

Skills Conditionality – Government response to the consultation

March 2011

Contents

- Introduction..... 4
- Overview of main themes from respondents 6
- Summary of responses..... 7
 - What risks and opportunities does this proposal present for colleges and training providers or Next Step prime contractors? 7
 - How can we minimise any risks for the skills system, while optimising the impact on participation and completion rates and employment outcomes? 9
 - What factors are likely to influence how colleges and providers respond to this policy change, and in what ways? 11
 - What do we need to do to ensure that Jobcentre Plus advisers provide people with the best opportunities to improve their skills, whilst ensuring local decision making and flexibility? 13
 - How can we best manage the process of asking people to return to a training course that they have previously left, in particular, in relation to the role of Jobcentre Plus, and the implications for the claimant and the college or training provider or Next Step provider?..... 15
 - What information do providers (including Next Step) require in order to enable them to ensure that mandated learners are placed on the most appropriate provision?..... 17
 - What is the best way to ensure effective feedback takes place so that everyone gets the information they need with the minimal amount of bureaucracy? 18
 - What further steps do we need to take to ensure that claimants are clear on the requirements placed on them once they are referred to careers advice and/or skills provision and the consequences of failing to attend?..... 19
 - Are there any other points you wish to make about the implementation of Skills Conditionality 20
- Annex A – Respondents to the consultation 22

Introduction

1. The Government is committed to ensuring that people prevented from getting and keeping a job by a lack of skills are supported and encouraged to address their learning needs. Regulations will make provision for Jobseekers Allowance (JSA) and Employment Support Allowance (Work-Related Activity Group) (ESA WRAG) claimants to be referred to skills provision on a mandatory basis. This means that where a requirement is placed on a claimant to attend training and they subsequently fail to attend or complete skills provision without good cause, they could potentially be subject to a benefit sanction.
2. Following the Government's decision to roll out Skills Conditionality, a consultation document was published on 9 December 2010. The consultation, conducted jointly by the Department for Work and Pensions (DWP) and the Department for Business, Innovation and Skills (BIS), sought views to inform the implementation of Skills Conditionality.
3. Skills conditionality involves Jobcentre Plus referring claimants to a skills training provider, Further Education College or Next Step adviser with potential benefit sanctions for non-participation. The training will include vocational skills; basic skills, such as literacy, numeracy and employability training. The aim of the policy is to ensure that those claimants on active benefits¹ who have a skills need preventing them from getting and keeping a job take the necessary steps to address that need as part of their journey back to work.
4. The consultation period ended on 3 February 2011.
5. 120 responses were received from a variety of delivery partners, other organisations and individuals, covering a broad range of issues. A list of respondents is included at Annex A. Meetings were also held with stakeholders including skills providers and claimant representative groups. In addition, Jobcentre Plus staff were asked for their views via an internal website called Speak Up. There were also some responses from individual members of the public. This document sets out the main points made by respondents and provides the Government response.
6. The Government would like to thank all those who responded to the consultation. We will now review our delivery plans in light of the comments that we have received.

¹ Throughout this document, the term 'active benefits claimants' is used to refer to claimants of Jobseeker's Allowance (JSA) and in the Work-Related Activity Group of Employment and Support Allowance (ESA-WRAG).

Consultation response – Skills Conditionality

A paper copy of this document can be obtained from:

Department for Work and Pensions

Partnerships Division

2nd Floor, Caxton House

Tothill Street

London

SW1H 9NA

Phone 0207 449 5491

Fax 0207 340 4340

Email skills.conditionality@dwp.gsi.gov.uk

Overview of main themes from respondents

7. The majority of respondents supported the policy objective of improving claimants' attendance at training provision and careers guidance sessions; and recognised the potential for Skills Conditionality to help colleges and training providers and Next Step to improve attendance on provision, particularly among disengaged learners. A number of risks were also identified, including both financial and reputational risks for colleges and training providers if mandatory referrals result in fewer learning achievements. Concerns were also raised around the potential additional administrative burden on colleges and training providers.
8. Many commented that the key to success lies in effective working relationships at a local level as well as a clear understanding on all sides of the role and responsibility of the claimant, the Next Step careers adviser, the Jobcentre Plus adviser and the college or training provider.
9. It was considered important that Jobcentre Plus advisers are provided with information on the types of training on offer through local colleges and training providers; and how these link to the needs of employers in the local labour market. A greater understanding of the Next Step service offer is also required to ensure that Jobcentre Plus referrals are appropriate.
10. In implementing the policy, there was a plea for bureaucracy to be kept to a minimum; and for a secure means to transmit data electronically between all parties, in order to streamline information sharing processes.
11. In the main, Jobcentre Plus advisers were supportive of the policy and felt that they should have the option of mandating claimants with skills needs to training.

Summary of responses

Question 1

What risks and opportunities does this proposal present for colleges and training providers or Next Step prime contractors?

Leading themes from the respondents

12. Respondents consistently identified that Skills Conditionality presents an opportunity:

- To improve claimants' attendance on training provision and careers guidance sessions, supporting more of them to address skills barriers to employment and secure sustainable work;
- For colleges and training providers and Next Step to engage with the hardest to reach potential learners; and
- To develop or strengthen local partnership working arrangements between Jobcentre Plus, colleges, training providers and other delivery partners, including Next Step.

13. A number of risks were identified including:

- Learners referred under the threat of sanction may be disruptive, which could impact on the experience of other learners;
- The need to report attendance patterns to Jobcentre Plus to support the enforcement of conditionality may bring with it an administrative burden on colleges and training providers, and divert resources away from teaching and learning;
- Requiring claimants to attend careers guidance sessions could affect the perceived independence of the Next Step service, impacting on the client's commitment and potential for the intervention to be motivational; and
- Funding for skills provision may be insufficient to meet demand, or to address the more complex needs of mandated learners who may need a greater level of support to engage with training.

Government response

14. Improving claimants' attendance on training provision is a core aim of Skills Conditionality. In particular, we know from evidence on take-up of current skills interventions for unemployed people in England that there are high levels of drop-out between referral from the Jobcentre and attending an initial provider interview

Consultation response – Skills Conditionality

or starting on the course.² We anticipate that the introduction of mandatory referrals will help to address this issue.

15. We agree that there is the potential for these proposals to extend the reach of providers into communities and stimulate them to develop further their capacity to support excluded individuals.
16. The potential for Skills Conditionality to strengthen existing partnership relationships is also recognised. In future, colleges and training providers will have greater freedom to tailor their provision to the needs of their local community and Jobcentre Plus will have a vital role in shaping that offer. Jobcentre Plus already works closely with colleges and independent training providers and will continue to build on these working relationships at local and national level, including through the implementation of Skills Conditionality, which will rely on strong communication links between local partners including Next Step.
17. We recognise that some mandated claimants may be less inclined than voluntary participants to engage positively in learning and that presents a risk for colleges and training providers – and for the other learners on the course. Jobcentre Plus advisers will have an important role to play in assessing what type of support each claimant needs and referring to skills provision only those claimants whom they judge will benefit from the intervention. The college or training provider will also have the opportunity, following their initial assessment of the claimant, to indicate to Jobcentre Plus if they do not think the claimant is suitable for the proposed skills intervention (or the skills intervention for the claimant). In this case, the Jobcentre Plus adviser would need to reconsider the requirement on the claimant. If accepted onto the course, the claimant would be expected to adhere to the code of conduct set by the college or training provider (including in relation to their attendance, level of participation and behaviour). Failure to do so could lead to dismissal from the course, which may result in their benefits being sanctioned. This would be explained to them at the point of referral, by their Jobcentre Plus adviser, and would normally be reinforced by the college or training provider, so the claimant is clear about the level of engagement expected of them.
18. To minimise the risk that Skills Conditionality places administrative burdens on colleges and training providers, we are giving careful consideration to how the referral and feedback process can be made as streamlined and manageable as possible for all parties. We recognise the importance of setting national parameters in order to ensure consistency, whilst building in scope for local flexibility around their implementation. We will involve Jobcentre Plus and skills sector organisations closely in the development of these parameters, to ensure they reflect the needs of both sides.
19. We recognise that where individuals are required to undertake a careers guidance interview with the Next Step service they may be reluctant to recognise

² 'Attendance rates at Training', DWP Ad-hoc publication, February 2011

the benefits that the service can offer. Next Step and Jobcentre Plus will work together to ensure that Jobcentre Plus advisers understand and can identify which individuals will benefit from careers advice. Next Step careers advisers are trained professionals with experience of dealing with individuals of many different types. Nevertheless, we are committed to the continued development of the workforce. We are working with the Career Profession Alliance to implement the recommendations of the Careers Profession Task Force, to ensure that we have a highly qualified, dedicated, professional workforce able to respond positively to the challenges they face as we move forward with the all-age careers service.

20. Some respondents raised concerns about whether, in the current fiscal climate, skills funding would be sufficient to meet the needs of unemployed learners, especially those mandated to training. We recognise that, as part of the spending review, tough decisions about departmental budgets have been taken. However, as set out in 'Investing in Skills for Sustainable Growth', published on 16 November 2010, there remains a significant investment of £3.9 billion in post-19 FE and Skills. This will include fully subsidising literacy and numeracy for adults with basic skills needs; protecting £210m for informal adult and community learning and retaining a full fee subsidy for 19 to 23 year olds without a first full Level 2 or 3. In addition, from August 2011, colleges and training providers in receipt of the Adult Skills Budget will be able to offer active benefits claimants a wide range of fully funded provision. This can include units and awards from the Qualifications and Credit Framework (QCF) as well as full qualifications, in order to maximise opportunities for credit accumulation and transfer. It will be up to each college and training provider to determine how best to use these new flexibilities to respond to the needs of its local community and economy, including the Jobcentre Plus client group. We are also piloting job outcome incentive payments from August 2011, to reward colleges and training providers for the work they do to help people who are unemployed to move into work. Helping mandated learners to move into employment will therefore provide an opportunity for colleges and training providers to maximise their income and performance in this area.

Question 2

How can we minimise any risks for the skills system, while optimising the impact on participation and completion rates and employment outcomes?

Leading themes from the respondents

21. The following suggestions were made:

- Respondents (particularly colleges and training providers) felt that the risks for the skills system could best be minimised by adjusting the performance expectations for skills providers working with mandated learners, to reflect the challenge involved in supporting this client group; and by giving employment

Consultation response – Skills Conditionality

outcomes parity with learning achievements in the rewards and incentives structure.

- A high-quality initial diagnosis of skills needs by Jobcentre Plus, in conjunction with the skills provider and/or Next Step, resulting in appropriate referrals to provision and/or an agreed skills action plan was cited as a critical factor in delivering positive outcomes for claimants.
- Retention rates could be improved if impartial, qualified Information Advice and Guidance practitioners are involved in the initial assessment stage, to help Jobcentre Plus claimants understand the full range of options available to them and the implications of these.
- It was suggested that reasonable adjustments to course delivery may be needed for some claimants, such as those with mental health issues or learning disabilities.
- Flexibility around attendance patterns may help to support attendance and, where possible, claimants should have some choice about what they learn and where they learn it.
- In addition, to ensure claimants are supported to access the provision, respondents asked that consideration be given to travel arrangements and costs as well as those associated with childcare.

Government response

22. We recognise the importance of ensuring that financial rewards and performance measures do not unwittingly create barriers to colleges and providers working with unemployed learners, and we are actively considering how to achieve the right balance.
23. We are considering the current approach to success rates, with a view to minimising the risk of disadvantaging those colleges and providers whose learners are successful in gaining employment, but where, currently, that is not recognised as an achievement and where providers may be penalised accordingly. We will also review our approach to Minimum Levels of Performance – as we recognise that qualification success rates may not be the most suitable method for assessing the quality of provision targeted at the unemployed.
24. Active consideration is also being given to the most effective way to reward colleges and training providers for getting unemployed learners into work, through the piloting of job outcome incentive payments from August 2011, which will help to maximise employment outcomes delivered through skills interventions.
25. We agree that the Jobcentre Plus adviser has a crucial role to play in ensuring the right claimants are referred to training at the right time. At an early stage of a claim to benefit, Jobcentre Plus advisers are expected to identify if there is a potential skills need. If the Jobcentre Plus adviser has a clear idea of the sort of provision needed he or she can make a referral to a college or training provider for an initial interview to assess the claimant's needs more fully and determine the

Consultation response – Skills Conditionality

most appropriate provision to address them. Alternatively, if the Jobcentre Plus adviser thinks a more in-depth diagnosis of the individual's skills needs is required at the outset, then a referral to Next Step can be made. Next Step will provide a Skills Action Plan which will identify key actions, including suitable training courses. Using the feedback from Next Step, the Jobcentre Plus adviser will make a decision on referring the claimant to a college or training provider.

26. We know that individuals will benefit from getting the right advice as early as possible. That lies behind our plans to improve the working relationship between Jobcentres and the Next Step careers service. Through co-location of careers advisers in Jobcentres and the regular exchange of information about individuals, there will be increased opportunities for advisers locally in both organisations to get together and discuss the most suitable options to give them the right skills and help them back into work. Through making better informed decisions about training, and understanding the benefits it brings, individuals are more likely to see their course through and increase the likelihood of getting a job.
27. A flexible, responsive training offer where both vocational units and qualifications reflect up-to-date employment standards; and which engages the learner and reflects their needs, interests and preferences, will also be very important. We recognise that people cannot be forced to learn, but training can be designed and delivered in ways that engage the learner; recognising their learning preferences and their starting point in terms of previous learning.
28. We recognise that flexible, accessible course delivery models are vital in ensuring that those who need training can get the right support. For example, a classroom-based approach is not always appropriate and some learners will make better progress in a work-based environment, or where training is delivered at a time and place that works for them. For learners with disabilities, including learning disabilities, the Further Education sector has a good record of providing access to appropriate, good-quality learning opportunities, and the Government is supporting a programme of continuous improvement which helps keep the skills of staff up-to-date.
29. All those who are mandated to training will have their travel and childcare costs met, whether they train on a full or a part-time basis.

Question 3

What factors are likely to influence how colleges and providers respond to this policy change, and in what ways?

Leading themes from the respondents

30. In addition to those cited under question 2 above, key factors identified by respondents included:
 - The strength and effectiveness of local partnership working arrangements with Jobcentre Plus;

Consultation response – Skills Conditionality

- The volume and appropriateness of Jobcentre Plus referrals, which determine the viability of courses; and
- A secure means to transmit data electronically, to streamline information sharing processes and minimise administrative burdens.

Government response

31. To support effective partnership working, it will be important to ensure, through early and constructive local dialogue, that Jobcentre Plus and learning providers share common assumptions about anticipated patterns of supply and demand for training. We recognise that this local dialogue is already under way in many areas, to plan appropriate skills provision for Jobcentre Plus claimants. At national level, the Skills Funding Agency and Jobcentre Plus are working together with skills sector bodies including the Association of Colleges and the Association of Learning Providers, to develop these relationships further.
32. Jobcentre Plus screen claimants for any potential skills needs in relation to the claimant's job goals. Further skills assessments conducted by Next Step and the learning providers will confirm the claimant's suitability for referral to training. The volumes of referrals will be monitored at both local and national level.
33. New data sharing legislation has already been put in place under powers contained in the Welfare Reform Act 2009, to allow proportionate³ sharing of claimant information between organisations that are supporting Jobcentre Plus claimants with their employment, skills and training needs. To minimise bureaucracy and provide a seamless service to the claimant, the regulations allow for information to be shared without the need to repeatedly obtain claimant written informed consent each time updated information is gathered and shared.
34. We are looking at ways to streamline the processes that underpin data sharing by developing approaches which make better use of modern technology, taking into account the needs of Jobcentre Plus, Next Step, colleges and independent training providers. In addition, we are looking at how we can further align Next Step in Jobcentres to facilitate a greater understanding of both services; support appropriate referrals between organisations; and simplify processes for sharing information.

³ Proportionate information will consist of data such as personal details, factual and non contentious information, for example: name/address, current qualifications and types of skills support required. The sharing of sensitive information, for example; claimant offending history or offending restrictions will continue to require the claimant's written informed consent to share.

Question 4

What do we need to do to ensure that Jobcentre Plus advisers provide people with the best opportunities to improve their skills, whilst ensuring local decision making and flexibility?

Leading themes from the respondents

35. Respondents made several recommendations in relation to the role of the Jobcentre Plus adviser, for example:

- It was proposed that there should be information available to broaden advisers' awareness of the range of providers and the different types of provision available locally. Some suggested visits by Jobcentre Plus staff to provider premises in order to fully understand the nature of the provision to which they will be referring claimants;
- A comprehensive staff development programme should be put in place for Jobcentre Plus advisers to reflect the breadth required in their advisory role;
- Advisers need to have up-to-date labour market information on the skills needs of employers and subsequent referrals to training should be based on individual need, not driven by specified referral volumes;
- There needs to be effective joint working across Government organisations, including the Probation Service, to ensure claimant needs are fully considered before a referral to training;
- Jobcentre Plus advisers need information about the role of Next Step, the Next Step service offer and when to refer to it, to ensure consistent messages regarding expected outcomes from careers advice sessions are provided to the claimant from Jobcentre Plus and Next Step advisers; and
- Claimants should be able to raise any concerns about their training, without fear of their benefits being stopped.

Government response

36. Jobcentre Plus District Managers will influence the types of training available locally, by setting out for colleges and training providers their claimants' requirements, in light of the needs and characteristics of the claimant base and the local labour market. To improve advisers' awareness of the resulting local provision, a District Provision Tool has been developed that makes information available to all staff on providers and the sorts of provision they can offer. The menus are maintained nationally to ensure the product fits with new or changing provision requirements. Each District has its own Provision Tool and is responsible for adding relevant local information. This information will help advisers to refer claimants directly to the most appropriate provider. The provider will then discuss and agree with the claimant the most appropriate course for them.

Consultation response – Skills Conditionality

37. Jobcentre Plus has developed a new learning framework to build adviser capability and to reflect the breadth required in their advisory role. Since April 2010, advisers have had access to this new and improved learning route way which offers them a means of assessing their capability level in order to plan their learning and enhance their advisory skills. Identification of potential skills needs via Skills Screenings have become an integrated part of Work Focused Interviews delivered by Jobcentre Plus advisers.
38. Jobcentre Plus handle significant numbers of vacancies to which advisers have access; and this has recently been supplemented with a new Labour Market Intelligence hub. The hub is IT based and provides a range of labour market and recruitment information on each of the key occupational sectors. In addition, advisers have regular meetings in local offices with employer advisers who handle relationships with employers. Through these meetings, advisers are made aware of forthcoming recruitment areas, growth areas and new developments. This information should inform regular discussions with training providers to ensure appropriate provision is available to provide the training needed to move Jobcentre Plus claimants into jobs in the local labour market.
39. In relation to joint working with Probation Services, officials in the Skills Funding Agency have been working closely with National Offender Management Service (NOMS) officials since the publication of ‘Developing an improved learning and skills offer for offenders in the community’ in September 2009. Their focus has been on improving the way Probation Trusts, Jobcentre Plus, colleges and other providers work together to improve the arrangements for referring probation clients to colleges and other providers and for feeding back the results of those referrals. More recently, the joint strategic review by the Ministry of Justice and the Department for Work and Pensions, ‘Improving Offender Employment Services’ has introduced changes that support and strengthen frontline partnership working between Jobcentre Plus and Probation Trusts, helping both to understand better the offender offer. The review recommendations include ‘single points of contact’ within Jobcentre Plus and NOMS in each District to deliver a more joined-up service; and consent-based sharing of claimant information, to ensure the most appropriate support is provided.
40. Similarly, different parts of the education system, health and employment services are working together to ensure that people with complex needs can fulfil their potential, for example, through the proposed development of a single assessment process for claimants with disabilities, to ensure more effective delivery and better value for money.
41. We recognise there is a need for Jobcentre Plus advisers to have greater awareness and understanding of the Next Step service and how it can support claimants. Qualified Next Step careers professionals support Jobcentre Plus claimants by offering them a Skills Health Check. This involves one to one careers guidance session(s) to:
- Identify the skills that are most likely to help the individual enter and progress in sustainable employment;

Consultation response – Skills Conditionality

- Ensure these are relevant to the requirements of employers in the local labour market; and
 - Understand how and where they can get the necessary skills and qualifications.
42. Jobcentre Plus claimants can have access to free face-to-face sessions with a careers adviser resulting in a personalised Skills Action Plan. Further support from Next Step is available via the telephone and web channels. This will set out agreed actions to tackle skills gaps and gain sustainable employment. The Skills Action Plan is passed over to the Jobcentre so that personal advisers know what course of action has been agreed. Wherever possible, careers advisers are being located in Jobcentres to bring the two services closer together and improve the customer experience.
43. We agree that claimants should be able to raise any concerns about their training, without fear of their benefits being stopped. This could be through discussion with their Jobcentre Plus adviser (for example, if they consider that the course is not right for them and that they need something different), with their course tutor, or another contact at the college or training provider (for example, if they are not happy with the provision itself).
44. The quality of teaching and learning in Further Education is independently assured by Ofsted. The Skills Funding Agency contractually requires colleges and training providers to publish their complaints process including the escalation process. The details are made available to learners via the college or provider's website, their student handbook and/or their prospectus. In all cases complaints are dealt with by the organisation concerned; and if they remain unresolved are then referred to the Skills Funding Agency for further investigation/ adjudication.
45. At the point of referral to training, as part of the conversation about mandatory attendance and possible consequences of failing to attend, the Jobcentre Plus adviser will need to explain to the claimant what they should do if they have a genuine concern about the suitability or quality of the provision. Where a concern is raised which the Jobcentre Plus adviser judges to be genuine, and which cannot be resolved informally or through the college/provider's complaints resolution process, the adviser will need to consider whether to relax or amend the requirement for the claimant to participate.

Question 5

How can we best manage the process of asking people to return to a training course that they have previously left, in particular, in relation to the role of Jobcentre Plus, and the implications for the claimant and the college or training provider or Next Step provider?

46. It is expected that active benefit claimants should be required to do everything that can reasonably be expected of them to find work or prepare for work. Under

Consultation response – Skills Conditionality

the current regime, failure to attend relevant skills training could result in a sanction for up to 26 weeks. However, if the claimant re-engages with the training the sanction can be reduced.

Leading themes from the respondents

47. The following comments were made:

- Respondents cited flexibility as the best way of managing any potential risks around asking people to return to training. This was described as allowing claimants to meet childcare and caring responsibilities; moving them between courses where appropriate; and making arrangements to sign at the Jobcentre at a time when it does not impact on the learning;
- Several stakeholders suggested that Jobcentre Plus nominate a specific contact for the provider to come back to in the case of queries or issues;
- Where the learner fails to attend, the reasons should be fully explored before the claimant is put back onto the course;
- Clarity is required regarding the respective roles of Jobcentre Plus, training providers and Next Step in supporting a claimant back into learning and how the claimant commitment and various action plans could be used to inform decisions on how barriers to the claimant's engagement should be addressed; and
- Colleges and training providers have their own mechanisms for supporting non-attending learners. In many instances very minor interventions can bring people back into training.

Government response

48. It is important that Jobcentre Plus, training providers and Next Step work together to support claimants to re-engage. As well as the need for feedback to support a referral to training, it is just as important for regular feedback to take place whilst a claimant is on training in order to identify any problems early on and support the claimant to re-engage. Jobcentre Plus, training providers and Next Step will all have a role to play in helping claimants to re-engage. We also agree that it is important that the Jobseekers Agreement/claimant commitment and the action planning process do inform decisions on how barriers to engagement can be addressed. This may help to reduce the number of referrals to Decision Makers for a sanction.

49. We agree that there is a need to introduce flexibility into the system so that individual needs can be met. When claimants are referred or re-referred to training the Jobcentre Plus adviser will consider the individual circumstances of the claimant, including any caring responsibilities. Attendance times will then be agreed between the provider and the individual. Jobcentre Plus will ensure attendance allows the claimant to continue to meet their benefit entitlement responsibility.

50. The flexible Jobcentre Plus model involves claimants being allocated with the same adviser from the beginning of their claim. This should address the need for providers to have a specific contact in Jobcentre Plus in the case of any queries or issues. Referral paperwork will have full details of the adviser and relevant contact information for provider reference.
51. We recognise that providers have their own mechanisms for supporting non-attending learners and that these include effective, targeted interventions that often result in re-engagement. We also recognise the potential impact of re-engaging learners who have left provision on colleges' and providers' success rates, and will consider carefully how the associated risks may be managed, as part of our consideration of the current approach to success rates, mentioned at paragraph 23 above.

Question 6

What information do providers (including Next Step) require in order to enable them to ensure that mandated learners are placed on the most appropriate provision?

Leading themes from the respondents

52. The majority of respondents commented that providers should have access to information about the claimant's employment history; career aspirations and job goals; levels of literacy and numeracy; other training undertaken in recent years; and information on other relevant personal circumstances such as caring responsibilities, and other barriers to work. Sharing this information up front will support better decisions about the course content and delivery model that are right for the individual, leading to a higher chance of attendance;
53. It was recognised that sharing this level of information could be made significantly easier by the introduction of a secure electronic system for transferring information between delivery partners; and,
54. In addition, the regular sharing of up-to-date labour market information was cited as an important determinant of the relevance of the training on offer.

Government response

55. We are taking forward work to allow proportionate sharing of claimant information between organisations that are supporting Jobcentre Plus claimants with their employment and skills needs. For some types of information, the informed consent of the claimant would still need to be collected before this information could be shared. Work Programme and skills providers are responsible under the Data Protection Act 1998 for ensuring data security, and will need to ensure that only proportionate information is shared for the purpose of supporting Jobcentre Plus claimants with their skills, employment or training needs.

56. As set out in paragraph 33 above, we are looking at ways to improve the processes that underpin sharing data, by developing approaches which make better use of modern technology. We also set out in the response to Question 4 that District Managers will need to share their local labour market intelligence and information with providers in order to influence the training that will be on offer.

Question 7

What is the best way to ensure effective feedback takes place so that everyone gets the information they need with the minimal amount of bureaucracy?

57. Respondents made the following recommendations in terms of sharing information:

- Action Plans detailing progression should be aligned and available to Jobcentre Plus advisers, Next Step and skills providers;
- The process for sharing feedback on attendance and participation needs to be clarified;
- Advisers should have access to transparent information about provider performance, including claimant feedback where appropriate;
- There should be a named linked Jobcentre Plus adviser with each FE College; and,
- Once claimants have entered the Work programme there is a potential risk of duplicating the type of training/development that a candidate receives if there is not a clear process to share information on an individual.

Government response

58. The Skills Action Plan is the key output for any unemployed person who gets careers advice. For any claimant Next Step will make their Skills Action Plan available to the Jobcentre. We will encourage Jobcentre advisers to discuss those plans with the claimant and if appropriate the careers adviser as well.

59. Work is under way to clarify the parameters for sharing feedback on claimants' attendance and participation. As set out in section 1, the detailed business processes for doing this will need to be determined at local level, but the national parameters will be developed as part of our implementation plans. We will involve delivery partners closely in their development, to ensure they reflect the needs and perspectives of all parties.

60. We agree that Jobcentre Plus advisers need access to clear information about provider performance. A Public Information system is being developed by the Further Education sector to ensure that learners and employers can choose from a greater range of comparable information across post-16 education and training providers. This information will help them - and those advising them on career

Consultation response – Skills Conditionality

prospects and skills delivery - to assess the quality of provision available across a range of institutions and courses. This builds on what has already been achieved through Framework for Excellence which published its first set of results at provider level in December 2010. This reported overall scores on qualification success rates (including detailed information at subject sector level), learner destinations into further and higher education and employment and the views of learners and employers.

61. In terms of providers having links to Jobcentre Plus, local contact arrangements will be put in place for providers.
62. When claimants enter the Work Programme some of them may still have a skills need that needs to be addressed. It will be important for Jobcentre Plus to share information relating to any previous skills training or support the claimant has received with the Work Programme providers. Once claimants are on the Work Programme, the Work Programme provider will have the flexibility to decide on the extent to which they share proportionate information with skills providers.

Question 8

What further steps do we need to take to ensure that claimants are clear on the requirements placed on them once they are referred to careers advice and/or skills provision and the consequences of failing to attend?

Leading themes from respondents

63. Respondents noted the need for :

- a clear understanding on all sides of the responsibility of the claimant, the Next Step adviser and the college or training provider, to reduce the risk of sanctions. This should be supported by guidance which ensures that Jobcentre Plus clearly sets out the expectations placed on the claimants at the point of referrals and which can then be reinforced by the college or training provider;
- for a swift decision making process in Jobcentre Plus as well as a right of appeal for claimants faced with a sanction; and,
- for a clear understanding for those with ESOL needs to ensure they comprehend the importance of learning English, and how it fits with their job goals.

Government response

64. We agree that clarity on all sides about the role, responsibilities and expectations on the claimant, the skills provider, Next Step and Jobcentre Plus will be essential to successful implementation of Skills Conditionality. We will work with the relevant delivery agencies to ensure clear, consistent guidance is available for all parties to refer to. To ensure there is a clear understanding of the requirements of the Jobcentre Plus Decision Maker, guidance for colleges and training providers

Consultation response – Skills Conditionality

will detail the sorts of information they may need to provide to Jobcentre Plus to inform and support a fair, robust, timely and nationally consistent approach to sanctions.

65. Where a claimant is being mandated, the Jobcentre Plus adviser will need to make it very clear to the claimant that the referral is mandatory and explain the possible consequences of failing to attend. This should be presented in the context of a conversation about the benefits of training and why the adviser believes this will move the claimant closer to the labour market and to their chosen job goal. Training should be offered as an opportunity for learning and improving the claimant's skills and employment prospects – not merely as a condition of benefit that must be met in order to avoid a penalty. The skills intervention is intended to help them, so the expectation is that they must attend. This is similar to the expectation that employers will place on them once they move into a job.
66. Many sanction decisions are made within the same day of referral. However a small number take longer mainly because of the time needed to gather evidence and we are exploring ways to speed up that process. Jobcentre Plus tested an approach for speeding up decision making for certain referrals, this included using electronic referral and more front end information gathering. The results of the test were encouraging with decisions being made far more quickly. We are considering how to apply the lessons learned more widely. In cases where a sanction is applied the claimant has the right to appeal against that decision.
67. Expectations in relation to the claimant's attendance, participation and conduct are likely to be reinforced by the college or training provider as part of the individual's induction, along with an explanation of what they can expect from the college or training provider in return.

Question 9

Are there any other points you wish to make about the implementation of Skills Conditionality

68. There were three other key points raised by respondents. These are set out below along with a short response to each separate issue.
- a) Colleges and training providers should not just look towards supporting those closest to the labour market, as that may limit opportunities for those with the greatest need.

Government response

69. 'Skills for Sustainable Growth', published in 2010 by the Department for Business, Innovation and Skills, sets out how we are releasing the FE system from central planning and controls, freeing colleges and training providers to be more responsive to the needs of their local community and economy. Colleges and training providers will be able to use the new flexibilities to offer a range of

Consultation response – Skills Conditionality

provision, in response to the various needs of learners and employers, including those with the lowest skills and who are further from the labour market. To support this, we have protected and prioritised funding for those with literacy and numeracy needs; for young adults, to help them enter the labour market; and for informal adult learning.

b) It would not be appropriate to immediately mandate a claimant to training if they raise the need for it themselves, or accept it when discussed. Priority should be given to encouraging the claimant's own views about their needs.

Government response

70. Not all Jobcentre Plus claimants will access training on a mandatory basis in future – we agree this will not necessarily be the right approach for everyone. Where appropriate the Jobcentre Plus Adviser will still be able to signpost a claimant to a college or training provider or Next Step as part of a general discussion regarding the support available to help the claimant into work. In these cases the training will not be mandatory. Signposting should be used:

- In cases where the claimant is highly motivated and the adviser judges that self-help is the most appropriate route. In these cases the adviser could signpost the claimant either to Next Step or direct to a training provider.
- In cases where the Jobcentre Plus adviser does not see lack of skills as the main barrier to work but where the claimant is still interested in learning and improving their skills.

c) With regards to sanctions and wider benefits, what will be the impact on entitlement to Housing Benefit/Council Tax Benefit?

Government response

71. JSA sanctions do not affect Housing or Council Tax Benefit as they are just temporary suspensions of benefit. The claimant retains underlying entitlement to JSA which provides the automatic passporting to these benefits.

Annex A – Respondents to the consultation

157 Group	City and Islington College
A4e	College of West Anglia
Age Concern, Southampton	Cornwall College
Age UK	Coventry, Solihull & Warwickshire Partnership Ltd
Alliance of Sector Skills Councils	Crisis
Association of Learning Providers	Crownship Developments Ltd
Association of Colleges	Derby College
Asset Skills	Dudley Metropolitan Borough
Association of School and College Leaders	DWP Policy and Strategy Forum
Association of South East Colleges	Energy and Utility Skills
Bedfordshire Probation Trust	Equity
Bradford Metropolitan District Council	G4S
Bridgewater College	Gateshead Council
BTCV	Groundwork Oldham & Rochdale
Buckinghamshire Adult Learning Services	Halton Community Academy
Burns, Burns and Burns	HDS Training and Development
Burton College	Highbury College
Calderdale Metropolitan Borough Council	Hull College Group
Cambrian Training Company	igen Ltd
Careers Wales North East	ITEC Training Solutions
Careers Yorkshire and Humber	Jobcentre Plus CSD Yorkshire & the Humber
CBI	Jobcentre Plus Speak UP
Centre for Economic and Social Inclusion	JHP Training
CfBT	Lancaster & Morecambe College
Citizens Advice	Leeds City Council
City & Guilds Centre for Skills Development	Leeds City Region
	Leicestershire Adult Learning Service
	Leicestershire City Council

Consultation response – Skills Conditionality

Lesbian & Gay Foundation
London Probation Trust
Manchester City Council
Merseyside Probation Trust
Merton Adult Education
Middlesborough Council
Middleton Murray
MIND
Mind
MyWorkSearch Ltd
NAEGA
National Offender Management Service
Nescot College
Newcastle College Group
Next Step Prime Contractors Group
NIACE
North Lincolnshire Council
Ofsted
Park House Court Nursing Home
Peabody Trust (individual response)
Peterborough Regional College
Plymouth Adult and Community Learning Service
Poulton and Heysham Children's Centre
Prince's Trust
RAISE
Reed
Remploy
Royal Forest of Dean College
Semta
Shaw Trust
Signature
Skills for Health
Skills Funding Agency
Skillsmart Retail
SPAN
St Loye's Foundation
St Mungo's
Staffordshire and West Midlands Probation Trust
Suffolk New College
Thames Valley Probation
The Global Association of Corporate Universities and Enterprise Academies
The Good News Chronicle
The Lancashire Colleges
The Manchester College
The Salvation Army
Tower Hamlets Lifelong Learning Service
TUC
Ufi/Learndirect
UKCES
University & College Union
Voluntary Action North Lincolnshire
Wirral Council
Working Links
Pennine Lancashire Employment and Skills Board
Blackburn with Darwen Borough Council