



Consultation Guidance for 16-19 Competitions

August 2005

This document is of interest to state sector schools, including specialist schools, local authorities, Academies, further education (FE) institutions, Diocesan Councils and equivalent bodies and other interested parties on the proposed arrangements.

Responses are requested by 30 September 2005

Consultation Guidance for 16-19 Competitions

Introduction

1 This document seeks to consult the representative bodies of state sector schools, local authorities (LAs), specialist schools, Academies, further education (FE) institutions, Diocesan Councils and equivalent bodies and other interested parties on the proposed arrangements for competitions to establish new 16-19 provision, which will be introduced in the autumn 2005.

2 It is intended as guidance for LAs, local LSCs, potential promoters of new 16-19 provision and other local stakeholders with an interest in the organisation of 16-19 provision in their area.

3 It sets out:

- the policy context
- the circumstances in which a competition will be held
- the process to be followed, including timescales
- the criteria for assessing promoters' proposals; and
- the core information that promoters will need to provide.

Context

4 Competitions for new 16-19 provision will:

- be an open and transparent means of commissioning new provision to meet identified need in an area
- help open up the market to a wider range of providers, including new providers, to increase choice and diversity of learning setting
- help ensure that new 16-19 provision enhances learner access to the curriculum breadth implied by the 14-19 agenda.

5 The five-year strategy, launched by the DfES on 8 July 2004, summarised the Government's plans for early years, primary and secondary schools, 14-19 education and training, adult skills and higher education.

6 It sets out the Government's view that choice is best delivered by opening up the provider market and giving institutions greater autonomy in serving their communities so that successful provision can expand and local strengths can be fully exploited.

7 To help achieve this for 16-19 year olds the Strategy includes:

- measures making it easier for leading 11-16 specialist schools to open sixth forms
- competitions, decided at local level, where substantial new 16-19 provision is needed
- a new 16-19 capital budget combining school and FE resources to support coherent investment in new 16-19 provision.

8 The Strategy sets 16-19 provision in the context of a coherent 14-19 phase, offering a mix of learning opportunities and greater choice of learning programmes and settings. Since few institutions will have the capacity, on their own, to provide a broad academic and vocational offer for their students, collaboration to ensure that all young people in the area have access to curriculum breadth will be the norm. A key criterion against which competition entries will be assessed, therefore, will be how far proposals help increase the range and quality of the local offer; and how new providers will collaborate with others in delivery.

Circumstances in which a Competition will be Held

9 Competitions for new 16-19 provision will be held under the following circumstances:

- where a need is identified for 200 or more new 16-19 places to meet basic need (at LSC discretion if less than 200 places)
- to improve quality and/or to improve the balance of provision in an area
- where there is no proposal to meet that need under the sixth form 'presumption' arrangements (see first bullet of paragraph 7) or from an Academy (see paragraph 20).

Local Needs

10 Strategic Area Reviews (StARs), and to some extent other reviews carried out by local LSCs, will assess where there are gaps which new providers, partnerships, or a different mix of curriculum could help fill. These reviews should, therefore, be the starting point for 16-19 competitions. These reviews will provide an outline of what is needed in an area in terms of 'new' provision, defined as:

- either 'additional' provision to meet increased learner numbers
- 'different' provision such as adjusting the vocational/academic balance
- 'better' provision in terms of quality; or a combination of these.

11 In areas requiring greater institutional choice, or a substantial increase, or enhanced mix, of provision to meet local needs, competitions will be held to improve choice and bring in new providers – including leading specialist schools and colleges. In some areas, it will be clear what type of new provision is needed, for example, where

one or more Academies with new sixth forms are the right solution to raise the whole secondary school standards.

12 For areas where it is less clear, competitions for substantial new 16-19 provision will be introduced, which will be open to schools, colleges, private sector and other sponsors. The object is to open the market and encourage greater diversity of bids, and to establish a manifestly fairer, more democratic local process.

13 The LSC will determine the geographic area for which a competition is required to improve institutional or curriculum choice. This may, for instance encompass the whole local LSC area, an area covered by a local authority or a specific urban or rural area.

14 In addition to geographical areas, the LSC will also consider whether competitions will be beneficial and appropriate in meeting the needs of particular cohorts of young people who might be disadvantaged, for example, underachieving or non-participating groups of learners.

Substantial New 16-19 Provision

15 Demand for substantial new 16-19 provision could arise from:

- a need for additional places (200 or more new 16-19 places – at LSC discretion if less)
- a need for reconfiguration of provision to raise participation to meet local, regional or national targets
- a need for reconfiguration of provision to raise attainment to meet local, regional or national targets
- a need for reconfiguration of provision to raise standards
- a need for better quality of provision to improve choice
- a need for a better balance of provision to improve choice
- a combination of the above.

What Type of Proposals?

16 In addition to meeting the needs of particular cohorts of young people who might be disadvantaged, competitions will be required where there is a need for one or more new 16-19 centres and may be necessary for the expansion of existing 16-19 provision to meet local need.

17 It is expected that any new institutions/centres will work in a collaborative framework with existing 16-19 providers, where the individual strengths of all partners can provide collectively high quality 16-19 provision of sufficient breadth. Promoters will be expected to have developed a collaboration plan for their proposal.

18 Where a formal partnership involving more than one provider is proposed to meet the need for new 16-19 provision, a lead partner should be identified and the proposal should be entered as a single bid in the competition. Innovative partnership proposals involving private sector promoters will need to have a publicly funded organisation, for example, a school or college, as the lead partner, through whom the funding will flow.

19 The competition specification could be met in the following ways:

- setting up a sixth form and/or college consortium arrangement
- other 16-19 collaborative arrangements, for example, private training providers or independent schools working in partnership with existing local 16-19 providers
- expansion of an existing 11-18/16-19 school, 11-18 Academy, 16-19 Academy, sixth form college or distinct 16-19 centre within a general FE college
- adding a sixth form to an existing 11-16 school or 11-16 Academy
- establishment of a new 16-19 school, sixth form college, distinct 16-19 centre within a general FE college, 16-19 Academy
- other innovative proposals from new types of providers.

Academies

20 A competition would not be held in the case of a pre-existing Academy proposal that would fill the identified gap in provision. Where an Academy proposal comes forward **after** a competition has been announced, it will follow the same process as all other entries. This applies to 11-19 and also to 16-19 Academies established under FE governance arrangements.

21 Where a proposal is submitted from an 11-16 Academy as part of a 16-19 competition an in-principle agreement from the Secretary of State to extend the Academy's funding agreement will need to be obtained before the outcome of the competition is decided.

22 If negotiations between the Academy promoter and the Department were to break down during the competition process, the LSC would consider other bids (provided they had not been withdrawn) or run a new competition.

Process

23 The stages in running a competition, and the timetable for competitions and related capital applications, are set out in the table at Annex A. Steps in the competitions process include:

- identifying need
- publishing a notice inviting proposals to meet the specified need
- a four calendar month period for submitting competition entries
- publishing a summary of all competition entries
- a six week representation period for responses to the published summary
- local Stakeholder Panel consideration of entries
- local LSC consideration of panel advice and decision within six weeks of the close of the representation period.

Identifying Need

24 The local LSC will decide where there is a need for substantial new 16-19 provision requiring a competition, based on the outcomes of StARs or other reviews. In line with the Government's 14-19 agenda, the LSC will wish to consider proposals offering institutional choice to learners and enhanced curriculum breadth and balance where this is an identified need.

Inviting Proposals

25 The local LSC will publish a notice specifying the need, including the geographic or target group area to be covered and the appropriate range of curriculum provision required, but not the institutional solution. The notice will invite sponsors to submit proposals to meet the specified need and to notify the named local LSC contact of their intention to do so. (See paragraphs 33-35 and Annex B).

Submitting Proposals

26 Four calendar months will be allowed for promoters to submit proposals based on a prescribed set of required information (see Annex D)

Publication of Proposals and Representations Period

27 Following the four-month submission period the LSC will publish a summary of all of the proposals received and invite comments on them (see Annex C). This period for representations will last six weeks, that is, a period of consultation to receive comments of support, objections, or other comments.

Local Stakeholder Panels

28 Local LSCs will convene a local Stakeholder Panel in each area where a competition is to be held to consider the proposals received, assess the proposals against the criteria and make a recommendation to the relevant local LSC on their preferred proposal. The Panel will be chaired by an LSC representative, who will have the casting vote should one be required.

29 The composition of local Stakeholder Panels will be for the local LSC to decide, but should include representation from the local authority, employers, school and college governing bodies, Higher Education and Connexions. In establishing the Stakeholder Panels, local LSCs will need to ensure that members have no conflicts of interest.

Deciding the Competition Winner

30 Within six weeks of the close of the representations period, the local LSC will meet to consider the proposals received against the criteria set out in the guidance (see paragraphs 37-39 below) and in the published specification; note the proposal recommended by the local Stakeholder Panel; and decide on the outcome of the competition process.

Communicating the Outcome

31 The LSC will communicate the outcome of the 16-19 Competitions process in writing to all proponents and key local stakeholders within one week of its decision.

What if No Proposals Come Forward or There are No Suitable Proposals?

32 Where no proposals come forward, or where no proposal meets the criteria by the closing date of the competition, the competition process will be deemed to have been completed. The LSC may then put forward its own proposal to meet the identified need. Where this requires a decision by the Secretary of State, the statutory process will then be followed.

Publication of the Initial Notice Inviting Proposals

33 The local LSC will produce a **Summary of the 'Statement of Need'**, that is, the initial public notice, which specifies the need and invites interested parties to submit proposals within four calendar months of the last date of publication in local newspapers. Where the summary is placed in two or more newspapers, which are published on different days, the later newspaper publication date will represent the publication date. This period of four calendar months should be extended to take account of holiday periods.

34 In addition, the local LSC will prepare a **'Statement of Need'**, which sets out the outcomes of the StAR, and/or other review(s), involving a broad outline of what is needed in the local area in terms of 'new' provision, defined as: either 'additional' provision to meet increased learner numbers; 'different' provision such as adjusting the vocational/academic balance; 'better' provision in terms of quality; or a combination of these.

35 The consultation process should be coordinated to ensure that the consultation mailing is undertaken at least one day (two days is recommended) before the summary is first published in the relevant newspapers.

Publication of the Notice Summarising Proposals Received

36 Following the four calendar month period for proposals to be received, the LSC will publish a notice setting out brief summary information of the proposals received, the outcomes of review(s) which led the LSC to invite proposals and inviting respondents to apply to the local office for full details of the proposals. The notice (Annex C sets out the matters to be specified in a notice inviting comments on the applications) should specify who at the local LSC will receive comments of support, objection or otherwise and by when (six weeks is allowed for the representations period). As with the initial four calendar month period, the six-week representations period should take account of holiday periods and the LSC should not publish the notice initiating this six-week period during the summer holidays.

Criteria

37 Proposals for the reorganisation of provision should address ministers' five key principles underpinning the organisation of 16-19 provision, that is, quality; distinct 16-19 provision; diversity to ensure curriculum breadth; leaner choice; and affordability, value for money and cost effectiveness.

38 Core questions against which proposals arising from 16-19 Competitions will be assessed include:

- a. How far will the proposal ensure effective collaboration with existing providers and complement existing provision as part of a locally coherent system?
- b. Will there be an adverse impact on existing successful local 16-19 provision?
- c. How will the proposal ensure a broad range of sustainable provision?
- d. (Where appropriate) How will the proposal meet the need for additional 16-19 learners?
- e. How will the proposal increase levels of participation and/or increase attainment at Levels 2 and 3 to meet local, regional or national targets?

(Note: The Summary of the 'Statement of Need' will specify which targets are to be met)

- f. How will the proposal enhance institutional and curriculum choice?

Possible Additional Criteria

39 The LSC could, from time to time decide on additional criteria to be applied, in light of local circumstances. While there is a need for core criteria, the criteria for deciding the outcome of a competition should also reflect the area's particular needs. Local LSCs may also wish to apply weightings to individual criteria to reflect their importance locally.

Core Information

40 Annex D sets out the core information (against the questions listed in paragraph 38 above), which will be required of proposals submitted for 16-19 competitions.

Subsequent Statutory Proposals

41 Some of the competition proposals will need to go through statutory processes after a 16-19 competition has been decided, for example, where new 16-19 institutions or sixth forms are to be established.

42 Statutory proposals will subject to further consultation requirements:

- a further four-week period for objections and comments for proposals made by a governing body or LA or to change school sixth form provision
- a further two months preliminary consultation followed by two months' final consultation for proposals made by the LSC to change school sixth form provision
- a further one month consultation period to set up a new FE corporation, and
- at least nine months' consultation between the feasibility and funding agreement stages required to open an Academy.

16-19 Capital Fund

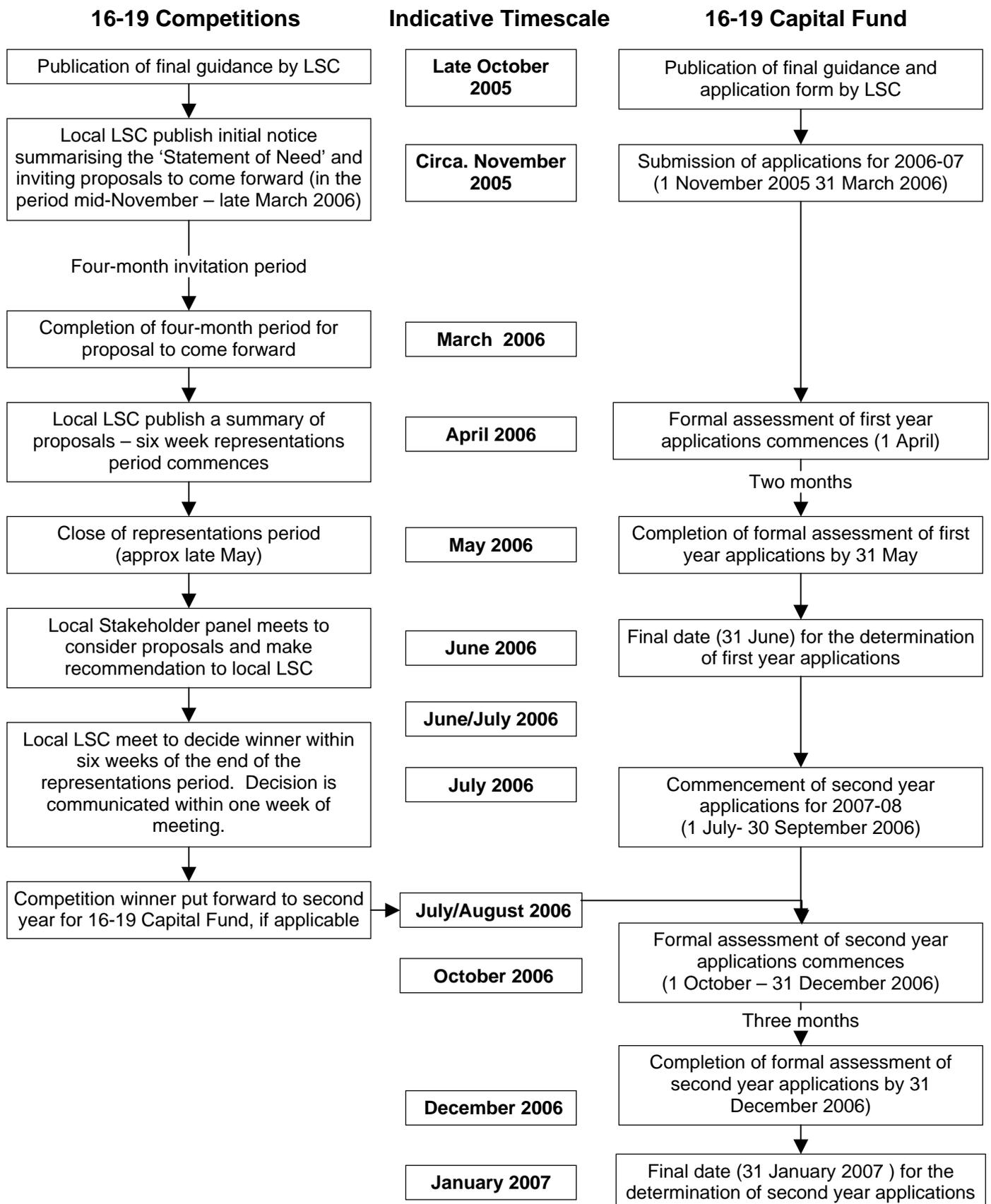
43. It is anticipated that many applications to this Fund will come forward as a result of reorganisation of provision arising from the StAR process, the 16-19 competition process or the new presumption for new sixth forms to be added to qualifying 11-16 specialist schools. The arrangements for administering the Fund are outlined in a concurrent dedicated LSC guidance document for consultation.

44 It is anticipated that the reasonable capital outcomes of the 16-19 competitions will be funded from the 16-19 Capital Fund, where such funding is not likely to be available from the DfES Building Schools for the Future programme and other DfES and LSC funding streams. Project proposals arising from competition outcomes should meet the threshold and other criteria for entry to the 16-19 Capital Fund and implementation will be subject to the availability of capital funds from year to year.

45 Applications for allocations from the 16-19 Capital Fund will be accepted from individual schools, LAs, Diocesan and equivalent authorities, Higher Education Institutions and colleges either individually or as leaders of consortia. Such consortia may include any or all of these categories of provider and other private sector providers such as those in the private school sector or work-based training sector.

Annex A

Processes for the 16-19 Competitions and the 16-19 Capital Fund



Note: It is anticipated that competition winners can go forward to the second year of applications for 2007-08.

Annex B

Matters to be Specified in a Notice Inviting Proposals

- 1 A statement detailing:
 - a. the name of the local LSC
 - b. the geographical area within the local LSC that is covered by the competition.
- 2 A statement explaining the specification of the provision being invited including:
 - a. number of places
 - b. type of provision.
- 3 Information on:
 - a. the date that all proposals should be received by at the local LSC offices
 - b. where all proposals should be sent including a named contact and an email and postal address.
- 4 A brief explanation of the procedure that will be followed after the date when proposals must be received by the local LSC.
- 5 Information on where the full guidance can be obtained including website address.
- 6 A statement highlighting the relative priorities of judgement criteria set out in the guidance.
- 7 Any other information relevant to the local LSC.

Annex C

Matters to be Specified in a Notice Inviting Comments on the Applications

The notice should include:

- a. where details of all applications can be found (including website address)
- b. the date when all comments on the applications should be received at the local LSC
- c. details of where comments can be sent (including email address)
- d. information on the procedure followed once consultation has closed.

Annex D

Core Information Required for 16-19 Competition Proposals

Proposals coming forward should include the following information:

a. How will the proposal will ensure effective collaboration with existing providers and complement existing provision as part of a locally coherent system?

- To what extent will the proposal complement and enhance existing 16-19 provision in a locally coherent structure: how any new institution proposes to work collaboratively with existing post-16 providers, in a locally coherent system?
- To what extent is the proposal consistent with the overall strategy for the local area?
- Details of any proposed collaborative arrangements, including management arrangements.
- Identification of a lead partner in a partnership proposal.

b. Will there be an adverse impact on existing successful local 16-19 provision?

- (Note: Proponents should note that local Stakeholder Panels and local LSCs will assess to what extent proposals might have an adverse impact on existing successful 16-19 provision and which providers might be adversely affected.)

c. How will the proposal ensure a broad range of sustainable provision?

- An explanation of how the proposal will meet the specified need for substantial and sustainable new 16-19 provision. To what extent will the proposal ensure a wide range of general and/or vocational and/or work-based learning opportunities to meet the specified need at suitable levels and location(s) that will be viable and sustainable into the longer term?
 - An estimate of the capital costs.
 - An outline capital project if applicable, including estimated floor area.
 - Details of the proposed site (if applicable).
 - An opening date for any new institution/start date for any new provision.

d. How will the proposal meet the basic need for additional 16-19 learners?

- To what extent will the proposal meet the basic need for additional 16-19 learners?

- (Provision is recommended at not less than the average size of sixth forms inspected by OfSTED, 173 students, and preferably over 200 students – the number at which OfSTED report that a sixth form would, generally, be able to offer a range of 20 or more A levels, with three of four Advanced Vocational Certificates of Education (AVCE)). Competitions for new 16-19 provision will be held where a need is identified for 200 or more new 16-19 places to meet basic need. Proposals for new 16-19 provision of less than 200 students will be invited at the discretion of the LSC.
- Learner information, including the number of learners and age range.

e. How will the proposal increase levels of levels of participation and/or increase attainment at Levels 2 and 3 to local, regional or national targets?

- To what extent is the proposal consistent with, and likely to meet the specified local, regional or national targets for increased participation and attainment?
- The extent to which the proposed provision of education and training is responsive to the needs of young people and facilitates progression to further and higher education, training and employment.
- The extent to which the provision furthers social inclusion.
- How the proposal will increase participation in local target groups.

f. How will the proposal enhance institutional and curriculum choice?

- To what extent will the proposal respond to the needs of learners and employers, ensuring a wide, viable and sustainable range of 16-19 learning opportunities at suitable levels and in suitable settings and locations which meet either the need of all 16-19 learners or identified target groups of 16-19 learners?
- To what extent will the proposal provide equality of opportunity for all groups of learners and contribute to the achievement of local targets for participation, retention, attainment and progression of learners at all levels?
- The geographic area to be covered or target group of young people.
- The extent to which the proposal provides greater curriculum breadth.

2 Are the proposed arrangements for recommending a proposal and deciding on the outcome of a competition reasonable? Yes No

Comments

3 Are the criteria for assessing proposals appropriate? Yes No

Comments

4 Any additional comments?

Additional Comments

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