

'Raising Expectations: staying in education and training post-16': DFES Green Paper

UCU Response

UCU, the University and College Union represents over 120,000 academic and academically related staff working in universities, further education colleges and adult and prison education services. UCU members in further education colleges deliver a broad range of learning programmes to young people preparing and qualifying them for future employment and/or further study including in higher education institutions. UCU members also work with adults and have considerable experience of dealing with people who have had poor and alienating previous experiences of learning at school, and some of the strategies for re-engaging people in learning.

UCU notes the publication of the government's plans to increase participation in education and training from the age of 16 by raising to 18 the compulsory age at which a young person can leave learning. UCU welcomes the opportunity to comment on the government's proposals at this early stage.

Before responding to the specific questions posed in the Green Paper, UCU would wish to make clear its overall position in relation to the Green Paper's proposals and the reasons for this.

UCU agrees with much of the Green Paper analysis of the benefits of young people continuing to participate in education and training beyond the age of 16 - both for the young people themselves and for the broader economic and social needs of the country. We also agree that in the future, those who do drop out of learning, before and after 16, will be at greatest risk of unemployment and social exclusion. We acknowledge that the rates for participation for young people after 16 have risen, although many do drop out of learning at 17. We also recognise not only that many of this country's international competitors have better rates of participation in education and training for 16 to 18 year olds than the UK, but also that even the government's target of a 90% participation rate will not put the UK among the best performing OECD countries.

UCU notes that the Green Paper makes it clear that the proposals will not mean forcing young people to stay in the classroom and that many forms of learning, including that taking place, in the work place will be recognised. The union does believe that young people should be encouraged to continue their participation in learning beyond 16.

However we believe strongly that successful learning, particularly beyond the age of 16, is fundamentally a voluntary activity.

UCU considers that the resort to compulsion in the Green Paper's proposals is wrong and will not achieve the goals sought by the government. Indeed it may have the opposite effect. Forcing some young people who would drop out, whether before 16 or at 16 and 17, to stay longer in a situation they find alienating and de-motivating may increase their dislike and estrangement from learning and perhaps society. It will also have the additional negative effect of turning teachers, lecturers and colleges into 'social police officers'. We consider that this is inimical to the relationship of trust which must underpin successful learning.

This reliance on compulsion leads UCU to oppose the Green Paper's proposals. We would wish to see more positive incentives to encourage and motivate young people to continue with learning.

The Green Paper refers to four key things that have to be in place to raise the participation age of learning. We agree with these but have very serious concerns that current government policies will mean that these will not have been achieved in time for the implementation of these proposals.

- **A suitable route for every young person which engages them and enables them to progress and achieve** We consider that the current government policies for 14 to 18 year olds will not provide these suitable routes. In rejecting the Tomlinson Working Party recommendations for an overarching diploma, the government has rejected a curriculum and qualifications system that would have stronger elements of inclusiveness and motivation. Instead we are embarked on building further fragmentation and division into a curriculum and qualifications system already divided and confusing. The government is placing a great deal of reliance on the introduction of the new diplomas motivating young people to remain in learning. The recent Commons Select Committee Report on Diplomas throws up serious doubts about this. In particular it has concerns that the content of the new diplomas will still be largely classroom-based and so continue the de-motivating effects of the current National Curriculum for the very groups of young people that the Green Paper proposes will be re-engaged in learning.
- **The right support for every young person to help them make the right choice for them and enable them to access provision** UCU agrees that the right support is essential to help young people make the choices that are right for them and enable them to access provision. However we do not consider that this will be provided, not least because of the continual turmoil and reorganisation of those services that provide the advice, guidance and information to young people and to youth services that support and work with young people. We are mindful of and support the proposals in the 'Youth Matters' Green Paper that proposed that local authorities take back the strategic leadership of careers, information and advice and guidance

services. However this is after over a decade of continual restructures and re-organisations of these services. UCU believes that these services need the injection of real additional resources and assurances that they will be able to develop and consolidate their facilities before it can be assumed that they will be able to provide the support that this Green Paper's proposals will require.

■ **Good engagement from employers to offer young people valuable training**

UCU believes that it may well take a sea change in employers' attitudes in training young people to implement the Green Paper's proposals concerning education and training for those young people at work. Employers will have to provide a large expansion of apprenticeships and work placements. Leitch recommends an increase of apprenticeships to half a million by 2010. It might be advisable to see if these are supplied before basing these policies on an expansion of employment-linked training. We are also mindful that there has been a right to time off for study for 16 and 17 year olds since 1997. The remedy for young people denied this right to study is to take the employer to an industrial tribunal. Very few cases have been brought because this is not a solution that is easily accessed by young people. Real sanctions on employers denying training to young people at work will be required.

■ **A means of making sure that everyone does participate and benefit in practice**

As we have stated above any such means must be based on incentives not coercion. We also believe that the kind of registration of all young people at 16 that the Green Paper mentions could constitute a serious infringement of the civil liberties of young people.

UCU acknowledges that the Green Paper contains sections that recognise and try to deal with those young people with particular needs and circumstances such as young people with learning difficulties and/or disabilities, young people in care and those with particular sets of circumstances such as young mothers or carers.

We do not believe that the Green Paper takes sufficient account of demographics, in particular the decrease from 2009 in the numbers of young people aged 16. This presents both opportunities and threats to raising participation rates after 16. Opportunities may arise because this decrease in numbers could mean real term rises in the actual spending on young people's learning within the existing cost envelopes. There could also be threats to young people's participation beyond 16 as young people may become a valuable resource and some employers, in order to attract short-term unskilled labour, may collude with some young people by offering cash-in-hand work without training and so evade their responsibilities to train their young workers

UCU considers that increasing participation in education and training beyond 16 must be based on measures to encourage and incentivise this participation, for example:

- A curriculum offer (both pre and post-16) that is inclusive and recognises achievement and attainment across all young people's activities, that encourages, motivates and enthuses.

- Good information, advice and guidance and support that is impartial and independent and properly resourced and available to all young people, whilst making particular efforts to meet the needs of those most at risk of disengagement from learning and society
- New real resources for the increase in participation that can be used for the continuing regeneration of schools' and colleges' plant and equipment, as well as the workforce development necessary to deliver learning programmes that engage and motivate these new post-16 participants in education and training. Such resources must be additional and not taken from existing adult learning opportunities.
- Proper financial support for young people when studying: it is clear that many young people want to work when they reach the age of 16 so that they have financial independence and the means to sustain a life style they consider appropriate for their age. Other young people may enter work because of family pressures to bring in much needed extra income. It will be essential in encouraging young people to continue in participation in education and training that there is financial support for them, and in the case of low income households, their families. Such support should be a right, although it might contain incentives for attendance and achievement. We consider that the current successful Education Maintenance Allowance scheme should be expanded both in terms of scope and in terms of the weekly amount given to young people.
- Entitlement not requirement: UCU would advocate a positive policy for participation in education and training beyond 16 based on extending the entitlement to level 3 qualifications to age of 30. This, combined with the current entitlement for all adults to full level 2 qualifications, would mean that young people had an extended opportunity to return to learning when they wanted and were ready for this. If the entitlement was to level 3 qualifications, this would also equip those who took advantage of it, to obtain the kind of qualifications that would gain them entry to meaningful employment and/or higher education. Such an entitlement might be accompanied by a target expressed in terms of a percentage of the cohort.

The Green Paper proposes that if the age at which a young person is allowed to leave learning is raised, this should in the first instance be 17. If the Green Paper's proposals are implemented, we agree that this should be done gradually. We also want to see a full independent evaluation of the impact of the proposals taking full account of the views of young people themselves.

The Questions

1. Do you agree that there is a case for introducing compulsory participation to age 18?

Although UCU agrees with the analysis of the benefits of continuing participation in education and training beyond 16, it opposes the use of compulsion. We believe that that this may well increase the de-motivation and alienation from learning that those young

people currently dropping out of learning before and after 16 experience, and by turning teachers and lecturers into 'social police officers' seriously damage the trust relationship between learner and teacher that must be at the heart of successful learning. UCU would wish to see participation beyond 16 encouraged by positive incentives.

2. Do you agree that participation should include participation in school, college, work-based learning and accredited training provided by an employer?

Participation in education and training beyond 16, whether on a voluntary or compulsory basis, should include participation in school, college, work-based learning and accredited employer provided training. Indeed we would go further; learning can and does take place through and in a wide variety of circumstances outside formal situations. We would recommend that as part of incentivising and emphasising the positive aspects of continued participation in learning, every young person should have an entitlement to an in-depth series of interviews and meetings with trained guidance and advice workers and learning mentors who with the young person, plan a series of relevant and appropriate activities in which the young person can develop their knowledge and skills. This could then bring within the scope of continuing participation a much greater range of opportunities and situations than the more formal ones of school, college, work-based learning or employment, whilst providing a check that such activities did lead to the further development of the young person.

3. Do you agree that the requirement should include a requirement to work towards accredited qualifications?

Whilst there are clearly positive and practical benefits for continuing learning beyond 16 to be towards accredited qualifications, UCU considers for the reasons given in our response to the previous question, that there can be positive as well as practical benefits in study that does not lead to accredited qualifications, or indeed any qualification. For example it is clear from the increase in 'gap year' activities, most of which are not accredited, that many young people, their parents and higher education institutions value greatly non-accredited activities. We ask that all young people be afforded access to these kinds of opportunities. The processes that we put forward above could go some way to ensure that progression and development were at the heart of the activities the young person undertook.

4. Do you agree that for those who are not in employment for a significant part of the week, participation should be in full time education? Should full time education be defined for this purpose as at least 16 hours of guided learning per week?

Again UCU considers that it would be better if those young people not in employment were in full-time education. But for the reasons already given above, we do believe that a requirement to be in full-time education is not useful. Attendance in full-time education

does not always lead to learning, as the experiences of many young people in relation to compulsory schooling seem to indicate. We cannot see why continuing to force some young people into a situation that, for whatever reasons, they seem to have rejected, can help them. We have indicated that it is possible for young people to develop through activities that are not employment or full-time learning, and processes which would give some framework and direction for this. We would prefer to see this approach used rather than compelling those young people not in employment, to remain in full-time education and training.

The Green Paper proposes that full-time education is defined as at least 16 hours of guided learning. It does not provide any rationale for this figure. It may well be correct but it may also be that 16 hours is the amount of study allowed under Benefit Rules. We would wish to see educational arguments in favour of 16 hours being set as the amount of guided learning that constitutes full time.

5. Do you agree that a young person who is employed could participate part time? Is a minimum of 280 hours of guided learning per year appropriate for a young person who is employed?

It is clear from the breakdown of the 'not in education, training or employment' (NEET) group given in the Green Paper, that the largest component of the NEET group is those in employment but not receiving training. The figure given is 13%. From this UCU concludes that significant action is required in relation to these young people and the actions and responsibilities of employers if the goals of the Green Paper are to be achieved. This is clearly needed given that there has been a right for all employed 16 and 17 year olds to paid educational leave. For 13% of the youth cohort to be in employment yet not receiving training, must mean that this right is not being exercised and that many employers are not providing and encouraging young people in their employment to take up learning opportunities.

The Green Paper proposes that a young person should undertake a minimum 280 hours of guided learning hours per year. This amounts to around 5 hours per week so could be seen as a day's release per week from employment for learning. We would support this as a minimum but would wish to see employers encouraged to release their young workers for amounts of time appropriate for the achievement of relevant full qualifications. This will become increasingly important as both the qualifications that young people obtain and those for adults become unitised. There is a danger that employers will seek to 'cherry pick' learning opportunities around knowledge and skills that the employer wants, but which fall short of the kind of full qualification the young person may want and need.

UCU would also urge that release from employment to attend learning is paid for by employers as they will gain from this as well as the young person. We favour urgent consideration of the kinds of sanctions that employers would face for refusing to release young people in their employment for learning. Currently the recourse is the young person

taking the employer to an industrial tribunal. It would seem that very few have done this. There is a need for strong and powerful sanctions to ensure employers do not evade their responsibilities in this area.

6. Which version of the policy do you prefer?

The Green Paper proposes two policy options concerning how long young people continue in education. The first is that they continue until their eighteenth birthday. This would be simple and clear. The other would be to link requirement to participate to the achievement of a level 2 qualification or the age of 18 whichever is the earlier. The rationale behind the latter is that it would become clear that the aim is better preparation for life. If the requirement to remain in learning to 18 is made compulsory we would opt for the first version of the policy – to remain in learning until the eighteenth birthday. This is clearer and would be administratively simpler and avoid the situation where failure to achieve a particular level of qualification was 'punished' by having to continue in learning.

7. Do you agree that taken together, the routes outlined here mean that there will be an appropriate and engaging option for all 16 and 17 year olds by 2013?

UCU does not agree, for the reasons given earlier in this response, with the proposition that the routes outlined in the Green Paper mean that there will be an appropriate and engaging option for all 16 and 17 year olds by 2013.

We are not yet convinced that there will be 'an engaging curriculum' and we believe that our position has powerful confirmation from the recent Commons Education Select Committee on the new Diplomas. The Committee along with virtually the whole of education profession is pressing the government to ensure that the delivery of the first five diplomas in 2008 is treated as pilot and that the roll out of the rest of the Diplomas is delayed if problems are detected in the first year of delivery. This must throw doubt as to whether this key part of ensuring that there are engaging and motivating curriculum routes for all young people will actually be in place in 2013. It seems to us clear that there are still considerable problems and issues in ensuring that the content of these new qualifications will actually motivate, engage and enthuse young people, especially those at whom these Green Paper proposals are aimed. Paragraph 37 of the Select Committee Report states:

"It is far from clear that those in charge of developing the different Diplomas share a common understanding of the kinds of learning they will demand and the purposes they will serve. We welcome the introduction of more practical learning into the curriculum but there is a risk that the pressure over time will be to introduce more and more desk-based, theoretical material into practical, vocational curricula in pursuit of parity with academic qualifications. It is important that this is guarded against in the case of the Diplomas, and we will be looking for evidence

that the new programmes contain sufficient practical content to motivate and appeal to learners who may be ill served by academic courses.”

(HC 249 17 May 2007 The Stationery Office)

UCU is also not convinced that there will be ‘the right support for every young person to help them make the right choice for them, and enable them to access provision’. Such support is crucial in the absence of a coherent and easily navigable curriculum and qualifications system which we believe is the consequence of the government’s rejection of the Tomlinson Working Party recommendations. UCU would argue that the careers, information, advice and guidance services for young people have been bedevilled by constant re-organisations and restructures. We support the proposals from the Youth Matters Green Paper that local authorities should resume their strategic leadership for such services. But these services will need consolidation and new resources if they are to operate effectively in support of the ‘Raising Expectations’ Green Paper. Again we quote from the Select Committee Report on Diplomas on advice, information and guidance concerning those parts of the routes to be offered that are the Diplomas:

“149. The DfES says that improvements to IAG are currently underway as part of the overarching programme of 14–19 reform. Proposals to develop a set of quality standards for Information, Advice and Guidance were introduced in the Youth Matters Green Paper, published in July 2005, and the standards are due to be published in April 2007. Additionally, responsibility for the Connexions service is being gradually transferred to Children’s Trusts and all funding for this service will be channelled through Trusts from 2008. It is less clear what other activity is taking place, particularly in terms of actual staff training, or whether the plans for improving IAG will be explicitly tied to the timetable for the introduction of the Diplomas. The DfES needs to make clear what plans are underway to develop the capacity of those responsible for guiding young people through the many different options which will be available to them from the age of 14. It also needs to demonstrate that any programme of improvements to information, advice and guidance services planned as part of the wider 14–19 reforms is explicitly tied to the introduction of the Diplomas.”

The third leg of ensuring that the routes outlined mean that there is an appropriate and engaging option for all 16 and 17 year olds concerns the supply of high quality work-based learning opportunities for those young people who wish to combine learning with work. Figures given in the Green Paper show that there has only been a doubling of the numbers of 16 to 18 year olds in apprenticeships over a ten year period since 1997. This is in a period when employment has been buoyant and the economy in good health. The Green Paper does recognise that currently there are more young people wishing to take up Apprenticeships than places available. We acknowledge the Government’s wishes and intentions in this area, but these are not a firm basis to establish this radical new policy. The Green Paper advances various possible solutions – to this lack of work-based places –

the young person travelling to find such a place, beginning a college-based programme-led Apprenticeship and looking for a placement later or starting a college course. None of these options would appear to be satisfactory for a young person who wants to learn and work.

8. Should there be requirements for young people who are training to do more than just an accredited occupational qualification? (eg should they be expected to do functional English or maths and/or wider technical education)

We can understand the desire of the government that continuing education and training beyond 16 should seek to redress possible shortcomings in the educational achievements of some young people. Thus we can see why there might be a requirement for those who are training to undertake more than accredited occupational qualifications. We advise resisting making this a requirement. Again we would prefer encouraging and perhaps incentivising the take up of additional provision such as functional English and maths through approaching these skills and knowledge through the delivery of the accredited occupational qualifications. We are mindful that even in current apprenticeship programmes there is evidence of considerable reluctance on the part of apprentices to undertake these elements of the Apprenticeship programmes. Indeed we understand that these parts are often the reason given for non completion of these programmes.

9. Do you agree financial support should still be provided to young people for low income households if participation is compulsory?

UCU not only agrees that financial support should still be provided to young people for low income households, but we would argue that such support is essential to participation in education and training beyond 16. We believe that such support should be built around an expansion of the current system of Educational Maintenance Allowances (EMAs), and this should not end if compulsory participation is introduced. EMAs could become the cornerstone of the various ways of incentivising increased participation beyond 16. The sums available to young people should be increased as should the scope of the scheme so that more young people and their families fall within its remit. The Green Paper poses the question as to whether financial support should cease if the young person drops out of learning because a particular course of action/learning has not worked out. Under the voluntary incentive-based scheme that UCU advocates, there would be on-going advice and guidance for the young person. This would allow for further and fuller exploration of why the course was not right and what would be a better course of action, and thus avoiding the need to withdraw financial support. Of course such is the nature of the EMA it would cease if the young person did not take up a learning programme after the necessary advice and guidance.

UCU considers that not only should financial support be provided for young people, but other aspects of ensuring accessibility of provision are ensured. The Green Paper puts

forward the view that local authority transport strategies and policies may need to be reviewed. Local authorities are presently required to publish a transport policy statement in respect to people of sixth form age. These will need to be reviewed and if necessary changed so that local authorities do not have to meet any new financial burdens unassisted. The FE sector did make representations during the passage of the Education and Inspection Act 2006 that its provisions on transport should be extended to post-16 and college provision. This was not taken up and it will be necessary to extend and adapt the current pre-16 transport regulations to post-16 provision and the provision of subsidised transport for 16 to 18 year olds in education and training.

The Green Paper also refers to young people who may be estranged from their parents and their eligibility to benefit. We consider that this is important to support such young people and this must continue even if compulsory participation is introduced. Similarly we would urge that Child Benefit and Child Credits are continued to be paid to parents of young people over the age of 16 continuing in education and training.

We have acknowledged that the Green Paper does make specific references to young people with SEN, to those in and leaving care and those facing particular barriers to participation such as young parents and carers. The particular financial aspects of the needs of these groups will need to be recognised and funded properly if their disadvantages are not to continue.

10. Should we consider other incentives such as withholding driving licences from 17 year olds who are not participating in education and training?

Schemes such as withdrawing licences from non-participating young people should not be considered. These are not incentives but sanctions and would only alienate further those not participating in education and training. Indeed the suggestion made of withdrawing driving licences may well have the perverse effect of increasing the number of young people driving illegally.

11. Would the proposals outlined here about support and guidance be enough to ensure that all young people are able to participate regardless of their personal circumstances?

UCU agrees with the Green Paper that extra help will be required for some people to participate in learning beyond 16. This is particularly true for those groups at which the proposals are especially aimed. UCU welcomed the proposals in 'Youth Matters, and we profoundly hope that the changes it proposed to ensure agencies work effectively together to provide all young people with the right mix of support and opportunities for activities, advice, guidance and information, succeed. However as we have indicated, these are services that have suffered considerable neglect and disruption. We do consider that the proposed Integrated Youth Services will in time provide a much stronger base to ensure all

young people have the right support and guidance to choose to continue in education and training. It is right that these services target a great deal of support in identifying vulnerable young people as soon as possible, and provide the right kind of support for such young people to make the best decisions concerning their current and future actions. The kinds of work with learning providers and employers envisaged for the Youth Support Services to provide, will help in getting providers and employers to identify and respond to young people's needs and draw in extra support to meet these. But this must be in addition to the mainstream work of providing all young people with impartial, independent, high quality careers, education, training and personal advice, guidance and information. There has been criticism that some Connexions Services were directed and targeted at the most vulnerable young people, and that services to the full range of young people suffered. Although clearly the most vulnerable must have sufficient resources directed at their needs, the kind of choices that all young people face before and as they leave school are such as to mean that these advice, guidance, information and support services must be accessible by all young people. We welcome the statements in the proposals that teenage parents will have access to childcare and provision fitting their circumstances and similar support will be offered young people with caring responsibilities. We support the proposal that local authorities will be able to exercise discretion in offering to address a whole range of needs that may underpin successful learning.

12. Would the proposals outlined in this chapter provide employers with the right framework to help make sure all 16 and 17 year olds are participating in valuable learning, including those who want to learn as they work?

It is clear that employers must play a key role in ensuring that all 16 and 17 year olds participate in learning. We support the proposals that all young people will be required to participate in a minimum amount of guided learning and there should be requirement that employers release young workers to participate in learning. We would disagree however with the proposition in the Green Paper that employers would not be required to pay young people when they are studying. There should be a right to paid study leave for all young workers. Whilst agreeing that existing employer engagement in enabling young people to achieve more and develop their skills must be built on, we believe that the right of young people should be enshrined in legislation with strong sanctions on those employers who seek to evade their responsibilities. We have considerable concerns as to whether Train to Gain and its brokerage services are the right vehicles to take forward the work with employers around young workers. Currently Train to Gain is directed at adults and it may take a very different range of skills to encourage employers and to facilitate training in respect to these young workers.

13. Given the benefits of a better skilled workforce, what responsibilities should employers have to encourage young people to participate in education and training?

UCU considers that the responsibilities of employers to encourage young people to participate in education and training are largely those set out in the Green Paper:

- To be required to provide accredited training or to release young people to attend such training for a minimum of 280 hours per year.
- To begin discussing training obligations at the outset of a young person's employment
- To accommodate reasonable requests to attend structured training including release from work during the day'

As we have stated above we also strongly believe that employers should pay young workers for the time spent in education or training. We would add that there will need to be easily accessed remedies and strong sanctions where employers do not meet their responsibilities.

14. Do you agree that there should be a system of enforcement attached to any new requirement to participate used only as a last resort?

UCU does not believe that there should a system of enforcement attached to any requirement to participate even as a last resort. We do not believe that compulsion leads to successful learning.

15. Is it right that the primary responsibility for attending at age 16 and 17 should rest with young people themselves?

Underpinning our opposition to the use of compulsion, is our belief that young people should voluntarily enter into continued learning. Within this paradigm then, the primary responsibility and the decision for attending at 16 and 17 would always rest with the young person themselves.

16. Do you agree that if a parent of a young person is helping them to break the law, it should be possible to hold them accountable as well?

UCU does not accept that the participation in education and training should be one where the law is used to ensure compliance. If it is then parents of young people will have to be accountable for their actions in relation to such a law, whether it is helping a young person not to participate in education or training, or indeed preventing a young person from participating in education and training beyond 16.

17. Is the process outlined here the right way to engage young people and enforce the requirement?

The processes outlined in the Green Paper would create a system to collect and hold comprehensive information on the education and training experiences, the destinations of young people in terms of education, training or employment, as well as the needs and wishes of young people as to their futures. UCU does have considerable concerns about the civil liberties and data protection implications of such a huge amount of information and data on young people. We also have worries that placing a duty on providers to inform the system as soon as a young person drops out, would also place an intolerable strain on providers and teachers and lecturers and on the systems of trust which must underlie any successful learning experience. We appreciate that the processes laid out in the Green Paper do trace courses of action in which a great deal of support and attention will be given to the young person at all stages in the process, and that use of the law will only be a last resort. However we consider that use of the law will overshadow and distort these processes in the end.

18. On breach of an Attendance Order, should criminal sanctions be pursued, or civil/administrative ones?

UCU does not believe that either criminal or civil/administrative sanctions should be pursued.