

# Statutory Guidance: Funding Arrangements for 16–19 Education and Training

This document has been prepared by the Young People's Learning Agency as statutory guidance under the ASCL Act 2009 to describe how a simplified allocations and funding system for 16-19 education and training will operate for the 2012/13 academic year. It sets out the leadership role of local authorities, including their key statutory duty to secure suitable education and training for young people; and the role of autonomous schools, colleges and other providers of education and training working in partnership with each other and with local authorities to meet the needs of all young people.

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For guidance

**Further information**

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**For guidance**

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# Introduction

1 This document is issued by the Young People's Learning Agency (YPLA) under section 72(1) of the Apprenticeships, Skills, Children and Learning Act 2009 (ASCL Act 2009). It sets out guidance for local authorities about the performance of their duties under sections 15ZA(1), 15ZB, 15ZC(1)(b) and 18(A)(1) of the Education Act 1996 (see paragraphs 9-14 and 25-28). It describes the system for the funding of education and training for young people in England for the academic year 2012/13.

2 The allocations for 2012/13 will be confirmed to schools, colleges and other providers by the end of March 2012. From April 2012, the new Education Funding Agency<sup>1</sup> (EFA), an executive agency of the Department for Education (DfE) subject to the passage of the Education Bill, will take forward the YPLA responsibilities set out in this guidance.

3 The young people covered by this system are those who:

- at 31st August have reached the age of 16 (statutory school leaving age) but have not reached the age of 19;
- are aged 19-25, have a learning difficulty and/or disability and are the subject of a learning difficulty assessment; or
- are aged 10-18 in juvenile secure accommodation.

These young people learn in a variety of settings, including schools, Academies (sponsored, converter, City Technology Colleges, Free Schools, University Technology Colleges and Studio Schools), colleges and independent providers. The YPLA also funds pupils aged under 16 in Academies, but these are not the subject of this guidance.

4 The key elements of the funding system are:

- Funding follows **student choice** – and student volumes drive funding in the following year.

- **Local authorities** have a statutory responsibility to secure education and training in their areas, taking into account quality and other factors. They have a key leadership role to champion the interests of all young people in their area.

- **Autonomous schools, Academies, colleges and independent providers** are accountable for student performance and their own improvement, planning what they deliver, within the context of the priorities for young people in their area.

- Bureaucracy is reduced through the **simplification and automation** of data, management information (MI) and funding systems.

5 The system has been designed with the minimum levels of prescription and monitoring necessary to get maximum money to the front line, to ensure high-quality provision, to give assurance that the funds are used to provide learning for young people and to allow the market to operate effectively. Data collection, financial management and audit continue to be simplified.

6 The system serves the best interests of young people and is designed to be as transparent and equitable as possible. Meeting the needs and aspirations of all young people will only be achieved by providers working together and with local authorities. As champions of all young people, local authorities will be working with providers, employers, local voluntary and community organisations and neighbouring authorities to raise achievement, secure access to high quality provision, raise participation and tackle educational inequality.

7 Funding will be delivered so that each provider receives their calculated allocation from a single source:

- Funding for maintained schools with sixth forms flows from the YPLA through local authorities.
- Funding for Academies, sixth form colleges and independent providers passes directly to the provider from the YPLA.

<sup>1</sup> The EFA will have the responsibility for the direct funding of the growing number of Academies and Free Schools and all 16-19 provision. This will include the funding of 16-19 provision in general further education colleges, sixth form colleges and independent provision. The EFA will also distribute resources to local authorities for them to pass on, as now, to those schools which are not Academies.

- Funding for general further education colleges flows from the YPLA through the Skills Funding Agency – subject to the respective legal powers of the Chief Executive of Skills Funding and the YPLA.
- For Apprenticeships, funding for all ages comes through the Skills Funding Agency.

**8** Allocations are based on a national funding formula and will reflect the delivery of learner numbers in the preceding year (e.g. 2011/12 for 2012/13) – this is the lagged learner number approach. National minimum performance standards (Minimum Levels of Performance or MLPs) will be set and provision will not be funded if it falls below these standards and fails to improve.

# Key Roles and Responsibilities

## Local Authorities

9 Under Sections 15ZA and 18A of the Education Act 1996 (as inserted by the ASCL Act 2009), local authorities have a duty to secure sufficient suitable education and training opportunities to meet the reasonable needs of all young people in their area. Young people are those who are over compulsory school age but under 19, or are aged 19 to 25 and subject to a learning difficulty assessment. Local authorities also have a duty to secure sufficient suitable education and training for young people subject to youth detention. In deciding whether education or training is suitable, the local authority must have regard to, amongst other things, the quality of the education and training and may challenge where this is poor or inadequate.

10 Local authorities working with their partners may shape provision in their area by identifying gaps, enabling new provision and developing the market. They may wish to set this out formally in a strategic overview of provision and needs in their area. This is part of their wider leadership of education up to the age of 19 and their place-shaping and economic development roles beyond 19. Local authorities also work with the National Apprenticeship Service (NAS) to identify the requirement for 16-18 Apprenticeships.

11 The needs of young people are much more likely to be met where there are strong partnerships with those who provide education and training. There is no prescription about how this should be done but, in developing their overview, local authorities will want to work with their key partners, including schools, Academies, colleges and other providers, to identify the learning needs of young people in their area, the needs of employers, and the extent to which those demands and needs are being met overall.

12 Local authorities are also required under the ASCL Act 2009 to work with other local authorities to ensure that needs are met across travel to learn areas. The way that local authorities do this is no longer prescribed, and where local authorities have chosen to work together, the YPLA will support them in doing so, in order that they can collectively deliver their statutory duties.

13 Local authorities and providers may agree to re-shape provision in an area by re-allocating numbers from one provider to another where that best meets the needs and demand of students and addresses local or regional priorities

for improvement and participation. The automatic allocation of learner numbers by the lagged approach may be changed by agreement of the local authority and all providers concerned, as long as there is no overall increase in places or funding and the YPLA is notified.

14 Local authorities will receive funding from the YPLA in respect of maintained schools with sixth forms and post-16 learners with special educational needs.

## Schools, Academies, Colleges and other Providers

15 All schools, Academies, colleges and other providers (including charitable and third sector providers), as autonomous and independent bodies, will inform the local authorities' strategic overview of provision and needs in their area.

16 As autonomous organisations, they have responsibility for designing and delivering learning programmes which meet the needs of the young people in their area. In keeping with devolution of responsibility to frontline professionals, it will be their responsibility to decide on their curriculum offer and mix of provision, responding to the needs of individuals and employers and to the local authority strategic overview. Local voluntary and community organisations can help providers to meet the needs of young people, particularly those that are marginalised or isolated from mainstream provision. Providers should work in partnership with their local sector to establish how support may best be co-ordinated.

17 As part of the minimum bureaucracy brought by the system of lagged learner number funding, it is expected that schools, Academies, colleges and other providers will respond to demand from young people by taking on additional students during the year. The funding in the next year will be based on the lagged learner number, which will include these additional students.

18 With autonomy comes accountability: schools, Academies, colleges and other providers are also responsible for their own improvement, within a context of structures and processes which will challenge and support them to improve. As part of their accountability to students, they are also responsible for providing independent advice and guidance to young people.

## Young People’s Learning Agency

19 The YPLA’s functions are set out in the ASCL Act 2009. Under Section 61 of the ASCL Act 2009, the YPLA has a duty to secure the provision of financial resources to persons (including local authorities) providing, or proposing to provide, suitable education and training to young people who are over compulsory school age but under 19, or are aged 19 to 25 and subject to a learning difficulty assessment. In exercising these funding functions, the YPLA will support local authorities’ key statutory duties, including where local authorities have chosen to work together.

20 The YPLA will not plan, commission or determine the provision that should be made available. Through a nationally determined and consistent funding process, and within the budgets made available by Government, the YPLA will allocate funds for young people’s learning at maintained schools with sixth forms, Academies, general further education colleges, sixth form colleges, independent providers, and independent specialist providers for learners with learning difficulties and/or disabilities and for young people in youth custody.

21 The YPLA will ensure that funds transfer to those providers either directly, through local authorities or through the Skills Funding Agency, and will consider performance against national minimum performance standards (or MLPs) and satisfactory Office for Standards in Education, Children’s Services and Skills (Ofsted) (or other inspectorate) inspection outcomes as a condition of funding.

## The Chief Executive of Skills Funding and National Apprenticeship Service

22 The Chief Executive of Skills Funding is a statutory post and a corporation sole established by Section 81 of the ASCL Act 2009. The Chief Executive of Skills Funding has the power under Section 83 of the ASCL Act 2009 to secure the provision of facilities for suitable Apprenticeship training for young people who are over compulsory school age, but under 19 (including those subject to youth detention), or are aged 19 to 25 and subject to a learning difficulty assessment.

23 The Chief Executive of Skills Funding also has a duty to secure the provision of reasonable facilities for education and training suitable to requirements of persons who are aged 19 or over other than persons aged under 25 that are subject to a learning difficulty assessment. The Chief Executive has the power to secure the provision of funding to persons providing, or proposing to provide, education and training within this remit. The Skills Funding Agency is the term used to describe the Chief Executive and the staff. The NAS is housed within the Skills Funding Agency. The functions of the Chief Executive of Skills Funding in relation to Apprenticeships are delegated to the Chief Executive of the NAS pursuant to Section 82 of the ASCL Act 2009.

24 The NAS is responsible for the delivery of Apprenticeships for young people and will work with all partners, including employers and local authorities, to ensure Apprenticeships are widely available. The Skills Funding Agency, on behalf of the NAS, will contract with a range of providers to support Apprenticeship training and, working with the NAS, will ensure that resources are managed effectively.

# Main Elements of the Process

Planned Timeline	
May – August	<p>The YPLA publishes data to local authorities (available to all parties) who use this and other local data to develop a strategic overview for education and training provision for their residents.</p> <p>Informed by this data, local authorities engage with neighbouring local authorities and with schools, Academies, colleges and other providers to establish key changes to priorities and infrastructure, gaps in provision and the need for new providers where required.</p>
September – November	<p>Local authorities will inform all providers and the YPLA of the needs identified in their area.</p> <p>Local authorities will inform all providers and the YPLA of potential new provision, infrastructure changes and agreed re-distribution of learner numbers by the end of November.</p> <p>Review of performance against national minimum performance standards (or MLPs) by YPLA and local authorities.</p>
November	The YPLA issues a funding statement confirming budget.
December – February	<p>The YPLA uses data alongside information provided by local authorities to calculate provisional provider allocations. The first step will be an allocation of learner numbers and the final funding rate will be set later in the process.</p> <p>The YPLA exchanges information with providers. Local authorities receive information on provisional allocations of learner numbers to providers.</p>
March	The YPLA confirms the final funding rate and final allocations to providers.
May – August	The YPLA issues funding agreements/contracts to organisations either directly or through the lead contact, which are required to be signed and returned by the funded organisation.
August	Payment commences for the academic year through the lead contract organisation where applicable.



## Analysing Needs and Identifying Gaps

25 In fulfilling their statutory duties, local authorities will champion the education and training needs of young people in their area by:

- securing local provision which meets the needs of young people and employers;
- influencing and shaping the provision on offer and helping to develop and improve the education and training market;
- promoting any necessary structural change in the local education and training system;
- supporting the improvement of the quality of the education and training of young people aged 16-19; and
- supporting employer needs, economic growth and community development working with Local Enterprise Partnerships (LEPs) as appropriate.

26 The YPLA will support local authorities and providers in their respective roles through the provision of data on supply and demand for 16-19 provision, including learner participation and attainment and the young people in their area.

27 To make information on needs and gaps transparent and capable of being responded to, local authorities, either individually or jointly, may then develop with their partners and share with the YPLA, a statement outlining their strategic overview. Schools, Academies, colleges and other providers are expected to be involved in the development of those statements and to respond to the priorities identified, whilst respecting learner choice.

28 The style, timing and content of the statement is for the local authority to determine. For example, it may reflect a period of 2-3 years and provide a broad indication of whether the current mix and balance of provision is appropriate, and what changes might be needed, in light of emerging local employer and economic needs. These statements may cover, for example, the overall position and trends on participation, attainment, and provider quality; significant gaps in provision in relation to meeting the needs of all young people; proposals for specific changes in overall provision; and needs of local employers and the economy.

## Allocations

### Schools with Sixth Forms, Colleges and Independent Providers

29 Funding allocations for maintained schools with sixth forms, Academies, colleges and sixth form colleges will be

calculated on the basis of the lagged number of learners participating in the previous year, taking into account recruitment through the year and flexible start dates. The approach for independent providers will be very similar, but will include some in-year and end-year adjustments and reconciliation to meet with requirements on the YPLA to demonstrate regular and proper use of its funds and adherence with government accounting requirements.

30 The following steps set out how the allocation process for 2012/13 will apply across colleges and schools, including Academies (see Academies section below) for 16-19 provision:

- Calculation of full-year learner numbers for 2011/12 will be based on data returned in autumn 2011.
- Calculation of the total volume of provision to be funded will then be based on 2011/12 learner numbers combined with information from whole-year data for 2010/11 in the national funding formula.
- Calculation of the national funding rate will be based on the budget made available by DfE and the total volume of provision to be funded.
- Calculation of the allocation for each individual school, college and other provider will take into account this national funding rate, and the provider factor which takes account of success.
- Additional Learning Support (ALS) will be allocated with the core participation funding.

31 The lagged funding model relies on the quality of data provided by schools and colleges. Processes will be in place for handling cases where issues with the underlying data would have a significant impact on the allocation, but this will be by exception and is not intended for cases caused by poor quality data returns. The lagged learner number approach to funding will not require detailed funding and allocations conversations with institutions, other than in those exceptional cases.

32 The lagged learner number approach will meet the needs of the vast majority of young people as autonomous providers innovate to make provision available. However, there may be circumstances where further action is needed. Local authorities and their partners will identify these circumstances, which may arise from, for example:

- Infrastructure changes such as new or closing providers, including new sixth forms or provision secured through competitions;

- re-distribution of provision which falls below national minimum performance standards (or MLPs) and Ofsted (or other inspectorate) minimum standards and where insufficient improvement is in hand;
- re-distribution of provision where the local authority and all partners consider it best meets the needs of young people;
- the need for new provision which will help support young people who would otherwise not be in education, employment or training; or
- the need to support employer needs, economic growth and community development.

**33** In the specific and exceptional circumstances where the lagged approach is not possible because the scale of the additional requirements is of such significance, the local authority or authorities will be able to encourage the market to fill the gaps. This may include consideration of innovative proposals such as University Technical Colleges, a new sixth form college, a Free School or a response to support young people not in education, employment or training (NEET).

**34** Local authorities and their partners should also consider responses to need based on Big Society principles. Such action would not displace learner numbers from existing providers in that year, although provision is likely to move over time as and when students exercise their choices. The exception to this will be a change in allocation of places following agreement of all providers concerned and places may be moved between schools, Academies, colleges or other providers, with no overall increase in places or funding. Where any of these changes result in a requirement for additional funding, the YPLA, as budget holder, will need to agree them and will only be able to meet them if the budget is available.

**35** Where provision falls below national minimum performance standards (or MLPs) and fails to improve, it will not be funded. If there are significant, formally notified issues relating to an institution's performance against national minimum standards and Ofsted (or other inspectorate) inspection outcomes, the allocation of learner numbers will need to be changed. Proposals will be discussed with the provider, the local authority and the YPLA, taking account of the nature of the under-performance and the local authority's strategic overview of provision in the area. In the case of general further education colleges, any action required will be undertaken with the Skills Funding Agency.

## **New Provision and New Providers**

**36** Where a local authority and providers identify a gap in provision which cannot be met by changing existing provision, and is therefore outside the lagged approach (in the circumstances at paragraphs 33-35) and, procurement of new education and training will be required, the local authority will decide with partners the best way of securing the provision. This includes working with other local authorities where necessary. Local authorities are expected to encourage and identify new and innovative providers in line with the principles of the local authority commissioning role set out in the Schools White Paper – The Importance of Teaching (November 2010).

**37** New 16-19 provision can be delivered by any approved provider and will normally be funded on a lagged learner number basis. Schools, Academies and colleges have approval through established mechanisms and processes of the DfE, Department of Business, Innovation and Skills (BIS) or local authorities. New providers such as University Technical Colleges, Studio Schools and Free Schools will follow their existing processes.

**38** In the case of independent private providers, a separate central, non-bureaucratic approval process, based upon fitness for funding, will apply, to ensure that there are no significant barriers to entry to the market for delivery of new provision and an open and competitive procurement process.

**39** New providers will get an agreed allocation based on the national funding rate in their first and second years of delivery and then move on to a lagged approach as all other providers.

## **Academies**

**40** The DfE is responsible for policy on Academies and for the feasibility and implementation stages of individual projects. Under Section 77 of the ASCL Act 2009 the Secretary of State may require the YPLA to exercise specified Academy functions. The Secretary of State for Education has asked the YPLA to act on his behalf once an Academy is open by providing funding and, where appropriate, support and challenge to enable it to raise standards. In all cases, funding flows directly from the YPLA to the Academy.

**41** Academies (sponsored, converter, City Technology Colleges, Free Schools, University Technology Colleges and Studio Schools) are key partners in local authority led partnerships and should be as involved as all other providers in shaping the partnership's priorities and in deciding on the preferred ways of meeting those priorities.

**42** A key principle is that an Academy's funding should not advantage or disadvantage it relative to a maintained school with similar characteristics. Pre-16 funding for Academies will be calculated by the YPLA and administered in accordance with the funding agreement between the individual Academy and the Secretary of State.

**43** Funding for 16-19 year olds in Academies will also be calculated by the YPLA. Unless the individual funding agreement specifies otherwise, the allocation will be determined in the same way as for all other provider types – on a lagged basis, determined by delivery in the previous year. In sponsored Academies, where the individual funding agreement stipulates, the YPLA will consider the estimated 16-19 numbers put forward by the Academy in light of local data, in order to reach a decision on the actual number of learners to be funded. In all cases learning provision will be funded according to the same national funding formula as for all other provider types. Allocations will also be made according to the same timetable as for all other providers.

### Young Offenders

**44** Section 18A of the Education Act 1996 (inserted by 48 of the ASCL Act 2009), places a duty on 'host' local authorities (those with a juvenile Young Offender Institution in their area) to secure suitable education and training provision for young people in custody. The ASCL Act 2009 also provides for 'home' and 'host' local authorities to ensure the appropriate sharing of information about those young people to enable their engagement in appropriate education and training whilst in custody and on their re-integration into the community. This provision will continue to be directly contracted by the YPLA through to March 2012. The decision on the funding route and the future arrangements for management of the contracts for this provision after March 2012 is to be determined.

### Learners with Learning Difficulties and/or Disabilities

**45** There are currently three main routes for funding for learners aged 16-25 with learning difficulties and/or disabilities (LDD)/special educational needs (SEN):

- Post-16 SEN Block Grant – distributed to local authorities to cover expenditure on pupils aged 16-19 with statements at maintained mainstream and special schools, non-maintained and independent special schools.
- Additional Learning Support (ALS) – allocated to providers for direct support for learning to assist individual learners to reach their goals. ALS is split into two levels:

- lower level ALS is that below £5,500 (paid to school sixth forms and mainstream colleges). It is calculated using a formula for school sixth forms and a mix of formula and historical spend for colleges.
- higher level ALS is that between £5,500 and £19,000. This is paid to mainstream colleges and based upon a historical average spend per learner.

- Provision funded for individual learners with LDD aged 16-25, as part of the specialist placement budget, which includes specialist placements in mainstream general further education colleges, ALS costs over £19,000 in mainstream general further education colleges, and provision at independent specialist providers (ISPs) where the assessed needs of young people cannot be met locally.

**46** The Green Paper on SEN and disability published in March 2011 makes it clear that children and young people with SEN should be looked at on a consistent basis from 0-25, and should be funded accordingly. The YPLA is working with the DfE, local authorities and providers to review the options for new models of funding provision for learners with LDD, in line with the timetable set out in the SEN Green Paper. This would include giving local authorities discretion and allowing them to build and develop local provision (including non-mainstream options) which would give choice to young people and their parents, drawing in the voluntary sector and allowing students to live at home, participating in their community and work placements where they wish to do so.

**47** The YPLA will continue to fund ISPs directly in 2011/12 on behalf of local authorities and in relation to the local authority statutory duty to secure suitable education and training for young people aged 16-18 and those aged 19-25 subject to a learning difficulty assessment. For 2011/12, the arrangements for funding SEN and high cost ALS will remain unchanged.

### 16-18 Apprenticeships

**48** Under Section 15ZA(5) of the Education Act 1996, local authorities must, in making any determination as to the provision of Apprenticeships training that should be secured to meet the demand from young people for 16-18 Apprenticeship places, co-operate with the Chief Executive of Skills Funding. The NAS, housed within the Skills Funding Agency, is responsible for all aspects of 16-18 Apprenticeships.

**49** Local authorities, working with local partners, are responsible for identifying the overall needs of and demand from young people for Apprenticeship provision. The YPLA

and NAS will support this through the provision of data. The NAS will work with a range of partners, including employers and local authorities, to ensure that Apprenticeships are widely available to young people. In addition, the NAS will provide regular updates to the YPLA about Apprenticeship participation at a local authority level. This information will assist local authorities with their strategic planning and help identify those areas where additional actions by the NAS may assist to increase the availability of Apprenticeships in a specific area.

50 Although the NAS has overall responsibility for payment and performance management of providers delivering Apprenticeship provision, it delivers this function through a shared services agreement with the Skills Funding Agency. The NAS, through this agreement, has financial and delivery accountability for meeting the agreed Apprenticeship provision. The Skills Funding Agency agrees contracts with providers on behalf of the NAS. In managing the contracted provision, the Skills Funding Agency will monitor delivery and take-up of provision, including quality issues.

## Finance

### Direct funding

51 The YPLA will fund directly and pay Academies, sixth form colleges and independent providers, will fund and pay general further education colleges through the Skills Funding Agency, and will fund and pay local authorities for maintained schools with sixth forms. YPLA directly funded providers will receive their funding allocation by the end of March 2012 and their final, single funding agreement by the end of June 2012. Maintained schools with sixth forms are funded through their local authority and will be funded on the basis of allocations produced by the YPLA. General further education colleges will receive a funding agreement via the Skills Funding Agency on the basis of allocations produced by the YPLA. Independent Specialist Providers are funded on a termly basis. Further information on funding and payments can be found at [www.ypla.gov.uk](http://www.ypla.gov.uk).

### Financial Assurance Framework

52 The Joint Audit Code of Practice sets the principle of “one learning provider, one funding assurer.” Assurance work carried out at an individual learning provider will normally be performed by just one of the YPLA, Skills Funding Agency, or relevant local authority, with assurance obtained on behalf of the other funding bodies and shared as appropriate.

53 YPLA has lead assurer responsibility for those providers that the YPLA funds directly: sixth form colleges; Academies; some independent providers of foundation learning provision normally where the YPLA is the main funder; and

ISPs. The Skills Funding Agency has lead assurer responsibility for general further education colleges and the independent providers for which it is the agreed lead. Local authorities are the lead assurer for the provision they fund.

### Financial Monitoring and Intervention

54 Local authorities will financially monitor the provision they fund, and intervene as they deem necessary. The YPLA will have no role in monitoring local authority finances.

55 The YPLA has responsibility under its framework agreement with the DfE to monitor the financial health of providers it funds directly. For public interest providers (sixth form colleges and Academies), this responsibility extends to matters including these providers’ safeguarding of public assets and capital investment. The YPLA also has a role to support the Secretary of State in the charitable regulation of sixth form colleges and Academies. The YPLA will monitor the financial health of sixth form colleges, Academies, ISPs and those independent providers where the YPLA has lead responsibility.

56 Under Section 33G of the Further and Higher Education Act 1992 (as inserted by the ASCL Act 2009), local authorities have specific duties regarding consents to sixth form colleges for borrowing and to establish a certain type of subsidiary company. Ministers have announced that, subject to legislation, the duty on sixth form colleges to secure the consent of the local authority before borrowing will be repealed. A protocol has been established between YPLA and local authorities to facilitate the consent process whilst the statutory requirement remains. The YPLA will also provide information to local authorities to inform them of any emerging financial concerns relating to sixth form colleges which might require intervention under Section 56E of the Further and Higher Education Act 1992 (as inserted by the ASCL Act 2009). Where necessary, the YPLA will take action to require a sixth form college to take steps to improve its financial health or its financial control arrangements.

57 Before awarding contracts to independent providers, the YPLA assigns financial health ratings which are considered when allocations are determined. Allocations may be restricted and/or risk mitigation options implemented based on the outcomes of these ratings. The YPLA does not have responsibility for intervention in the event of financial failure by independent providers, but may withdraw its contract with that provider and fund alternative provision for at risk students.

# Performance and Intervention

## Data Collection

58 Data collection burdens are constantly under review and data will not be collected if they are not needed or used. Data are collected via the Data Service or DfE Data Services Division (DSD) and then analysed and presented by the YPLA to local authorities and to schools, colleges and other providers.

## Quality and Evaluation of Performance

59 Accountability for standards and continuous improvement is the responsibility of the school, Academy, college or other provider. Improvement support is generally provider led. The role of the YPLA is to provide information and analysis including performance against national minimum performance standards (or MLPs) and Ofsted (or other inspectorate) inspection outcomes, so that under-performance can be identified in a nationally consistent way. Identifying under-performance in this way will ensure that providers are fit to receive continued funding and students' provision is not put at risk.

## Performance Intervention

60 Alongside providers' own accountability for standards and improvement, there are processes to challenge significant failure and/or persistent under-performance and/or failure to improve, including formal intervention. Currently, under the ASCL Act, the YPLA and local authorities have separate statutory powers of intervention in respect of sixth form colleges. The YPLA has issued a statement of the policy to be followed by the YPLA and local authorities with respect to the exercise of their intervention powers. The Chief Executive of Skills Funding has statutory intervention powers in relation to general further education colleges, involving the local authority and the YPLA. Local authorities also have intervention powers in relation to schools, and the Secretary of State has the responsibility for Academies and Free Schools.

# Complaints Process and Health and Safety

## Complaints Process

61 Complaints by providers or local authorities on the YPLA's funding decisions will be dealt with under the YPLA's published procedure for dealing with complaints about the YPLA. Complaints by providers about local authorities will be dealt with under the local authority's complaints process. Complaints by students about providers should be pursued through the provider's own complaints process. If, having exhausted the complaints process, the student is still not satisfied, they may raise the issue with the YPLA, the local authority in the case of maintained schools with sixth forms, or with the Skills Funding Agency in the case of complaints about Apprenticeship providers and general further education colleges.

## Health and Safety

62 The responsibility for the health and safety of students lies with the provider. Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) reportable accidents in schools will be reported to local authorities. RIDDOR reportable accidents in sixth form colleges, general further education colleges, independent specialist providers and independent providers funded directly by the YPLA will be reported to the YPLA. Independent specialist providers are also required to report such accidents to the relevant local authority. Academies are requested to inform their Academies Lead Officer. It will be a condition of the YPLA's funding that providers have in place appropriate arrangements for complying with their responsibilities for the health and safety of students.



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