

### 03 - INSTITUTIONAL FRAMEWORK - PROVISION OF LEARNING OPPORTUNITIES

#### 0301 - LEGISLATIVE FRAMEWORK FOR VOCATIONAL EDUCATION AND TRAINING

No single piece of legislation provides the basis for the legal framework for education and training in the UK. Governance and system development has been regulated in a series of laws, each tackling different aspects of education and training.

Devolution of powers to Scotland, Wales and Northern Ireland has required legislation to define the boundaries of responsibility of each of devolved administration. Other legislation has covered:

- Reforming the organisations and structures for planning and funding provision
- Giving colleges in the further education sector independence from local authority control, allowing them to control their own budgets
- Revising the arrangements for approval of qualifications and the organisations responsible for that approval, as well as attempting to improve the flexibility and relevance of the qualifications
- Making provision for training for the unemployed.

Detailed regulations (for example lists of approved qualifications) do not form part of the legislation itself; instead the law provides for the government minister (acting on advice from the relevant advisory body) to issue lists or regulations from time to time.

Training in the UK has traditionally been 'voluntary' on the part of employers, rather than 'regulated' by the state, or 'negotiated by' the social partners, thus there is little legal obligation for employers to train staff, except where licensing of organisations or individuals is a requirement. Except in the construction and engineering industries, firms do not pay training levies.

The extent of collective agreements vary by industry and sector, although training has tended to be a matter left more to individual employers. For the last decade, the government places increasing importance on up-skilling the workforce and has strengthened sectoral approach to skills policy in the UK by enhancing the role of Sector Skills Councils (SSCs). SSCs are tasked with securing increased levels of investment in skills and training. In June 2007, the government launched the Skills Pledge, a voluntary, public commitment by the company's management to support all its employees to develop their basic skills and work towards relevant qualifications (at least level 2).

Unions are taking a stronger interest in training than previously with an increased state support by providing statutory status to Union Learning Representatives (ULR) and establishing Learning Fund. But the link between training, access to a job, salary level and progression is less clearly defined or regulated than in countries where a social partnership approach structures these arrangements.

Relevant legislation since 1944

The 1944 Education Act established the post-war settlement for education in England and Wales; not, however, for VET. New legislation was a rarity until the 1980s. This act does not apply to Scotland.

1969 Open University established

1987 Establishment in England of National Council for Vocational Qualifications (NCVQ) to approve the new National Vocational Qualifications (NVQs) and General National Vocational Qualifications (GNVQs), set up as competence based qualifications (not Scotland).

1988 Education Reform Act

The most fundamental legislation since 1944, which:

- Introduced a national curriculum and a compulsory system of summative assessment of young people's attainment at each key stage of compulsory education (not in Scotland);
  - Established Local Management of Schools (LMS), (not in Scotland);
  - Removed polytechnics from local authority control.  
*1990 Enterprise and New Towns (Scotland) Act*
  - Established SEN and HIE.  
*1992 Further and Higher Education Act and the Further and Higher Education (Scotland) Act*
  - Removed the 'binary' divide, unifying polytechnics and universities into a single system of independent, incorporated universities;
  - Gave further education (FE) colleges independence, giving them incorporated status.  
*1996 Education (Scotland) Act*
  - Established the SQA which replaced the Scottish Exam Board (SEB) and the Scottish Vocational Education Council (SCOTVEC).  
*1997 Regulations (UK)*
  - Established the New Deal, for unemployed people claiming benefit to actively train and seek work.  
*1997 Schools Standards and Framework Act (England and Wales)*
  - Encouraged schools to become 'specialist';
  - Gave more regulatory powers to the Secretary of State;
  - Set up education development plans (EDPs) and targets geared to school improvement;
  - Merged the previous School Curriculum and Assessment Authority (SCAA) and NCVQ to establish the Qualifications and Curriculum Authority (QCA) and, for Wales, established ACCAC;
  - Set up Education Action Zones (EAZs) to encourage multi-agency approaches in deprived areas.  
*1998 The Education (Northern Ireland) Order*
  - Sets out the arrangements for assessment and pupils performance, performance and management of schools, financing of schools and establishes the CCEA  
*1998 Teaching and Higher Education Act (England and Wales)*
  - Requires students to contribute to university fees, on a means-tested basis;
  - Entitles employed 16/17 year olds to time off for training.
- 1998 Scotland Act; 1998 Government of Wales Act; 1998 Northern Ireland Act*
- Enacted the elected Scottish Parliament and the Scottish Executive giving Scotland legislative powers, the elected Assemblies for Wales and Northern Ireland, giving extensive responsibilities for education and training to the devolved administrations.  
*2000 Learning and Skills Act (England and Wales)*
  - Established the Learning and Skills Councils (LSCs);

- Established the Connexions programme, a new advice and guidance service for young people in transition;
- Reformed funding and inspection arrangements, and changed the basis for the approval of qualifications (pre-19 and post-19).

2002 Education Act (England and Wales)

- Secondary schools are incentivised to become 'specialist' schools
- Ministers create powers for curriculum innovation;
- Schools enabled to form companies and federations;

2007 Education and Skills Bill

- Raises the age young people stay in education or training, with a duty on young people to participate in learning post-16 and to achieve higher levels of skill and qualification and on parents to assist their children to participate. By 2013, all 17 year olds, and by 2015, all 18 year olds, will participate in some form of education or training.
- Sets out duties on employers to release young people for the equivalent of one day a week to undertake training elsewhere (where the employer does not provide their own training).
- Introduces a duty on local authorities to ensure that young people participate and to provide the support service currently known as Connexions.
- Requires local authorities to assess the education and training needs of young people aged 16-19 with special educational needs.
- Requires the Learning and Skills Council to secure the proper provision of courses for learners over the age of 19.

2007 Further Education and Training Act

- Allowed FE colleges to award their own foundation degrees (ISCED level 5B).
- Replaced the 47 local LSCs with nine regional councils.
- Allowed other bodies to lead the strategic direction of the LSC.

### **0302 - INSTITUTIONAL FRAMEWORK: IVET**

There is no official definition of IVET in the UK and it can take place in various settings, which are administered by different bodies. There is no clear cut off between the IVET and CVET.

The devolution of governance in the UK means that the government and institutional frameworks differ between England, Scotland, Northern Ireland, and Wales, all of which have extensive autonomy. The institutional framework is complex, the table below (table 1) shows the allocation of responsibilities in broad terms, but the details may differ across the four nations of the UK.

The general pattern is as follows:

- Overall policy for vocational learning and skills is the responsibility of the Learning or Education Department of each national government, which also deals with school education.
- The funding, provision and management of learning opportunities within the learning and skills sector (see definition below) in each nation is delegated to a funding council

(LSC in England until 2010, then to be replaced by two new bodies), which determines priorities and the allocation of funding, as well as overseeing data collection.

- Regional and local bodies advise on the provision of learning opportunities to meet local needs, within the overall national policy and funding arrangements, but individual colleges have considerable autonomy.
- Inspection of the quality of provision is the responsibility of an independent body in each nation, as is research, evaluation of initiatives and staff development.
- Approval of qualifications for use in publicly funded provision is the responsibility of an 'accrediting body' for each nation, although those for England, Wales and Northern Ireland work closely on accreditation issues.
- Training programmes for the unemployed are the responsibility of the UK Department of Work and Pensions, working with the governments of the devolved administrations.
- Sector Skills Councils, responsible for identifying skills needs in economic sectors and for defining the occupational standards on which occupational qualifications are based, work across the UK, as does their co-ordinating body, the UK Commission for Employment and Skills (UKCES), which replaced the Sector Skills Development Agency in early 2008.
- Awarding bodies develop and award a wide range of qualifications. Awarding bodies are private companies in their own right (with either commercial or charitable status), although they are subject to regulation by accreditation bodies, e.g. Qualifications and Curriculum Authority (QCA)<sup>8</sup> (England), Department for Children, Education, Lifelong Learning and Skills (DELLS) (Wales), and Council for Curriculum, Examinations and Assessment (CCEA) (Northern Ireland).

The learning and skills sector comprises further education colleges (including both general and specialist colleges and also Sixth Form colleges), post-compulsory education in school sixth forms, government funded work-based learning for young people (including Apprenticeships) and adult and community learning. The sector also has responsibility for workforce development issues, guidance for adults and education/business links.

Vocational Higher Education, whether undertaken in universities, in other institutions of higher education or in further education institutions, is the responsibility of the higher education funding and quality agencies.

Table 1: Allocation of VET responsibilities

	<b>ENGLAND</b>	<b>WALES</b>	<b>N. IRELAND</b>	<b>SCOTLAND</b>
<b>OVERALL POLICY FOR VOCATIONAL EDUCATION AND SKILLS</b>	Department for Children, Schools and Families (DCSF), Department of Innovation, Universities and Skills (DIUS)	Department of Children, Education, Lifelong Learning and Skills (DCELLS)	Department for Employment and Learning Northern Ireland (DELNI)	Scottish Executive Enterprise, Transport and Lifelong Learning Department (SEETLLD)
<b>FUNDING OF</b>	National	Department of	Department	Scottish

<sup>8</sup> The regulatory function was taken over from QCA by Qfqual, a new body established in 2008.

<b>PROVIDERS IN THE LEARNING AND SKILLS SECTOR (COLLEGES OF FURTHER EDUCATION, ADULT LEARNING AND WORK-BASED LEARNING PROVIDERS); DETERMINING NATIONAL PRIORITIES</b>	Learning and Skills Council (National LSC)	Children, Education, Lifelong Learning and Skills (DCELLS)	for Employment and Learning Northern Ireland (DELNI)	Funding Council (SFC)
<b>DETERMINATION OF PRIORITIES AT REGIONAL LEVEL AND RATIONALISATION OF PROVISION</b>	Local Learning and Skills Councils (local LSCs) via the Strategic Area Review (StARs) process. Liaison with Regional Development Agencies (RDAs).	Welsh Assembly (WA) regional offices via Regional Statements of Needs and Priorities and in consultation with Community Consortia for Education and Training		Scottish Enterprise (SEn) and Highlands and Islands Enterprise (HIE) working with Local Enterprise Companies (LECs)
<b>INSPECTION OF PROVISION IN COLLEGES AND WORK-BASED TRAINING</b>	<a href="#">Ofsted</a> (Office for Standards in Education, Children's Services and Skills)[1]	Estyn (HM Chief Inspector of Education and Training in Wales)	DENI (Department of Education, Northern Ireland) on behalf of DELNI	HMI (Her Majesty's Inspectors, Scotland, as for Scottish schools)
<b>RESEARCH AND STAFF DEVELOPMENT</b>	Learning and Skills Network (LSN)	Dysg (Division of DCELLS)	Learning and Skills Network, Northern Ireland (NI arm of LSN)	Scottish Further Education Unit (SFEU)
<b>APPROVAL OF QUALIFICATIONS WHICH MAY BE SUPPORTED BY PUBLIC FUNDING</b>	QCA <sup>910</sup>	DELLS – but NVQs are the sole responsibility of QCA	CCEA – but NVQs are the sole responsibility of QCA	SQA (Scottish Qualifications Authority)
<b>EMPLOYMENT POLICY AND THE NEW DEAL (FLEXIBLE PROGRAMME OF</b>	DWP	DWP in conjunction with Wales Employment	DELNI	DWP in conjunction with Scottish

<sup>9</sup> In 2008, a new body for regulation and accreditation of qualifications (Ofqual) was formed, taken these functions over from QCA.

<b>ADVICE AND TRAINING FOR THE UNEMPLOYED)</b>		Advisory Panel		Executive
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<b>OVERALL RESPONSIBILITY FOR THE DEVELOPMENT OF OCCUPATIONAL STANDARDS AND THE LICENSING OF SECTOR SKILLS BODIES</b>	UKCES In the occupational standards programme, UKCES works in conjunction with SQA and QCA through the Projects and Standards Approval Group (PSAG)
<b>DEVELOPMENT OF OCCUPATIONAL STANDARDS FOR SPECIFIC ECONOMIC SECTORS, TOGETHER WITH WORK TO IDENTIFY AND REDUCE SECTORAL SKILLS GAPS AND INCREASE OPPORTUNITIES FOR WORKFORCE DEVELOPMENT</b>	SSCs (25), with special arrangements for some more specialised areas
<b>IMPROVEMENTS IN PRODUCTIVITY AND SKILLS</b>	DIUS (England)
<b>REGIONAL ECONOMIC DEVELOPMENT AND REGENERATION, IMPROVEMENTS IN COMPETITIVENESS, BUSINESS EFFICIENCY AND INVESTMENT.</b>	RDAs (England) – responsible to the Department for Business, Enterprise and Regulatory Reform  The Welsh Development Agency was merged into the Welsh Assembly Government in April 2006 and is now mainly housed in the Department for the Economy and Transport (DE &T)
<b>SETTING REGIONAL PRIORITIES AND TARGETS FOR IMPROVING THE SKILLS BASE.</b>	Frameworks of Regional Employment and Skills Action (FRESAs)

Notes:

Local authorities (LAs) in England and Wales, Education Authorities (EAs) in Scotland and Education and Library Boards (ELBs) in Northern Ireland now play little part in post-compulsory education, although they continue to have a role in school education (IVET).

#### **ROLE OF SOCIAL PARTNERS**

The extent of social partnership in the UK is generally limited and it is not a widely understood concept. Traditionally, training in the UK is employer-led on a 'voluntarist' model. Nevertheless, stakeholders' participation in formulating VET is characterised in the different ways that industrial relations operate, through different models and at different levels of formality.

Traditionally, workplace qualification and training were seen as the domain of the employers. In the past two decades, the state has become increasingly involved and there are strong signs that collaboration between employers and employees' organisations is increasing.

Three models represent social partnership arrangements in the UK:

- Collective bargaining;
- Consultation;
- Participation in formal structures.

Collective bargaining within the qualifications system tends to be limited to mainly localised negotiations on access to training and qualifications, including apprenticeship arrangements. The last two tend to be a feature of training policy at national or sectoral level and the design, development, implementation and evaluation of the system.

At national level, consultation is the primary mechanism. Participation occurs more at sectoral level. All three models include formal and informal mechanisms. These, and different levels of involvement, come into play in different parts of the system: VET policymaking, strategic planning, design, implementation and evaluation.

Union learning representatives have recently been enacted for workplaces. Trade unions are, increasingly, seen as an important stakeholder in developing workplace learning from a number of lifelong learning initiatives, i.e. a network of learning representatives and a Union Academy, which offers working people learning where and how they want it, commissioning courses from colleges, universities and other providers. Set up, owned and run by unions, the Union Academy aims to transform access to learning for people at work. In Scotland, the STUC is looking to develop union learning in a similar way and is looking at the feasibility issues for the establishment of a Scottish union learning institution.

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[1] New Ofsted was established on 1 April 2007 by merging with the Adult Learning Inspectorate (ALI)

### **0303 - INSTITUTIONAL FRAMEWORK: CVET**

See 0302