

The Apprenticeships, Skills, Children and Learning Bill

The Bill was published by the Government on 4 February 2009 and will be read in Parliament for a second time on 23 February.

The main areas covered by the bill are:

Apprenticeships

Frameworks for apprenticeships are to be put in place including the introduction of an Apprenticeship certification and the extension of apprenticeships to the self-employed and volunteers. It specifies an apprenticeship agreement between the employer and the apprentice. The bill also sets up the National Apprenticeship Service that will be overseen by the Skills Funding Agency (see below).

Local Authority (LA) Functions

The bill transfers the responsibilities of the Learning and Skills Council for 16–19 provision to Local Authorities. As young people may live in one local authority but receive education in another, the bill requires LAs to provide commissioning plans which will be signed off by the Young People's Learning Agency.

Young People's Learning Agency (YPLA)

The bill creates an agency that will support Local Authorities with 16–19 provision; it will fund education and training for those aged 16–19 and will ensure that LA's offer the appropriate provision for young people and stay within the ascribed budgets. It will have powers to intervene in respect of provision it funds. It will also take over from the Secretary of State various functions concerning academies, including funding admissions.

The Skills Funding Agency (SFA) and the Chief Executive for Skills Funding

The SFA takes over from the LSC in respect of adult funding. FE comes under the SFA even though its 14-19 work comes under the YPLA. The Chief Executive will be responsible for the funding of 19-plus education and training provision as well as the development of the Further Education Sector. The SFA will be responsible for performance management in FE. The LSC powers of intervention are transferred to the SFA. The SFA Chief Executive will also have responsibility for the apprenticeship scheme which will be jointly sponsored by DCSF and DIUS.

Office for Qualifications and Examinations Regulator (Ofqual) and the Qualifications and Curriculum Development Agency (QCDA).

This Bill basically splits the QCA into OFQUAL and QCDA.

Ofqual will report to DCSF and have no responsibility for HE awards.

QCDA will take responsibility for anything to do with curriculum and assessment development. The Government have implemented this split so that the regulatory functions of the QCA will be statutorily independent.

Sixth Form Colleges

The clauses around sixth form colleges (SFCs) remove them from being designated alongside general FE colleges as has been the case since 1993 – they will now have a separate legal definition. They will come under Local Authority control. Institutions can become SFCs if 80% of total full time education enrolments are 16-19 year olds. It will be the YPLA which has power of intervention in them but the SFA can also signal concerns to the YPLA and LAs.

Learners

Part of the bill brings into force a number of provisions relating to learners, including extending the duty that already exists on schools to promote well being to Colleges. It also expands the ability to award Foundation Degrees into Wales.

Student Loans

Previously legislation was introduced to ensure that if a former student with a loan went bankrupt they would have their debt wiped out if they entered into an Individual Voluntary Agreement. The Bill will reverse that provision.

Right to request training

The bill introduces the right to request training for all employees, excluding agency workers, who have been employed for at least 26 continuous weeks. Agency workers along with part time workers do not get the same access to training.

Information advice and guidance

The requirement of schools to give information, advice and guidance which is in the best interest of the student (not the school).

For more information, and the text of the Bill, please visit:

www.publications.parliament.uk/pa/cm200809/cmbills/055/09055.i-v.html

UCU commentary

As the title of the Apprenticeships, Skills, Children and Learning Bill suggests, the bill covers a vast number of areas. It has been described as a 'dogs dinner' and a 'jumble sale' precisely because of the number of areas it covers and the continued confused crossover between DCSF and DIUS for 14-19 provision and FE funding streams.

We now have a new quangocracy and a host of new acronyms and yet again the FE sector is subject to more churn and change and no chance of stability and security for future planning.

The 'machinery of government' changes in the bill (re DCSF and DIUS) will effectively lead to the break up of further and adult education, endangering the unique role our sector plays in providing a second chance for millions of people. Adult education will be cut off from the rest of the sector and forced to shrink its curriculum offer in line with the Leitch 'demand led' agenda. Courses will only be funded if they supply the narrow skills acceptable to employers. Given their past record, UCU has no confidence in employers to fund training of their workforces and given the recession this is even more unlikely.

This is a bill located in the pre-recession era. Instead of an expanding economy with skills shortages, we now have recession and unemployment. Instead of 'up-skilling' the priority now is re-skilling and this bill does not address the changed environment.

There are some specific proposals in the bill that are of concern.

- **Local authority control:** UCU has long campaigned for further and adult education colleges to be brought back under LA control as this would give back to F/AE providers and learners some democratic accountability. However, these proposals do not seek to do that. Only the funding of one part of the sector will come through LAs. The governance will remain in the hands of the increasingly out of touch and undemocratic governing bodies. UCU wants democratic accountability with colleges brought back under LA control but not the break up of the funding streams.
- **Skills Funding Agency:** UCU has concerns that the SFA is not defined in the bill and its detailed roles and functions will be set out in a later framework document. As with the LSC Act of 2001, there are different definitions for provision between young people and adult provision. The YPLA has to provide 'proper' provision whilst the SFA has to provide 'reasonable' provision. Reasonable is defined as 'quantity and quality that can be reasonably expected, given the resources available'. Which could be none, depending where you are. Also within this section of the bill, education and training are defined in relation to individuals and employers only. It does not recognise the role for adult learning, particularly in these changed times of recession where FE can make a significant intervention based on community needs.

- **Sixth form colleges/centres:** Currently most 16–19 year olds are taught in the FE sector and there will be a large expansion in their overall number with the raising of the participation age to 18. With this expansion, it seems inevitable that there will be a drive to open new sixth form centres as schools will ‘follow the money’ with funding opportunities opening up. There will be increased competition between schools and colleges (and between colleges) for funding for the 16-19 age group rather than rational coordination and planning to meet students’ needs and aspirations. In addition, FE will be in the new situation of teaching 16-18 year olds who are legally obliged to attend rather than having chosen to do so. UCU has always opposed the raising of the school leaving age. Young people need to be encouraged and inspired to learn, not coerced.
- **Ofqual:** will be the new guardian of education standards. Although not on the face of the bill, there has been some concern expressed by awarding bodies that Ofqual would not only regulate qualifications but also create them. The two functions would seem to be in conflict.
- **Right to request time off for training:** UCU welcomes the introduction of this right but opposes the exclusion of part time and agency workers. With regard to the 26 week qualifying period UCU would want the right from day one.

UCU will be campaigning with sister unions for a reassessment of funding and structures within FE and for the re-adoption of a broad curriculum which includes informal adult learning and vocational skills built around community needs and not the narrow employer-led skills agenda.