

Education and Skills Bill Committee

The Association of Directors of Children's Services

Supplementary written evidence – 18 February 2008

1. This supplementary evidence has been produced in the light of the questioning and responses at the meeting of the Bill Committee on 22 January. The supplementary evidence does not indicate a change in the ADCS position but is intended to extend the arguments and, where possible, to provide relevant up-to-date information. The supplementary evidence covers:

- information systems
- the issue of compulsion
- literacy, numeracy and employment skills

One further point is raised relating to the eighteenth birthday and the arbitrary relationship of that date with the end of education and training courses.

Information systems

2. Our written evidence stated that *“Clause 12 will require local authorities to have systems in place, including cross-boundary systems, that both record the education and training provision being accessed by all relevant young people, and identify those young people who are in, or become in, breach of the duty. These systems will need to build on existing systems recording pupils under the age of 16, ContactPoint, Connexions databases, employment databases, and school and college databases for young people aged between 16 and 18; developing either a national system or local systems will require considerable effort and care to be fit for purpose.”*
3. The CCIS database will be the central system for identifying children and young people who need support with respect to participation post-16. The CCIS database will enable direct support to young people from personal advisers, and provide the necessary information to local authorities to promote participation.
4. ADCS will continue to work closely with the Department to ensure that the CCIS database provides the necessary information to enable timely and effective support to the individual young people who need it.
5. In addition to the CCIS database, it has become clear in discussions with the Department that ContactPoint will provide some, but not all, of the information needed by local authorities. ContactPoint will therefore be a supportive adjunct to the CCIS database.

6. ContactPoint will be a universal system for all children and young people up to the age of 18 and will include an 'educational setting' field as well as basic identifying information. (ContactPoint will also have other fields and purposes but these are not relevant to the present discussion.) Local authorities will be able to run reports from ContactPoint which will identify all those children and young people who have no educational setting recorded; this will help local authorities to identify children missing education. ContactPoint will not however identify children and young people undertaking training.
7. The 'educational setting' field in ContactPoint will be fed by local authority data systems for schools, and by local authority data systems fed in turn by college systems for colleges. Where possible, data in ContactPoint will be updated in near real time; the actual updating period depending on the nature of the system providing that data and its connection to ContactPoint.
8. Subject, therefore, to local authority and college systems being updated as needed, both at the start and the end of courses, and during courses when students change provision or go off-roll, ContactPoint will provide the information necessary to enable local authorities to comply with the requirements of clause 12 with respect to educational settings.
9. Clauses 13 and 14 will ensure that all providers will have a duty to inform the local authority.
10. Clauses 15, 16 and 17 will ensure that other public bodies have a duty to provide relevant education to the local authority, which will help confirm the position of individual young people who have already been identified as probably not meeting the requirements of clause 2, and enable local authorities and their Connexions services to provide tailored support to the young people concerned.
11. The regulations which govern the operation of ContactPoint, the Children Act 2004 Information Database (England) Regulations 2007, allow for ContactPoint to record 'education otherwise than at an education setting', that is, somewhere other than a school or a college. Discussions with the Department are underway to ensure that ContactPoint will properly record the 'educational setting' for these children and young people.
12. The identification of employers who are in breach of the requirements set out in clauses 19 onwards will follow from the identification of young people who are not meeting their clause 2 duty but who are in employment.

Compulsion

13. The ADCS written evidence highlighted the need for:
 - a cultural change towards a norm of participation in education and training;

- an effective programme of information to children and young people, their parents and employers;
 - effective and unbiased information, advice and guidance, including careers advice; and
 - a new curriculum approach that motivates and engages those young people for whom the 'traditional' curriculum is not motivating.
14. All of these are necessary, and, as stated in the ADCS written evidence, "*The principal aim should be that national and local programmes are effective in securing voluntary compliance.*"
15. However, these approaches are not, in the ADCS view, sufficient in order to secure full participation.
16. On the other hand, compulsion of itself will not secure willing engagement; compulsion must be a last step when all else has failed.
17. The ADCS therefore supports the position taken by Barnado's in their written evidence at paragraph 3.2: "*... if steps are taken to find the right course for a young person and to put in place the necessary support, then it is fair to expect them to participate – if necessary through some system of enforcement, including powers for local authorities to prosecute as a last resort.*"
18. The ADCS believes that the negative (and well-documented) effects of custodial sentences are almost certain to outweigh their benefits if they were to be proposed as part of the sanctions against non-participation.
19. To reiterate the ADCS written evidence: "***While there are always likely to be a few young people who are difficult to engage, and thus for whom one of the orders or notices might be appropriate, local authorities will need carefully to assess on an individual basis the action that is most likely to secure the desired outcome.***"

Literacy, numeracy and employment skills

20. It is clearly vital that young people leave education and training with at least adequate levels of literacy and numeracy, and of the 'soft' employment skills such as team working.
21. Where children and young people are not achieving at an adequate level in literacy and numeracy, local authorities and schools, supported by the National Strategies, are working hard to ensure that they catch up as early as possible and before the age of 16.
22. Diplomas and other developments will enable schools and colleges to deliver literacy and numeracy education in new ways for young people post-14.

23. But if young people have not achieved the literacy and numeracy they need by the age of 16, their post-16 provision must include an initial focus on these key areas.
24. Work-based learning, including work experience and other links with employers, is an important means of ensuring that young people know about the world of work and can acquire the skills that they need to enter employment.
25. Local authorities work with support from the Learning and Skills Council to develop effective local partnerships between business and education, in order to support schools and colleges in working with local businesses to deliver the skills expected and required by local employers.

The 'Eighteenth Birthday' issue

26. Young people are presently required to remain in full time education until the end of Year 11, whenever in that year their birthday falls, so that all young people are required to complete their course of study.
27. The definition of 'children' in the Children Act 2004 excludes young people over the age of 18 but who have not completed a course of study, with some exceptions for those with special needs and in the care of Councils. Local authorities statutory duties therefore do not extend to ensuring that this group of young people complete their course of study where that completion takes place after their eighteenth birthday.
28. Similarly ContactPoint will not operate after a young person's eighteenth birthday.
29. The ADCS believes that there is a case for considering the extension of the definition of 'children' in the Children Act 2004 for the purposes of education and training, to include all those whose birthday falls before the end of their course of study in that year.

John Freeman
Joint President
19 February 2008