

SLOUGH BOROUGH COUNCIL

REPORT TO: Cabinet

DATE: 16 July 2012

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(For all enquiries)

WARD(S): All

PORTFOLIO: Councillor Pavitar Mann, Commissioner for Opportunity and Skills

PART I **KEY DECISION**

RAISING PARTICIPATION PARTNERSHIP – LEGAL AGREEMENT

1 Purpose of Report

To inform the Cabinet about the role, function and governance arrangements for the Raising Participation Partnership (RPP) and the implications of the Legal Agreement between Slough Borough Council, as Host Authority, and the other three Shared Service Local Authorities of Reading, West Berkshire and Wokingham.

2 Recommendations

The Cabinet is requested to consider the role, functions and governance arrangements for the RPP and the recommendation that Slough Borough Council continues as Host Local Authority within the Shared Service agreement.

3 Community Strategy Priorities

- **Economy and Skills**

The support provided by the RPP is for all young people aged 16 to 19 but with particular support for more vulnerable young people including those who are Not in Education Employment or Training (NEET) and those with Learning Difficulties and/or Disabilities (LDD) up to the age of 25. A key focus of RPP activity is the Raising of the Participation Age and ensuring that young people age 16-19 continue their education and/or training, progressing into employment and contributing towards their future economic prosperity.

- **Health and Wellbeing**

The RPP works closely with the Integrated Youth Support Services, or their equivalent in the other Shared Service Local Authorities, to enable all young people to access learning and become economically active and independent.

4 Other Implications

(a) Financial

A summary of the RPP Budget and the individual Local Authority contributions over the 3 years 2010-2011, 2011-2012 and 2012-13 is provided at Appendix A. Slough Borough Council's direct contribution to the shared service has reduced from £275,000 in 2010-11 to £145,000 in 2012-13. In 2012-13, Slough Borough Council will contribute an additional £21,000 to cover pension uplift costs and claim a re-charge of £35,000. The net contribution in 2012-13 is therefore £141,000.

By the end of 2011-12 the Partnership, on the advice of its Board, had built up sufficient contingency funds to cover the full cost of liabilities (mainly redundancy costs) relating to the Raising Participation Team thus ensuring that there is little or no risk to Slough Borough Council.

In the event of Slough Borough Council relinquishing its role as Host of the Shared Service there would be additional costs:

- The cost of setting up the service with a new Host Local Authority: estimated at £28,000 although any new Host would need to do their own assessment of costs.
- Slough Borough Council would also lose the £35,000 re-charge costs for services supplied to the RPP.

(b) Risk Management

All risks are covered in the Strategic Risk Register which is approved by the RPP Board and Joint Committee.

(c) Human Rights Act and Other Legal Implications

There are no specific Human Rights Act implications.

Comments from Legal Services on Slough's role as host authority and the paragraphs below are to follow.

Legal Implications for Slough Borough Council as Host Authority

The draft Legal Agreement from 1 April 2012 to 31 March 2015, attached at Appendix B, was circulated to the Shared Service Local Authorities on 13th January 2012. The Agreement has been approved by West Berkshire and Wokingham; but confirmation is still awaited from Reading. The Agreement remains a draft until such time as Reading confirm their acceptance. It provides financial protection to Slough Borough Council as Host Authority. In the unlikely event of the contingency funds being insufficient to cover liabilities: *"Any costs incurred in respect of redundancies, including the early payment of pension shall be borne in accordance with the proportion [of contribution to the Shared Service] for that authority..." (Clause 10.4).*

With regard to notice:

- *Clause 16.2 "None of the parties may withdraw from this Agreement before 31 March 2015 other than by providing a no less than 6 month notice period....."*

- *Clause 10.5 “For the avoidance of doubt any of the four [i.e. including **Slough**] authorities exercising the right to withdraw on 6 months notice as referred to in Clause 16.2 shall be liable for its share of costs in proportion to its percentage contribution.”*

There is no reference in the Agreement to Host arrangements being transferred to another of the Shared Service Local Authorities, however the Agreement is clear on Assignment and Sub-Contracting that:

- *Clause 7.1 “The Host Authority may not assign all or any part of its obligations under this agreement.”*
- *Clause 7.2 “ The Host Authority may not sub-contract all or any part of its obligations under this Agreement without the prior written consent of such of the Other Parties as are affected by such sub-contract.”*

Local Authorities’ Statutory Responsibilities which are currently discharged through the Raising Participation Partnership

In April 2010, in accordance with the Apprenticeships, Skills, Children & Learning Act 2009, the responsibility for commissioning education and training for young people (defined as age 16-19 or 16-25 if subject to a Learning Difficulty Assessment) was transferred from the Learning & Skills Council to Local Authorities.

Local Authorities’ have a statutory duty to secure sufficient suitable education and training opportunities to meet the reasonable needs of all young people in their area. Statutory Guidance from the (then) YPLA provides more detail about the expectations of Local Authorities which can include:

- Challenging poor or inadequate provision;
- Shaping provision in their area by identifying gaps, enabling new provision and developing the market;
- Working with the National Apprenticeship Service to identify the requirement for 16-18 Apprenticeships;
- Working with other local authorities to ensure that needs are met across travel to learn areas;
- Agreeing with providers the re-shaping of provision in an area by re-allocating numbers from one provider to another where that best meets the needs and demands of students and local priorities;
- Changing the automatic allocation of learner numbers under the ‘lagged-in’ agreement with providers.

In addition, the 2008 Education and Skills Act placed a new duty on all young people to participate in education and until their 18th birthday. This participation can be full-time education, an Apprenticeship or part-time education or training if they are employed, self-employed or volunteering for 20 hours or more per week. The Education Act 2011 amended the original legislation by delaying enforcement of Raising of the Participation Age (RPA) until a later date but reserved the right for the

Government to monitor participation from 2013 onwards and if required, to take measures to enforce the legislation.

The duty is being implemented in two stages; from 2013 young people will be expected to remain in education and training until the end of the academic year in which they are 17, and from 2015 until their 18th birthday.

Local authorities are required to promote the participation in education or training of all 16 and 17 year olds resident in their area and make arrangements to identify young people resident in their area who are not participating.

The Government is currently consulting on additional regulations with particular regard to requirements on local authorities and employers.

(d) Equalities Impact Assessment

Consideration has been given to Section 149 of the Equality Act 2010 which places a general duty on public authorities in the exercise of their functions to have regard to the need to promote equality. This includes the need to eliminate discrimination and to advance equality of opportunity. One of the RPP's significant priorities is to support vulnerable learners; in particular by ensuring that appropriate opportunities are available for those who are Not in Education, Employment or Training (NEET), or those at risk of not participating. This is achieved by working with the local authority and its partners and via the regular analysis of the numbers of young people who are NEET, and working with schools to develop early indicators for those groups that may require additional support. The RPP seeks to ensure that provision is available for all young people to help them realise their full potential – irrespective of race, gender, orientation, age, faith or disability.

(e) Workforce

There are no workforce implications if the Legal Agreement if Slough Borough Council decides to remain in the Shared Service as Host Authority.

However If Slough Borough Council decided to withdraw from the Shared Service a new business model would need to be developed to meet the needs of the three remaining Local Authorities. Some staff redundancies would be needed to match the reduction in income to the RPP however such costs would be covered by the contingency fund under the 2012-13 budget forecast .

If Slough Borough Council decided to remain in the Shared Service but relinquish its role as Host then all RPP staff would be subject to TUPE transfer to the new Host organisation.

5 Supporting Information

5.1 The Raising Participation Partnership (RPP)

The RPP was set up in April 2010 and currently provides a shared service to the Berkshire Unitary Authorities of Slough, Reading, Wokingham and West Berkshire. The rationale for the Shared Service (presented in Cabinet Papers from meetings on 20th April 2009 and 18th January 2010) was that it made sense for the Berkshire

Authorities (originally all six were involved) to work together since this reflected the travel to learn patterns of young people, with 90% of students from Year 11 continuing their post-16 education and training within the sub region. It was also recognised that economies of scale would be realised through the six Local Authorities working together.

In July 2010, the Coalition Government announced some “streamlining” of 16-19 structures including paying Further Education Colleges and other training providers (other than Apprenticeship providers who were being paid by the Skills Funding Agency) directly from the (then) Young People’s Learning Agency (YPLA). This change, combined with a reduction in the Area Based Grant (which led to a significant reduction in funding for the Shared Service) and a statement by the Coalition Government regarding their commitment to RPA led to the Service undertaking a major re-structure and the development of a new business model focussing on RPA, NEET reduction and helping young people to develop their employability skills.

The RPP works in partnership with key stakeholders including schools and academies, further education colleges, independent learning providers, providers of alternative provision, local employer representatives, including the Thames Valley Berkshire Local Enterprise Partnership (LEP); Education Business Partnerships and Connexions Berkshire as well as regional and national Government including the Education Funding Agency (EFA). It supports local authorities to fulfil their statutory role bringing partners together, providing expertise and advice to help inform local policy, practice and planning. It has a key role in shaping local education and skills provision to ensure all young people are able to participate and achieve in learning and gain the experience and skills needed to make the successful transition to adulthood.

5.2 RPP Governance Arrangements

The RPP is governed by:

- A Joint Committee with delegated responsibility to ensure that the RPP discharges its responsibilities (as set out in the Legal Agreement). The Joint Committee comprises the Local Authority Lead Members, supported by their Senior Officers and the Partnership Director;
- A Board, which includes a wider range of stakeholders, and oversees the functions of the RPP on behalf of the Joint Committee;
- A Participation Executive Group which comprises all relevant stakeholders and advises the Board/Joint Committee and RPP on strategic and operational priorities for the shared service.

5.3 RPP Priorities

The RPP formally sets out the education and skills priorities for its area in an annual statement. The priorities are defined by and agreed with key stakeholders, providing a focus to improve outcomes for young people.

The Statement of 16-19 Education and Skills Priorities 2012/13 broadly covers the two key areas of meeting the needs of young people and those of employers.

Underpinning these are the specific priorities needed to achieve this. In the context of participation, these include:

- Improving participation: developing and implementing a local strategy and plan to achieve the ambitions of RPA in particular;
 - A Berkshire-wide strategy for Raising Participation 2011-15 was agreed following wide consultation at the end of December 2011. The RPP Plan, based on the strategy, provides the framework for local plans;
 - The RPP has successfully submitted a bid to the DfE to take part in the fourth round of RPA pilot schemes. The bid focuses on using transition workers to support young people at risk of not making a successful and sustained transition from school into learning and employment;
- Reducing the number of young people who are NEET – through improving access, opportunities, progression routes and better support for those vulnerable and disadvantaged groups disproportionately represented in the NEET cohort;
- Improving the employability of young people – identifying the vital employability skills local businesses are asking for and ensuring young people have developed these skills upon leaving learning.

Appendix C provides examples of the impact and achievements of the RPP.

6 **Comments of Other Committees**

Cabinet received proposal for the Shared Service at its meetings on 20th April 2009 and 18th January 2010.

7 **Conclusion**

That Cabinet recommends that Slough Borough Council continue as Host Authority for the period of the current (draft) Legal Agreement, that is to 31 March 2015.

8 **Appendices Attached**

- Appendix A Raising Participation Partnership Budget and proportionate Local Authority contributions over the 3 years 2010-2011, 2011-2012 and 2012-13
- Appendix B Draft Legal Agreement and Supporting Appendices (refer to appendices pack).
- Appendix C Impact and Achievements of the Raising Participation Partnership.

9 **Background Papers**

- Proposals for Pan-Berkshire Delivery and Governance of 16-19 Transfer Changes from 2010-11 Onwards - Cabinet : 20th April 2009 (Agenda Item 12)
- Machinery of Government - 14-19 Transfer from the Learning and Skills Council – Cabinet: 18th January 2010 (Agenda Item 5).