

## **NORTH LINCOLNSHIRE COUNCIL**

### **CHILDREN'S SERVICES CABINET MEMBER**

## **MACHINERY OF GOVERNMENT (MoG) CHANGES FOR 14-19 LEARNING AND SKILLS**

### **1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To report on the work of the 14-19 Task Group dealing with the transfer of responsibility for the commissioning of 16-19 education and training provision from the Learning and Skills Council (LSC) to Local Authorities (LAs) from April 2010.

### **2. BACKGROUND INFORMATION**

- 2.1 The statutory framework for 14-19 learning and skills is changing. By 2013 all 17 year olds will have to be in education or training and all 18 year olds by 2015. They will be entitled to access a wider range of curricular options aligned to four pathways: general e.g. GCSE; foundation learning; apprenticeship; and diploma. Key elements within the changes are learner choice, high quality provision and economic relevance.
- 2.2 A main objective of the Government's reform is the dissolution of the Learning and Skills Council (LSC) and the transfer of responsibility for commissioning of 16-19 provision to LAs from April 2010. LAs will assume responsibility for securing sufficient education and training provision for all young people, including those aged 16-19, and 19-25 being assessed for a learning difficulty and/or disability.
- 2.3 LAs are required to work in partnership through the creation of sub-regional groups (SRGs) to ensure efficient and effective use of resources. In the Government Office Yorkshire and the Humber (GOYH) area four SRGs have been established, the South Bank partnership between North Lincolnshire and North East Lincolnshire Councils being one of these groups.
- 2.4 As part of the changes three new national agencies have established to work with and support LAs and SRGs: the Young People's Learning Agency (YPLA) with a remit to provide strategic management information; a National Apprenticeship Service (NAS) to promote and co-ordinate apprenticeships; and the Skills Funding Agency, (SFA) to

oversee adult provision.

- 2.5 Statutory changes to the framework for 14-19 qualifications, the raising of the participation age (RPA), the dissolution of the LSC and the transfer of responsibility to LAs are all included in the Children, Skills and Learning Bill currently going through parliament.
- 2.6 The MoG process has been managed by GOYH on behalf of DCSF through a two-stage process. The first stage focused on agreement by DCSF to establish a SRG. The second stage involved developing detailed plans to support the effective management and operation of the SRG and was compiled by the Task Group, composed of the two Deputy Directors of Learning and the Lead 14-19 Officers in the two authorities, well supported by our local LSC Officers and representatives from GOYH. The proposals addressed six key areas: governance; decision making; dispute resolution; staffing needs; reporting processes and financial accountability. The proposal was endorsed by the previous Director of Children's Services, and approved by the lead member. Submitted in February 2009, the proposal was endorsed by DCSF/GOYH in April 2009.
- 2.7 The MoG envisaged the transfer of LSC staff to LAs to support the transition and in April 2009 the LSC provided details of the modelling and matching process that they would use to manage the transfer process. Work is ongoing aligned to the action plan to ensure the LA and SRG are ready to manage the transition. See Appendix 1. Progress is being monitored by GOYH. The principal concern in moving the plan forward is the uncertainty around the transfer of LSC staff. At this stage of matching current LSC staff based in Hull to the 10 posts nominally established for the purpose of transfer to NLC and NELC (five posts to each LA) only three matches have been agreed. There is reluctance on the part of current LSC staff to transfer to the two local authorities south of the Humber due to travel time and the bridge costs. The matching process was intended to be completed by August 2009 but has been extended due to the internal difficulties described above. Once this process has been completed the LA will review its staffing and management structures.
- 2.8 As part of the agreement to work together NLC and NELC have drawn up a memorandum of understanding within which they will work together. See Appendix 2.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 Agree the actions to date and accept the Memorandum of Understanding and receive further progress reports following the completion of TUPE transfer of LLSC staff to the two local authorities.

- 3.2 Don't agree the actions to date or accept the Memorandum of Understanding or receive further progress reports following the completion of TUPE transfer of LLSC staff to the two local authorities.

#### **4. ANALYSIS OF OPTIONS**

- 4.1 The LA is required to adopt these developments.

#### **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

##### 5.1 Financial

- 5.1.1 Funding will be transferred to support these developments but this will be clarified at a later date by the DCSF.

##### 5.2 Staffing

- 5.2.1 There will be transfer of staff and/or funding from the LSC to the LAs to support this work. This process will happen by April 2010.

##### 5.3 Property

- 5.3.1 Not applicable.

##### 5.4 IT

- 5.4.1 IT requirements to enable the transfer of responsibility will be addressed between the LAs and the LSC.

#### **6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 – CRIME AND DISORDER, RISK AND OTHER)**

- 6.1 There are no environmental or other implications.

#### **7. OUTCOMES OF CONSULTATION**

- 7.1 There has been full consultation with the unions within the LSC about transfer of their members. When there is greater clarity about the transfer of staff from the LSC to the LA there will be full consultation with unions within North Lincolnshire. Meanwhile unions will be kept up to date on progress.

## 8. RECOMMENDATIONS

- 8.1 To accept the MoG Memorandum of Understanding between NLC and NELC.
- 8.2 To agree the actions to date and to receive further progress reports following the completion of TUPE transfer of LSC staff to the two local authorities.

### SERVICE DIRECTOR TRANSITION AND DEVELOPMENT

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Date: September 2009

**Background Papers used in the preparation of this report: None**

## NORTH EAST & NORTH LINCOLNSHIRE SRG TRANSITION ACTION PLAN

Theme	Timescale/Responsible	Success Criteria	Monitoring	RAG
<b>1.1 Governance model and arrangements</b>				
1. Clarify the roles of the SRG and LAs in relation to the YPLA , SFA and NAS.	April 2010/LA	Protocols and structures agreed and implemented	Report to 14-19 Strategic Groups, CTs and Cabinets	
2. Align 14-19 Governance arrangements with MoG requirements. a. Ensure 11-19 Strategic Partnership membership is aligned with CT recommendations. b. Establish robust links between the LAs, Work and Skills Boards, Children's Trusts and 14-19 structures	Sept 2009/LA	Alignment of groups complete	Report to 14-19 Strategic Groups, CTs and Cabinets	
3. Establish an effective, accurate and accountable 16-19 SRG commissioning process operating across both LAs	April 2010/LA	SRG established	Report to 14-19 Strategic Groups, CTs and Cabinets	
4. Agree a Memorandum of Understanding between the LAs which defines the values, principles and protocols for 16-19 planning:	September 2009/LA	MoU agreed at both Cabinet and CT levels.	Reports to Cabinets and CTs	
5. Define and agree arrangements for dispute resolution within the SRG and regionally	September 2009/LA	MoU agreed at both Cabinet and CT levels.	Reports to Cabinets and CTs	
6. Undertake risk assessments relating to the commissioning process at both LA and SRG levels.	December 2009/SRG	RA report produced and agreed by 14-19 Partnerships.	Report to Corporate Services	
<b>1.2 SRG management arrangements</b>				
1. Determine LA 14-19 and SRG staffing, levels, roles and responsibilities.	September 2009/LA	DCS agree staffing and management structures	SRG Task Group	
2. Establish arrangements for shadowing	March 2009/LA	Stage 2 proposals	Report to DCS	
3. Identify SRG staffing and structure aligned to LSC allocations and matching model	June 2009/LA	Model agreed by DCS and shared with LSC	Reports to DCS	

## NORTH EAST & NORTH LINCOLNSHIRE SRG TRANSITION ACTION PLAN

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4. Manage the formal transfer of LSC staff to the 16-19 Commissioning Team	September 2009 - April 2010 LA	Model agreed by DCS and shared with LSC	Reports to DCS	
5. Liaise with the corporate commissioning teams to ensure proposals are in line with current principles, processes and cycle	February 2009 – April 2010	Integration within corporate planning, performance cycles and procurement processes.	Reports to Commissioning Board	
6. Identify possible models for the modus operandi for the SRG Team	June 2009/LA	Proposal presented to SRG team for discussion	Report to SRG Task Group	
7. Agree a modus operandi for the SRG	September 2009/LA		Reports to Cabinets and CTs	
8. Agree a data sharing protocol between the LAs and YPLA	September 2009/LA	Agreed protocol in place	Reports to Cabinets and CTs	
9. To review and align LA Education Plans and Action Plans with DCSF <i>Partnership and Planning</i> and commissioning process	September 2009/LA	Completed and agreed by 14-19 Partnerships and CTs	Reports to 14-19 Groups and CT	
10. Establish financial accountability systems in relation to SRG working within each LA	December 2009/LA	Integration with corporate planning and performance cycles and procurement processes	Reports to Commissioning Board	
11. Agree a working protocol to establish systems and structures that enables cross-border access for young people (including those outside the Y&H)	October 2009/LA	Agreement/protocol in place with key authorities such as Lincolnshire CC	Reports to DCS, 14-19 Groups and CT	
12. Agree and test the data sets that will be used to determine future needs: <ul style="list-style-type: none"> <li>• pre- and post-16 performance and trends</li> <li>• quality of provision</li> <li>• economic/demographic profiles</li> </ul>	July 2009- April 2010	Defined data sets included in EMS Quality Assurance procedures agreed	Reports to DCS, 14-19 Groups and CT	
13. Review and amend current arrangements to hear and respond to the:	October 2009	Agreed procedures and protocols and timetable for	Reports to DCS, 14-19 Groups and CT	

## NORTH EAST & NORTH LINCOLNSHIRE SRG TRANSITION ACTION PLAN

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<ul style="list-style-type: none"> <li>• learner voice;</li> <li>• provider voice; and</li> <li>• employer voice</li> </ul>		collection Timetable aligned to Education Plan and commissioning cycle		

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<b>2.0 COLLABORATION AND STRATEGIC CONTRIBUTION</b>				
<b>2.1 Communications Strategy; local, sub-regional and national</b>				
1. Agree and implement a formal communications strategy to inform stakeholders and liaise with relevant agencies	November 2009/LA	Strategy Agreed and introduced	14-19 Groups and CT	
2. Agree clear principles for engaging with post-16 providers and employers across the SRG	November 2009/LA	Agreement through the 14-19 Groups and endorsed by the CT	14-19 Groups and CT	
3. Establish relationships with each relevant regional/national agency (LSC, RDA, YPLA, NAS, SFA, etc)	April 2009/SRG ongoing	Clear lines of communication established supported by the IRPF	14-19 Groups and CT	
4. Establish a working relationship between the SRG and the three Academies with post-16 provision (NELincs only)	November 2009/SRG	Dialogue based on protocols aligned to the SRG planning framework	14-19 Groups and CT	
<b>2.2 Management information systems (MIS)</b>				
1. Review current information sharing protocols with partners and providers to ensure they are fit for purpose	March 2009/LA -ongoing	Agreement with providers endorsed by the 14-19 Groups and CT	14-19 Groups and CT	
2. Develop proposals for establishing a comprehensive MIS system(s) that links local, regional and national agencies.	September 2009/LA	Common data sharing protocols agreed Use of common format EMS linking LAs, SRG and providers	14-19 Groups and CT	
3. Agree a common SLA applicable to 14-19 commissioning	April 2010/SRG	Agreement with providers endorsed by the 14-19 Groups and CT	14-19 Groups and CT	
<b>2.3 E-prospectus and e-CAP</b>				
1. Review the structure and functionality of the common e-	June 2009/e-management	Action plan agreed by e-	14-19 Groups	

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prospectus and CAP to ensure they comply with national requirements	Group	management group. Plan aligned to DCSF guidance		
2. Review and further develop the EP/CAP software to ensure it will provide robust information about learner choices to inform the needs analysis process	September 2009 e-management Group	Updated prospectus incorporating DCSF guidance	14-19 Groups	
3. To develop a range of reports from the e-prospectus/CAP to enable an analysis of learner choices.	May-September 2009 e-management group	Updated e-prospectus/CAP providing the SRG with robust information on a range of fields	14-19 Groups	

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<b>3.0 RESOURCES AND CAPACITY</b>				
<b>3.1 Developing the capacity to deliver</b>				
1. Identify interim teams and responsibilities to enable the shadowing of the LSC and their systems and structures	March 2009/LA	LA Officers undertake shadowing activities	DCS	
2. Review, and develop where necessary, the capacity of the LA 14-19 Teams to implement the wider reforms within the DCSF timetable	April 2009- ongoing/LA	LA teams in both LAs having the requisite knowledge and skills to successfully expedite the reform agenda	DCS	
3. Agree the LA 14-19 Team structures, composition and responsibilities and alignment with the SRG			October 2009	
4. Determine the preferred membership and structure of the SRG in accordance with the guidance provided.	June 2009	Structural models agreed by task group and endorsed by DCS and CT	DCS, SRG Task Group	
5. Identify and agree funding streams to ensure the long term sustainability of the LA 14-19 Teams	October 2009 LA	Single funding stream for 14-19 in each LA with identified sustainable team funding	DCS	
6. Prepare, consult (with LSC) and determine proposals for Commissioning Team staffing (involving HR)	Jan to April 2009	Proposals are aligned to identify LA/SRG needs	LA-HR teams, DCS	
7. Establish appropriate CPD opportunities to prepare staff for the SRG roles.	September 2009 – April 2010	Programmes identified, agreed and presented to staff	LA-HR teams, DCS	
8. Establish appropriate induction programmes given to all new staff	April 2010	Programmes agreed and successfully delivered	LA-HR teams, DCS	
<b>3.2 Establishing financial management/auditing systems and structures</b>				
1. Revise and agree the LA Education Plans to include clear	October 2009	Plans agreed by 14-19	14-19 Groups and CT	

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funding strategies in line with DCSF <i>14-19 Partnerships and Planning</i> (January 2009)		groups and CTs		
2. Review/amend LA accountability and reporting systems to ensure compliance with YPLA, NAS SFA needs	April to Dec 2009	Systems comply with external agency criteria	Corporate financial services	
3. Review/amend current audit/reporting systems and processes across all providers to ensure LA compliance	April to Dec 2009	Systems comply with external agency criteria	Corporate financial services	
4. Fully implement audit/reporting arrangements	April 2010	Financial reporting systems operate successfully	Corporate financial services	

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<b>4.0 POLICY AND PLANNING</b>				
<b>4.1 Establishing a commissioning, allocation and procurement cycle that is congruent with the sub-regional and national cycle.</b>				
1. Agree and implement the commissioning process and cycle to ensure congruence with LA and all other planning/business cycles	April 2009	Endorsement from LA commissioning boards	LA commissioning teams, SRG	
2. Involve LA commissioning teams in the modelling and implementation of the transition/shadow planning and procurement process	July 2009 - ongoing	Involvement of LA officers in shadowing process	LA commissioning teams, SRG	
3. Implement the full commissioning process and cycle	April 2010	Involvement of LA officers in commissioning process	LA commissioning teams, SRG	
<b>4.2 Links to the LA community and regeneration strategies</b>				
1. Review and incorporate the LSP community and regeneration priorities and KPIs into the Education Plan	October 2009	Education Plan makes clear reference to targets	14-19 Groups and CT	
2. Develop relationships with relevant local, regional and national agencies to ensure there is robust socio-economic data available to inform the needs analysis process (LSP, LA regeneration, RDA etc.)	February 2009 - ongoing	Inclusion of key stakeholders on 14-19 groups and CT	14-19 Groups and CT	
3. Collate appropriate sources of information to inform the commissioning process including a range of robust socio-economic data to enable detailed analysis of changes in demand for skills both locally and sub-regionally	September 2009 - ongoing	Education plan includes robust socio-economic data derived from a range of sources	14-19 Groups and CT	
<b>4.3 Review LA ECM policies to ensure compliance within the SRG</b>				
1. Review and amend ECM policies to maintain duty of care, e.g. safeguarding and transport for vulnerable learners.	September 2009 – completed by April 2010	Strategies developed and agreed with all partners	LSCB, CT	
2. Implement the revised ECM policies	April 2010	Strategies adopted by all partners	LSCB, CT	



## **Memorandum of Understanding between North East Lincolnshire and North Lincolnshire Councils to establish and maintain a 16-19 Sub-Regional Group**

### **1.0 Introduction:**

- 1.1 In October 2008 North East Lincolnshire and North Lincolnshire Councils agreed to establish a Sub-Regional Group (SRG) within the Yorkshire and Humber Government Office Region to collaboratively implement the proposals arising from changes in the Machinery of Government (MoG) and the wider public sector reforms. These proposals were outlined in the DCSF consultation document *Raising Expectations: enabling the system to deliver* (March 2008) and the July 2008, *Update and Next Steps*. The latter document outlining the options and timetable for the transfer of responsibilities to local authorities (LAs) for the commissioning of 16-19 provision from the Learning and Skills Council (LSC).
- 1.2 The SRG framework will ensure compliance with the revised statutory duties placed on LAs as defined in the 2008 Education and Skills Act. This requires a commitment to closer integration and collaboration at all levels; elected members, Local Strategic Partnerships (LSP), Children's Trusts, 14-19 Partnerships, partner organisations, learning providers and wider stakeholders such as employers.
- 1.3 Through the SRG, the two LAs will work in partnership to ensure the effective and efficient transfer of responsibilities for the funding and allocation of 16-19 education and training.
- 1.4 The SRG will build on the collaborative work already undertaken, to ensure a fully integrated entitlement for all young people.

### **2.0 Purpose of the Memorandum of Understanding:**

- 2.1 This Memorandum defines the agreed principles that will enable the two local authorities to establish, operate and maintain appropriate common systems and structures (e.g. protocols, resources and accountabilities) that will ensure the efficient and effective functioning of the SRG, operating as part of the broader 11-19 local partnerships.

### **3.0 General Principles and Strategic Priorities:**

3.1 The SRG will ensure a fully integrated 16-19 (16-25 in the case of LLDD) entitlement to education and training for all young people based on the following principles:

- Work collaboratively to ensure the needs of all learners are met in the context of regional and national priorities defined by the Young People Learning Agency (YPLA), National Apprenticeship Service (NAS) and Skills Funding Agency (SFA) and Government Office;
- Commissioning of provision will be informed by the Children and Young People's Plans, (CYPP) taking into consideration the needs of the local economy;
- Provision will be aligned to the needs of learners resident in the local authorities and take into consideration of cross-border travel-to-learn patterns;
- Common systems, protocols and approaches will ensure the management of the commissioning process is efficient and effective;
- Equitable status will be given to all providers and learning programmes;
- The commissioning cycle will be inclusive and transparent with clearly defined lines of accountability and disputes will be resolved through a common resolution protocol;
- All provision will be of the highest quality and deliver value for money through a process of commissioning, decommissioning and transformation; and
- The SRG will operate within clearly defined corporate protocols for procurement and financial accountability.

3.2 Both local authorities have agreed to the following strategic priorities.

- To provide sufficient and appropriate programmes of education and training, commensurate with the needs of all learners and the local economy;
- To increase participation, achievement, progression and retention rates in line with national and local targets;
- To ensure that all education and training programmes are of the highest quality, represent value for money and minimise travel to learn patterns; and
- To deliver the September Guarantee and the 2013-15 Entitlements.

### **4.0 The SRG Structure and Roles:**

4.1 The SRG will comprise a Sub-Regional Board and a 16-19 Commissioning Team(s). The Sub-Regional Board will operate in an executive capacity, representing the interests of the local authorities at both sub-regional and regional levels, while the 16-19 Commissioning Team(s) will work in an operational capacity, in conjunction with the local 11-19 Teams.

4.2 The Sub-Regional Board will meet four times a year aligned to the commissioning cycle with a responsibility to:

- approve annually the methodology used to determine commissioning, decommissioning and funding allocations;
- scrutinise the funding and allocation proposals prepared by the 16-19 Commissioning Team;
- monitor and evaluate the effectiveness of the commissioning process;
- provide regular reports to the Children's Trust's;
- convene, when required, an arbitration panel to resolve disputes that might arise from proposals to commission, decommission or reconfigure provision; and
- promote the interests of the SRG at the Regional Planning Group to secure an appropriate level of funding.

4.3 The membership of the 16-19 Commissioning Team(s) will be based on a core and extended membership, reflecting the different skills that are required to successfully operate the commissioning process. Remit of the Commissioning Team is to:

- interpret and implement local and national plans, priorities and policies;
- establish and maintain an effective link with each post-16 provider;
- work in conjunction with the LA 11-19 teams to ensure coherence;
- prepare detailed commissioning, allocations and funding proposals that may include some 14-16 provision previously administered by the LSC, e.g. Young Apprenticeships and School Engagement Programme;
- monitor and respond to changes in travel to learn patterns and liaise, as required, with neighbouring SRGs/LAs;
- monitor, evaluate and prepare quarterly reports on provider performance;
- collate and analyse local, regional and national data as required;
- liaise with representatives from the Young Peoples Learning Agency, National Apprenticeship Service and Skills Funding Agency; and
- support the LA 11-19 Partnerships in the strategic development of 16-19 (LLDD 25) provision.

Signatories:

CEO/DCS  
Portfolio holder