

POLICY WATCH

2007/89

6 December 2007

The Education and Skills Bill makes its first appearance. What's in it?

Last week the Government's latest education Bill, the Education and Skills Bill, received its First Reading. It was greeted with excited headlines by both Education Depts, so much so that the spelling went a bit awry in one case, "the biggest reforms to Eductation, Training and Skills" the headline ran, but we get the drift.

The reason for all the excitement is that this is the Bill intended to tackle the Achilles Heel of the English system, the poor participation rates beyond 16. The instrument will be the raising of the compulsory participation age first to age 17 and from 2015, to age 18, something that Alan Johnson, who as Secretary of State earlier this year first launched the proposals, reminded us has been waiting to happen for a long time.

Ed Balls, who has the task of shepherding the Bill through, was in no doubts about its importance: *"we must not give up on the young people who reach 16 and simply feel there is nothing out there for them. It's a shocking waste of talent and potential and it is virtually always young people from the most disadvantaged backgrounds that slip through the net."*

Much of the press seized on the projected economic benefits of the move, £2.4bn annually according to the accompanying impact assessment Paper, although some of that will be taken up in the additional costs involved in implementing the proposals, potentially £760m per cohort. Whether the benefits are more social or economic will not stop the Bill from getting a hard time from those concerned about the elements of compulsion in it. Should youngsters be forced to participate? Frank Field, for example, argued last month that some youngsters should be allowed to leave at 14. These issues have been fiercely debated for some time but the instruments of mass compulsion remain and can be found in Clauses 39 - 48.

The Bill is in 5 Parts with the participation proposals in Part 1. Part 2 deals with support systems including transfer arrangements for Connexions with a requirement in Clause 66 for "all state secondary schools to present careers information in an impartial manner" and not to 'unduly promote one option over another' or to promote the interests of the school or of any other institution above the interests of the pupil.' It also includes a requirement for Local Authorities to have regard for journey time when preparing transport statements, quite an issue for 14 - 19 consortia, and under Clause 67 clarifies LSC responsibility for apprenticeships.

Part 3 makes a couple of adjustments post Leitch to adult skills such as the L3 entitlement, Part 4 makes some adjustments to the regulation and inspection system for independent schools in England, while Part 5 contains some important provisions for opening up the awarding and accreditation system as part of the skills drive. The details are in Clauses 135 - 137; the latter for example, grants QCA powers to recognise other bodies 'to award or authenticate qualifications.'

But it's Part 1 and its proposals on extending the compulsory participation age, that will attract much of the interest. It has six Chapters.

Chapter 1 deals with some of the terms and definitions that have caused so much fretting since the proposals were first published. Thus Clause 1 of Chapter 1 sets out who is exactly covered by the duty to participate. Answer: "any person who is resident in England, has ceased to be of compulsory school age but not yet reached the age of 18 and has not attained a qualification at Level 3." What constitutes participation? Well, according to Clauses 4 - 9, 'appropriate full time education or training; a contract of apprenticeship; or part time education or training towards an accredited qualification as part of full time occupation or alongside occupation of more than 20 hours a week.'

Chapters 2, 3 and 4 outline the duties in the Bill on Local Authorities, employers and parents respectively.

Clauses 10 and 11 of these Chapters place a duty on Local Authorities and institutional governing bodies to "promote participation" and to share data on young people in pursuit of their duty. A similar promotion duty will be placed on LSC funded private providers. Clauses 19 - 30 set out responsibilities on employers, the administration of which will not please everyone. For example, Clause 21 places a duty on employers 'not to employ a person unless they have taken reasonable steps to check that the person has made appropriate arrangements to participate in relevant education and training.' This duty is lifted if the job offer is made conditional on the applicant making such arrangements, raising again the concern about whether this will have any long term impact on young people's recruitment. Employers may not be best pleased by Clause 22 either which 'provides for a Local Authority to serve a penalty notice on an employer' who fails to comply. Much employer time may be spent trying to arrange young people's working hours to be able to accommodate the 20 hours a week of training needed but there may be benefits on both sides in working together on such matters.

For parents, there are some clear responsibilities identified in the form of voluntary parenting contracts and/or in Clause 31 in the form of parenting orders for where there has been a lack of compliance.

That just leaves Chapters 5 and 6. Chapter 6 contains a few tidying up procedures but it's Chapter 5 where the big stick can be found. In fairness, as Ministers have been keen to stress, there will be no reaching for that stick until other reasonable avenues have been exhausted. For example Clause 39 makes clear that before getting stuck in, a Local Authority must ensure that 'appropriate support has been made available and that the young person has been given the opportunity to take advantage of it.' It's only after that and the 15 days written notice that things kick in. Clause 40 accordingly provides for the issuing of an attendance notice, Clause 45 for enforcement procedures in cases of non compliance including a maximum fine currently of £200 and Clause 47 for the issuing of penalty notices.

There is an appeals procedure but of course the hope is that it doesn't come to enforcement. It would be a shame if it became another thing for teenagers to kick against.

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