

Raising Skills, Improving Life Chances: Giving learners and employers a say

Guidance for the Learning and
Skills Council on Consultation

Foreword



Views of learners, potential learners and employers are powerful forces that will help us to develop an FE system able to respond to the challenges of the 21st Century. We are facing huge challenges – to help all our citizens achieve their goals, whoever they are and wherever they choose to learn.

The 2006 White Paper *Further Education: Raising Skills, Improving Life Chances* made a series of commitments which are already being delivered.

All providers in the FE system are expected to have in place a learner involvement strategy (LIS) enabling learners to influence and improve provision. I am delighted that 90% of providers are already meeting this requirement or have plans to develop such a strategy.

We are strengthening the role of the Staff Student Liaison Officer by developing Standards for this important work. These will be in place and available to the sector in Spring 09.

The National Learner Panel has now been in operation since 2006. This is a rich resource representing much of the diversity of the FE system with learners aged 17–67 coming from colleges, work based learning and the adult education sector.

In addition we have increased the number of student governors on the boards of FE corporations from one to a minimum of two. Increasing opportunities are encouraging learners to become more actively involved in decisions affecting their learning.

The *Further Education and Training Act 2007* reflects the Government's commitment to put the needs and priorities of learners and employers at the heart of the system. This guidance will help the LSC develop the way it seeks and responds to the voice of learners and employers. It complements and supports work already underway to develop more personalised learning for all and recognises that learners, potential learners and employers are not passive recipients in this process.

The LSC has an important role to play in empowering individuals to take an increasingly active part. Personalisation is all about putting learners very much in the driving seat and placing responsibility where it rightly belongs – with the individual.

Bill Rammell

Bill Rammell, Minister of State
Lifelong Learning, Further & Higher Education,
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1. Introduction

- 1.1** This guidance provides advice for the LSC on the principles and practice to support work on consultation with learners, potential learners and employers. The LSC is required to have regard to it under section 14A of the Learning and Skills Act 2000. In discharging this duty the LSC should:
- publish guidance and promote good practice on consultation with learners and employers through its learner involvement strategy guidance; and
 - ensure its programme delivery is informed by learners', potential learners' and employers' views and needs.
- 1.2** It is for the LSC to decide how best to consult learners, potential learners and employers in connection with decisions that affect them. The LSC should ensure that consultation takes account of the characteristics and needs of individuals. Alongside this guidance, and guidance for FEIs, there is also guidance for local authorities and schools about consulting with children and young people.
- 1.3** This guidance also outlines a new learner voice input to the LSC National and Regional Councils. This will be through the appointment of an individual to the National Council and each of the new Regional Councils, who is, or has been in learning recently; or an individual from an organisation known to be well able to present the views of learners. These individuals will offer the learner perspective to the Council's deliberations. The National Council appointment will be made by the Secretary of State for Innovation, Universities and Skills. The Regional Council appointment will be made by the National Council, with the approval of the Secretary of State for Innovation, Universities and Skills.

About this guidance

- 1.4** The guidance is intended for Council members, managers and people at all levels in the LSC involved in securing the provision of education and training services, as they plan to consult with learners, potential learners and employers about decisions that will affect them and their learning experience. The guidance offers advice on how the LSC might organise, operate and respond to the consultation and the views of stakeholder groups. The guidance is not prescriptive; it will be for the LSC to determine how best to consult to capture a national, regional or more local perspective. However, the LSC should not seek to replicate local consultations being undertaken by FEIs in their communities.

- 1.5** This duty to have regard to guidance supports the wider 'personalising learning' agenda in further education. The guidance will support the LSC in ensuring that learners and employers are at the heart of shaping how services are delivered. This guidance exists within a wider commitment to develop good learner involvement strategies.
- 1.6** There is no single right way of effectively consulting with learners, potential learners and employers on decisions that affect them. The key principles set out in this guidance aim to help the LSC in considering the range of strategies and activities needed to effectively capture the views of learners and employers and engage them in decisions that affect the learning experience. It will be for the LSC to determine the scope of the consultation taking into account existing mechanisms and with regard to issues of value for money, effectiveness, confidentiality, data protection and harmonised alongside wider equality and diversity duties.

2. What the duty means

- 2.1** This guidance is issued by the Secretary of State under Section 14A of the Learning and Skills Act 2000. The law requires the LSC to have regard to its content when exercising its functions.
- 2.2** This guidance builds on the Government's commitment in the FE White Paper *Further Education: Raising Skills, Increasing Life Chances* (March 2006) to put the needs and priorities of learners and employers at the heart of the system. The duty also underpins the wider personalisation agenda which recognises that where learners participate in decisions affecting their learning experience, they are likely to succeed and to play a more active role in the provider's quality improvement processes. This can provide a key lever for service improvement.
- 2.3** By consultation we mean the Council actively seeking the views of learners, potential learners and employers in connection with decisions affecting them. It also means empowering learners to understand the education system and to create structures and systems such that learners are able to raise and initiate discussion on decisions. In effectively seeking and responding to the views of these groups, the Council will be contributing to the wider ambition that:
- public services should be more tailored and responsive to the needs and views of end users;
 - individuals and employers are able to participate in creating, prioritising and improving services to make them more responsive to their needs and those of the wider community; and
 - people gain the skills and qualifications they need to be employable in a modern economy and become independent and effective lifelong learners and citizens.
- 2.4** It will be for the LSC to decide how best to consult with learners, potential learners and employers and the Council may wish to consider different approaches to consulting with the different groups. The duty to have regard to this guidance about consultation with those proposing to receive post-16 education or training will support the existing duty on the LSC to encourage participation in education and training. Capturing the views of potential learners will help ensure that the opportunities on offer meet the needs of users and that post-16 education and training is an attractive and worthwhile investment. This will be particularly important in encouraging young people who are not in education, employment or training, to engage in and remain in learning.
- 2.5** However when dealing with learners the LSC should seek views on issues (college-led approaches) and develop systems and structures to empower learners to raise and initiate discussion and views (learner-led approaches).

- 2.6** Learner-led approaches to learner involvement will most often manifest through representative systems and groups of students empowered to raise and initiate for themselves. The views of learners must be considered in the light of their age and understanding.

Scale and scope of consultation

- 2.7** The Council will want to consider the potential role of consultation to inform the range of decisions taken in delivering its services. They will want to consider, in particular, those decisions which will directly impact on the learning experience of individuals or which have the potential to address barriers to entering and remaining in learning.
- 2.8** As there is an equivalent duty on the governing bodies of FEIs to have regard to consultation with learners, potential learners and employers in their area, the Council may wish to focus its consultation on capturing the national and regional level views. The Council may wish to consider consulting with representative or other community, sectoral, national or regional groups where this provides an effective route to the views of a particular constituency.
- 2.9** The LSC already has in place, or is planning, a range of mechanisms for engaging with learners and employers and we expect that the Council will wish to use these existing mechanisms as the basis for its consultation strategy. For example, the former DfES established the National Learner Panel for FE. The Panel is independent and ensures that the learner voice is heard at national level and is able to influence policy design and delivery. It represents a unique opportunity for the learner voice to be heard by Ministers and policy makers through a genuine and ongoing dialogue, ensuring the views of learners are at the fore during the development of policy that will affect learners across the FE system. The LSC will want to work with the Learning and Skills Improvement Service (LSIS) to ensure that consultation with the Panel forms part of the LSC's overall strategy.
- 2.10** The Council currently consults with Sector Skills Councils (SSCs) and works with Regional Skills Partnerships as part of its annual business planning cycle. Specifically, the Council consults at national and regional levels with SSCs on the priorities for training set out in the SSCs' Sector Skills Agreements. The LSC invites all SSCs to summarise their main priorities for skills development in the sector in a "Skills Balance Sheet". At national level, the consultation with SSCs focuses on developing the LSC's national training priorities. At regional level, consultation is conducted through the Regional Skills Partnership so that employer training priorities, as specified by SSCs, are taken into account in shaping the regional skills priorities for LSC and Regional Development Agencies (RDAs). The LSC should build on these existing processes to support it in capturing the views of learners, potential learners and employers when designing, setting and revising policies. The main objective is to ensure that the process of arriving at final decisions includes ways of involving learners, potential learners and employers in considering the options and taking account of their views. All learners, potential learners and employers should be involved in as wide range of decision-making process as possible, subject to rules on confidentiality and data protection.

2.11 The 9 Regional LSCs will ensure that they are in touch with and respond to local priorities, needs and views, accounting for the specific circumstances and challenges faced by different communities.

Learner representation on the national and regional councils of the LSC

2.12 One learner will be appointed to the National Council by the Secretary of State. The Secretary of State will approve the appointment of suitable learner members to the Regional Councils. The individuals should serve as other council members for a period of three years and be appointed through open competition. The national position should be open to all post-16 FE learners in England and each regional position open to all post-16 FE learners in the relevant region. The appointee should be selected on the basis of their ability to make a contribution to the development of the LSC's policies.

Employer purpose and scope of the duty

2.13 The purpose of the duty is to underline the Government's commitment, as set out in the White Paper *Further Education: Raising Skills Improving Life Chances*, to put learners and employers in the driving seat in determining what is funded and how services are delivered. The duty requires the LSC to have regard to this guidance on consulting with employers.

2.14 Alongside learners, employers are the major customers of FE. The Skills for Business Network, including 25 SSCs, has been established to articulate the skills needs and priorities of employers and to influence the provision of learning to meet employer demands. In fulfilling the duty with regard to consultation with employers, we would expect the LSC to consult with the 25 SSCs and with the Commission for Employment and Skills, to determine the priorities for funding and delivering learning in the FE system.

Those facing particular barriers to learning

2.15 The LSC will want to consider consultation with particular groups who maybe under-represented in post-16 learning or who fail to thrive and succeed at the level of their peers, to explore the real or perceived barriers to engaging successfully in learning. This may be a particular ethnic community or a group facing barriers in terms of disability or disadvantage, eg looked after children and care leavers.

2.16 The LSC must seek to ensure that no-one is excluded or prevented from becoming involved on the grounds of ethnicity, religion and/or belief, disability, age, sexual orientation, gender or the area in which they live. People with learning difficulties and disabilities will face particular barriers when seeking to access learning opportunities and consultation can be a valuable tool in capturing the views of those learners and potential learners. In the case of disabled people, different racial groups, men and women, the Council already has a duty to promote equality of opportunity.

2.17 When carrying out its functions the LSC is required to have due regard to the need to:

- promote equality of opportunity between disabled people and other people;

- eliminate discrimination that is unlawful under the Disability Discrimination Act 1995;
- eliminate harassment of disabled people that is related to their disability;
- promote positive attitudes towards disabled people;
- encourage participation by disabled people in public life; and
- take steps to meet disabled people's needs, even if this requires more favourable treatment.

2.18 For many young people and adults, their faith or spiritual needs are important defining characteristics of who they are. Many young people are still seeking a sense of meaning or purpose to their lives, either within, or sometimes in reaction to, the faith or non faith traditions in which they live. These beliefs may affect their study and learning needs in a variety of ways, e.g. religious obligations may place barriers to studying or on times of study, or there may be expectations which impact on their learning or their ability to access learning. But equally many learners and potential learners do not hold religious beliefs. They don't want to play an active part in a faith community and would prefer to learn in a secular setting. Understanding learners' faith (or non faith) needs in relation to their learning and seeking to meet these where reasonable, is an important part of providing pastoral support to learners.

2.19 The LSC should therefore consider consulting learners and potential learners on their spiritual and faith (or no faith) needs as a key part of reviewing student support services. It may be appropriate in consultations to include representatives of key faith communities and faith groups.

2.20 It will also be for the LSC to determine how often learners, those likely to become learners and employers are consulted and, again, this may vary for each of the groups. The LSC will want to explore options for building on existing mechanisms, eg the bi-annual National Employer Skills Survey which could be used as part of the consultation process.

2.21 The FE sector has a key role to play in helping people gain the skills and qualifications they need to be employable in a modern economy. The purpose of this duty is to ensure that the priorities for funding and delivering learning in FE are in line with the skills requirements articulated by employers. It will be for the LSC to determine the scope of the consultation taking into account existing mechanisms and with regard to issues of value for money, effectiveness, confidentiality and data protection.

Working with partners

2.22 In discharging its duty with regard to consultation, the LSC will also wish to ensure its approach is consistent and co-ordinated with other key partner organisations, where this is appropriate to avoiding the burden to employers and individuals of multiple approaches and to ensure all key voices are heard. In respect of 14-19 provisions, the LSC will want to ensure it avoids duplicating any consultation being undertaken through local 14-19 Partnerships, in which the LSC local authorities, colleges, schools and other providers are already engaged.

3. The benefits

- 3.1** The duty requiring the LSC to have regard to guidance on consulting learners, potential learners and employers in connection with decisions affecting them, is an important part of the wider agenda to personalise learning. Personalisation puts the user at the heart of education and training services. We believe that this will deliver the skills, for more learners and at all levels that are needed to sustain an advanced, competitive economy and promote a fairer society.
- 3.2** The approach is one of working in partnership with learners, potential learners and employers, to tailor services in a way that best meets the needs of individuals and employers and is therefore more likely to deliver a successful outcome. Consultation is the bedrock of this approach, allowing the voices of users to shape the services on offer and how those services are delivered.
- 3.3** Consultation can allow the LSC to use the views and needs of learners and employers to ensure that the opportunities on offer are attractive, in line with employers' skills needs and likely to **increase participation**, particularly amongst traditionally underrepresented groups. It can also help to identify, and ultimately remove barriers and potential barriers that may deter learners and employers from engaging in learning.
- 3.4** Seeking and responding to the views of learners and employers can also **improve effectiveness** by ensuring that planning, investment and resource allocation decisions are informed by the needs of the users. Where provision has been developed in light of the views of end-users, it is more likely that retention and achievement improve and that issues that can lead to drop-out or poor attainment can be more fully understood and addressed. It is more likely that training opportunities will correspond to the economy's skills needs, thus improving the supply of skilled labour.
- 3.5** Responding to the needs of individuals and employers can help **engage more people in learning** and ensure that those learning opportunities offer **valuable skills** that will improve life chances, employment prospects and economic well-being. The LSC, through its commissioning and funding function can help institutions to respond flexibly to the needs of end-users.
- 3.6** A strong consultation strategy can also help foster **openness and trust**, supported by robust systems, where learners and employers help shape services, and comments and complaints lead to **improved services**. Where poor quality provision is eliminated; and each learner and employer can access high quality skills provision that is economically valuable, taught in state-of-the-art facilities by well qualified, highly motivated staff.

- 3.7** Learner representation on the LSC Councils will provide a highly visible demonstration of the LSC's commitment to considering the learner voice at the highest level both at national and regional level.

4. The principles

4.1 Engaging in effective consultation with learners, potential learners and employers may look very different because of the need to tailor the approaches to best engage those stakeholder groups. There is a core of common principles which the LSC will need to consider, alongside some principles which will apply more specifically to particular stakeholder groups.

Core Principles

4.2 *The LSC should adopt a clear and visible commitment to consulting and involving learners, potential learners and employers in the business of the LSC through:*

- A public commitment to the principles and practice of consultation and involvement by the Council, Chief Executive and people, understood by everyone;
- Involvement with and listening to the learner voice at every level;
- Ensuring the responsibility for consultation and involvement is embedded in the organisation;
- Setting out what will happen to implement a consultation and involvement strategy, e.g. in the annual statement of priorities;
- Setting out expectations; e.g. on the scope of the consultation;
- Clear processes for consulting and involving learners, potential learners and employers; and
- Consultation should be cost effective, based on existing mechanisms and plans and in line with wider business priorities.

4.3 *A commitment to equality of opportunity to be involved in the consultation*

- The LSC must seek to ensure that no-one is excluded or prevented from becoming involved on grounds of race, religion, culture, disability, age, ethnic origin, language, sexual orientation, gender or the area in which they live.
- Where appropriate the LSC should tailor the method of consultation to better capture the views of those facing particular disadvantage and small and medium sized employers who may find it more difficult to take part.
- The LSC must consider the views of learners and potential learners in the light of their age and understanding.
- The level of confidentiality and privacy that applies to the consultation is made clear to all individuals and employers.

- There is clarity about the use of the outcomes of the consultation, and the possibility of passing on aggregated views/information to other bodies that are empowered to address issues beyond the remit of the LSC.

4.4 *The LSC strategy for consultation should be coherent, simple and transparent*

- The approach to consultation should be straightforward and easy for learners, employers and potential learners to understand and engage with.
- Consultation should be co-ordinated and coherent, where necessary taking account of the plans of other partner organisations, to avoid multiple approaches to individuals, employers or other groups.
- The Council should ensure that employers and individuals understand the purposes, benefits, timescale and approach to consultation and how the results of the consultation will be used to ensure a responsive system of funding and learning delivery.

Learners

4.5 *A clear and visible commitment to listening to the views of learners*

The LSC should:

- demonstrate that it values the views of learners and deals with them with respect and trust, including processes to respond to the views learners express;
- support representation on the National and Regional Councils;
- make information available to learners where it is necessary for them to effectively engage in the consultation, including clarity about limitations for change due to practical, legal or other constraints.
- celebrate with learners the impact of learner involvement and its outcomes.

Potential Learners

4.6 *A clear and visible commitment to increasing and widening participation*

- The LSC should seek to better understand why some individuals and groups of individuals fail to engage in or remain in learning in order to understand and address those barriers.
- A range of methods could be used to seek the views which may include engagement through the National Learner Panel, representative or other community groups. It is for the LSC to determine which methods will be most effective.

Employers

4.7 *A clear and visible commitment to deliver learning provision which responds to skills requirements articulated by employers*

- The LSC should seek to develop and coordinate a strategy for consultation with

employers which is coherent with national and regional approaches by working with SSCs and, where appropriate Regional Skills Partnerships and other partner organisations, to minimise the chance of multiple approaches to employers.

- Consultation arrangements should encourage the participation of small and medium sized employers (SMEs) as well as those larger organisations.

5. Putting the Principles into Action

- 5.1** This section sets out options that the Council may wish to consider in developing its own consultation strategy. These are examples only and the LSC will wish to look at a range of different consultation approaches. The LSC will want to undertake a baseline review of the approaches they currently use to consult with learners, potential learners and employers to assess strengths, weaknesses and gaps in existing approaches.

National Learner Satisfaction Survey (NLSS)

- 5.2** The LSC currently conducts an annual NLSS which provides valuable information on the views of learners based on their learning experiences. The LSC will want to ensure that any work around providers' own learner satisfaction surveys is consistent with this and effectively integrated within the Framework for Excellence.

National Employer Skills Survey (NESS)

- 5.3** The LSC will want to review the NESS as a mechanism for capturing the views of employers and whether it wishes to further develop its use. The LSC will want to consider a range of options and balance a national survey approach against other possible consultation methods, on the basis of their effectiveness and value for money.

Learner panels

- 5.4** At the **national level**, the National Learner Panel can provide a useful insight into the views and experiences of a range of learners from across the FE system.
- 5.5** At a **regional level**, the LSC has established a Regional Learner Panel in Yorkshire and Humberside. This allows evaluation of this approach to assess if the regional panel can add value. It will be important that the evaluation looks at the interaction or overlap with the national panel and the local consultation being managed by colleges and other providers.
- 5.6** For all learners involved in Learner Panels, it will be important that they have an induction to the issues and access to information, data or practical support that may be necessary for them to make a considered response.

Consulting those proposing to enter education or training

- 5.7** The LSC will want to consider options for consulting those who may take up post-16 education and training. This could include the use of surveys, consultations with representative or other groups. It will be particularly important to look at options for capturing the views of particular groups who are under-represented in FE or who fail to thrive and succeed alongside their peers.

Employer putting the principles into action

5.8 Sector Skills Agreements (SSAs) provide the framework for employers, through SSCs and working with key delivery agencies like the LSC to address priority skills issues in their sectors. This framework allows all parties to agree what actions collectively will be taken to meet the identified priorities by:

- Providing strategic employer leadership;
- Putting in place a mechanism for identifying shared objectives between agencies;
- Establishing a clear set of actions.

The agreements are a key mechanism for articulating skills demand and underpin the move to a more demand-led system of education and training as set out in the Skills Strategy. See Section 2 for details of LSC consultation with employers, focusing on the role of SSCs and links with RDAs and Regional Skills Partnerships.

5.9 The LSC will also want to develop strategies to engage with SMEs to ensure the needs of local and small enterprises are met.

Responding to the consultation

5.10 The LSC should include evidence in its annual report of how the views of learners, potential learners and employers have been used to develop a more customer-centred approach to its functions and services. This process will be developed through the Framework for Excellence.

Guidance for providers on involving and consulting learners

5.11 The LSC has produced guidance for all FE providers on developing and establishing learner involvement strategies. The guidance includes examples of best practice on consultation as part of the wider learner involvement strategy. Implementation of the guidance by providers will be monitored by the LSC through the Framework for Excellence, dialogue with providers, inspection and other appropriate mechanisms.

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