

## The National Commissioning Framework

A response from NIACE  
(The National Institute of Adult Continuing Education)

1. The National Institute of Adult Continuing Education (NIACE) is an independent non-governmental organisation and charity. Its corporate and individual members come from a range of places where adults learn: in universities, further education colleges, workplaces, local community settings, prisons and in their own homes via technology. The ends to which NIACE activities are directed can be summarised as being to secure more, different and better quality opportunities for adult learners in the UK and across the world. It is particularly concerned to advance the interests of those who have benefited least from their initial education and training.
2. NIACE is pleased to respond to this consultation; our response is primarily based on: Annex 1, Commissioning Provision for Learners with Learning Difficulties and/or Disabilities; Annex 3, Commissioning 16-19 Apprenticeships and Annex 4, Commissioning Education and Training for Young Offenders in Youth Custody.
3. However, NIACE would wish to offer the following **general comments** with regard to the NCF: We welcome that this is a strong attempt to be systematic in what is a very complex system; we are pleased to see a continuing focus of good assessment and joint planning, but have concerns that it is presented as overly bureaucratic and complex. We believe the policy is built on insufficient foundations relying heavily on measures which are either not in place or have not existed in general before. In particular, the quality of staff, and the assumptions that joint working practices and shared funding arrangements are already in place
4. NIACE welcomes the statement that the NCF will be guided by set of key principles including a "... system that will operate in the interests of the learner, addressing learner choice and diversity, and will ensure access to learner entitlements and curriculum pathways". But we are concerned that the proposed system is overly bureaucratic and complex, for example the references to sub-regional panels, regional and local planning groups local authority responsibility, the interim nature of the YPLA responsibilities that do not apply to all. Learners will require much simpler systems, with clarity about their rights and the reciprocal duties of funders.

5. There needs to be clarity as to how the Skills Funding Agency and YPLA will work together to ensure learners have a smooth transition from young peoples' learning to the world of adult learning and similarly, there is also a real probability that someone outside of the education system will want to return to study and they would automatically become the responsibility of another funder when they ask to be assessed.
6. Like many other elements in this document, the assessment system envisaged is based upon unrealistic assumptions that there are highly skilled staff available, with the ability to respond in a timely manner. We have concerns that there is insufficient capacity amongst staff to meet the anticipated need, and the assessment process itself will develop into something that is overly complex, bureaucratic and unwieldy to operate. Somewhat distant from the very learners it is there to support. We suggest that a more realistic stance to take would be to presume that in the main there are averagely informed staff.
7. We are pleased to note that learner involvement will be fundamental to the design and planning of provision. That this is an inclusive experience is also of fundamental importance and would question what mechanisms will be used to secure this. We would hope that LAs would also anticipate the level of advocacy necessary with information and explanations in plain English for both learners and their parents/carers. If not, then this is not a system that bodes well for learner-centred empowerment.
8. NIACE agrees that, "Strong and effective collaboration is needed to deliver benefits for young people" but we have concerns over the lack of clarity over the roles and responsibilities of the various regional, sub-regional and local planning groups and that many providers themselves do not fully understand the proposed arrangements and their roles within these new and emerging partnerships. We believe a strategy is essential for providing help to these various groups and NIACE would be willing to help where we can.

#### **Annex 1, Commissioning Provision for Learners with Learning Difficulties and/or Disabilities**

9. Language and terminology is fundamental if clarity is to be achieved. The language used in this annex is confusing and inconsistent. The terms "learning disability", "learning difficulty", "LLDD" and "acquired disability" are used interchangeably. These definitions and terms mean different things, depending upon who is reading them and it is unwise to refer to a group of disparate learners by a set of initials (LLDD). There is a need to be consistent and specific. The definition should come first so the readers know who is being referred to.

10. Annex1 Overview notes that the Ofsted review is due to report in 2010 and likely to have an impact on these commissioning arrangements. NIACE is therefore puzzled as to why this consultation around learners with learning difficulties and/or disabilities issues is not taking place until after the Ofsted findings have been made known.
11. Annex 1.3 - We believe that an assessment for someone with a lifelong learning difficulty would look very different to an assessment for someone with an acquired disability. Paragraph 3 seems to be suggesting that one will serve both purposes.
12. Annex 1.4 notes that, “Local authorities have existing duties to encourage, enable and assist participation of all young people with learning difficulties and/or disabilities up to 25 years and also in respect of transport arrangements”. We welcome the inclusion of transport in these arrangements, but are concerned with the lack of acknowledgement of what the challenges are for learners.
13. Annex1.5 and 6 offer a very comprehensive explanation. A grid or table outlining the differences between the old system and this, the new system would help give further clarity.
14. Annex1.10 states “Local authorities need to be aware of how to manage the transition at 25 to adult services, and the interface with the Skills Funding Agency for continued learning support”. Our research tells us that this is not happening. Many adults with learning difficulties are not able to navigate their way at this transition point. Learners need support to get better at it, with improved and simply presented information that is delivered through a variety of media.
15. Annex 1.12 makes reference to the Learning for Living and Work Strategy. It will be useful to know whether or not LAs will be expected to take it forward in its current format, or will there be a “refreshed” version of it. Also while we welcome the statement that there should be “an increased quantity of provision available locally for learners with LDD”, there is no indication where the funding for this will come from. There also appears to be a tension here with what the figures in the Skills Investment Strategy are indicating - that there will be decreased funding.
16. Annex1.13 - we welcome the statement that local authorities will need to bring together social care and health resources. This will require a great deal of planning and effort. A set of processes cannot be built on a system which relies on experimenting on learners and so we recommend that lessons should be learned from those few who are doing this effectively.
17. Annex 1.14 - We have concerns about the capacity of Connexions service undertaking these assessments when we know that the Connexions service is losing many of its specialist staff.

18. Annex 1.18 - we recognise the challenges of this with the successful outcome being dependent upon the availability and the quality of the data gathered.
19. Annex 1.20 - There would seem to be an anomaly in this paragraph. It talks of health services and Primary Care Trusts being responsible for things such as speech therapy. This is also fundable through Additional Learning Support.
20. Annex 1.25 - We welcome the statement that ISPs will be using the ILR fields. We believe that this will lead to improved data.

### **Annex 3, Commissioning 16-19 Apprenticeships**

21. Annex 3.2 - Whilst Apprenticeship funding may be in place for all suitably qualified young people, the jobs with employers may not be - there is much work to be done to stimulate sufficient jobs to fulfil demand.
22. Annex 3.3 - We are concerned with the lack of acknowledgement given to the level of planning and coordination required by LAs for the other options for young people. If the National Apprenticeship Scheme are responsible for Apprenticeships, there is a need for internal YPLA departmental collaboration to ensure E2E, FE etc are taken into account, judged against the likelihood of numbers of 'suitably qualified' young people, those with learning difficulties and/or disabilities etc. A lack of collaboration could result in over/under spending.
23. Annex 3.10 - We have previously raised the issue around employer/labour market capacity and this paragraph appears to be endorsing our concerns - is it felt that it may not be possible to guarantee sector spread, or offer a choice of 2 sectors to the young person?
24. Whilst we recognise that the recession has impacted youth unemployment more than adult, adults will be further disadvantaged if vacancies are prioritised for 16-19 Apprenticeships to meet the 1 in 5 target, against a background of a slowly recovering economy with little job creation / inward investment. Given the current limited supply of employment opportunities, we question whether Apprenticeship vacancies ONLY be ring-fenced for young people, but whether Adult Apprenticeships will be afforded the same protection.
25. Annex 3.15,16,17 describes a very complex system which will be launched early in a new Government, with further MOG and policy changes likely, and with LAs in the early stages of local planning. There is much potential for lack of financial clarity which will ultimately affect the learner and provider.

26. Annex 3.19 - we recognise that using minimum levels of performance (MLP) can be a useful measure of quality and value for money. However, we have concerns over the negative potential of using MLP in contracting and monitoring. MLP in their current form can lead to 'cherry picking' of learners by providers, leaving out young people with greatest need (e.g. learners with learning difficulties and/or disabilities, care leavers, ex-offenders etc). We believe that further work be done to investigate the effect of MLP on provider recruitment of learners before it is used to inform contracting.

#### **Annex 4, Commissioning Education and Training for Young Offenders in Youth Custody**

27. Annex 4.17 - If LAs are to be responsible for planning provision in the range of secure units in their area, we believe there is a huge challenge in how will they ensure it maps to available opportunities in the offender's home area, given its core aim is to allow young people to carry on the training they had started before custody and complete it after custody. We believe these issues are further compounded by the added difficulty of Wales being covered by the youth justice system but not the YPLA. In addition, the range of 'providers' of education and training within custodial settings, adds further issues to a very complex system, for example, not all those in medium secure accommodation are offenders or at the command of the penal system. We are unclear what is to be done in medium secure places managed by the NHS Trusts.
28. Annex 4.18 - states that LAs only have to use their 'best endeavours' to meet the needs of young offenders with a statement of special educational need. Our concern is that the complexity and time delay involved is likely to mean that these young people will not be able to access appropriate education and training and support whilst in custody - with the focus being on whether or not the LA can re-coup any costs incurred.
29. Annex 4.19 - Transfer of records from 'home' LA to 'custody' LA is a time consuming and complicated process, with much current evidence that this flow of information does not happen in custodial settings as it should, especially in cases of short-term sentences. We believe that processes to ensure this happens be reviewed.
30. Timescales for implementation - we recognise the complexity of the youth custody system, however the proposals for transfer of differing parts of the system at different times and to different managing agents (including LAs), does limit the opportunities for offering young people a positive educational experience to support their rehabilitation.

#### **Conclusion**

31. NIACE would be pleased to elaborate on any topic discussed in this response. In the first instance, please contact Joyce Black (joyce.black@niace.org.uk).

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