



#AELP2017

Day one from AELP annual conference - an FE Week supplement



2017 National Conference

Monday 26 & Tuesday 27 June 2017 | Novotel London West, Hammersmith

A supplement
produced by

Sponsored by

FE Week **ncfe.**

FE Week

| | |
|--|--|
| Editor: | Nick Linford |
| Head designer: | Nicky Phillips |
| Designer: | Matthew Willson |
| Features editor: | Cath Murray |
| Deputy editor: | Paul Offord |
| Reporters: | Alix Robertson Billy Camden Jude Burke |
| Head of funding and assessment: | Gemma Gathercole |
| Photographer: | Ellis O'Brien |
| Financials: | Helen Neilly |
| Sales executive: | Bridget Stockdale |
| Administration: | Frances Ogefero Dell |
| PA to MD: | Victoria Boyle |
| Managing director: | Shane Mann |
| Contributors: | Julie Hyde Paul Voller Gemma Gathercole Joel Featherman Selina Stewart |



NICK LINFORD
@NICKLINFORD

It was with great excitement that the AELP conference opened with a speech from the new minister.

'Skills and apprenticeship minister' is still a title the DfE has yet to confirm, but what was clear is that Anne Milton has not waited long to make important decisions.

Ten days 'into the job', the minister made a series of technical but hugely important announcements in an attempt to deal quickly with a very sluggish start to the apprenticeship reforms.

As outlined on page four, the non-levy allocation business cases will be answered within days, and the paused tendering

HIGHLIGHTS FROM DAY ONE

round will be scrapped and rerun in July.

It will be fascinating to compare how the new tendering round, for contracts from January 2018 to April 2019, differs from the original.

Will more funding than first planned be ring-fenced for non-levy employers, or are we setting ourselves up for further disappointment?

Whilst the minister should be applauded for her enthusiasm to take questions from delegates, she may regret saying she is only planning to implement existing reforms, rather than invent new ones – nevertheless that will have been welcomed by many.

Sadly the minister wasn't willing to do interviews with any of the media at the conference, or even introduce herself to the trade media with whom she'll need to work. I hope this changes.

I also want to highlight Keith Smith's comments on funding compliance, as reported on page 10. His words follow our significant expose of a training provider on this week's front page.

We warned in March about mixed mes-

sages in the funding rules, which on the one hand rule out cash inducements to employers, yet rule in cash payments when subcontracting to employers.

It seems likely that further guidance will be needed in this area, as providers compete to make their offer as attractive as possible to employers unfamiliar with paying for apprenticeships.

At the end of a packed day, Peter Lauener gave a keynote speech, primarily about the Institute for Apprenticeships, which you can read about on page 12. Peter lost one of his chief executive hats with the merger of the EFA and SFA, and will be shortly retiring – so this was one of his final major conferences.

As we wait to hear news of his replacements (ESFA and IfA), I would like to end this editorial by thanking him for his support. We've often written uncomfortable things, and had no mercy with our cartoons, but Peter has always been Peter.

That is, a civil servant at the front line of policy, always open to challenge and ways of improving the sector against a backdrop of complexity and competing agendas.

providers will need to continue to build and strengthen their links with employers in their local areas. The devolution of the adult education budget also places importance on these links.

Bridging the gap between the world of learning and the world of work is definitely high on the government radar. As a result, we've seen employers heavily involved in current reforms. They have designed the new apprenticeship standards, and are now paying for all apprenticeships in England through the apprenticeship levy.

Many providers will have a wage bill greater than £3m, and will therefore also have to pay the apprenticeship levy. One of the first challenges of any provider is to lead by example and set up a high quality apprenticeship programme. This will provide some valuable insight into the employer aspect, and help providers to improve their own offer.

Changes to the structure of apprenticeships are still being phased in, and we now have two sets of funding bands. Providers have an interest in learners taking a standard, which attracts a higher funding rate, yet some employers wish to continue using frameworks. It can be a challenging task to manage these changes, which vary across different apprenticeships.

Providers also find themselves in a difficult position with the introduction of end-point assessment. The employer appoints the EPA organisation, who will work with the provider to arrange the assessment itself. Providers will need to work with a vast array of EPA providers,

each with their own different approaches and systems – another challenge to overcome in line with the reforms.

Finally, we may see an increase in the popularity of degree apprenticeships. Universities have felt the impact of Brexit with a sudden drop in EU applications and the loss of EU funding. Therefore we will likely see universities trying to make up for lost income in other ways.

Although providers can of course offer higher level apprenticeships, they may find it difficult to compete with the appeal of universities. However, by working in collaboration with their local universities, providers can ensure that their provision is coordinated and provides the right opportunities for learners.

Learners learn in a variety of ways; different assessment methods are appropriate for different sectors and learners, as we know, one size doesn't fit all.

As a qualification service provider, we have an obligation to our providers, learners and employers to do the right thing; to overcome challenges and affect policy. Our recent success with the Save Our Early Years campaign and the subsequent change of policy announced in the workforce strategy, demonstrates how a sector's voice can be heard.

Of course, there are many other issues and reforms on the horizon. As a sector, we need to be equipped and ready to deal with this unprecedented level of change whilst keeping the learner at the forefront of our minds. It is their future in our hands.



JULIE HYDE

Associate Director, CACHE

Apprenticeship providers: change is the only constant

Education and skills policy is changing fast. More than ever before, providers need to adapt, or risk being left behind, says Julie Hyde of awarding organisation Cache, the sponsor of this AELP conference supplement

Post-16 options for learners are significantly changing, with wholesale variations to the learning journey.

T-Levels are on their way. This splits the technical education system into 15 routes, then into 2-4 qualifications within each route.

A single awarding organisation, or qualification service provider as they will be known, will tender for an exclusive licence to offer qualifications within each

route. This takes away the element of choice for providers, who will also have to adapt to work with different QSPs and therefore different systems and processes.

T-Levels could become a precursor to apprenticeships, much like A-levels to university. Funding changes have significantly reduced incentives to employ young apprentices, and it appears the hope is that on completing T-Levels, many learners will progress onto higher level apprenticeships.

What's more, the new T-Levels will include a 'significant element of work experience' to prepare learners for a competitive labour market. It's unknown exactly how the government intends to ensure there are enough quality work placements available, but it seems that

MESSAGE FROM AELP BOSS, MARK DAWE

As reported on page four in this supplement, new skills minister, Anne Milton, gave a speech at the AELP national conference. At risk of embarrassment, as I'm writing this before the conference, I am hoping that she will have addressed some of the points that we raised when AELP wrote congratulating her on her appointment.

Encouragingly, an AELP director had already reported back from a DfE meeting last week that the minister is taking a no-nonsense approach to the implementation of reforms affecting the sector, although the term used by the officials can't be repeated in a respected publication such as FE Week.

For AELP members, the short-term priority for Milton has to be the apprenticeship funding allocations for non-levy paying SMEs, and in our letter we urged her to tackle the issue before parliament's summer recess.

The DfE won't reveal what the overall apprenticeship start numbers are (we apparently have to wait until the official quarterly statistical release) but indications are that they plummeted from the beginning of May.

The 'horror show' allocations in April obviously explain the small start numbers among non-levy employers but large organisations have also been holding back on using their levy funds.

“ The minister is taking a no-nonsense approach

Employer research commissioned by AELP from the University of Warwick reveals that funding issues and costs are currently the biggest reason for the decrease. Thirty-seven per cent of the 200 employers surveyed were recruiting 16 to 18-year-olds last year and one little ray of sunshine in the survey suggests that most of them intend to carry on doing so. Nevertheless we need to see the official data. In the meantime, the government should bring forward its timetable to allow providers to submit business growth cases for their non-levy allocations.

While we can never escape the fact that like all government programmes, apprenticeships will continue to operate under a finite budget, independent providers can't wait for the day that the



non-levy employers join the Apprenticeship Service, which will consign the present funding and contracting system to the annals of history with no love lost. Again, we hope to have heard news about this at the AELP conference.

In our view, the medium-term priority for the new minister concerns sorting out apprenticeship standards and end-point assessment. It is really disappointing that twelve months have passed since Dr Sue Pember voiced her strong disapproval from our conference platform about apprentices being able to start on a new standard without knowing how they were going to be assessed and the issue is still unresolved.

The Institute for Apprenticeships is now established and positive steps have been taken in setting up advisory route panels. But there are still too many examples where even if an assessment organisation is in place, the assessment arrangements

themselves are not fit for purpose and the assessments themselves are not yet in place. This is potentially very damaging to the apprenticeship brand and the minister as a fixer needs to bang a few heads over it.

“ There are too many examples where assessment arrangements are not fit for purpose

The longer-term priority is for the government to have a clear vision on where apprenticeships from levels 2 to 7 fit into the industrial strategy and the drive for Britain to prosper post-Brexit. While it should not be the only non-university route to a high-skilled career, an apprenticeship should

offer the main pathway to sustainable and well paid employment.

With the recent LEO and TEF results for universities questioning the value for money that thousands of students are receiving in return for a mountain of debt, young people, parents and schools should look carefully at the higher and degree apprenticeship alternative. Findings from the Sutton Trust show average lifetime earnings from a level 5 apprenticeship are barely 4 per cent less than those from a traditional degree at a non-Russell Group university. We imagine a degree apprenticeship will at least match, if not exceed, the value of a traditional degree.

Finally it was very encouraging to see Justine Greening last week retain her commitment to social mobility. Apprenticeships starting at level 2 answer her concern that 'we don't want people just going into jobs'.



SKILLS MINISTER THE FIXER, BRINGS “V

ALIX ROBERTSON
@ALIXROBERTSON4

The new skills minister has reassured the sector that her motivation in the role is “to make it work” rather than to introduce “new, bright ideas”, after what has been a “frustrating” and “bruising period” for many providers recently.

Her new position would be “a job of delivery”, said Anne Milton as she delivered the keynote speech to a packed hall on day one of the Association of Employment and Learning Providers’ 2017 conference (June 26).

The tone of Ms Milton’s speech was collaborative and open – repeatedly stressing the need to “work together”, and telling the audience she could stay “as long as you want me” to answer their questions.

“As a new minister it’s important for me to hear about your experiences,” she said.

“I’m here to listen and to learn, and I hope also to offer some clarity about the way forward.”

Ms Milton’s speech did provide clarity on a number of points, confirming for example that a new procurement process for non-levy apprenticeship contracts would be launched in July, and the

previous procurement cancelled.

Before the recent general election, the government decided to pause the procurement process due to what Ms Milton referred to as “unprecedented demand”.

She explained that the decision had finally been made to scrap this attempt altogether because it was not providing “the diverse market we are looking for” or giving the sector “enough stability”.

The new procurement contracts will cover the period from January 2018 to April 2019, she said, and during this time the Register of Apprenticeship Training Providers would not be opened again for new applications.

She said: “I hope these moves will give you all more certainty in the approach we

are taking to apprenticeships and wider adult education funding in the months ahead.

“Nothing is perfect, but from what I’ve heard there has been some excellent work done to put in place the apprenticeship reforms.”

She concluded that it was “now up to me and to you along with our officials to work together” in order deliver “the very best training opportunities and a real choice for employers and apprentices”.

After Ms Milton’s speech, Mark Dawe, chief executive of AELP, thanked the minister, saying her points were “positive news”.

However he acknowledged there were likely to be “plenty of people in the room” who were “groaning” because of the news

that they would have to go through the procurement exercise again, but added that “given where we were, it’s worth doing”.

This feeling was reiterated by Jo Fisher from Dutton Fisher Associates, a small training provider.

She told FE Week: “I really do welcome the fact that they’re going to bring this forward, but now we’ve got to go through the whole procurement thing again.

“I’m concerned that it’s July – we want to know when the start is, when the end is ... that’s going to have a big impact for us.”

Despite some frustration around Ms Milton’s announcements, Mr Dawe he was pleased to hear her calls to “work together”.

He said: “We want to be able to feed in,

The six key announcements:

1. Separate guidance document published concerning the 20 per cent minimum off-the-job training time for apprenticeships.
2. Within the next few days providers that made business cases following the non-levy allocations will be written to with an answer. It’s expected that 42 providers will have their allocation increased.
3. The paused non-levy tender is scrapped.
4. Non-levy growth requests to begin in July.
5. A new non-levy tender opening in July, for contracts and allocations from January 2018 to April 2019. This will only be available to providers already on the Register of Apprenticeship Training Providers.
6. There will be another opportunity for providers to apply to be on RoATP, but limited to levy-funded provision only.



WELCOME" NEWS

explain our concerns and at least have an understanding - even if we don't always agree."

Ms Milton insisted that she would "listen and "take notice" of what the sector had to say, and also highlighted her preference for working quickly and efficiently wherever possible.

"I am somebody who has absolutely no patience at all, I want everything done yesterday and I will only forgive not doing it yesterday if it's in an attempt to get it right," she said, answering a question from FE Week deputy editor Paul Offord about the recent fall in apprenticeship starts.

Speaking at the FE Week Festival of Skills last week (June 22), Mr Dawe said apprenticeship starts had fallen to around a quarter of what they were last year,

according to feedback from members.

Ms Milton said that she wanted to see this drop in starts "changed quite dramatically and quite quickly".

She also apologised for the high turnover of ministers FE has seen recently, in response to a question from Alex Ford of CT Skills about how she plans to raise the profile of the sector.

She said: "It is frustrating and it's actually been quite unusual ... for that I can only apologise.

"You must contact me, if you feel you that are being excluded or left behind or not given enough priority then let me know."

See page 15 for more reaction from delegates to Anne Milton's speech

"My intention is not to come in with any new bright ideas, my intention is to make it work - so for me this is a job of delivery."

Anne Milton



PAUL VOLLER

Head of Education Learning and Skills, Bircham Dyson Bell LLP

Why apprenticeship training contracts?

Funding rules should be translated into contractual promises between provider and employer, so both parties know what to do when things go wrong, explains Paul Voller

The apprenticeship funding regime requires training providers to contract with employers to provide training. In this new set-up there are real opportunities for providers to create robust arrangements that will help minimise uncertainty, assist in cashflow and reduce the risk of clawback.

At the centre of the new regime are the funding rules. Rules are not the same as promises.

For example, the rule that "the apprentice must be involved in active learning or monitored workplace practice throughout an apprenticeship" (rule P41) is an imprecise rule that says nothing about what the employer and the training provider have to do to bring about that result.

To resolve this, the employer and training provider must translate the funding rules into contractual promises or undertakings. In doing so it is not enough simply to contract to comply with the rules, because that does not solve the problem of who has to do what.

AELP and Bircham Dyson Bell have created model contracts (available in levied and non-levied forms) that tackle this problem by specifying the responsibilities of the employer and the training provider.

Many of the funding rules require outcomes that are unclear. Yet failure to comply can have potentially disastrous consequences in terms of funding flow and possibly other action by the ESFA. The AELP-BDB model contracts provide simple arrangements to resolve this kind of uncertainty.

An important feature of creating a

contract between employer and training provider is dealing with what happens when things go wrong.

The normal consequence of a breach of contract is a claim in damages for any resulting loss. Therefore, if funding does not flow because of a failure on the part of the employer, the training provider will want to be able to claim compensation. But it will only be able to do so if that failure is not only a failure to comply with the rules but also a breach of a contractual promise in favour of the training provider. The fact that the employer is required to contract with the ESFA to comply with the rules is of no help to the training provider because the training provider is not a party to that contract. Save in exceptional circumstances, the training provider will only be able to bring a claim if it can show that there is a clear breach of a contract to which it is itself a party.

The model contracts bring the responsibilities of the employer and the training provider together and turn them into contractual undertakings.

There are numerous other issues not addressed in the rules but which are dealt with the model contracts. Some of them are technical - ownership of intellectual property for example. Others are more commercial: for example, the Funding Rules allow the employer to turn off digital account payments by giving instructions to the ESFA not to pay. Without specific contractual arrangements in place the training provider has little prospect of being able to control or prevent the employer from doing so. The model contract addresses this issue directly.

Model contracts have so far been provided to over 500 AELP members. Members can access the model contracts by emailing AELP@bdb-law.co.uk and quoting their membership number.



SHADOW MINISTER WARNS OF PARALYSIS

PAUL OFFORD
@PAULOFFORD

Widespread devolution of FE decision making from Whitehall, was said by shadow skills minister Gordon Marsden to be the best solution to overcoming the virtual paralysis he fears is now gripping government.

He warned AELP delegates that the Department for Education and Institute for Apprenticeships did not have enough staff, or government funding, to successfully implement the apprenticeship levy and associated reforms, let alone planned new T-levels and other technical education changes.

The solution, he claimed, was pushing ahead with devolution of skills decision making.

He said: "We can no longer simply rely in the skills and learning sector on everything coming from Whitehall.

"We should be using the out-of-Whitehall stakeholders far more to deliver the outcomes and aspirations that we all want for skills and apprenticeships."

The shadow minister firmly believes, he said, that the "direction of travel within devo-max, assuming the government still believes in it, especially when it is combined with stable and strong local leadership, can and should have the tools to deliver and work with the providers locally in FE."

He added that "we need to deliver for example where there is already collaboration between providers, colleges and local enterprise partnerships, and those can and should start to produce results particularly for apprenticeships and skills and particularly for providers".

Mr Marsden said that over-centralised decision making had been at least in part responsible for a number of recent problems that have hit independent learning providers hard.

A key example was what Mark Dawe described in May as the non-levy allocations "horror show", after many providers learned in April that their allocations for May to December amounted to a fraction of the costs of their current delivery. This came after procurement had to be paused in April for apprenticeships with smaller non-levy paying employers,

to allow the government more time to review the situation.

A number of established providers subsequently told FE Week that they may have to close due to resulting funding problems.

He warned that apprentices would only get the most from their experience and gain the skills employers need "if the IfA has the resources it needs".

"So is up to 100 employees going to be enough to support the government desire for 3 million starts by 2020, not to mention the work that will be involved when it takes on technical education?"

It was in no-one's interest that the launch of the levy and the IfA should be marred by concerns about capacity and

competence, he said.

"I can see the IfA has its work cut out. Can I remind you that this centrepiece body of government policy has still not got a permanent chief executive, and that of course leaves poor old Peter Lauener [shadow chief executive] to have a longer series of farewell gigs than Frank Sinatra ever did?"

Mr Marsden also told conference: "This is all taking place against a background of government moves to improve apprentice starts at colleges - so there is a challenge centrally for them to satisfy both [ITPs and colleges].

"But whether by design or by lack of joined-up thinking, DfE and it's officials have consistently turned a cloth ear to

your priorities and the needs of tens of thousands of young people who need the opportunities that your sector can provide.

"It's vital to recognise the key contribution you make in delivering apprenticeships. Unfortunately, the new IfA has not been doing right by providers and neither has the government."

He added government figures showed that "for vacancies that employers posted for the month of May, compared to 12 months ago - there is a worrying drop, and the concern we hold is that large companies may be rebadging apprenticeships for its existing staff".

Latest figures showed that 2,850 employers posted vacancies to the



Gordon Marsden



YSIS IN WHITEHALL

National Apprenticeship Service in May – a drop of 640, or 18.3 per cent, from the May 2016 total of 3,490 employers.

Mr Marsden added: “Levy paying employers are holding back on their starts, and we are approaching calamity as the size of the non-levy allocations is being realised.”

He claimed that flawed funding reforms and the exclusion of small and medium sized enterprises from consideration in the reform process was largely responsible for apprenticeship starts plummeting.

This comes after AELP boss Mark Dawe warned at the Festival of Skills in Berkshire last week that his members had reported apprenticeship starts in May falling to around a quarter of what they

were before the reforms kicked-in.

“AELP has been saying for some time that they must do more to protect independent training providers, if they want to hit their target of 3 million starts by 2020,” he added. “But where are the protections?”

Mr Marsden also spoke about the need to improve the traineeships programme.

“Progression is important, and that is why we pledged in our manifesto to use traineeships as an official pre-apprenticeship programme,” said Mr Marsden.

“We called [in the Labour manifesto] for more flexibility for employers, including that the levy should be allowed to be used for pre-apprenticeship programmes.”

“Whether by design or by lack of joined-up thinking, DfE and it’s officials have consistently turned a cloth ear to your priorities and the needs of tens of thousands of young people who need the opportunities that your sector can provide.”



GEMMA GATHERCOLE

Head of funding and assessment, Lsect

Should you become an AAO?

Gemma Gathercole explains the pros and cons of becoming an end-point assessment organisation

With so much changing, many providers have no doubt started looking at what it would take to become an end-point assessment organisation for apprenticeships.

But is it as simple as 3 million starts on more expensive standards equals a business opportunity? Let me walk you through some of the basics.

First of all, the market: we all know there was decline in overall adult skills and apprenticeships funding between 2011-12 and 2015-16, but that figure has risen for 2016-17 and 2017-18, and the indicative funding given for the following years show figures will continue to grow.

That growth is not guaranteed money, because it includes the levy, which depends on HMRC receipts, the performance of the economy and is subject to change post-election.

Moreover, the growth is driven by the increase in apprenticeship funding; funding for other adult skills programmes has been projected flat for the next few years. So, apprenticeships provide the safer business opportunity.

A quick scan of any assessment plan for any standard will reveal the traditional relationships between apprentice, employer, training provider and AO have been somewhat blurred. Given the requirements for EPAs, what’s required is a hybrid between an assessor that would traditionally have been employed by a training provider and a verifier or moderator that would have been employed by an AO. That means more organisations could have the capacity to become an EPA than perhaps had the ability in the past.

Regarding competition, while it’s certainly going to be there, the EPA market is still relatively new. At my last check, 53 of the 163 standards approved for

delivery still had no EPA organisation on the register of apprenticeship assessment organisations, and another 54 had only one AAO approved.

At the opposite end of the scale, 13 standards have five or more organisations (and of those, two have more than 10). With only 2.9 per cent of apprenticeship starts on standards in the first two quarters of this year, there’s a big chunk of the market still making decisions on their provision.

But what of the cons? Well, apprenticeship policy still suffers from shifting sands, even with the Institute for Apprenticeships coming online. As reported recently in FE Week, trailblazer groups with approved standards have been waiting for some time to get their assessment plans approved, and blame changing requirements. The IfA’s own ‘how-to’ guide for trailblazers has been updated twice since its release in April.

A complicated picture is emerging around quality assurance. The IfA, who describe themselves as the option of last resort, are the most popular choice and across the employer-designed models, there are 38 standards across 35 different organisations or groups.

So should you do it? Well, naturally that’s a question for each organisation to answer.

Critically, the first question you should ask yourselves is how well does this fit with your organisation and its current plans for growth? Don’t try to do everything at once; plan and implement sensibly. You don’t want to risk your existing business by trying something new.

Secondly, you need to consider whether you have the capacity to deliver, either in-house or via consultancy. There’s no point getting onto the RoAAO if you then don’t have the resource to do the assessment.

Finally, if you’ve done all your homework and know you’ve got the resource, capacity and expertise to take it on, one final question: can you afford not to?





ncfe.

let's get to work.

We can support you in navigating your end-point assessment opportunity.

NCFE is an approved end-point assessment organisation currently on the register for the following subject areas:

- Customer Service
- Leadership and Management
- Associate Project Management.

Visit: ncfe.org.uk/end-point-assessment **Email:** epa@ncfe.org.uk **Call:** 0191 240 8950

Navigating your apprenticeship opportunity.

CACHE is the sector specialist for care and we operate in the following areas for apprenticeships:

- Health and Social Care
- Dentistry.

Visit: cache.org.uk/epa
Email: epa@cache.org.uk
Call: 0191 240 8950



cache
nurturing achievement

ncfe.

choose ncfe functional skills.

With NCFE's Functional Skills, you'll have access to resources, tools and award-winning service that support success for you and your learners.

Visit: **ncfe.org.uk**
Email: **businessdevelopment@ncfe.org.uk**
Call: **0191 240 8833**

**External assessment
results in...**

6

**working days
guaranteed**



CONCERN: SUBCONTRACTING TO EMPLOYERS

JUDE BURKE
@JUDEBURKE77

Providers using employers as subcontractors in ways that are “contrary to the spirit” of the apprenticeship reforms will face the consequences, the Education and Skills Funding Agency has warned.

Keith Smith, director of funding and programmes at the agency, told delegates on the first morning of the Association of Employment and Learning Providers’ conference that the practice was “a bit of a theme at the moment” and that the agency was “increasingly concerned” about it.

“Some providers [are] trying to get employers involved as sub-contractors,

getting them below the £100,000 radar, and actually trying get money back to the employer for stuff they do already, which is contrary to everything we’re trying to achieve,” he said.

“So as soon as we see a provider or a employer working against the intent of the rules we will intervene – the provider will be removed from register and also potentially other larger consequences as well,” he warned.

Mr Smith’s words prompted confusion from AELP boss Mark Dawe, who asked for “some explanation and clarity around what is good and what is bad there”.

Current funding rules do allow for providers to use employers as subcontractors – although FE Week warned about the potential for this rule to

be exploited as a loophole back in March, when the rules were updated.

“You’re absolutely right, we want employers to have a place in the system where they can be engaged and they can be supported in delivery, that’s what we want,” Mr Smith said.

He continued: “What we don’t want to see is specifically where employers are being brought into the system in essence to recoup costs that they would generally incur themselves anyway.”

Such cases were “presented as a financial inducement”, Mr Smith said.

“It’s being presented as, you did a deal with us, there’s nothing more you need to do, we’ll put you as doing the induction, we’ll say that you’re doing it, we’ll pay you back X per cent or X amount, and therefore

you can get this from us and it’s all fine as you can be a subcontractor, and you won’t have to go and worry about going to the ESFA,” he explained.

He added: “It’s not in any way about trying to stop employers owning some of the delivery being part of the delivery – those are all really, really good things”.

Mr Smith also outlined the agency’s plans to reform the audit process for existing providers.

This would involve “moving the end year audit into look at more thematic approaches”, with the aim of “trying to track stages of the apprentices as they go through their journey”.

The agency was looking “very much at the eligibility and initial assessment, and how the 20 per cent off the job is being put together,” at the moment, he said.

“It is a bit too early to say where that is going to go but I think if we take away lessons that this isn’t going to just stop at new providers,” he said.

“Potentially we’ll move away from the kind of looking back angle type view, I want to see audit happening much more regularly much more frequently to get more assurances as we go through the different stages of the programme,” Mr Smith said.

The ESFA had carried out a mystery shop that looked at how providers were responding to the new system, Mr Smith said.

Among the feedback from this mystery shop was the finding that colleges were “more likely [than independent training providers] to explain how they could help the employer in other areas”.

Mr Dawe later told Mr Smith that providers might feel “a little hurt” by some of the findings – although Mr Smith stressed that it wasn’t about “pulling providers up” but was instead about support.

“We really do care that we’re doing enough to support you,” he said.

Mr Dawe also quizzed Mr Smith on the long-awaited adult education budget procurement exercise.

“It’s imminent,” he said.

“I think it’ll be good news for the sector. And I think you’ll see it’s a very sensible way of managing the transition from the current contracts to the new ones,” he added.

New Providers

| | Register (RoATP) | Mandatory Workshops | 1-2-1 Visits | Monitoring Visits |
|--------|---|--|---|---|
| When? | Before contracting | Before delivery | Early delivery: July to Sep for RoATP 1&2 | September onwards |
| Why? | Provides an on-line assessment of financial health, quality and capability for all potential apprenticeship providers | Provide an overview of all ESFA requirements and assures us that providers understand what is required of them | To confirm the infrastructure is in place to deliver apprenticeships as set out in RoATP application | Provide confirmation that funds are being used in accordance with our rules |
| Impact | Access to delivery to levy employers and provides scope to non levy procurement | Failure to attend will result in removal from the register | Risk assessment and where provider actions are not as stated in register application provider will be removed from the register | Risk assessment, improvement actions and in cases of non compliance removal from the register |

Immediate delivery and assurance priorities

- Conclude the procurement and funding process to support non levy paying employers
- Allocation business cases
- Performance review process
- Using employers as sub contractors
- Ensuring compliant delivery models
- 20% off the job

Keith Smith



NUS PRESIDENT WILL STILL KEEP EYE ON FE

PAUL OFFORD
@PAULOFFORD

The incoming National Union of Students' president has warned providers that she will still be keeping a careful eye on how they are treating FE learners, after she starts in the top job.

Shakira Martin was elected to the prestigious post in April, after serving two years as vice president for FE, but had not yet started in the new role when she addressed AELP delegates.

She told them it had "been an absolute pleasure" to represent FE and apprentices, and she would not forget the sector in the months ahead.

"Today I stand before you, in what will be one of my last acts as VP for FE - because at the end of the week a new journey will begin, when I take up my role as president.

"My journey started in an FE college at Lewisham and Southwark College, and I wouldn't have gotten to where I am without the support of the sector, and my students," she said.

"I don't want you to think that just because I'm becoming president, that FE won't be at the heart of everything I do - and don't think that I'm not watching all of you."

She stressed that her successor also elected in April as VP for FE, Emily Chapman, "is absolutely great".

"She ain't as stern as me, but she will be telling me, if you aren't doing your job," said Ms Martin.

She went on to reflect on how delegates are used to sweeping changes, in a sector where "instability is the norm".

"A lot has changed in the last year, since last year's AELP conference - we have seen a minister come and go [Robert Halfon], the introduction of the apprenticeship levy, and we are now sat in this room today talking of the ramifications of our recent general election.

"Incidentally, while we are on that subject, if anyone has Theresa May's number, could you please let

the Prime Minister know that I'm available if she needs any advice on winning elections."

Ms Martin, who is only the second NUS president to have attended an FE college, beat incumbent Malia Bouattia and another challenger, Tom Harwood, in the NUS president election at the union's year's annual conference in Brighton.

She was elected VP for FE in April 2015, when she was president of the student union at Lewisham Southwark College.

After taking over from former VP for FE Joe Vinson, Ms Martin was then re-elected for another term in April 2016, when she was uncontested.

Ms Martin also spoke passionately to AELP delegates about the need for apprentices to be more involved with decision making, as widespread reforms are rolled out.

"We still have a long way to go to make sure that apprentices have a central voice in decision making," she said.

"An apprenticeship that cannot attract people with the skills that industry needs is a failing apprenticeship. Where an apprentice spends over 50 per cent of their income to travel to and from their [training] - that shows it's a failing apprenticeship.

But she said: "A simple discussion with some apprentices could have turned these into good apprenticeships."

Ms Martin added apprentices want the same rights and social status of other learners, particularly those in higher education.

She concluded by going off-script, explaining that her team had been encouraging her to use "long words" now she was becoming president - but she wanted to address delegates informally about the importance she placed on open engagement with providers.

She said: "They are trying to make me posher, but what I want to say is that for the rest of conference 'my people is gonna be here for you to speak to'."

Shakira Martin



JOEL
FEATHERMAN

CEO, PublicCo

Let's put SEND at the centre

The government's special educational needs reforms have done much to improve the situation for learners in FE, but organisations need to shift their thinking to make SEND part of design and planning from the start, not just an add-on, says Joel Featherman

Despite recent reforms, opportunities remain to improve outcomes for learners with special educational needs or a disability in the FE sector - particularly supporting learners' transition to adult life.

In 2014/15, 16 per cent of learners in FE had a learning difficulty or disability.

Government's implementation of SEND reforms has enforced and encouraged change, through a combination of hard incentives, as well as softer support that exemplifies best practice and offers insight to help organisations improve provision.

Hard incentives - such as the statutory responsibilities introduced in the Children and Families Act 2014 and Department for Education SEND Code of Practice - enforce an ambitious agenda to prepare learners for adulthood through paid employment, good health, independent living and community inclusion.

The SEND Workforce Development Programme, led by the Education and Training Foundation on behalf of the DfE, has made available a wide range of support. The support includes self-assessment tools to critically examine effectiveness in supporting learners with SEND, an exhibition site providing key information and resources about the recent SEND reforms, and a range of films featuring interviews with learners with SEND.

Great progress has been made to increase awareness, capacity and expertise throughout post-16 education. And with the programme entering its second year, PublicCo and AELP (alongside wider programme partners ACER, Leo Learning and Natspec) are seeking to explore how organisations can make SEND provision central to their strategy - as part of their support for leadership teams and those

involved in governance.

Different approaches to meeting the needs of learners with SEND can be enabled through greater alignment of SEND provision with organisational strategy, design and responses to sector reforms.

We propose three approaches:

1. Put SEND at the centre of strategy.

Organisations should ask themselves whether there is capacity and demand for SEND delivery to be linked to wider institutional strategy, including commercial strategy, estates and workforce development, and if there is, what it would look like.

To what extent would the experiences and outcomes of learners with SEND be different if meeting their needs was central to the setting of an organisation's strategic vision and plan?

2. Make organisations SEND-focussed by design. If organisations were designed to achieve the best outcomes for learners with SEND, it is possible they would look very different from current providers. Inclusive architectural design will make an organisation perform better for everyone.

3. SEND by default. As organisations respond to sector-wide reforms, more often than not the needs of learners with SEND are not included. If meeting the needs of learners with SEND was considered by default then the sector would expect to provide a greater range of pathways and outcomes for learners.

These strategic approaches pose some big questions for how well organisations in the sector are meeting the needs of learners with SEND.

There is room for improvement, but unless organisational strategy, design and responses to sector reforms change, government's efforts to enforce, encourage and exemplify better SEND outcomes will not be fully enabled across the sector.

AELP and PublicCo will run courses for senior leaders and governors on "SEND Learning and Organisational Effectiveness" during the 17/18 academic year. Further details will be made available on the ETF website in due course.



REFLECTING ON THE IFA AFTER ITS

PAUL OFFORD
@PAULOFFORD

The nation's leading skills civil servant Peter Lauener spoke in his farewell speech to AELP delegates about his experience of launching the Institute for Apprenticeships, and challenges the system will face looking ahead.

FE Week reported in March that the Education and Skills Funding Agencies were merging, which cleared the way for Mr Lauener to retire as boss of both.

He is though still interim chief executive of new policing body for the reformed training programmes, the Institute for Apprenticeships, until a successor takes over.

Mr Lauener reflected in a speech to conference about the first 100 days for the IfA.

He said that like any startup business it has been largely occupied with things like working out "mission values, trying to work out the IT issues, and make sure things like that everyone has desks to sit on".

"I think we have made a lot of progress in a lot of ways," he added.

He then talked about major challenges that the IfA will have to tackle, looking ahead.

“There needs to be quality about the assessment, and about the opportunities for progression

"It is a big challenge, the system we are creating is going to be radically different from the system developed in the 1980s, and what we have now," he said.

"I would like to say a little bit about the importance of quality for the IfA. The importance of maintaining a focus on quality in everything we do is paramount."

As an example of high expectations, he said: "I'm still surprised and disappointed when I hear that apprentices aren't clear what should be in their apprentice



Peter Lauener

programme when they start. That is a mark of quality."

He added: "There needs to be quality about the assessment, and about the opportunities for progression."

He also stressed that the new apprenticeship system, launched with new standards and the levy in May, will inevitably mean a "more competitive environment".

"There has been a lot of talk in the last two or three years about putting employers in the driving seat," he said. "Sometimes I've felt that providers have taken that as a bit of a slap in the face."

"I don't see it like that at all and I've talked to many excellent providers that see it as an opportunity... to win business on the basis of their performance."

Mr Lauener finished his speech on a positive note, based on what he sees as the most FE-orientated manifesto he has ever seen by the Conservatives for the recent general election.

"I have been reading manifestos on skills for about the last 35 years," he said.

"I have never seen a manifesto that had more on skills, apprenticeships technical education, and about retraining than the Conservative one going into the last election."

"Quite clearly, a lot of that survives into the government's priorities for this really, really important period."

“I think we have made a lot of progress in a lot of ways

"They need to do that because of Brexit and the resulting increasing important of skills training. It has never been so recognised or appreciated, so this is a time of great opportunity."

He added that FE providers "should have a major role to play in technical education, and will continue to have have an increasing role to play in apprenticeships".

ALIX ROBERTSON
@ALIXROBERTSON4

It would be "counterproductive" to delay apprenticeship starts until an end point assessment organisation is in place, a senior Department for Education official has said.

Carl Cresswell, acting director of apprenticeships at the department, also insisted that the market for the final apprenticeship exams was "developing quite well".

Speaking during the final Q&A session on the first day of the Association of Employment and Learning Providers 2017 conference, Mr Cresswell said: "Some people call for delays in whether apprentices can start on apprenticeship standards before an organisation is in place, but we've actually got really good coverage."

He continued: "And I think that despite what some people have said it would be counterproductive from the apprentice's perspective to delay the start on the new standard until that organisation is in place."

Mr Cresswell said the department kept a close eye on the number of organisations offering end point assessment, and there were currently "70 providers on the register run by the Education Skills Funding



FIRST 100 DAYS

Agency, and a fifth of those are training providers”.

“We’ve got 98.9 per cent of people who are due to complete an apprenticeship between now and March next that we have an organisation in place to deliver that assessment,” he said.

The final panel of day one of the conference was also enlivened by a discussion about the controversial issue of qualifications within new apprenticeship standards.

AELP chief executive Mark Dawe sat in on the debate with Mr Cresswell, his fellow senior DfE official David Hill, and Peter Lauener, chief executive of the Institute for Apprenticeships and the ESFA, following Mr Lauener’s speech on the first 100 days of the IfA.

The audience broke into spontaneous applause when Mark Dawe raised the question of qualifications in standards, claiming that there was unanimous support among the chairs of the AELP ‘sector groups’: “Every single one of them said their employers are telling them they want to see qualifications in their apprenticeships”.

Peter Lauener disagreed vehemently, however. While he conceded that it is “perfectly possible to have qualifications in a standard, under specified conditions”, he went on to say: “I don’t actually agree with

the implication of what you’re saying, that every standard should have qualifications as you go along.”

“We should see this as a point of change in the system” he stressed.

Mr Lauener invited debate on the subject: “We need to have a proper dialogue about how that works out in practice. Let’s not have it as a ‘computer says no’ or ‘computer says yes’ discussion.”

He stressed he doesn’t want to put “one set of employers on one side of the ring and another set on the other side of the ring” but would prefer a “rational debate”.

It was not the first time Mr Dawe and Mr Lauener have come head to head at an AELP conference.

In November 2016, Mr Lauener told a packed audience that having no approved awarding organisations for over 40 per cent of learner starts on new standards was “not ideal” but the situation was “manageable”.

He added that he did not think “there’s a consensus” view that the situation was a serious problem or that apprentices should not start their courses without an end-point assessor in place.

However, when Mr Dawe took a poll of the audience, not a single hand went up to say it was acceptable for an apprentice to be studying on a course that had no end-point assessment organisation assigned to it.



SELINA STEWART

Lead Prevent duty support associate, ETF

Protecting learners from extremism

There are easy ways to cover British values in vocational courses without any significant additions to training, explains Selina Stewart

The horrific terror attacks in London and Manchester over the last couple of months have had both a direct and indirect impact on independent learning providers. The North West and London areas have been the most obviously affected but the impact of the attacks has been felt across the country.

Sadly some staff, students, their family and friends have personally suffered as a result of these acts of terrorism. Others will feel worried or anxious about their personal safety, whether that is going to a large event, visiting somewhere like Westminster, going out for a drink or meal, attending the mosque or just walking down the street and being attacked because of their faith or the colour of their skin.

Radicalisation that leads to violent extremism can be the result of groups like Daesh, using its corrupted form of Islam to justify attacks, or National Action, using extreme right-wing ideology. Extremism can also result from self-radicalisation through accessing extremist content online or books and magazines. The murderer of Jo Cox and the Westminster terrorist further remind us that we cannot assume that terrorists will be 16- to 25-year-olds; both men were significantly older.

Making sure learners are aware of the dangers of extremism and radicalisation are vital parts of training providers’ work in relation to the Prevent duty. However providers also need to ensure learners are aware of British values and their relevance to all of us. This helps prevent people being vulnerable to extremist voices.

British values include democracy, rule of law, individual liberty, mutual respect and tolerance of different faiths and beliefs, as well as promotion of the Equality duty. Although the Equality duty is not included in the legal definition of British values,

its promotion is a requirement within the Prevent duty guidance document.

Ofsted is looking for full engagement with the Prevent duty. They have made it clear they will focus on compliance and engagement in all inspections, and expect all staff will be trained, in particular in how to report concerns within their organisation. They expect that learners be aware of the duty and trained in the dangers of extremism and radicalisation. In addition, Ofsted expect that British values and the Equality duty be explored in-depth in both the formal and informal

“Ofsted is looking for full engagement with Prevent

curriculum.

Many providers have struggled to find ways to promote British values to learners but there are many opportunities to do so. Examples include discussion of health and safety, employment and data protection legislation to promote the rule of law and looking at how legislation is created, to demonstrate the importance of democracy. All aspects of British values can be covered quite easily in vocational courses without any significant additions to training.

ETF have been funded by DfE to develop support materials without charge to providers. This includes resources, sample policies, procedures available on the Prevent for FE and training website, and training modules for board members, leaders and managers, support staff, employers and subcontractors, on the ETF website. We are also developing DfE-funded online modules for learners from entry 3 to level 3. In addition to these free resources, ETF also offer Prevent duty training through open-access and in-house courses.

Sadly this is not an issue that is going to disappear in the near future; it is something we all need to engage with.



(L-R) Reeta Chakrabarti, Peter Lauener, David Hill, Carl Cresswell, and Mark Dawe



AELP DELEGATE VIEWS VIA A VOTE

The non-levy growth request and tendering announcements are a direct response to a very low number of apprenticeship starts in May. Just how low,

we won't be told until the Statistical First Release is published in October.

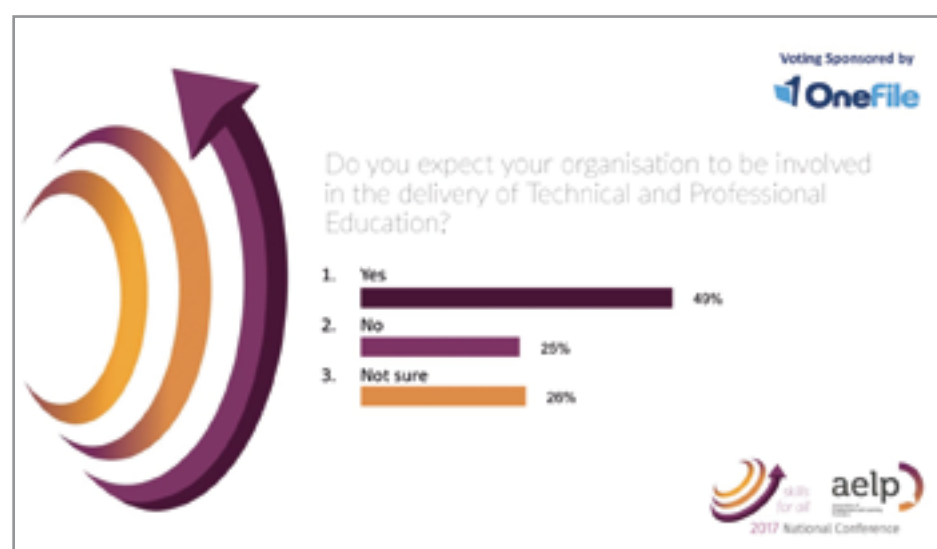
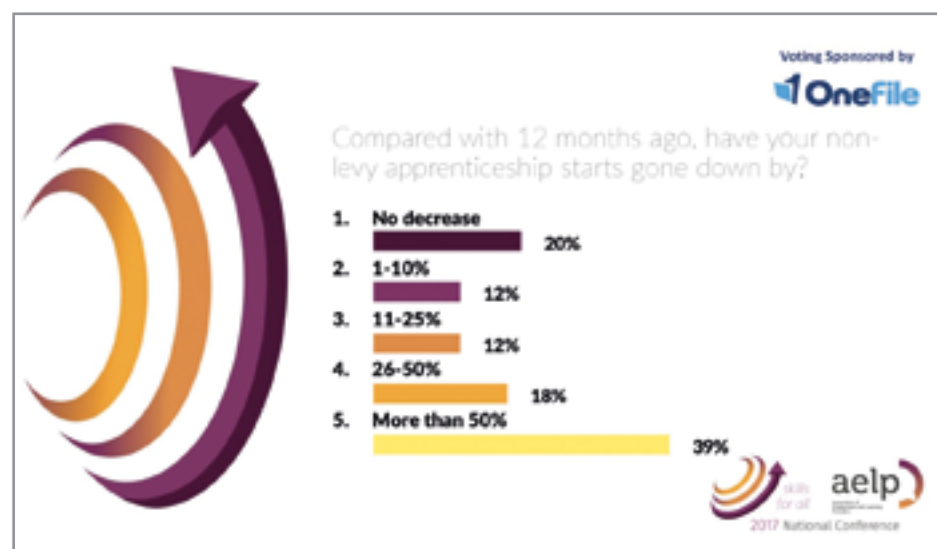
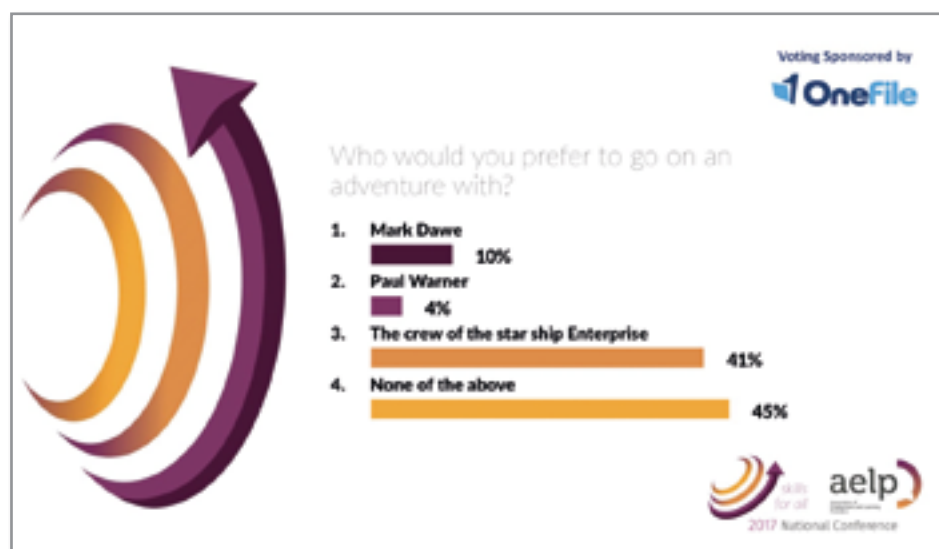
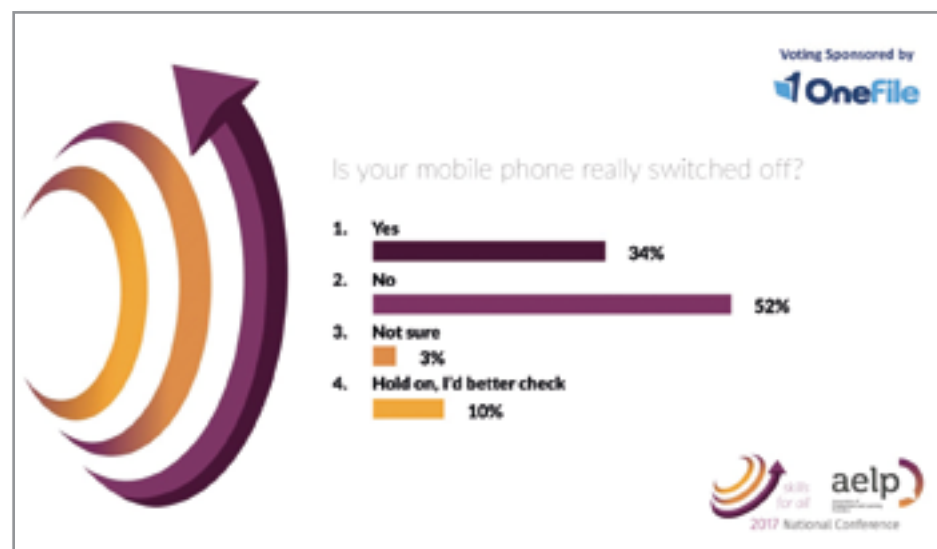
However, Mark Dawe has predicted the starts in May were around 25% of the figure

in April, as reported in FE Week.

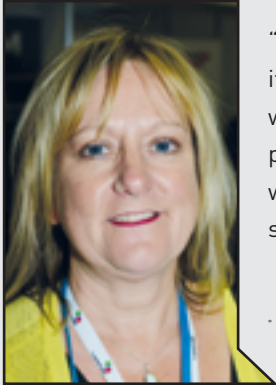
Delegates were asked for their own experience of apprenticeship starts in May. Here are the full voting results from day

one. You will notice that some warm up votes have also been included.

Not rinsing dishes before putting them in the dishwasher?! The shame.



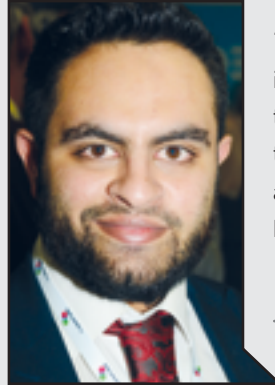
Following Anne Milton's speech, FE Week asked conference delegates: "Having listened to what the minister had to say, do you feel confident they have a handle on the apprenticeship reforms?"



"I don't think they've got a handle on the massive impact it's having on small non levy-paying organisations - we've lost two of our biggest clients who are non levy payers. They just can't afford to do it. But I thought she was articulate, straight to the point and I hope they'll stick to the reformed reforms."

Jo Fisher

Dutton Fisher Associates Limited



"She's right - social mobility has been a slogan and now it needs to be action. It will be interesting to see what that action means for the minister because we've seen too many actions set up by the government and nothing actually done. So I look forward to seeing what actually happens next."

Isa Mutlib

Pathway Group



"I was fascinated by her insistence she's going to be listening to the sector. However, it was clear from some of the subsequent speakers there's a huge amount that needs to be addressed in the way the levy has been implemented so far - particularly for smaller employers and providers. So she might have to grow another set of ears."

Simon Martin

Academy Transformation Trust



"No, I don't think she's got a handle on the detail of the reforms, but you wouldn't expect that at this stage. I certainly felt her responses were very open, and she actually accepts that she doesn't know all of the detail. I felt that she will move the reforms in the right direction."

Stewart Segal

3aaa



"The minister mentioned 'our young people' a lot but apprenticeships are not just for young people. It's not just 16- to 18-year-olds, it's also 24-plus. She's not clued into the older people that are actually doing upskilling - people are going to be using their levy for upskilling their older people in the industry."

Kim Chambers

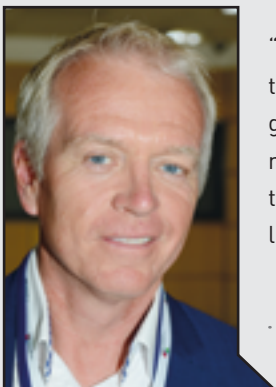
Leeds City College



"I don't know - she's still very new. I think one of the key things she did say was she's in the listening phase - so maybe she hasn't got to grips with everything yet and is still taking in all of the information. But she said if anybody had any queries or comments then to get in touch with her and she will respond - so that's encouraging."

Dave Macmillan

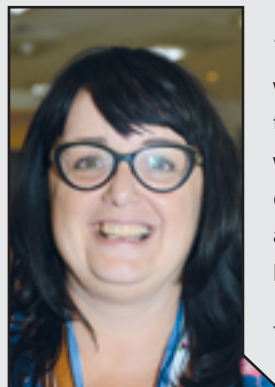
JB Training



"I was quite impressed by her, actually. I thought after ten days she seemed to have a good handle on what was going on and talked the right language, didn't make any mistakes. She seems to genuinely want to help to sort the sector out. For too long we've just followed the party line and I think we do need to change things."

Rob George

RGFE



"We're quite enthused by her - it's nice to see someone who didn't rush off. But we're disappointed we've got to redo the tender. Once they put it on hold we knew it was going to happen, but how much money has that cost the industry - not only the government but also us as individuals? We wrote it ourselves, but a lot of people hired consultants."

Suzanne Tilling

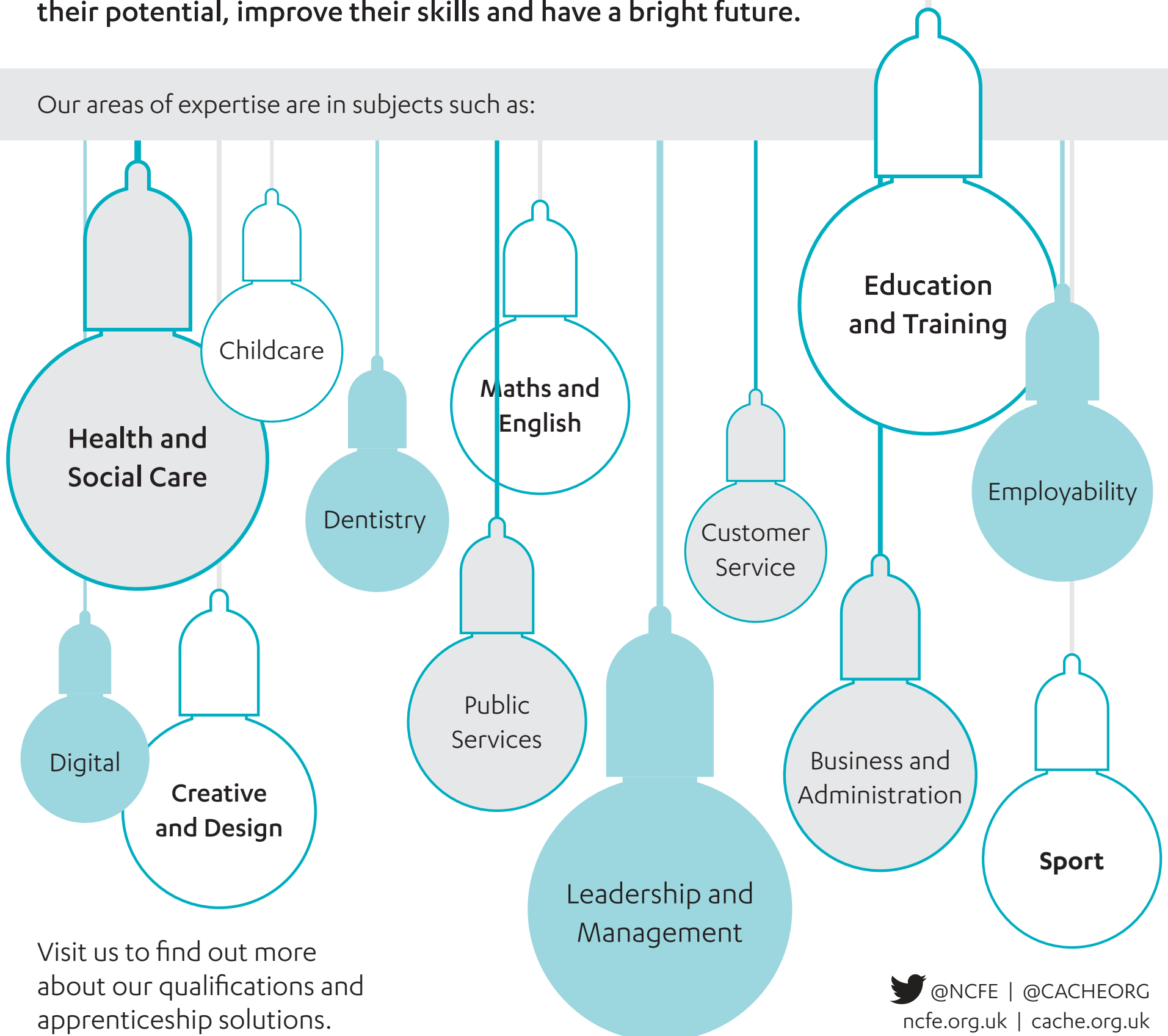
TheLightBulb Limited



Bright ideas, bright futures.

We develop and design qualifications to help learners achieve their potential, improve their skills and have a bright future.

Our areas of expertise are in subjects such as:



Visit us to find out more about our qualifications and apprenticeship solutions.