

## Sector Developments

**A happy New Year to you and yours from all of us at Click**

### 2013 Review

Some people think that there is a team of spotty faced young civil servants at work in windowless offices in the bowels of Whitehall, whose sole task is to dream up an endless flow of new initiatives for ministers to inflict on the FE sector. This may or may not be true, but on the basis of the number of new initiatives launched in 2013, you could perhaps be forgiven for thinking that it might be. Here are just a few of them:

- Skills Minister Matthew Hancock launched the government's flagship Traineeship scheme. Traineeships are programmes intended to help young people aged 16-23 not currently in employment education or training (NEET) to get a job, take up an apprenticeship or engage in further study. As usual with new initiatives, the programme has encountered problems, one of which is apparently that too few young people want to take up Traineeship places. Based on comments made at last November's Association of Colleges (AoC) Conference and elsewhere, Keith Smith, the Skills Funding Agency (SFA) Director of Funding and Programmes, and Matthew Coffey, the Ofsted Director of Further Education and Skills seem to be clear that the lower than expected take up is largely the fault of the FE sector and that, as usual, colleges have failed to engage sufficiently with employers.
- The National Apprenticeship Service (NAS) launched its new 'Service Standard', which was intended to give the NAS the power to decide which providers employers should be referred to for the delivery of their off the job training. This incurred a lot of disquiet on the part of college representatives because many felt that the NAS simply did not have a sufficient level of understanding of the FE sector, nor of the individual colleges within it, to make a rational judgement. Since then, further developments in respect of 'Service Standard' seem to have gone a bit quiet, possibly because, although retaining its own separate identity, the NAS has been absorbed into the Skills Funding Agency (SFA).
- The National Careers Service (NCS) announced its intention to develop a 'Provider Quality Dashboard' that would contain information about colleges and other providers, such as inspection reports, student success rates, and learner and employer satisfaction ratings. The NCS said that this would 'improve learner and employer choice'. However not much seems to have come of this initiative either.
- Ofsted then launched its 'Learner View' website, which Ofsted says 'gives *you* the chance to tell us what you think about your local further education and skills provider'. The views solicited by Ofsted include such things as 'whether lessons/training sessions are well taught', and 'whether you would recommend the provider to a friend'. During the year, Sir Michal Wilshaw, the Chief Inspector for England, said that he found the FE sector 'worrying' and called on the government to be 'tougher on failing colleges'. In his 'Deptford not Delhi' speech, he went on to express his disapproval of colleges that he thought were spending too much time on overseas recruitment at the expense of delivering high quality provision for local students. He also outlined a proposal to introduce an additional 'Excellent' inspection grade for Leadership and Management (including Governance), but so far this appears not been implemented. And just for good measure, Ofsted re-organised itself on a regional basis.
- Presumably not wishing to be outdone by Ofsted, the SFA launched its own 'FE Choices' website. The 'Learner View' website, like the 'FE Choices' website, is also intended to 'improve learner and employer choice' by inviting them to 'review and compare' the performance of providers by publishing their success rates, and learner and employer satisfaction ratings, etc on the website. Unfortunately, the ability to make such comparisons is often hampered because fairly large amounts of data on individual college and other provider performance appear to be missing.
- No doubt because of government spending cuts, it appears not to have been possible to develop any 'Provider View' websites that would give colleges and other providers a chance to express *their* views on the performance of Ofsted, the SFA, the NAS, and any other organisation that publishes judgments about providers.
- Lord Heseltine launched his 'No Stone Unturned' strategy that contained, amongst other things, a proposal to give Local Enterprise Partnerships (LEPs) the adult skills funding currently allocated to colleges. Thus far Lord Heseltine's wider strategy proposals seem to have found it difficult to gain traction, although the LEPs may yet get their hands on FE adult skills funding. ('No Stone Unturned'

should not be confused with 'No Tern Unstoned', the bestselling book that describes one man's obsession with killing off the entire seagull population by throwing bricks at them. His hatred of the birds apparently began after a seagull stole some of his chips on Brighton beach and then defecated on him).

- The government announced plans for high performing colleges to obtain 'Chartered' status. This was one of the recommendations contained in Lord Lingfield's review of 'Professionalism in the FE Sector'. The government later went on to add a proviso of its own, which is that if any college wants to obtain Chartered Status (perhaps so that they can include the logo on the college letterhead, alongside Beacon Status, Accredited Status, Centre of Vocational Excellence (CoVE) status, Investors in People (IIP) status, Positive about the Disabled status, and a plethora of other 'quality kite marks'), it must first obtain the blessing of its LEP. How 'Chartered' status will sit alongside Matthew Hancock's more recent proposal for high performing colleges to obtain 'Elite' status is, as yet, anybody's guess.
- One of the other recommendations in the Lingfield Review that was fully adopted by the government was that the teaching qualifications required of lecturers in FE should be a matter for individual governing bodies to decide. Consequently, there is now no longer any legal requirement for a lecturer to have, or even be working towards, qualified teacher status (QTS). This brings FE Colleges into line with Free Schools, Studio Schools and Academies in England, where the qualifications required of teachers are also a matter for governing bodies to decide. Interestingly, the legislation required to remove the need for FE lecturers to hold teaching qualifications came into force at exactly the same time as a raft of new level 5 initial teacher training qualifications was introduced to replace the earlier, and relatively short-lived, PTLLS (Preparing to Teach in the Lifelong Learning Sector), CTLLS (Certificate in Teaching in the Lifelong Learning Sector) and DTLLS (Diploma in Teaching in the Lifelong Learning Sector).
- A further recommendation of the Lingfield Review was that there should be an 'FE Guild' to oversee the professionalism of the FE sector and the professional development of those working in it. The FE Guild was established with the help of government funding but, because the term 'Guild' seemed to be a bit medieval, it was swiftly given the new name of 'Education and Training Foundation' (ETF).
- Alongside this, the Independent Commission on Adult Teaching and Learning called for the establishment of a new National Vocational Education and Training Centre (NVETC) and probably coincidentally, the Institute for Learning (IfL) and Wolverhampton University jointly established a new 'Centre for Research and Development in Lifelong Education' (CRADLE).
- The new 'Diplomas' introduced in 2009 had all but disappeared by the end of 2013. However, no doubt drawing on the lessons learned from the International Baccalaureate (IBACC), there was an intense flurry of other 'BACC' related activity in England. Firstly there was Education Minister Michael Gove's proposal for an English Baccalaureate (EBACC), followed rapidly by his proposal for a Higher English Baccalaureate (HBACC). Then, the Labour Party, along with a few political freelancers, such as Lord Adonis and Lord Baker, chipped in with their own proposals for a Technical Baccalaureate (TECHBACC). Later on, in the face of widespread opposition, Mr Gove withdrew his EBACC and HBACC proposals, but went ahead with the implementation of his own version of the TECHBACC. Meanwhile, presumably building on the success of the iPod, iPhone and iPad, Mr Gove also introduced his ideas for a new 'iLevel', (or was it an 'I Level'?). Anyway, the 'i' bit stood for 'Intermediate', but this was another initiative which nothing much seems to have come of.
- The introduction of the TECHBACC was augmented towards the end of the year by the launch of 142 new 'Tech Levels'. These are intended to be the 'vocational equivalent of GCE A Levels' and must have the backing of major employers. 87 new non-vocationally specific Applied General Qualifications were also launched. These 'will be the equivalent of half a GCE A Level' and must have the backing of at least 3 universities.
- Meanwhile, the Whitehead Review of Adult Vocational Qualifications recommended, amongst, other things, that there should be a dramatic reduction in the numbers of different vocational qualifications and that only those with the backing of major employers should be eligible to receive public funding.
- Mr Gove then briefly proposed that GCE O Levels should be re-introduced, but then rapidly withdrew the proposal. However, Curriculum 2000 (C2K) effectively came to an end with the introduction of new 2 year GCE A Levels, with the assessment of student performance being based entirely on examinations at the end of the 2 years. In-course assessment in both GCSEs and GCE A Levels was abolished along with the opportunity for students to take January GCE A Level re-sits. AS levels were retained, but have become 'stand alone' qualifications (rather than counting towards a full GCE A level). The government also announced that around 95% of vocational GCSE 'equivalents' would no longer

count towards school and college performance in league tables in England. There was also judicial review of the government's post-hoc decision to alter English GCSE grade boundaries downwards. The judge, much to the chagrin of those affected by the downgrade, found in favour of the government.

- During the summer, the first phase of government proposals to 'Raise the Participation Age' (RPA) was implemented, with all young people being required to stay in full time education, or in a job with substantial training, up to age 17.
- In response to recommendations made in the Wolf Report, the government introduced 'Study Programmes' for 16-18 year olds on full time courses. This transferred the government's focus from funding qualifications to funding programmes of study. Students are now required to study for a 'substantial qualification' as part of their Study Programme. Also, students without a GCSE grade A-C\* (or other equivalent level 2 qualification) in English and mathematics are now expected to continue to study these subjects until they are aged 18, or until they obtain a grade C or above (whichever comes soonest). Students are also strongly encouraged to include work experience in their Study Programmes and, in support of this, the development of new quality standard for work experience was announced.
- The government introduced its 'Rigour and Responsiveness' policy document to moderate its earlier 'Freedoms and Flexibilities' policy document. 'Rigour and Responsiveness' affirmed the new freedoms that colleges have recently been given, but provided a strong reminder to college governors and managers that they also have responsibility to ensure that they are accountable to their local community, that their college is delivering high quality education and training that meets the needs of local students, employers and other college users, and that they safeguarding college's assets and ensuring the college's solvency, and that they are using government funds in an appropriate, effective and efficient manner. And just in case they should forget to do this, the document also outlines robust new sanctions that will be imposed on those colleges that fail to meet these responsibilities.
- One of these new sanctions comes in the form of the creation of new 'FE Commissioner' post (recently filled by former principal and former chief executive of LSIS, Dr David Collins). The FE Commissioner has far ranging powers to intervene in the affairs of those colleges that are giving the government, and its agencies, 'cause for concern'. For example the FE Commissioner may be sent into those colleges that have been declared 'Inadequate' at the end of an Ofsted inspection, or that may have serious financial difficulties or that may have committed regulatory transgressions. The FE Commissioner reports directly to ministers and his powers include the authority to place colleges into 'Administered' status (which takes away many of the decision making powers of college managers and governors) and, in extreme cases, can recommend to ministers that a college be broken up or closed.
- The Education Funding Agency (EFA) announced controversial cuts of around 17.5% to the funding for those aged 18 studying on full time courses and, following on from the introduction of higher fees and loans for university students, the government introduced Advanced Learning Loans to enable those aged 24 and over studying course programmes at level 3 and above, meet the cost of the higher fees. (However, because of poor take-up, the loan system for adult apprenticeships has now been scrapped).
- The government also announced its intention to give employers more control over the public funds allocated for vocational education and training. This manifested itself in the form of the 'Employer Ownership of Skills' pilots and the implementation the Richard Review recommendation that employers should be given direct control of apprenticeship funding.
- The numbers of Academies, Free Schools, Studio Schools and University Technical Colleges (UTCs) continued to increase almost exponentially throughout the year, and Lord Baker proposed that full time 14-19 vocational provision delivered in an FE College should be 'badged' at being delivered through a 'Career College'. Also, and for the first time, Academy and other school sixth form success rates were published on the same basis as FE and sixth form colleges
- Towards the end of the year, two reports were published by the Organisation for Economic Co-operation and Development (OECD) that suggested that the standards of education in parts of the UK were falling behind that of other developed countries and revealed that England was the only developed country where older people had higher levels of literacy and numeracy than younger people.
- Meanwhile, Labour Opposition members came up with a few proposals of their own for, with party leader Ed Miliband proposing that firms should be required to take on a local apprentice for every 'foreign' worker they employed and the Shadow Minister for Education, Tristram Hunt proposing that FE colleges should be renamed 'Institutes of Technical Education'. Again, things appear to have gone quiet with both of these initiatives.

## The great College Management Information Systems Debacle

During 2013 the SFA introduced a new 'Data Collections and Funding Transformation Programme' (DCFT), the adverse consequences of which have spilled over into 2014. In an attempt to explain the purpose of the new system, Skills Minister Matthew Hancock said that the SFA was 'moving to a new data collection system that would underpin a more streamlined and less complex funding system'. He went on to say that the new system would 'remove the need for thousands of different funding values for each course and qualification', and that it would replace earlier 'complex funding formulas and funding systems'. For those of you interested in such things, the new DCFT will replace the:

- Learner Information Suite (LIS)
- Learning Aim Reference Application (LARA)
- Online Data Collection (OLDC) system
- Provider Online (POL)
- Provider Information Management System (PIMS)

And just to add to the fun, some these have been given new names:

- The LIS has become the 'Funding Information System' (FIS)
- The LARA has become the 'Learning Aim Reference Service' (LARS)
- The OLDC has become the 'Data Exchange Service' (DES).

Unfortunately, there appears to be a slight problem with the DCFT in that the software doesn't seem to work (and in particular the FIS bit that deals with student numbers, funding and payments). This has caused colleges and other providers serious and almost insurmountable difficulties in making their student number returns and working out what they are owed by the SFA for the delivery of contracted provision. In addition, the new Learning Aim Reference System (LARS), that should have been available since last August to help college MIS staff check whether qualifications are eligible for funding, and how much per learner providers should receive, is still not available. Providers have to use 'Lars Lite' instead. This is a temporary downloadable database from the SFA that apparently is also producing unreliable data. Initially, Mr Hancock seems to have laid the blame for the failures of the new DCFT on inadequacies in colleges' own internal management information systems. In a written answer to a parliamentary question about DCFT, Mr. Hancock claimed that there had been 'some issues for colleges and other providers in the calculating funding due to them where their own internal management information systems have not been able to report accurately their management position'. In other words, it was colleges and other providers that were at fault. This was even after the SFA had admitted that there were serious problems with the DCFT system and had apologised to providers for the inconvenience caused. Eventually, Mr Hancock was brought up to speed with the real reason for the difficulties and has now gone so far as to say that that he 'personally takes full responsibility' for the disruption the new system has caused to providers'.

Meanwhile, Chris Bradley from SR Education, a private training provider, has used Freedom of Information (Fol) legislation to obtain details in respect of:

- The names of the organisation(s) that were commissioned to produce the new DCFT
- When the work actually started
- The amounts paid to these organisations for this work

The response he received from the SFA includes the following:

- *DCFT Hosting*: The contract was awarded to Fordway Solutions Limited and work commenced on 27 March 2013. The firm has been paid £446,289.78 including VAT.
- *DCFT SI (Systems Integrator) Delivery*: The contract awarded to Capgemini UK PLC and work commenced on 3 April 2013. The firm has been paid £1,776,697.32 excluding VAT.
- *Data Collections and Funding Transformation (1)*: The contract awarded to Capgemini UK PLC. Capgemini then sub-contracted with Trinity Experts Systems for delivery of the work, which commenced on 2 October 2012. The amount paid to Capgemini is £5,460,876.95 excluding VAT.

- *Data Collections and Funding Transformation (2)*: The contract was awarded to Capgemini UK PLC. Capgemini then sub-contracted with the Amor Group for delivery of the work, which commenced on 2 October 2012. The amount paid to Capgemini is £3,628,911.80 excluding VAT.

All of which seems to suggest that the SFA has spent a fair bit of money on a new IT system that doesn't work (although, looking on the bright side, probably nowhere near as much as NHS England and the Ministry of Defence have spent on IT systems that don't work).

### **Changes to SFA guidance on funding higher-risk providers and subcontractors**

Last year, the SFA published guidance that contained the criteria that the Agency would use when rejecting a provider's bid for funding, either directly or through a subcontracting arrangement. However, the SFA has now strengthened this guidance such that higher risk providers and subcontractors will, in future, find it even more difficult to access agency funds. One of these changes is that bids for funding may be turned down if a senior member of staff employed by the provider submitting the bid was previously dismissed for gross misconduct by another provider. The SFA may also reject bids if a provider has previously had their funding stopped early, has failed to comply with a notice of concern, or has 'failed to remedy a serious breach of contract'. The SFA has apparently declined to comment on why the changes were needed.

### **Sixth Form and FE Colleges will have to continue to pay VAT**

Sixth form and FE colleges in England pay VAT on goods and services, while LEA schools, Academies Free Schools, Studio Schools and UTCs are reimbursed. College leaders have long campaigned for an end to this anomaly, which gives schools a substantial financial competitive advantage over sixth form and FE colleges (e.g. in respect of their ability to afford to offer minority subjects). However, hopes of any change have come to an end, with Education Secretary Michael Gove admitting that he has been unable to secure the funding needed to address the anomaly from the Chancellor of the Exchequer. As a result, Treasury Minister David Gauke, although admitting that there was a 'case for change', has confirmed that the current arrangements in respect of VAT will continue, since the alternative 'was not affordable in the current fiscal climate'. This is because it would apparently cost around £20 million to reimburse sixth form college VAT payments and around £150 million to reimburse FE college VAT payments.

### **Cuts to funding for 18 year olds will affect Sixth Form and FE Colleges more than schools**

Carrying on with the theme of unequal treatment, a report recently published by the Department for Education (DfE) has given an impact assessment of the controversial 17.5 % funding rate cut for 18 year olds in full time education. The report explains that four options for cuts in funding were considered. These were, firstly, a reduction in funding across the board for all 16 to 19 year olds in full time education, secondly a reduction in funding for disadvantaged learners, and thirdly a reduction in funding for apprenticeships. It was considered that the fourth option of cutting funding for full time 18 year olds would be the 'least worst' option. However, the report goes on to reveal that funding cuts for 18 year olds will affect FE and sixth form colleges far worse than it will affect school sixth forms. The report shows that general FE colleges will be the worst hit and will face an average reduction in total funding of around 3%. Land-based colleges face a reduction of around 2.5%, and sixth form colleges face a reduction of around 1.2%. However, for school sixth forms, the reduction will be just 0.4%. The report also highlights the fact the biggest impact of the cut will be in London, the South East and the North West, since these areas have the highest percentage of full time students aged 18 and over, and that, for the same reason, black and minority ethnic (BME) students would also be disproportionately affected.

### **Providers falling to Grade 3 in Ofsted inspections can continue to offer Traineeships**

Providers that were judged by Ofsted to be 'good' (grade 2), or better when they commenced running traineeships, but were, in a subsequent inspection, judged by inspectors to have deteriorated to the 'requires improvement' grade (grade 3), were required to cease recruiting to Traineeships. However, under new joint SFA and EFA guidelines, providers that drop to a grade 3 will now be allowed to continue recruiting to their Traineeship programmes, (although they are not allowed to increase the overall numbers of trainees until they have been re-inspected and have achieved a grade 1 or a grade 2). Providers that fail

to achieve good or better grades on re-inspection will be required to cease offering Traineeships. A joint statement from the SFA and EFA, says that the two agencies 'do not see this approach as compromising the quality of the Traineeship programme', but have not commented on the assertion that the new rules have been introduced in response to a disappointing level of recruitment to Traineeships.

### **FE Commissioner places second college into 'Administered' status**

The FE Commissioner has placed a second college into 'administered status' and, on the basis of monitoring visits, has issued specific recommendations to two other colleges. Currently, the FE Commissioner's findings are not made public, but following Dr Collins' visit to one college, Skills Minister Matthew Hancock wrote in fairly blunt terms to the local Member of Parliament MP, saying 'I do not believe the existing leadership has the capacity and capability to deliver the quality improvement and financial recovery needed to protect learners and make efficient use of public funding', and that 'changes to the governing body and executive leadership team are urgently needed' which, in FE terms, is about as near to an execution warrant that you can get.

### **Giving apprenticeship funding to employers may not be without its problems**

The Richard Review argued that apprenticeship funding should be given directly to employers (rather than to training providers as at present). In response, George Osborne, the Chancellor of the Exchequer, announced in his Autumn Statement that this would be done through a yet to be determined tax credit system. Mr Osborne also announced that employers would be required to make a substantial cash contribution to their apprentice training costs. However critics of these arrangements have identified a number of reasons why the change in policy may not be as effective as the government thinks it will be, and go on to argue that rather than increasing apprenticeship numbers, the changes could actually result in a significant contraction in numbers, and that apprenticeships may end up only being offered by the largest of employers. The reasons they give for this include the following:

- Employers will have to deal with the bureaucracy that comes with claiming money back through the tax system, along with the associated audit regimes. This will be a particular problem for small and medium sized businesses (SMEs), which may not have the administrative staff to deal with the additional paperwork.
- 81% of employers have three or fewer apprentices and it is unlikely that an employer with so few apprentices will have either the time or the inclination to run their own apprenticeship programme.
- Employers may be put off from taking on apprentices because they will be subject to Ofsted inspections. This could have a negative impact on the rest of their business if the quality of their training is found to be deficient (e.g. the Inter-Continental Hotels Group share price fell on the day Ofsted published a report grading them as 'inadequate').
- The government appears to have assumed that, in the past, employers have come forward voluntarily to offer apprenticeships, or were recruited by the NAS. However training provider association representatives point out that their members have directly recruited at least 90% of the employers prepared to offer apprenticeships.
- The NAS tends to work predominantly with large (and usually high profile) employers since it does not have the resources necessary to reach many small employers.

### **All apprenticeships must now be advertised at the applicable National Minimum Wage (NMW)**

After being the subject of earlier criticism for not doing so, the NAS has now taken steps to ensure all jobs advertised on its apprenticeship 'vacancy matching' website conform to the applicable NMW for apprentices and that it will in future check all new apprenticeship adverts for compliance before posting them on the website. The NAS has also announced a change in the way its vacancy matching website works, which will close a previous loophole whereby firms were able to continue to pay below the NMW through the practice of re-opening and extending vacancies.

## **Significant under-delivery of 16-18 apprenticeships**

Figures recently released show that the number of 16-18 apprenticeship starts fell from 129,900 in 2011/12, to 114,500 in 2012/13. In that year, 769 colleges and independent learning providers (ILPs) were allocated £826.9 million for their 16-18 apprenticeship programmes. However, at the end of the year, 524 of these providers had collectively under-delivered against their contracted allocation by a total of £241.5 million. Against this, 245 providers over-delivered against their contraction allocation by a total of £32.3 million. Simon Judge, the DfE's Finance Director, was asked by the House of Commons Education Select Committee to explain why the 16-18 apprenticeship budget was underspent by nearly 20%. In his response, he said the removal of poor quality provision explained much of the under-spend, but that increased competition from applicants aged 19+ funded by BIS was also a factor.

## **Over-delivery of adult skills education and training will not be funded**

Data on 2012/13 'Funding Year Values' released by the SFA reveal that 51% of providers were paid less than the value of the total amount of adult skills provision they actually delivered during the year. The collective underpayment amounted to £61.8 million. This was largely due to colleges and other providers delivering levels of education and training in excess of their SFA contract. The figures also reveal that 10% of providers had received more funding from the SFA than the value of provision they had actually delivered during the year. Many of the providers that have delivered levels of provision in excess of their SFA contract are disappointed that the SFA will not be paying them for this extra provision from the funding clawed back from the providers that under-delivered, with a spokesperson for one provider saying 'We have met the needs of our local businesses and our wider community and feel strongly that this should be recognised financially, as in previous years'. However, a spokesperson for the SFA responded to this by saying, 'We have funded all delivery up to the allocation awarded to colleges for 2012/13 and in addition we have funded all adult apprenticeship delivery'.

## **Plans for a new 'core' mathematics qualification**

The DfE has launched plans for a new Level 3 qualification targeted at students who achieve a grade C or above at GCSE at age 16, but who do not continue to study mathematics at GCE A Level. Students will study for the new qualification alongside their main 16-18 Study Programme. The new qualification will be the equivalent to 0.5 of a GCE A Level, and is intended to prepare students for employment and/or further study where although mathematics may not be the sole focus, 'a competent level of numeracy is required'. The technical guidance for the new qualification is due to be published in March.

## **New School and College league tables in England**

In the past, league table rankings combined both academic and vocational qualifications. However, the school and college league tables published this January now show 3 separate grades. These are for:

- GCE A Levels
- Other academic qualifications, such as the International Baccalaureate
- Vocational qualifications

Explaining reasons for the change, a spokesperson for the DfE said that in the past 'by reporting all qualifications in the same way, some schools and colleges have been able to hide behind good performance in, say, academic courses, while being weak in vocational qualifications' and added that 'the new system will make it simpler for parents to see which school or college suits their child best'. The spokesperson went on to say, 'the difficulty is dealing with the perception created by the media that academic is better'. Commenting on the new league table format, a spokesperson for the AoC said 'It is disappointing the DfE has once again published tables without any commentary to put them in context'.

## **Approval given for 6 more University Technical Colleges (UTCs)**

Apparently in spite of attempts to bring down levels of public spending, the DfE has nevertheless managed to find the funds for a further 6 new UTCs, bringing the total to 50. The new UTCs will be located in Bolton,

Peterborough, Scunthorpe and Warrington, with 2 more (the Sir Simon Milton UTC and the Global Academy UTC) being based in London. A further round of applications to open UTCs in 2016 is currently underway. This is in spite of figures released last November that revealed many UTCs were running at well below their capacity (e.g. the 150 place Central Bedfordshire UTC was 30% full in the last academic year, and the 480 place Black Country UTC was 36% full).

### **New college to support training for HS2**

BIS and the Department for Transport (DfT) are proposing to create a new FE college specifically to meet the training needs arising from the proposed 'High Speed 2' (HS2) rail project. Exact details remain unclear, but the new college is expected to cost around £20 million and to be open in 2017 when work on HS2 is scheduled to begin. A spokesperson for BIS said that the new college would have access to 'cutting-edge technology' and 'state of the art equipment', and that the college 'would provide for more than 2,000 apprenticeships'. The spokesperson went on to say that the college 'would provide engineers for many other projects within the rail industry and beyond' and that once established the college would have 'strong export potential'.

### **Private provider seeks incorporated FE college status**

The 'Prospects Learning Foundation' a private training provider based in Essex that already calls itself 'Prospects College', has launched a public consultation on its plans to acquire incorporated FE college status. The firm specialises in training engineers for the rail and aviation industry across five separate sites and has advanced plans for developing a rail academy. The firm currently has an SFA funding allocation of around £2.6 million and an EFA funding allocation of £715,000. It was rated as 'good' in its first Ofsted inspection with the report commenting on the 'growing numbers of successful apprentices' and the firm's 'outstanding visionary leadership'. The chief executive of 'Prospects College', Neil Bates, said 'We are looking for incorporated FE college status to support our very specialist, sector-focused provision, primarily apprenticeships and workforce development, where employers play a central part in the running of the facility'. Mr. Bates went on to say that acquiring FE status would 'unlock more government money' for the firm, adding that he 'had ambitions beyond Essex' and that the extra government funding would allow it 'to set up new bases around the country'. Mr Bates also said that he would be 'very keen' to talk to Ministers about the firm running the proposed new HS2 college. In response to this, a BIS spokesperson said 'Prospects could not be ruled out as the HS2 college provider' and added that 'We support the establishment of new colleges to allow new entrants who offer greater choice and diversity, and drive up quality, customer focus and responsiveness'. The public consultation ends on February 17.

### **Education and Training Foundation (ETF) developments**

The ETF (the professional body formerly known as the FE Guild) was launched in August last year, taking over most of the functions previously carried out by the former Learning and Skills Improvement Service (LSIS) and the Institute for Learning (IfL). Membership of the ETF Board includes representatives of the AoC, the Association of Employment and Learning Providers (AELP) and the Association of Adult Education and Training Organisations (AAETO), the National Institute for Adult and Continuing Education (NIACE), the Voluntary and Community Sector Learning and Skills Consortium, LEAs, FE, HE and employers but, until recently, no students. This controversial omission has now been remedied by the inclusion of Joe Vinson, the Vice President of the National Union of Students (NUS), and it is understood his place on the ETF Board will remain open to successive NUS representatives.

The ETF now employs 21 people including a Director of Vocational Education and Teaching, and a Director for Professional Standards and Workforce Development. Under the Transfer of Undertakings Protection of Employment (TUPE) regulations, eight staff have transferred to the ETF from the former LSIS, including the post holders of the two Director posts referred to above. The ETF Board is now asking the FE sector to respond to a consultation document on 'the design and content of new professional standards aimed at raising the status and profile of teachers, trainers and tutors'. The issues being consulted include:

- 'Whether the professional standards are relevant to teachers and trainers in a range of organisations'
- 'Whether the professional standards reflect the distinctive nature of teaching and training in the sector'.

- 'What the role of professional standards is when practitioners are working in a de-regulated environment'.

Full details of the consultation (which ends on 18 February) can be found on the ETF website.

### **Ofsted admits 'Not enough attention is being paid to poorly performing white children'**

Following a recent Ofsted review into 'Access and Achievement', Chris Wood, the senior Ofsted inspector who headed the review, told the House of Commons Education Select Committee that Ofsted is now 'urging schools and colleges to focus on white working class children', amid concerns they are 'getting a raw deal'. Commenting on this, the Liberal Democrat MP David Ward, who is a member of the Select Committee, said that most ethnic groups had representatives to speak up for their children's education needs, but that there were few pushing the cause of white working class children. Mr Ward, who is MP for Bradford East, told Committee members 'I get representatives from the Bangladeshi community complaining about 'our children in our schools' or the Pakistani community or the Kashmiri community. I find it difficult to think of a representative for the white working class who comes to me and says 'what about our children'... if they are, they are probably the BNP or would be accused of racism'. He went on to ask 'Is there any evidence that anyone is actually speaking up for the white working class?' Mr. Wood told Committee Members that he 'agreed with Mr. Ward's assessment' but went on to say that the 'emphasis had changed' and that Ofsted was placing 'a much clearer focus on the performance of different groups of pupils who are eligible for free school meals, including white British children'.

### **Calls for Ofsted's complaints process to become more transparent**

At present, Ofsted is not required to provide details of the outcome of complaints about inspections. However, data obtained under the Freedom of Information (Fol) Act reveals that there were 35 complaints in the year commencing September 2012. These included complaints about the conduct of inspectors, allegations of flawed administration and disputed inspection judgments. Dame Jackie Fisher, the former chief executive of the Newcastle College Group (NCG) who famously threw out a team of Ofsted inspectors in mid-inspection, said that based on her experiences, the Ofsted complaints procedure was 'utterly pointless'. She has now called for changes to be made, arguing that the current process 'lacks transparency' and 'should be open to more external scrutiny'. In support of this, the AoC Director of Policy, Joy Mercer, said that 'information about the outcome of complaints against Ofsted should be published in Ofsted's Annual Report. She also called for Ofsted 'to make a stronger distinction between complaints about the conduct of an inspection and the procedure for colleges to appeal against their grade'. In response, a spokesperson for Ofsted said 'All inspection reports go through rigorous quality assurance to ensure that the judgments made are based on evidence' and went on to say that draft inspection reports were 'shared with providers before publication to check for factual accuracy'. The spokesperson also said that Ofsted was 'currently developing a new process to gather feedback from complainants about how their concerns have been handled and plan to implement this later in the year'.

### **New 'Think Tank' papers likely to be critical of Ofsted**

Sir Michael Wilshaw, the Ofsted Chief Inspector for England was said to be 'spitting blood' after the Times newspaper reported that two right-leaning think tanks, the Policy Exchange (which was set up by Michael Gove) and Civitas, had both confirmed they were working on reports that were likely to contain criticisms of Ofsted. It seems that both reports will call for a radical overhaul of the Ofsted inspection regime, with Civitas claiming it was 'stifling innovation'. The 'Policy Exchange' paper is likely to say that the current Ofsted regime 'placed disproportionate pressure on teachers', and that its judgments were 'too inconsistent'. Sir Michael initially accused the DfE of 'briefing against him', however Michael Gove has denied this, saying that Sir Michael was a 'superb professional' and an 'outstanding chief inspector' and that he would dismiss anyone in his department who was found to be 'briefing against' Sir Michael. Meanwhile, the NASUWT has called for 'radical changes to the inspection system', and if this was not forthcoming, the union 'would campaign for its abolition'. The NUT is also calling on the union leadership to find ways that will allow teachers to legally boycott inspections, claiming that 'Ofsted was not an inspectorate but a politically motivated surveillance operation'.

### **Labour Party launches new policy on Jobseekers' Allowance (JSA).**

Shadow Work and Pensions Minister, Rachel Reeves has launched a new Labour Party policy that calls for unemployed people who lack basic English, mathematics and computing skills to lose their benefits unless they take up training. Ms Reeves explained that under Labour's new scheme, all new JSA claimants would have to sit a basic skills test to ascertain their competence in these areas within six weeks of claiming JSA. She went on to say that 'Those who don't have the skills they need for a job will have to take up training at a Further Education College alongside their job search or lose their benefits'. With the proviso that adequate funds are made available to deliver the scheme, FE representatives have generally welcomed the proposal.

### **HE students from the rest of the UK 'would be entitled to free tuition in an independent Scotland'**

University tuition is currently free to Scottish students attending Scottish universities. However, if students from England opt to attend a Scottish university, they are required to pay £9,000 per year in tuition fees. (Students from Wales and Northern Ireland pay reduced fees of around £3,500, since they receive a top-up grant for the remainder of the £9,000 from their devolved governments). Against this, if Scottish students opt to attend universities in England or elsewhere in the UK, their tuition is still free to them since the Scottish government will meet the cost. EU legislation means that tuition at Scottish universities is also free to undergraduates from all non UK European Union (EU) countries. Students from the rest of the UK can be charged fees because the EU does not regulate for discrimination *within* member states.

However, if Scotland votes for independence this September, it would seem that Scottish universities will be required under European law, to offer free tuition to students from the rest of the UK. The Scottish Government is contesting this and argues that after independence, it would still be legal to continue to charge students from the rest of the UK to attend Scottish Universities. The Scottish government says that it has received legal advice saying that this would be compatible with EU requirements and the Deputy First Minister, Nicola Sturgeon has told members of the Scottish Parliament's European Committee that this is 'because of the particular circumstances of the geography of Scotland and the rest of the UK'. The Scottish Government has now been asked to publish the legal advice it has received, but has declined to do so on the basis that 'the content of any legal advice is confidential'. However, other legal sources have argued that 'the Scottish Government would face an extremely steep uphill battle to convince the EU institutions that it should be entitled to retain a practice involving systemic direct discrimination against one particular cohort of EU citizens'. Meanwhile, figures recently published by the Higher Education Statistics Authority (HESA) reveal that in 2012/13, the first year in which the higher tuition fees were introduced, England saw a 12% fall in new full-time undergraduate students, while in Scotland there was a 2% increase

### **Further accusations of 'degree grade inflation'**

The HESA figures referred to above also reveal that in 2012/13:

- 19% of graduates were awarded a first class honours degree
- 51% of graduates were awarded an upper second class honours degree
- 25% of graduates were awarded a lower second class honours degree
- 5% of graduates were awarded a third class honours degree

The fact that 70% of graduates in 2012/13 achieved a first or an upper second class honours degree has led to further accusations of 'degree grade inflation'. Researchers from Lancaster University say that the higher grades are a direct result of the improvement in students' performance at GCE A Level. However, Professor Alan Smithers, the Director of the Centre for Education and Employment Research at the University of Buckingham, is amongst those who have rejected this argument, saying that universities are increasingly under pressure to award higher grades in order, for example, to improve their position in university league tables or to help secure research grants. Also, recent research commissioned by 'High Fliers', a leading graduate recruitment firm, has revealed that around 80% of the Times Top 100 graduate employers (which include such firms as Deloitte, Barclays, the Civil Service, the NHS, Jaguar Land Rover, Unilever and the John Lewis Partnership) now ask for an upper second class honours degree as the

minimum required of the graduates they recruited in 2013.

### **IPPR calls for apprenticeships for those aged 50 and over to be re-branded**

It has been predicted that, by 2020, around a third of the total workforce will be aged over 50, and that they will have to work longer and will change careers more often. This has apparently prompted Matthew Hancock to encourage more people, aged 50 and over and who are seeking to change careers, to apply for adult apprenticeships, saying that 'improving job prospects for the age group, through improved take-up rates for apprenticeships, could be an important driving force for the country's economic recovery'. Latest government figures for 2012/13 show that 34,050 people aged over 50 started an adult apprenticeship in 2012/13. Against this, the figures also show that more than 425,000 over 50s are currently unemployed and that half of these have been out of work for at least one year. The Institute for Public Policy Research (IPPR) argues that the training needed by older people seeking new jobs, either by choice or necessity, will be 'very different from the sort of training offered to young people making the transition from education into work'. This is because older people 'are likely to have lots of experience in the workforce' and just need 'to adapt their existing skills'. The IPPR goes on to suggest the take up of training by over 50s might increase if such training were to be called something other than an apprenticeship.

### **And finally...**

A 35 year-old man who had been made redundant applied for a place on an adult apprenticeship at a local FE College. As part of his initial assessment, he attended an interview with the college careers officer, who asked him what type of job he was interested in. The man said that he was looking for a complete career change and, if possible, he would really like to get a job working with animals. So the college arranged a placement for him working at the local zoo. He was very excited at the prospect of this, but when he turned up for his first day's work at the zoo, the manager said that the gorilla had recently died and because the animal was so popular with visitors, his first task as a trainee was to dress up in a gorilla outfit and pretend to be the deceased gorilla, so that the visitors would keep coming. He initially objected to this, but eventually, if only to show the zoo manager that he was a willing worker, he agreed to put on the outfit and went into the cage to pretend to be the gorilla. At first he didn't know what to expect or to do, but when the visitors to the zoo saw him, they started to clap and cheer. He decided that he liked the attention, so he really started to put on a show, jumping around, grunting, and beating his chest. He also ate bananas and threw the skins at the visitors, whilst swinging on an old tyre attached to the ceiling of the cage by a rope. The visitors seemed to love this, but one day he overdid his swing, lost his grip of the rope, crashed through the safety netting, and landed right in the middle of the adjacent lion pit! At first he just lay there, half stunned and terrified. But then, when he saw the lion coming towards him and he began to scream at the top of his voice 'Help, help me someone!' On hearing the noise, the lion roared and bounded towards him, placed his huge paws on his chest and hissed, 'Shut up you fool, or we'll both lose our placements!'

### **Alan Birks – January 2014**

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