

Single Equality Impact Assessment

Learning and Skills Council
National Commissioning Framework

VT Research
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All responsibility for the content lies with the authors.

EXECUTIVE SUMMARY

INTRODUCTION

VT Research was commissioned in Mid-December 2009 to undertake a Single Equality Impact Assessment of the draft National Commissioning Framework.

Remit and Caveats

This SEIA contains assessment of the following:

- The guidance provided in the National Commissioning Framework for the new bodies and the role this has in shaping the equality environment
- The potential impact of the Machinery of Government Changes as described in the NCF
- The potential impacts reported by consultees interviewed during the course of the SEIA.

The SEIA has been researched and written for the *draft* National Commissioning Framework (issued on November 16th 2009) that is subject to redrafting as a result of public consultation.

Method

The method for the SEIA was prescribed in the brief, namely assessment through consultation with at least 40 stakeholders and with young people. Additional data analysis has also been undertaken.

OVERVIEW OF FINDINGS

- This single equality impact assessment has found few major potential adverse impacts on learners.
- Those adverse impacts that have been identified fall under category of a 'risk' of adverse impact dependent on the way the NCF is implemented and/or perceived.
- Positive impacts were also found for both equalities in general and for particular learner groups.
- The learner group for which most potential adverse impacts have been found is LLDD.
- Learner groups which may experience benefits include travellers, and socio-economically deprived and multiply disadvantaged learners.
- For many of the equality strands neither potential benefits nor adverse impacts have been found.
- The NCF has E&D embedded within the guidance, but most stakeholders require a more explicit treatment.
- Potentially negative impacts relating to existing, transferring issues (such as data issues) carry a lower risk.
- It is unclear to what extent Equality and Diversity is embedded in all processes and stages within the NCF, e.g. quality assurance.
- Local flexibility has the potential for great equality benefits but also inequalities of access and treatment across the country.
- The inclusion of young offenders within the commissioning framework provides a step forward towards alignment with mainstream provision.
- Young people felt at one step removed from commissioning and in the main did not consider they need to know which body commissions.

HEADLINE FINDINGS

This section is broken down into major findings including all those that could potentially have a litigious outcome or a major impact on learner groups, and the most relevant 'other' potential negative impacts; positive impacts and other findings. A full table of impacts identified in the consultation is in Appendix 7

Potential Major Negative Impacts

Potential major negative impacts are those serious enough to end in litigation.

The major potential negative impact identified by consultees and ourselves is the potential for legal action to be taken from differing approaches taken by Local Authorities to different learner groups (e.g. LLDD).

The arrangements whereby LLDD waiting for places in ISPs must wait until all LAs submissions are in may be discriminatory.

Other Potential Negative Impacts

Potential negative impacts are those which could have an impact on participation, retention or achievement of learners

A potential adverse impact on the provision to learners whose success rates might be low (e.g. ex-young offenders) is that the application of minimum standards across the board can provide a perverse incentive for providers to 'cherry pick' particular learner groups, thereby disadvantaging those most in need.

There is a potential negative impact upon LDD learners in the case of funding envelopes being exceeded. The issue of affordability of provision for LLDD may result in discrimination if the provision required is not made available

The differing capacity (numbers and experience) between LAs given the distribution of transferring LSC staff may result in commissioning problems for some LAs. Consultees have identified LLDD and other specialist provision as the urgent concern.

A lack of clarity around the performance management of LAs between Secretary of State and YPLAs and a lack of explicit mention of performance management regarding equality outcomes and equality of commissioning has been noted.

Recommendation

Clear guidance for LAs on consultation re. commissioning priorities and evidence-based rationale should be provided.

Clear publication of the decision date will be required.

Recommendation/ Comment

Ensuring the minimum standards method being developed includes a value-added component and/or ensuring that E&D is embedded within the QA process is essential

Watching brief while the work to develop a funding model to attach a sum to a young person according to their needs is developed.

Explicit recommendation for the 'sharing' of experience and resource down to the local level should be made in the NCF for RPGs/SRGs.

This performance management anomaly may need to be tightened and the role of the management of equality outcomes and equality of commissioning

The availability of data for use in planning and equality monitoring is not yet consistent or robust due to legacy issues with different datasets, varying definitions and different variables. Where there are problems with equality data, impacts – positive or adverse, may be difficult to trace.

The guidance on SLN per learner number ratio and the control of the ratio in line with policies on changes to the size of learner programmes. (This ensures that unit costs do not rise above the indicative allocations in the overall budget) may clash with the principles of flexibility enshrined in Foundation Learning, designed for many students who require extra help (including those specifically mentioned in the NCF- LLDD, and young people who have dropped out of learning and require help in re-entry, for example).

Potential negative (but also potentially positive) impact from political interference in the wider planning and commissioning process. There are concerns about potential negative impacts of far right wing elected members upon specialist commissioning for particular learner groups; and also about the impact of politics on the speed of response to need.

Specialist LD and mental health trusts are unlikely to have the capacity to engage meaningfully with the multiple local authorities in their trust areas.

The process of change has the potential to have an adverse impact on commissioning for those LAs with less capacity (E&D/Commissioning). There is consensus that it will be the more vulnerable students that are adversely affected. In addition there have been concerns expressed about the break up of E&D teams from the LSC, reducing the E&D capacity and drive. Some LAs are also concerned about not being recipients of LSC transfer staff for specialist commissioning such as LLDD.

Potential Positive Impacts

The NCF makes reference to the understanding that LAs have of their local areas and the benefits this will have to learners. There was a near consensus amongst stakeholders consulted that LAs do indeed understand their local areas, particularly in terms of economic and multiple deprivation, and the groups of learners that may need most help. Cited as learners who would benefit particularly were travellers and those who are socio-economically deprived

For young people with LDD, stakeholders identified a

made explicit.

For most groups data is available to piece together an equality picture (see Appx 5). Harmonisation is underway to address the problem.

Further clarification, a link to clarification in other guidance or a note to state that further guidance is forthcoming is appropriate.

No action required. Equalities monitoring only.

Ensure the role of engaging with health is at the SRG or the RPG level.

The React Programme should continue to spread learning. RPGs and SRGs require recommendations on how to promote the sharing of expertise and experience between LAs

potential positive impact in that LAs will be able to take a multi-agency approach, including within their own departments and across their own budget lines. This would also apply to other groups of vulnerable learners including young people in care, for example.

IAG is promoted in the NCF. IAG is a vital part of the learning equality agenda.

The local flexibility enshrined in the NCF will enable local needs to be better catered for. Within the context of the RPA agenda, LAs will direct resources and provision to areas of need. This flexibility will also enable LAs who are at the forefront of E&D practice to innovate.

The QA and monitoring of providers by Local Authority areas has the potential to bring positive impacts to equality outcome measurements and tracking. Previous monitoring across diverse areas encompassing urban and rural areas for providers only working in e.g. rural areas presented problems.

Other Findings

The NCF explicitly makes reference to planning and commissioning to meet the needs of all young people, with references to certain young people.

Only a minority of consultees felt that there were enough explicit mentions of equality throughout the document.

There were differing views on the use of Annexes for commissioning for particular learner groups. Some consultees reported that they found it helpful. Others, particularly stakeholders concerned with LLDD, stated that the use of annexes constituted marginalisation of these learners.

Concerns were raised during the consultation about the potential for confusion in that the majority of LLDD are dealt with in the main document, while it is only commissioning for the minority which is covered in the LLDD Annex.

EBPOs are not mentioned in the guidance; their work impacts on the vocational elements of curriculum and thus more of the at risk groups.

More meaningful E&D targets for some providers may result from the new arrangements.

“E&D is embedded, it requires no further mention”

Recommendation

Cross reference the Equality duties and inserting phrases as recommended in Section 8.

Recommendation

Advisory only
Annexes refer to different commissioning rather than learners.

Recommendation

Add signposting/reminder at the beginning of the LDD Annex back to the main document for commissioning for the majority of LLDD.

Refer to EBPOs ref. planning and employer needs. Cross ref to new EBPO commissioning guidance.

1 INTRODUCTION

On 1st April 2010, LSC functions will transfer to local authorities, the Young People's Learning Agency (YPLA) and the Skills Funding Agency (SFA).

On 16th November 2009, the DCSF issued for consultation a draft National Commissioning Framework (NCF) document, which describes the roles and responsibilities for the planning, commissioning and funding of Post-16 learning as a result of the Machinery of Government changes. The consultation period ran for 12 weeks ending on 5th February 2010.

The LSC, on behalf of the YPLA, commissioned VT Research through competitive tender in mid-December to undertake a Single Equality Impact Assessment (SEIA) of the NCF.

2 PARAMETERS

The draft NCF provides guidance on the roles and responsibilities of various public bodies and agencies after the Machinery of Government Changes. New arrangements will take effect from April 2010. The planning and commissioning roles will be the responsibility of the public bodies, including Local Authorities (LAs), Regional Development Agencies (RDAs), and Government Offices (GOs) alongside the YPLA and the SFA. As public bodies, these agencies have legal duties to promote equality.

This SEIA was undertaken on the version of the draft NCF put out for public consultation on 16 November 2009. The document has since been amended as a result of feedback from the public consultation which ended on 5th February 2010.

This SEIA reports on the following areas:

- The guidance provided in the National Commissioning Framework for the new bodies and the role this has in shaping the

equality environment of the new post-16 commissioning and planning arrangements.

- The potential impact of the Machinery of Government Changes as described in the NCF.

- The potential impacts reported by consultees interviewed during the course of the SEIA.

We acknowledge that some of the findings relate to issues that are outside the scope of the NCF and fall under the scope of the ASCL Act. However, the remit of the impact assessment covers the potential impacts of the NCF and we are duty bound to present all impacts which may then inform further thinking and action beyond the confines of the NCF.

Mindful of the documents underpinning the NCF, and also the size and complexity of the NCF itself, recommendations are made with the understanding that the document cannot be extended to become an 'NCF and E&D' framework as this would both be unwieldy and would duplicate existing material.

3 AIMS OF THE SEIA

As part of the LSC's Single Equality Scheme, the LSC committed to assess the impact on equality and diversity of implementing its policies and priorities.

Hence a full impact assessment on the draft NCF was commissioned and a commitment given to publishing the assessment alongside the NCF.

The objectives of the NCF SEIA are to provide:

- Evaluation of the extent to which the proposals for the introduction of the National Commissioning Framework could have positive or negative impact on learners by race, gender and

disability, or other equality areas where evidence is available.

- Identification/evaluation of specific areas of potential implementation that may impact adversely on particular learner groups.
- Recommendation of actions required to address or monitor any potential benefits, including key performance indicators.
- Identification of an appropriate process and schedule for future monitoring of the National Commissioning Framework.

4 REPORTING AND CROSS REFERENCING

The SEIA findings are to be found in:

- Section 7 (Treatment of Equalities);
- Section 8 (Thematic Findings);
- Section 9 (Findings for Particular Learner Groups).
- Section 10 contains discussion and recommendations on monitoring and review.

Appendix 7 contains a full listing of impacts mentioned through the consultation. There may be repetition within and between sections where findings relate to two or more areas..

The appendices contain further detail, including:

- Summary of policy context (Appendix 3);
- Data output (Appendix 5);
- Results of the Young People's Consultation;
- Overall SEIA Impact Assessment Grid in Appendix 7.

Any cross referencing to the NCF document pertains to the draft NCF issued on the 16th November

5 THE NCF

5.1 Background

The draft NCF has been produced as guidance for 16-19 learning stakeholders as a result of Machinery of Government changes. It has been produced against a landscape of great legislative change both in learning and in equalities.

The NCF, after consultation, will set out the 'mandatory elements of planning, commissioning and the quality assurance of provision'. The NCF provides guidance on the management of the process for academic year 2010-2011 and planning and commissioning for the 2011-2012 academic year. The NCF also provides arrangements for funding providers which will apply from April 2010 (NCF, p1: 1.1-4).

The NCF sets out to provide the information necessary to enable 'local authorities to prepare for and implement their role as lead commissioner' (NCF, 1.1-1, p1).

The document provided the opportunity for stakeholders to comment on the new systems for planning, commissioning and funding of 16-19 education and training.

5.2 Intended Audience

The draft NCF is intended for the use of Local Authorities (LAs), learning providers and other stakeholders in 16-19 education and training.

5.3 Evidence

The draft NCF is a consultation on the proposed planning, commissioning and funding roles, not a consultation on the devolved responsibility for 16-19 learning provision as articulated in '14-19 Reform: Next Steps' taken through into law by The Apprenticeship, Skills, Children, and Learning Act 2009. Thus, no further evidence base was required in the NCF.

The SEIA gathered evidence as outlined in the invitation to tender (consultation with stakeholders), described in Section 6.

6 METHOD

The method for the SEIA was largely prescribed in the invitation to tender issued by the LSC. The ITT stated that at least 40 interviews with stakeholders should be conducted. In addition, VT Research undertook a policy review and secondary data analysis.

6.1 Policy Review

A review of recent learning and equalities policy development was undertaken at the end of December 2009 and beginning of January 2010. This desk review informed the development of a primary research instrument (discussion guide) as well as putting the project into policy context.

The policy and document review was submitted to the LSC in February 2010. Please see Appendix 3.

6.2 NCF Review

VT Research undertook a theoretical analysis of the NCF document to ascertain potential impacts on equality for learners.

This review included content analysis focusing on equalities and an overview of the document by our researchers before consultation began to undertake the formative impact assessment.

6.3 Secondary Data Analysis

National data extractions were obtained from the Data Service (ILR for Learner Responsive and Employer Responsive provision) and the DCSF National Pupil Database, thereby providing access to demographic and learning participation data for all learners aged 16-18 (or 19-24 with LDD) regardless of current provision.

Statistical analysis was conducted to produce indicative baseline measures for

the three key equality strands covered within the data: gender; disability; and ethnicity. Gap analysis of data and variables available has also been conducted to inform future equality monitoring recommendations. Data tables are located in Appendix 5.

6.4 Consultation

In January and February 2010, VT Research conducted 41 telephone interviews, ranging in length from 30 minutes to 1 hour 15 minutes. Please see Appendix 2 for details of organisations consulted.

VT Research also consulted young people from diverse backgrounds through focus group and telephone interviews.

6.5 Formative Feedback

Results from the SEIA consultations were provided through four formative feedback reports to the LSC to highlight areas of potential impact as early as possible in the process.

VT Research used a colour coding system within these formative feedback reports to highlight potential adverse (red), neutral (orange), and positive impacts (green).

The results provided in the formative feedback have been analysed further. The results of the primary research are found in Sections 7, 8 and 9.

7 NCF IMPACT ASSESSMENT: TREATMENT OF EQUALITIES AND DIVERSITY

This section contains the results of the assessment of the treatment of equalities in the draft NCF document.

7.1 Equalities and the NCF Document

We analysed the draft NCF document to ascertain whether the information includes, or points to, that which is required to prepare for equality of access and outcome for all learners and for the monitoring of equal opportunities under the new arrangements.

By the time of the commission of the SEIA early feedback had led the authors to conclude that equality references were not explicit enough for wider stakeholders even though the NCF had been written to embrace equality and to embed equality in the document.

Thus, as we were told to expect, there are very few general or specific references to equality and diversity in the NCF. This may be a consequence of the primary remit of the Framework; that is: to provide the mandatory elements of planning, commissioning and quality assurance of provision. This follows through in Section 2.2-11 of the NCF which provides the only reference to equality in general in the document, stating that

'In all circumstances local authorities must ensure that providers comply with and fully meet all legal requirements including for Health and Safety and for equal opportunity and diversity.'

NCF 2.2-11

Some stakeholders interviewed recognised that the equality agenda is picked up implicitly throughout the document, but argued that since the Framework will be of interest to many organisations the equality dimension needs to be explicit: Firstly, because stakeholders need to see the priority given

to equalities; and secondly, since equality and diversity is not embedded in all LAs and stakeholder organisations, the NCF provides an opportunity to emphasise the importance of the equality and diversity agenda. The NCF is an influential document, thus there is a chance to make the point that it is equalities that will drive success (particularly for RPA). This point is particularly important with a general election looming when energies can be dissipated and direction, lost.

Learner Groups

A search for references to any specific learner groups through the document (please see Appendix 4 for details) reveals that there are only two groups of learners about which significant content is included: Learners with Learning Difficulties and Disabilities (LLDD) and children and young people who are in youth custody. This result is largely explained by the specifics of the commissioning outlined in annexes for these two groups of learners. References to age are frequent, but only as descriptors, not in terms of equality of outcome (see Appendix 4 for details).

However, there are implicit references to equalities/vulnerable groups throughout the document including: explanations of the new model of delivery achieving outcomes for all young people, with references to diversity of provision; needs-led provision; and responsiveness to the learner to enable access for all:

"To make sure that the right provision is in place to allow every young person to access their entitlements to learning..."

NCF 1.1-9 p2

"To provide opportunities so that every young person can participate in learning and prevent any young person from suffering the long term effects of not being in education, employment or training"

NCF 1.1-9 p2

“An approach which takes a critical look at the mix and balance of provision and the support needed to meet the needs of all young people”

NCF 1.1-10 p2

“The system will operate in the interests of the learner. Addressing learner choice and diversity....”

NCF 1.1-11 p2

Furthermore, the NCF implicitly identifies one of the key outcomes of the Machinery of Government Changes, that is, preparation for the raising of the participation age in Section 2.2-6 p25.

“evidence that the proposed allocations and awarded funding agreements will deliver the required progress towards 100% participation...”

This preparation will have to have a higher impact on the participation of vulnerable groups who are, at present, over-represented in NEET and employment without training statistics.

That all young people are covered by the sections outlined above is clear, with an implicit reminder that progress is to be made with young people over-represented in the NEET groups.

However, the NCF does go on to highlight vulnerable groups:

“Delivering provision and a support offer for young people, including provision for the most vulnerable ...”

NCF 1.1-12 p3

One group highlighted in the NCF is an important cross-cutting group of vulnerable students; those whose studies may have been interrupted. These young people include: those who have ‘*dropped out of learning or work during the year or due to other factors such as pregnancy or youth custody*’.

NCF 1.2-10 p5.

Furthermore, the importance of joined up policies to support vulnerable groups of learners is also highlighted as an essential part of local authority commissioning:

“to ensure local authorities...put in place systematic processes to join up all their supportive and positive activities. There should be a clear focus on supporting vulnerable young people and their families, focussed particularly on children in care, teenage parents, young people with learning difficulties and disabilities and young carers.”

NCF 1.2-11 p5

The document takes an embedded approach to groups of learners by stressing outcomes for all learners. This approach could be taken to its logical conclusion by consistency e.g. where within the provider quality assurance sub-section it is said that:

“Monitoring provision is required to ensure good outcomes for young people....”

NCF 1.3-35 p14

Additional phrasing: ‘all young people’ could be inserted.

Where specific vulnerable groups are listed, the authors of the NCF have been careful to list those groups that are generic to all local authority areas. However, to stress local flexibility and diverse needs (e.g. high economic/multiple deprivation or high numbers of refugees in some areas) the lists of vulnerable groups could include all vulnerable groups such as a phrase ‘and those vulnerable groups identified in local needs analyses’.

A minority of stakeholders asked about the definition of ‘vulnerable groups’ and questioned the validity of mentioning some learner groups rather than others. One stakeholder from the Equalities community, advised that a definition of vulnerable groups should be included. As noted above, a broad definition would be

advisable, to allow for variations across localities.

The young people we consulted mentioned groups of learners that might have difficulty progressing to post-16 learning or achieving. They identified groups such as young people whose parents are splitting up and young people moving from one area to another (sometimes the latter being a result of the former).

7.2 Structure of the NCF

Since the NCF document is so broad, covering all 16-19 (25 LLDD) young people's education and training provision planning, commissioning and funding, it has been structured to enable input by specialists through the main document and its twelve substantive annexes.¹

Each of the annexes is designed to be able to be read as a stand-alone document for those with a specialist interest in the subject matter of the annex concerned.

Two annexes (Annexes 1 and 4) deal with commissioning arrangements for specific groups of learners, LLDD and young people in youth custody. Another, annex 3, covers the commissioning arrangements for Apprenticeships.

Many consultees described the NCF as a complex document that describes a system that is too complex.

Only a minority of consultees recognised that this is a 'high level' document. Many consultees wanted the Framework

¹ Annex 1: – Commissioning Provision For Learners With Learning Difficulties And/Or Disabilities (LLDD); Annex 2: – Provider Quality Assurance System; Annex 3: – Commissioning 16-19 Apprenticeships; Annex 4: – Commissioning Education and Training for Young Offenders in Youth Custody; Annex 5: – National Funding Formula; Annex 6: – European Social Fund (ESF); Annex 7: – Data Provision; Annex 8: – YPLA Intervention; Annex 9: – Learner Eligibility; Annex 10: – Diagram and Timetable for the New 16-19 Collaborative Commissioning Cycle; Annex 11: – Funding, Payment and Assurance; Annex 12: – Factors Influencing Local Authority Planning and Allocation

simplified, but at the same time wanted further detail on equalities added in their own sphere of interest which would have the consequence of making the document unwieldy. The use of cross referencing will obviate the need for the addition of much extra detail to the equality agenda.

There were differing views on the use of Annexes for particular learner groups (LLDD, young people in custody). Some consultees reported that they found it helpful. Others, particularly stakeholders concerned with LLDD, stated that the use of annexes constituted marginalisation of these learners.

One stakeholder wanted it noted that the separate commissioning arrangements for apprenticeships seem to 'continue to sideline' apprenticeships with the risk of them not being seen as a priority within LAs.

7.3 Roles, Partnership, Policy and Cross-Referencing

The NCF document does not mention the work and potential role of the Education Business Partnership Organisations (EBPOs) including new guidance from DCSF concerning EBPOs. EBPOs will support the 14-19 reforms not only through enterprise education and work-related learning but also through their wider employment engagement strategies that will be used to support the delivery of Diplomas, Foundation Learning and planning for Apprenticeship provision. Some of these elements are central pillars of the RPA strategy, and are (as a related point) also part of the equality agenda because of the learner groups served.

Some stakeholders (small minority) stated that they could not clearly see what the roles and responsibilities for equalities in learning between the various agencies are. An example provided was which agency would be responsible for monitoring equal opportunities?

Those stakeholders (the majority) who thought that E&D was not explicitly

mentioned throughout the NCF draft also felt that more cross-referencing to E&D policy and duties ought to be included. Many stated that although LAs are clear about their public duties, wider stakeholders who comprise part of the audience for the document, need to see explicit references.

To enable the NCF to reflect learning equalities, one stakeholder wanted the document to reiterate the strategic priorities and cross reference to 'Bridging the Gap'. However, the Social Exclusion Unit's 'Bridging the Gap' report was published in 1999. If further reference is needed to the exclusion agenda, more recent Narrowing the Gap work includes research and tools and refers to Children's Services. This would be a more useful reference.

The references to partnership working are clear throughout the document. However, several stakeholders recommended that the reasons why LAs must collaborate and work with others (particularly the Third Sector) should be made explicit. That is, that certain organisations will have a better understanding and ability to work with certain groups than local authorities and will help to achieve success in the hardest 'gaps' in participation.

8 THEMES EMERGING FROM THE CONSULTATION

A variety of themes with impacts on equality and diversity emerged from the equality assessment of the NCF and consultation with stakeholders.

8.1 Local Flexibility

The NCF stresses local flexibility within a coherent national model:

“Local authorities will develop their own approach to the delivery and integration of the commissioning of provision ... with other services in their area, and in the context of wider economic and social development plans, whilst driving commissioning to meet the needs of learners and employers.”

NCF 1.1-5

This local flexibility means that local authorities will be able to respond to their local circumstances with regard to equalities. While this fact is not stated explicitly, it is implicit in the references to the use of national and local data and responsiveness to learner and employer demand. A local authority with a relatively high population of refugees or ethnic minorities will have different provision (including Information, Advice and Guidance [IAG]) and monitoring issues than one with mining and/or a legacy of heavy industry.

The drivers of local flexibility and difference in interpretation will result in the treatment of some learners/groups of learners varying according to the LA in which they reside. There are potential benefits to learners within their area of a system that is responsive to learner need. However, a potential negative systemic equality impact outside of the control of the NCF, but about which both local authorities and the YPLA will need to be aware, is the charge of ‘postcode lottery’ and the potential for legal action by learners and/or their parents and carers.

In this respect, the NCF reflects other strands of LA working as outlined by the LAA – which was put in place to reflect the idea that ‘one size does not fit all’ and

“that local services should reflect what local people want and give more flexibility to local authorities and other public sector organisations in the ways they deliver services for local people”

Stakeholders held a variety of views about the trade-off between responsiveness to local requirements and the national variability in which this would result.

8.2 Commissioning

The NCF provides guidance on how the commissioning process will work.

Outside the control of the NCF guidance itself are the positive and negative impacts resulting from the diversity of approach taken to commissioning by Local Authorities, and also the capacity issues within Local Authorities.

The NCF clearly sets out the steps that Local Authorities will take and defines commissioning clearly (1.1-13 p3).

There are potential positive equality impacts to be seen in the following aspects of local commissioning, outlined in 1.1-13 p3:

- Local needs analysis including the requirement for use of qualitative and quantitative data
- Specified timings for delivery of national data
- Learner involvement
- Provider and employer involvement
- Need to maintain a diverse and sustainable provider base
- Requirement to enable providers to be flexible and innovative to ensure delivery of the full entitlement
- Procurement through the most appropriate providers.

There are two levels of equality impact to be considered in the commissioning process:

- Equality of commissioning for providers
- Commissioning with equality and diversity embedded, or with a view to equality and diversity.

A lack of sufficient detail on quality assurance in local authority commissioning activity runs the risk of negative impact on equalities. Section 1.1-11, which sets out the key principles underpinning the NCF, states that “the system will take into account the needs of employers and employability” and that the “system will seek the involvement of providers as strategic partners”, it states that “Commissioning should be sustainable, impartial and provider neutral...” (all 1.1-11 p2).

The governance of the commissioning process as set out in the NCF states that the YPLA will “ensure consistency and propriety across the commissioning process” 1.2-25 (p7) through the issuance of guidance, of which the NCF forms the core part. The YPLA has the power to intervene if it is felt that a LA is failing or likely to fail in its duties (p15).

The YPLA has a

“..key role to ensure consistent approaches are adopted between all local authorities and support them to be intelligent commissioners”

NCF Annex 2. 33

The YPLA also has access to data which

“may signpost poor commissioning decisions and alert YPLA to the need to intervene in particular local authority”

But that the intervention should be proportionate to the problem.

NCF Annex 2. 34

On the other hand, the NCF clearly states in Annex 2 para 40 that it is the role of the

Secretary of State, supported by Government Offices, not the YPLA, to performance manage Local Authorities. This performance management anomaly may need to be tightened and the role of the management of equality outcomes and equality of commissioning made explicit.

The NCF sets out clearly the mechanisms for contracting and funding. One provider representative was disappointed that the NCF had not taken the opportunity to extend contracts to 3-5 year contracts for delivery – enabling innovation and investment which could potentially impact positively upon vulnerable groups. Within the RPA agenda, ‘capturing’ the harder to reach might require considerable up-front investment and resources before yielding results.

Annex 2 (paras 60-61) provides details of the development of an Approved Supplier Register (ASR) through which post-16 providers would be accredited. While the benefits of quality assurance are evident, there is a potential negative impact for smaller, specialist providers which might see such a system as a barrier, or which lack resource to undertake the registration. Stakeholders were concerned about how equality will be built into this system which had the potential to adversely impact the providers who work with harder to reach young people.

8.3 Consultation

Consultation is undoubtedly necessary to ensure that learners’ views can inform policy and practice. LAs are practiced at consulting their various constituencies over services. However, a potential negative impact emerges from circumstances in which engagement with learners is piecemeal and not addressing engagement with diverse learners in sufficient quantities to be meaningful.

There is also a potential conflict of interest if commissioners are running consultation to inform their own commissioning.

8.4 Data

The NCF is clear in its timetabling of activity, including that of data provision from the YPLA to local authorities to inform commissioning.

“The commissioning processes for 16-19 provision will be underpinned by relevant and timely data”

NCF 1.2-30 p8

“Each element needed to establish learning provision for 16-19 year olds is underpinned by comprehensive learner, provider and performance data”

NCF 1.3-1 p9

Thus, there is a strong emphasis throughout the NCF on evidence-based planning and the commissioning cycle. A potential positive impact on all learner groups and equal opportunities is the national datasets’ being sent in good time to inform planning. This data, it is made clear, will be supplemented by the local knowledge and data from Local Authorities themselves, that have a good understanding of their local areas. The potential positive impact will be on Local Authorities identifying the gaps in data in the nationally-supplied datasets and being able to supply their own intelligence particularly relating to those learner groups whose learning outcomes are lower than average.

An extremely useful development that will underpin the requirement for robust data is the enabling of information sharing (within the rules of the Data Protection Act) that has been enshrined within the ASCL Act.

A problem that the new arrangements inherit is that the datasets mentioned² do not ‘talk to each other’ about equalities since the definitions e.g. of disability, and/or the data collection methods (e.g. census or self-declaration) differ.

² E.g. School census, ILR and Connexions data.

Thus, the outcomes of learner groups cannot be tracked through the system. Without this tracking, the robust analysis to inform planning and monitoring of some vulnerable learner groups will be difficult if not impossible.

Data has been described by many of the stakeholders as one of their main concerns for E&D for both needs analysis and for ongoing tracking. There are issues with the consistency of national data, and with the quality of local data in some areas.

Comments are typified by that of one former LSC employee who stated that the ILR is not disaggregated properly and does not capture equal opportunities data sufficiently. Moreover, the datasets mentioned in the NCF do not identify where the vulnerable groups are, and what the gaps are. There are also gaps in credible data for those suffering economic disadvantage. These data issues will impair LAs’ and providers’ preparations for making reasonable adjustments to ensure accessibility for learners and to prepare for the RPA.

The NCF states that work is underway to amalgamate datasets. In addition, some baseline work can be done with existing datasets before amalgamation work is complete.

The partial reliance on local data has also been questioned. While most stakeholders agreed that Local Authorities had a good understanding of their areas, some stakeholders felt that without explicit direction about the data to be collected, there is a risk in some areas of ‘variable quality data in, variable quality data out’ scenario of data collection and analysis to inform commissioning decisions. This, it is argued will not result in robust data and may disadvantage certain learner groups but will also result in a ‘postcode lottery’ of quality of evidence-based commissioning.

There are concerns over the breaking up of the analytical capacity of the LSC. While stakeholders acknowledge that

there are some LAs whose analytical staff are excellent, there are new datasets to be analysed.

An equalities stakeholder questioned why there were no EDIMs in the document since the measurement of gaps in performance is the driver for the narrowing the gap agenda. Stakeholders should be informed of the planning underway for equality monitoring.

Opinions were varied on how data should be used for equalities monitoring, with some favouring a strong top down position with others preferring a bottom up aggregation approach with core regional and national indicators agreed.

A question was raised about the lack of mention of Sector Skills Council (SSC) data which could be most useful in informing work-based learning routes. The quality of sector data is most important for these routes, which often appeal to the more vulnerable groups. It may be that SSC data will be fed in through the RDAs, but this is not made evident in the NCF. This route would ensure that the requirements of the STEM agenda and for STEM data are being addressed.

In the consultation, comments on the limited guidance in the NCF on tracking of the new equality strands were made. Opinions on how such monitoring and tracking differed widely particularly around sexuality and belief.

8.5 Economy of Scale Issues

The commissioning of provision in small geographical areas, according to some stakeholders, has the potential to cause economy of scale issues for some vulnerable learner groups. For example, there will be cohorts where too few students (e.g. with LDD) live in one area for specialist provision to be funded within that area.

The roles and responsibilities for commissioning across travel to learn areas is mapped out in the NCF and the

Regional Planning Group (RPG) also has a responsibility for overseeing 16-19 Commissioning Plans for the region to ensure coherency and that they are within the funding allocation. From an equal opportunities standpoint, the RPGs will

‘...progress specialist issues (for example establish working groups in relation to the development of....LLDD, capital, transport and/or youth offending)...

NCF 1.2-17p6

Losing economy of scale brings problems for national organisations which will find themselves working with a large number of LAs. There are concerns about national third sector providers and how their provision might be affected by the new commissioning process. Economy of scale issues are already causing some national bodies (largely charities working with particular learner groups) to consider withdrawing some provision, according to our consultation. The arrangements to be made for national organisations alluded to in the NCF need to be disseminated as soon as possible.

Specialist LD and mental health trusts are unlikely to have the capacity to engage meaningfully with the multiple Local Authorities in their trust areas. This will undermine the principle of partnership working outlined in the NCF. SRGs and RPGs might be more able to engage with agencies like Health, although working at the level of individual packages for LLDD might be difficult.

8.6 Funding

The funding allocation detailed in Step 5 - Indicative distribution of Additional Funds (NCF p23) outlines the policy on SLN per learner number ratio and the control of the ratio in line with policies on changes to the size of learner programmes. (This ensures that unit costs do not rise above the indicative allocations in the overall budget). It is unclear how this policy dovetails with the principles of flexibility enshrined in Foundation Learning,

designed for many students who require extra help (including those specifically mentioned in the NCF- LLDD, and young people who have dropped out of learning and require help in re-entry, for example).

It is also unclear how this step dovetails with increases in programme size as a result of Diplomas, and flexible entry to programmes. Further clarification, a link to clarification in other guidance or a note to state that further guidance is forthcoming might be appropriate.

There is a potential negative impact upon LDD learners in the case of funding envelopes being exceeded. The issue of affordability of provision for LLDD may result in discrimination if the provision required is not made available. Many stakeholders voiced this concern.

8.7 Quality Assurance

The QA and monitoring of providers by Local Authority areas has the potential to bring positive impacts to equality outcome measurements and tracking. An example provided during consultation outlined the situation of providers operating within an organisational area such as Luton and Bedfordshire. Where targets and outcomes are aggregated across the two very different areas, targets and measurements can be meaningless and disadvantageous, particularly to a provider that works in only one of the areas concerned. The new arrangements set out in the NCF mean that Local Authorities will have meaningful workable targets.

The NCF outlines how success will be measured with:

“clear minimum national standards expected, coupled with improvement targets against a common set of national performance indicators”

Annex 2 Para 62

A potential adverse impact on the provision to learners whose success rates might be low (e.g. ex-young offenders) is that the application of minimum standards

can provide a perverse incentive for providers to ‘cherry pick’ particular learner groups, thereby disadvantaging those most in need.

Ensuring the minimum standards method currently being developed includes a value-added component and/or ensuring that equalities and diversity is embedded within the QA process is essential to avoid this potential negative impact on low achieving learner groups.

8.8 Information, Advice and Guidance

It is positive for equalities that IAG is referred to in the document (1.1-10) as is the policy document “*Quality, Choice and Aspiration: A Strategy for Young people’s Information, Advice and Guidance*” (1.1-8).

The NCF provides further guidance in paragraph 1.1-10, stating that LAs’ approach needs to include ‘Assuring that information, advice and guidance (IAG) is sufficient, effective and relevant to school, college and labour market needs’ and in paragraph 1.2.19 regarding provider duties stating that ‘they are responsible for delivering Careers Education and Guidance to learners and ensuring provision is accessible through the Area Prospectus’.

This guidance does not build in a reminder for the provision and access to impartial and independent IAG. Lack of impartial guidance is an equalities issue as the most vulnerable students can be disproportionately affected, particularly those learners liable to NEET and ‘churn’.

The consultation revealed views around potential negative outcomes of some perverse incentives which could come into play within the new system:

- Providers delivering IAG may have a bias to themselves, which affects certain groups of learners more than others.

- LAs in commissioning learning and IAG have a perverse incentive to keep learners within their borders. This can have a disproportionate impact on learners in FE/WBL provision.

A link to the IAG standards would be appropriate.

<http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00253/>

8.9 Apprenticeships

The roles and responsibilities for procuring apprenticeships are laid out clearly. However, in Section 2.1-3 of the NCF it is stated that the YPLA and NAS will provide data, with the latter also providing analysis for Local Authorities on demand from employers and learners *inter alia*. The analysis will be based on both 'residency based and provider based data' and data by sector. Where local needs and young people's demand differ, further guidance may be required for prioritisation.

Current policy places an emphasis on increasing the appeal and uptake of apprenticeships which are a central plank of the 100% participation target. Throughout the main document, 'travel to learn' is the term used to define geographical boundaries rather than travel to work (which is used but only once in the Apprenticeship Annex). We suggest a footnote in the first use of the term 'travel to learn' to mention that it includes 'travel to work'.

One stakeholder (provider representative organisation) noted that the separate commissioning arrangements for apprenticeships once again seem to sideline apprenticeships with the risk of them not being seen as a priority within LAs.

8.10 Changes in Responsibilities

Stakeholders from a variety of organisations, including LAs, identified the potential impact from political interference in the wider planning and commissioning

process. Our consultees mentioned their concerns about the potential negative impacts of far right wing elected members upon specialist commissioning; and also about the impact of politics on the speed of response to need.

Furthermore the potential negative impact of political change on planning and commissioning, with changes in priorities has been identified. Although the potential negative impact is high for certain groups, the risk is low to medium. The recommendation is that no action is needed beyond good equality tracking and monitoring systems being put in place.

There were concerns from a significant number of the stakeholders that there will be 'fall-out' from the changes as LAs get up to speed. The potential adverse impact will fall on the most vulnerable groups thereby undermining the equality agenda and outcomes for those vulnerable learners. Most often cited were 'vulnerable learners in general' and LLDD. The sharing of best practice and existing experience (YPLA/SFA staff) between LAs through the RPGs and the REACT programme will be instrumental in mitigating this risk.

Some transition arrangements are already working well, for example, cases in which senior LSC staff have transferred into Local Authorities in the lead commissioning role. There is an opportunity to spread good practice and knowledge by identifying the commissioning and local knowledge strengths of Local Authorities and the experience of post-16 commissioning with its strong E&D agenda within and amongst LAs through SRGs and RPGs.

Stakeholders have noted that there is disparity between LAs in the LSC staff transferring to them, with some LAs not attracting LSC staff. We have evidence from two regions to support this assertion. LAs who have not attracted staff with their recent experience of post-16 commissioning feel less prepared for the new responsibilities. This means there is a

heightened risk of some learners being adversely affected.

The NCF makes reference to the understanding that LAs have of their local areas and the benefits this will have to learners. There was a near consensus amongst stakeholders consulted that LAs do indeed understand their local areas, particularly in terms of economic and multiple deprivation, and the groups of learners that may need most help. Cited as learners who would benefit particularly, were travellers and those who are socio-economically deprived.

Connected to the principle of understanding of local needs, the NCF enshrines the notion of local flexibility within a national framework (see above). The majority of stakeholders welcomed this local flexibility that will enable local needs to be catered for and having a potential positive impact on equalities. The flexibility, according to one consultee,

“frees up LAs who are good at E&D to implement and innovate.”

9 IMPACTS BY LEARNER GROUP

The impacts by learner group are set out below.

9.1 Overview

The consultation focused on the impacts to particular learner groups. When asked a non-prompted question regarding particular groups that might be adversely or positively impacted, most stakeholders stated either none in particular, LLDD, or vulnerable groups in general.

One concern that applied to all learner groups and which was articulated by around half of our stakeholder respondents concerned the dissipation of expertise from the LSC and the short-term adverse impact this will have on all learner groups.

9.2 LLDD

During the consultation process, it was the LLDD group that provoked the most discussion. Consultees were most likely to say that they were concerned for this group above others as a result of the changes.

The commissioning for most LLDD is covered within the main document rather than the LLDD Annex. While this fact is emphasised in the main document, a further explanation is needed in the Annex.

The NCF makes it clear that affordability is part of the decision-making and planning equation for LLDD requiring places into ISPs. Stakeholders claim that affordability has the following negative impacts:

- undermines the principle of learning being based on learner need
- will be discriminatory against the most vulnerable group of learners

There are concerns about the overspend on the LLDD ISP budget. It is well known

that this budget is overspent but this issue is not addressed in the NCF. Stakeholders (not only those in LAs) are particularly concerned that this overspend does not marry with the apparent funding limit to be applied to LAs for this group.

Concerns were also expressed over the timing of the decision-making for placements for LLDD (into ISPs). Some stakeholders have claimed that there will be discriminatory practice if decisions on placements are held back until all LA submissions are complete - a situation that is not the case for other learners.

As with all learner groups, but especially LLDD, there are issues over the impact of changes on reliable and high quality commissioning in the short-term. Stakeholders identified the following LLDD as most at risk:

- Severe learning disabilities and PMLD
- Moderate LD and young people with behavioural difficulties (who are more likely to fall into the NEET category and/or offending)

The NCF is clear about the benefits and availability of flexible start dates for vulnerable learners. However, this does not seem to be the case for LLDD who are entering ISPs. Clarification and rationale may be required.

9.3 Young People in Young Offender Institutions/ex-Young Offenders

The NCF sets out the timeframes clearly. There is a longer period for LAs to become accustomed to the commissioning process for young offenders.

The introduction of Annex 4 (p25 on the consultation draft) states that YOTs are integral to the planning and commissioning process. There is room, however, for YOTs' roles and responsibilities to be clarified further in the annex.

Concerns were raised in the consultation that there is a potential for confusion

between references to YOTs and the YJB. A stakeholder in the youth offending field stated that clarity is required since Local Authority commissioners might plan to use YOTs beyond their limited capacity. This would have an adverse impact on the young people.

The speed at which LAs pick up the diversity and complexity of provision for young offenders is of concern to stakeholders in the field. Those most at risk are:

- Young people resettling into the community (often re-enthused about learning) who are fragile and quick to lose motivation if not supported and are also prone to feel rejected.
- Young people at either end of the learning spectrum within custody – those with LDD and particularly those few who might be at the higher end, e.g. trying to study for A level.

Some stakeholders stated that NCF was a high level document but that LAs would want more detail, for example, more guidance on young offending planning and commissioning.

One potential negative impact of the introduction of the NCF was identified as the loss of momentum for driving up commissioning quality for young people in custody during the period of change and adjustment. Stakeholders expressed concern about the quality assessment and contract management of the providers within custodial institutions – to ensure that the vision of enabling YO's choice and access to learning aligned to mainstream provision is pushed forward. The concerns were articulated as acts of omission rather than commission, e.g. rolling contracts over; not monitoring sharply on the monthly basis specified in the NCF.

Some stakeholders, including LA respondents, raised concerns that LAs will have difficulties negotiating with providers on the provision for these learners and other hard to reach/lower success rate learner groups. Even stakeholders

operating in LAs with good partnerships were anticipating difficulties. Issues included:

- Persuading providers to put on provision for learners, particularly YOs, who generally have lower success rates due to the minimum performance criteria.
- Persuading traditional post-16 providers to put on the different types of provision required for the RPA.

Even stakeholders operating in LAs with good partnerships were anticipating difficulties.

Since there will be difficulties in offering provision for this group, stakeholders feel that the provision should be both funded and measured differently from other provision. There does not seem to be the scope for this within the NCF.

9.4 Travellers

Travellers are a group that are still underperforming in the current system. The arrangements described within the NCF may prove to have a positive impact on this learner group in particular:

- Transfer to LAs with their knowledge and existing resource in liaising with travellers regarding pre-16 learning
- Increased flexibility in start dates
- The NCF's emphasis on a diverse provider group.

9.5 Other Vulnerable Groups

Some stakeholders, mostly but not confined to LA contacts, stated that learners suffering from multiple deprivation, mostly measured by postcode, are not highlighted as a priority in the document. This group will be key to the RPA agenda.

Several Equality and Diversity professionals recommended having a definition for vulnerable groups/learners.

Various stakeholders, including young people, identified the following groups as vulnerable or needing to be mentioned in the NCF:

- ESOL
- Socio-economically excluded
- Rurally excluded
- Young people moving areas.

Two young people were concerned about resources available to 'high flyers' and 'high achievers' if priority is given to vulnerable groups. Their concerns are that the NCF will have a negative impact on gifted and high achieving young people. The NCF does promote excellence for all, but does not explicitly mention high achieving young people.

Vulnerable young people could be defined as: groups already mentioned in the NCF – e.g. LLDD; young offenders; young carers; young parents; children and young people in care; plus other groups whose outcomes are persistently below the average e.g. certain ethnic minorities; rurally excluded; socio-economically disadvantaged young white men. The definition must be kept broad to ensure flexibility of priorities in local areas and to promote the bridging the gap agenda as outcomes change over time for differing groups.

10 MONITORING, REVIEWING AND UPDATING THE NCF

10.1 NCF Monitoring

It is anticipated that the NCF will be revised on an annual basis (released every March) to support the commissioning for the following year.

In order for the monitoring and review process to inform the update of the NCF, review should be undertaken to be complete in December. An equality review should be an integral part of the review process. Monitoring of the impact could be done in two ways:

1. The review of the NCF could be undertaken using the method used for this SEIA and by measuring against the recommendations and 'watching briefs' in this document.
2. The impact/monitoring of the NCF and the Machinery of Government changes could be undertaken through a large data analysis exercise starting with the recommendations made in this document. Data for all baselines necessary are not yet available (see Appendix 5).

The most efficient vehicle by which to monitor the NCF for equalities would be through a Single Equality Scheme. We understand that a Single Equality Scheme for the YPLA is currently being drafted.

The SES or the monitoring vehicle should employ agreed Equality and Diversity Impact Measures (EDIMs). EDIMs should be set nationally to enable equality reporting to be embedded within the national reporting processes. Local and regional variation to enable meaningful targets should be also be set. The objective of meaningful equality targets is more achievable (although more complex) in smaller geographical areas through ratification at the sub-regional and regional areas.

We also recommend that equalities monitoring is undertaken to fit into the

main reporting process to the Secretary of State, embedding equalities into the mainstream.

Analysis of learner data can be conducted at different points within the planning cycle. The timing of national and regional analysis will be dependant upon the schedule for data collection, verification and dissemination by the Data Service. It is anticipated that initial participation data and the previous academic year's achievement data (amended examination data) will be released in late Autumn; making December a key analysis period.

However, individual LAs will be able to conduct in-house analysis for their own activity within their own MI systems, rather than waiting for their data to be amalgamated nationally and seeking an extraction to be returned. Early Sub-regional and Regional analysis would be dependent upon data sharing between member LAs, assuming that appropriate data sharing protocols can be put in place while without causing detriment to Data Protection for minority groups.

Data analysis to monitor equality and diversity for learners through the NCF will also support the monitoring of learner equalities that is expected to be required to monitor the effectiveness of the YPLA's SES and any EDIMs set within that. At a national level, the same definitions would be used to identify learners. The same variables should be analysed and cross tabulated for both annual equality monitoring requirements.

The key level of analysis for the NCF equality monitoring will be the LA level, as LAs are the 'delivery agents' of the NCF, the unit at which variable decision making is possible and must be monitored to ensure the no negative impact is caused on any identifiable groups of learners, or potential learners. LA level equality monitoring will require some form of local EDIMs, which are set in line with the demographic profile of those in

compulsory education (e.g. the Y11 cohort), and population trend estimates for the Authority (e.g. taking into account the impact of inwards migration upon the ethnic profile of the cohort).

Without fundamental changes to the learner data collection requirements, it will not be possible to conduct numeric monitoring of equality by religion/belief, or sexual orientation. Furthermore, data does not allow for monitoring of equality for trans gender learners (this may not be desirable on a statistical level, and the ONS has reviewed the scope for collecting 'trans-gender' as a category of gender, and rejected this as impractical for various reasons).

10.2 The Equality Data Journey

The monitoring of the NCF and its outcomes requires a data journey starting from the planning cycle. Below is an example journey

STEP ONE: MAY

Strategic Analysis

"LAs require a robust evidence base to underpin their 14-19 Planning" using the core data set, other national and local data.

This data must include an equalities analysis of participation, retention and achievement by different learner groups.



INTERIM ACTIVITY: MAY/JUNE

Agreement of local priorities and of provision for the hard to reach groups

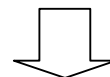
LAs, 14-19 Partnership and other providers seek agreement on how to fill the gaps towards the RPA and other equality issues in light of the evidence.



STEP TWO: JUNE/JULY 2010

Refreshing 14-19 Plans

Annual review of the 14-19 plans must take account of the progress made (narrowing the gap) between different groups of learners, while monitoring overall improvement rates. This narrowing the gap monitoring figure should not only show the relationship between a particular learner group's participation and achievement to the average but also show the direction of travel over the previous year.



STEP THREE: JULY

Development of Local Commissioning Statement

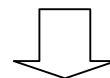
Equalities gap analysis will form part of the data informing commissioning statement alongside Children's Trusts planning and monitoring. Labour market demand, employer support etc. will also be taken into account with NAS.



STEP FOUR: NOVEMBER

Production of Regional Commissioning Statement

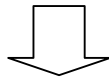
Data and intelligence from the RDA to include regional equality measures and equality performance. This will be matched against the local measures with a regional equalities statement issued as part of the commissioning statement.



INTERIM ACTIVITY – SEPT/OCT

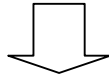
Top-Down and Bottom-Up Equality Target Allocation

RPGs, SRGs and LAs will use the gap analysis evidence and match against targets to agree achievable but stretching local targets to feed into the sub-regional and regional targets.



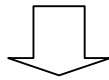
STEP 5- NOV

Agreeing Local 16-19 Commissioning Statement
Includes the agreed equality targets identified clearly.



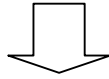
STEP 6- FEB

Local Commissioning Plans Moderated in RPG
Includes the agreed equality targets identified clearly and moderated between SRG areas.



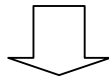
STEP 7 - FEB

Moderation of Equality Targets
RPGs present plans to the YPLA where any anomalies in the equalities targets are assessed.



STEP 8 – JAN/FEB

Monitoring and Review
LAs monitor participation, retention, achievement of learners through secondary data collection and through independent learner consultation including young people who are NEET.



STEP 9 – AS REQUIRED

Reporting
LAs ensure the equalities outcomes are reported to inform the SES and are embedded in the performance reporting at the appropriate times.

APPENDICES

Appendix 1: Glossary of Acronyms

ALI	Adult Learning Inspectorate
ASCL Act	The Apprenticeships, Skills, Children and Learning Act
AY	Academic Year
BIS	Department for Business Innovation and Skills
BME	Black and Minority Ethnic
CAA	Comprehensive Area Assessment
CCIS	Client Caseload Information System
CPA	Comprehensive Performance Assessment
CWDC	Children's Workforce Development Council
DCSF	Department for Children Schools and Families
E&D	Equality and Diversity
ECM	Every Child Matters
EDIM	Equality and Diversity Impact Measure
EFLG	Equality Framework for Local Government
ESLG	Equality Standard for Local Government
FE	Further Education
GEO	Government Equalities Office
GOs	Government Offices
IAG	Information, Advice and Guidance
ILR	Individualised Learner Record
ISP	Independent Specialist Providers
LA	Local Authority
LAA	Local Area Assessment
LDD	Learning Difficulties and/or Disabilities
LGA	Local Government Association
LLDD	Learners with Learning Difficulties and Disabilities
LLUK	Lifelong Learning UK
LSC	Learning and Skills Council
LSIS	Learning and Skills Improvement Service
MIAP	Managing Information Across Partners
NAS	National Apprenticeship Service
NCF	National Commissioning Framework
NEET	Not in Education, Employment or Training
Ofqual	Office of Qualifications and Examinations Regulation
PSA	Public Service Agreement
QCA	Qualifications and Curriculum Authority
QCDA	Qualifications and Curriculum Development Agency
RDA	Regional Development Agency
RPA	Raising the Participation Age
RPG	Regional Planning Group
SEIA	Single Equality Impact Assessment
SES	Single Equality Scheme
SFA	Skills Funding Agency
SLN	Standard Learner Number
UKCES	UK Commission for Employment and Skills
YO	Young Offender

Appendix 2: Organisations/People Consulted

- Children's Services Representatives including:
 - Directors/Deputy Directors of Children's Services from urban and rural LAs
 - Equality and Diversity Leads
- LSC/YPLA staff with responsibility for Equality and Diversity
 - National office
 - Regional office
- LSC/YPLA staff with responsibility for Learners with Learning Difficulties and/or Disabilities
 - National office
 - Regional office
- Members of the LSC Equality and Diversity Committee
- Young people:
 - Sixth form students
 - FE college
 - WBL
 - NEET
- Provider representative bodies
 - Association of Colleges
 - Sixth Form Colleges Forum
 - Association of Learning Providers
 - Association of School and College Leaders
- Special interest bodies
 - Skill
 - Nacro
- The FE Data Service
- MIAP
- Unison
- LGA
- UKCES

Appendix 3: Summary Policy Review

The swathe of reform of our compulsory and post-compulsory education and training provision is set against the backdrop of shortage of skills in the UK; a drive to upskill the workforce resulting from the Leitch Review³; and the LSC vision that ‘*young people and adults in England will have knowledge and skills matching the best in the world and be part of a truly competitive workforce*’.⁴ It is argued, that to achieve the Government’s aspirations for the skills-base and competitiveness of the workforce, a key step is to reduce the gap in attainment within and across different groups in society. This includes addressing wider inequality issues.

‘Raising Expectations’⁵ proposed a single, clear framework common across all providers of education and training for young people and adults (excluding any higher education provision⁶). The Framework for Excellence, first announced in the FE White Paper ‘Further Education: Raising Skills, Improving Life Chances’⁷, is a central feature of this single framework.⁸ The updated version (2009) and its unified approach paves the way for the new arrangements.⁹

The Apprenticeships, Skills, Children and Learning Act 2009¹⁰ covers England and Wales and contains provisions on a range of policies which span the responsibilities of both the Department for Children Schools and Families (DCSF) and Department for Business, Innovation and Skills (BIS). The Act’s provisions include strengthening apprenticeships and putting in place the infrastructure required by recent changes in government policies such as: the raising of the school leaving age; the continued reform of 14-19 education and training; and the dissolution of the LSC.

The Act incorporates proposals previously published in July 2008 as the *Draft Apprenticeships Bill*, and builds on the Education and Skills Act 2008¹¹, which raised the age of participation in education or training to 18 for all young people in England from 2015. In line with proposals originally included in the March 2008 White Paper ‘*Raising Expectations: Enabling the system to deliver*’¹², the Act transfers responsibility for funding 16-18 education and training to local authorities, creating a single point of accountability for all children and young people’s services from 0 to 19. Local authorities will also take on responsibility for the education of young people in custodial establishments, and for the education and training of certain learners with learning difficulties or disabilities up to the age of 25.

The Act creates the Young People’s Learning Agency (YPLA) for England which will support local authorities in their new role and establishes the office of Chief Executive of Skills Funding, who will head the Skills Funding Agency (SFA) and be responsible for establishing and leading a new system of skills provision for adults.

The Act also establishes the Office of Qualifications and Examinations Regulation (Ofqual) as a new independent regulator of qualifications and assessments, while the Qualifications and Curriculum Authority (the QCA) will continue to exercise its non-regulatory role under the new name of the Qualifications and Curriculum Development Agency (the QCDA).

³ HM Treasury, (2006) *Leitch Review of Skills*

⁴ LSC (2007) *Single Equality Scheme*, p3

⁵ DIUS/DCSF, (2007), *Raising Expectations: Enabling the System to Deliver*

⁶ LSC (2008) *Framework for Excellence: Provider Guide 2008/09*

⁷ DfES, (2006), *Further Education: Raising Skills, Improving Life Chances*

⁸ LSC (2008) *Framework for Excellence: Putting the Framework into Practice*

⁹ LSC (2009) *Framework for Excellence: Unified Post-16 Performance Assessment*

¹⁰ *Apprenticeships, Skills, Children and Learning Act 2009*, London, HMSO

¹¹ *Education and Skills Act 2008*, London, HMSO

¹² DCSF and DIUS (2008) *Raising Expectations: Enabling the System to Deliver*

The Act also puts in place legislation to support 'Time to Train' which will give employees a right to ask for time to undertake training and study and to have this considered properly by their employer.

Other provisions in the Act include: setting up the School Support Staff Negotiating Body; provision about student loans; establishing Children's Trust Boards with responsibility for the Children and Young People's Plan which previously lay with LEAs; strengthening collaboration between schools and giving them new powers to improve standards of behaviour; giving new freedoms to the best schools, strengthening powers to intervene where schools need more support; continuing to foster a world class school workforce; defining children's centres in legislation and requiring LEAs to arrange for there to be sufficient numbers of children's centres in their area to meet local need.

Quality Choice and Aspiration¹³ sets out the strategy for young people's information, advice and guidance, and introduces Principles and Standards for the service. The document acknowledges that raising the age of participation in learning requires a step-change in the quality and consistency of IAG and places schools and colleges at the heart of IAG delivery. Whilst local authorities are given the freedom to configure their arrangements, embedding IAG services firmly within their overall commissioning processes is non-negotiable, as is linking IAG with their broader integrated support systems for young people.

The guidance sets out the Quality Standards for young people's IAG and identifies six Principles of good quality impartial careers education, namely that it:

- Empowers young people to plan and manage their own futures;
- Responds to the needs of each learner;
- Provides comprehensive information and advice;
- Raises aspirations;
- Actively promotes equality of opportunity and challenges stereotypes;
- Helps young people to progress.

The many detailed responsibilities are laid out for local authorities, providers and LSIS along with a large number of commitments to improve IAG for young people including:

- A commitment to formally review the quality and effectiveness of local authorities' delivery of IAG in 18 months to two years' time.
- An IAG guarantee which makes explicit the provision young people and parents have a right to receive which will be embedded in the new Pupil and Parent Guarantees (to be introduced from September 2010).
- Extending the statutory duty on schools and colleges to deliver careers education to young people up to the age of 18.
- From September 2010, every secondary school student to receive personal tutoring from a single, named, member of staff.
- Establishing a Task Force on the Careers Profession which will report in summer 2010 – the joint CWDC/LLUK review of skills requirements due to report in spring 2010 will feed into this.
- Expanding mentoring.
- Further detail and plans for delivery of the guarantee for high performing pupils from low income backgrounds announced in the New Opportunities White Paper.
- Improvements to Connexions Direct to provide a more up to date, seamless service.

¹³ DCSF (2009) *Quality Choice and Aspiration*

- Statutory guidance and directions for local authorities on the management of their IAG responsibilities will be published in 2010.
- Further proposals for preventing young people becoming NEET, in the light of increased economic pressures.
- Additional help for parents to help their children in making the right decisions.
- More use of online access for IAG.

As part of the Backing Young Britain campaign, a joint strategy from the DCSF and Department for Business, Innovation and Skills (BIS), was published in December 2009, identifying ways to increase the number of 16-24 year olds in learning or employment.¹⁴ The strategy shows the goal of early intervention to enable continued participation; successful transition; and full participation in learning or employment being supported by a range of services where necessary, a journey resulting in young people having the skills required for entry into their chosen careers.

Amongst summaries of the various policies put in place to enable the achievement of this vision, the document points out the role that all learning providers need to play alongside guidance services in guiding young people through the transition from compulsory education. The strategy also articulates the duties of local areas at this post-16 transition stage.

Thus the NCF will be put into operation alongside a suite of 14-19 reforms. The NCF will therefore be expected to provide a platform upon which the successful outcomes of these reforms can be assured, including: Raising the participation age; learning entitlements including the September Guarantee and flexible learning through Diplomas and Apprenticeships; the attainment of the five 'Every Child Matters' outcomes; and ensuring young people are able to learn by reducing NEET. At the heart of these changes lies the commitment to decrease inequalities in participation and success in learning.

The equal opportunities policy environment has also been one of development and change. General duties to promote equality and eliminate unlawful discrimination and harassment, and specific duties to help carry out these actions were introduced by the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000; the Sex Discrimination Act 1975 (amended by the Equality Act 2006) and the Disability Discrimination Act 2005. The Gender Equality Duty extended the requirement to eliminate discrimination and harassment for trans-sexual service users from December 2007.¹⁵

These duties are aimed at making equality central to the way that public authorities work, with a particular emphasis on actively working to eliminate inequalities. The specific duties under each of these Acts require all relevant policies to first be screened for implications for equality, and then (if it is relevant) assessed for their impact on the groups concerned, to ensure that there is no disproportionate or adverse impact (or likely impact) on individuals because of their race, gender or disability. Where this is found, the processes which have led to any differences must be investigated, to discover whether they can be explained on grounds which do not relate to gender, disability or race. If inequality can be attributed to these areas, barriers to equality must be removed or the policies reviewed and revised.¹⁶ Educational institutions, as well as being bound by the general duty also have specific duties. In terms of race and disability, education institutions are required to assess the impact of all their policies on students and staff and schools on pupils, staff and parents of different racial groups¹⁷ and people with disabilities (including learning disabilities).^{18 19}

¹⁴ DCSF/BIS (2009), *Investing in Potential*:

¹⁵ EOC, (2007), *Gender Equality Duty - Overview of the Duty*

¹⁶ CRE, (2002), *Race Equality Duty - Guidance for FE & HE*

¹⁷ CRE (2002) *Ethnic Monitoring: A Guide for Public Authorities (non-statutory)*

¹⁸ DRC (2007) *Further and Higher Education Institutions and the Disability Equality Duty: Guidance for Principals, Vice-Chancellors, Governing Boards, and Senior Managers working in Further and Higher Education*

¹⁹ DRC (2006) *Schools and the Disability Equality Duty in England and Wales: Guidance for Governors, Headteachers, Teaching and Support Staff Working in Schools in England and Wales*

'*Framework for a Fairer Future – The Equality Bill*' was announced in June 2008 to 'de-clutter' the legislation and guidance existing in this field, and present a new framework in plain English, to be accessible by all. A key cornerstone of the Bill is an Equality Duty for the public sector, combining the three existing equality duties around equality for race, disability and gender and extending to gender reassignment, age, sexual orientation and religion or belief. The Bill will be taken forward by the Government Equalities Office (GEO).²⁰ Public Service Agreement (PSA) 15²¹ includes schools, colleges and employers, passing an equality monitoring responsibility to inspectorates such as Ofsted (in its expanded role incorporating the former work of the Adult Learning Inspectorate - ALI).

The Single Equality Act, though simplifying existing legislation in many respects, will present additional challenges and opportunities for those in learning, through the extension of the Equality Duty to incorporate the further equality strands of religion and belief, sexual orientation and age. The LSC has shown its leadership and commitment to the equality agenda in including these strands in its Single Equality Scheme and in its Equality Impact Assessments.

Local Authorities have been equally busy on the equality agenda. The Equality Standard for Local Government (ESLG) was launched in 2001 and was adopted by 90 per cent of all local authorities. The standard recognised the importance of equal treatment in local government services and in their own employment practice. The standard had been developed primarily as a tool to enable local authorities to mainstream age, disability, gender, race, religion or belief and sexual orientation into council policy and practice at all levels.

The ESLG has now been superseded by the Equality Framework for Local Government (EFLG). Since September 2009, LAs have had to migrate to this new Framework which has been built on and develops the work councils have done on the Standard. It is designed to be simpler, smarter and more relevant, based on three levels of achievement: 'developing', 'achieving' and 'excellent', rather than the five levels of the old Standard. Other changes include a wider definition of equality, based on equal life chances. There is a new section on 'knowing your communities and equality mapping', which fits well with the comprehensive area assessment (CAA) and the NCF requirements. There is a focus on equality outcomes for all sections of the community and narrowing gaps and a central role for self-assessment and peer challenge.²²

The wider landscape for LAs has also undergone change. Within the LAA a new performance system will drive improvement and effective partnership working with the comprehensive area assessment (CAA) replacing the comprehensive performance assessment (CPA), which includes changes such as more targeted inspections, based on risk, and a reduced number of targets and indicators.

CAA focuses on what is preventing improvement and identifies success and innovation that others can learn. In this way CAA is designed to be:

- a catalyst for improved local services and better value for money
- a source of independent information and assurance for citizens, service users and taxpayers
- an independent evidence base for central government on progress against national priorities

²⁰ With support from Department for Communities and Local Government (leading on race and faith policy) and Department for Work and Pensions (leading on disability and age).

²¹ Public Service Agreement (PSA) 15 - addressing the disadvantage that individuals experience because of their gender, race, disability, age, sexual orientation, religion or belief – measured through 5 indicators.

²² (<http://www.idea.gov.uk/idk/core/page.do?pagelId=5145192> Dec 23 2009).

- a means of rationalising and coordinating inspection²³.

Another area where development is evident is in the Government's relationship with the Third Sector. The national Compact²⁴ was revised in 2009 and the resulting 'refreshed' Compact has new emphases and changes. Those that are relevant to the NCF and the new working arrangements detailed therein include:

- A new focus for the equality section – that is replacing the BME focus with equality across all strands.
- Equality impact assessment aligned with equality duties.
- Commitment to fair and equal access to funding.
- The Third Sector should be involved in the development of policy as well as just participating in consultation.
- Commitments about how people who represent and speak for the third sector should undertake this role.
- Government bodies should engage early with third sector organisations in the design of services and programmes.
- Make payments within 10 days of invoices being received.
- Consider how service users can be involved in monitoring and reporting.
- Extend the scope of the Compact to ensure that prime and sub-contractors and all other public and private bodies work within Compact principles when distributing money.
- Allow enough time for consortia and partnership bids.

The Compact is divided into three key areas covering: involvement in policy development; allocating resources; and advancing equality. It comprises 95 commitments: 62 for government and 33 for the third sector.²⁵

The DCSF/LSC 16-19 Statement of Priorities and Investment Strategy 2010-2011 published this month (January 2010) contains an introduction by the Parliamentary Under-Secretary of State for 14-19 Reform and Apprenticeships.²⁶ The introduction identifies some priorities:

'Now, more than ever, it is vital that we continue to take decisive action to ensure that all young people – including the most vulnerable – are able to participate in learning.'

Furthermore, the introduction sets the priorities of the ASCL Act, and thus the NCF, into context:

'Local authorities, supported by the Young People's Learning Agency from 1 April 2010, will have the tools they need to plan and commission a coherent, integrated and responsive offer to all young people, extending the range of learning opportunities available including through greater access to Apprenticeships, Diplomas and Foundation Learning and creating the right infrastructure to fulfil our historic commitment to raise the participation age to 18 by 2015.'

The many interlocking strands of both learning-related and equality-related policy are springboards for the NCF Single Equality Impact Assessment.

²³ <http://www.audit-commission.gov.uk/localgov/audit/caa/pages/default.aspx/07/02/2010> 18.55

²⁴ The national Compact was agreed in 1998. The document set out shared commitments and guidance for partnership between Government and the Third Sector.

²⁵ http://www.cabinetoffice.gov.uk/third_sector/compact/background.aspx (19 Dec 2009);

http://www.cabinetoffice.gov.uk/third_sector/compact/refreshed-compact.aspx (19 Dec 2009)

²⁶ <http://www.lsc.gov.uk/aboutus/lscstrategy/statementofpriorities/>

Appendix 4: Equality Content Analysis

By the 6 Equality Strands

Word/Theme	Main Document		Annex	
	Existence	Frequency	Existence	Frequency
Equal Opportunity	Yes	1	No	
Diversity	Yes	3	Yes	4
Race and variants ²⁷	No	-	Yes	15
Age and variants ^{28*}	Yes	19	Yes	60
LDD and variants ²⁹	Yes	41	Yes	93
Gender and variants ³⁰	No	-	Yes	5
Sexuality and variants ³¹	No	-	Yes	2
Religion and belief and variants ³²	No	-	Yes	1

References to age are often 'scoping' references as in 16-19 learning rather than equal opportunity references.

By others

Word/Theme	Main Document		Annex	
	Existence	Frequency	Existence	Frequency
Children in care	Yes	1	Yes	1
Young carers	Yes	1	No	-
Young offenders	Yes	9	Yes	17
Teenage parents	Yes	1	No	-
Young people with LDD	Yes	1	Yes	10
Pregnant young women	No	-	No	-
Travellers	No	-	No	-
NEET or at risk of NEET	Yes	1	Yes	7

²⁷ Includes terms: race; racial; ethnic; ethnicity; black; white; asian; traveller; refugee; asylum seeker

²⁸ Includes terms: age; year old; aged; age (numeric) –age (numeric)

²⁹ Includes terms: Learning Difficulties and Disabilities; LDD; LLDD; physical disability; mental ill health

³⁰ Includes terms: male; female; men; women

³¹ Includes terms: sexuality; gay; lesbian; transgender; bisexual; sexual orientation

³² Includes terms: religion; religious; belief; Christian; Muslim; Hindu; Sikh; Humanist; Atheist; Jewish

Appendix 5: Data Analysis and Baseline

Method

A Data Sharing Protocol was completed and submitted within a few days of being commissioned in mid December 2009. The Data Service responded quickly, acknowledging the short-timeframe available for this work. ILR files were received in late January for transfer on to VT Group Plc's secure network. Negotiating access to DCSF's NPD data (Schools Census) took a little longer, but the National Pupil Database and Dissemination Unit (NPDDU) fast-tracked the application and delivered data files a week before this report was completed. Therefore the analysis presented combines further education and school sixth form provision, to give a holistic baseline for NCF provision.

A filter was applied to each data file to isolate the potential NCF cohort: all learners aged 16-18 at the start of academic year 2009/10, plus learners aged 19-24 at the academic year, who also had disclosed a learning difficulty and/or disability or who had been identified for SEN provision via schools (School Action, School Action Plus or Statemented). Therefore data analysis was output for each type of learning provision, then combined manually to enable a whole-cohort view.

Each table below has a footer stating the data file(s) and variable(s) used. Note that variable names in ILR and NPD tend to differ, and in some cases, the data categories within a variable cannot be assimilated as explained earlier in this report. It has not been possible to fully aggregate data relating to the primary type of disability and/or learning difficulty at this point in time. However, this should be possible in the future through the National Data Dashboard.

Post-16 Learning Aims & Achievement (PLAMS) data from the National Pupil Database (collected through the Schools Census) was limited in this instance to participation data for the 2009/10 academic year. PLAMS can also provide Retention data and Amended examination data [participation and retention data matched to KS4 and KS5 attainment data] which should also be analysed when available.

BASELINE DATA ANALYSIS (2009/10)

The following section provides a baseline analysis of **learners** and **learning aims** in Learner Responsive (LR) [Further Education], Employer Responsive (ER) provision [Work-Based Learning], and school sixth forms (6th).³³ Not all variables analysed below are available for all learners within the ILR or National Pupil Database (NDP) School Census data, either due to the type of learning provision accessed, or because of 'missing' data (lost or not collected).

For the purpose of this analysis only records relating to learners aged 16-18 at the start of academic year 2009/10, or aged 19-24 with a stated LDD have been selected. Young people in custody learning through OLASS are not included.

Learners –2009/10

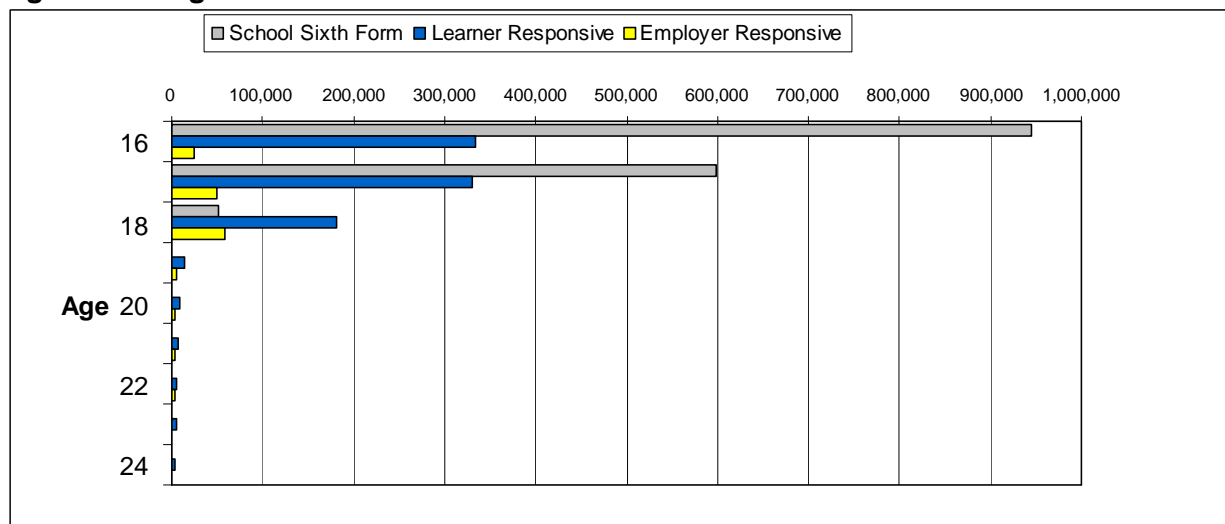
In 2009/10, almost 3 million learners (2,885,862) were participating in learning that would have been subject to the NCF if it had been in place.

³³ The following Individualised Learner Records (ILR) data-files were analysed for this baseline: ILR0910_L01_Learner; ILR0910_E_Learner; and National Pupil Database – School Census Autumn 2009/10.

The vast majority (97.5% - 2,575,097) were aged 16-18 while 2.5% of learners (66,957) were aged 19-24 AND had disclosed a Learning Difficulty and/or Disability.³⁴

This figure includes 42,830 learners in LSC funded learning, for whom the 'responsible' Local Authority could not be derived (due to the learner's home postcode not being recorded in ILR).

Fig 1: Age Distribution of Learners



ILR L01/E_L_AGE (Age of Learner as at 31 Aug)
School Census - AgeAtStartOfAcademicYearr_AUT10

Figure 2 shows a very even split between male and female learners potentially covered by the NCF. However, it can also be seen that a greater proportion of male learners than female (57.7% : 42.3%) were found in Employer Responsive provision and a slightly greater proportion of male than females learners within Learner Responsive provision. It is also clear that the 19-24 LLDD cohort has a greater proportion of male learners than female.

Fig 2: Learners by Gender

Base: LR, ER, 6th

	Total	Learner Resp	Employer Resp	School Sixth Form
	%	%	%	%
ALL - BASE	2,642,054	891,598	154,250	1,596,206
Male	49.9	52.2	57.7	48.0
Female	50.1	47.8	42.3	52.0
16-18 - BASE	2,575,097	845,859	133,365	1,595,873
Male	49.8	52.0	58.3	48.0
Female	50.2	48.0	41.7	52.0
19-24 LLDD - BASE	66,957	45,739	20,885	333
Male	54.2	54.6	53.5	43.8
Female	45.8	45.4	46.5	56.2

ILR L01/E L13

³⁴ Not all 19-25 years olds with self-disclosed learning difficulty and/or disability, or a SEN recorded on the School Census will be provided for under the NCF, as a significant proportion will neither have a continuing Statement of SEN or an appropriate Section 139A assessment.

One in eight (12.7%) of learners potentially covered by the NCF learners either have a SEN recorded (within school sixth forms) or had self-reported a Learning Difficulty and/or Disability (within further education). Fewer than one in ten of those in school sixth forms, a fifth of those in LR, and almost a quarter of those in ER.

Fig 3: Learners by Learning Difficulty/Disability/Health Status

Base: LR, ER, 6th

	Total %	Learner Resp %	Employer Resp %	School Sixth Form %
ALL - BASE	2,642,054	891,598	154,250	1,596,206
Has Learning Difficulty &/or Disability	12.7	19.9	23.9	7.6
No LDD / None revealed	87.3	81.1	76.1	92.4
16-18 - BASE	2,575,097	845,859	133,365	159,5873
Has Learning Difficulty &/or Disability	10.4	15.6	12.0	7.6
No LDD / None revealed	80.6	84.4	88.0	92.4
19-24 LLDD - BASE	66,957	45,739	20,885	333
Has Learning Difficulty &/or Disability	100	100	100	100
No LDD / None revealed	0	0	0	0

ILR L01/E 'Has LDD' L14

School Census 2009/10 - 'Has LDD' SENprovision_AUT10 = A, P or S.

Figure 4, on the following page, shows the breakdown of main type of learning difficulty and main type of disability reported by learners in Learner Responsive and Employer Responsive provision. As slightly different categories are used within the School Census, Sixth Form breakdowns of Primary SEN Type (LD and D combined) are shown in Figure 5.

Fig 4: Learners by Learning Difficulty and/or Disability

Base: LR, ER

	Learner Responsive			Employer Responsive		
	All %	16-18 %	19+ %	All %	16-18 %	19+ %
BASE	891,598	845,859	45,739	154,250	133,365	20,885
Moderate Learning Difficulty	3.0	2.3	16.8	5.6	3.7	17.9
Severe Learning Difficulty	0.4	0.2	4.7	0.2	0.1	0.7
Dyslexia	5.4	4.2	26.8	8.3	3.5	38.7
Dyscalculia	0.2	0.1	0.8	0.2	0.1	1.0
Other Specific Learning Difficulty	0.7	0.6	3.1	0.3	0.2	1.5
Autism Spectrum Disorder	0.3	0.3	1.8	0.1	0.1	0.4
Multiple Learning Difficulties	0.6	0.4	4.5	0.3	0.1	1.2
Other	2.6	2.1	12.2	1.2	0.6	4.9
No Learning Difficulty	78.8	82.0	18.7	82.1	90.2	30.7
Not Known/Information Not Provided	8.0	7.9	10.8	1.7	1.5	3.0
ILR L01/E L16						
BASE	891,598	845,859	45,739	154,250	133,365	20,885
Visual Impairment	0.6	0.5	2.9	1.1	0.5	5.1
Hearing Impairment	0.6	0.4	3.4	0.6	0.3	3.0
Disability Affecting Mobility	0.3	0.2	3.0	0.2	0.1	1.1
Other Physical Disability	0.3	0.2	1.9	0.3	0.1	1.7
Other Medical Condition	3.2	2.8	11.5	4.8	2.5	19.7
Emotional/Behavioural Difficulties	1.0	0.8	3.1	0.7	0.5	1.6
Mental Health Difficulty	0.4	0.2	4.2	0.3	0.1	1.6
Temporary Disability	0.1	0.0	0.3	0.1	0.0	0.3
Profound Complex Disabilities	0.1	0.0	0.9	0.0	0.0	0.1
Aspergers Syndrome	0.3	0.3	1.5	0.2	0.1	0.7
Multiple Disabilities	0.6	0.3	4.6	0.4	0.2	1.9
Other	2.2	1.7	12.4	2.0	1.0	8.3
No Disability	81.9	84.3	37.9	87.3	93.1	50.6
Not Known/Information Not Provided	8.4	8.2	12.6	1.9	1.6	4.4

ILR L01/E L15

Fig 5: Learners by Primary SEN Type

Base: 6th – With SEN (School Action, School Action Plus, or Statement of SEN)

BASE	All	16-18	19+
Moderate Learning Difficulty (MLD)	14.7	14.7	33.0
Severe Learning Difficulty (SLD)	0.7	0.7	0
Specific Learning Difficulty (SPLD)	16.6	16.6	9.1
Autistic Spectrum Disorder (ASD)	10.3	10.3	6.8
Profound & Multiple Learning Difficulty (PMLD)	0.1	0.1	0
Visual Impairment (VI)	3.2	3.2	0
Hearing Impairment (HI)	4.4	4.4	6.8
Multi-Sensory Impairment (MSI)	0.1	0.1	0
Physical Disability (PD)	7.5	7.5	5.7
Behaviour, Emotional & Social Difficulties (BESD)	26.7	26.7	22.7
Speech, Language, Communication Needs (SLCN)	6.6	6.6	6.8
Other Disability / Difficulty (OTH)	9.1	9.1	9.1

School Census 2009/10 - PrimarySENtype_AUT10

Learners of a White British ethnic identity accounted for 80.3% of all learners in 2009/10 who would have been covered by the NCF arrangements, but for 92.8% of learners in Employer Responsive provision covered by the NCF: showing existing disparity in the type of learning provision accessed according to ethnicity.

Fig 6: Learners by Ethnicity

Base: LR, ER, 6th

	Total %	Learner Resp %	Employer Resp %	School Sixth Form %
ALL - BASE	2,642,054	891,598	154,250	1,596,206
Asian	8.3	7.3	2.7	9.3
Black Or Black British	4.3	5.2	1.4	4.1
Chinese	0.6	0.5	0.0	0.8
Mixed	3.1	3.2	1.8	3.2
White	80.3	79.8	92.8	79.4
Other	1.2	1.3	0.3	1.3
Not known/Not Provided	2.2	2.8	1.0	2.0
Asian Or Asian British – Bangladeshi	1.1	1.2	0.8	1.0
Asian Or Asian British – Indian	3.0	1.9	0.6	3.8
Asian Or Asian British – Pakistani	2.8	3.0	1.0	2.8
Asian Or Asian British – Any Other Asian Background	1.4	1.3	0.2	1.6
Black Or Black British – African	2.5	2.7	0.4	2.6
Black Or Black British – Caribbean	1.3	1.9	0.8	1.1
Black Or Black British – Any Other Black Background	0.5	0.6	0.2	0.4
Chinese	0.6	0.5	0.0	0.8
Mixed – White And Asian	0.7	0.6	0.3	0.8
Mixed – White And Black African	0.3	0.4	0.2	0.3
Mixed – White And Black Caribbean	1.1	1.5	1.0	0.8
Mixed – Any Other Mixed Background	1.0	0.7	0.4	1.3
White – British	76.8	77.1	91.8	75.2
White – Irish	0.4	0.3	0.3	0.5
White – Any Other White Background	3.1	2.3	0.8	3.7
Any Other	1.2	1.3	0.3	1.3
Not Known/Not Provided	2.2	2.8	1.0	2.0

ILR L01/E 'Has LDD' L12

School Census 2009/10 - EthnicGroupMinor_AUT10. 'White – Other' = WIRT+WROM +WOTH. 'Not Known/Not Provided' = NOBT+REFU.

Fig 7: Learners by Ethnicity and Age Group

Base: LR, ER, 6th

	Total	Learner Resp	Employer Resp	School Sixth Form
	%	%	%	%
16-18 - BASE	2,575,097	845,859	133,365	1,595,873
Asian	8.3	7.4	2.6	9.3
Black Or Black British	4.3	5.2	1.3	4.1
Chinese	0.6	0.5	0.0	0.8
Mixed	3.1	3.2	1.7	3.2
White	80.2	79.7	93.0	79.4
Asian Or Asian British - Bangladeshi	1.1	1.2	0.8	1.0
Asian Or Asian British - Indian	3.0	1.9	0.6	3.8
Asian Or Asian British - Pakistani	2.8	3.0	1.0	2.8
Asian Or Asian British - Any Other Asian Background	1.4	1.3	0.2	1.6
Black Or Black British - African	2.5	2.7	0.4	2.6
Black Or Black British - Caribbean	1.3	1.9	0.7	1.1
Black Or Black British - Any Other Black Background	0.5	0.6	0.2	0.4
Chinese	0.6	0.5	0.0	0.8
Mixed - White And Asian	0.7	0.6	0.2	0.8
Mixed - White And Black African	0.3	0.4	0.2	0.3
Mixed - White And Black Caribbean	1.1	1.5	1.0	0.8
Mixed - Any Other Mixed Background	1.0	0.7	0.3	1.3
White - British	76.7	77.1	92.2	75.2
White - Irish	0.4	0.3	0.2	0.5
White - Any Other White Background	3.1	2.3	0.6	3.7
Any Other	1.2	1.3	0.3	1.3
Not Known/Not Provided	2.2	2.8	1.0	2.0
19-24 LLDD - BASE	66,957	45,739	20,885	333
Asian	5.3	6.2	3.1	21.3
Black Or Black British	4.4	5.4	2.0	22.2
Chinese	0.3	0.4	0.1	3.9
Mixed	2.6	3.0	1.8	4.5
White	83.6	80.4	91.5	42.3
Asian Or Asian British - Bangladeshi	0.9	0.8	1.0	4.8
Asian Or Asian British - Indian	1.5	1.8	0.8	3.0
Asian Or Asian British - Pakistani	2.1	2.5	1.0	9.6
Asian Or Asian British - Any Other Asian Background	0.9	1.1	0.3	3.9
Black Or Black British - African	2.0	2.6	0.6	14.1
Black Or Black British - Caribbean	1.8	2.2	1.1	5.4
Black Or Black British - Any Other Black Background	0.6	0.7	0.3	2.7
Chinese	0.3	0.4	0.1	3.9
Mixed - White And Asian	0.5	0.5	0.3	0.0
Mixed - White And Black African	0.3	0.4	0.2	0.0
Mixed - White And Black Caribbean	1.2	1.3	0.9	0.3
Mixed - Any Other Mixed Background	0.6	0.7	0.4	4.2
White - British	80.9	77.5	89.1	33.6
White - Irish	0.4	0.5	0.3	0.0
White - Any Other White Background	2.3	2.4	2.0	8.7
Any Other	1.2	1.5	0.5	3.9

Not Known/Not Provided	2.5	3.1	1.1	1.8
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Learning Aims (2009/10)

The following section analyses data relating to learning aims of the learners identified and profiled in the previous section: in the majority of learners has more than one learning aim, the average (mean number being 2.02, but with significant variation). Learner demographics are attached to each aim.

In 2009/10, more 5.3 million learning aims (5,354,702) were recorded for the learners identified as being subject to the NCF if it had been in place.

The vast majority of aims were related to learners aged 16-18 (96.9% - 5,186,804), while 3.1% of related to learners (167,898) aged 19-24 with a disclosed a Learning Difficulty and/or Disability.

Overall, 51.1% of aims related to male learners : 48.9% to female learners. However, a greater proportion of aims for learners aged 19-14 with LDD were for male learners than female learners.

Fig 8: Aims by Gender

Base: LR, ER, 6th

	Total %	Learner Resp %	Employer Resp %	School Sixth Form %
ALL - BASE	5,354,702	3,133,378	625,118	1,596,206
Male	51.1	50.7	61.7	48.0
Female	48.9	49.3	38.3	52.0
16-18 - BASE	5,186,804	3,036,698	554,233	1,595,873
Male	51.0	50.5	271.2	48.0
Female	49.0	49.5	276.7	52.0
19-24 LLDD - BASE	167,898	96,680	70,885	333
Male	55.8	44.2	44.2	43.8
Female	44.2	55.8	55.8	56.2

ILR 2009/10 L01aims/E L13 aims
School Census 2009/10 (Post 16 Learning Aims) - Gender_AUT10

Figure 9 shows that 15.3% of all learning aims were for learners with LDD, including 12.5% of learning aims for 16-18 year olds. A smaller proportion of aims for learners with LDD were delivered within schools (7.6% overall) than in Learner Responsive provision (17.8%) and Employer Responsive provision (21.9%).

Fig 9: Aims by Learning Difficulty/Disability/Health Status

Base: LR, ER, 6th

	Total	Learner Resp	Employer Resp	School Sixth Form
	%	%	%	%
ALL - BASE	5,354,702	3,133,378	625,118	1,596,206
Has Learning Difficulty &/or Disability	15.3	17.8	21.9	7.6
No LDD / None revealed	84.7	82.2	78.1	92.4
16-18 - BASE	5,186,804	3,036,698	554,233	1,595,873
Has Learning Difficulty &/or Disability	12.5	15.2	11.9	7.6
No LDD / None revealed	87.5	84.8	88.1	92.4
19-24 LLDD - BASE	167,898	96,680	70,885	333
Has Learning Difficulty &/or Disability	100	100	100	100
No LDD / None revealed	0	0	0	0

ILR L01 aims /E13 aims 'Has LDD' L14

School Census 2009/10 - 'Has LDD' SENprovision_AUT10 = A, P or S.

Fig 10: Aims by Ethnicity

Base: LR, ER, 6th

	Total	Learner Resp	Employer Resp	School Sixth Form
	%	%	%	%
ALL - BASE	5,354,702	3,133,378	625,118	1,596,206
Asian	7.6	7.7	2.6	9.3
Black Or Black British	4.3	5.0	1.3	4.1
Chinese	0.5	0.5	0.0	0.8
Mixed	3.0	3.2	1.7	3.2
White	81.3	79.8	93.2	79.4
Other	1.1	1.2	0.3	1.3
Not known/Not Provided	2.2	2.6	0.8	2.0
Asian Or Asian British – Bangladeshi	1.1	1.2	0.8	1.0
Asian Or Asian British – Indian	2.4	2.1	0.6	3.8
Asian Or Asian British – Pakistani	2.8	3.1	1.0	2.8
Asian Or Asian British – Any Other Asian Background	1.3	1.3	0.2	1.6
Black Or Black British – African	2.4	2.7	0.4	2.6
Black Or Black British – Caribbean	1.4	1.7	0.7	1.1
Black Or Black British – Any Other Black Background	0.5	0.5	0.2	0.4
Chinese	0.5	0.5	0.0	0.8
Mixed – White And Asian	0.6	0.6	0.2	0.8
Mixed – White And Black African	0.3	0.4	0.2	0.3
Mixed – White And Black Caribbean	1.2	1.4	0.9	0.8
Mixed – Any Other Mixed Background	0.8	0.7	0.3	1.3
White – British	78.4	77.3	92.3	75.2
White – Irish	0.4	0.3	0.3	0.5
White – Any Other White Background	2.5	2.2	0.7	3.7
Any Other	1.1	1.2	0.3	1.3
Not Known/Not Provided	2.2	2.6	0.8	2.0

ILR L01aims /E L13 aims 'Has LDD' L12

School Census 2009/10 - EthnicGroupMinor_AUT10. 'White – Other' = WIRT+WROM +WOTH. 'Not Known/Not Provided' = NOBT+REFU.

Two thirds (66.6%) of learning aims that would have been subject to the NCF if it had been in place were for learners whose 'notional NVQ level' (i.e. the highest level of their current aims) was broadly in line with NVQ Level 3 (including GCE A levels). Almost a quarter (22.4%) of aims were for learners at Level 2; and one in ten (9.0%) were for learners at Entry Level or Level 1 (broadly indicative of being Foundation Learning aims).

Understandably the profile of learning aims for learners aged 19-24 with LDD differed significantly from those of the entire 16-18 cohort. 23.4% of the aims for 19-24 LLDD were at Entry Level or Level 1 (indicative of the Foundation Learning programme); and a further 35.8% of aims were Level 2 learners. Just over 35% of the aims recorded for this cohort were for learners aiming at Level 3 or higher. However, it must be remembered that for this indicative analysis, all learners disclosing an LDD (or with a minimum of School Action recorded) are included, but many would actually be within mainstream adult learning provision, rather than subject to provision controlled by the NCF.

Fig 11: Aims by Level (Notional NVQ Equivalent)

Base: LR, ER, 6th

	Total %	Learner Resp %	Employer Resp %	School Sixth Form %
ALL - BASE	5,354,702	3,133,378	625,118	1,596,206
Entry Level	2.0	3.2	0.4	0.2
Level 1	7.0	11.3	0.9	1.0
Level 2	22.4	21.4	66.8	6.9
Level 3	66.6	61.5	28.9	91.2
Level 4	0.1	0.2	0.1	0.0
Level 5	0.0	0.0	0.0	0.0
Higher	0.0	0.0	0.0	0.0
Other	1.5	2.1	2.1	0.0
Level unknown	0.4	0.2	1.0	0.6
16-18 - BASE	5,186,804	3,036,698	554,233	1,595,873
Entry Level	1.6	2.7	0.3	0.2
Level 1	6.9	11.1	0.6	1.0
Level 2	22.0	21.4	68.6	6.9
Level 3	67.6	62.6	27.6	91.2
Level 4	0.1	0.1	0.0	0.0
Level 5	0.0	0.0	0.0	0.0
Higher	0.1	0.1	0.0	0.0
Other	1.4	2.0	1.9	0.0
Level unknown	0.3	0.1	0.8	0.6
19-24 LLDD - BASE	167,898	96,680	70,885	333
Entry Level	13.0	21.8	0.9	0.6
Level 1	10.4	16.3	2.5	4.2
Level 2	35.8	23.3	52.9	31.5
Level 3	33.2	29.3	38.4	62.8
Level 4	1.0	1.5	0.2	0.0
Level 5	0.0	0.0	0.0	0.0
Higher	1.2	2.0	0.0	0.0
Other	4.5	5.5	3.1	0.0
Level unknown	1.0	0.2	2.0	0.9

ILR 2009/10 L01aims/E L13 aims - L_NOTION LEV
School Census 2009/10 (Post 16 Learning Aims) - pl_Qual_Lev_Ref

When learning aims are isolated by notional NVQ level, it can be seen that a greater proportion of the lower level learning aims (Entry Level and Level 1) are related to male learners than is the case for Levels 2 and 3. This pattern can be seen within the 19-24 LDD cohort, as well as 16-18 cohort, but to a lesser extent.

Fig 12: Aims by Gender and NVQ Level of Aim

Base: LR, ER, 6th

A_NOTIONLEV pl_Qual_Lev_Ref	Entry Level %	Level 1 %	Level 2 %	Level 3 %
ALL - BASE	156,643	626,285	1,027,641	2,650,615
Male	60.0	57.8	54.6	47.1
Female	40.0	42.2	45.4	52.9
16-18 - BASE	133,547	596,923	978,313	2,623,456
Male	60.6	57.8	54.5	47.1
Female	39.4	42.2	45.5	52.9
19-24 LLDD - BASE	23,096	29,362	49,328	27,159
Male	56.5	58.0	55.3	52.8
Female	43.5	42.0	44.7	47.2

ILR 2009/10 L01aims/E L13 aims
School Census 2009/10 (Post 16 Learning Aims) - Gender_AUT10

Fig 13: Aims by Learning Difficulty/Disability/Health Status and NVQ Level of Aim

Base: LR, ER, 6th

A_NOTIONLEV pl_Qual_Lev_Ref	Entry Level %	Level 1 %	Level 2 %	Level 3 %
ALL - BASE	156,643	626,285	1,027,641	2,650,615
Has Learning Difficulty &/or Disability	48.4	24.1	18.9	8.5
No LDD / None revealed	51.6	75.9	81.1	91.5
16-18 - BASE	133,547	596,923	978,313	2,623,456
Has Learning Difficulty &/or Disability	39.5	20.4	14.8	7.5
No LDD / None revealed	40.5	79.6	85.2	92.5
19-24 LLDD - BASE	23,096	29,362	49,328	27,159
Has Learning Difficulty &/or Disability	100	100	100	100
No LDD / None revealed	0	0	0	0

ILR 2009/10 L01 aims /E13 aims 'Has LDD' L14
School Census 2009/10 (Post 16 Learning Aims) - 'Has LDD' SENprovision_AUT10 = A, P or S.

Fig 14: Aims by Ethnicity and NVQ Level of Aim – All Ages

Base: LR, ER, 6th

A_NOTIONLEV pl_Qual_Lev_Ref	Entry Level %	Level 1 %	Level 2 %	Level 3 %
ALL - BASE	156,643	626,285	1,027,641	2,650,615
Asian	9.8	5.8	6.8	8.6
Black Or Black British	6.7	4.6	4.5	4.1
Chinese	0.6	0.2	0.3	0.7
Mixed	2.9	3.1	2.8	3.1
White	72.7	82.9	82.4	80.3
Other	3.3	1.1	1.0	1.1
Not known/Not Provided	3.9	2.4	2.1	2.0
Asian Or Asian British – Bangladeshi	1.6	1.0	1.1	1.1
Asian Or Asian British – Indian	1.6	1.1	1.7	3.3
Asian Or Asian British – Pakistani	3.3	2.6	2.9	2.8
Asian Or Asian British – Any Other Asian Background	3.4	1.0	1.1	1.4
Black Or Black British – African	4.1	2.3	2.4	2.5
Black Or Black British – Caribbean	1.8	1.8	1.6	1.2
Black Or Black British – Any Other Black Background	0.8	0.6	0.5	0.4
Chinese	0.6	0.2	0.3	0.7
Mixed – White And Asian	0.5	0.5	0.5	0.8
Mixed – White And Black African	0.5	0.4	0.3	0.3
Mixed – White And Black Caribbean	1.2	1.7	1.4	1.0
Mixed – Any Other Mixed Background	0.7	0.6	0.7	1.0
White – British	67.8	80.4	80.1	77.1
White – Irish	0.3	0.4	0.3	0.4
White – Any Other White Background	4.6	2.2	2.0	2.8
Any Other	3.3	1.1	1.0	1.1
Not Known/Not Provided	3.9	2.4	2.1	2.0

ILR 2009/10 L01/E L12

School Census 2009/10 (Post 16 Learning Aims) - EthnicGroupMinor_AUT10. 'White – Other' = WIRT+WROM +WOTH. 'Not Known/Not Provided' = NOBT+REFU.

Fig 15: Aims by Ethnicity and NVQ Level of Aim – 16 to 18 Year Olds

Base: LR, ER, 6th

A_NOTIONLEV pl_Qual_Lev_Ref	Entry Level %	Level 1 %	Level 2 %	Level 3 %
ALL - BASE	133,547	596,923	978,313	2,623,456
Asian	10.1	5.8	6.9	8.7
Black Or Black British	7.1	4.6	4.6	4.1
Chinese	0.7	0.2	0.3	0.7
Mixed	3.0	3.1	2.9	3.1
White	71.6	82.8	82.2	80.3
Other	3.6	1.1	1.0	1.1
Not known/Not Provided	3.9	2.4	2.1	2.0
Asian Or Asian British – Bangladeshi	1.7	1.0	1.2	1.1
Asian Or Asian British – Indian	1.5	1.1	1.7	3.3
Asian Or Asian British – Pakistani	3.3	2.6	3.0	2.8
Asian Or Asian British – Any Other Asian Background	3.7	1.0	1.1	1.4
Black Or Black British – African	4.4	2.3	2.5	2.5
Black Or Black British – Caribbean	1.8	1.7	1.6	1.2
Black Or Black British – Any Other Black Background	0.8	0.5	0.5	0.4
Chinese	0.7	0.2	0.3	0.7
Mixed – White And Asian	0.5	0.5	0.5	0.8
Mixed – White And Black African	0.5	0.4	0.3	0.3
Mixed – White And Black Caribbean	1.3	1.7	1.4	1.0
Mixed – Any Other Mixed Background	0.7	0.6	0.7	1.0
White – British	66.3	80.3	79.9	77.0
White – Irish	0.3	0.4	0.3	0.4
White – Any Other White Background	5.0	2.2	2.0	2.8
Any Other	3.6	1.1	1.0	1.1
Not Known/Not Provided	3.9	2.4	2.1	2.0

ILR 2009/10 L01/E L12

School Census 2009/10 (Post 16 Learning Aims) - EthnicGroupMinor_AUT10. 'White – Other' = WIRT+WROM +WOTH. 'Not Known/Not Provided' = NOBT+REFU.

Fig 16: Aims by Ethnicity and NVQ Level of Aim– 19 to 24 Year Olds with LDD
 Base: LR, ER, 6th

A_NOTIONLEV pl_Qual_Lev_Ref	Entry Level %	Level 1 %	Level 2 %	Level 3 %
ALL - BASE	23,096	29,362	49,328	27,159
Asian	7.8	4.5	4.2	4.9
Black Or Black British	4.9	4.3	3.0	3.8
Chinese	0.4	0.2	0.2	.5
Mixed	2.6	2.7	2.2	2.3
White	79.0	85.0	87.9	85.2
Other	1.5	1.1	0.8	1.1
Not known/Not Provided	3.8	2.2	1.6	2.2
Asian Or Asian British – Bangladeshi	0.8	0.6	0.9	0.9
Asian Or Asian British – Indian	2.3	1.2	1.2	1.3
Asian Or Asian British – Pakistani	3.1	1.8	1.5	1.7
Asian Or Asian British – Any Other Asian Background	1.6	0.8	0.6	0.9
Black Or Black British – African	2.5	1.9	1.2	1.7
Black Or Black British – Caribbean	1.7	1.8	1.5	1.5
Black Or Black British – Any Other Black Background	0.7	0.6	0.4	0.5
Chinese	0.4	0.2	0.2	0.5
Mixed – White And Asian	0.5	0.4	0.4	0.5
Mixed – White And Black African	0.4	0.4	0.3	0.3
Mixed – White And Black Caribbean	1.0	1.3	1.0	1.0
Mixed – Any Other Mixed Background	0.7	0.6	0.5	0.6
White – British	76.8	82.3	85.3	82.3
White – Irish	0.3	0.5	0.3	0.4
White – Any Other White Background	1.9	2.3	2.2	2.5
Any Other	1.5	1.1	0.8	1.1
Not Known/Not Provided	3.8	2.2	1.6	2.2

ILR 2009/10 L01/E L12

School Census 2009/10 (Post 16 Learning Aims) - EthnicGroupMinor_AUT10. 'White – Other' = WIRT+WROM +WOTH. 'Not Known/Not Provided' = NOBT+REFU.

Gap Analysis between Y11 Leaver Profiles and Learners Aged 16+ in the Subsequent Academic Year

While much equality and diversity monitoring can be done within the participation, retention and achievement data for learners aged 16-18(19), it is also important (especially in light of the RPA process) that gap analysis is conducted between the cohort sizes in Year 11, and the subsequent 'Year 12' (including all learning and training undertaken by those ages 16 at the start of the academic year). This should be done nationally, regionally, sub-regionally at within each LA.

Learners should be tracked between years; comparing KS4 achievement levels with learning aims plus retention and achievement in 'Y12' and 'Y13'.

The following tables illustrate Y11 (2008/9) comparators for the NCF baseline (learners aged 16 at the start of 2009/10).

Fig 17: Year 11 Learners by Gender (2008/9)*

Base: 631,980

	Total
ALL - BASE	631,980
Male	323,294
Female	308,686

*Figures for 2008/09 are provisional

Source: DCSF, GCSE and Equivalent Results in England

http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000880/SFR272009_Tables_provisional_1-2.xls

Fig 18: SEN Status (2008/9)

Base: 586,530

	Total	%
Total Number of Pupils	586,530	
Pupils with statements of SEN	13,090	2.2
Pupils at School Action	70,590	12.0
Pupils at School Action Plus	34,480	5.9
Total number of pupils with SEN without statements	105,070	17.9

Source: DCSF, Special Educational Needs in England: January 2008

Table 6b: http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000794/SEN_NationalTablesFinal.xls

Fig 19: Year 11 Pupils with SEN by Primary SEN Need (2008)

Base: 23,240

	School Action Plus		Statement of SEN	
	Total	%	Total	%
BASE	34,570		23,240	
Specific Learning Difficulty	5,150	14.9	2,620	11.3
Moderate Learning Difficulty	7,480	21.6	6,990	30.1
Severe Learning Difficulty	110	0.3	2,050	8.8
Profound & Multiple Learning Difficulty	20	0.1	530	2.3
Behaviour, Emotional & Social Difficulties	15,900	46.0	4,200	18.1
Speech, Language and Communications Needs	970	2.8	1,780	7.7
Hearing Impairment	710	2.0	600	2.6
Visual Impairment	310	0.9	430	1.8
Multi- Sensory Impairment	10	0.0	40	0.2
Physical Disability	620	1.8	1,370	5.9
Autistic Spectrum Disorder	650	1.9	2,290	9.9
Other Difficulty/Disability	2,630	7.6	340	1.5
Unclassified*	20	0.0	0	0.0

* Pupils for whom information on type of need is missing.

Source: DCSF, Special Educational Needs in England: January 2008

Tables E1 & E2 <http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000794/PrimaryNeedTables2008Final.xls>

Fig 20: Ethnicity of State Funded Secondary School Pupils (2008)

Base: 3,288,060

	Total
BASE	3,288,060
White	2,711,470
White British	2,595,050
Irish	12,090
Traveller of Irish heritage	1,010
Gypsy / Roma	2,920
Any other White background	100,400
Mixed	99,480
White and Black Caribbean	35,010
White and Black African	9,740
White and Asian	20,260
Any other mixed background	34,470
Asian	241,920
Indian	80,410
Pakistani	90,400
Bangladeshi	36,280
Any other Asian background	34,830
Black	133,640
Black Caribbean	44,400
Black African	74,370
Any other Black background	14,870
Chinese	13,610
Any other ethnic group	35,460
Classified*	3,235,580
Unclassified**	52,490

*Pupils of compulsory school age were classified according to ethnic group.

**Information was refused or not obtained.

Source: DCSF, Table 1.15 <http://www.dcsf.gov.uk/rsgateway/DB/STA/t000851/Chapter1.xls#Table 1.15!A1>

Fig 21: Year 11 Achievement Data (2008/9)

Base: 631,980

	Total	%
ALL - BASE	631,980	
5+ A*-C grades	440,490	69.7
5+ A*-C grades inc. English & Mathematics GCSEs	314,094	49.7
5+ A*-G grades	584,581	92.5
5+ A*-G grades inc. English & Mathematics GCSEs	558,670	88.4
Any passes	626,292	99.2

*Figures for 2008/09 are provisional

Source: DCSF, GCSE and Equivalent Results in England

http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000880/SFR272009_Tables_provisional_1-2.xls

Fig 22: Average Total Point Score Per Year 11 Pupil (2008/9)

Base: 631,980

	Total
BASE	631,980
England (All Schools)	413.5

Source: DCSF, Achievement and Attainment Tables 2009

http://www.dcsf.gov.uk/cgi-bin/performanceables/group_09.pl?Mode=Z&Type=LA&Begin=b&No=825&Base=g&Phase=1&F=51&L=100&Year=09

Recommendations

We recommend that further analysis of ILR and School Census data be conducted in the coming months to produce a robust set of baseline measures against which commissioning of learning for 16-19(25) learners can be monitored in future years.

Within the limitations of this SEIA, a fairly simple definition of learners who would be provided for under the terms of the NCF has been used: a more complex and accurate set of inclusion parameters could be established for future analysis (e.g. including learners in OLASS and creating a more restrictive filter for 19+ LDD).

Analysis at this stage has been restricted to participation data (as it must be at this point in the academic year), and therefore it is vital that additional analysis is conducted to create baseline measures of retention and attainment, which will be critical measures of the success and equity of provision under the NC.

Data presented in this report has been produced at a national level, and this will be useful for the YPLA and LAs to compare analysis of future years against, but the baseline figures must also be produced for each of the 150 LAs taking on responsibility for commissioning learning provision. In future years, we envisage that LAs will wish to make comparisons with national data, data for the whole of their region and sub region (if applicable) and with other anonymised groupings of LAs with similar population profiles. It will therefore be prudent to make available detailed analysis instructions (clarifying variables, filters and aggregations used) for LAs, SRGs and RPGs to use in order to replicate the national benchmarks at a local level.

Further cross-breaking of the data is recommended in terms of the type of provision (by provider type and qualification aim) – we have limited the initial baseline to notional NVQ level of learners and their individual aims, but this the data can be broken down into much more detailed sub-groups (if not for each qualification code, by logical clusters) – viewing the demographic profile of associated learners, and the retention and attainments levels for each demographic group within them. This will reveal in inequity or changes in equity between (for example) the genders within ‘A level’ provision.

It is suggested that for the first year or two of the implementation of the NCF that data relating to learners in school sixth forms is analysed both together with, and separate from, further education

While much equality and diversity monitoring can be done within the participation, retention and achievement data for learners aged 16-18(19), it is also important (especially in light of the RPA process) that gap analysis is conducted between the cohort sizes in Year 11, and the subsequent ‘Year 12’ (including all learning and training undertaken by those ages 16 at the start of the academic year). This should be done nationally, regionally, sub-regionally at within each LA.

Learners should be tracked between years; comparing KS4 achievement levels with learning aims plus retention and achievement in ‘Y12’ and ‘Y13’.

Appendix 6: Consultation with Young People

A range of young people were consulted by CRB checked researchers experienced in working with young people. Consultees included NEET with a variety of backgrounds including WBL and FE; A level students; and learners in WBL and FE. While not representative, the young people included young people from different ethnic backgrounds, from rural and urban areas and learners with disabilities.

When young people expressed concerns over the changes, VT Researchers reassured them about the future and provided our contact details for further information if required.

SUMMARY OF IMPACTS

Most young people thought that the new roles and responsibilities might be positive as LAs understand their local areas and putting all provision together 14-19 might yield positive benefits.

However, some young people thought that LAs do not demonstrate responsiveness to young people.

Some young people thought that LAs are inflexible and worry have the financial health of their area as the main priority.

One young person said it shouldn't have too much impact but that there was a concern because LAs are 'not good with money'. Most thought that the impact should only be felt by those commissioning and that learners won't see the changes.

One learner thought that if one organisation is commissioning, this might limit some aspects of post-16 learning – ie that some learners might get overlooked. His particular concern was that there might be less funding for the gifted and talented.

The NEET group thought that the LA would be better at providing community courses.

One young person thought that LAs would not delivery flexibility 'because everything they put on is really structured'.

Another thought that the main impact on people moving from area to area is not in commissioning but in different examination boards.

Young people found it difficult to think of potential impacts on particular groups as a result of the changes but were able to think of groups that they thought found it difficult to stay in learning including young people who have to move; whose parents are breaking up and others.

The NEET group were very vocal about the need for personalised learning and support.

Existing Knowledge

One young person knew what the Learning and Skills Council was (Female NEET formerly at a College). Young people generally had a better idea of the role of Local Authorities than the Learning and Skills Council. One other young person thought she had heard of LSC (Female currently in Learning – School 6th Form).

She felt that she knew a bit more about Local Authorities and their role in relation to education, but still felt that her knowledge was limited. She was very clear that LAs provide transport (contract buses) for schools, but said that most decisions seemed to be made within schools – for example schools decide whether to close in snowy weather, and just inform the LA. Schools certainly make the local decisions, but might need LA approval or support for some things. After a pause, she remembered that her school had benefited from some capital funding for a building (extension) project, but that the school had to raise half of the costs before the LA would match that money. Did not think that LAs were involved with schools much on a day-to-day level, so wasn't sure how responsive they were/could be to young people.

A post-16 learner of mixed heritage (White/Black African) thought that LAs pay for schools, but not much else. Did not see evidence of LA control within school - felt that school had autonomy in its internal affairs. When prompted about LA education services such as SEN support, Education Welfare, Teacher Training, he still wasn't aware of the LA role.... Only added that the council looked after school buses.

Other young people in the NEET group thought that LAs were not responsive to young people's needs in their local areas.

Views about local authorities were generally negative, but the groups had few experiences of how other LAs worked. Some learners admitted that their LA offered better services than in some other areas.

NEET Focus Group

"They built the college." " The only reason they built that is cos their getting money for the houses on the other bit of land."

It is a clean city; if you go somewhere like X you do notice it. "That could be down to the tourist attractions, they want to make it nice for the tourists".

"One good thing is that they'll know the area better; they know what it's like in X and might be able to put on more suitable things.

Impact of changes in commissioning

The majority of the young people consulted stated that they don't care 'where the funding' for post-16 learning comes from. One female (NEET group) stated that she didn't care but

"You've gotta care haven't you? I mean I don't but you should do, it's gotta come from somewhere." F NEET

"Can't see why the introduction of the NCF would impact on where education is made available. Whoever is in charge, they have to spend the money well and put the right number of places for local young people." M in learning

A high achieving sixth former (F) thought that it seemed a bit strange to have school sixth forms treated in such a different way than other post-16 learning, and that it may be

"better to put all planning [for learning opportunities for 16-19 year olds] under one roof". F A level student

Because it should result in better plans to suit all young people, whatever their circumstances/interests with one planning system – *"it just seems more co-ordinated and*

sensible, although I can't really imagine how they do that planning, so I can't explain why it should be better all together".

She felt that at the moment, there must be people in both the LA and LSC who have knowledge of the current Y11 cohort and their likely preferences/abilities for post-Y11 learning ... but their knowledge of learning providers would be limited – either to schools, or to exclude schools (other providers). If those people were brought together in one organisation, that would probably be beneficial. The LA seems to be a good place for this planning to happen – they have the best information about the current Y11... might just need to know more about colleges and other learning providers in their area.

Just because there will be change, if she had any concerns, it would be about whether there will be enough flexibility for learners – allowing for those who want to move from school after Y11 / learn some distance from home (or outside of LA border if it is close to home) – or even move from LA area to another at some point. Will there be good systems in place to let learners do that?

Difficulties for different types of groups in accessing/staying in learning

Young people in learning (school sixth form) tended to think the following groups would have issues in staying in learning.

- Overseas students/children of migrant workers (with poor English language) would probably find it difficult to continue education after Y11.
- Those facing difficult family issues such as parents divorcing.
- Those with poor/few/no GCSEs will find it harder to remain in learning – not just to start A-levels, but other types of learning too
- Young people (mostly young men) who mess about in school and don't get the encouragement from parents
- Those with a Diploma instead of GCSEs might also find it hard to continue in education/training and also difficult to find a job, especially at the moment when there are few jobs available. Those learners who preferred 'non academic' subjects at school like sports and crafts might look at vocational courses or Apprenticeships if there were places/funding to do this.
- The less outgoing pupils in Y11 tended to be those who didn't return for sixth form – most probably continued with some sort of learning elsewhere, but don't know.
- More young women than young men leave after Y11 in academically focused schools, offering A-level courses
- Disabled people might find it harder in some ways to stay in learning, but there's also a lot more support for disabled learners (examples of those with physical disabilities)

The NEET young people had different views. They stated that there are difficulties in accessing learning in the following ways::

"Motor Vehicle course, I haven't been able to do that when I wanted. I was thinking of doing it at college, but it was 30 guys in a class and I'd feel uncomfortable" F NEET

"I'd feel uncomfortable going on a Hairdressing or Health & Beauty cos it was all lasses...I don't think it would be that bad, but I wouldn't feel right going on it." M NEET

There should be more job opportunities for disabled people, it's not just right that you can't get a job if you're disabled. M NEET

“Say if you’ve got a facial disfigurement or something, they won’t give you a chance. That’s something that they’re good at in college, but it doesn’t really help you when you have to go out and get work.” F NEET

“It’s judging something before you know what it’s about.” M NEET

“They need more things showing you how to get work.” F NEET

“When you are in school they teach you in a certain way and if you don’t get it you’re [expletive] ; they don’t focus on what each person needs. When I was in my support class, not being bad, but some people in there had quite severe LD, much worse than mine. The class was probably perfect for them, but it was boring for me. Then when I got back in class everything was really hard, there was nothing in between to help me understand the stuff that was going on in [mainstream] class. It’s better when they give you one-to-one - that way you concentrate, but I guess that means more money and more staff doesn’t it. In college they’re good; they do things at your level. F NEET

“Young white boys think that it is ‘geeky’ to get good grades and tease those that do. More should be done to make lads understand that being smart isn’t a bad thing and can set you up well for the future”M in learning

Although one learner (still in learning) has the example of his mother who left school at 16 and transferred to FE, he had had no direct contact with FE provision, and lives in a town without a GFE college. He felt he had little awareness of the full range of Post-16 options, and the expectation that he would do A-levels at his existing school sixth form was strongly promoted.

Researcher Probing for Impact on Equality Groups

The NEET group felt that the FE sector was better at dealing with people with LDD. They reported that the personal support they had experienced in college was more tailored to individual need

They should do more Special Needs schools, I saw this thing in the paper the other day about this girl who had to go all the way to (Town 30 miles away) just to get a school that could take her. M NEET

They do things for Special Needs at college .F NEET

They’re actually quite good for that at college.
[Male with poor experience of College]

“Schools are [expletive] for that. I got kicked out cos they’d just shout at me if I couldn’t do something and I get [expletive] off back.”

Young people discussed the lack of lifts at schools for those with physical disabilities; colleges were viewed as better equipped to deal with physical difficulties.

They then turned to gender and talked about single gender classes

If I saw a Motor Vehicle course just for girls then I’d find it sexist; the same if I saw a Hair & Beauty one just for boys. F NEET

“Probably would [be more likely to go on the course] cos it would be more comfortable”. Male NEET

Change in Roles outlined in the NCF

Young people generally felt that little would change from the transfer in commissioning roles. When probed they suggested the LA was mainly interested in attracting money (and tourists in one instance) to their areas and they did not offer many activities for young people. They did feel that LAs might be more responsive to local needs as they know the area better.

“Depends on who they decide to focus on, but it could get worse if they treat people like they do in school. They can’t handle money so it will stay the same or get worse.”
F NEET formerly in FE College

A current learner (M) thinks that the NCF will only really have an impact on people who deal with the money coming in to schools and colleges: e.g. Headteachers. Really shouldn’t, and probably won’t, make changes that students will see. (M Learner, Mixed Heritage).

Other views included:

“Loads of youth clubs are shutting down and they need to open something up where young people can go” M NEET formerly in WBL

“They should have amusement parks like in the holidays where only young people are allowed to go.” M NEET formerly in year 11

One current learner (M Mixed Heritage) after a further explanation of the shifting all commissioning of post-16 education/training to Local Authorities (instead of just school-based post-16 education) his spontaneous reaction was that this might limit some aspects of post-16 education. He felt that if one organisation was looking after all 16-19 (and LLDD 19-25) that there was a risk that one group of learners may be overlooked if they didn’t seem to have high input needs, to benefit learners who needed higher input/support – so perhaps less funding for the most academically able ‘gifted and talented’ so that money could be spent on LD students who need a lot more staffing and longer to get to an accepted level of learning.

The NEET group generally agreed LAs would be better at putting on local community courses as they had more knowledge of the area. The discussion then went on to the pros and cons of learning in the local area, with a range of views expressed.

Yeah I think it’d be a good thing, cos then you’d know everyone there ands you’d feel more comfortable. M NEET

No I think one of the main points of going to college is so you get to meet new people that you wouldn’t normally. You’d be blocked in and know everyone. F NEET

MORE PROMPTED RESPONSES

Researcher suggested ideas that the LA might increase / bring in:

Flexible Start Dates?

“ No I don’t really cos everything they put on is really structured.” M NEET formerly in WBL

One young person still in learning (in a school) but who had had the experience of moving to a new area in the country, was more concerned about the impact of different examination boards. He pointed out that for young people who move around during their learning, the biggest problem is if they move to an area where a different exam board is used, and need to start from the beginning again – this would affect Travellers, children of migrant workers who follow seasonal work, those whose parents move to a new job in a new area, or those whose parents split up and force a move

What do you think is the best way to make sure that young people are consulted?

“They should have surveys that are posted round houses. When people say they do surveys we never get asked”.

F NEET Formerly in FE College.

A male still in learning stated that he wasn't sure how to go about consulting with the target groups mentioned, but felt that more positive messages about the value of learning and qualifications should be given earlier to avoid young men thinking it was 'uncool' to do well at school.

If you had one piece of advice for LAs taking over from the LSC, what would it be?

Most of the young people could not think of one piece of advice.

The other young people in the NEET group felt that the most important thing was that people were given something individualised (support or provision)

Let people do what they want more...I'm not saying mess around and that...in college you can wear loads of earrings or whatever, but school you have to wear a uniform, I don't get that.

M NEET

So you think maybe they should treat people more individually?

I'm just saying that in schools they don't really let you build up any confidence...you'd be surprised but at school I was too scared to say anything cos there was loads of other people, but I'll come here it's easy...I'll blab away for ages. M NEET

Appendix 7: Impact Grid

Interviewees are referred to as stakeholders, respondents and consultees. All interviews were semi-structured telephone depth interviews.

Comments from the consultations undertaken have been grouped according to their positivity, neutrality or negativity. Recommendations derived from, or with reference to, a comment are shown to the right-hand side of it. Negative impacts with any subsequent recommendations, have been assigned a priority indicator using the key below.

KEY

H Potential litigation

M Potential impact requiring some action or monitoring

L Watching brief/monitoring/no action/action but low risk impact

COMMENTS RELATING TO POTENTIALLY POSITIVE IMPACTS:

THE NCF DOCUMENT		
Comments	Recommendations	
POSITIVE: One consultee has stated that s/he thinks that E&D is embedded in the document and thus references to E&D are sufficient.		
E&D IMPACTS FROM THE MACHINERY OF GOVERNMENT CHANGE		
Comments	Recommendations	
POSITIVE: There is a near consensus that LAs understand their local areas and the groups of learners that may need most help. Some groups of learners who are most in need will benefit particularly, those cited include travellers and those who are socio-economically deprived.		
POSITIVE: Most respondents welcomed the local flexibility enshrined within the document that will enable local needs to be catered for. The flexibility has a potential positive impact on equalities. The flexibility, according to one consultee frees up LAs who are good at E&D to implement and innovate.		
POSITIVE: LAs are very in tune with local economic deprivation and will be able to respond to learners who are multiply disadvantaged from these areas.		
POSITIVE: LAs will have responsibility for learning 0-19/25. In the case of young		

people with difficulties, there is a potential positive impact in that LAs will be able to take a multi-agency approach throughout, including within their own departments and across their own budget lines.		
POSITIVE: LAs have a strong capacity in measuring socio-economic deprivation. This may have a positive impact on vulnerable learners who are socio-economically deprived.		
POSITIVE: Some transition arrangements are working well particularly where senior LSC staff have transferred into Local Authorities into the lead commissioning role. There is an opportunity to spread good practice and knowledge by identifying the commissioning and local knowledge strengths of local authorities and the experience of post-16 commissioning with its strong E&D agenda through SPGs and beyond.		
COMMISSIONING / QUALITY ASSURANCE		
Comments	Recommendations	
POSITIVE: The QA and monitoring of providers by smaller area may bring positive impacts on meaningful equality outcome measurements and tracking. An example provided is when providers operate within an organisational area such as Luton and Bedfordshire where targets and outcomes are aggregated across the two very different areas, targets and measurements can be meaningless, particularly if a provider only works in one of the areas concerned. The positive impact that could be gained through the new arrangements set out in the NCF will be meaningful targets.	Ensure that any targets and ongoing monitoring of E&D is based upon smallest area possible to enhance the use of meaningful data. This data should still be able to be aggregated.	
DATA		
Comments	Recommendations	
POSITIVE: The LSC staff, it has been reported, have a strong willingness to help, particularly on the SLDD stream. The Machinery of Government Changes constitute a big change management issue, and this capacity building is vital.		
IAG		
Comments	Recommendations	
POSITIVE: IAG is referred to in the document (1.1-10) as is the policy document "Quality, Choice and Aspiration: A strategy for Young people's information, advice and guidance"(1.1-8)	Provide at least one hyperlink to 'Quality, Choice and Aspiration'	
PARTICULAR LEARNER GROUPS – TRAVELLERS		
Comments	Recommendations	
POSITIVE: Travellers are a group that are still not served well under the current system. Outcomes are still significantly poorer. The arrangements described within the NCF, namely transfer to LAs and more flexibility in start dates may		

prove to have a positive impact on this learner group.		
POSITIVE: The emphasis on a diverse provider base may have a positive impact on this and other vulnerable groups.		
PARTICULAR LEARNER GROUPS – YOUNG PEOPLE IN OFFENDING INSTITUTIONS		
Comments	Recommendations	
POSITIVE: The NCF sets out the timeframes clearly. There is a longer period for LAs to become accustomed to this commissioning process.		
POSITIVE: The document is clear and aligned with other mainstream documentation on the future of this group of learners, making the communication process with LAs easier.		

COMMENTS EXPRESSING AN UNDECIDED VIEW, VARIETY OF VIEWS OR POSE A POTENTIALLY NEUTRAL IMPACT:

THE NCF DOCUMENT		
Comments	Recommendations	
NEUTRAL: Rather than inserting E&D references throughout the document, a unpatronising reminder at the beginning of the document, should be made that it is only by tackling equalities in learning that the RPA and Achievement for All agendas will be met.		
E&D IMPACTS FROM THE MACHINERY OF GOVERNMENT CHANGE		
Comments	Recommendations	
NEUTRAL: Since LAs work to their Equality Framework, some stakeholders have suggested that a minimum standard should be set as a target.		
NEUTRAL: Stakeholders have suggested that a long-term impact assessment is carried out on the changes as set out in the NCF. This would include equalities issues.		
DATA		
Comments	Recommendations	
NEUTRAL: There have been differing opinions on the tracking of the new strands in the duties, e.g. sexuality and belief. Comments on limited guidance in the NCF		
NEUTRAL: There are varying opinions on whether any equality targets/monitoring systems should be local or national	EDIMs should be set nationally to enable equality reporting to be embedded within the national reporting processes. Local and regional variation to enable meaningful targets should be also be set. The objective of meaningful equality targets is more achievable (although more complex) in smaller geographical areas. These EDIMs should be embedded in existing frameworks rather than work as a separate system adding to the burden of all organisations in the system.	
FUNDING		
Comments	Recommendations	
NEUTRAL: It is clear in the document that ISPs are going to be funded separately from the LA commissioning process. The conversation about when LAs should pick up this responsibility will be ongoing, but there is an important point to be made, which could be included in the NCF, that the hand over should be harmonised, with all LAs picking up the responsibilities at the same time (at the same time as ISPs move from the Matrix system)		
APPRENTICESHIPS		
Comments	Recommendations	
NEUTRAL: The majority of consultees to date have been neutral on the impact of		

the changes on Apprenticeships and Diplomas. Most consider the issue of gender stereotyping in apprenticeships (and other E&D issues such as under-representation of ethnic minority groups etc.) as long-standing problems which will take some time to overcome.		
PARTICULAR LEARNER GROUPS - LLDD		
Comments	Recommendations	
NEUTRAL: Some LA respondents have stated that provision for LDD is one of the great challenges for commissioners. The prudent approach, according to these respondents is to not try to make great changes in the first year or so but to ensure stability.		

COMMENTS RELATING TO POTENTIAL ALL NEGATIVE IMPACTS:

THE NCF DOCUMENT		
Comments	Recommendations	Impact Indicator
NEGATIVE: Many consultees have stated that they don't think E&D is mentioned enough or that there are explicit links to E&D duties that are covered in other documents/legislation	Cross reference to Equalities Duties; LA Equalities Framework and insert E&D into all processes such as Quality Assurance, monitoring, planning and so on.	M
NEGATIVE: Only a minority of consultees (1) to date are recognising that this is a 'high level' document and there are layers of detail that consultees would like to be added for their specialist areas which would make the document unwieldy.	Cross referencing as mentioned elsewhere. No additional action required	L
NEGATIVE: LDD annex: Potential confusion around the fact that the majority of LLDD are dealt with in the main document	Emphasise in the introduction to the LLDD annex that the majority of LLDD are covered under the guidance in the main document.	L
NEGATIVE: Concerns about marginalisation/undermining of normalisation by the existence of an annex on LLDD	As above. Watching brief.	L
NEGATIVE: Concerns about marginalisation/undermining of normalisation by the existence of an annex for young people in youth custody	As above. Watching brief.	L
NEGATIVE: While respondents can see that the equality agenda is picked up implicitly though the document, they are arguing that since the Framework will be of interest to many organisations the equality dimension needs to be explicit. First, stakeholders need to see the priority given to equalities; Second, because equality and diversity is not embedded in all authorities and stakeholder organisations, there is a chance here to emphasise the importance of the agenda. Since this is an influential document, there is a chance to make the point that equalities will drive success. This is most important with a general election looming when energies are dissipated and direction can be lost. One respondent wanted to see an equality plan underpinning the NCF. This might alleviate criticism but goes against the idea of equalities being embedded in the Framework.	When stakeholders have been asked about the balance of cross referencing to E&D issues, with a risk of LAs feeling patronised, most have still maintained that a bigger emphasis needs to be put on the issue. Testing various approaches derived from a number of consultations, it seems that the approach most favoured would be an explicit reference to the E&D agenda underpinning the potential success of the RPA agenda.	L
NEGATIVE: One stakeholder (EHRC) questioned why there were no EDIMs in the document since the measurement of gaps in performance is the driver for the narrowing the gap agenda.	Refer to work ongoing on SES and other monitoring plans	L
NEGATIVE: Some stakeholders (small minority) stated that they could not clearly see what the roles and responsibilities for equalities in learning between the various agencies in relation to monitoring equal opportunities?	See above	L
NEGATIVE: The NCF document does not mention the work of the Education Business Partnership Organisations (EBPOs) and the new guidance from DCSF concerning EBPOs. EPBOs will support the 14-19 reforms not only through enterprise education and work-related learning but also through their wider	A reference to the work of the EBPOs and consultation with them for planning and needs work should be made. A cross reference to the new commissioning guidance might also be helpful. http://publications.teachernet.gov.uk/eOrderingDownload/DCSF-01144-2009.pdf	L

employment engagement strategies that will be used to support the delivery of diplomas, Foundation Learning and planning for Apprenticeship provision. Some of these elements are central pillars of RPA, and also part of the equality agenda because of the learner groups served.		
NEGATIVE: Some consultees have mentioned that the document describes a system that is too complex. One consultee has noted that the separate commissioning arrangements for apprenticeships once again seem to sideline apprenticeships with the risk of them not being seen as a priority within LAs.	Watchng brief.	L
NEGATIVE: One consultee feels that the document must reiterate the strategic priorities and cross reference to Bridging the Gap.	The Social Exclusion Unit's 'Bridging the Gap' report was published in 1999. If further reference is needed to the exclusion agenda, the Narrowing the Gap work includes research and tools and refers to Children's Services. This would be a more useful reference. Low priority action.	L
NEGATIVE: The references to partnership working are clear throughout the document. However, some consultees feels that the reason why LAs must collaborate and work with others (particularly the Third Sector) should be made explicit. That is, that organisations will have a better understanding and ability to work with certain groups than local authorities.	The RPA agenda and the part that equality and diversity plays should be reiterated in the NCF.	M
NEGATIVE: A respondent was concerned that there is no mention of sharing best practice between LAs in the NCF, nor of taking stock of, and building on what is done well.	We recommend guidance for sharing capacity and experience amongst LAs through SRGs and RPGs after the React programme dies down.	M
E&D IMPACTS FROM THE MACHINERY OF GOVERNMENT CHANGES		
Comments	Recommendations	Impact Indicator
NEGATIVE: Potential for political interference in the commissioning process. So far, a high proportion of consultees are mentioning this – including some LA respondents. There are concerns about the impact of far right wing elected members upon specialist commissioning; and also about the impact of politics on the speed of response to need.	Watching brief and monitoring.	L
NEGATIVE: There are concerns from a significant minority that there will be 'fall-out' from the changes as LAs get up to speed. The potential adverse impact will fall on the most vulnerable groups thereby undermining the equality agenda and outcomes for those vulnerable learners. More reference throughout the document to the needs of the most vulnerable groups will alert commissioners at all times to the E&D agenda and may prevent some from falling through the gaps in the demanding times of the transfer of responsibilities	Watching brief and monitoring	L
NEGATIVE: The downside to local flexibility is that there are some LAs who are not as good at E&D (including in commissioning) as others and in these LAs the commissioning and E&D outcomes may suffer.	The idea of LAs having to reach a certain minimum standard on their Equality Framework is an interesting one. It may have possibilities to trigger 'light' and 'heavy' touch monitoring of various stages of commissioning. For consideration Watching brief and monitoring.	L

NEGATIVE: A further potential risk with a high probability is inconsistency of approach/commissioning between LAs. This, in some cases, may lead to a higher rate of tribunal cases a. because of inconsistency and b. because communities are more used to their LA and feel more able to approach and challenge (this has been mostly mentioned with regard to parents of LLDD).	To start to counteract the risk of tribunal cases, LAs will have to be encouraged to consult with their communities and also disseminate their evidenced-based priorities so that communities know what to expect. The NCF should stress the importance of dissemination of planning.	H
NEGATIVE: Some stakeholders have stated that recent reviews of E&D have used 7 strands of equalities by including socio-economic exclusion. However socio-exclusion is not mentioned in the NCF.	A more comprehensive definition of vulnerable groups has been sought. A footnote to expand those groups mentioned in the NCF would be more inclusive.	L
NEGATIVE: A respondent was disappointed that the NCF had not taken the opportunity to extend contracts to 3-5 year contracts for delivery – which would enable innovation and investment which could potentially impact positively upon vulnerable groups. With the RPA agenda, ‘capturing’ the harder to reach might require considerable up-front investment and resources before yielding results.	Watching brief and consideration	L
COMMISSIONING / QUALITY ASSURANCE		
Comments	Recommendations	Impact Indicator
NEGATIVE: Para 1.2.25 was commented upon by several stakeholders. It reads ‘The YPLA will ensure consistency and propriety across the commissioning process by issuing statutory guidance to local authorities about the performance of their new duties to which all local authorities must have regard. The NCF forms the core part of this guidance.’ The main concern is that with the aggregation of plans that it will be difficult for the YPLA to really QA this process and/or how will the YPLA QA so many plans.	Further clarity on E&D monitoring of commissioning	L
NEGATIVE: For the commissioning of LLDD, there are concerns that LAs will open themselves up to litigation on decisions particularly concerning placements to ISPs (A vgreater London Borough was cited).	Clarity on the funding envelope with regard to ISP placements should be given and guidance on consultation on planning and commissioning decisions provided.	H
NEGATIVE: There are concerns about national third sector providers and how their provision might be affected by the new commissioning process. Economy of scale issues are already causing some national bodies to consider withdrawing some provision.	Further clarity around arrangements to provide for national bodies should be provided	M
NEGATIVE: VT Research has noted (as well as certain respondents) that there is no coherent section within the NCF on the QA of LA commissioning with no explicit QA section on commissioning (particularly of E&D) within the QA annex. Bringing together certain paras into a Commissioning Checks and Balances/QA section e.g. para 1.2-25 and 2.2-14 with a reference to LA commissioning practice could alleviate concerns and clarify QA on commissioning rather than the focus being only on QA of providers.	Bring together certain paras into a Commissioning Checks and Balances/QA section e.g. para 1.2-25 and 2.2-14 with a reference to LA commissioning practice.	L
NEGATIVE: There are concerns about the emphasis on minimum standards in that depending on how they are applied, this can be a perverse incentive for providers to cherry pick learners or types of learners, thereby disadvantaging	Consideration of value-added as a component in the design of the Minimum Standard could be given.	L

those most in need.		
NEGATIVE: A potential negative impact has been highlighted by stakeholders concerned about an Approved Supplier List. Their questions concerned how equality will be built into this system when there is a potential for it to be a barrier to smaller, specialist providers.	The NCF stresses that a diverse provider base is required to deliver the outcomes necessary. To allay concerns, a note to say that an approved supplier list to ensure a diverse and high quality provider base might be useful. Work to ensure easy accessibility for smaller organisations is vital.	L
NEGATIVE: Multi-agency working in the case of LDD and working with Health will suffer if disaggregated to LA level. Health trusts will not have the staff to engage to engage.	SRGs and RPGs might be more able to engage with agencies like Health, although working at the level of individual packages for LLDD might be difficult.	L
DATA		
Comments	Recommendations	Impact Indicator
NEGATIVE: Data has been described by many of the respondents as one of their main concerns for E&D – in needs analysis and in ongoing tracking. While there is some acknowledgement that there are efforts to harmonise data, there has been widespread concern that the datasets used to make the core dataset do not ‘talk to each other’. The impact will be the continuation of the problem of tracking (E&D) learner groups. In addition there are gaps in credible data for those suffering economic disadvantage. In other words, which data will tell LAs and providers what preparations they must make for making reasonable adjustments to ensure accessibility for learners.	The NCF refers to the harmonisation programme for data and the Data Dashboard. Watching brief. Any monitoring of equalities should also include a ‘direction of travel’ indicator to indicate progress. Monitoring of certain equality strands will not be possible, or even desirable, with current data collection systems. However, under the equality duties, all strands will have to be considered in terms of access.	L
NEGATIVE: There are concerns that without explicit messages on what local data should be collected, there will in some cases be a ‘variable quality in, variable quality out’ scenario of data collection and analysis to inform commissioning decisions. This, it is argued will not result in robust data and may disadvantage certain learner groups but will also result in a postcode lottery of quality of evidence-based commissioning.	Watching brief. National datasets are to be employed with local data supplementing.	L
NEGATIVE: There are concerns over the breaking up of the analytical capacity of the LSC. While stakeholders acknowledge that there are some LAs whose analytical staff are excellent, there are new datasets to be analysed.	As above. Guidance in sharing capacity and best practice should be issued to RPGs and SRGs, particularly between LAs who have LSC transfer staff and those who don’t.	M
NEGATIVE: An RDA respondent has noted that there are gaps in STEM data (as well as skills gaps) and that STEM is not mentioned in the NCF.	No action. STEM data gaps are soon going to be investigated by BIS/DCSF. Acknowledgement of the importance of STEM is implicit in references to employer needs AND RDA data (employer needs not being a proxy measure for labour market requirements).	L
NEGATIVE: A question was raised about the lack of mention of Sector Skills Council data which could be most useful in informing work-based learning routes. The quality of sector data is most important for these routes, which often appeal to the more vulnerable groups.	RDA data is mentioned. Watching brief.	L
FUNDING		
Comments	Recommendations	Impact

		Indicator
NEGATIVE: The guidance involving the matrix funding but with a According to LA stakeholders, the NCF does not describe the mechanism by which LAs fund LDD outside of the funding envelope, if numbers go up. There is an inherited deficit and the result may be LAs placing young people locally.	As above.	As above
NEGATIVE: Respondents with responsibilities for young people in offending institutions are concerned about the outcome-related funding arrangements and FfE. These arrangements detailed in the NCF underpin disadvantages to young offenders whose learning is often costly and whose outcomes are usually lower.	The modelling for the Minimum Performance Levels should include a value-added component to decrease the disincentive for putting on such provision.	L
NEGATIVE: There are concerns about the overspend on the LLDD ISP budget. It is well known that this budget is overspent but this issue is not addressed in the NCF. Stakeholders (not only those in LAs) are particularly concerned that this overspend does not marry with the apparent funding limit to be applied to LAs for this group.	Some mention of the overspend on the LLDD budget should be made and the arrangements that shall be made about that either detailed in the document or provided elsewhere with a link within the NCF.	M
NEGATIVE: The biggest concern of one LA respondent is that the NCF allows for 'reconciliation of budgets' mid-year. What the concern involves is that providers will ignore what the LA wants to commission; that once the provider recruits learners it will be funded anyway.	Some explanation of the reconciliation of budgets related to the needs analysis and commissioning plan may be needed.	L
APPRENTICESHIPS		
Comments	Recommendations	Impact Indicator
NEGATIVE: One consultee has noted that the separate commissioning arrangements for apprenticeships once again seem to sideline apprenticeships with the risk of them not being seen as a priority within LAs.	Watching brief. No action	L
NEGATIVE: Use of the term 'travel to learn' excludes apprentices who 'travel to work'	Watching brief	
IAG		
Comments	Recommendations	Impact Indicator
NEGATIVE: VT Research - The bullet point in 1.1-10 stating that LAs' approach needs to include 'Assuring that information, advice and guidance (IAG) is sufficient, effective and relevant to school, college and labour market needs' and the statement in 1.2.19 regarding provider duties 'they are responsible for delivering Careers Education and Guidance to learners and ensuring provision is accessible through the Area Prospectus' do not build in a reminder for impartial and access to independent IAG. Lack of impartial guidance is an equalities issue as the most vulnerable students can be disproportionately affected.	Guidance is available elsewhere. In sections mentioning IAG, add the word 'impartial'. Add a link through to the IAG standards.	L

<p>NEGATIVE: Consultees have agreed with potential negative outcomes of some perverse incentives which could come into play within the new system.</p> <p>a. Providers delivering IAG have a bias to themselves, this affects certain groups of learners more than others.</p> <p>b. LAs in commissioning learning and IAG have a perverse incentive to keep learners within their borders. This already happens and may increase. Again this will affect certain learners more than others.</p>	<p>Part of the monitoring role of the RPGs and SRGs should include ensuring there is acknowledgement of the existing travel to learn patterns and any changes to these should be monitored.</p>	<p>L</p>
PARTICULAR LEARNER GROUPS - LLDD		
Comments	Recommendations	Priority Indicator
<p>NEGATIVE: There are concerns over the timing of the decision-making for placements for LLDD (into ISPs). Some respondents have claimed that there will be discriminatory practice if decisions on placements are held back until all LA submissions are complete.</p>	<p>Further guidance on how this matter will be handled with advice on clear consultation and communication provided.</p>	<p>H</p>
<p>NEGATIVE: There are concerns from a significant minority that there will be 'fall-out' from the changes as LAs get up to speed. The impact will fall on the most vulnerable groups thereby having an equality impact. The worry for LLDD from consultees included for those with the most severe disabilities to those with moderate disabilities who can so easily slip into the NEET or YO categories</p>	<p>As above. Sharing capacity and best practice.</p>	<p>As above</p>
<p>NEGATIVE: The NCF is clear about flexibility of start dates for vulnerable learners. However, this does not seem to be the case for LLDD who are entering ISPs.</p>	<p>Clarify this position</p>	<p>M</p>
PARTICULAR LEARNER GROUPS – YOUNG PEOPLE IN OFFENDING INSTITUTIONS		
Comments	Recommendations	Impact Indicator
<p>NEGATIVE: This is a high level document and contains everything it should....but if I were an LA I would be asking "what else will I get?"</p>		
<p>NEGATIVE: While the introduction of Annex 4 (p25 on the consultation draft) states that YOTs are integral to the planning and commissioning process, YOTs and their roles and responsibilities are not clearly articulated in the rest of the annex.</p>	<p>More clarification on the roles of YOT and YJB could be provided.</p>	<p>M</p>
<p>NEGATIVE: There are concerns that there is a potential for confusion between the words YOT and YJB by Local Authority commissioners and that YOTs will be asked to do too much when they don't have the capacity to do so. .</p>	<p>As above</p>	<p>As above</p>
<p>NEGATIVE: There are concerns that during the transfer process that young offenders will be disadvantaged as LAs try to get up to speed. Those most at risk are those resettling into the community (often re-enthused about learning) but who are at risk of feeling rejected; and those at either end of the learning spectrum</p>	<p>As above. Sharing capacity and best practice</p>	<p>As above</p>

within custody – particularly those few who might be at the higher end, e.g. trying to study for A level.		
NEGATIVE: There is a risk of a step back in commissioning quality while the Local Authorities amalgamate all the changes. The concerns focus on the quality assessment and contract management of the providers within custodial institutions – to ensure that the vision of enabling YO's to access different choices and learning that is aligned to mainstream provision is pushed forward. This would be an act of omission rather than commission, e.g. rolling contracts over; not monitoring sharply on the monthly basis as specified in the NCF etc.	To avoid over-reliance on the YOT for learning (beyond information) a note should be added in the NCF to state that “the home LA will use its resources on the resettlement into mainstream learning rather than rely solely on the YOT”	M
NEGATIVE: Dissipation of expertise might have an adverse impact in the short run with staff with expertise currently in the LSC being transferred to both the YPLA and the SFA.	As above. Sharing capacity and best practice	As above
NEGATIVE: Some stakeholders, including LA respondents, state that LAs will have a tough job negotiating with providers on the provision for these learners. With the raising of the participation age, different types of provision will be needed. Unfortunately, there are particular types of provider who either think it is business as usual or are unrealistic about the support available. Even in LAs with very good partnerships, there will be difficulties.	As above. Sharing capacity and best practice	As above
NEGATIVE: Since there will be difficulties in putting on provision for this group, some respondents feel that the provision should be both funded and measured differently. There does not seem to be the scope for this within the NCF.	As above. MPLs.	As above
PARTICULAR LEARNER GROUPS – OTHER VULNERABLE GROUPS		
Comments	Recommendations	Impact Indicator
NEGATIVE: Some Equality and Diversity respondents were concerned about the definition of vulnerable young people/vulnerable learners.	It might be that vulnerable young people could be defined as groups already mentioned in the NCF – e.g. LLDD; young offenders; young carers; young parents; children and young people in care; and other groups whose outcomes are persistently below the average e.g. certain ethnic minorities; rurally excluded; socio-economically disadvantaged young white men etc. The definition must be kept flexible to ensure flexibility of priorities in local areas and to promote the bridging the gap agenda as outcomes change over time for differing groups.	L
NEGATIVE: Some stakeholders, mostly but not confined to LA contacts, have stated that learners suffering from multiple deprivation, mostly measured by postcode, is not highlighted as a priority in the document.	As above.	As above
NEGATIVE: Several respondents have noted that ESOL has not been mentioned in the document.	As above	As above

