

PHOTO REDACTED DUE TO THIRD PARTY RIGHTS OR OTHER LEGAL ISSUES

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# staying in education and training post-16

From policy to legislation

department for  
children, schools and families

# Foreword



The world that we live in is constantly changing. Changes in technology and trade, the rapid growth of

emerging economies and the rise of high-tech industries bring huge opportunities, but also new challenges. It is our responsibility to ensure that every young person is equipped to face these challenges and seize these opportunities.

Education is pivotal to this. Standards are continuing to rise and many more young people are achieving good level 2 qualifications (five good GCSEs or their equivalent) – the threshold for employability. Participation in education or training post-16 is also on the increase, and in 2005 we set ourselves an aspiration to get 90% of 17 year olds in learning by 2015. This is challenging, but we need to go further. The demands of the economy, and our ambition for social justice, mean that we must

do more. We need excellence in education and training not just for some but for all young people.

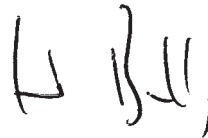
We cannot allow a lack of education or training to remain a barrier to better life chances. I believe that all children and young people should have the same opportunities, regardless of background or circumstance. That is why the decision to raise the participation age is so important. It will give young people of all abilities the time to reach the best level of qualification they can before moving into adulthood. By providing them with an exciting 14–19 curriculum, with a learning route for everyone, and the support they need to succeed, we will ensure that those who are most at risk of not participating, and therefore with the most to gain, are not left to fall behind.

Ensuring that there are engaging and valuable learning options and appropriate support for all is key to ensuring that as many young people as possible benefit from the

new expectation. But these new rights must be matched by new responsibilities. We know from the experience of other countries that, if the policy is to have the impact we want, we must be able to enforce it if necessary.

We need to raise the expectations and aspirations that we have for our young people and that they have for themselves. Legislating now means that we can build expectations early on with those young people who will be the first to benefit as well as with their teachers and parents, ensure the right provision and support is in place in time and galvanise the system to deliver.

This is an age of opportunity. And it should be so for all our young people. It will take hard work to deliver this challenging agenda, and this has already begun. I pay tribute to the dedication and commitment of all those in the world of education and training and look forward to working with you to turn this vision into reality.

A handwritten signature in black ink, appearing to read 'Ed Balls'.

**Ed Balls,  
Secretary of State for Children,  
Schools and Families**

# Introduction

- 1.1** We want all young people to have the opportunity to gain the knowledge and develop the skills they need to succeed in life, whatever their background. The changing nature of our society and the economy mean that this is now more important than ever.
- 1.2** We first outlined our proposals to raise the participation age so that all young people stay in education or training at least until the age of 18 in our Green Paper *Raising Expectations: staying in education and training post-16*, in March 2007. During the consultation, we sought the views in particular of young people, parents, employers and those who deliver education and training. We published a summary of their views in July.
- 1.3** Following the consultation, we have developed these proposals further. This document sets out why we are raising the participation age for all; what this means for young people; the roles and responsibilities of different individuals and organisations; what we will do in practice to make a reality of this policy; and which aspects require a change in the law.

## 2. Raising the participation age will give every young person the best chance to achieve and succeed

**2.1** The benefits of participating in learning post-16, both to individuals and to the economy and society at large, are significant and growing. Our ambition is to realise those benefits for all young people.

**Participation post-16 has a clear impact on life chances, and we want to ensure everyone benefits**

**2.2** Continuing in learning has clear economic benefits, for individuals and the country. Young people who stay on in education or training after 16 are more likely to gain further qualifications by 18 than those who do not, and they are likely to earn more in the future. Those with level 2 qualifications in particular (the

equivalent of five GCSEs A\*–C) earn an average of around £100,000 more over their lifetime than those who leave learning with qualifications below level 2. Individuals with higher levels of qualifications have better chances of finding, keeping and progressing in employment.

**2.3** Studies show that increasing participation benefits society as a whole as well. Young people who participate between the ages of 16 and 18 are less likely to experience teenage pregnancy, behave anti-socially, be involved in crime or go to prison. They are more likely to be healthy and to develop good social skills, which makes it easier for them to find work and succeed in life.

**2.4** We want everyone to benefit from these advantages. Every young person should have the right to start their adult life with the skills, qualities and attributes they will need to succeed.

### **It is time to make a reality of our long held ambition for all young people to stay in learning until 18**

**2.5** As a nation, we have long believed that young people should be in some form of education or training until the age of 18. The Education Act of 1918 not only raised the compulsory school leaving age to 14, but also included a provision for all young people to participate in learning at least part time until they were 18. This provision was never successfully implemented, due to the cuts deemed necessary following the First World War. The 1944 Education Act included measures to raise the compulsory school leaving age to 16, which was finally delivered in September 1972. The 1944 Act also re-enacted

the aspiration of the 1918 Act that everyone should participate at least part time until the age of 18, but again this was never implemented.

**2.6** There has been no substantial change to the requirements to participate since then, yet the world has changed a great deal since 1972. At that time, nearly half of the UK economy was accounted for by sectors such as manufacturing, construction and agriculture, and the jobs which existed in these areas were mostly low skilled. These sectors now make up less than a fifth of our total output, and occupations within them have become much more highly skilled. Changes in technology and trade are breaking down national barriers to economic activity. The rapid growth of emerging economies means that the strength of the UK economy increasingly lies in the skills of its people rather than low labour costs or geographical factors.

**2.7** The *Leitch Review of Skills*, published in December 2006, shows just how important it is

to continue to build on this strength by improving workers' skills and preparing young people for the labour market of the future. As globalisation continues to fuel an increasingly competitive international environment, the Leitch Review projects a sharp decline in low skilled jobs up to 2020 whilst the importance of high-tech jobs increases. By 2020 there will only be around 600,000 jobs undertaken by those without qualifications, compared to around 3.2 million such jobs now. And as global economic change continues, people's economic security will be best delivered by ensuring their flexibility. We know that skills are fundamental to creating a workforce that is better able to adapt quickly and effectively to change. Never before have the benefits of remaining in education or training been more apparent.

**2.8** So although participation rates are now rising, we must do more. In England 77% of 17 year olds (the second year after compulsory education)

participate in education or work-based learning, but international measures place the UK only 24th out of 30 countries in the OECD (the Organisation for Economic Cooperation and Development). Other countries are also recognising the importance of ensuring everyone can benefit from participating for longer. Raising the participation age from 15 to 16 in Western Australia, for example, has seen their participation rate at 16 rise from 80% to 98% and they are set to build on this success by raising the participation age by another year. The Netherlands has now similarly changed the law too and we will look to learn from their experience.

**2.9** In the 2005 *14–19 Education and Skills* White Paper we outlined our aspiration for 90% of 17 year olds to be participating in education and training by 2015. It is one of the key aims of the changes we are currently making to the 14–19 phase. Yet achieving 90% will still not put

us amongst the leaders of the OECD, even if other countries do not improve. If we are to retain our economic competitiveness and give our businesses the skills they need, we must include all young people up to the age of 18 in some form of education or training.

**2.10** As we progressively increase participation and move towards our original aspiration that 90% are in learning, the group that is missing out will become smaller and more marginalised. And this group is likely to comprise the very people that are most vulnerable – those with lower aspirations and increased barriers to learning. That is why we believe that, to galvanise the system to provide better for this group, we must go further, and a different approach is needed.

**2.11** By setting an expectation for all young people to remain in education or training until they are 18 we believe we can ensure that everyone is given the best chance to achieve and succeed and that no one is left behind.



## 3. We need everyone in the system to play their part to provide better for all young people

**3.1** The new requirement we are planning to introduce will be broad enough to enable all young people to choose a worthwhile and engaging education or training option that suits their needs and interests. It will aim to ensure that their learning enables them to progress, by meeting the needs of higher education and employers, and that their achievements are recognised.

### **We want all young people to continue their learning until the age of 18**

**3.2** Our aim is that from 2013, all young people will continue to participate in education or training post-16. They will be able to do so in a number of ways, including:

- **full time education**, including school, college and home education;
- **work-based learning**, such as an apprenticeship, including traditional contracts of apprenticeship; or
- **part time education or training**, if they are employed, self-employed or volunteering more than 20 hours a week.

**3.3** Young people will continue to be able to work if they choose to, because we recognise the value that employment can bring to a young person. But a young person who is working at 16 or 17 should also be getting education or training. To support this, the employer of a 16 or 17 year old working

over 20 hours a week will be required to provide or arrange accredited training, or to release them from work for the equivalent of one day a week to train elsewhere.

- 3.4** The learning young people are doing must enable them to progress and recognise their achievements. We believe young people should work towards recognised qualifications, although we will not make curriculum requirements of independent providers or home education. All learning should include functional skills in English and maths, at least up to level 2. These will be requirements in publicly funded courses.
- 3.5** Young people should participate until their 18th birthday or until they have completed their A Levels or equivalent level 3 programme, whichever is sooner. The small number of young people who achieve this before their 18th birthday would therefore still be able to take a gap year before going into higher education, for instance.

## Success will depend on everyone playing their part

- 3.6** To achieve our ambitions and realise the potential benefits, we need to focus all of our efforts on encouraging and enabling more young people to participate in learning and achieve.

The primary responsibility for participating will rest with **young people** – and this will apply to all young people resident in England. Young people can expect a choice of worthwhile and engaging learning options, and will need high quality information advice and guidance (IAG) to help them understand what is on offer and make good choices. Where they need it, they can also expect financial support so that money is not a barrier to participation, and targeted support to overcome individual barriers to learning – helping, for example, those young people who have special educational needs, those who are homeless, and those who have caring responsibilities, including teenage parents.

**Parents** and carers play a crucial role in their child's education and will be responsible for helping their

child participate. Our recent *Every Parent Matters* strategy set out our plans to make sure parents have access to a full range of information, advice and support about children's services. As part of this, they can expect up-to-date and practical information about the options available locally and the opportunities they lead onto.

**Providers** will be responsible for the quality of their provision and for ensuring young people attend, by helping them if they encounter problems with or during their learning. They will also help local authorities ensure everyone in their area participates, by letting them know if young people drop out of education or training.

**Local authorities** will be responsible for ensuring that young people resident in their area participate and for providing the support they need to overcome any barriers to learning. They will do this by maintaining up-to-date and accurate information about what young people are doing and responding quickly to provide support if they drop out. They will also have to make suitable arrangements for transport, manage support services, and assess young

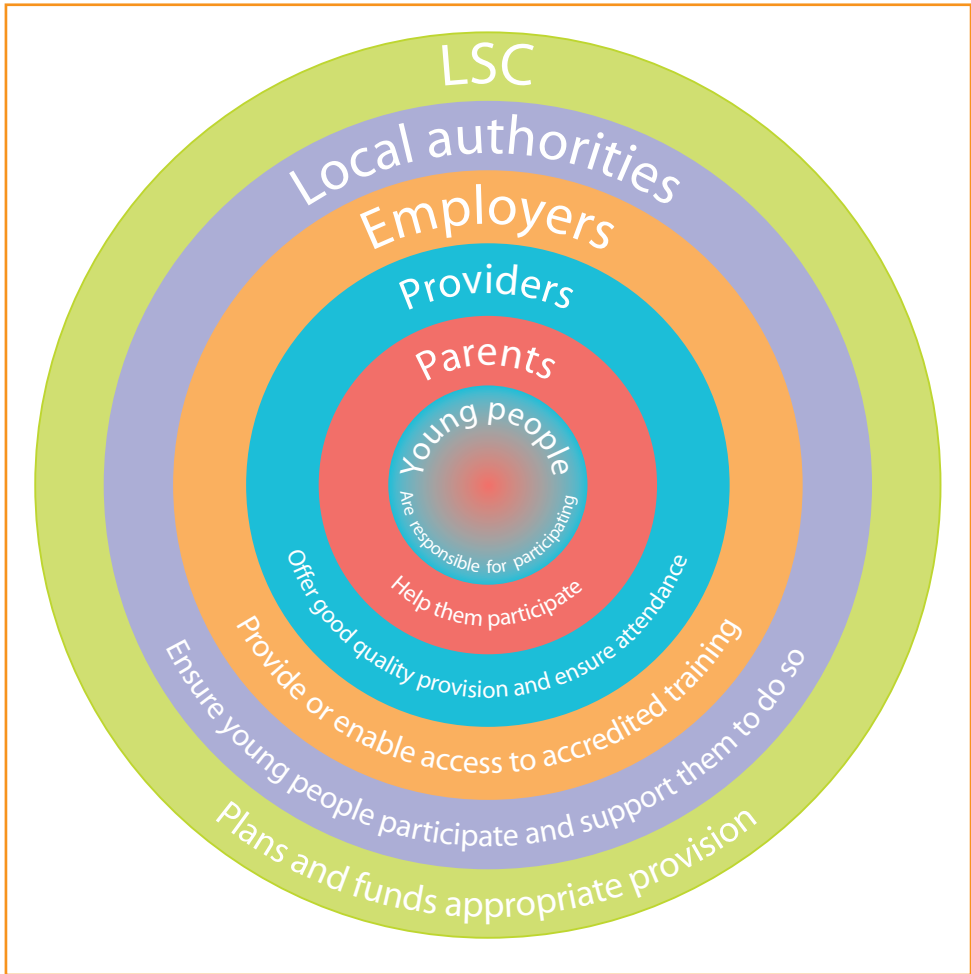
people's special educational needs.

The **Learning and Skills Council (LSC)** is responsible for planning and funding 16–19 provision. As part of the Machinery of Government changes announced on 28 June we said that 16–19 funding will be transferred to local authorities, subject to full consultation and the passing of the necessary legislation. We are working closely with the LSC, local authorities and others to look at the implications of this change.

**Employers** have a central role, providing work-related learning opportunities and Apprenticeships. There will be no requirements on them if they employ a 16 or 17 year old for less than 20 hours per week, or if they provide accredited training. If they employ a young person for more than that, without training, the young person will need to provide evidence that they are in learning before they can start employment, and the employer will need to check this. The employer will also need to release the young person for the equivalent of a day each week so that they can train elsewhere. Employers will not be required to pay the young person for that time. To help them,

employers can expect support to get their own training schemes accredited where they are of good quality; and a brokerage service to help them to choose appropriate training for their employees.

### Everyone playing their part: key roles and responsibilities



## 4. Making a reality of our ambitions for every young person

**4.1** Having a clear set of responsibilities and a shared understanding of roles are essential first steps to ensure that these proposals are implemented effectively. For more young people to learn and achieve we must ensure that the right mix of provision is available and the right level of support is in place.

**We will make sure that there is a suitable, worthwhile post-16 learning opportunity for every young person**

**4.2** For young people to make the most of their right to stay in learning until they are 18, they must have a choice of learning routes that are interesting and relevant, that are available in a range of settings and respond to different learning styles.

That is why, through the curriculum and qualifications reforms announced in the *14–19 Education and Skills White Paper*, we are consolidating and expanding the range of opportunities available, not only in schools and colleges, but also through work-based learning providers and in the workplace. From 2013, all young people will have access to learning that suits their needs and interests and that will provide them with the skills they need for adulthood.

**At every level, wherever they are in the country, young people will be able to choose something that suits their needs and interests**

**4.3** For young people at all levels of ability motivated and engaged by learning related to the world of work, we are

introducing a new range of qualifications for the 14–19 phase. The Diplomas will be available at all three levels – Foundation, Higher and Advanced – in 17 lines of learning.

**4.4** 14 of these will cover all the major sectors of the economy. The first five - Engineering; Society, Health and Development; IT; Construction and the Built Environment; and Creative and Media – will be taught in some areas from next September. They have been developed and supported by employers and the higher education sector and will guarantee all the skills and personal qualities that young people value and need, offering excellent preparation for further study, work or an Apprenticeship. From 2013 all 14–19 learners will have an entitlement to study any of the Diplomas at the most appropriate level for them.

**4.5** We have announced our intention to expand this offer by developing a new set of subject-based Diplomas in

science, languages and the humanities, which will be available to young people for the first time from 2011. We are confident that these new subject-based Diplomas will secure the benefits of Diplomas for more young people. They will provide a wider curriculum offer for those young people on a general route, who want to secure both the theory and practical skills they need to excel in study, work and life.

**4.6** As we are introducing Diplomas, we are strengthening GCSEs and A Levels. As well as incorporating functional maths, English and ICT skills into GCSE, at A Level we are reducing the assessment burden, introducing greater stretch and challenge and developing an extended project.

**4.7** Some young people are keen to go into employment at 16 and continue their learning whilst working. We think the most appropriate route for most young people looking to train for a specific occupation

is an Apprenticeship. There are currently 150,000 16–18 year olds on an Apprenticeship, but although this is many more than a few years ago, we recognise that at the moment there are not enough places for all those who would like one. We will expand the number of Apprenticeships available so that by 2013, there is an entitlement to a place for everyone who wants one and meets the entry requirements. For those who do not meet the entry criteria, there will be a place on a pre-Apprenticeship programme to help them progress quickly onto an Apprenticeship.

**4.8** Young people will still be able to enter other forms of employment, as long as their employer provides training towards an accredited qualification or releases them for the equivalent of a day each week to attend training elsewhere. In addition to an accredited occupational qualification, training should include functional skills in English and maths for those who have not achieved this to

level 2 standard. Where employers are providing good quality training – and many are – we will work with them so that it can be accredited in a low burden way. A wide range of employers, from the Armed Services to major supermarket chains, already provide accredited training for 16 and 17 year olds.

**4.9** For young people not yet working at level 2, it is essential that there are good quality qualifications available at level 1 and below that recognise their achievements and enable progression to the next level. We are replacing and rationalising the complex mix of units and qualifications currently available at this level to simplify what is on offer – both for learners and for employers. This work will create a new ‘Foundation Learning Tier’, with clear ‘progression pathways’, which will be routes to higher levels of learning.

**4.10** It is essential that we work closely with a range of voluntary sector organisations to make use of their expertise

in providing for some of the hardest to reach young people in our society. In *Aiming High for Young People: A Ten Year Strategy for Positive Activities*, we committed to continue to invest in a wide range of opportunities beyond mainstream education. We will also expand the availability of provision for the hardest to reach by investing to support the sustainability and expansion of third sector organisations that have developed effective approaches to working with disengaged young people.

### **We will ensure that there is enough of each type of provision**

**4.11** We were already planning on the basis of our existing aspiration for 90% participation amongst 17 year olds by 2015. Increasing the participation age takes us beyond this and means we need to provide enough places for the entire cohort. However, the total number of 16 and 17 year olds in each year group decreases after

2007/8. So although the proportion of young people participating will increase significantly, the increase in actual numbers will not be as large.

**4.12** In addition, our modelling suggests that, in moving from 90% to full participation, the majority of additional learners would be in the FE sector, with some in school – and we will plan for that expansion. The changes that we are already making to the curriculum, including the introduction of the new Diplomas, require excellent facilities. We are already investing substantially in this, with unprecedented levels of capital funding, both pre- and post-16, from sources such as the Building Schools for the Future and Academies programmes, and the Learning and Skills Council's 16–19 capital fund.

**4.13** Demographic changes will vary between local areas, of course, as will the nature of demand from young people, and local authorities will need to use their own projections



to plan accordingly. In addition, local authorities will need to think strategically when drawing upon capital funding streams in order to ensure that sufficient appropriate provision is available for 100% of young people in their area.

**4.14** The Apprenticeship entitlement will mean that, from 2013, every young person who wants to train on an Apprenticeship and meets the entry criteria will be able to do so. We envisage that, compared to now, there will be 90,000 more 16-18 year olds in an Apprenticeship in 2013, and we will be expanding the number of places available from 2008. Sector Skills Councils have a key role in this and we will work with them to generate further places, by developing new frameworks in sectors where they do not currently exist; working with group training associations to engage more small employers; and through additional marketing activity.

**4.15** We are considering what further steps we could take to engage new employers and make it easier for them to take part in Apprenticeships and what role the public sector could play in delivering the entitlement. We will report back on this later in the autumn.

### **We will ensure young people get the support they need to access these opportunities**

**4.16** We want to ensure that all young people, including the most vulnerable, can benefit from participating in learning and develop the skills that will enable them to better adapt to the challenges and opportunities of later life. Some young people do not currently access the opportunities for learning available and, when we raise the participation age, these young people will be the ones with the most to gain. It is important to recognise the additional barriers some of these young people face and

ensure they are not prevented from participating, achieving and progressing.

## **We will provide financial support for those who need it**

**4.17** It is vital that we make sure that financial circumstances are not a barrier to participation and that every young person, whatever their background, is able to benefit from the opportunities available.

**4.18** Currently 16–19 year olds in education or unwaged training in households with an income of less than £30,810 are eligible for an Education Maintenance Allowance (EMA), subject to satisfactory attendance. This has been a success in enabling and encouraging more young people to participate post-16, and we are now making changes so that it is more closely linked to young people's attainment and behaviour as well. In addition, we will now extend EMA to include all educational provision that is approved by local authorities, including

provision that they commission from the voluntary sector, so that young people can be financially supported to take a wider range of courses.

**4.19** EMA was introduced to incentivise more 16–19 year olds to participate and ensure that those from low-income families have the opportunity to do so. When we raise the participation age it will still be essential to ensure that financial circumstances are not a barrier to participation. EMA will continue and we will look at the structure of financial support to make sure that it continues to be as effective as possible.

**4.20** We will learn from the lessons of Activity Agreements pilots, which are testing a range of approaches for 16 and 17 year olds currently not in education, employment or training (NEET) with the aim of engaging them in a structured programme of activities in order to help them then progress into education, training, or employment with training. Similar approaches

for all 16 and 17 year olds on Jobseeker's Allowance (Severe Hardship) were announced in the 2007 Budget and we plan to implement them from April 2009.

## **We will support young people facing barriers to participation**

**4.21** Intervening early with targeted youth support when there are problems is critical if young people are to remain engaged and achieve worthwhile qualifications. New evidence set out in *Aiming High for Young People: A Ten Year Strategy for Positive Activities* showed that what young people do outside formal learning has a significant impact on their chances of success in education. *Aiming High* sets out our commitment to get more young people involved in valuable leisure-time activities, with a clear focus on the most disadvantaged and least likely to participate.

**4.22** The *SEN Code of Practice* sets out a framework for supporting young people

with special educational needs in school, so that they can achieve, progress and contribute to society. The range of provision that will be available from 2013 – general qualifications, Diplomas, Apprenticeships and entry and level 1 courses – will enable them to progress in learning. Connexions partnerships and local authorities will continue to offer support to young people with learning difficulties up to their 25th birthday.

**4.23** We want young people in care making the transition to adulthood to have the same opportunities to continue their education as other young people. The local authorities looking after them must ensure that they get the support and guidance that they need to do so. In the *Care Matters: Time for Change* White Paper, published in June 2007, we made a number of proposals, including:

- piloting ways to give these young people a greater say over when they leave care;

- providing an entitlement to support from a personal adviser until the age of 25, for those who remain in education and training or who wish to return to an education or training pathway; and
- requiring local authorities to provide a bursary for all care leavers who go on to university.

**4.24** For teenage parents to participate in learning, they need access to childcare and provision that is flexible and suited to their needs. Support for childcare whilst parents are in learning will continue.

**4.25** We also want to ensure that young people with caring responsibilities will receive the support they need to participate and the cross-Government review of the *National Strategy for Carers* now underway will inform our thinking on this.

**4.26** For young people supervised by the youth justice system, including those in custody, engagement in education and training can play a critical role in helping them to develop the skills they need for life and work, and this is a key factor in reducing re-offending. Young people supervised in the community will have access to the same provision and support as all other young people. For young people in custody, learning and training opportunities will be aligned as far as possible with those in the community, within the constraints of the custodial environment; and local authorities will be responsible for providing information, advice and guidance (IAG) to all young people in their area, including those in custodial establishments. Following a cross-Government review of education for young people supervised by the youth justice system, we will publish plans for improving education and training for this group of young people by the end of 2007.

## We will make sure that everyone participates

**4.27** Key to making sure that all the potential benefits of increased participation can be realised will be:

- Ensuring that there is appropriate, interesting, engaging provision for every single young person, and that we are encouraging flexible start dates so that provision is available throughout the year.
- Ensuring that all young people have the support they need to overcome barriers to learning, stay in their chosen route and succeed in it. This includes having appropriate support for young people with special educational needs; having the right level of financial support in place; and being able to provide advice, help and support with specific problems or when things go wrong.
- Local authorities and their guidance services maintaining accurate, up-to-date information on

whether young people are participating, what they are doing if they are and what action has been taken to re-engage them if they are not. A significant amount of work is already going into identifying those who are not participating and offering them support and appropriate learning places, as part of efforts to reduce the number of young people who are NEET, and we are stepping up our strategy to address this issue. Connexions use and maintain a database locally to support this work. We will work with local authorities between now and 2013 to improve its accuracy and coverage; and schools, colleges and other providers will be required to let the system know if a young person drops out of learning.

- Ensuring that young people's aspirations are raised throughout their education, preparing them to stay in learning until at least 18; and that they

receive high quality, comprehensive and impartial IAG on the range of options they can choose. This should include challenging and innovative careers education and guidance in schools which helps young people to explore learning and career opportunities in new and interesting ways (for example through visits to different types of providers or through ‘tasters’ of possible options). We will help local authorities to commission and deliver high quality IAG that meets the recently published Quality Standards.

### **We will establish clear principles in our approach to compulsion**

**4.28** Ensuring that there are engaging and valuable learning options and appropriate support for all is key to ensuring that as many young people as possible benefit from the new expectation. But these new rights must be matched by

new responsibilities. The experience of other countries suggests that, if the policy is to have the impact we want, we must be clear that it can be enforced if necessary.

- 4.29** There are some important principles to our approach:
- Responsibility for participating rests primarily with the young person but parents will be expected to do what they can to help, support and enable their child to participate and they will be held to account if they are found to be part of the problem.
  - Everyone’s focus will be on engaging many more young people in learning, so that they are supported to find a high quality learning option that suits them.
  - If things go wrong, support and guidance will be the first step.

- Where there are significant barriers to young people's engagement (such as homelessness or drug or alcohol problems), support services will focus on overcoming these first and then taking steps towards re-engagement in education and training.
- Although the information system will help support services and the local authority to identify who is not participating, as it does now, in order to offer support as soon as possible, it will not automatically trigger more formal action. The system will be designed to ensure that each individual is treated fairly and to take full account of their personal circumstances so that formal action does not take place unless it is justified. That is why the local authority will decide on a case by case basis when it is appropriate to take further, more formal action to ensure that a young person participates.

### **We will create an effective enforcement system, focused on support and re-engagement**

- 4.30** If a young person encounters problems, or shows signs of disengaging from learning, the first step will be for the learning provider to try to identify and address the issues by providing additional support or identifying an alternative learning programme. Of course some young people will have chronic health problems which may prevent them from participating for a period of time.
- 4.31** If the young person drops out of learning altogether, the learning provider will be required to inform the local authority's registration system. The local authority's guidance service will then contact the young person and work with them over a period of time to identify an appropriate alternative learning option and provide support to take up the opportunity. If the young person still does not engage they will be given a formal last chance to engage

voluntarily, making clear that if they do not, the local authority will take further steps to ensure that they participate.

**4.32** The local authority will decide when the time is appropriate for this and will then have the power to issue an Attendance Notice, specifying precisely the provision the young person must attend and where and when they must do this.

**4.33** If the young person wished to challenge the Attendance Notice it would be referred to an independent adjudication panel, which the local authority will set up. The panel would review the steps the local authority had taken to ensure that there had been sufficient opportunity and support to engage voluntarily. As part of that, the panel would take advice from the guidance service and information on the young person's and their family's circumstances. The panel would have powers to confirm or dismiss the Attendance

Notice and to recommend the local authority to take action to meet the needs of the young person.

**4.34** If the young person subsequently did not meet the terms of their Attendance Notice, the local authority would be able to issue them with a Fixed Penalty Notice. The young person could appeal again to the same panel, which would be able to confirm or dismiss it. If the FPN is unpaid the local authority could bring the case before the Youth Court, where the penalty on conviction would be a fine. We expect that it would only be as a last resort that a case would reach this stage. If a fine is unpaid, the Youth Court cannot use custody as a means of enforcing it, although it has a number of other options, including taking the money from wages or imposing an unpaid work requirement.



**4.35** The vast majority of parents will of course want to encourage and support their children to participate in education or training. Where a young person is not participating and parents are part of the problem, the local authority would be able to enter into a Parenting Contract, setting out what the parent agrees to do and the support the local authority provides. It would also be able to apply to the Magistrate's Court for a Parenting Order obliging the parent to comply with certain requirements.

## 5. Legislative Changes

- 5.1** We propose to raise the participation age in stages. From 2013 young people will participate until the end of the academic year in which they turn 17; and then until the age of 18 from 2015. The first cohort of young people to be affected will start secondary school in September 2008 and so it will be clear to them early on what they are expected to do and the system can focus on supporting them to do that. They will be the first to be taught under the new Secondary Curriculum and benefit from the flexibilities it offers, and so they will be better engaged and prepared for Key Stage 4. They will then be the first to have the entitlement to a Diploma or an Apprenticeship place in 2013 at age 16, as well as being the first to benefit from staying longer in learning.
- 5.2** We have already begun the work required to implement this policy effectively by 2013, building on everything we are doing to meet our existing targets for participation and attainment. This includes the major qualifications and curriculum reform from the *14–19 Education and Skills* White Paper and the September Guarantee of an offer of a place in learning for every young person leaving Year 11. From 2013 the Diploma and Apprenticeship entitlements will be in place, enabling us to raise the participation age.
- 5.3** To make a success of this policy we will need to bring about a cultural change. We need to raise the expectations and aspirations that we have for our young people and that they have for themselves – so that they can all benefit from learning for longer and achieving. We are legislating now to build expectations early on with those who will be the first to benefit; to ensure that the provision and

support is in place; and to galvanise the system to deliver. Following legislation we will be working with a range of our education partners, to develop and produce an implementation plan.

## **We will legislate through the Education and Skills Bill**

**5.4** Some aspects of this policy require legislative changes. We will propose these to Parliament in the Education and Skills Bill this autumn and this is subject to approval through the Parliamentary process.

**5.5** A number of duties create the expectation for all young people to participate until they are 18:

- A duty on young people to participate.
- Duties on employers, if they are not providing accredited training, to check the young person's evidence that they are in learning and to release them to train elsewhere.

These duties are designed to incentivise young people who want to work to get into learning.

- A duty on local authorities to ensure that young people participate.
- A duty on local authorities to take action if they believe that a young person is not receiving suitable education or training.

**5.6** Other duties will help to implement this successfully:

- A duty on providers to inform the local authority if a young person drops out.
- A clarification of local authorities' existing duties in relation to transport, and ensuring that, in devising their transport policies for 16–18 year olds, they consider travelling time.
- As proposed in *Youth Matters*, a transfer of duties from the Secretary of State to local authorities to provide the Connexions service, including a duty to maintain the registration system that supports it and

a duty on the local authority to assess the education and training needs of young people with special educational needs.

**5.7** Finally, we need to create duties and powers to ensure that everyone does participate:

- Powers for the local authority to issue Attendance Notices and Parenting Contracts and apply for Parenting Orders; a duty to set up an independent panel; powers to issue Fixed Penalty Notices and take young people to the Youth Court.
- Powers for the independent panel to confirm or dismiss Attendance Notices, and give advice to the local authority to meet the needs of the young person.

**5.8** These powers would allow the local authority to take progressive steps to ensure a young person participates, but only where: everything has been done to support and re-engage the young person and

identify appropriate provision; there are no extenuating circumstances or barriers to learning; and the young person is refusing to participate.

**5.9** As well as the changes necessary to raise the participation age, the Education and Skills Bill will seek to deliver improvements to the country's adult skills base by taking forward policy set out in *World Class Skills: Implementing the Leitch Review of Skills in England*. This legislation will significantly strengthen current adult funding entitlements for basic literacy and numeracy skills, adult first full level 2 qualifications and first full level 3 qualifications for learners aged between 19 and 25. These new provisions will contribute to dramatically driving up demand for skills, enabling the UK to achieve world class skills by 2020. Individuals and their communities will benefit through a better path to sustained employment, career progression, and increased

income. Employers will benefit through higher productivity, competitiveness and profitability. The country will be better able to compete in the rapidly changing global economy, leading to increased productivity and employment rates and decreased poverty and disadvantage.

## Annex of Publications

*Every Child Matters: Next Steps*, February 2004

**[http://www.everychildmatters.gov.uk/\\_files/A39928055378AF27E9122D734BF10F74.pdf](http://www.everychildmatters.gov.uk/_files/A39928055378AF27E9122D734BF10F74.pdf)**

*14-19 Education and Skills White Paper*, February 2005

**<http://www.dfes.gov.uk/publications/14-19educationandskills/>**

*Youth Matters Green Paper*, July 2005

**[http://www.everychildmatters.gov.uk/\\_files/Youth%20Matters.pdf](http://www.everychildmatters.gov.uk/_files/Youth%20Matters.pdf)**

*Leitch Review of Skills: Prosperity for all in the Global Economy – World Class Skills*, December 2006

**<http://www.dfes.gov.uk/furthereducation/uploads/documents/2006-12%20LeitchReview1.pdf>**

*Every Parent Matters*, March 2007

**<http://www.teachernet.gov.uk/wholeschool/familyandcommunity/workingwithparents/everyparentmatters/>**

*Raising Expectations: staying in education and training post-16 Green Paper*, March 2007

**<http://www.dfes.gov.uk/publications/raisingexpectations/>**

*Care Matters: Time for Change White Paper*, June 2007

**<http://www.dfes.gov.uk/publications/timeforchange/>**

*World Class Skills: Implementing the Leitch Review of Skills in England*, July 2007

**<http://www.dius.gov.uk/publications/publications-leitchreview.htm>**

*Aiming High for Young People: A Ten Year Strategy for Positive Activities*, July 2007

**<http://www.dcsf.gov.uk/publications/tenyearyouthstrategy/index.shtml>**

Copies of this publication can be obtained from:

DCSF Publications  
PO Box 5050  
Sherwood Park  
Annesley  
Nottingham NG15 0DJ  
Tel: 0845 6022260  
Fax: 0845 6033360

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