The responsibilities placed on young people by RPA should be clearly built into that transition plan. As outlined in paragraph 14, local authorities will need to work with schools to identify and support those young people at risk of being NEET post-16.
23. Schools, colleges and training providers also have a key role post-16 and new duties will be placed on them to support the delivery of RPA. These are set out in Annex 2 of this guidance. **Schools and colleges will be held to account** for the destinations of all their leavers through the annual publication of Destination Measures.

Duty to promote effective participation

24. The participation of young people in education and training should be actively supported through **local authorities' wider functions** wherever possible and practical (**section 10 of ESA 2008**).
25. Specific examples of this are:
 - When developing transport arrangements and preparing their **post-16 transport policy statement**, local authorities should ensure young people are not prevented from participating because of the cost or availability of transport to their education or training¹³.
 - Where possible, ensuring a focus on participation is embedded throughout their **education and children's services**, Youth Offending Teams, Troubled Families Teams and pre-16 Education Teams, social services and economic development, amongst others.
 - Subject to the passage of the Children and Families Bill, local authorities, schools and colleges will need to set out what services they provide for **young people with SEN** in the area – the 'local offer' – up to the age of 25. The local offer will be a key tool in supporting young people with SEN and disabilities to make choices as they approach the end of school.
26. Local authorities should **provide strategic leadership in their areas**, working with and influencing partners locally to support participation. Local authorities may wish to consider:
 - Having agreements in place for working with neighbouring authorities.

¹² <http://www.education.gov.uk/a00200853/building-engagement-building-futures>

¹³ In accordance with their duty under section 509AA of the Education Act 1996

- Developing a strategic plan¹⁴ for implementing RPA to maximise impact from the **range of funding sources** supporting this area – including funding for education and training places and re-engagement provision supported by the European Social Fund, Youth Contract or otherwise. Local authorities may also wish to agree ways of working with wider agencies including Voluntary and Community Sector organisations and employers.
27. Sections 14-17 of ESA 2008 provide **data sharing powers**¹⁵ to support local authorities to promote effective participation, and data sharing agreements should be put in place where needed. Section 13 places a duty on all educational institutions (maintained schools, Academies, colleges, and education and training providers – including Apprenticeship providers) to tell a local authority when a young person is no longer participating. This duty is applicable if a young person leaves an education or training programme before completion (i.e. 'drops-out'). In the event of a local authority being told that a young person from another local authority is not participating, they should inform the home authority as quickly as possible.

Duty to identify young people not participating

28. Local authorities should be aware that **all young people** aged 16 (from 2013) and 17 (from 2015) will be under a **duty to participate** and authorities should be doing all they can to support them to meet that. CCIS will function as the main source of evidence that local authorities are discharging their duty under section 12 of ESA 2008.
29. The duty to participate in education or training applies to those young people resident in England. In certain circumstances, local authorities may need to make judgements about whether young people are **resident in England** (for example, if a young person is in the country for an extended temporary period). Local authorities have discretion to make these decisions themselves based on the individual's circumstances. The Education Funding Agency funding guidance¹⁶ sets out the criteria for eligibility for funding and this may be helpful in making these decisions.
30. The Government recognises there will always be a very small number of young people who require a **temporary break in education or training** (such as new mothers or the very ill). It is important that local authorities are satisfied that they have in place the appropriate support mechanisms in their area to enable these young people to re-engage in education or training as soon as is reasonably possible.

¹⁴ EFA guidance to local authorities on funding arrangements for 2013/14 (para 8)
<http://www.education.gov.uk/childrenandyoungpeople/youngpeople/studentsupport/funding/a00203196/16-19-funding>

¹⁵ This is related to the existing provisions in section 72 of ESA 2008.

¹⁶ <http://www.education.gov.uk/childrenandyoungpeople/youngpeople/studentsupport/funding/a00209794/funding-guidance-2012-to-13>



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