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FE WEEK

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FRIDAY, JANUARY 11, 2019
EDITION 266

COLLEGE FACES EXTRA £3M VAT BILL

Capital City College Group drops 17 year dispute with HMRC

JUDE BURKE JUDE@FEWEEK.CO.UK

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HIGHBURY COLLEGE IN £1.4M LEGAL BATTLE WITH NIGERIAN STATE

College refuses to talk about failed project or attempts to recover the 'debt'

Exclusive BILLY CAMDEN BILLY@FEWEEK.CO.UK

See full investigation on pages 10 & 11

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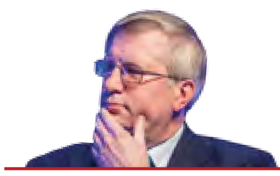
'Centenary commission' on adult education launched



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News

The death of former principal Garry Phillips prompts warm tributes

JUDE BURKE
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Tributes have flooded in for Garry Phillips, the former principal who passed away over the Christmas period.

His death was confirmed on January 4 by City College Plymouth, which he led until November.

Steve Frampton, president of the Association of Colleges, said he had "always admired" Mr Phillips' "drive and deep, passionate understanding of students and their learning".

"Garry was a thoughtful, warm and generous man, with a keen sense of humour, and always willing to share the successes and learning of his leadership," he added.

Mr Phillips "could also be challenging, almost relentless in the search for the best for his institution, and students.

"I will miss him very much, and hope we can all learn lessons from his very, very sad and untimely death."

David Hughes, chief executive of the AoC, said Mr Phillips' death was "a great shock" and "very sad indeed".

He was "always keen to make a difference and to improve the world", Mr Hughes said.

"I last spoke to him in December about his future plans and my thoughts are now with his family."

Mr Phillips' career in the FE sector spanned more than 20 years, and included top jobs in three colleges.

He became principal and chief executive of New College Telford in 2012, before moving on to Ealing, Hammersmith and West London College in July 2014.

The college dropped its Ofsted grade a year later, from three to four, but just 18 months later it had turned around and was rated 'good'.

In March 2018 Mr Phillips announced he was moving on to City College Plymouth, where he took up the leadership position in July.

However, the publication in November of an FE commissioner report that was highly critical of Mr Phillips' leadership at his former college prompted controversy and ultimately led to his resignation later that month.

Karen Redhead, who took over the top job at EHWLC in September, is one of a number of college leaders to have expressed their sorrow at Mr Phillips' death.

"Extremely saddened to hear of Garry's death. Thoughts very much with his family," she tweeted.

Ian Pryce, principal of Bedford College, said he was "desperately saddened".

"So unfair and untimely. Garry was always great fun to be around but was always serious about FE too," he tweeted.

John Reilly, the now-retired principal of Mid Cheshire College, where Mr Phillips worked as quality manager earlier in his career, described him as a "good man".

"He made a massive impact, helping us to move from being in Learning and Skills Council special measures to a 'good' Ofsted inspection," Mr Reilly said.

City College Plymouth's statement, released on Friday, said: "It is with great sadness that we heard that Garry Phillips has tragically and unexpectedly passed away. Garry's family have asked that their grief and privacy is respected at this time.

"The funeral will be on Friday, 11 January, and Penny Wycherley, the interim principal and a former colleague of Garry's, will represent the college."

Garry Phillips

Ofsted to launch CIF consultation next week

Ofsted will launch its new common inspection framework consultation at the Sixth Form Colleges Association winter conference next week.

Amanda Spielman, the education watchdog's chief inspector, will use her speech to lay out her proposals and open the consultation.

She previously outlined the changes providers can expect to see in inspections and reports during her speech at the Association of Colleges annual conference in November.

The new inspection framework will be rolled out from September.

The skills minister Anne Milton will also address the SFCA conference, which is being held at Friends House in Euston, London from 9am on Wednesday, January 16.

ESFA seeking views on apprenticeship levy

The Education and Skills Funding Agency is seeking empoyers' and providers' views on the long-term operation of the apprenticeship levy, almost two years after it was introduced.

Employers can now email their "thoughts and feedback" to the agency, and it will launch a short survey in the "coming weeks", according to a business update published on Wednesday.

The survey will "offer an opportunity to comment on how we can help develop demand for, and provision of, apprenticeships".

"In the meantime, we have set up an additional mailbox where we encourage employers to share their thoughts and feedback.

Please email apprenticeships.feedback@education.gov.uk."

Off-the-job training 'mythbusters'

The Department for Education has published new guidance on the controversial 20 per cent off-the-job training rule for apprentices, which attempts to bust "myths".

It offers what the department perceives to be five false views about the policy before supplying the "fact" about each.

The rule, which requires apprentices to spend a fifth of their week on activities related to their course that are different to their normal working duties, has split the sector since its introduction in 2015.

Many have complained that the rule is the single biggest barrier to apprenticeship recruitment, but others view it as a vital part of the apprentices' development.

Visit https://bit.ly/2u8twXO to view to "mythbusters" document.

News

Lifelong learning campaigners join forces to launch 'centenary commission' on adult education

PIPPA ALLEN-KINROSS
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Oxford University's Balliol College

Leading universities and educational charities have joined forces to create a new commission into the adult education challenges faced by the country.

The Centenary Commission will consider what education is required in the face of longer lives, changing work needs and global challenges including the growth of technology, and will address the role of adult education in globalisation, civic engagement and democracy, social mobility and communities.

The commission has been formed as part of the Adult Education 100 campaign, to mark 100 years since the Ministry of Reconstruction – formed during the First World War – published its Report on Adult Education and argued lifelong education was vital for the future of the country.

The Centenary Commission, formed by the Universities of Nottingham and Oxford as well as the Workers' Educational Association, the Co-operative College and the Raymond Williams Foundation, will publish its report in November.

Dame Helen Ghosh, chair of the commission and master of Balliol College, Oxford, said: "There are eerie parallels between the problems of 1919 and those of 2019, making a powerful case for a new commission to look at the challenges."

Sir Alan Tuckett, who was honoured with a knighthood last year after leading the National Institute for Adult Continuing Education for 23 years and became known as FE's "campaigner-in-chief" for lifelong learning, is the commission's vice chair.

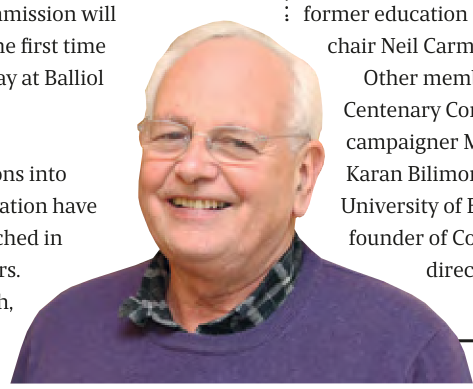
He is now a professor of education at the University of Wolverhampton, and told *FE Week*: "There seems to be a complete absence of coherent thinking nationally about lifelong learning. I'm hoping the commission will find a fresh way to help decision-makers see that this isn't an extra, it isn't an option and it can't simply be left to the market.

"I hope it brings back into the public domain the kind of confidence we had as a country 100 years ago to think we could imagine a better way to do things. We can't, as a country, only talk about Brexit forever."

Andy Haldane, chief economist at the Bank of England and a patron of the Adult Education 100 campaign, said universities are not meeting the needs of lifelong learning or doing enough to offer a "broad-based", multi-disciplined education.

"The future university may need to be a very different creature than in the past. It may need to cater for multiple entry points along the age distribution, rather than focusing on the young."

The commission will meet for the first time on Thursday at Balliol College.


Sir Alan Tuckett

Several commissions into adult education have been launched in recent years.

In March, Sir Vince Cable announced the creation of an independent lifelong learning commission to investigate the best ways to ensure adults can access learning and retraining, as part of plans for the National Retraining Scheme.

The Labour Party's 2017 election manifesto also promised the formation of a commission for lifelong learning as part of the National Education Service, and said it would be "tasked with integrating further and higher education".

It was announced in June that education company Pearson would launch an independent commission on sustainable learning for life, work and a changing economy, chaired by former education select committee chair Neil Carmichael.

Other members of the Centenary Commission include campaigner Melissa Benn, Lord Karan Bilimoria, chancellor of the University of Birmingham and co-founder of Cobra Beer, and Holex director Sue Pember.

The government's careers guidance body says it can't provide apprenticeship advisers

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Exclusive

The Department for Education has been criticised for spending tens of thousands of pounds on apprenticeship advisers, as a government-created careers guidance organisation says its own consultants are not "experts" on the subject.

A contract worth between £60,000 and £78,000 is on offer from the DfE for a supplier who can provide apprenticeship advisers to attend higher education exhibitions run by UCAS around the country.

The advisers, who will need to "provide expert apprenticeship advice and support to potential apprentices, parents and influencers on apprenticeships and traineeships", will have to attend a minimum of 35 events, and no more than 50.

The higher education exhibitions currently listed online begin in Surrey on February 25, and finish almost seven months later in Edinburgh on September 17. According to the UCAS website, the events "help students explore a wide range of academic and career opportunities and discover a future that's right for them".

However, concerns have been raised over why this does not fall under the remit of the Careers and Enterprise Company, which was created in 2015 to "transform the provision and advice for young people and inspire them about the opportunities offered by the world of work".

Robert Halfon, former skills minister and chair of the Commons education select committee, said it was "not clear why more duplication and expense are necessary".

"This decision means that less money will be available on the front line where it is needed most," he said.

"The Careers and Enterprise Company already have millions of pounds of taxpayers' money. Why are they not using their existing coordinators to do this work?"

But a spokesperson for the Careers and Enterprise Company, which is thought to have been backed by more than £70 million of government funding, said its 125 enterprise coordinators and 2,000 enterprise advisers were not "experts" on apprenticeships.

Geoff Barton, general secretary of the Association of School and College Leaders, said it would be "logical" for apprenticeship advice to fall under the remit of the Careers and Enterprise Company.

"It is a concern that additional money is being spent on providing this service at a time when there are such acute funding pressures in the education system," he said.

"The provision of apprenticeship advice is important and we support any efforts to give young people information and guidance. But it is also important that this provision is delivered in the most cost-effective manner possible."

The Careers and Enterprise Company spokesperson said enterprise coordinators "are not experts on apprenticeships as they have a wider focus on supporting clusters of 20 schools to achieve Gatsby Benchmarks" which she said leaves them "limited capacity".

She added that enterprise advisers are volunteers who are "already delivering a minimum of one day per month to schools", and said they are "also not experts in apprenticeships specifically".

The company's funding agreement with the DfE says its core objectives are to roll out employer engagement, support best practice and test and evaluate new approaches to careers provision, but does not specifically mention apprenticeships.


Claudia Harris

The Careers and Enterprise Company, which is led by chief executive Claudia Harris, has attracted controversy over the past year. In December, Mr Halfon accused it of believing it has a "magic money tree" and being "ludicrously wasteful" after it emerged that the company spent more than £200,000 on two conferences using public money rather than private sponsorships.

In May it was revealed that the company had spent almost £900,000 on research in the three years since it was created.

The Department for Education was contacted for comment.

News

London's largest college group abandons 17 year appeal and faces £3 million HMRC bill

JUDE BURKE
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A London college group has chosen to give up on a 17-year appeal against HM Revenue and Customs and will have to cough up more than £3 million.

The payment, listed in Capital City College Group's recently published 2017/18 accounts, relates to an appeal begun by one of its members, the College of Haringey, Enfield and North East London (CONEL), in 2001.

According to the financial statements, HMRC "raised assessments" against the college "in respect of certain lease and lease-back arrangements".

"Having taken professional advice" the college appealed against the assessment, but after "years of litigation" its professional advisers "finally concluded any further appeal would have less than a 50 per cent chance of success".

"The college has therefore withdrawn its appeal."

The money owed to HMRC, totalling £3,172,000, is listed in the 2017/18 accounts as a payment falling due within one year.

A spokesperson for CCCG said the case related to a decision made by the CONEL board in 1996 "to lease, and then lease-back, one of the buildings at its Tottenham site to a third-party company, to take advantage of favourable VAT arrangements".

The case had taken so long because the college needed to wait for other appeals to be heard by the tax tribunal, "the outcome of which would have a bearing on the likely success" of its own appeal.

"These cases have now been decided and as a result of legal advice following those judgments, we have decided to withdraw our appeal," he said.

The decision to abandon the appeal was taken in late 2017, under the leadership of former CCCG boss Andy Wilson.

The appeal cost £65,000 in legal fees, which the spokesperson said were paid by CONEL before it joined CCCG in November 2017.

It had also budgeted in the event that the appeal failed, "and had made a provision in its accounts for many years," he said.

HMRC declined to comment on the case, as it related to an identifiable taxpayer.

CCCG was formed through the merger of City and Islington College and Westminster Kingsway College in August 2016, with CONEL joining them the following year.

The group, which was led by Mr Wilson until his retirement in the summer, when Roy O'Shaughnessy took over, has a combined income of almost £112 million, which is likely to make it the third-largest college group in the country in terms of turnover.

It also has net assets of just over £300 million – the vast majority of which are its buildings – and long-term debt of £600,000.

But it recorded an operating deficit of over £6 million for the year – an

increase of £385,000 on the previous year's restated deficit of almost £5.7 million.

Despite this, the accounts show the group has retained its 'outstanding' financial health rating from the Education and Skills Funding Agency.

In November the group agreed a pay award, described as "landmark" by the University and College Union, which will see staff receive up to a five per cent pay rise.

The union claimed that Mr O'Shaughnessy had waived his right to a bonus as part of the deal, but a group spokesperson said he gave up this right – which would have been worth up to 15 per cent of his £220,000 salary – when he was appointed earlier in the year.

However, *FE Week* reported that the deal would cost £3 million, and would turn a projected break-even budget for 2018/19 into a £2.3 million deficit.

A spokesperson said at the time that CCCG would look at "ways to develop new sources of income" and at reducing its costs, including the potential for "not replacing certain jobs as they become vacant" in order to make up for the loss.

News

ESFA shake-up places a new director of funding in charge of its £63 billion budget

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The Education and Skills Funding Agency is preparing to move towards a "single Funding Operations Centre of Excellence" as it appoints its first overall director of funding.

The agency is expected to announce who has been given the coveted position in the coming days. The successful candidate will be responsible for the "development, implementation and maintenance of a truly 21st-century funding system".

The funding director, who will control more than £63 billion of government money, will take charge of delivering the national post-16 funding agenda, including apprenticeships as well as the national funding formula for pre-16 schools.

The job description for the role, which went live at the end of last year, said the ESFA is "moving towards a single Funding Operations Centre of Excellence, bringing together and improving existing functions".

However, the Department for Education would not comment on what the centre of excellence was.

The term "centres of excellence" has become fairly common in business. A company sets up a centre of excellence department and, rather than being purely operational, the centre also has a role to improve expertise and discover best practice in a certain area in order to share this knowledge with other departments.

This approach has been taken by other government departments. For example, the Department for Environment, Food and Rural Affairs runs an earth observations centre of excellence, alongside other external partners, to focus on how data from satellites complements existing datasets to deliver policy and services, and a best-practice centre to improve the management of existing private finance initiative deals is being piloted in the Department of Health and Social Care.

The Department for International Development has provided a five-year grant to the Centre of Excellence for Development Impact and Learning, which develops and tests methods for evaluation and evidence synthesis, while the Government Communication Service has brought together digital experts across Whitehall in its Digital Centre of Expertise to offer support and insight to other departments.

The new ESFA funding director will report directly to the chief executive, Eileen Milner, alongside fellow ESFA directors Mike Pettifer (academies and maintained schools group), Peter Mucklow (further education) and Keith Smith (apprenticeships).

The director takes the post at a time of change for the ESFA. In 2019/20 the government will devolve the adult education budget to the Greater

London Authority and six other combined authorities around England, but concerns have been raised that the rushed timeframe could cause "market instability" in the sector.

Meanwhile the first three T-level pathways – in education, construction and digital routes – will be taught by 50 training providers from 2020, with a further seven pathways expected to begin in 2021. The funding methodology for T-levels is currently being consulted on.

And the long-awaited national funding formula for schools is set to be rolled out fully by 2021 after ministers delayed its implementation by a year to support a "smooth transition".

South and City college Birmingham gets its 'good' Ofsted rating back a year after mega-merger

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A college that saw its Ofsted grade slip two years ago while it battled with deteriorating finances has got its 'good' rating back following a mega-merger.

Bournville College was warned by former FE Commissioner David Collins of its "hand-to-mouth" financial situation in 2014 and was downgraded by the inspectorate to 'requires improvement' overall and 'inadequate' for apprenticeships in 2016.

The former 8,000-learner college then received £10.5 million in exceptional financial support from the Department for Education in 2017/18, all of which was waived.

But it appears the college's troubles have started to turn following its merger with grade two South and City College Birmingham in August 2017, at which point their Ofsted records were wiped.

The new college taught more than 22,000 students over the previous full contract year and achieved 'good' ratings across the board.

Principal Mike Hopkins said he was especially "delighted" with the inspection outcome as it came "so soon after the merger with Bournville College".

"[It] shows very clearly that the college is totally focused on our students," he added.

"It also shows what incredible, dedicated and capable staff we have."

Under Ofsted policy newly merged colleges have their inspection records reset and can be given up to three years before they're inspected. South and City College Birmingham told *FE Week* it did not request its inspection despite it coming within just 15 months of its merger.

The new college has an estimated annual income of around £75 million and currently teaches around 5,000 learners who are aged 16 to 18.

Governors and senior leaders at the college, which now teaches 14- to 16-year-olds as well as apprentices and adult learners, were praised for managing "recent strategic changes well".

"The recent college merger and the separate development of courses for full-time pupils aged 14 to 16, have led to improved outcomes for students, pupils and apprentices," Ofsted said.

"The principal and senior leaders create a harmonious and inspiring environment, in a large and complex college, which enables staff to raise aspirations successfully."

Inspectors found that achievement rates in vocational qualifications have "improved and are high".

"Most students and apprentices who leave the college at the end of their course continue to higher education, employment, promotion or training," they said.

Teachers are "successful in supporting students with significant personal difficulties and low skill levels to improve their confidence, language skills and readiness for work".

To improve to 'outstanding', Ofsted said the college's teachers and assessors, particularly in A-level provision and English and maths GCSE courses, need to "improve the quality of teaching, learning and assessment".

Leaders and managers also need

South and city college Birmingham

to "improve pupils', students' and apprentices' attendance" on courses where rates are currently "too low".

South and City College Birmingham was first formed in 2012 following an initial merger between South Birmingham College and City College Birmingham.

Its mega-merger with Bournville College was originally planned for August 2016 but was delayed for a year.

Mr Hopkins said: "Anyone considering where to study only has to read the Ofsted report to see that no matter who you are, this is the college where you will be supported, be safe and above all else will achieve your qualifications.

"We are now beginning our journey from 'good' to 'outstanding'."

News

College ends use of corporate credit cards after former boss' £40k expenses

BILLY CAMDEN
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Exclusive

A college in financial difficulty has ended the use of corporate cards for senior staff after its former high-profile principal claimed more than £40,000 in expenses over the last five years.

The "lavish" spending by Dame Asha Khemka at West Nottinghamshire College included numerous visits to fine-dining restaurants, five-star hotels and a private members' club.

It has been branded as "deeply disappointing" by the University and Colleges Union, especially as this was "at a time when college finances were being squeezed".

The college has promised that it is clamping down on expenditure in light of the findings and its financial situation.

"The college has undergone wholesale regime-change both at governing body and senior management level in recent weeks, so this is very much a new era for West Notts," a spokesperson said.

"In light of the financial challenges we face, the new board of governors and management team have imposed strict controls on all expenditure including expense claims. The college's expenses policy has been reviewed and strengthened, and senior post-holders do not have use of a corporate credit card.

"We are absolutely committed to ensuring we make the best possible use of public money and to exercising the necessary rigour at all times when making spending decisions."

Dame Asha stood down as principal of West Notts in October, shortly after *FE Week* revealed the college had received a £2.1 million emergency government bailout in July, just 48 hours before it would have run out of cash.

An FE Commissioner report, which had been written back in August but was published after her resignation, warned that the leader and the college's board had "overseen a serious business failure which will impact on the whole college" and called for an "urgent review that ensures that those with ultimate responsibilities are held to account".

According to documents obtained by *FE Week*, Dame Asha spent £41,666.96 between 2013/14 and 2017/18 on her corporate card, despite earning an annual pay package which reached £262,000 in 2016/17.

Among the claims was over £11,000 on food and drink, including visits to a Michelin-starred restaurant called Jamavar in Mayfair, London, and numerous sit downs at Anoki, a fine-dining restaurant.

The largest spend was on accommodation, which was largely attributed to frequent visits to India and stays at the "prestigious" Taj Hotel Chandigarh.

The college launched two ventures in the country in 2015, with one involving its subsidiary company bksb, which claims to be the UK's "most popular eLearning solution for functional skills and GCSE", moving its headquarters to Chandigarh.

Dame Asha didn't visit India using her corporate card in 2016/17 or 2017/18, but did use it to stay at the five-star Beaumont Hotel in Mayfair, London.

Other spending included over £500 at a private members' club called The Arts Club, and a one-off £340 visit to a Boots store.

On top of this, West Notts spent £15,000 on a reception at a lavish London hotel in 2014, just hours after Dame Asha was awarded her damehood, which was reported by Chad, a local newspaper covering Mansfield and Ashfield, at the time.

The college, however, defended itself and said it was simply a stakeholder event which was already pencilled into its budget.

West Notts told *FE Week* that none of the expenses in question were paid back to the college.

A spokesperson added: "The individual to whom these expenses relate to is no longer an employee of the college and, as such, it would not be appropriate to comment further on the detail."

There is nothing to suggest Dame Asha's expenses were not in line with the college's policies or that they were wrongly claimed.

University and College Union regional official, Sue Davis, said: "It is deeply disappointing to see how the former principal was lavishing corporate funds at a time when college finances were being squeezed and staff pay held down.

"It is important that all senior spending is fully accountable, so it is encouraging that the college has now tightened its policy on the use of expenses."

FE Week revealed in November that Dame Asha resigned from her post without accepting any financial payout, walking away from at least £130,000.

Dame Asha declined to comment.


Asha Khemka at the damehood reception in 2014

News

The skills minister dismisses rumours of £500 million apprenticeship budget overspend

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Exclusive

The apprenticeship budget will be "alright" for the rest of the year, the skills minister has said.

Anne Milton was quizzed about a possible overspend by her Labour counterpart Gordon Marsden during a parliamentary debate on apprenticeships and skills on Tuesday, but she did not respond to his question.

However, she was more forthcoming during an exclusive interview with *FE Week* after the debate.

"I always want more money – the more we've got, the more we can do with apprenticeships," she said in response.

But she had no fears about the budget running out – either right now or for the rest of the year.

"I think we're alright until July," she said.

FE Week first reported on a potential overspend on the apprenticeships budget in early December, based on figures included in a presentation by a senior official at the Institute for Apprenticeships.

Referring to this presentation, Mr Marsden said during the debate: "The minister knows that the IfA's chief financial officer recently presented a forecast of a £500 million overspend."

"Can she tell us whether those figures are accurate?" he asked.

Ms Milton's remarks echo those of Keith Smith, the director of apprenticeships at the Education and Skills Funding Agency.

He told *FE Week* in December that he was "not expecting any pressure" on the £2 billion budget this year, despite the IfA's warning.

Mr Smith suggested the presentation was "trying to set out one scenario or a potential, particular illustration of what the budget might do and might happen" depending on take-up.

The IfA has so far refused to release the presentation, although it is facing increasing pressure to do so.

Mr Marsden wrote to the IfA's boss Sir Gerry Berragan last month asking for it to be made public.

He was told in late December that the institute was "considering" releasing it.

Drop in level two apprenticeships prompts calls for the government to investigate the causes

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The skills minister has vowed to "dig deeper" into the drop in level two apprenticeships, and whether it might be linked to the rise in management courses.

Anne Milton was speaking exclusively to *FE Week* following a parliamentary debate on apprenticeships and skills at which the issue was raised.

"We need to understand exactly what's going on," she said.

In addition to research set to be carried out by the Department for Education into the falling number of apprenticeships at level two, it was "fair to say" that similar research would be carried out on the rising number of higher-level starts, Ms Milton said.

"I'm looking at it all really," she added.

"What's happening at the top and what's happening at the bottom, and critically are the two related? Is there any correlation between the two?"

Questions that needed to be answered around the drop in level two included whether young people were "becoming NEETs" instead, or if they were working and "aren't prepared to take the lower salary they would get doing a level two apprenticeship", Ms Milton said.

Her remarks followed a Westminster Hall debate on apprenticeship and skills policy on Tuesday, called by Bradford South MP Judith Cummins, at which the minister said she would "dig deeper" into the drop in level two starts.

Final figures for 2017/18, published in December, revealed that starts at this level had fallen by more than a third in the space of a year, from 260,700 in 2016/17 to 161,400.

The proportion of overall starts at level two had also fallen to its lowest yet – from a high of 65 per cent in 2013/15 down to 43 per cent in 2017/18.

At the same time, the number of apprenticeships at level four and above rose by almost a third, from 36,600 in 2016/17 to 48,200.

"We are not absolutely sure what is behind the figures," Ms Milton told MPs.

The drop in level two starts was raised earlier in the debate by shadow skills minister Gordon Marsden, while education select committee member, and MP for Hull West, Emma Hardy also spoke about the importance of level two in terms of progression.

"Level two apprenticeships have fallen, but we have seen a huge rise in management apprenticeships. I do not know what the real story is here – does the minister?" Mr Marsden asked.

Anne Milton

"Has the government's failure on level two been a market consequence of the way that they sold the levy? I do not know; perhaps the minister can enlighten us," he continued.

Ms Hardy said that level two apprenticeships were often dismissed as a "nothing qualification, or a qualification that is not viewed very highly" – unlike GCSEs which were seen as a "a tool for going through and getting A-levels, which are a tool for going through and getting a degree".

"We do not see level two apprenticeships as the tool that gets someone to a level three apprenticeship, which is the tool to get to level four," she said.

Other issues raised during the debate included the administrative burden of the apprenticeship system, which Ms Cummins said many smaller employers in Bradford found "extremely difficult to manage", and the regional imbalances in the skills system.

John Howell, MP for Henley, spoke about the importance of work placements in giving young people transferable skills to prepare them for an apprenticeship, while Lee Rowley, MP for North East Derbyshire, raised the topic of equipping people with softer skills, such as persistence and flexibility, to enable them to navigate the workplace of the future.

Ofsted 'outstanding' rating achieved by a loans-only provider for the first time

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A loans-only provider has been rated 'outstanding' – the first such provider to receive the highest possible rating from Ofsted.

Civil Ceremonies Limited, which offers level three courses in funeral, naming and couples' celebrancy that are entirely funded by advanced learner loans, was rated grade one across the board in a report published on Wednesday.

It follows an investigation by *FE Week* in November which found that 80 per cent of the loans-only providers inspected by Ofsted to date were less than 'good', while none had been rated 'outstanding' at the time.

This week's report said that leaders and managers at Kettering-based Civil Ceremonies were "highly successful in implementing their vision and mission for the business".

The provider was founded in 2002 and began directly delivering loans-funded provision in 2016 after a period subcontracting for a local college. According to Education and Skills Funding Agency figures it has a 2018/19 allocation of £331,444.

In addition to its loans-funded provision, delivered through a combination of distance learning and residential courses, Civil Ceremonies has also developed its own qualifications "which allow their courses to be delivered to a wider audience by other providers to meet local and national need", the report said.

Its training programmes are "very well designed and demanding" and "provide learners with excellent training to become celebrants", while training staff have "very good sector knowledge and experience" and "exceptionally high expectations of their learners".

Current learners, of whom there were 75 at the time of inspection, "are all on track to achieve and make excellent progress", and a "high proportion" go on to "become self-employed and practise as celebrants".

Anne Barber, Civil Ceremonies' managing director, said she was "thrilled" by the report.

"We may only be a small team but this 'outstanding' mark demonstrates how we can compete at the highest level on the quality of our training," she added.

Loans-only providers only came into scope for inspection by Ofsted from September 2016 – even though some providers had been delivering since late 2013.

ESFA figures show there are 49 providers whose only form of adult skills funding is loans allocations, worth a combined total of almost £18 million, in 2018/19.

FE Week's investigation at the end of November found just 20 of these loans-only providers had been inspected, eight of which had received an 'inadequate' grade and a further eight were rated 'requires improvement'.

But despite these statistics, the education watchdog would not say whether it was planning to increase its monitoring of this kind of provider, prompting demands for urgent action.

Advanced learner loans, originally known as 24+ loans, were introduced in 2013/14 for learners studying courses at levels three or four and aged 24 and older.

Eligibility was expanded in 2016/17 to include 19- to 23-year-olds and courses at levels five and six.

Following a series of scandals in 2017, reported by *FE Week*, involving loans-funded providers that went bust leaving learners in the lurch, the ESFA introduced tighter controls on providers wanting to access loans funding.

News

Two-thirds of schools still flouting Baker clause a year after introduction

PIPPA ALLEN-KINROSS
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Exclusive

Two-thirds of schools are still flouting the controversial Baker clause a year after it was introduced – leading to calls for Ofsted to police the rule.

A report shared exclusively with *FE Week* and The Times by the Institute for Public Policy Research has warned the Baker clause has "failed to achieve its aims".

It found that of the 68 FE providers approached as part of the research, 70 per cent continue to find it difficult to access schools, while most of those who were granted access raised concerns about only having been allowed to speak to less academic pupils.

Only 31 per cent of the post-16 providers believe the situation around accessing school students had improved over the last year.

Meanwhile, 63 per cent of 101 secondary schools surveyed had failed to issue a policy statement, as required by the Baker clause since January last year, to show how they ensure education and training providers can access pupils to talk about technical education and apprenticeships.

Lord Baker has accused schools of "deliberately flouting and flagrantly disregarding the law of the land", but the Association of School and College Leaders has warned the Baker clause is "only one of a large number requirements that schools have to juggle".

The Baker clause, introduced in January 2018, stipulates schools must ensure a range of FE providers have access to pupils from year 8 to year 13 to provide information on technical education and apprenticeships.

Skills minister Anne Milton warned in August that the government would directly intervene in schools which failed to comply, but the IPPR said no intervention has taken place and providers are concerned about the "lack of any real consequences".

The think tank randomly selected 10 schools within each region of England for its study. The other schools were from the constituencies of education secretary Damian Hinds and skills minister Anne Milton – where just three of 11 were found to be compliant.

The report said there is a focus on "pupil retention, rather than supporting students and their families to understand the options available" because schools are largely funded on a per-pupil basis.

It recommends Ofsted assesses compliance with the Baker clause as part of a wider judgment on a school's careers guidance, including speaking to local providers to understand how effectively the school works with them.

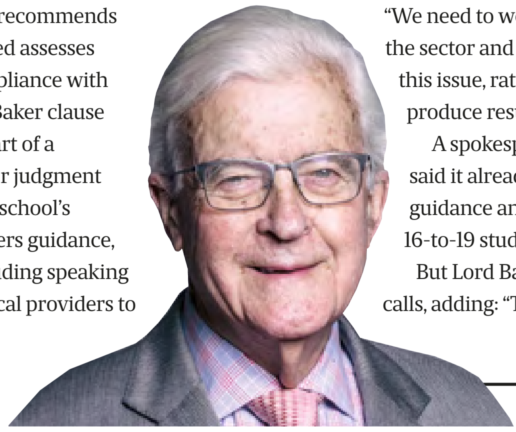
Careers guidance would be ranked between 'inadequate' and 'outstanding', and any school which receives the lowest grade or does not comply with the Baker clause should be prevented from receiving the top grade in the 'personal development, behaviour and welfare' section of the Ofsted report.

But Geoff Barton, general secretary of ASCL, said another measure for Ofsted inspections is "the last thing that schools need".

"We need to work together across the sector and with government over this issue, rather than attempting to produce results by coercion."

A spokesperson for Ofsted said it already assessed careers guidance and the effectiveness of 16-to-19 study programmes.

But Lord Baker backed IPPR's calls, adding: "The Baker clause was a major step to improve career guidance and by ignoring it schools are denying the right of their students to know more about technical education. This is totally unacceptable."


Lord Kenneth Baker

Robert Halfon, chair of the education select committee, said it is time for the government and Ofsted to "get tough and penalise schools which evade their duties under the Baker clause".

A spokesperson for the Department for Education said schools which are not supplying pupils with the necessary information will be asked for evidence of compliance with the Baker clause.

He added the DfE will "take appropriate action" against schools which do not supply this evidence.

The IPPR report also recommends the creation of a single online UCAS-inspired resource for more information on local FE pathways, as well as placing more responsibility on local authorities to engage parents with careers advice, help Ofsted tackle non-compliance and support partnership working across schools and education providers.

News

Highbury college in legal battle over

BILLY CAMDEN
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From front Exclusive

A college has called in the lawyers to recover a long-running £1.4 million debt held up in Nigeria, after a secretive technical education project in the country went pear-shaped.

Highbury College, which recently sold one of its prime learning centres in Portsmouth for a hugely reduced price to balance the books, has launched a number of ventures in Nigeria since 2012.

Millions of pounds of the college's funding was pumped into the projects in an effort to upskill the country's young people, but it appears the schemes were short-lived and one in particular came at a huge expense.

Numerous minutes from meetings dating back to 2016 discuss Highbury College's troubles in retrieving a £1.4 million debt that is owed to it by the Cross River State Government – a coastal state in southern Nigeria.

In 2013, the college partnered with the state to design a "demand-driven curriculum" and run a polytechnic training provider, called the Institute of Technology and Management (see box out).

But Highbury, which has remained tight-lipped about the project, pulled out of the partnership following a change in political parties in Nigeria in 2015.

"Institutions really do need to think twice before taking on the extra risks that overseas ventures entail"


Institute of Technology and Management in Ugep in 2015

It isn't clear exactly what the college's funds were spent on.

Since then, the college has managed to recoup £400,000 owed to it, but hasn't managed to get hold of the remaining £1.4 million.

Legal action has now been launched to recover the funds.

"The college accountant confirmed there been no progress with the CRSG [Cross River State Government] debt (c£1.4 million) and that the college had begun legal proceedings to recover the funds," said recently published minutes from a July 2018 audit committee meeting at Highbury.

"He confirmed that work was underway to transfer the money in the college's Nigerian bank account (c£400k) as the official and black-market exchange rates were now aligned."


Stella Mbubaegbu CBE

The college has been evasive about the project, the debt owed to it and the legal challenge.

"Due to the commercially sensitive nature of your enquiry, the college is not in a position to comment," a spokesperson said.

FE Week contacted the Cross River State Government, the British High Commission for Nigeria, and the Institute of Technology and Management in Ugep, which appears to still be operational, but did not receive a response at the time of going to press.

Mick Fletcher, an FE expert at the Policy Consortium, said it is "sad but perhaps not surprising" that Highbury College's operation in Nigeria has run into difficulties.

"I have worked with Nigerian polytechnics and know first-hand the difficulties of doing business in that country," he told *FE Week*.

"Given the great pressures on college managers in England at the moment institutions really do need to think twice before taking on the extra risks and increased demands on senior staff attention that overseas ventures entail."

Colleges were warned off of overseas ventures in 2016 following the collapse of AoC India, which fell just four years after launching when 25 UK college members quit.

While Highbury has not been forthcoming about its debt in Nigeria, minutes from various college board meetings have shed some light on the fiasco.

"The 2015 general election in Nigeria, resulting in a new political party taking over the government, and the drop in oil prices had slowed down the economy in Nigeria and these developments had affected the college's Cross River State Government contract," according to corporation minutes from July 2016.

"The college was being supported

WHAT WAS HIGHBURY'S PROJECT IN NIGERIA?

The Cross River State Government entered into a partnership with Highbury College to design a "demand-driven curriculum" and run a new polytechnic training provider in October 2013.

According to a press release frowm the state at the time, Highbury's principal Stella Mbubaegbu described the project as a "new dawn that will make the difference in the education sector".

The college has refused to reveal any details about the project, but from what *FE Week* has been able to gather through its own research, it essentially headed up the Institute of Technology and Management.

This included supplying a rector (a principal). William Pedley (pictured) held this role at the institute from July 2014 to August 2016, according to his LinkedIn page.

He then returned to the UK to work as Highbury's sector lead for university access and A-levels when the Nigeria project stopped.

According to the Institute of Technology and Management's own LinkedIn page, the centre was designed to be an "entrepreneurial Polytechnic Institute, the first of its kind in Nigeria".

Ms Mbubaegbu said the curriculum of the polytechnic was designed to "intertwine technical and vocational education training to boast entrepreneurship development".

The aim was to enable young people to set up their own businesses.

The college's board minutes suggest they pulled out of the project in 2015, citing a change in Nigerian government and a drop in oil prices which slowed down the country's economy as the reason.

It is unclear exactly what the college was being paid for, but to date £400,000 has been paid and the college has launched legal action to recoup the remaining £1.4 million.

Highbury has signed up to other projects in Nigeria in the past.

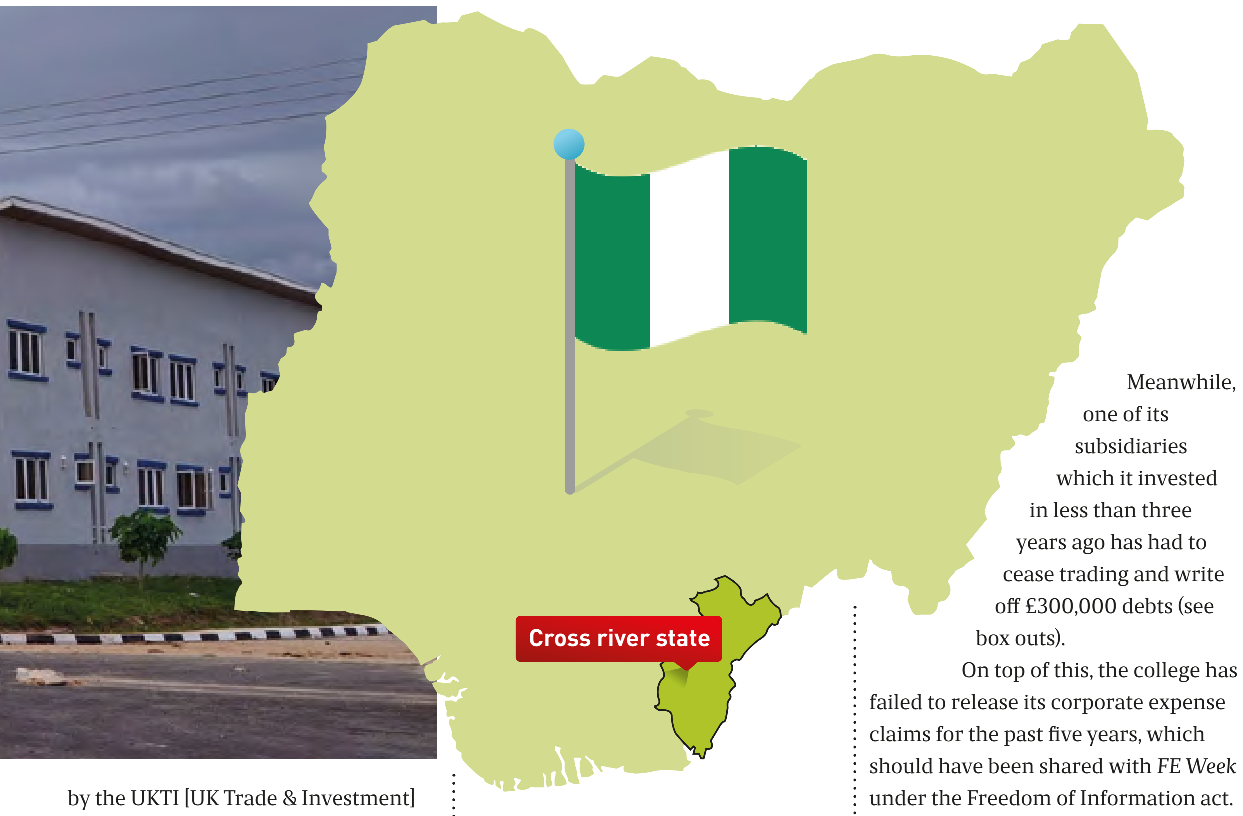
In 2012, the college was selected to partner the federal government of Nigeria to establish ten new vocational skills centres that were expected to provide training and employment opportunities to out-of-work Nigerian youths, according to a news story by About My Area at the time.

Principal Stella Mbubaegbu said the centres would be a "beacon of aspiration and excellence throughout the country".

The college declined to comment on whether it continued as a partner for the project when it launched.

William Pedley delivering a lecture at the institute in Cross River State

£1.4 million owed by Nigerian state



by the UKTI [UK Trade & Investment] and the British High Commissioner to Nigeria to recover the outstanding invoices and the principal assured members that all diplomatic channels were being explored."

November 2016 audit committee minutes then said: "The main [financial] issue was the recovery of a significant Nigerian debt which was long overdue with no clear timeframe for being cleared."

Highbury, which dropped two Ofsted grades from 'outstanding' last year, stopped work in Nigeria in 2015/16, according to its accounts.

The £1.4 million debt isn't the college's only financial woe.

Its accounts for 2017/18 were published this week and show a deficit of £2.48 million, a quick sale in August of their City of Portsmouth Centre for £4 million less than it had been valued at, a £200,000 ESFA clawback for under-delivery and a £400,000 battle with the tax office over VAT.

Meanwhile, one of its subsidiaries which it invested in less than three years ago has had to cease trading and write off £300,000 debts (see box outs).

On top of this, the college has failed to release its corporate expense claims for the past five years, which should have been shared with *FE Week* under the Freedom of Information act.

> "All diplomatic channels were being explored"

From a previous FOI, it was revealed that Highbury's principal, Stella Mbubaegbu, used college cash to pay for a first-class return flight from London to Dallas at a cost of £4,132.

COLLEGE BUILDING SOLD FOR CUT PRICE

A prime Portsmouth city centre building was sold by Highbury College in August for £5.7 million, which was more than £4 million less than it was previously valued.

From reports at the time it appears it was a quick sale, and the college's accounts reveal the cash was used to pay off an outstanding bank loan.

The premises cost the college £12.5 million to build in 2006, according to reports at the time.

The college previously recognised the value of the property to at around £10 million, according to its 2017/18 accounts.

However, at the point of sale in August 2018, the building was sold for £5.7 million, which was "market value", according to a college spokesperson.

"The disposal of the asset was identified as an action arising from the college's strategic review of college property," she added.

"From September 2018, courses in travel, tourism, EFL and culinary arts were relocated to Highbury Campus on Tudor Crescent.

"The move, which was welcomed by students, has enhanced the student experience and provided easier access to the extensive cross-college opportunities for enrichment."

The University of Portsmouth was the buyer.

APPRENTICESHIP PROMOTION COMPANY CLOSES

A subsidiary company of Highbury College that was supposed to deliver an apprenticeship jobs board platform has ceased trading due to "difficult conditions".

The college bought 70 per cent of the shares in New Work Training Limited, a company established by Tom Bewick in 2015, for £200,000 in April 2016.

Its business was meant to create the "world's first premium jobs board service, exclusively for promoting high-quality apprenticeships" called www.loveapprenticeship.com, according to a press release written by Mr Bewick in 2017.

But Highbury's 2017/18 accounts revealed that "difficult trading conditions and the need for investment have led to the company ceasing operations at this current time".

The www.loveapprenticeship.com website is no longer operational.

The accounts also reveal that the college has "impaired" £300,000 of debt owing to the college from NWT, and a "corresponding and equal sum has been written off-the debt from NWT".

Mr Bewick continued as a minority shareholder and director of the company from April 2016 to August 2018 and worked on the jobs board following the Highbury takeover, but stood down as managing director in September 2017.

In May 2018 he took up the post of chief executive at the Federation of Awarding Bodies.

Mr Bewick told *FE Week*: "For legal reasons I'm not in a position to comment on the detail about the business relationship between New Work Training Limited and Highbury College.

"However, I think it is in the public interest to state that as a minority shareholder and director of the firm my role was unpaid and nor did I receive any dividends or make money out of the venture once it became apparent the college was in financial difficulties elsewhere. In fact I lost money."

This isn't the first start-up company that Highbury has invested in.

It was one of five founding members of the Gazelle College Group. An *FE Week* investigation in 2014 revealed the founding members each invested £500,000 to establish the company.

In January 2017, *FE Week* reported that the group was on its last legs following a precipitous drop in membership, months of inactivity and the departure of its executive director.

love apprenticeship .com

HIGHBURY'S FINANCIAL POSITION

Highbury College's recently published accounts for 2017/18 state that its financial position has "deteriorated over the three years".

But despite recording a deficit of £2.48 million, they also say that performance in 2017/18 and the projected performance for this financial year "shows a much improved position with the expectation that the college will be graded as 'outstanding' using the ESFA criteria by the end of 2018/19".

The improvements are due to "significant cost reduction including the disposal of surplus buildings and growth from international and ESFA-funded provision," according to the accounts.

As at July 31, 2018, the college had £5.4 million of loans outstanding with bankers on terms negotiated in 2008, which cost £293,000 in interest payments in the year to July 2017. But this was fully repaid in August 2018 from the proceeds of the sale of its City of Portsmouth Centre.

Despite the claims of a "good" financial health, the financial statements show that cash flow for the college during the next year will "at times be tight, particularly around the February to March period".

But, they add, the college has "£0.4 million of funds held in Nigeria that could be repatriated and is planning to acquire a short term loan facility with a bank for around £0.25 million".

The accounts also reveal that the college did not make use of all of its ESFA adult education budget allocation and will be required to pay back around £200,000 of unspent funds to the agency.

Highbury also has a "£0.4 million liability due to HM Revenue and Customs for VAT claimed back against capital expenditure under the Lennartz ruling".

The college "continues to dispute the validity of this liability and remains in discussions with the HMRC to achieve an agreed position".

Meanwhile, a new loan of £1 million repayable over three years and "secured against the existing assets of the college" was arranged in August 2018.

News

2019: The year ahe

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2019 is set to be a big year for the FE and skills sector. While it's still not clear what impact the biggest event of the year – Brexit – will have (on anything!), we've taken a look ahead at some of the other key developments expected over the coming 12 months - including the introduction of the college insolvency regime, devolution of the adult education budget and the upcoming government spending review.

Apprenticeship policy tweaks

Large employers will be able to transfer a greater proportion of their levy funds from April this year, but small employers are still waiting to hear when the amount they must pay towards apprenticeship training will be cut.

The increase in the levy transfer facility, from 10 per cent to 25 per cent, was revealed by the chancellor, Philip Hammond, at the Conservative party conference in October.

Later that month he announced, as part of his Budget speech, that the fee small employers pay when they take on apprentices would be halved, from 10 per cent to five per cent.

The Treasury initially said this would take effect in April, but later backtracked.

No other policy changes are currently on the horizon – although there may well be in the future.

The Education and Skills Funding Agency has started seeking views from employers and providers on the long-term operation of the apprenticeship levy.

In December Anne Milton admitted that she will look at whether the government should continue to fund all apprenticeships, following reports that the budget is set to be overspent – in large part because of the growing number of expensive management apprenticeship starts.

The next set of statistics, due to be published later this month, will reveal whether there has been any change in this pattern over the first quarter of 2018/19.

Anne Milton

High hopes for spending review

The government's comprehensive spending review is due on a yet-to-be-confirmed date in 2019 – and many are hoping that it will lead to increased funding for the sector.

Philip Hammond

This is the process, first announced by chancellor Philip Hammond in March last year, by which government departments will be given their funding allocations for the coming years.

High on the sector wish list for the review is an increase in the unweighted base rate for 16- and 17-year-olds, which has remained unchanged at £4,000 since 2013.

Both the Sixth Form Colleges' Association and the Association of Colleges are campaigning for the rate, currently set at £4,000 for 16 and 17-year-olds and £3,300 for 18-year-olds, to be increased.

Skills minister Anne Milton has spoken on multiple occasions about her efforts to lobby the Treasury for more cash for the sector.

And in a letter to AoC boss David Hughes last August she wrote: "We want to make sure that there is an effective funding system for FE which can support sustainable, high-quality education.

"We are considering this as part of the upcoming spending review, scheduled to take place in 2019."

The letter ended with a hand-written note that said: "My lobbying for FE continues!"

Tender results due as T-level development picks up pace

With just 20 months to go until the first T-levels are set to be launched, the pace of their development is set to pick up in 2019.

The names of the awarding organisations to have won the contracts to develop the first of the new technical qualifications are due to be announced in February, around the same time that a tender for the next six T-levels will open.

The controversial tender process for the first three pathways ran from early September to late October 2018, in which AOs were invited to bid for an "exclusive license" to develop and deliver the new qualifications.

Three contracts were on offer, worth £17.5 million – one for each of the first pathways to be delivered in 2020, in digital (digital production, design and development); childcare and education; and construction (design, surveying and planning).

The contracts begin on March 4, meaning the winning bidders will have 18 months to develop the qualifications before they begin to be taught.

A second tender process for the six pathways that are due to be introduced for teaching from 2021 will kick off in spring, with the winning bidders expected to be announced in the autumn.

Meanwhile, providers interested in delivering the new qualifications in 2021/22 will be invited to submit an expression of interest later this month, with the successful providers expected to be announced in June.

College insolvency regime to kick in

Described as a "game changer" by the FE commissioner, the incoming insolvency regime – which will allow colleges to go bust for the first time – is due to take effect from January 31.

However, it's unlikely to lead to a raft of colleges immediately closing their doors – if ever.

The Education and Skills Funding Agency has yet to publish its new approach to intervention, so it's not yet clear how the regime will operate in practice.

But the information that is available indicates that the focus will be on continuity of provision – as stated by the government when it first announced proposals to introduce the regime back in 2016.

At the time, it said that exceptional financial support would also be withdrawn, but it has since become clear that colleges in difficulty will still be able to access some form of bailout funding, albeit not in the kind of amounts on offer now.

Both the skills minister and the FE commissioner have indicated that the number of colleges subject to the new regime will be small – with the latter telling *FE Week* in November that he did not "necessarily see the insolvency regime leading to closures".

However, Peter Mucklow, the ESFA's FE director, said in December that the new regime was a "significant" change for colleges, and warned those that "are evidently deteriorating" to expect greater challenges from the agency.

News

ead in FE and skills

AEB devolution to take effect from August

Seven devolved areas are set to get their hands on a combined total of around £600 million in adult education budget funding from August.

They are Cambridgeshire and Peterborough, Greater Manchester, Liverpool City, London, Tees Valley, West Midlands and the West of England.

The process has been many years in the making, with the first devolution deal – for Greater Manchester – agreed back in 2014.

It is likely to lead to a fundamental change to the way that adult education is funded and delivered in the devolved areas.

The Greater London Authority – which has the largest devolved budget and is the most advanced in its plans – has said it will eventually move away from simply paying providers to deliver qualifications to focusing on wider outcomes such as progression into work.

Its tender process closed shortly before Christmas, while procurement for the other six areas is either currently open or due to launch this month.

With less than seven months to go until the contracts begin there are still a number of issues to be resolved.

These include the fear that the policy will lead to a postcode lottery for adult learners, as exposed in an investigation by *FE Week*, with colleges in the devolved areas limited in what they can offer to learners who live outside those boundaries.

Shake-up likely after post-18 funding review

Post-18 education and funding is likely to face a major shake-up following the conclusion of a government review expected in early 2019.

The review, launched to great fanfare by the prime minister, Theresa May, at Derby College in February last year, focused on four areas: choice, value for money, access, and skills provision.

Its chair, Philip Augar, has been tightlipped about its findings – although he did reveal in June last year that it would address the funding imbalance between HE and FE.

And in December, education secretary Damian Hinds announced that the government would launch a consultation on a new suite of higher-level technical qualifications in early 2019, which is understood to be linked to the post-18 review.

It's also connected to the Department for Education's own review of level four and five qualifications which began in 2017.

An interim report, published last August, said it expected to publish its proposals alongside those from the post-18 review in early 2019.

Mr Augar is due to submit his report to the government by February, although it's not yet known when it will be published.


Philip Augar

Institutes of Technology to be named – finally!

The names of the providers who will set up the first Institutes of Technology are set to be announced in March, almost four years after the institutes were first mooted.

Between 10 and 15 IoTs are set to be created.

They are intended to bring FE and HE providers together, along with employers, to deliver technical skills training with a particular focus on levels four and five.

They will be backed by £170 million of capital funding, which can be spent on "industry-standard facilities and equipment".

In May last year the Department for Education announced the 16 bids that had made it through to the second stage of the competition, which launched in December 2017.

The aim was for the first institutes to open in 2019, although it is not clear if that is still the case.

IoTs were first proposed back in 2015, when government guidance indicated that colleges could be "invited" to become one.

But the 2017 Conservative Party manifesto said they would be linked to universities and would offer courses at degree level.

It subsequently emerged that the change in focus had been driven by a desire from Number 10 and the Treasury to "confer prestige" on IoTs by borrowing from the status of universities.

New Ofsted common inspection framework coming in September

A move away from outcomes and a greater focus on curriculum will be among the changes coming to Ofsted inspections, with the introduction of its new education inspection framework from September.

Amanda Spielman, the education watchdog's chief inspector, outlined the changes providers can expect to see in inspections and reports during her speech at the Association of Colleges annual conference in November.


Amanda Spielman

These included scrapping outcomes as a standalone judgment, introducing a new quality-of-education judgment to cover curriculum alongside teaching, learning and assessment, and a reduction in the number of types of provision from six to three.

Consultation on the proposed changes is set to open later this month, and they will also be piloted ahead of the rollout of the new framework.

One change that won't be coming this year is the introduction of campus-level inspections.

A new campus-level identifier came into use in individual learner records at the start of 2018/19, which potentially paves the way for inspections at this level.

However, Ms Spielman told *FE Week* in November that this data wouldn't be ready in time for the 2019 framework – but campus-level inspections were "still very much on the list of things we'd like to do".

News

Demands grow for more transparency from government on apprenticeship levy spending

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The City and Guilds Group has added its voice to the growing clamour for more transparency from the government on apprenticeship levy spending.

The education giant called for more openness about the amount that has already been spent and how much will be taken out in April, in a new report looking at the response of employers to the levy, published on Thursday.

City and Guilds' demand for transparency follows months of wrangling with the Department for Education over how much information it is prepared to release about the levy pot.

In December, the Institute for Apprenticeships warned the apprenticeships budget was set to be overspent by £500 million this year, rising to £1.5 billion by 2021/22.

The government has strongly denied this claim, made by the IFA's chief operating officer Robert Nitsch during a presentation to employers at Exeter College. Skills minister Anne Milton insisted to *FE Week* on Wednesday that the budget would be "alright" for the rest of the year.

Shadow skills minister Gordon Marsden wrote to IFA boss Sir Gerry Berragan at the end of last year asking to see Mr Nitsch's presentation and was told the institute was "considering" releasing it. However, Mr Marsden told *FE Week* he is yet to receive the IFA's final decision.

The top recommendation of the City and Guilds' Flex for Success report is for the government to "provide more clarity about the amount of levy that has been spent and the amount that will be taken out in April 2019 so that everyone involved in delivering apprenticeships and benefiting from them is able to plan effectively".

> "Providers are left in the dark about the true extent to which employers have taken up apprenticeships"

Kirstie Donnelly (pictured), managing director of the City and Guilds Group, said businesses need "more flexibility" in how they use the apprenticeship levy but warned "flexibility alone isn't enough.

"The government must provide greater clarity on apprenticeship data in order to equip the industry with the holistic view it needs and enable employers to understand its wider impact."

In the foreword to the report, Ms Donnelly warned that without "transparent reporting" of apprenticeship spending, "training providers and employers are left in the dark about the true extent to which employers have taken up apprenticeships, and where any leftover money will end up".

Her warning follows concerns raised by the Association of Colleges at the start of last month that "we don't know the full story about apprenticeship spending because the whole area is shrouded in secrecy".

City and Guilds surveyed 765 businesses which pay into the apprenticeship levy to understand how it is used and what barriers they face.

The research found that 93 per cent of levy-paying firms cited some kind of block to investing in apprenticeships, including a lack of suitable apprentices in the area, not being able to find appropriate providers or concerns over 20 per cent off-the-job training.


Kirstie Donnelly

Although the government announced last year that the level of levy funds which can be transferred to other businesses in a supply chain would rise from 10 per cent to 25 per cent in April, the survey found levy-employers would be more comfortable with an average of 35 per cent.

The report makes 12 recommendations to the government in all, including calling for organisations investing in apprenticeships to be rewarded with the option to spend levy funds on other qualifications, a commitment that a proportion of any surplus levy is invested centrally to support recruitment and promote opportunities, and for the IFA to introduce or approve end-point assessments for all live apprenticeships "as a matter of urgency".

A spokesperson for the DfE said the government was working with employers to "build awareness of how businesses can use their apprenticeship levy fund" and working with businesses to "make sure they make the best use of the levy transfer and their own levy funds".

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ESP is recruiting.

This is an exciting time to be joining a dynamic and innovative training provider. These new roles provide unique opportunities for ESP to become a world class institution and create and grow our apprenticeship offer.

We are currently recruiting a Programme Delivery Project Officer, looking for a solution focused individual who has experience of designing, developing and shaping the delivery of our apprenticeship programmes.

We are seeking two committed and qualified trainers and learning and skills coaches of Leadership and Management to drive forward our portfolio of Leadership and Management and Human Resource qualifications, including higher apprenticeships to meet the demand for skills development and the expectations of our employers.

With the learner at the heart of all we do, ESP are currently looking for an enthusiastic and driven Compliance and Quality Lead to take a lead role in the development and maintenance of robust controls and procedures with the purpose of ensuring compliance with audit requirements to meet funding and external stake-holder requirements, and contribute to improving the quality of, and compliance with the completion of learner files and accurate data recording.

An excellent opportunity has arisen within ESP for a highly motivated, learner focused, inspirational Work Based Learning and Skills Coach to join our team to deliver outstanding provision to our learners and employers delivering apprenticeship programmes including Customer Service, Team Leading, Business Management and Leadership and Management programmes.

To apply for any of the above positions, please email your CV and covering letter stating how you meet the person specification and why you would be suitable for the role to **karen@esp-ac.uk**

For more information on each vacancy, please visit **https://bit.ly/2zKXruk**

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HEAD OF MIS AND EXAMS

Salary: £60,000 inclusive of market supplement payment

Havant & South Downs College is a leading provider for both academic and technical education - selected to pilot T Levels from 2020, World Skills UK finalists in 2017 and 2018, a successful merger in 2017 and a further merger planned for 2019...our commitment to innovation, excellence and student success is unwavering.

An exciting opportunity has arisen to join our team as Head of Management Information Systems and Exams.

The successful candidate will create, maintain and deliver an effective MIS and Exams strategy and related policies which inform and support current and future developments of the College. The post holder will pro-actively deliver accurate, objective and timely management information that is audit and inspection-compliant and integral to College strategy and decision-making. It is essential that the post holder also maintains high quality exams provision that supports student success and meets awarding organisation requirements.
You'll be degree qualified, have substantial experience working with Management Information Systems and engender a performance management culture, leading departments that strive to deliver a high-quality service. You'll have a proven track record of success with data, curriculum planning, and funding in 16-18, 19+ and apprenticeships.

If you would like an informal conversation about this position with the Deputy Principal Richard Barlow, please contact Angela Dunn - **angela.dunn@hsdc.ac.uk.**

Closing Date: Sunday 20th January 2019
Interview Date: Friday 1st February 2019

We are looking for ambitions that go beyond the usual MIS processes: with entrepreneurial leadership skills, you will enjoy working in a leading college within a dynamic FE landscape across a multi-campus set-up. Drive, ambition and motivation, with clear communication and transformational leadership skills will be required to make a quick impact. Innovative approaches to simplify and transform existing systems and merge ILRs will also be essential.

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EDITORIAL

This year, if nothing else, won't be boring for us in the FE and skills sector

As the sun rises on 2019, the FE and skills sector is expecting another year of significant policy development.

And in our first edition of the year, senior reporter Jude Burke takes a look at what to look out for in eight of the biggest policy areas.

Here are my hot takes:

1 Apprenticeship reform and funding: still no date yet for implementing the small employer contribution reduction to 5 per cent and the conflicting messages from the ESFA and IfA over budget forecasts is concerning

2 T-level tender: is implementation still on track for contracts to go to the single awarding organisations in March? Look out for any tension here between the secretary of state Damian Hinds and the permanent secretary Jonathan Slater when they go before the education select committee on Wednesday

3 College insolvency regime: could a community really lose their local college this year? Sadly, without ongoing bailouts and a rise in the funding base rates, this seems likely

4 Adult education budget devolution: sounds great but from August it is likely to be an unfair postcode lottery and expensive bureaucratic nightmare in practice

5 Post-18 funding review: a real opportunity to put FE funding on more of an equal footing with HE at the higher qualification levels, but I fear the government's response to the interim report will disappoint

6 Institutes of Technology: first announced in 2015 and we wait with great anticipation to find out where they will be. Whilst wanting to welcome the £170 million capital investment, will they, like National Colleges, have little impact?

7 Ofsted's new common inspection framework: just how will the single framework interact with mega-colleges alongside thousands of micro-providers? All to be revealed next week

8 Treasury spending review: all to play for and plenty of lobbying energy still needed to secure a rise in the 16-18 funding rate, unchanged since 2013

And Brexit? Well like Jude in our cartoon this week, I would need a psychic to know if it will happen, let alone the impact on the FE and skills sector after March.

What I can be sure of is that *FE Week* we'll be here reporting on every twist, turn, high and low this year.

So stay tuned – because if nothing else it won't be boring!

Nick Linford, Editor
news@feweek.co.uk

Readers' reply

EMAIL TWITTER FACEBOOK WEBSITE

IfA 'considering' releasing apprenticeship overspend presentation

There is no excuse for not releasing this presentation. Pathetic excuses won't cut it. Mind you, considering how woeful the IfA is, this should be no surprise to anyone

I.Ron.Pyrite

DfE ends subsidies for Chartered Institution for FE

It would be great to achieve 'Chartered' status as a learning provider, but the annual subscription fees for this are ridiculously high and prohibitive for most ITPs. Perhaps the AELP can pick this up and incorporate it into its membership package?

Noel Johnson

I'm afraid that the Chartered Institution has lost its way - as I said in @ FEWeek some years ago

@OldDitch

Seems there is an inexhaustible supply of these types of 'projects' that claim quality but are not funded once the gloss has worn off? (New puppy syndrome?).

@marches_skills

College gets its 'good' rating back a year after mega-merger

I do like a turnaround story especially against the backdrop of a merger. Well done to FE colleagues who made this happen

@EducationAlex

Excellent result. Well done to Principal Mike Hopkins and all of the staff at South and City College Birmingham on this significant achievement

@RichardAtkins2

Two-thirds of schools still flouting Baker clause a year after introduction

I remember talking to an FE college which produced its prospectus in loose-leaf format, knowing schools would remove reference to full time level 3 courses.

@Tregeare

A concerning article when you consider that schools play a critical role in preparing young people for next steps in education or a career.

@MDcityandguilds

REPLY OF THE WEEK

ESFA announce changes to 16-to-19 funding rules from August 2019

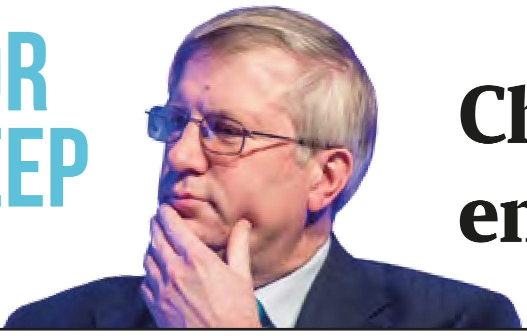
Yet another example of individuals with no experience in the sector, or clue of the consequences of their actions, potentially ruining promising careers before they have begun. I currently have a group of learners studying Plumbing at Level 1, all with grade 4 or above at both Maths and English. They are developing techniques, handskills and technical knowledge to enable progression to level 2 next year – without this very few, if any, would have had the ability to succeed straight in at level 2. For once ESFA, listen to the teachers working with our future trades men and women, and leave things alone.

Jon Ninnes

Experts

PROFESSOR EWART KEEP

Director of SKOPE, Oxford University



Challenges are too hard if employers cannot play their part

Employers are reducing their training effort. But how can the government talk to them about it, says Ewart Keep, when it has abolished the organisations that would have provided a structured way to engage on skills policy

Employers' attitudes towards skills present huge challenges for the government's ambitions on skills. Since 2010 policy has encouraged employers and individuals to invest more within a marketplace for education and training, with the government regulating these markets and funding provision where the market fails for very specific reasons. Sir Charlie Mayfield, when chair of the UK Commission on Education and Skills (UKCES), talked about the "inconvenient truth" that employers were simply going to have to spend more on training as the state cut back. Things haven't gone to plan.

The harsh reality is that there has been a steady and cumulatively massive fall in the volume of employer-provided training. Latest estimates by Greater London Authority Economics suggest a total decline of training hours per person employed between 1997 and 2017 of 65 per cent outside London and 72 per cent in London. Employer spending on skills is also declining, with estimates of the reduction for the past decade ranging from 15-30 per cent. Far from stepping up to the plate, many (although not all) employers are retreating from skills investment.

Against this backdrop, the approach of companies to apprenticeship has continued to leave much to be desired. Besides problems with how the levy is being spent, even large employers are often unable or unwilling to deliver apprenticeships themselves, with the result that everything is contracted out. This is in marked contrast to countries such as Germany, where large and medium-sized employers (and even many SMEs) have sufficient in-house training capacity and expertise to design and deliver high-quality apprenticeships. The only aspect delivered externally is the theoretical off-the-job component.

Current practice in England, where external providers essentially drive and deliver apprenticeship, speaks to the overall weakness of internal training capacity, which also impacts on the volume and quality of skill acquisition by the adult workforce.

> "Brexit is certain to exacerbate some of the challenges"

The government has two primary problems. First, it is unwilling, at least for the present, to confront the reality that employers are reducing their training effort.

Second, even if it wanted to engage with employers, it lacks the capacity and institutional infrastructure to do so. Its decision to cease funding the sector skills councils (SSCs) and to abolish UKCES mean that, unlike almost every other developed country, England no longer has collective mechanisms for the government and employers to engage in a structured way on skills policy. The SSCs and UKCES may have had their faults, but they were almost certainly better than nothing, which is what we now have!

A symptom of this dysfunctional situation was the Department for Education's (DfE) recent decision to commission research into the large fall in level 2 apprenticeship starts. This betokens the desperately weak linkages between government and employers. In any other country, the equivalent of the DfE would simply have asked the bodies that represent employers, and the collective organisations that deliver apprenticeship, what was happening. We have none, so we can't.

We face mounting challenges around skills – on apprenticeships, traineeships, adult re- and upskilling, the impact of new technologies on work and skills, and the delivery of T-levels (to name but a few) – and Brexit is certain to exacerbate some of them. None can be addressed, still less solved, if employers cannot or will not play their part.

Sooner or later policy will have to engage with employers in a new way, and construct a genuine conversation about what is needed and who will pay for and deliver it. One-off summits with a small group of "usual suspect" large firms and small clubs of employers forming "trailblazer groups" are not a robust enough infrastructure to support the level and depth of dialogue that will be needed to make this conversation deliver what is needed.

JULIE NERNEY

Chair, Association of Colleges

The AoC gives us power – we need to harness this for our learners

It's not going to be an easy year for the AoC, but Julie Nerney, its new chair, is looking forward to the challenge

This feels like a truly transformational moment for the Association of Colleges. The incredible energy and commitment to the #LoveOurColleges campaign is a great foundation to build on in the year ahead as we seek to influence the comprehensive spending review to put right the disparity between funding in FE and other parts of education.

When I reflect on how the world of work has changed since I started my first job, just under 30 years ago, it strikes me that there has been a shift from an occasional requirement to lead change to change being the new normal. The evolution of the way we work feels like more of a revolution, and the circumstances that colleges operate in are incredibly challenging.

Once in a century events such as Brexit; once in a generation shifts in the skills required for the new economic paradigm; continual and rapid technological change. When you couple these with the reality of insolvency and the marketisation of education, which creates choice for learners, we see an increasingly competitive landscape for colleges as we fight for market share while remaining underfunded.

But at the heart of all this are our students – individuals accessing education, whatever the subject, level or learning style. Students who need a high-quality teaching and learning experience every day. And that is what motivates me to be part of a college and the association: that sense of purpose that unlocks potential, celebrates ambition and transforms lives.

It has never been more important for colleges to have a clear, credible, representative voice, to draw together solutions to these connected challenges and to be an authority whose relevance is driven from the experience and support of its members. The insight that AoC gets from our members allows us to illustrate the tangible impact of the issues and how they manifest themselves in communities, economies and for learners. We can speak to universal issues that transcend geography and those specific to regions.

> "Every learner needs a sector that is flourishing"

Leading when things are straightforward is easy, but leading when things are hard requires courage, vision, ambition and dynamism. And the power of a membership organisation is unique – harnessing that power gives us credibility, and that only happens when we are all engaged.

The #LoveOurColleges campaign was striking in how powerful we are as a body when we speak with one voice. Principals and chief executives in every college are better connected to the needs of our economy and our workforce than those in many walks of life. They understand labour market dynamics, the technological drivers of change – and the challenges. Working with our members, we can speak confidently to those in the Treasury and the Department for Education about the difference that colleges make to social mobility and the prosperity of our country, building the case for fair funding.

Because every day, in hundreds of colleges, students turn up to learn. For some, it's about rediscovering learning. For others, building confidence. Some will be starting out in life, working towards a chosen career. Some are learning for pleasure. Some are reinventing themselves as they switch careers. And every one of them needs a college sector that is flourishing.

With the right investment, we could provide liberating and life-enhancing opportunities for hundreds of thousands more. This is so important given the dislocation felt by so many communities, shown by the Brexit vote, and for employers who need skills relevant to their needs.

I'm passionate about this. I'm looking forward to playing my part in providing support and leadership from AoC in championing the vital role that colleges make in driving social mobility and economic prosperity for the country.

TONY BRESLIN

Former chair of awarding organisation Industry Qualifications

Will this amendment be Kenneth Baker's lost clause?

After this week's IPPR report revealed that two-thirds of schools are still flouting the Baker clause, Tony Breslin argues that enforced compliance can only be a short-term fix - colleges and schools should look for new models of collaboration

For some the Baker clause – and its requirement that schools must allow colleges and training providers to access every child in Years 8 to 13 so that they might explore their "non-academic" options – heralds a new era of openness in the relationship between schools, colleges and the wider FE sector. For others, this legally binding amendment to the 2017 Technical and Vocational Education Act confirms the reality of a broken system clutching at the straws of compliance to ensure that different types of institution pull in the same direction. There is truth in both views.

Baker acknowledges the reality that the FE sector has difficulty accessing students during their secondary education, and that young people often make their decisions with incomplete information supplied from a source with very particular "skin in the game". Too many schools still view FE as a largely vocational (or "technical") menu that young people have fallen on to rather than opted for. Here, the failure to introduce the language of professional education and training alongside that of "technical" and "vocational" learning in the framing of the 2017 Act was a missed opportunity that will contribute to an enduring status crisis in the vocational domain.

School leaders would mount a spirited defence to the charge of supplying biased information. They know their pupils well, have usually developed their sixth-form offer with most of these young people in mind, and know little of the FE terrain. Further, a school's funding – and, therefore, its wider staffing and curriculum model – is often bound up with sustainable sixth-form numbers. I should know: I cut my teeth as the head of a school sixth form and then a local authority 14-19 adviser and college governor in the late Nineties. Asking schools to promote what is on offer "down the road" (at a college or another school), without having strong pre-existing consortia arrangements in place, is akin to asking Sainsbury's staff to hand out Amazon leaflets at store entrances.

> "It might work for now but it will not build bridges"

And, of course, none of this is helped by the marginalising of careers education and guidance over the past 20 years – a period during which choice has become a byword in education decision-making. To work for all (and not simply for the advantaged and pre-informed), choice-based systems have two key requirements: universal access to dependable, non-biased information about a range of options and sufficient spare provision so that all first choices can be met. Here is the perfect storm in which Baker's clause finds its rationale – trying to fix an imperfect market in which the "academic" offer enjoys a higher status against the background of tightening budgets and growing demand, and in which the internal institution-specific dynamics of the system work against rather than in favour of collaboration.

If the sanctions are sufficiently punitive (especially if tinged with the threat of impacting on an Ofsted rating, as the IPPR report recommends), Baker's fix might work for now, but enforced compliance is no way to build a bridge that should never have been necessary in the first place, and certainly no way to build a positive relationship between practitioners in schools, colleges and training organisations.

Rather, we need a rethink of where schools sit in the broader learning landscape and what their role is in preparing young people for lifelong and life-wide learning. Alongside this, we need a radical reconceptualisation of the in which FE and HE might build on schools' efforts and work alongside them. And, across both phases, we need to build-in incentives to collaborate and share knowledge.

Baker's clause is an Eighties fix to a problem that dates from the (Baker-led) school reforms of that decade and the subsequent incorporation of colleges; it may be necessary in the short term. But it is models of partnership and shared learning across and within the school, FE and HE that will point us towards the solutions to the 21st-century challenges that the youngest learners now entering the system will encounter less than a generation from now.

Bulletin

Movers & Shakers

Your weekly guide to who's new and who's leaving

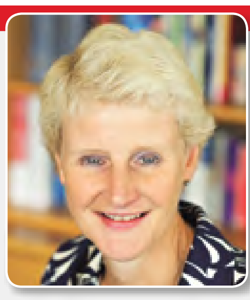
Dafydd Williams

Chair, Hull College

Start date January 2019

Previous job
Head of corporate affairs and communications, Associated British Ports (he remains in post)

Interesting fact
Dafydd once wrote an academic paper on medieval monastic sanitation



Shelagh Legrave

Chair, Collab Group

Start date January 2019

Previous job
Principal and chief executive, Chichester College Group (she remains in post)

Interesting fact
Shelagh is a keen runner, and took part in the Berlin marathon for her 60th birthday to raise money for the charity Stonepillow

John Yarham

Deputy chief executive, Careers and Enterprise Company

Start date March 2019

Previous job
Chief executive, The Futures Group

Interesting fact
John had a very gourmet start to his career – he was an ice cream salesperson while at university, after which he worked in wine rack manufacturing

Nigel Hollett

Director of corporate affairs, WorldSkills UK

Start date January 2019

Previous job
Independent consultant in the skills sector

Interesting fact
Nigel built his own family home a few years ago using sustainable methods of construction and future proofing his energy requirements through the use of low carbon technologies

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FE Week Sudoku challenge

How to play: Fill in all blank squares making sure that each row, column and 3 by 3 box contains the numbers 1 to 9

Difficulty: Easy

9					4			
2			5		3	9		7
6	1	3					4	
				4	2			9
		4				1		
7			8	9				
	8					2	5	3
5		7	1		9			4
			2					1

Difficulty: Medium

6	3				9			7
1			7	6				9
	5			1				
		6					5	
2	1		3	8	5		4	6
	4					8		
				3			6	
4				2	8			1
3			5				8	4

Solutions: See right

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Last Edition's winner: Nicola March

Solutions

Turn the paper around to check if your answers match - but no cheating!

Difficulty: Easy

9	7	5	6	8	4	3	1	2
2	4	8	5	1	3	9	6	7
6	1	3	9	2	7	8	4	5
8	6	1	3	4	2	5	7	9
3	9	4	7	6	5	1	2	8
7	5	2	8	9	1	4	3	6
1	8	9	4	7	6	2	5	3
5	2	7	1	3	9	6	8	4
4	3	6	2	5	8	7	9	1

Difficulty: Medium

6	3	2	8	5	9	4	1	7
1	8	4	7	6	3	5	2	9
9	5	7	2	1	4	6	3	8
8	7	6	9	4	2	1	5	3
2	1	9	3	8	5	7	4	6
5	4	3	1	7	6	8	9	2
7	2	8	4	3	1	9	6	5
4	9	5	6	2	8	3	7	1
3	6	1	5	9	7	2	8	4