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Thousands with no quality regulator

Exclusive

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MEET THE TEAM

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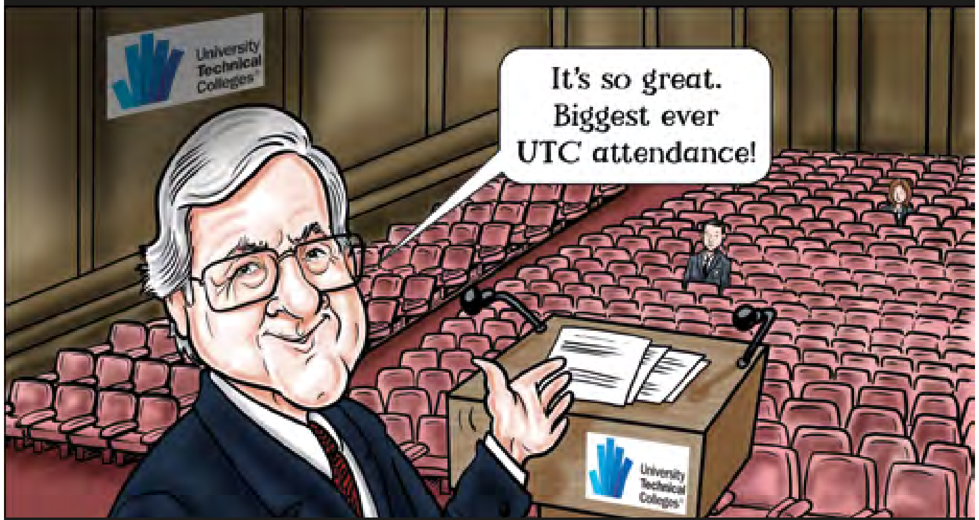

EXCLUSIVE: Baker Dearing Trust in hot water over pupil number claims

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College pension costs to rise by £142m per year

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The government has confirmed colleges will be expected to pay an extra £142 million a year in employer contributions to the teachers' pension scheme.

The increase comes into force in September 2019, but as this is halfway through the financial year the Department for Education has estimated that colleges will have to pay £80 million extra in 2019/20.

This will increase to the full amount of £142 million in 2020/21.

The latest estimates were revealed by schools minister Nick Gibb in a series of written answers to parliamentary questions asked by shadow education secretary Angela Rayner.

Julian Gravatt, deputy chief executive of the Association of Colleges, said the figure of £142 million amounts to approximately two per cent of colleges' income.

As colleges already spend an average of five per cent of their income (£350 million) on contributions to the teachers' pension scheme, this will take costs up to approximately £500 million, or seven per cent of total income, by 2020/21.

The AoC expected that colleges would face paying an extra £140 million as early as 2019/20, a contribution rise of over 40 per cent.

The Treasury has said the government will "cover the extra costs" for colleges and schools for the "rest of the spending review", which runs until March 2020.

In an answer to Rayner submitted on October 16, Gibb said the DfE "proposes" to fund schools and colleges for the increased costs relating to the teachers' pension scheme and would "shortly" run a public consultation to seek views on this and to understand the impact of the changes.

DfE reopens £15m strategic college improvement fund

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Colleges are being invited to bid for cash in a new round of the strategic college improvement fund.

A pilot for the SCIF was run last year in which 14 struggling colleges shared £2 million.

The Department for Education then reopened bidding in June for the first official round – the winners of which are being finalised and will be announced "shortly". Round two is now underway.

The SCIF is a £15 million pot of money that was created to allow struggling colleges, with the support of a stronger institution, to gain extra cash to help them improve in specific areas.

Writing for FE Week this week (see page 16), skills minister Anne Milton said she was "very pleased that colleges will have the opportunity to apply for this funding".

"By partnering with top colleges across the country, more people will be able to access high-quality education and training," she added.

"Those already successful in the first round will be announced shortly. This is great news and will build on the work already underway through the new national leaders of governance programme."

Applications for stage one of this second round are due by December 3.

To be eligible, FE and sixth-form colleges must be rated grade three or four either for overall effectiveness or in any of a number of headline fields, including outcomes for learners, and leadership and management, in their most recent Ofsted inspection report.

A recently merged college will be eligible to apply if at least one of the pre-merger institutions meets this criteria.

The area of improvement must have been identified during a recent Ofsted visit, a diagnostic assessment carried out by the FE commissioner, or another commissioner intervention.

They must have a "suitable approach for addressing this need" and "have the capacity and capability to deliver the improvement activities that they're proposing".

Colleges will be told by January 11, 2019 if they have made it through stage one.

The DfE said it expects to launch a third round of applications in "winter 2019".

Sixth Form Colleges Association chief executive Bill Watkin said: "The SCIF has already made a difference to several colleges and the students who attend them, with its focus on identifying where needs are and how those needs can best be met.

"We are delighted that round two has been launched and highly recommend that colleges take this opportunity to work with each other to raise, and sustain, standards across the sector."

DfE plans National Colleges evaluation to avoid repeating mistakes with Institutes of Technology

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The government is going to evaluate its troubled National Colleges policy to identify what has gone wrong with the scheme and help avoid the same mistakes in the roll-out of Institutes of Technology.

A tender from the Department for Education went live on Monday asking for a research company to take on the in-depth evaluation project.

The government has so far awarded around £80 million to establish four employer-led National Colleges across England – but as revealed by FE Week last month, they are plagued by inadequate financial health and low student numbers.

"National Colleges have now reached a pivotal milestone in their delivery timeline," the DfE's tender document states.

"Each of the four colleges have officially opened. There are currently around 1,064 students enrolled at the colleges, and this is projected to grow to 21,000 by 2020/21.

"Expressions of interest are sought to conduct a process evaluation to explore the process of policy implementation and delivery of National College policy to date, and identify factors that have helped or hindered its effectiveness."

It continues: "As such, the process evaluation should identify any lessons for National Colleges and for potential wider application in the roll-out of similar, specialist and employer-led Institutes of Technology (IoTs) from Spring 2019."

National Colleges were envisioned to deliver classroom-based apprenticeship training at levels four to six with learners aged 19 and above.

The DfE believes they are "pivotal to expanding classroom-based higher technical education to meet the shortfall of higher technical skills in key sectors".

But many have come up against severe recruitment issues, highlighted most significantly at the National College for High Speed Rail which had just 93 students enrolled in its first year, despite receiving more than £55 million in capital funding.

The other National Colleges – creative and cultural, digital skills, and nuclear – have hit similar problems.

A fifth, the National College for Onshore Oil and Gas, was supposed to open in 2017/18, but has yet to get off the ground.

The DfE tender document says the department is in "regular contact" with the boards of the National Colleges which provide "regular updates on general progress and college finances".

However, this "does not provide an objective and coherent picture of the underlying factors, barriers and enablers that have been driving activities and processes across the programme as a whole".

It is for this reason the DfE wants to develop its "comprehensive evaluation strategy" for the troubled programme.

The research will "identify lessons that can be learnt about how delivery could have been refined or improved" to assist with the introduction of IoTs.

First proposed back in 2015, IoTs are intended to bring FE and HE providers together with employers to deliver technical-skills training, with a particular focus on levels four and five.

According to application guidance from the DfE, they will offer "higher-level technical skills on a par with more academic routes" and will "achieve the same level of prestige as universities".

Former education secretary Justine Greening opening the National College for High Speed Rail

Between 10 and 15 of the institutes are expected to be created.

Sixteen providers have made it through to the final stage of the government's competition to open an IoT – but two of them, NCG and North Warwickshire and South Leicestershire College, are likely to be kicked off the list. NCG is rated grade three by Ofsted and NWSL is in FE Commissioner intervention.

The successful proposals are expected to be announced in March 2019, with the first one due to open in September 2019.

The DfE's evaluation report into National Colleges will, however, not be published until June 2019.

The closing date for the DfE's National Colleges tender is November 20.

News

Management apprenticeships double and now make up a fifth of all starts on standards

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Exclusive

The proportion of learners taking management apprenticeships has doubled in the last two years, with just ten of the controversial standards now making up a fifth of all apprenticeship starts on standards.

FE Week found that a single management-apprenticeship standard was responsible for a staggering 66 per cent of all level-five starts on standards last year, according to the provisional data for 2017/18 released by the Department for Education last month, while another made up 22 per cent of all level-three starts.

When excluding level-two apprenticeship standards, the proportion of management starts last year rises to 30 per cent.

Concerns have been expressed over the popularity of management apprentices, and the question of whether large sums from the apprenticeship levy should be focused on upskilling employees rather than encouraging new people into the workforce.

Tom Richmond, a senior research fellow on education and skills at Policy Exchange and former government advisor, warned the government should "prioritise training young people in important sectors and occupations ahead of paying for senior executives to do an MBA".

"Labelling management and leadership-training courses as an 'apprenticeship' means that more and more funding is being directed at existing employees instead of young people trying to get started in their chosen career," he said.

"The apprenticeship levy should support genuine apprenticeships in skilled occupations, and any misuse of the levy funds could damage the apprenticeship brand."

However, a spokesperson for the Institute for Apprenticeships said it was working with employers "to help them develop the apprenticeships that businesses need".

> "The levy should support apprenticeships in skilled occupations"

"This means the right kind of apprenticeships that will lead to longer-term employment, close the skills gap and ultimately help our economy grow.

"Apprenticeships in management are popular with apprentices and employers, as most people who progress to more senior levels need management skills," he added.

In 2015/16, approximately nine per cent of all new starts at all ages and all levels were management-apprenticeship frameworks. This grew to 15 per cent for standards in 2016/17, before taking the leap to 21 per cent by 2017/18.

Two standards in particular have seen their popularity skyrocket. The level-five operations/departmental manager standard made up two thirds of all level-five standards in 2017/18, having grown in one year from 813 apprentices to 7,756.

And the level-three team leader standard made up over a fifth of all level-three standards last year, growing from 1,802 apprentices to 17,103.

The level-three team leader standard is now the most popular of all, with the level-two adult care worker standard taking the second top spot with 10,463 starts last year.

However, both of these are in line to have their funding rates slashed following a review into funding bands by the IfA.

The level-five operations/ departmental manager standard was set to drop from £9,000 to £7,000, while the level-three team leader/supervisor standard faced cuts from £5,000 to £4,500.

Also facing the chop is the level-six chartered manager degree apprenticeship, which could see its funding cap cut from £27,000 to £22,000.

The fate of all three standards has not yet been decided, after the employer group behind them appealed with, they claimed, more than 150 employers joining forces to protest against the "extensive and highly damaging cuts". The outcome of the appeal is still pending.

In total, 34,153 apprentices took part in a management standard last year, compared with just 3,807 the year before.

Anne Milton, the skills minister, said reforms to the apprenticeship system had been to create "long-term investment in skill straining".

"There are now high-quality management apprenticeships available in lots of different sectors, creating the leaders our businesses need to grow.

"Apprenticeships are designed by employers themselves and the apprenticeship levy lets them choose where to spend money on training, based on their individual needs," she said.

However Robert Halfon, chair of the education select committee and former skills minister, has previously warned that employers might try to "game the system" by rebranding existing training in order to claw back as much of their levy contribution as possible.

Speaking at the Conservative party conference in October 2016, Mr Halfon said: "I'm not going to deny to you, inevitably there may be some gaming of the system.

"But I don't actually believe it will be widespread. If gaming is widespread... then of course we would look at it later on and make sure we stop it as much as possible."

Management apprenticeships starts

Standard Name	Detailed Level	2016/17 final	2017/18 provisional
Team Leader/Supervisor	3	1,802	17,103*
Operations/Departmental Manager	5	813	7,756†
Retail Team Leader	3	314	2,756
Chartered Manager (degree)	6	540	2,259
Associate Project Manager	4	180	2,005
Retail Manager	4	99	965
Senior Leader Master's Degree Apprenticeship (degree)	7	0	550
Housing/Property Management	3	42	287
Facilities Management Supervisor	3	17	262
Hospitality Manager	4	0	210
	Total	**3,807**	**34,153**
	All standards	**24,646**	**161,693**
	% of all standards	**15%**	**21%**

*22% of all level 3 standard starts in 17/18
†66% of all level 5 standard starts in 17/18


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News

Progress to public sector target slow at government departments

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Exclusive

The government has published its progress towards the public sector apprenticeship target for the first time – and FE Week can reveal that starts at seven departments made up less than one per cent of their workforce.

The target, which came into effect last April, obliges public sector organisations – including the civil service – to make sure that new apprentices make up at least 2.3 per cent of their overall workforce numbers on average over the next four years.

Figures published by the Cabinet Office in late September revealed there were 4,459 apprenticeship starts in the civil service for the first year of the target, which made up 1.3 per cent of a workforce totalling 343,160.

But while the data included the number of starts per department, it didn't show progress by individual departments.

FE Week crunched the numbers, using civil service employment data published by the Office for National Statistics, to show which departments were doing well – and which weren't.

The Ministry of Justice came out bottom, with just 93 apprentices recruited against an overall workforce of 67,600, or 0.1 per cent.

Nonetheless, a spokesperson said it was "confident" it would meet the target in the future.

The "majority of our workforce" is in the prisons, probation and courts services which "historically" haven't used apprenticeships "so we have had to build bespoke apprenticeship programmes from scratch", he said.

Other low performing departments included the UK Statistics Authority, which had 15 starts out of an overall England-based workforce of 2,170 – or 0.7 per cent.

A spokesperson for the authority, which incorporates the ONS, said that apprenticeships were a "big priority" for it.

The bulk of the authority's workforce is in Wales, where it is "currently shortlisted for a Welsh government award for its pioneering apprenticeships at the ONS Data Science Campus at Newport" – but these apprenticeships don't count towards the target, which is England-only.

Apprenticeship starts at both the Treasury and the Cabinet Office also only made up 0.7 per cent of their overall workforce, according to our analysis.

A spokesperson for the Treasury said that apprenticeships in the areas that the majority of its staff work in – policy and economics – have only recently been developed, and it took on its first cohort of policy apprentices last month.

"With those new apprenticeships, we are confident we will be able to reach the target of 2.3 per cent by 2021," he said.

The Cabinet Office rejected FE Week's figures, even though they are based on official government data, and said that apprentices made up 0.8 per cent of its workforce – with a significant increase in staff numbers over the reporting period impacting on its progress.

The three other departments to have apprenticeship starts make up less than 1 per cent of their workforce in 2017-18 were the Department for Transport, the Home Office and the Department for Environment, Food and Rural Affairs.

At the opposite end of the spectrum, just two departments exceeded the target: the Department for Business, Energy and Industrial Strategy, and the Department for Exiting the European Union.

DeXEU had 14 starts out of an overall workforce of 550 (2.5 per cent), while BEIS had 285 starts out of a headcount of 11,910 (2.4 per cent).

The Department for Education had 116 starts over the year, which made up 1.9 per cent of its 6,080-strong workforce.

All public sector organisations in England with 250 or more employees must have reported progress towards the apprenticeship target by September this year.

It's an average target across the years 2017/18 to 2020/21 to "give flexibility to organisations to manage peaks and troughs in recruitment", according to DfE guidance.

Government departments are grouped together as one organisation for the purpose of the target.

A government spokesperson said it was "on track to reach our target number by March 2021".

"Apprentices are core to being a brilliant civil service, helping us to retain and attract the best talent."

The DfE is expected to publish overall progress towards the target later this month.

Civil service progress towards public sector apprenticeship target, 2017-18

Main department	2017-2018 actual starts	Number of employees	% progress
Department for Work and Pensions	1,123	70,540	1.6%
Ministry of Justice	93	67,600	0.1%
HM Revenue and Customs	1,139	53,250	2.1%
Ministry of Defence	712	44,480	1.6%
Home Office	226	27,470	0.8%
Department for Business, Energy and Industrial Strategy	285	11,910	2.4%
Department of Health and Social Care	106	8,330	1.3%
Attorney General's Departments	177	8,260	2.1%
Department for Transport	66	7,390	0.9%
Department for Environment, Food and Rural Affairs	68	7,800	0.9%
Department for Education	116	6,080	1.9%
Cabinet Office	38	5,720	0.7%
Foreign and Commonwealth Office	44	3,430	1.3%
Ministry of Housing, Communities & Local Government	35	2,390	1.5%
HM Treasury	14	1,970	0.7%
United Kingdom Statistics Authority	15	2,170	0.7%
Department for Digital, Culture, Media and Sport	9	880	1.0%
Department for International Development	18	1,180	1.5%
Department for International Trade	16	1,450	1.1%
Department for Exiting the European Union	14	550	2.5%
Other departments	145	10,300	1.4%
TOTAL	**4,459**	**343,160**	**1.3%**

Sources: Civil service apprenticeship data: 2017 to 2018, Cabinet Office; Civil service statistics, UK: 2018, Office for National Statistics

Employers use just 14% of their levy in first 18 months

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Exclusive

Employers have used just under 14 per cent of their apprenticeship levy funds in the first 18 months since the policy was introduced, FE Week can reveal.

Last month, skills minister Anne Milton revealed the total balance of employers' apprenticeship service accounts was £2.7 billion as of the end of September.

In response to a Freedom of Information request from this newspaper, the Department for Education said that £370 million of this had been drawn down, amounting to 13.7 per cent.

Large employers have been made to pay the apprenticeship levy since it was launched in April 2017. The money goes into a pot, which employers have two years to claim back for spending on apprenticeship training.

But concerns have been raised that employers are not spending their funds quickly enough. Last week, for example, Health Education England urged NHS trusts to use or transfer their levy cash with greater speed to avoid losing the money.

Recent policy changes have aimed to increase levy spending. From April 2019, levy-paying employers will be able to share more of their annual funds with smaller organisations, when the levy transfer facility rises from 10 to 25 per cent.

And in last month's Budget, the chancellor Philip Hammond announced that the 10 per cent fee small businesses have to pay when they take on apprentices will be halved.

Levy money also has other purposes. Unspent funds from the national pot are used in ways that include funding apprenticeships for small, non-levy-paying employers, for English and maths qualifications and for extra support for apprentices who are care leavers or have special needs.

FE Week asked the DfE how much of the levy pot has so far been used on these different areas, but it refused to say.

Mark Dawe, chief executive of the Association of Employment and Learning Providers, said the government "needn't panic over these figures" and said the new measures will "allow more headroom for small and medium sized enterprises to engage" with the levy.

"More employers are engaged than before but it takes time to build strategies and pilot programmes. However, there are obstacles such as inflexibility in the off-the-job training rule which needs sorting," he said.

John Cope, head of education and skills policy at the CBI, said employers are "committed to high-quality

apprenticeships and making the levy work" but warned that "big challenges remain".

He added: "The government was right to say in the Budget that it'll work with business in the lead up to the spending review to evolve the system into a more accessible skills levy."

The government had hoped the apprenticeship levy would encourage more employers to invest in training and help it hit its manifesto target of three million apprenticeship starts by 2020.

However, starts have fallen dramatically since its launch. The latest figures, released on October 26, revealed that apprenticeship starts for July were down 43 per cent on the same month in 2016, before the introduction of the levy.

In June, FE Week reported that employers had used just 10 per cent of their apprenticeship levy funds in the first 12 months since it was introduced, with £207 million being drawn down out of a budget of £2.01 billion.

Embattled college boss declines her £130k payout

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Exclusive

The high-profile boss of a college in financial crisis resigned from her post without accepting any financial payout, walking away from at least £130,000, FE Week can reveal.

Dame Asha Khemka stepped down as principal of West Nottinghamshire College at the start of October. Her resignation came 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.

One of the highest paid principals in FE, Dame Asha received a £262,000 remuneration package in 2016/17. In 2014 she received a damehood, and was named woman of the year at the GG2 Leadership Awards.

However, West Notts has confirmed that she stepped down with immediate effect and did not receive any payoff, despite the fact her six-month notice period would have entitled her to at least £130,000.

This makes a stark contrast with other disgraced principals, whose large payouts when they finally walked away from their colleges have often earned them infamy.

In June it was revealed that Mike Hopkins, the former principal of Sussex Downs College, had been placed on gardening leave since March following the college's merger with Sussex Coast College Hastings.

During the five months he remained on gardening leave before the end of the academic year, Mr Hopkins was paid £80,000 by the college, despite the fact Sussex Downs was facing a deficit of £1.9 million and planning a wave of staff redundancies. He also received a final payout for leaving, but it is not known how much this was.

Amarjit Basi resigned as principal of the Cornwall College Group in July 2016 against a backdrop of financial troubles. Despite the college receiving a financial warning notice from the government in April 2016, and preparing for staff redundancies in May, Mr Basi left with a £200,000 payout.

His successor, Raoul Humphreys, resigned from the college last week, but it is not clear if he will also receive such generous remuneration.

Matt Waddup, head of policy and campaigns at the University and College Union, said: "It is important that principals and senior leaders leaving their colleges as a result of their poor management decisions are not financially rewarded for doing so.

"College funding should be focused where it is needed most – on frontline delivery of students' education – not on excessive salaries or payoffs for those who have already left the institution."

A report from the FE commissioner, published last week, criticised "serious corporate failure" at West Notts College and said it had reached the point of "financial crisis".

The intervention report, which had been written back in August, warned that Dame Asha 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".


Dame Asha Khemka

It is understood that Dame Asha's departure from the college took place shortly after the college board conducted the review as advised.

Dame Asha was approached for comment.

College refuses to publicly back beleaguered principal

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Exclusive

A college has refused to publicly back its beleaguered principal, who jumped ship before the financial failings of his former college were uncovered.

Garry Phillips' leadership of Ealing, Hammersmith and West London College, which he ran until July this year, was slammed in an FE commissioner report published on Friday.

Since then FE Week has tried repeatedly to get City College Plymouth, which Mr Phillips now leads, to comment on whether it still backs him.

But we have yet to receive a response, despite multiple phone calls and emails.

Meanwhile, the University and College Union has launched a vote of no confidence in his leadership.

It began "polling members to ask if they have any confidence in Garry Phillips and the governors to continue to lead the college" on Tuesday, with voting closing at 11am on Friday.

The FE commissioner's report into EHWLC revealed a catalogue of leadership and governance failings.

According to the report, which was based on visits to the college in August, its financial situation was so bad it would be "unable to meet its commitments from early October without support".

It concluded that executive leadership had been "poor" and it "had not provided a properly considered and coherent holistic strategic direction for the college".

Issues highlighted included a lack of an overarching estates strategy, various merger discussions described as "a distraction at best" with some having no "obvious perceived advantages", and a failure to achieve "too optimistic" budgeted income.

Curriculum managers reported "serious concerns" that their target enrolment figures had been "unilaterally inflated by the then principal/CEO" and were consequently "unachievable".

The true picture of the college's financial difficulties did not become apparent until March this year – the same month that the finance director left, and that Mr Phillips announced his departure.

Governors, senior managers, staff and unions all reported feeling "kept in the dark" or "misled" about the situation, according to the report.

Board members did see management accounts, but "it was clear that the scale of the problem was neither understood nor properly debated", while reports from Mr Phillips to the board "had little detail or data within them".

One governor reported that the


Garry Phillips

relationship between "those holding power" – the chair, clerk and principal – was "over supportive" and "cosy, with little challenge and feeling a difficulty in asking questions".

UCU officials at Plymouth, where Mr Phillips took over in July, wrote to the chair of governors on Monday demanding answers about his appointment – including whether the process was "safe and robust" and whether governors had the "full facts regarding his previous position".

"I can say that the corporation is confident in the recruitment process it followed to appoint its CEO and it continues to have confidence in his ability to lead the college's executive function," Pauline Odulinksi said in her reply.

This view was reiterated in an all-staff email from Ms Odulinski on November 6, seen by FE Week.

The message referred to "recent press reports touching on the appointment of the college's CEO" and said that "board members are fully aware of the issues raised".

Philippa Davey, UCU regional official, said she was "absolutely stunned" by the college's response to their letter, and described it as "totally inadequate and insulting to staff".

The union has now written to all members of the board to request a meeting, citing fears that "individual governors have not been consulted concerning their views on the report".

City College Plymouth is in early intervention for financial health by the Education and Skills Funding Agency, and is currently in consultation on a proposed restructure that could see up 70 jobs cut, according to the UCU.

An all-staff email from Mr Phillips, sent earlier this week and seen by FE Week, revealed that the college was due to be visited by the FE commissioner's team this week for a diagnostic assessment.

Despite EHWLC's desperate financial problems, Mr Phillips earned a massive £261,000 in 2016/17, which made him the fifth most highly paid principal in the country.

UCU officials at his former college have now written to him, demanding that he return £100,000 he earned in bonuses over two years and to apologise for the mess he left the college in.

An FE Week Freedom of Information request has revealed that Mr Phillips is now paid between £160,000 and £170,000 – an increase of up to 17 per cent on his predecessor's £145,000 salary.

News

‘Falling through the cracks’: thousan

BILLY CAMDEN
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Exclusive

The government has been left red-faced after FE Week found thousands of apprentices with no organisation responsible for checking the quality of delivery of their training.

The apprenticeship accountability statement, published by the Department for Education, says responsibility for oversight of level six and seven programmes does not lie with Ofsted but with the Office for Students.

But the OfS has claimed their remit only extends to those with a prescribed HE qualification, such as a degree.

FE Week analysis shows there are currently 15 approved standards at level six and seven with no degree element, which have had a combined total of 4,443 starts on them since 2016/17.

One of the standards, the level seven accountancy and taxation professional, had over 3,500 starts in 2017/18 alone.

Adrian Anderson, the chief executive of the University Vocational Awards Council, said this was a “real issue” which the DfE needs to fix “immediately”.

“Something needs to be done and it needs to be done very quickly so we ensure we have certainty in terms of regulation and inspection of apprenticeships delivered at all levels by all providers,” he told FE Week.

“I think the solution to that lies with looking at how the OfS extends its remits to look at regulation of delivery there as well.”

> “I am sure it is a cock-up rather than intentional”

Mark Dawe, the boss of the Association of Employment and Learning Providers, was shocked by the situation, but said it should be Ofsted that oversees this provision.

“This appalling situation illustrates the current lack of clarity on accountability in the system which the Commons select committee referred to and why Ofsted should be given overall responsibility for inspecting all apprenticeships,” he told FE Week.

Any higher education provider that is delivering apprenticeships that do not have a degree element is still subject to OfS regulation, so some of these starts would have had some monitoring.

The issue of no oversight lies with providers, such as Kent County Council, which deliver the high-level apprenticeships but are not on the OfS register and therefore not subject to their regulation.

Nick Hillman, the director of the Higher Education Policy Institute and a former adviser to HE minister David Willetts, said answers are needed “as to why these qualifications are being allowed to fall through the cracks”.

“I am sure it is a cock-up rather than intentional, but it could be unfair to the students involved and reflects the complexity of the new arrangements,” he added.

Despite the severity of the situation, the DfE, which FE Week understands has been aware of the issue for years, failed to provide comment.

Confusion over the regulation of higher standards has engulfed the skills sector for years since the introduction of degree apprenticeships.

In April 2017 the DfE ruled that these would be regulated by the Higher Education Funding Council for England – now the Office for Students – and not by Ofsted.

However, it was decided in August that Ofsted will inspect all apprenticeships at levels two to five, even if the advanced standards contain a prescribed HE qualification, following the outcome of a pilot conducted with the OfS earlier this year (see box out).

Ofsted told FE Week it has absolutely no power to inspect level six and seven standards.

Explaining its approach to regulation of these higher apprenticeships, an OfS spokesperson said: “The Office for Students employs a risk-based approach to quality assurance defined by a high quality threshold for entry and regulates all provision at all providers on the OfS Register.

“Providers who are accepted on to the register will have met a high threshold for quality and standards and will be monitored on an ongoing basis to ensure that quality is maintained.”

The Quality Assurance Agency then conducts external annual provider reviews of HE institutions for the OfS, including those that deliver apprenticeships.

However, these are not official inspections of the type Ofsted conducts.

“To externally assure the quality of specific courses, the system of external examiners provides course-level independent and impartial external verification that expectations and standards are met,” a spokesperson said.

“These will apply to all degree apprenticeships. Courses will be externally verified as part of the approval process and will be subject to external scrutiny throughout each stage of delivery.”

She added that FE Week should contact the DfE as they are currently reviewing the “apprenticeship

UNIVERSITIES IN UPROAR ABOUT BEING INSPECTED BY OFSTED

Universities have warned they could be “driven out” of the apprenticeships market after it was decided that Ofsted will inspect HE providers delivering level four and five standards, even if they contain a degree element.

After the government ruled that degree apprenticeships would be overseen solely by the OfS in early 2017, a pilot was conducted by the education watchdogs to find the best solution for monitoring those advanced standards with HE qualifications.

A letter, sent to universities in August and seen by FE Week, reveals that Ofsted will have the power to inspect HE providers, with the assistance of the OfS, from 2018/19.

“OfS will provide relevant data and information to Ofsted to inform its risk-assessment process and planning of inspections of HEIs which have L4/5 apprenticeship provision with standards that contain a recognised HE award,” the letter said.

But the decision hasn’t been welcomed by University Vocational Awards Council, which represents 82 universities.

“It is a duplication of regulation and a waste of public resources,” said Adrian Anderson, chief executive of the UVAC.

“All provision delivered by an institution on the OfS register is subject to OfS regulation. Ofsted is inspecting provision regulated by another government regulator.

“UVAC would like to know the justification for Ofsted inspection and why inspection represents an appropriate use of public resources, especially at a time when Ofsted has requested and received additional resources from DfE.”

He added that the decision will “drive providers out of the market and reduce the availability of provision for employers and learners”.

But Mark Dawe, chief executive of the Association of Employment and Learning Providers, argued for the opposing view.

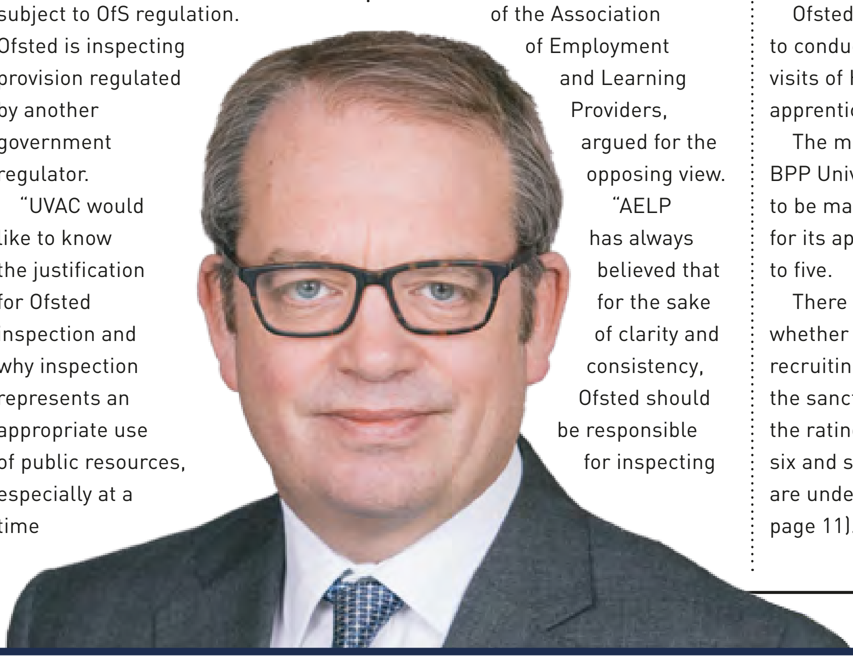
“AELP has always believed that for the sake of clarity and consistency, Ofsted should be responsible for inspecting apprenticeships at all levels because it can form the best judgement on inspecting the on-the-job training which is a core part of the apprenticeship,” he said.

“Where there is an actual degree qualification involved we are happy for OfS to contribute but it should be to an overall Ofsted judgment.”

Ofsted has already started to conduct early-monitoring visits of HE providers delivering apprenticeships.

The most high-profile case was at BPP University, which was deemed to be making ‘insufficient progress’ for its apprenticeships at level two to five.

There is, however, confusion as to whether the HEI will be banned from recruiting all apprentices, which is the sanction for FE providers with the rating, as it also delivers level six and seven apprenticeships which are under regulation by the OfS (see page 11).



Adrian Anderson

News

ds of apprenticeships go unregulated

accountability statement", which should be published by December, to "take into account changes in the apprenticeship landscape including the role of OfS".

The DfE did not respond to FE Week's enquiries.

The Institute for Apprenticeships runs a Quality Alliance Stakeholder Reference group but refused to comment on the level six and seven apprenticeships grey area, claiming it isn't directly responsible for it.

The 15 unregulated level 6 and 7 apprenticeship standards

Name	16/17 starts	17/18 starts
Relationship manager (banking)	20	87
Licensed conveyancer	4	35
Chartered legal executive	1	187
Solicitor	30	106
Systems engineering masters level	19	32
Senior compliance / risk specialist	0	83
Teacher	0	11
Accountancy / taxation professional	0	3662
Senior insurance professional	0	118
Financial Services Professional	0	48
Marketing manager	0	0
Internal audit professional	0	0
Senior investment / commercial banking professional	0	0
Academic professional	0	0
Actuary	0	0
	74	**4369**
	4443	

Source: DfE monthly apprenticeships starts by standard, October 2018

News

College refuses to explain spending millions on mysterious subcontractor

BILLY CAMDEN
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Exclusive

A college has refused to explain why it has given £16.5 million over the last three years to a subcontracting partner that employs fewer than 10 people.

Brooklands College relies on SCL Security Ltd, a private provider run by Andrew Merritt, to deliver hundreds of level three IT apprenticeships every year, for mostly 16-to-18-year-olds.

The company claims on the government's Find Apprenticeship Training website to "operate training centres nationwide", but its own website makes no reference to any training venues – the only address is for a head office in Kent.

FE Week has also been unable to find any evidence of the company advertising for apprentices, or of who the employers are, raising questions as to how it recruits learners.

SCL only employed eight people in 2017, according to its most recent company accounts, and seven the year before.

Its website, which has the Brooklands College logo displayed, does not name any staff, but the Find Apprenticeship Training site lists Mr Merritt as SCL's contact.

The government site says Mr Merritt – the company's managing director – is "always available for consultation and will make himself known to you, runs the company with the help of operations managers, both regional and ethnic, and with the backup great admin and training staff".

FE Week put all of these points to Brooklands and asked the college to justify handing over millions of pounds for delivery to SCL, but it declined to comment.

All a spokesperson would say is: "Brooklands College has very successful apprenticeship provision and works in partnership with training providers to meet the needs of a range of employers. Brooklands College is not able to comment on commercially sensitive information."

SCL Security did not respond to requests for comment.

According to the college's latest self-declaration subcontracting data, the private training provider has cashed in over £16.5 million between 2014/15 to 2016/17 from deals with Brooklands, with £3.4 million top-sliced and retained by the college.

> **"Brooklands has a clear understanding of the risks regarding reliance with SCL"**

Minutes from a June 2017 board meeting at Brooklands states that the money from the arrangement accounts for up to 85 per cent of SCL's total income, and 80 per cent of the college's subcontracting provision.

The minutes reveal that Brooklands identifies SCL as a "risk", as it is a "sole trader" and could go "bust" or "elsewhere" with its business.

They even asked if a "disaster recovery plan" was required because of this.

The minutes add that a Brooklands leader and his team "speak with staff from SCL most days, SCL receive a substantial amount of Brooklands staff time and support" and that in addition Brooklands undertakes "due diligence, employer and learner surveys and the monthly monitoring of learners". "Internal audit also undertake a mandatory SFA audit of subcontractors each spring term" and the Brooklands team "have a clear understanding of the risks regarding reliance with SCL and are endeavouring to minimise the exposure of the relationship".

Brooklands was hoping to merge with the Guildford College Group, but minutes from February 2018 reveal it was rejected after "feedback suggested that Guildford felt the level of subcontracting undertaken at Brooklands presented a risk".

The college's latest accounts show that it went from a £224,000 surplus in 2016 to a £156,000 deficit the following year. Its February 2018 audit committee minutes show that the college has another "projected budget deficit" on its way.

> **"Brooklands College is not able to comment on commercially sensitive information"**

Brooklands was rated 'good' by Ofsted in 2013 and has since received a short inspection and a monitoring visit, both of which said it was making reasonable progress.

SCL Security has never been inspected by the education watchdog, but received its first ESFA allocation this year, totalling £1 million for a mix of apprenticeships and adult education provision, and is now in scope for inspection.

It also subcontracts for Ealing, Hammersmith and West London College, with a current deal worth £1.7 million. The college also did not respond to request for comment about this relationship.

Brooklands College's subcontracting deals with SCL Security

Academic year	Total funding	of which paid to SCL Security Ltd	of which retained by Brooklands College
2014/15	£6,690,438	£5,519,611	£1,170,827
2015/16	£5,853,716	£4,829,316	£1,024,400
2016/17	£7,444,671	£6,227,628	£1,217,042
Total funding	**£19,988,825**	**£16,576,555**	**£3,412,269**

Questions surround DfE's ability to ban poor HE apprenticeship providers

PIPPA ALLEN-KINROSS
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Exclusive

Banning new 'insufficient' providers from recruiting apprentices may not be as simple as once thought, as confusion appears to surround the case of a private university.

BPP University, part of the global BPP Professional Education Group, was warned it was making poor progress in an early monitoring visit report of its apprenticeship provision from Ofsted last week.

The results of the report, which warned that managers were not aware of the "slow progress" made by apprentices, means that BPP University faces being banned from recruiting any new apprentices until a full inspection of its provision can be carried out.

However, BPP appears on the register of apprenticeship training providers four times. As well as BPP University, it has the approved providers of BPP Holdings, BPP Professional Education and BPP Actuarial Education.

BPP would not comment on whether it would simply be able to switch BPP University's allocation of apprenticeships to another one of its providers in the case of a ban.

A spokesperson for the Department for Education confirmed that no decision had been made yet on whether BPP University would be barred, but said the other BPP entities are counted separately to BPP University and would not be affected by the outcome of the monitoring visit.

She said: "We will always take action to protect the interests of apprentices. We are currently assessing Ofsted's findings and will be contacting BPP University to set out the action we will be taking in due course."

Another question mark remains over whether any ban would include all of BPP University's apprenticeship provision. The monitoring inspection only took into account programmes ranging from level two to level five, but the university also offers some courses at levels six and seven.

However, these higher apprenticeships are outside of Ofsted's remit and are the responsibility of the Office for Students. The OfS is in charge of checking the quality of apprenticeships at levels six and seven, but does this in a risk assessment as part of its annual provider review rather than taking part in monitoring visits.

Some of their apprenticeships, such as the level 7 accountancy and taxation professional standard, which do not have a prescribed degree element, are worryingly completely unmonitored, as revealed by FE Week this week (see page 8).

A spokesperson for the OfS said the body was "aware of the issue" with monitoring visits and was "actively working with Ofsted and the DfE to address it and ensure all apprenticeships are of high quality".

Rather than automatically banning any provider who is found to be making 'insufficient progress' from also recruiting for levels six and seven, she said it would "depend on the individual provider circumstances".

"In the case where a provider was judged to be insufficient by Ofsted and they also offered apprenticeships within our remit, we would work with Ofsted and the DfE to address it," she said.

"We're working with the DfE already to develop a process that will ensure consistency and quality of standards of apprenticeships."

So far, all 16 apprenticeship providers found to be making 'insufficient progress' in at least one area up until October 11 have been barred from recruiting new apprentices until their next full inspection.

The Education and Skills Funding Agencies can overrule the ban, but only if it "identifies an exceptional extenuating circumstance".

Broker offered 3aaa staff £200 for apprentice referrals – but admits it was a 'bad idea'

BILLY CAMDEN
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Exclusive

A broker has admitted it was a "bad idea" to offer cash to former staff of Aspire Achieve Advance in exchange for referrals of apprentices affected by the collapse.

The now-defunct apprenticeship giant, better known as 3aaa, ceased trading on October 11 when the government pulled its skills contracts following a second investigation into success rate inflation – the findings of which have now been passed to the police.

Shortly after the demise, a recruitment firm called 360 Apprenticeships, based in Manchester, contacted a handful of staff who lost their jobs to offer a payment of up to £200 per apprentice referral.

"If you know of any learners that need assistance moving to a grade one training provider – please let me know," one message, seen by FE Week said.

"Let me know if you feel this quick fix would be beneficial?"

However, 360 Apprenticeships, which incorporated in March 2016 and currently has four employees, claimed it quickly realised this was inappropriate.

"That shouldn't have gone out," said Aaron Rochford, the firm's owner.

"It was done in haste really a couple of days after it all came out. We brainstormed it, contacted three people, but then we got our head bitten off by one ex-3aaa guy and realised this was not a bright idea."

He added that his company didn't "gain anything" from the offers and admitted it was a "bad idea" and "not our proudest hour as a business start-up".

360 Apprenticeships is an apprenticeship recruitment firm working with various training providers, but is not regulated by the Education and Skills Funding Agency.

Mr Rochford said the company has "over 10 years of recruitment experience between the team" and with "30-plus five-star reviews, the small amount of people who have used the service only have fantastic praise".

The broker's website claims it is "not for profit" even though it charges providers for employer and apprentice referrals.

When FE Week raised this with Mr Rochford he claimed this was a "mistake" and said the website would be fixed to reflect it is a for profit organisation.

This is the latest example of unscrupulous poaching of 3aaa staff and apprentices that has been found by FE Week.

Last week this newspaper revealed that multiple training providers have been "misrepresenting their position" to people affected by 3aaa's collapse.

Tactics include alleged false claims that the ESFA and 3aaa have asked the providers to take on hundreds of people affected.

Questions have been raised about how these providers were able to obtain private email addresses of staff, apprentices and employers – leading to

Aaron Rochford

concerns that general data-protection regulation laws have been breached.

The ESFA's director of apprenticeships, Keith Smith, is aware of the poaching and warned providers that they could have their own funding pulled because of it.

"There's no place for people to come in and misrepresent to people who are feeling very vulnerable at this stage, employers and apprentices," he said.

The 3aaa scandal put around 500 people out of work and left up to 4,500 apprentices without a training provider.

There is said to be £17 million of on-programme payments due for apprentices affected – a huge prize for anyone that can win transfers.

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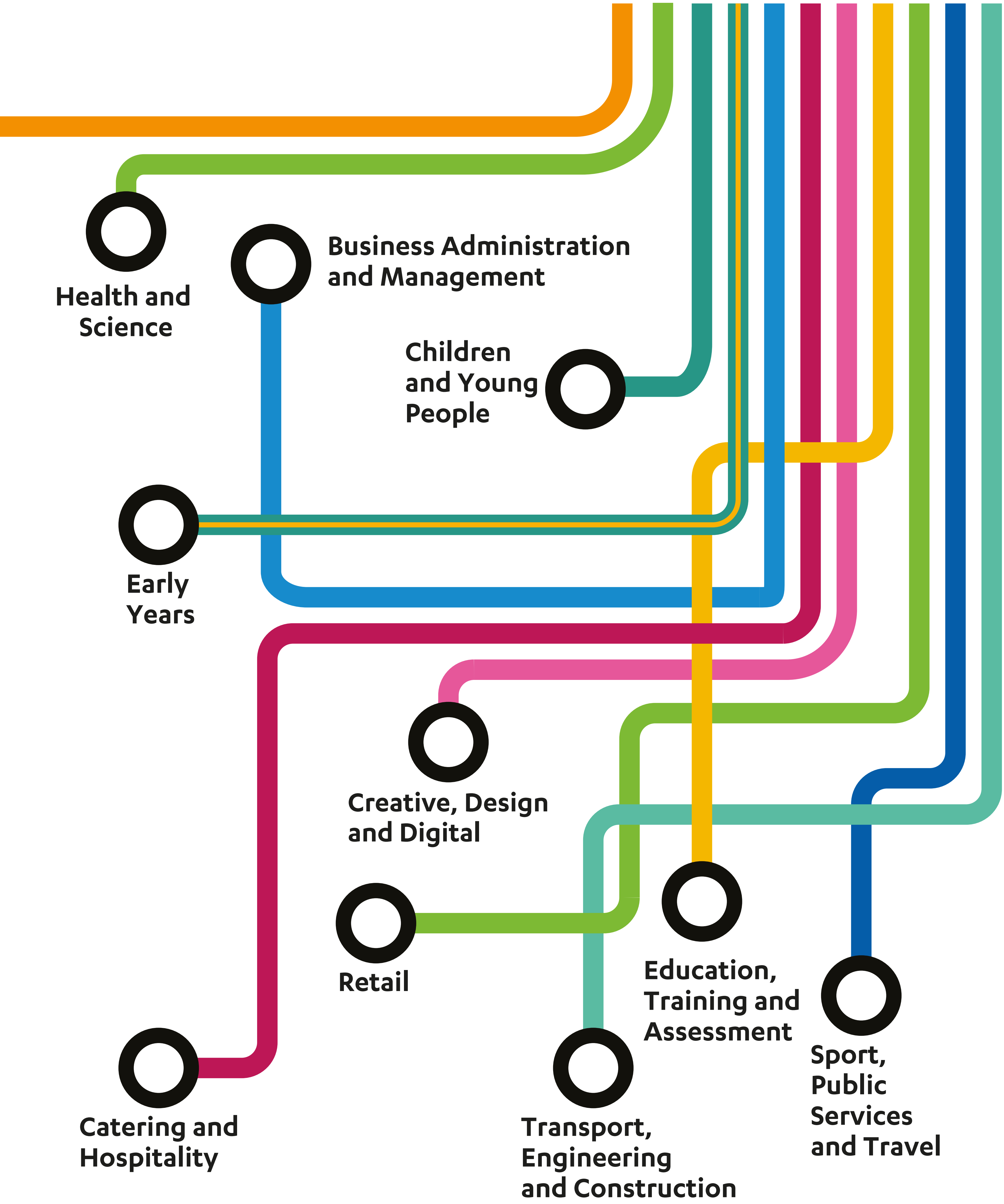
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News

Contradictory claims over UTC learner numbers from Baker Dearing Trust

JUDE BURKE
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The organisation behind the university technical college programme has claimed the number of 14-year-olds studying at the institutions is on the up – even though its own figures show the opposite.

A spokesperson for the Baker Dearing Trust told FE Week that year 10 recruitment at the 14-to-19 technical institutions "has grown 40 per cent over the past two years" which "suggests students are interested in this form of education at a younger age".

"This doesn't suggest that the programme is struggling. Quite the opposite," she said.

But when pressed by FE Week, she admitted that this was the overall number of learners – which is likely to have gone up as more UTCs have opened – rather than a per UTC increase.

Further analysis revealed that the average intake of 14-year-old learners per UTC has actually fallen this year.

According to the trust's unpublished enrolment figures for 2018/19, each institution has an average of 82 year 10 learners.

That's down from 85 per UTC in 2017/18, according to school census data published by the Department for Education.

The spokesperson was responding to FE Week's request for a comment on our analysis of learner numbers at established UTCs.

We looked at the DfE's school census data for the 33 UTCs to have opened in 2015 or earlier, and compared figures for 2017/18 with 2016/17.

That found that 19 of them saw a year-on-year drop, with two thirds of the 33 still operating at less than half of capacity.

Both UTC Plymouth and Sir Charles Kao UT, now rebranded as the BMAT STEM Academy, had a more than 50 per cent drop in learner numbers.

Sir Charles Kao UTC, which opened in 2014, had the lowest enrolment of any UTC in 2017/18, with just 59 learners – down from 143 the previous year, a fall of 59 per cent.

Helena Mills, chief executive of the Burnt Mill Academy Trust, which the UTC joined earlier this year, said the low numbers were due to a decision by the trust and the DfE to halt recruitment of year 10 and year 12 learners last year "because the future of Sir Charles Kao UTC was uncertain".

As the BMAT STEM Academy, the school limited recruitment to year 10 in 2018/19 and has reached its target of 50 learners – and it expects to attract a further 100 in 2019/20, with a "lot of interest from prospective parents".

Learner numbers at UTC Plymouth, which opened in 2013, fell by 52 per cent year-on-year, from 153 in 2016/17 to just 73 the following year.

A spokesperson for the school attributed this fall to the school's decision to not take on any 14-year-olds last year.

She said 2017/18 was a "year of transition for us", following an 'inadequate' Ofsted grade in 2016, but that since joining Reach South multi academy trust at the start of 2018/19 the school had "already seen a marked increase of interest".

It will be expanding entry to year 9 from 2019, and is also "exploring opening places for year 7" from 2020, she added.

UTC Bolton, which opened in 2015, had the largest year-on-year drop in learner numbers, from 360 in 2016/17 to 211 in 2017/18 – a drop of 149, or 41 per cent.

Liam McDaid, the school's principal, said this fall came "directly following an Ofsted inspection in February 2017", which resulted in a grade four overall.

He said the institution was working with the DfE, Ofsted and other local schools to "organically improve UTC Bolton and increase the recruitment of students".

The Leigh UTC had the largest increase in learner numbers, from 191 in 2016/17 to 335 in 2017/18 – an increase of 144, or 75 per cent.

However, principal Steve Leahey said this boost was "mainly down to our new UTC feeder school" for 11- to 14-year-olds, which opened in September 2017 and filled all its 120 places.

Average number of year 10 and 12 learners per UTC

	2015/16	2016/17	2017/18	2018/19*
Year 10 learners (average)	71	68	85	82
Year 12 learners (average)	76	64	66	65

Sources: Schools, pupils and their characteristics: 2016, 2017, 2018, Department for Education; *Baker Dearing Trust

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News

EDITORIAL

Quality of apprenticeship policy suffers from 'insufficient progress'

Two years ago FE Week exposed thousands of apprentices on standards without any approved end-point-assessment organisations. At the time, a former director of the DfE described the situation as "diabolical".

The chief executive of the ESFA, responsible for recruiting the end-point-assessment organisations, was given a ticking off by the education select committee and then sped up processes.

Today, we expose thousands of apprentices on 'non-degree' level six and seven standards with no regulator taking responsibility for quality assuring the training.

A former DfE special adviser describes this as falling through the cracks of regulation, which "could be unfair to the students." and AELP's Mark Dawe says it's "appalling".

Ofsted is not to blame, they have been told to only inspect up to level five. Nor is the Office for Students, they claim, despite the DfEs Quality Accountability Statement saying they are responsible for regulating the quality of level six and seven standards.

So no organisation is responsible it seems, and the DfE has no answers, literally.

The Ofsted and OfS approach to their regulatory responsibly could not be starker. Ofsted is ramping up monitoring visits, for all level two to level five provision at all new providers. OfS on the other hand, has said they have not sent in the QAA to look at any level six or seven courses.

So the solution seems obvious to me. The DfE should give the responsibility to one organisation, the only one that actually conducts inspections: Ofsted.

And the ESFA is not completely off the hook, as clarity is needed when it comes to their intervention policy.

As our reporting of the BPP University 'insufficient progress' monitoring visit shows, it remains unclear if the ESFA will stop the new level six and seven starts that were out of Ofsted's scope.

Plus, there is nothing to stop BPP from continuing new starts at one of their three other companies on the register of apprenticeship providers.

Now consider a university with a hand-full of level five apprentices given an Ofsted grade four. Would the ESFA really boot them off the apprenticeship register if hundreds of their degree apprenticeships had not been part of the inspection?

The complexity and uncertainty begs the question as to whether the Institute for Apprenticeships should step in and bang some heads together.

What is clear is that some leadership is needed to sort the policies out.

What is less clear is where this leadership will come from.

Nick Linford, Editor
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Readers' reply

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Employers start to leave reviews on ESFA's new Trip Advisor-style feature

So let's extrapolate. Think of the evolution of other ratings tools.
First – initially it's probably a decent source of data, honestly given and reported
Second – as time goes on a marketplace for "managing reputation" evolves
Third – relationships and workarounds behind the scenes destabilise the integrity / value of the information

Finally – largely meaningless disinformation

So in an FE context where you have complex relationships with subcontracting, funding tensions with the evolution of the levy – looks like the next spivs' playground.

Geoff

College defends appointment of principal who jumped ship before financial failings exposed

Highlights some of the issues breaking our sector: poor accountability, cosy governance, absence of democratic oversight, pork-fat pay rises for FE bosses, colleges vulnerable to the particularities of senior "leaders"… #ucu

@TutorVoices

Principal who jumped ship as financial failure exposed is slammed by the FE commissioner

I find it astonishing that yet another high-profile principal has been allowed to jump ship, leaving behind a trail of ruin with little or no recourse. Also, who is in charge of finances in these colleges? To call in professionals who can handle the pressure! #cowboys #scandal

@Butlerph

Awful verdict on governance @westlondoncol in this detailed report. Also alarming it got so bad w no internal checks by governors. Timely - last week I quizzed @AnneMilton in Cttee on college insolvency protections No new money for FE means DfE must boost governors' support urgently

@GordonMarsden

Broker offered 3aaa staff £200 for apprentice referrals – but admits it was a 'bad idea'

Very sad to see the great FE sector turning in to "cowboy country". Thanks to @FEWeek for monitoring and, frankly, doing @ESFAgov 's job!

@francesparry

The saga continues…..

@CRodgers_ATEM

Functional skills more relevant to the workplace than scraping a GCSE

Should be part and parcel of general education. Boggles my mind that I never had a lesson on taxes or banking as a student but taught it to level-1 students - functional skills. I told 'em just how lucky they were, lol

Christopher Bell

REPLY OF THE WEEK

Providers warned their funding could be pulled following 3aaa staff and apprentice poaching

Illegal exploitation of vulnerable apprentices and employees. This is appalling ambulance-chasing from these three training providers. And what reassurance have they got that the 3aaa directors weren't involved in the 3aaa data manipulation? Very little if they're not even interviewing people prior to making job offers! A sad and dangerous game they're playing. I hope the ESFA finally acts and does something instead of constantly leaving it to FE Week to police its providers.

Terry Bentley

Experts

MINISTERIAL MUSINGS

Anne Milton, Minister for skills and apprenticeships

What to do if your college is running into financial problems

Skills minister Anne Milton explains what the government is doing to support colleges in financial difficulty

A college is a multi-million pound business and leading a college is a big and important challenge. I've been vocal about my belief that further education can change lives, giving people new skills and opening doors to exciting jobs, education and training.

That's why it is essential that the FE sector is well run and resilient. There are many exceptional governors, clerks and teachers working in FE.

Their passion for what they do is clear to me. I want to thank these leaders and teachers for all of their hard work. However I know that some colleges do face challenges and it is vital that their boards are able to take decisive action and provide effective leadership to help improve matters.

This column gives me the chance to highlight some of the things all college leaders and boards should be looking out for in the weeks and months ahead.

This week we launched the second round of the Strategic College Improvement Fund, a £15m fund which will help those colleges struggling to improve. I'm very pleased that colleges will have the opportunity to apply for this funding.

By partnering with top colleges across the country, more people will be able to access high-quality education and training.

Those already successful in the first round will be announced shortly. This is great news and will build on the work already underway through the new National Leaders of Governance programme.

We also announced a new £8 million professional development programme this week, to help teachers and leaders prepare for the roll-out of new T-levels.

Bespoke training will focus on preparing them for this significant change. It will also be an opportunity for teachers to update their subject and industry knowledge so it is relevant to the needs of business.

In January, there will be a new insolvency regime in place for FE and sixth form colleges. This will make sure there is an orderly process in place for managing a college if it hits financial difficulties and becomes insolvent.

> "Of course I don't expect large numbers of colleges to become insolvent"

At the heart of this is our desire to protect learners if something goes wrong.

Of course I don't expect large numbers of colleges to become insolvent. And while I know many of you run your colleges very well, I also know that there are colleges who have run into difficulties and have needed support from government.

So if you think you're heading into financial difficulties, I'd encourage you to tell us early and we can talk about what kind of support might be available.

Sometimes even the best of us could use a bit of help and clarity, and this can make a big difference. I'm pleased to say we will be launching practical guidance to help and support governors in their role and to fulfil their responsibilities.

It will provide them with helpful examples of good practice to help run their business. The work of the FE commissioner and his team will also continue to help with early diagnostic assessments.

One area which needs some good and consistent practice is in the area of executive pay. Colleges are complex businesses but the pay of those at senior management levels should be justifiable. I would urge members of boards to think about how levels of pay will be viewed in your organisation. Does it ultimately represent good value for money for your students?

Being a college governor is an important and complex role. I know specific support and training to help carry out your role is crucial and we are about to make a serious investment in leadership and governance training.

I believe this will be a very useful resource, whether you are beginning in a governor role or want to develop good governors are one of the key drivers of good colleges. I will soon be announcing the details of these prestigious programmes for college chairs, governors and governance professionals.

I hope all of these changes demonstrate that we appreciate the significant role colleges play in our education system, as well as the specific challenges they face. Please get involved and use the resources available because we all have an interest in building a strong and successful FE college sector together.

MARTIN VINCENT

Head of education, Weightmans law firm

Why colleges should be wary of mergers with universities

Merging with a peer in further education is now the most sensible option for colleges wanting to cut costs and unlock revenue, argues Martin Vincent

At the start of November an investigation by The Independent revealed at least three universities in England are in serious financial distress, relying on bridging loans to stay afloat. The news is clear evidence of a sector under pressure. Difficult economic and political conditions, combined with increased competition for students, are negatively impacting institutions that have traditionally been viewed as financially robust. For college leaders, partnerships or mergers with universities have long been a tempting tactic – but the pressure on higher education institutions means this strategy now carries greater legal and financial risk.

Further education has its own, well-documented financial challenges. Labour's recent analysis of figures from the Institute for Fiscal Studies found spending on further education and skills has dropped by £3.3 billion in real terms since 2010. Merging with education providers has been an effective way for colleges to combat this. While there are several different routes, mergers let colleges pool resources to cut costs and unlock revenue. However, the merging of two education providers requires the sharing of liabilities as well as assets. With the fresh pressure on higher education, colleges are now more likely to strike the right balance of risk and reward by merging with similarly-shaped organisations – namely, other colleges.

Taking a step back, the most common form of collaboration between higher and further education are validation agreements, which let colleges tap into university resources, faculty and facilities to offer degree programmes to students. Manchester College, for example, offers degrees validated by Manchester Metropolitan University and the Universities of Bolton and Salford. Individual arrangements will vary, but ultimately these lucrative collaborations let colleges lean on the offering of more established institutions and generate more revenue through tuition fees.

However, in the precarious financial position universities are now operating from, validation agreements could increase a college's legal exposure. With this form of collaboration, students usually have duel registration to give them access to both institution's facilities. If a university delivering a degree programme on behalf of a college goes under and students affected cannot complete their studies, the college could face a multitude of potentially costly breach of contract claims. So, while course validation undoubtedly gives colleges quick access to revenue, they are far from being a long-term route to financial stability.

> "The risks of merging with a university are now too great"

By contrast, when a college merges with another, similarly-sized institution that operates in the same locality, both colleges can benefit from estates rationalisation. In practice, this means each institution sells off duplicate, or outdated facilities and combines the best of what's left into a leaner operation that draws from the same pool of students, uses the same faculty and is generally more financially efficient.

This approach is possible with college-university mergers, too, and has indeed been tried in a number of instances. However, the potential operational synergies that can be achieved just aren't as beneficial.

Colleges typically offer more vocational courses and need to maintain specialist facilities to deliver them. This is at odds with a university's set-up, which is generally geared to an academic offering and often supported by a portfolio of listed properties that are harder to sell, especially with older institutions. There is also a question of governance. College governors or trustees will usually have little experience within higher education, so taking a leap into the unknown with the stakes higher than ever is short-sighted. The Technical and Further Education Act 2017 extended the Companies Directors Disqualification Act 1986 to further education, meaning college leadership can be found personally liable if their institution enters insolvency due to mismanagement.

Before undertaking a merger, colleges must look carefully at the finances and operations of the institution they intend to partner with. In the current climate, the risks of merging with a university are now too great. Put simply, college-to-college mergers offer a more natural operational fit and deliver synergies that unlock greater revenue for colleges under financial pressure.

STEPHEN HOWLETT

Chair of London & South East Education Group

Governance structures must evolve for a college to survive

How should boards be adapting as colleges merge and grow, to make sure that they provide effective challenge? Stephen Howlett explains how one college has developed their new governance model

Good governance is essential to the effective running of any business, with an ineffective board being the most likely reason for an organisation to fail.

Boards exist to provide leadership, support and scrutiny to a management team. To do this well, a board must be structured in a way that underpins the organisation's aims and values – while having the experience and ability to sufficiently challenge and advise.

Having been both a CEO of a large organisation and a chair of others, my experiences have enabled me to develop a real understanding of how effective governance influences an organisation's success.

FE colleges have undoubtedly had to raise their game in all areas in the face of funding cuts and ever-changing policy. When I took up my position of as chair of London South East Colleges last year, it was clear that the existing governance model, which had been in place for many years, did not fully meet the needs of our rapidly expanding organisation.

Following a three-way merger in 2016, this college had transformed from one entity into a multi-campus college. An overarching group was set up, of which the college was part, alongside a multi-academy trust and an apprenticeship company.

Clearly, this was now a very different organisation, continuing to innovate and offer far more than FE alone. A review of governance structure was needed – and undertaken – to ensure that every organisation within our group could be adequately supported and run.

As a result of this work, we have created a new "golden thread" structure, which effectively links our constituent parts. The "thread" joins up strong board level oversight (providing support and capability to challenge) with three independent boards, representing our colleges, schools and apprenticeship companies.

> "Ultimately it's courage that's needed to make change"

This new structure has strengthened our governance, with local experts sitting on each of our independent boards, creating better local links. Every member has real experience and understanding of the customers they serve – yet with the oversight of other members who can consider the bigger picture and the organisation's role within the wider community.

The overarching board optimises the integration of strategy, management and resourcing within the wider group, eliminating duplication of process but retaining the institutional integrity of each independent board. Each of the three boards delegate upwards within a legal framework that has been agreed.

The model in which we are operating is that of earned autonomy. Ultimately this is an approach that recognises excellence in regulated businesses – when those with efficient management systems in place and a proven track record of compliance are given greater flexibility in delivering outcomes.

This is not model in which the overarching board is composed of trustees with all the power. It is a bespoke set-up, developed specifically to meet our organisation's current and future challenges. You wouldn't just apply it to other colleges – but all colleges would benefit from reviewing their governance structure to ensure it fits their longer-term business objectives.

For the many FE colleges undergoing mergers, getting the right governance fit is essential. Indeed, even a college not going through structural change will still be facing a range of regularly changing pressures and dynamic needs.

The flexibility of the government's regulatory framework is undoubtedly sympathetic to this. It allows colleges to be innovative with their governance and gives them the ability to create bespoke models that are fit for purpose.

Ultimately it's courage that's needed to make change. It's far easier for a board just to carry on as it is, because change will inevitably create a level of uncertainty.

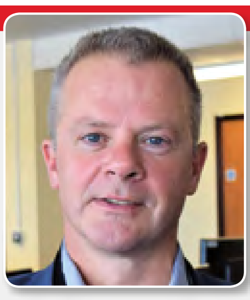
There is a saying, however: "if you do not grasp change by the hand, it will grasp you by the throat". Put simply, college boards need to be brave.

Innovation is needed for college survival and for innovation to happen, governance structures simply must move with the times.

News

Movers & Shakers

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



Darren Mepham

Chief executive, Barnet and Southgate College

Start date January 2019

Previous job
Chief executive, Bridgend County Borough Council

Interesting fact
Darren is learning the clarinet with the intention of swapping from playing guitar in indie bands and switching to jazz instead

Victoria Cramman

Head, Career College North East

Start date September 2018

Previous job
Assistant headteacher, St Wilfrid's RC College

Interesting fact
Victoria lives on a farm in Weardale, Co Durham, where she helps to raise geese

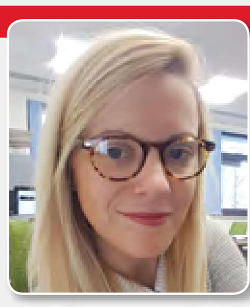
Mary Howard

Director of curriculum, FNTC Training

Start date November 2018

Previous job
Facility manager, Totton College

Interesting fact
Worked in the industry for 18 years



Sara Warry

Growth manager, FNTC Training

Start date October 2018

Previous job
Business manager, 3aaa

Interesting fact
Used to play for the U18 England's women hockey team

If you want to let us know of any new faces at the top of your college, training provider or awarding organisation please let us know by emailing news@feweek.co.uk

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

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

Difficulty: Medium

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

Solutions: See right

Spot the difference
To WIN an *FE Week* mug

Spot five differences. **First correct entry wins an *FE Week* mug.**
Email your name and picture of your completed spot the difference to: **news@feweek.co.uk.**

Last Edition's winner: Julie Coverley

Solutions

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

Difficulty: Easy

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

Difficulty: Medium

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