

## SECTOR DEVELOPMENTS...

### NEW FE COMMISSIONER APPOINTED

Following concerns expressed about the workload, the role of the outgoing FE commissioner for England, Sir David Collins, is to be split in two, one covering intervention and the other covering the ongoing post-16 area reviews. Two candidates were shortlisted to take over from Sir David, and both were appointed. Richard Atkins CBE, the former principal of Exeter College and former president of the Association of Colleges (AoC) becomes the new FE commissioner and will focus on the original FE Commissioner role of overseeing college intervention and support. Marilyn Hawkins, the former principal of Barnet and Southgate College and currently one of five Deputy FE Commissioners, will take over the lead role in overseeing the post-16 area review programme.

### WAVE 4 OF POST-16 AREA REVIEWS LAUNCHED

More than 200 general FE colleges (GFEs) and sixth form colleges (SFCs) have taken part in the first three waves of post-16 area reviews. Despite the fact that it apparently remains unclear as to exactly which colleges and regions will be included, Wave 4 has now been launched. What is known, is that colleges in the North-East, Leicester and Leicestershire, and Lancashire will be involved. Amongst these are Tyne Metropolitan College and South Tyneside College, which are included in the North-East area review. The two colleges have confirmed that their first steering group meeting had taken place, and that 'pro-active plans for a merger were underway. Loughborough College, part of the Leicester and Leicestershire area review, and Accrington and Rossendale College, part of the Lancashire area review, have also confirmed that steering group meetings for their areas have taken place. Government guidance published in April said the other areas proposed for Wave 4 would include Gloucestershire, Swindon, Wiltshire, Dorset, Greater Lincolnshire, York, and North Yorkshire and the Humber. However, the long-awaited guidance on the implementation of review proposals, including due diligence requirements, and details on local authority and

local enterprise partnership involvement, remains as yet unpublished.

### HEAD OF BOTH SFA AND EFA ALSO BECOMES CEO OF THE INSTITUTE FOR APPRENTICESHIPS (IFA)

The Department for Education (DfE) has announced that Peter Lauener, the current head of the Skills Funding Agency (SFA) *and* the Education Funding Agency (EFA), has been appointed as shadow Chief Executive Officer (CEO) of the IfA. The DfE says that Mr Lauener will take up the post alongside his existing SFA and EFA responsibilities. His appointment comes after former IfA shadow chief executive Rachel Sandby-Thomas left after just two months in the job to take up the post of Registrar of Warwick University. Mr Lauener will be supported in his role as shadow CEO by Michael Keoghan, the current Director of FE at the DfE, who has been appointed as the shadow deputy CEO. They will be assisted by Nicola Bolton, the former managing director for Trade at UK Trade and Investment (UKTI) who was appointed as the IfA shadow Chief Operating Officer in June.

Concerns have now been raised that Mr Lauener's appointment will compromise the impartiality of the IfA, and how the IfA can remain 'independent of government' (as was originally stated) if a civil servant is placed in charge of it. One critic has argued that following Mr Lauener's appointment, the IfA will become 'to all intents and purposes, another arm of the civil service, decorated with a few employers on the board', and that he will be 'promoting government policy behind a fig leaf of employer ownership'. In response, a spokesperson for the DfE said that Mr Lauener would be focusing mainly on the work 'needed to set up the organisation', and that the arrangement was intended be 'short-term' until a permanent appointment can be made' (perhaps a bit like when he took on the SFA role in addition to his EFA role in 2014). One of the immediate problems facing Mr Lauener in his new role is that almost 60% of apprenticeship standards cleared so far for learner starts next year do not have an approved assessment organisation.

## ADVERTISEMENT PLACED TO RECRUIT PERMANENT IFA CHAIR

The shadow IfA board chair is Antony Jenkins, the former group chief executive of Barclays and the current chair of 'Business in the Community'. An advertisement has now been placed on-line by the Cabinet Office to recruit the first permanent IfA chair. The advertisement confirms that the post will be for a period of up to five years, with the possibility of reappointment. Duties will involve two days a week work, in return for a salary of £56,000 a year. The successful candidate will be expected to 'provide strategic leadership and direction on the role and the scope of the IfA'. The advertisement explains that the IfA will act as 'the ultimate decision-maker on approving apprenticeship standards and assessment plans', and 'will have the power to determine maximum funding levels'. It also says that it is likely that the IfA 'will be charged with other tasks over time' and in particular will 'take forward the recommendations and wider reform to technical education in the Sainsbury Review and Skills Plan'. The advertisement goes on to say that the new chair will work with the current shadow chief executive Peter Lauener 'on designing the processes and structure of the IfA, including the location of the organisation, the level and allocation of resources, the use of digital technology and the mode of operation'. The remaining eight IfA board members are in the process of being appointed, with successful applicants receiving an annual salary of £15,000. These appointments will also be initially for a period of up to five years, 'with the possibility of reappointment'. The IfA is scheduled to become fully operational with effect from next April.

## TECHNICAL EDUCATION TO BE 'TRANSFORMED' BY SKILLS PLAN

Justine Greening, the new Education Secretary for England, told attendees at the recent Conservative Party conference, that the government's new post-16 Skills Plan would 'transform technical education' (again!). She went on to say that implementing the plan will be 'a big focus' for her, and that she was 'determined to put technical education on a par with academic-based study'. The Skills Plan was announced by the former Minister for Skills in England, Nick Boles, in July, and encapsulated the

recommendations of the independent panel led by Lord Sainsbury, that was set up by the UK government in November 2015 to advise on reforms to technical and professional education in England. The main proposal contained in the Skills Plan is that more than 20,000 post-16 vocational courses should be replaced by 15 new vocational routes, along with a new qualification structure, that would cover both college-based and employment-based education and training. In her speech, Ms Greening also singled out three areas that 'we really need to pull together to boost technical education'. These three areas were FE colleges, apprenticeships and, perhaps surprisingly given their recent difficulties, UTCs. A copy of the Skills Plan can be accessed at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/536043/Post-16\\_Skills\\_Plan.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/536043/Post-16_Skills_Plan.pdf)

## STUDY VISAS MAY BE GRANTED BASED ON THE 'QUALITY' OF COURSES AND THE INSTITUTIONS OFFERING THEM

Also speaking at the Conservative Party Conference, the new Home Secretary, Amber Rudd, told attendees that, as part of the effort to help curb net migration into the UK, student immigration rules should be 'tailored to the quality of the course'. Ms Rudd said 'I'm passionately committed to making sure our world-leading institutions can attract the brightest and the best, but a student immigration system that treats every student and university as equal only punishes those we should want to help'. She insisted that this wasn't about 'pulling up the drawbridge', but was about 'making sure students that come here, come to study' (presumably meaning, as opposed to using a study visa as a way of circumventing immigration rules). She said that to assist with this, the government would be looking 'at whether our student immigration rules should be tailored to the quality of the course and the quality of the educational institution'. Any tightening of student immigration policy could affect around 160 FE colleges that currently recruit international students. The number of students from outside the European Union applying for Tier 4 visas to study at FE colleges has already dropped from more than 35,000 between July 2011 and June 2012 to just 17,000 in the same time period in 2014/15, and any further tightening of Tier 4 rules

can be expected to result in a further contraction.

### **GORDON MARSDEN CONTINUES AS SHADOW MINISTER FOR FE, HE AND SKILLS**

Following Jeremy Corbyn's recent shadow cabinet reshuffle, it has been announced that Gordon Marsden will continue to be Labour's shadow minister for FE, HE and Skills. Mr Marsden said that he was 'thrilled to have this vote of confidence' and would 'continue to work hard to hold the government to account'. Angela Rayner remains in her post as Shadow Education Secretary.

### **DFE PUBLISHES ITS PROVISIONAL 2015/16 APPRENTICESHIP AND TRAINEESHIP FIGURES**

Provisional statistics on FE and skills for 2015/16 released by the DfE reveal that more people are participating in apprenticeships than ever before. Headline data for 2015/16 includes the following:

- A total of 904,800 people participated in an apprenticeship.
- Of these, 202,200 apprentices were aged under 19, and 702,600 were aged 19 and over.
- There were 503,700 new apprenticeship starts.
- Of these 288,600 were at intermediate level, 188,400 were at advanced level and 26,700 were at higher level.
- 130,000 people aged under 19 years of age started on an apprenticeship.
- 809,400 people took English and mathematics courses.
- There 23,900 traineeship starts
- Of these 14,600 were aged under 19, and 9,300 were aged between 19 and 24.
- There were 3,800 apprenticeship starts on the new apprenticeship standards.
- There were 94,700 offenders aged 18 or over participating in learning in the prison system.

Full details and further commentary on the 2015/16 DfE data (including trends) can be accessed at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/558293/SFR\\_comme ntary\\_Oct2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/558293/SFR_comme ntary_Oct2016.pdf)

### **FURTHER DELAY IN THE LAUNCH OF THE NEW REGISTER OF APPRENTICESHIP TRAINING PROVIDERS**

Guidance was issued in August on the requirements a provider must meet in order to be included on the new Register of Apprenticeship Training Providers. Amongst other things, the guidance implies that colleges judged to be 'inadequate' by Ofsted will not be eligible to be included on the register and will therefore not be able to access apprenticeship funding. The only exception to this will be in the case of colleges that were judged overall Grade 4 by Ofsted, but whose apprenticeships provision was judged at Grade 3 or better. Also, the guidance implies that subcontractors that currently deliver less than £100,000 of SFA-funded provision each year will not need to apply to be included on the register. It is intended that the Register of Apprenticeship Training Providers will work alongside the existing Register of Training Organisations (RTO), and that both registers will be used by employers looking for training for their apprentices. However, it appears that the launch of the new Register of has been delayed once again. On its website, the SFA explained that 'Our proposals stated we planned to open the register for applications on Monday, 3 October. As we are now making changes to the register proposals and approach, reflecting your comments and feedback, the opening of the new register will be delayed. We will announce the revised timetable shortly'. Further information on the new register can be accessed at:

<https://www.gov.uk/government/publications/register-of-apprenticeship-training-providers>

### **AOC CALLS FOR THE INTRODUCTION OF THE NEW APPRENTICESHIP REFORMS TO BE DELAYED**

Commenting on the delay, David Hughes, the new Chief Executive at the AoC has now added his voice to that of the Confederation of British Industry (CBI) in calling for a delay in the launch of the new apprenticeship programme (currently scheduled for 1 May 2017), saying 'The changes being proposed to apprenticeship funding and

regulation are complex and risk undermining the high quality provision already in place, particularly if there is to be a further delay in opening the register or confirming funding rates'. Mr Hughes went on to say 'providers and employers need certainty and confidence about the changes, with a timetable they can rely on to plan how they will continue to deliver apprenticeships. It is a tough call for the Minister, but perhaps now a delay in implementing the new arrangements would be the most prudent'.

### CONCERNS AT THE LACK OF UNDERSTANDING OF APPRENTICESHIP REFORMS ON THE PART OF BUSINESS LEADERS

The calls for such a delay seems to be further justified by the findings of a survey of 1,600 business leaders commissioned by the British Chambers of Commerce (BCC) and carried out by Middlesex University. The research found that 39% 'had not heard of the apprenticeship levy'. Of those that had, 51% 'did not understand the implications of £3 million pay bill threshold beyond which the levy becomes payable'. Of those that had heard of the levy, only 11% believed that the levy would increase their recruitment of apprentices and only 26% expected to be able to recover all of, or more than, their levy payment.

### CONCERNS THAT NEW APPRENTICESHIP FUNDING PROPOSALS WILL LEAD TO INCREASED LEVELS OF FRAUD

Under the new apprenticeship proposals, government funding for apprenticeship starts will be within one of 15 bands ranging between £1,500 and £27,000, but employers will be allowed to negotiate the price they pay for training with training providers. Given the sums involved and the potential for fraud, the National Audit Office (NAO) has recently published a report warning that without more robust risk planning, the reform of apprenticeship funding could see a return levels of fraud reminiscent of that associated with Individual Learning Accounts (ILAs). There are also fears that some companies will take advantage of the system to simply 're-badge' their existing training in order to take advantage of the funding being made available. In response, the SFA has announced a range of

counter-fraud measures, one of which will apparently require employers to enter into a financial contractual relationship with the SFA. Providers have always been required to enter into such a contract, but the CBI, which has repeatedly asked for the apprenticeship reforms to be delayed to allow for more preparation, is reported to have been surprised that the new contractual requirement is being introduced at such a late stage. The CBI says that company procurement processes are 'complex and time-consuming to change' and that the new requirement will 'place many of their member companies in a difficult position', particularly since it was 'previously understood that the primary financial relationship was between the employer and the provider'. A copy of the NAO report, a significant part of which addresses the potential for fraud in the respect of the new apprenticeship funding proposals can be accessed at:

<https://www.nao.org.uk/wp-content/uploads/2016/09/Delivering-the-value-through-the-apprenticeships-programme-summary.pdf>

### OFSTED TAKES ON APPRENTICES

Ofsted has announced that it has taken on 31 apprentices. The apprentices will be on two-year programme and will be based in one of five Ofsted offices across England. 12 of the new recruits are aged 16-18, 16 are aged 19-23, and the remaining 3 are aged 24 or older. They will be taking up a variety of roles within Ofsted, including that of contact centre advisors, administrators, and management information support workers. As part of their 'off the job' training, they will be studying for a Level 2 qualification in Business Administration in the first year of their programme, moving on to a Level 3 qualification in the following year. Presumably because the current Ofsted Chief Inspector for England, Sir Michael Wilshaw, thinks that general FE colleges are rubbish, the inspectorate has chosen 'Damar Ltd', a private training provider (judged by Ofsted to be 'good' at its last inspection) to deliver the 'off the job' component.

### OFSTED MAY SUE PROVIDERS OVER 'UNAUTHORISED' USE OF OFSTED LOGO

Organisations judged as 'outstanding' by Ofsted are allowed to use the Ofsted 'outstanding

provider logo' on their letterheads and marketing materials. However, Ofsted has now declared that any other use of the Ofsted logo (for example to advertise 'good' ratings) is 'breaking Crown Copyright law'. This is apparently because the Ofsted name is a 'registered trademark with the Intellectual Property Office'. A spokesperson for Ofsted said 'We have clear guidelines published on our website governing its use'. The spokesperson went on to say 'We believe it is right that use of the logo should be limited to those who have achieved the highest Ofsted grade of outstanding', and warned that it 'cannot be used in any other way without Ofsted's express permission'. Since then, Ofsted has now actually gone so far as to threaten legal action against those providers that do engage in any such unauthorised usage of its logo, which critics have described as a 'monumental waste of time and resources'. Nevertheless, providers judged as 'good' who had assumed that it was in order for them to use the Ofsted logo to advertise the fact that they were judged as 'good', are now left with the cost and inconvenience of altering all of their marketing materials that includes the logo.

### DECREASE IN NUMBERS OF HIGH PERFORMING BTEC NATIONAL STUDENTS GAINING PLACES AT UNIVERSITY

Data recently released by the University and Colleges' Admissions Service (UCAS) reveals that, overall, universities accepted around 7,000 more students onto undergraduate courses this year than they did last year. However, the number of students holding equivalent to ABB or higher at BTEC being accepted to university fell from 46,230 in 2015/16 to 45,910 this year, but this comes in the wake of previous annual increases of around 4,000. Commenting on the data, a spokesperson for UCAS said, perhaps someone obtusely, that 'vocational qualifications such as BTEC have been important drivers of widening participation in recent years'. More information on this (and other trends in university admissions) is available at:

<https://www.ucas.com/corporate/data-and-analysis/ucas-undergraduate-releases/ucas-undergraduate-analysis-reports>

### FEWER FE COLLEGES ARE RECRUITING FULL TIME PUPILS AGED 14 AND 15

Colleges in England were first given permission to recruit full time pupils aged 14 and 15 in 2013, in a move designed to increase competition for young people in that age range, but also (some said) to address the concerns of colleges in respect of the increasing number of schools entering the post-16 market. However, in the period since 2013, overall enrolment rates of full time pupils aged 14 and 15 in FE colleges have been low, with the reason for this being thought to be mainly because of the reluctance of schools to allow colleges access to pupils in this age range, along with other challenges, such as problems with financial viability due to low numbers. As the number of 14-16 FE college enrolments has fallen, the number of colleges seeking to recruit full time pupils in this age range has also fallen. Only 18 colleges now say that they intend to recruit pupils aged 14 and 15 in 2016/17, compared with 20 in 2015/16.

### INCREASE IN APPLICATIONS FOR FE LEARNER LOANS IN ENGLAND MAY BE CAUSING PROBLEMS FOR THE SFA

Latest government figures reveal that total learner loan applications made between 1 May and 1 July for FE courses scheduled to commence in England in 2016/17 had reached 19,450. This is the highest figure (for that time of year) since the loans were first introduced. 5,140 of the applications for loan funding were made by those aged 19-23, who were able to apply for the loans for the first time this May. A spokesperson for the SFA confirmed that there had been 'a significant number of additional requests this year as the loans programme continues to grow', but in an update published on the SFA website on 28 September, the agency announced that requests from providers for additional funding for learner loans had been put on hold until further notice, fuelling speculation that the loans budget may be overspent. The reason given by the SFA for the moratorium was that it was 'changing the way providers apply for growth to their loans facility' and would not accept any new growth requests 'until the new approach is in place'. In a further statement, also made on its website on 28 September, the SFA said there had been a 25% increase in loan applications compared to the same time last year, and that 'while we wish to continue to support growth in 2016 to 2017 and

beyond', the agency was 'taking the opportunity to review our approach to managing loans facilities' to help ensure the programme 'continues to be effectively and robustly managed'. The effect of the delay means that, despite SFA guidance that growth requests should be responded to 'within two working days', some providers have been left waiting for a response on loan growth requests they made as long ago as last May. A copy of the 28 September SFA update can be accessed at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/556607/SFA-UPDATE-Issue\\_328.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/556607/SFA-UPDATE-Issue_328.pdf)

And the further detail published by the SFA on the same date is given at:

<https://www.gov.uk/government/publications/24-advanced-learning-loans-facility-adjustment-request-form/advanced-learner-loans-changes-to-loans-facilities-growth-requests-process-for-2016-to-2017>

### **LOANS FOR NON UK EU STUDENTS STUDYING IN BRITAIN WILL STILL BE AVAILABLE UNTIL AT LEAST 2017/18**

Meanwhile, the DfE has announced that students from elsewhere in the EU who apply for a place at English FE institutions or universities up to 2017/18 will continue to be eligible to access UK student loans and grants, and will continue to be able to do so for the duration of their course. As well as student loans to cover university tuition fees and for help with maintenance, the arrangement will also apply to FE learner loans. A spokesperson for the DfE confirmed that 'EU students applying to study from 2017/18 will be eligible for the same funding and support as they are now, and their eligibility will continue throughout their course, even if the UK exits the European Union during that period'.

Data for 2013/14 shows that around 92,000 non UK EU students received a total of £686.3 million in UK student loans. This was up by more than 40% on the £484.5 million borrowed a year earlier. The data also shows that 13% of EU students who were required to repay their loans had failed to do so. The Student Loans Company (SLC) said it was also 'seeking information on a further 19% of non UK EU students who were

failing to repay (e.g. by failing to provide income details). In 2013/14, non UK EU students owed £38.2 million in loan arrears, up from £21.2 million a year earlier and 3 times the £12.7 million total in 2011/12. The data suggests that non UK EU students are 3 times more likely to avoid loan repayments than those from Britain, mainly because cash cannot be collected through the tax system of other countries.

### **UNIVERSITIES IN ENGLAND LIKELY TO CHARGE £9,500 PER YEAR, IRRESPECTIVE OF TEACHING STANDARDS**

The UK government has announced that, with effect from September 2017 and subject to the approval of parliament, annual university tuition fees in England will rise to £9,250. The original intention was that tuition fee increases in excess of the current £9,000 per year maximum should be linked to a judgement on quality of teaching derived from a new 'teaching excellence framework'. However, for the first year, 'while the new framework is being set up', the government has decided to allow an across-the-board increase to £9,250 in the autumn 2017. The DfE has now published further details of how the proposed new framework will be implemented. These include plans for universities to be classified as 'gold', 'silver' or 'bronze', depending on the assessment of their teaching quality. The plans also state that, in future, the ability of a university in England to charge higher fees will be linked to their gold, silver or bronze classification. However, the DfE says that 2018 will be a 'second trial year' before any system of different levels of fees based on teaching quality is introduced, so once again 'all universities will receive the full inflationary uplift', including, says the DfE, those performing 'significantly below benchmark in one or more areas'. The DfE goes on to say that 'after 2018 universities will not be able to increase their fees unless they pass rigorous quality standards'. Nevertheless, the move is likely to take tuition fees to in excess of £9,500 per year for all students beginning courses at English universities in autumn 2018. These interim measures, and the new framework (once developed) will also apply to FE colleges in England offering HE programmes

## SUCCESSIVE GOVERNMENT POLICY ON INCREASING THE 'GRADUATISATION' OF THE WORKFORCE IS QUESTIONED

A new report by the Chartered Institute of Personnel and Development (CIPD) entitled 'Alternative Pathways into the Labour Market' warns against what it calls the 'graduatisation' of the labour force. The report says that the proportion of new workers with university degrees in traditionally vocational jobs has increased dramatically over the period between 1979 and 2014. The report goes on to say that, in a range of occupations accounting for almost a third of UK employment, the proportion of new workers holding a degree has increased, while the level of skill required of them has stayed the same. For example, in 1979, only 2% of police officers at the rank of sergeant held a degree, compared with 43% in 2014. Meanwhile, 35% of new bank and post office clerks are now university graduates, compared with 3% in 1979. And 37% of new teaching assistants entered their jobs with a degree, when in 1979 only 6% did so.

Commenting on the report findings Peter Cheese, CEO of the CIPD, said that while successive governments had 'encouraged more and more students to pursue graduate qualifications', the report 'shows how the huge increase in the supply of graduates over the last 35 years has resulted in more and more occupations and professions being colonised by people with degrees, regardless of whether they actually need them to do the job'. Referring to the fact that, in England, the average student now leaves university with loan debts of £44,000, Mr Cheese said that the report's findings showed that 'for many graduates, the cost of university education outweighs its personal economic benefits'. He went on to say 'graduates are increasingly finding themselves in roles which don't meet their career expectations, while at the same time they also find themselves saddled with high levels of debt', and that 'graduatisation' of the labour market also 'has had negative consequences for non-graduates, who find themselves being overlooked for jobs just because they have not got a degree, even if a degree is not needed to do the job'. Because of this, Mr Cheese called for 'a much stronger focus on creating more high-quality alternative pathways into the workplace, such as

higher-level apprenticeships', along with 'improved careers advice and guidance for young people while they are at school'. He also called on the government 'to ensure that apprenticeship policy focuses on improving the quality and progression routes of apprenticeships, rather than simply increasing the numbers of apprentices'. A copy of the CIPD report can be accessed at:

<http://www.cipd.co.uk/publicpolicy/policy-reports/alternative-pathways-labour-market.aspx>

## FE COLLEGES IN ENGLAND OFFERING HE COURSES MAY BE REQUIRED TO SET UP NEW SCHOOLS

The government's recent consultation document 'Schools That Work for Everyone' states the universities in England that want to charge more than £9,000 in tuition fees, should also be required to 'establish a new school in the state system' or to 'sponsor an academy'. Although the consultation document does not mention FE colleges by name, it has now emerged that the government's plans will also apply to FE colleges in England that offer HE courses. A number of FE colleges will be affected by this, with 19 colleges already charging the maximum £9,000 fees for at least some of their courses, rising to 26 in 2017/18. A copy of the consultation document can be accessed at:

[https://consult.education.gov.uk/school-frameworks/schools-that-work-for-everyone/supporting\\_documents/SCHOOLS%20THAT%20WORK%20FOR%20EVERYONE%20%20FINAL.pdf](https://consult.education.gov.uk/school-frameworks/schools-that-work-for-everyone/supporting_documents/SCHOOLS%20THAT%20WORK%20FOR%20EVERYONE%20%20FINAL.pdf)

## THE FIRST SIXTH-FORM COLLEGES ARE 'JUST MONTHS AWAY' FROM CONVERTING TO ACADEMY STATUS

The first sixth-form colleges to convert to academies are expected to do so by early next year, with Hereford Sixth-Form College thought likely to be the first. James Kewin, deputy chief executive of the SFCA, has described the process as being in effect a 'renationalisation of colleges'. One of the benefits to an SFC becoming an academy is that they will be eligible for a refund of their VAT costs, which currently stand at an average of £317,000 per year, and the National Union of Teachers (NUT) is arguing that because of this SFC teachers should see

their pay increase in line with teachers in schools. The SFCA has already reached an agreement with other teaching unions on the implementation of a new pay and appraisal framework to take effect from this September, which provides for 'the implementation of a revised pay structure, intended to restore comparability with school teachers' pay'. Meanwhile, given the massive cuts to adult skills funding many teachers in FE colleges have not received a pay rise in many years, and usually feel themselves lucky to have avoided a pay cut and to still be in a job.

### CONCERNS EXPRESSED AT THE 'UNPLANNED' PROLIFERATION OF NEW FREE SCHOOL SIXTH FORMS

Many of the seemingly ever increasing number of new school sixth forms being opened in England are being established as 'stand-alone' 16-19 free schools. There are currently 21 such 16-19 free schools open, with a further 10 in the pipeline. EFA figures show that student numbers across the 17 schools that were opened in 2015/16 stood at an average of 291, with 5 having fewer than 200 students. Projected sizes vary amongst the more recently approved 16-19 free schools that are yet to open, but the Harris Professional Skills Sixth Form, which is due to open in Croydon in September 2018 will have places for just 230 students. The new sixth form college will be based in a former police station in South Norwood, just two miles from Croydon College. EFA figures show that Croydon College was attended by 1,651 16-18 year old students in 2015/16, but the Harris Federation (a multi-academy trust) defended the plans for the new sixth form college, saying that it 'address local need for vocational provision for students who wish to stay on in a smaller sixth form environment, and offers more choice and diversity in the provision they opt to follow'.

The increasing proliferation of new sixth forms has given rise to concerns that they are being opened 'without a view to the wider picture of local 16-19 provision', and are 'leading to an oversupply of provision', one of the side effects of which has been to 'force other local schools and colleges to increase their marketing spend'. Other critics have argued that increasing the number of sixth forms actually reduces choice for young people, because in order to be financially viable,

small sixth forms have to limit the number of subjects they can offer. However, a DfE spokesperson claimed that the expansion of free school sixth forms was in response to 'the need for additional pupil places, the need to provide an alternative to other low quality local provision, and to meet increasing levels of local demand for new types of provision'.

### AOC INSTIGATES JUDICIAL REVIEW INTO THE OPENING OF NEW SMALL SIXTH FORM

Meanwhile, the Association of Colleges (AoC), acting in partnership with Havering Sixth Form College, has instigated a judicial review of the DfE's decision to fund a new sixth form at Abbs Cross Academy and Arts College in Hornchurch, just 1.5 miles away from Havering Sixth Form College. The review, which has thus far cost the AoC around £50,000 in legal fees, argues that by approving the request from the Loxford School Trust to open the new sixth form at Abbs Cross, the Regional Schools Commissioner had failed to follow the DfE's own rules. These rules state that new sixth forms should only be created in schools which expect to enrol 200 students, are graded 'good' or 'outstanding' by Ofsted, offer a full programme of at least 15 GCE A Levels, and do not impose a financial burden on the rest of the school. Abbs Cross Academy and Arts College fell from a 'good' Ofsted rating to 'inadequate' in its last full inspection in June 2015. Since then, it has been subject to two special measures monitoring inspections by Ofsted, with the latest being in March this year. The report of this visit says that the 'academy's leaders and managers were still not taking effective action towards the removal of special measures'. A spokesperson for the AoC said 'all we are looking for is that the DfE complies with its own rules'.

### ANOTHER UNIVERSITY TECHNICAL COLLEGE (UTC) IS TO CLOSE

The UTC model has come under more pressure as more than one in ten of UTCs opened since they first introduced 6 years ago have either closed, or will be closing, with many others struggling to remain financially viable. The latest of these is Royal Greenwich UTC in London, which will close next September, just two years after it was opened. Greenwich Council is now planning to spend £13 million on converting the



UTC into a secondary school, which the council says is necessary in order for it to meet its statutory obligation to provide enough school places within the borough. Royal Greenwich UTC has a capacity of 600, but had just 257 students during the last academic year. This was a 35% contraction on numbers enrolled the previous year, and it is this that has apparently left the college financially unviable. Royal Greenwich UTC now joins UTC Lancashire, Central Bedfordshire UTC, Hackney UTC and Black Country UTC, all of which have all closed because of low student numbers. Other UTCs are under a financial notice to improve and the DfE has confirmed that a planned new UTC developed in partnership with Burton and South Derbyshire College will not now open, despite the £8 million already spent in setting it up.

### ACADEMIES TO BE ENCOURAGED TO INTRODUCE SELECTION

As part of the government's plans to expand the number of grammar schools in England, academy chains are being encouraged to set up selective schools. Separate units for high-ability pupils are also being encouraged within existing chains of schools. Speaking at a recent conference organised by 'Academy Ambassadors', an organisation that supports academies to bring skilled business people on to the boards of academy trusts, Schools Minister for England, Nick Gibb, told attendees that 'the government was consulting on how some existing non-selective schools, including academies, could become selective'. Mr Gibb said that the consultation 'proposes entirely new selective schools being established as free schools, to widen choice, to bring more flexibility, and to challenge those areas of the country where too few pupils reach their potential'. He went on to say 'Some of the schools in your trust may wish to introduce selection by ability, or may wish to consider establishing a new selective free school'. He also said that the consultation will 'look at how we might encourage multi-academy trusts to establish single centres in which to educate the most gifted and talented pupils'.

### CONCERNS ABOUT MISUSE OF EFA FUNDS BY SOME ACADEMIES

More than half of England's secondary schools

are now run by self-governing academy trusts. However, in drawing attention to the increasing levels of indebtedness amongst academies, Meg Hillier, chair of the Commons Public Accounts Committee (PAC) warned that there were examples of mismanagement emerging that raised 'serious concerns about the transparency and accountability of the academy system', and which showed that some trusts had 'a complete disregard for the use of public money'. She went on to say, 'This is not about whether the academy system is good or bad for education, it's about how taxpayers' money is spent'. Amongst recent examples of academy mismanagement are the following:

- The former executive head teacher of the five school Perry Beeches academy chain in Birmingham was found to have been paid a second salary of £80,000 per annum for 'consultancy' (in addition to his £120,000 salary) through a company connected to one of the trustees that provided services to schools in the chain. The academy chain returned a deficit of £2.1m in the last financial year.
- The founder of the Kings Science Academy in Bradford and two of its staff members were recently jailed after they were found guilty of paying £69,000 received from DfE grants into their own bank accounts. Both this school and academy chain above were praised by then Prime Minister David Cameron when he visited them.
- The Lilac Sky Schools Academy Trust (LSSAT) paid £800,000 to outside companies. The EFA has since ordered that payments to these companies should cease. The academy trust was set up by co-founders who were husband and wife. The latter was employed as managing director of the trust and was paid a salary totalling £200,000 over the years 2014 and 2015. Two of the couple's daughters were also employed by the trust, one as a 'principal' of one of the LSSAT schools.
- The Durand Academy Trust (DAT), which runs an infant and junior school in South London, and the Durand Academy, a boarding school for older pupils in West Sussex has had its funding withdrawn by the EFA following serious concerns about the

management and governance of the trust. Durand Academy has more than 1,000 pupils at its three sites, received £17 million from the government to set up the school for weekly boarders in 2014.

In April, the DfE was reprimanded by the National Audit Office (NAO) for failing to properly account for spending by academies. A copy of the NAO report can be accessed at:

<https://www.nao.org.uk/report/comptroller-and-auditor-generals-report-on-the-department-for-educations-financial-statements-2014-15/>

### **BHA ALLEGES THAT FAITH BASED GROUPS ARE USING MULTI-ACADEMY TRUSTS TO TAKE OVER SECULAR SCHOOLS**

In an evidence session held by the House of Commons Education Select Committee, the British Humanist Association (BHA) said that loopholes in current regulations are allowing faith groups to set up academies in order to gain influence over non-faith schools. The BHA claimed that some Church of England and Muslim groups have gained undue influence in a number of different schools around the UK since academies were introduced, and that lack of regulation and oversight means many parents are unaware that their child's school has been converted to a religious one. The BHA says that this can happen because mixed multi-academy trusts (MMATs), are trusts which have both religious and non-faith schools as members. Under current rules, faith groups can appoint a majority of trustees to the main MMAT board, which in turn appoints the governing bodies of the schools that are part of the academy chain. This means faith groups may be able to subsequently exert influence over such things as the religious and sex education received by pupils at the non-faith schools in the trust, as well as making religious worship a part of the school day and introducing aspects of religious belief into their admissions criteria. The BHA gave as examples of this the case of Muslim trust that had assumed control of three non-faith schools this year, and a secondary school, which was a non-faith school, that became affiliated with a Church of England primary school. The school subsequently in effect 'became a religiously selective school' after it declared the primary school (that used religiously selective admissions criteria) to be its official

feeder school. The BHA is now calling on the government to take steps to ensure that 'organisations with a distinctive religious character should not be afforded decision-making power over schools with no religious character'. More information on this, including a video that includes the evidence given by Andrew Copson, the chief executive officer of the BHA, to the Education Select Committee, can be accessed at:

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/education-committee/news-parliament-2015/multi-academy-trusts-evidence4-16-17/>

### **THOUSANDS OF NEW SCHOOLS WILL HAVE TO BE BUILT TO COPE WITH THE SCHOOL POPULATION GROWTH**

DfE figures published last year project that in England alone, by 2020 there will be 8.6% more primary school age pupils and 12% more secondary school age children, meaning that there will be almost 730,000 more school age children in England by 2020 than there were in 2015. The Scape Group, which advises local authorities on new buildings, has recently published a report that says this amounts to a requirement for 24,287 more classrooms, which in turn will require building 2,122 schools. The report goes on to say that 'demand for places will vary between regions, with London, the South East and East of England feeling the most pressure, and the North East and North West facing more modest increases'. Responding to the report's findings, a DfE spokesperson argued that 'there was still some capacity for growth within the existing system', and went on to say that funds were being made available to allow local authorities to 'invest £7 billion in order to create 600,000 additional pupil places in the period to 2021'. The Local Government Association (LGA), which represents councils in England, says its own research suggests that although existing schools have been expanding to cope with the bulge, most have now run out of space and agree with Scape in that a significant number of new schools will be needed in order to meet the growing demand. The LGA is also critical of the government's emphasis on free schools as the solution to providing more places and says Scape's calculations support their argument that powers to open new schools

should be returned to councils. In addition, the LGA says it wants the legal power to be able to force academy schools to expand. As usual, there is no mention or discussion, either in the DfE data, or the Scape report, of the implications of this high rate of school age population growth for the FE and Skills sector in England. A copy of the DfE's projected pupil number growth data can be accessed at:

<https://www.gov.uk/government/publications/school-capacity-academic-year-2014-to-2015>

And a copy of the Scape report, entitled 'The School Places Challenge', can be accessed at:

<http://83af0ee9e3c8cba9844f-a33048c0ede2332addff32deec6d7158.r40.cf3.raccdn.com/commonUploads/Scape-Group-School-Places-Challenge-Report.pdf>

### **FURTHER FUNDING CUTS WILL SEE THE END OF ADULT AND COMMUNITY EDUCATION, SAYS HOLEX**

Holex, the organisation that represents more than 120 adult and community education providers, has warned that any further budget cuts will wipe out adult and community learning. In its submission to the government made in advance of the forthcoming spending review, Holex says 'Adult education services have taken the lion's share of funding cuts' and that further cuts will result in 'the loss of a well-loved service that has taken in many instances over 100 years to create'. The submission goes on to say that this would 'remove the capability of many local authorities to respond to the social and employment issues they are now finding themselves with', adding that 'It is the adult education service that glues together the other services such as probation, troubled families and health, to solve particular localised problems'. Holex is calling on the government to commit to at least maintaining current levels of adult education funding 'with an ambition to secure new funding in the future'. A copy of the Holex submission can be accessed at:

<http://holex.org.uk/wp-content/uploads/2016/10/Spending-Review-Nov-2016-3C.pdf>

### **LEVELS OF LITERACY AND NUMERACY IN YOUNG ADULTS IN THE UK ARE 'AMONGST THE WORST IN EUROPE'**

In its recent publication 'Society at a Glance 2016' the part EU funded Organisation for Economic Co-operation and Development (OECD) says that, out of the countries it compares, only two had lower levels of literacy and numeracy amongst young adults than in the UK. The OECD report also says that the UK is one of the few countries 'in which literacy and numeracy skills have deteriorated between the older and younger generation'. The report says that in the UK in 2012, 18% of 18-29 year olds had poor literacy skills, compared with an OECD average of 10.8%. Only in Spain (at 18.2%) and Italy (at 19.7%) was the rate higher. The report goes on to say that rate of young people aged 18-29 with poor numeracy skills in the UK was 25.4%, the third highest behind the United States (at 29%) and Italy (at 25.9%), and was almost 10% above than the OECD average of 15.5%.

The report goes on to say that the apprenticeship participation rate in the UK is less than 2%, compared to over 9% in Denmark and 15% in Germany, and argues that increasing apprenticeship rates in the UK 'would help more practically-minded students into the workforce'. Turning to the UK's NEET rate (the proportion of young people aged 16-24 who are not in education, employment or training), the report says that this is 'slightly below the OECD average'. But, despite acknowledging recent improvements, the report states that the level of NEETs is still higher than that in the best-performing nations, such as Germany, and claims that 'close to two-thirds of NEETs in the UK are inactive', (i.e. not even looking for a job). Curiously, the report does not mention youth unemployment rates for those aged 16-24, where the UK does much better. As at July this year, the youth unemployment rate in the UK stood at 13.7%, only seven EU countries have lower levels of youth unemployment than in the UK. And in addition to being more than 5% lower than the EU average, the UK youth unemployment rate is considerably much lower than in Greece (at 50.3%), Spain (at 43.9%), Italy (at 39.2%), France (at 24.4%), Belgium (at 20.7%) and Sweden (at 20.2%). This would seem to suggest that, if

nothing else, the UK is better than many countries in getting young people into work or further education and training. A copy of the OECD report can be accessed at:

<http://www.oecd.org/social/society-at-a-glance-19991290.htm>

### AND FINALLY...

Students on a BTEC National Diploma in Music course at a local FE college had reached that part of the course where they were being taught the commercial side of being a professional musician, including negotiating contracts, promotion and publicity. To gain practical experience of this, their tutors helped the students form bands and to obtain 'gigs' by advertising themselves. Two students decided to form a 'Simon and Garfunkel tribute band'. However, their attempts to promote themselves and obtain 'gigs' were not proving to be too successful, until one day they were asked by a local funeral director to play at a graveside service. The deceased was a solitary person, who had no family and no close friends, but who had expressed a preference for a 'green' funeral in nearby woodlands designated for the purpose, and who had asked for 'Simon and Garfunkel' music to be played during his internment service. Although the request was slightly unusual, the students had received no other offers of work, so they agreed to do it.

On the day of the funeral, they started out for the woodlands in a car belonging to the mother of one of the students. However, because they were not familiar with the location, they got lost, and, being typical students, they didn't think to stop to ask for directions. They eventually arrived an hour late and, to their horror, saw that the burial service was over and that the undertakers had left. Only the workers remained, and they were sitting around the hole they had recently dug, eating their lunch. The students were distraught and felt that they had let down both the deceased and the funeral director who had hired them. Because they didn't know what else to do, they decided they would still play at the deceased's graveside. As they played, the workers put down their lunches and began to gather around to listen. The students played as they had never played before, and when they began to sing 'Bridge over Troubled Waters', the workers wept.

Then the students began to weep. Then they were all weeping together. When the students had finished, they shook hands with the workers and returned to their car. Their heads were hung low, but their hearts were full. And, just as they were opening the car boot to pack away their instruments, they heard one of the workers say, 'I can honestly say that I've never experienced anything quite so moving as that before, and I've been putting in septic tanks for twenty years'.

### Alan Birks – October 2016

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