

SECTOR DEVELOPMENTS...

MPS CALL ON CHANCELLOR TO PROVIDE MORE CORE FUNDING FOR FE

Earlier this month, 165 MPs signed a letter to the Chancellor of the Exchequer, Philip Hammond calling for more funding for the sector. The letter, initiated by Conservative MP Richard Graham and Labour MP Nic Dakin, calls on Mr Hammond to use the upcoming spending review to announce an above inflation increase for FE to help boost productivity, skills and social mobility. At the time of writing, there has been no formal response from Mr Hammond, who has presumably noticed that 485 other MPs didn't sign the letter.

£3 BILLION OF APPRENTICESHIP LEVY FUNDING WILL BE UNSPENT, RESEARCH SUGGESTS

Research carried out by the Open University (OU) reveals that in the period between April 2017 (when the apprentice levy was introduced) and December 2018, although 53,449 individual employers paid into the apprenticeship levy, just 10,417 of these employers had used the funds in their digital apprenticeship service (DAS) accounts. This means that more than 80% of levy-paying firms did not either hire an apprentice or place an existing member of staff on an apprenticeship programme over this period. Data supplied to the OU by the Education and Skills Funding Agency (ESFA) shows that between April 2017 and December 2018, employers drew just £480 million from their DAS accounts, leaving more than £3 billion unspent. From May this year, unspent levy funds are required to be returned to the Treasury on a monthly basis, reinforcing the complaints of some employers that the levy is just another tax on business. Assuming there is no a last-minute surge in apprenticeship commitments by levy-paying employers, this means that in May alone, around £168 million will be returned to the Treasury. More information can be found at:

<http://www.open.ac.uk/business/apprenticeships/blog/levy-funding-unused>

NON-LEVY APPRENTICESHIP FUNDING IS RUNNING OUT

Against this, it would appear that ESFA funding allocated to non-levy paying small to medium size employers (SMEs) is inadequate to meet all the demand for new apprenticeships. Around £500 million was allocated to around 700 providers for the 15 months from January 2018 to March 2019. However, the Association of Employment and Learning Providers (AELP) says this is considerably less than the £1 billion that it estimates was made available in the previous 12-month period. The AELP says that the shortage of funds means that SMEs are now having to turn away new applicants for apprenticeship places. The ESFA says that it is reviewing providers' delivery on current contracts and anticipates that it *hopes* to be able fund all over-delivery of non-levy apprenticeships in the period from January 2018 to March 2019, however it *will not* be funding any over-delivery on new contracts allocated for the period from 1 April 2019 to 31 March 2020. As a result, the AELP is advising its members to exercise caution in going ahead with any new non-levy funded starts above contract. Adding to the financial pressure on non-levy funding is the 2018 Budget commitment to reduce the contribution that non-levy paying SMEs are required to pay towards the cost of the apprentices they take on from 10% to 5%. This is expected to cost the Treasury an extra £70 million a year, and may be another reason why the government seems reluctant to make more non-levy funding available. More information is available in the February ESFA update, which is available at:

<https://www.gov.uk/government/publications/esfa-update-20-february-2019/esfa-update-further-education-20-february-2019>

IfA BECOMES IfATE

On 31 January, the Institute for Apprenticeships (IfA), became the Institute for Apprenticeships *and Technical Education* (IfATE) and assumes oversight not only for apprenticeships but for all other technical education in England. In the period to March 2020, the Department for Education (DfE) will continue to provide support for providers in preparing for the delivery of T-Levels and in helping to securing extended industry placements for students on T-Level programmes and the ESFA will retain responsibility for funding

providers delivering eligible technical qualifications. Further details of the new statutory powers and duties of IfATE can be found in the Technical and Further Education Act 2017, which can be accessed at:

<http://www.legislation.gov.uk/ukpga/2017/19/schedule/1/enacted>

ESFA HAS ALLOCATED £470 MILLION TOWARDS THE COSTS OF IMPLEMENTING AREA REVIEW RECOMMENDATIONS

The deadline for applications for financial support from the £726 million Restructuring Facility was 28 September 2018. The facility, which is administered by the ESFA's Transaction Unit, was primarily designed to help colleges implement recommendations arising from area reviews, but has increasingly been used to support colleges in 'financial distress'. Some have argued that if the £726 million had been allocated to colleges in core funding in the first place, perhaps there would have been fewer colleges in 'financial distress'. In its 11 February update, the ESFA says that:

- There have been 76 applications for funds from the facility. 30 applications were from sixth form colleges (SFCs) and 46 applications were from general FE colleges (GFEs). So far, 58 of these applications for funding have been approved.
- Of the 58 applications approved, 32 were to support restructuring, 17 were to meet VAT liabilities arising from the change of ownership of buildings and 9 relate to conversions of SFCs to Academy Trusts.
- £470 million (or 65%) of the £726 million facility has been allocated to approved applications. The *actual* spend so far is £290 million although colleges have until the end of March to spend the remainder.
- Of the £470 million allocated to approved applications, £435 million is to support individual colleges, £25 million is to support college mergers and £10 million is to support the conversion of SFCs to academy status.

The 11 February ESFA update can be found at:

https://www.gov.uk/government/publications/post-16-education-and-training-institutions-apply-for-financial-support-for-area-reviews?utm_source=93e4791d-e279-4ab8-b5db-bb24aee8898f&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate

ESFA ISSUES A REVISION TO GCSE ENGLISH AND MATHEMATICS RE-SIT CONDITION OF FUNDING POLICY

The ESFA has announced a change to the condition of funding policy on English and mathematics GCSE resits for 2019/20. Students with a Grade 3 or D will continue to be required to retake GCSEs in English and mathematics until they get a Grade 4 as at present. This also applies to part-time students who have a grade 3 or D. Students with a Grade 2 or below can either re-take a GCSE or choose to take a Functional Skills Level 2 qualification instead. However, if a student opts to take a Level 2 Functional Skills qualification and achieves this, the ESFA now says that they will have met the condition of funding rule and will not be required to work towards a GCSE or take another 'stepping stone' qualification. A copy of the 13 February ESFA update to the condition of funding rules is available at:

<https://www.gov.uk/guidance/16-to-19-funding-maths-and-english-condition-of-funding>

Alison Wolf (now Baroness Wolf of Dulwich), whose 2011 review led to the re-sit policy and condition of funding rule, said that she hoped the ESFA announcement would *not* 'signal further, future retreats from the teaching of maths and English to 16-19-year-olds'. However, critics of the policy have argued that it is pointless to make students without the required results keep taking endless re-sits of these GCSE subjects.

NEW CHAIR OF ESFA MANAGEMENT BOARD APPOINTED.

Irene Lucas has been appointed as the new chair of the ESFA Management Board. The Board was created in April 2017 to 'provide scrutiny, challenge, advice and oversight' of the ESFA, and to 'hold the agency to account as a public body'. Ms Lucas is currently a non-executive board member of the Department for Education (DfE) and was previously a Director-General at the Department of Communities and Local Government. More information is available at:

<https://www.gov.uk/government/news/esfa-welcomes-new-management-board-chair>

THIRD AND FINAL SCIF FUNDING ROUND IS LAUNCHED

The third and final round of the Strategic College Improvement Fund (SCIF) was opened for applications on 8 February and runs until 8 March. The SCIF was launched by the DfE in June 2018 following an earlier pilot phase. So far, 50 colleges have been successful in securing SCIF funding, which involves them working with a high performing partner college to help tackle issues such as raising the standard of teaching or improving learner attendance, retention and achievement. To be eligible to apply for SCIF funding, a GFE or SFC has to have been graded 'requires improvement' or 'inadequate' in their most recent Ofsted inspection in areas such as:

- Overall effectiveness
- 16 to 19 study programmes, adult learning programmes, apprenticeships, traineeships, provision for learners with high needs and 14 to 16 full-time provision
- Leadership and management
- Quality of teaching learning and assessment
- Outcomes for learners.

More information on the SCIF application process (which is in two stages) can be found at:

<https://www.gov.uk/guidance/guidance-for-applicants-to-the-strategic-college-improvement-fund>

And an evaluation of the projects approved in earlier application rounds can be found at:

<https://www.gov.uk/government/publications/strategic-college-improvement-fund-process-evaluation>

DFE ADVERTISES FOR CONSULTANTS TO HELP ADMINISTER THE NEW COLLEGE INSOLVENCY REGIME

The DfE has issued an invitation to tender for the provision of professional services to help administer the new insolvency scheme for colleges which came into force on 31 January. The contract is worth £9 million (plus VAT) over a two-year period in the first instance, and says that the DfE seeking the services of:

- Restructuring professionals to carry out independent business reviews (IBRs) that will allow 'financially distressed education providers to be assessed and, if necessary, managed through insolvency'.
- Licensed insolvency practitioners (IP) who can be appointed to act as education administrators, should an IBR conclude that a college is insolvent.

This kind of work is likely to be lucrative for consultants, since ESFA financial notices to improve have already been issued to 37 colleges in 'financial distress' and the DfE's own estimates conclude that these could be joined by a further 63 colleges over the next few years. The tender document can be found at:

https://ted.europa.eu/TED/notice/udl?uri=TED:NOTICE:69963-2019:TEXT:EN:HTML&rearus=C2Bbtwvyf9fW_jzS2efuqw

DFE PUBLISHES GUIDE ON HOW TO SPOT SIGNS OF PROVIDER FRAUD

Given the apparent vulnerability of the wider FE sector to fraud, the DfE has published guidance on how to spot early warning signs. The guide is divided into sections, which include such things as:

- Personal motives for fraud (e.g. where staff have an expensive lifestyle, or personal problems such as a gambling, drug or alcohol addiction).
- Organisational motives for fraud (e.g. where an organisation might be in financial distress).
- Weaknesses in internal controls.
- Possible methods used to conceal fraud (e.g. false record keeping).

A copy of the guide can be found at:

<https://www.gov.uk/government/publications/indicators-of-potential-fraud-learning-institutions>

ESFA IS DEVELOPING AN INDEPENDENT TRAINING PROVIDER (ITP) RISK ASSESSMENT TOOL

Following the collapse of a number of large ITPs, the ESFA has been increasing its audit and intervention capacity to 'ensure public funds are safeguarded' and to 'protect learners'. Examples of the measures taken so far include the allocation of contract managers to the largest ITPs and the recruitment of a number of assurance managers to a new 'Market Oversight Unit', which has been set up with a specific focus on monitoring ITPs. The ESFA is now also considering imposing funding limits on contracts issued to ITPs, and particularly those issued to new providers. To facilitate this, the ESFA is in the process of developing an 'ITP Risk Assessment Tool', the purpose of which would be to help determine contract cap levels. This is mentioned in Section 4 of the January ESFA Board meeting minutes, a copy of which can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779985/For_Publication_-_ESFA_Management_Board_minutes_Jan_19.pdf

DFE INVITES BIDS FOR T-LEVEL CAPITAL FUNDING

The DfE has invited providers to bid for cash from the £38 million T-Level Capital Support fund (TLCF) announced in the 2018 Budget. The TLCF is comprised of two elements, as follows:

- The '*Buildings and Facilities Improvement Grant*' (BFIG). This is intended to help providers refurbish their existing buildings or 'to build new spaces'. ITPs are not eligible to bid for BFIG funding, which has led to accusations that the DfE is showing bias towards public sector providers.
- The '*Specialist Equipment Allocation*' (SEA). This is intended to be used to help buy industry standard specialist equipment needed by providers to successfully deliver T-Levels. All providers (including ITPs) that have been selected to deliver T-Levels from September 2020 and can show that it is reasonable to expect that they will recruit a minimum number of 28 students onto the programmes they have been approved to deliver, are in scope to apply for this funding. SEA allocations will be agreed by December 2019 for the September 2020 T-Level starts.

Successful BFIG and SEA applicants are expected to provide a minimum contribution equivalent to 50% of the project value from their own or third-party resources (e.g. a bank). Applicants unable to find this matched funding are required to provide evidence that they have 'exhausted all avenues of securing additional funding'. More information on how to apply for TLCF funding and the deadline for bids is at:

<https://www.gov.uk/government/publications/t-levels-capital-fund>

DFE ANNOUNCES AWARDING ORGANISATIONS (AOS) FOR THE FIRST THREE T-LEVELS

The DfE has announced that the contract to deliver the Education and Childcare T-Level pathway has been awarded to NCFE, and the contracts to deliver the T-Level pathways in Design, Surveying and Planning and the T-Level pathway in Digital Production, Design and Development have been awarded to Pearson. The three contracts give NCFE and Pearson exclusive rights as the only T-Level AOs for these pathways. The contracts were originally worth £17.5 million each, however these have now been revised downwards to around £8.5 million due to lower than projected student numbers. In the original invitation to tender published in July, the number of students projected across all three pathways by the end of the fourth year was around 51,000. However, this has now been revised down to around 34,000. Further details are at:

<https://www.gov.uk/government/news/contracts-awarded-to-deliver-the-first-t-levels>

DFE TENDERS FOR AN ORGANISATION TO SUPPORT THE PHASED IMPLEMENTATION OF THE T-LEVEL TRANSITION OFFER

The DfE is seeking to procure the services of an organisation to help the department plan and implement a new 'T-Level transition' to be offered in 2020/21. This is a new course intended for 16-year-olds who are not ready to start a T-level at Level 3, but who could be 'realistically expected' to achieve the qualification by age 19. The DfE is using its Dynamic Purchasing System for the tender process, details of which are at:

<https://www.gov.uk/government/organisations/department-for-education/about/procurement>

WILL APPLIED GENERAL QUALIFICATIONS (AGQS) SURVIVE THE INTRODUCTION OF T-LEVELS?

AGQs were first introduced in England in 2014 to incorporate a wide range of Level 3 vocational qualifications (e.g. BTECs) and to enable their inclusion in the DfE's performance tables. In 2016, a new set of AGQs involving at least 40% external assessment were introduced. However, not all providers chose to switch to the new more rigorous versions of the qualifications and still continue to offer the pre-2016 'legacy' qualifications. These are alleged to be 'easier' because they do not involve significant external assessment and *are not* included in DfE performance tables. In December, their credibility was damaged when Ofqual found evidence of 'unwarranted grade inflation' with the 'legacy version' Level 3 BTEC qualifications. In a recent DfE document entitled '*The introduction of T levels*', the DfE says that the government wants to develop 'rigorous, high-value technical qualifications' and to simplify post-16 choices thereby making them 'easier for students, parents and employers to understand'. The document goes on to suggest that eventually there might be just three post-16 options at Level 3, these being A-Levels, T-Levels and apprenticeships. However, no reference is made in the document to AGQs, which has added to the doubts being expressed about their future continuation.

CALL FOR GCSEs AND GCE A-LEVELS TO BE REPLACED WITH A 'HOLISTIC BACCALAUREATE' AT AGE 18

Speaking at a conference called 'A 21st Century Education System' organised by the Edge Foundation, Robert Halfon, a former skills minister and currently the Chair of the House of Commons Education Select Committee said that A-Levels and GCSEs should be scrapped and replaced with a 'holistic International Baccalaureate (IB) for all 18-year-olds' which recognises academic attainment, technical skills and personal development. With specific reference to GCSEs, Mr Halfon, said that with the raising of the leaving age to 18 they had 'had their day'. Mr Halfon's speech to the Edge Foundation conference is available at:

<http://www.edge.co.uk/news/edge-news/gcse-have-had-their-day-say-education-select-committee-chair>

ANOTHER LIFELONG LEARNING COMMISSION IS LAUNCHED

Labour has launched its new '*Lifelong Learning Commission*', which will be co-chaired by former Education Secretary for England, Baroness Morris of Yardley and Communication Workers Union General Secretary, Dave Ward. The commission is tasked with formulating proposals on how to integrate adult education qualifications, how to introduce a credits system to make qualifications transferable and how to enable people to be able to 'pick up or pause' their studies at times that work for them. This is latest of a number of Lifelong Learning Commissions, with another three being launched in just the last year. These include:

- The '*Centenary Commission*', launched in January 2019 by the universities of Oxford, Nottingham and Birmingham, the Workers Educational Association (WEA), the Co-operative College and the Raymond Williams Foundation with a brief 'to find solutions to the adult education challenges of today'. This commission is chaired by Dame Helen Ghosh, the Master of Balliol College, Oxford, and the vice-chair is Sir Alan Tuckett, formerly the Chief Executive of the National Institute for Adult Continuing Education.
- The '*Independent Commission on Sustainable Learning for Life, Work and a Changing Economy*', launched in June 2018, by the education company Pearson. This one is chaired by former House of Commons Education Select Committee chair. Neil Carmichael.
- The '*Independent Commission on Lifelong Learning*' launched by the Liberal Democrats immediately after their 2018 party conference. This is chaired by Rajay Naik, the chief executive of Keypath Education and a former director of the Open University.

GENERAL SECRETARY OF THE UNIVERSITY AND COLLEGE UNION (UCU) STEPS DOWN

Sally Hunt, the General secretary of the University and College Union (UCU) has resigned for health reasons. Ms Hunt has held the position of UCU General Secretary since it was formed in 2007 and has been re-elected to the post three times, most recently in June 2017.

FIRST NEW TECHNICAL TEACHING FELLOWSHIPS ANNOUNCED

In January, James Maltby of Plumpton College, Stephen Mariadas of Exeter College and David Martin of City and Islington College became the first to be awarded 'Technical Teaching Fellowships'. The awards were made jointly the Education and Training Foundation (ETF) and the Royal Commission for the Exhibition of 1851 and were awarded on the basis of the excellence of the recipients' work in FE. Well done to all three, but they, and all the other FE teachers working tirelessly for their students, would probably have welcomed a reasonable pay award as well (or perhaps even instead). More information can be found at:

<https://www.et-foundation.co.uk/supporting/support-practitioners/technical-teaching-fellowship-ttf-programme/>

And if you were wondering what on earth the 'Royal Commission for the Exhibition of 1851' is, more information can be found at:

<https://www.royalcommission1851.org>

COLLEGES STRUGGLING WITH SEVERE TEACHER SHORTAGES IN MATHEMATICS AND ENGLISH

A recent survey conducted by the Association of Colleges (AoC) has revealed that 56% of colleges are experiencing teacher shortages in mathematics and 36% are experiencing teacher shortages in English. In their response to the AoC survey, colleges said that they could not compete with schools, which can offer teachers better terms and conditions and higher salaries (on average £7,000 per year higher than in FE, along with the prospect of receiving annual pay increases). Pressure on staffing in English and mathematics in colleges has increased significantly since it was made a condition of funding that students aged 16-18 without a grade 4 (or C) in English or mathematics GCSE should re-sit the qualifications (or an approved 'stepping stone' qualification) in these subjects. The survey also revealed that the 'advanced mathematics premium' introduced by the DfE, which offers £600 per year in additional funding for each student studying a Level 3 mathematics qualification, had not enabled them to expand their provision because they did not have sufficient staff qualified to teach at this level. A copy of the AoC report is at:

https://www.aoc.co.uk/sites/default/files/English%20and%20maths%20survey%20report%20January%202019_3.pdf

DFE ANNOUNCES THE CLOSURE OF FE TEACHER BURSARY SCHEMES

Bursaries for FE teachers were first introduced in 2013/14. These included:

- Initial Teacher Education (ITE) bursaries, which were intended to help FE staff recruited from industry to become qualified teachers.
- Subject Knowledge Enhancement (SKE) bursaries, which were introduced to help recruit FE teachers in shortage subjects. For example, trainees could receive a £25,000 bursary if they had a 2:2 honours degree or above in mathematics, or £15,000 if they had a 2:1 honours degree or above in English.

Bursaries were also available to train teachers of learners with additional needs, but these were scrapped in 2015/16. The DfE has now confirmed that the current FE Teacher Bursary scheme will also be discontinued at the end of this academic year (2018/19). This applies to both ITE and SKE bursaries. Details of these soon to be defunct schemes can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/762441/Incentive_Programmes_for_the_Recruitment_and_Retention_of_Teachers.pdf

The move has been described as, 'a slap in the face for the FE sector and its students', particularly given the DfE's recent new incentives to recruit and retain teachers in schools (see below). In response, the Minister for Skills and Apprenticeships in England, Anne Milton, referred critics to the funding the government is providing for new programmes designed to recruit and develop FE teachers. These include:

- £5 million for the 'Taking Teaching Further' scheme. This is intended to support the recruitment of up to 150 industry professionals from industry to teach T-Levels (not quite one per college). Some think that this is perhaps indicative of a government misconception that colleges do not already recruit skilled craftspeople and professionals from industry, despite the very low salaries that are now on offer.

- £8 million to help teachers already working in the FE sector to prepare to teach the new T-Levels.

Ms Milton said. 'We are exploring new approaches to supporting the recruitment and retention of teachers in FE', but providing FE teacher training bursaries to help with recruitment and funding colleges sufficiently to pay their teachers a reasonably competitive salary to help with retention would appear to not be amongst these 'new approaches'. Further details of the 'Taking Teaching Further' scheme can be found at:

<https://www.et-foundation.co.uk/supporting/support-teacher-recruitment/taking-teaching-further/>

...and details of the package of support for teachers involved in the roll-out of T-levels can be found at:

<https://www.gov.uk/government/news/teachers-to-benefit-from-8-million-initiative-to-boost-skills-ahead-of-t-levels-roll-out>

TEACHER RECRUITMENT 'CRISIS' IN ENGLISH SCHOOLS

A report published last year by the Public Accounts Committee (PAC) warned that there is a 'growing sense of crisis' in teacher recruitment, with 'too few starting to train and too many leaving'. According to the DfE's own projections, increased levels of migration and a surge in the birth rate in the 2000s mean that secondary school pupil numbers will increase by a further 418,000 (15%) by 2025. At the same time, teacher recruitment numbers have been consistently below target for the last six years and, in 2018/19 alone, the number starting training as secondary school teachers was 17% below target. Subjects such as mathematics, science and computing face the largest shortfalls, with a growing number of lessons in some secondary schools now being taught by teachers who are not specialists. Recruitment problems have been compounded by retention problems. For example, of those who took up teaching posts in 2012, a third were not in teaching five years later. This has been made more awkward for the government because many new teachers have taken advantage of the tax-free bursaries of up to £26,000 on offer, only to leave teaching just a few years later.

DFE ANNOUNCES NEW FINANCIAL INCENTIVES TO RECRUIT AND RETAIN SCHOOL TEACHERS

Although, as mentioned above, FE teacher training bursaries are to be scrapped, the DfE has confirmed that not only does intend to maintain the existing teacher training bursaries and bursaries for teachers in shortage subjects, it also intends to offer more teacher recruitment and retention incentive packages. The new incentives include the introduction of an 'early career payment' (which has already been trialled for mathematics teachers) that will offer secondary teachers £5,000 in their third and fifth years of teaching, plus additional time off teaching to help new secondary teachers cope with their workloads into their second year of teaching. Details of the *existing* school teacher incentive schemes can be found at:

<https://www.gov.uk/guidance/funding-initial-teacher-training-itt-academic-year-2019-to-2020>

Details of the *new* additional school teacher incentive schemes can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/773930/Teacher_Retention_Strategy_Report.PDF.pdf

MINISTERS ACCUSED OF 'LOWERING THE BAR' FOR ENTRY TO TEACHER TRAINING COURSES

Teacher trainers have accused the government of trying to alleviate teacher shortages in England by 'lowering the bar' on the requirements for entry to teacher training courses. They say that over the last six months they have been summoned to a string of meetings by DfE officials, where they were interrogated about why candidates had been rejected, and that they have come under 'repeated pressure to take the type of candidate they have rejected in the past'. They go on to say that the message from the DfE was that as long as candidates met the minimum entry requirements (good GCSE passes in English and mathematics, and a degree) they should be accepted on to teacher training courses and that, for example, an assessment that candidates did not (at the time of applying) have the personality traits required to inspire, enthuse and motivate young people should not necessarily be seen as a bar to being accepted, since these traits could be developed during the course. The DfE has denied that it is placing pressure on providers to take more trainee teachers by lowering their entry requirements.

OFQUAL CONSULTS ON PROPOSALS TO TIGHTEN CONTROLS ON DIRECT CLAIMS PRACTICE

Ofqual says that the increasing number assessments being approved by providers with 'direct claim status' with no external moderation by the awarding organisation (AO) poses a risk to 'quality, consistency and integrity'. Direct claims status involves an AO devolving some, or all, responsibility for assessment to schools, colleges and ITP training centres without any moderation prior to certification being awarded. In February 2018, Ofqual began auditing AO assessment control systems and found inconsistencies in the way in which some AOs applied Ofqual rules. Ofqual has now launched a consultation on proposals to change how AOs manage and oversee centre assessments. These include the following:

- Requiring AOs to produce centre assurance strategies that explain how their centre assessment arrangements work.
- Setting out minimum certification requirements.
- Clarifying existing definitions of moderation and providing a new, separate definition for verification.
- Setting minimum requirements for the verification processes, including a minimum of two monitoring visits and an additional unannounced visit per centre every year.
- Requiring that, by January 2021, all moderation should take place *before* certification.

A spokesperson for the Federation of Awarding Bodies (FAB) has described the proposals as 'deeply impractical' and, if implemented, would cause 'significant disruption to the working of centres'. The consultation, which runs until 20 May, can be found at:

<https://www.gov.uk/government/consultations/moderation-and-verification-of-centre-assessment-judgements>

TWO MORE STUDIO SCHOOLS TO CLOSE

Twenty-one Studio Schools have closed to date, and a number of others have announced plans to close. The most recent include the enigmatically named Studio@Deyes, which is based in Liverpool. The school has a capacity of 300 pupils, but only managed to recruit 196 students last year and ended the 2017/18 academic year with a financial deficit of £585,000. As a result, last month a spokesperson for the school board told staff that because the continuing under-recruitment, the school's financial viability was in question and, pending DfE approval, the school would close in August 2020, after current students have completed their exams. Bath Studio School is also set to close. The school opened in 2014 but has also struggled with recruitment and is currently running at less than 50% capacity. The Wellsway Multi Academy Trust, of which the school is a part, says that the school is no longer financially viable and has confirmed that the DfE has approved the trust's recommendation that the school should close in 2020.

DANGERS OF FEMALE GENITAL MUTILATION (FGM) TO BE TAUGHT TO UNDER-18S AS PART OF SAFEGUARDING

FGM (also known as female circumcision) was made illegal in England in 2003 and is regarded as both a criminal offence and child abuse. According to the NSPCC, there are an estimated 137,000 women and girls in England and Wales who have been subjected to the practice. In 2015 a law was introduced that made the reporting of FGM mandatory in all cases involving under-18s. All teachers and regulated health and social care professionals are required by law to report cases to police within a month. If they fail to do so, they could face internal disciplinary measures and/or be referred to their professional organisation, which could bar them from practice. This month, new guidelines and a 'resource pack' were issued by the DfE to schools and colleges, which form part of the introduction of new *compulsory* relationships and sex education classes in secondary schools, including those in academies that FE colleges might have oversight of, or college based full-time 14-16 provision. Lessons will include information on FGM and are intended to raise awareness of the support that is available, and to ensure that children and young people know that FGM is against the law. Pupils will also be taught about other forms of honour-based abuse, as well as grooming, forced marriage and domestic abuse as part of the new curriculum. The new guidelines are part of reforms to be introduced by 2020, which also include the introduction of relationship education for primary age pupils. The new guidelines make no reference to ritual male circumcision.

A copy of the DfE guidelines and FGM resource pack is available at:

<https://www.gov.uk/government/publications/female-genital-mutilation-resource-pack/female-genital-mutilation-resource-pack>

ANOTHER SAFEGUARDING CHALLENGE FOR SCHOOLS AND COLLEGES

Stoke High School (based in Ipswich, not Stoke) has been the latest educational institution to discover that it has unwittingly enrolled an adult on to courses primarily intended for children. Following an age assessment carried out by the local authority in response to concerns expressed by teachers at the school, an adult asylum seeker who claimed to be 15 and who was attending classes with other 15-year-old pupils was subsequently deemed to be aged around 30. A spokesperson for the school said that the man and another person enrolled in year 7 had now left the school and had not returned. The Home Office said 'disputed-age cases were a challenging area of work' since staff had to rely on 'physical appearance and demeanour' to assess a person's age. Unfortunately, this is also an additional challenge for schools and colleges which have statutory safeguarding duties in respect of minors in their care, particularly since they can face serious institutional consequences if these duties are deemed not to have been adequately discharged. Further details are at:

<https://www.bbc.co.uk/news/uk-england-suffolk-47257524>

OFS PUBLISHES DETAILS OF UNIVERSITY SENIOR STAFF REMUNERATION

The new HE regulator for England is the Office for Students (OfS), which became fully operational in April 2018. The OfS has now published its first report, which looks at the pay of vice-chancellors and other HE senior staff for 2017/18. The report says that in that year:

- More than 4,700 university staff were paid salaries in excess of £100,000.
- The pay of many vice chancellors' increased significantly between 2016/17 and 2017/18, with rises of £30,000 or more being not uncommon.
- Nearly half of all vice-chancellors received more than £300,000 in annual pay and benefits.
- Six universities in England paid their vice-chancellors £500,000 or more in salary, bonuses and benefits last year. Some vice-chancellors are now being paid more than 13 times the median pay of their staff.
- Only 4 universities out of 133 paid their vice-chancellor under £150,000.

One observer said that it was comforting to learn that the eye-watering tuition fees paid by students were going to such a good cause. Commenting on the increases, the Secretary of State for Education in England, Damian Hinds said that universities should be required to justify the pay and benefits of their vice-chancellors. He added, 'We have given the OfS powers to take action if universities do not do this and we expect them to be used'. A copy of the OfS report can be accessed at:

https://www.officeforstudents.org.uk/media/1a972004-240d-4ae6-988c-d65619857303/senior_staff_remuneration_analysis.pdf

And more information on the general regulatory powers of the OfS can be found at:

https://www.officeforstudents.org.uk/media/1406/ofs2018_01.pdf

FE PRINCIPAL APPOINTED TO THE BOARD OF THE OFS

Verity Hancock, principal of Leicester College has been appointed by the DfE to the board of the OfS on a fixed term appointment until 31 January 2024. The DfE presumably hopes that this has addressed the criticism that, despite the large numbers of students on HE programmes at FE colleges, there was no FE representative on the OfS board. Ms Hancock's time commitment will be 20 days per annum and carries remuneration of £9,180 per annum, all of which will be paid to Leicester College. More information on this and other recent government non-executive appointments is available at:

<https://www.gov.uk/government/publications/department-for-education-non-executive-appointments/appointments-made-april-2018-to-march-2019>

LABOUR SAYS THAT, IF ELECTED TO GOVERNMENT, IT WILL PROTECT UNIVERSITIES FROM BECOMING INSOLVENT

Universities in England are in intense competition with each other to attract students and the £9,250 annual tuition fees each student brings with them. Amongst other things, this competition has led to concerns that some universities are losing students to larger ones with higher profiles. For example, over the past decade, Exeter University has expanded its undergraduate numbers by 74% and University College London has grown by 65%. But London Metropolitan University has shrunk by 62% and the University of West London has contracted by 44%. Some of the universities that have lost students are now said to be facing serious financial difficulties and particularly those that have taken on significant loans to finance new buildings on the assumption that they would be able to service the debt with the income generated from increased student numbers. Some observers have questioned the long-term viability of an HE business model based on unlimited recruitment, with fees paid up front by the government without any reference to retention or achievement, but Chris Skidmore, the Universities Minister for England, has disputed this and says that the government's HE reforms have promoted 'diversity, innovation and choice in higher education in the interests of students'. However, he did admit that intense competition could force some universities 'to exit the market altogether', adding that the government had no intention of propping up failing providers. Angela Raynor, the Shadow Secretary of State for Education in England, accused the Conservatives of unleashing 'a failed free market experiment in higher education' and said that Labour, if elected, would provide emergency loans to help prevent this. FE college funding per student is a fraction of that of universities, but unfortunately no mention was made of similar measures to provide support for the increasing numbers of FE colleges in financial distress.

AUGER REVIEW LIKELY TO PLACE MORE PRESSURE ON UNIVERSITY FINANCES

There is a growing expectation that the Auger Review of Post-18 Education and Funding in England will recommend a cut in university tuition fees. This was initially rumoured to be a reduction to £6,500 per year but this seems to have drifted upwards to £7,500 after complaints from universities. Nevertheless, this is still significantly lower than the current maximum of £9,250 and the Higher Education Policy Institute (HEPI) estimates that every cut in fees of £1,000 will reduce overall university funding by around £1 billion. There is no guarantee that any reduction in tuition fees will be replaced by direct government funding, since universities will be competing for funds with other public services such as health, policing or defence. Universities also claim that Brexit will affect their income because students from elsewhere in the EU will no longer be eligible for DfE student loans and maintenance grants. They are therefore calling on ministers to rule out any overall drop in total HE funding and say that if cuts in tuition fees are not replaced by government money, they will have to reduce the number of places offered and this will have a disproportionately negative impact on poorer students. The Shadow Education Secretary, Angela Raynor has responded by saying that Labour would get rid of tuition fees and fund universities directly.

NEW MEASURES TO IMPROVE BAME HE STUDENT ATTAINMENT AND INCREASE PROPORTION OF BAME HE STAFF

Higher Education Statistics Agency (HESA) data for 2017/18 shows that 25% of all *UK domiciled* HE students (where 'UK domiciled' is defined as meaning that the UK was a person's normal place of residence before starting their course) were from black and other minority ethnic (BAME) groups. This is a record high, and is a much higher proportion than in the population as a whole. It also suggests that the various government measures designed to increase the representation of BAME students in HE has met with some success. However, while more BAME students than ever are attending university, there is still a disparity in outcomes in that the overall achievement rate of BAME students lags behind that of white students. There are considerable variations within different ethnic minority groups in HE, but of particular concern to the government is that only 56% of black students (defined as black Caribbean, black African or other black background) achieved a first or upper-second honours degree in 2017/18 compared to more than 80% of their white peers. There is also considerable disparity in the representation of BAME staff in the HE academic workforce. For example, whereas around 10% of HE academic staff are from ethnic minorities, only 2% are black and there are only 25 black women and 90 black men amongst around

19,000 university professors. In response, Universities Minister for England, Chris Skidmore has launched a new series of measures aimed at improving outcomes for BAME HE students and increasing the numbers of BAME staff in the HE workforce. These include the following:

- Universities will be required to produce plans for how they will improve outcomes for BAME students.
- Universities will be required to publish data on outcomes, broken down by ethnicity, gender and socio-economic background, to 'help identify those making good progress and those lagging behind'.
- The Office for Students (OfS) will scrutinise HE institutions' access and participation plans and will require universities to improve their use of evidence and evaluation to identify the specific challenges faced by BAME students, and to develop appropriate interventions in response to these.
- The OfS will develop a new website to replace the current 'Unistats' website. This will have more focus on supporting applications from BAME and other under-represented groups.
- The composition of HE staff will be expected 'to reflect modern Britain' and race disparities will be expected to be addressed by using tools such as the Race at Work Charter and Race Equality Charter.
- Ethnic disparities in research and innovation funding will be reduced. UK Research and Innovation will commission and gather evidence on what works to improve ethnic minority access and success through an organisation called 'The Evidence and Impact Exchange'.

Data on ethnic minority student representation in HE can be found at:

<https://www.gov.uk/government/statistics/higher-education-student-statistics-uk-2017-to-2018>

And data on ethnic minority staff representation in HE can be found at:

https://www.advance-he.ac.uk/resources/2018_HE-stats-report-staff.pdf

MORE THAN HALF OF ENGLAND'S UNIVERSITIES HAVE FEWER THAN 5% OF POOR WHITE STUDENTS

A new report, from the National Education Opportunities Network (NEON), shows that white British young people (and in particular young white British males) from low-income backgrounds continue to be the least likely to progress to HE. The report says that although there are variations between universities (for example only 2% of students at the University of Cambridge are from white working-class backgrounds, compared with 28% at Teesside University), in more than half of England's universities the proportion of white students from low income backgrounds is less than 5%. The report also reveals that poor white students are more likely to take HE courses in local FE colleges and, amongst those who do attend university, 70% go to 'new universities', while 'extremely low numbers' attend the more prestigious Russell Group universities. The report goes on to say that very few universities have targets or plans in place for addressing this. It also says that there are relatively few government-initiated measures in place specifically designed to improve the educational attainment of white working-class young people in schools (even in those urban areas where they are now the ethnic minority), or to increase their representation in HE. To address this, the report calls for a 'national initiative to tackle the educational underachievement of disadvantaged white youngsters across schools, colleges and universities', and warns that if ministers fail to do so, they will be condoning the continuation of a 'left behind' group and risking more 'societal dissonance' in the future in doing so. A copy of the report, entitled '*Working Class Heroes - Understanding access to higher education for white students from lower socio-economic backgrounds*' can be found at:

<https://www.educationopportunities.co.uk/wp-content/uploads/Working-Class-Heroes-Understanding-access-to-higher-education-for-white-students-from-lower-socio-economic-backgrounds.pdf>

NEW GUIDANCE FOR UNIVERSITIES AND COLLEGES ON 'FREE SPEECH', 'SAFE SPACES' AND 'NO-PLATFORMING'

Following claims of undue censorship on university and college campuses, the Equality and Human Rights Commission (EHRC) was tasked by the government with producing new guidance. The EHRC guidance has now been published and says that:

- Protecting free expression is a legal requirement for HE and most FE providers, but that protest should not infringe the rights of others.
- Universities and colleges have a legal duty to 'stop discrimination and harassment, to promote equal opportunities and to consider the harm that certain views may cause those with protected characteristics' (e.g. people with disabilities, LGBTQ+, and ethnic and other minorities).
- Although students have a right to not invite people to their institutions on account of concerns about their views' (no-platforming), blanket bans on groups and organisations, or trying to stop another society inviting a speaker with lawful views from speaking, is against the law.
- Freedom of speech should only be limited where there are genuine safety concerns or it constitutes unlawful behaviour.
- Universities and colleges are obliged to weigh freedom of speech against other obligations, including the Prevent duty to stop people being drawn into terrorism.

A copy of the EHRC guidance can be accessed at:

<https://equalityhumanrights.com/sites/default/files/freedom-of-expression-guide-for-higher-education-providers-and-students-unions-england-and-wales.pdf>

AND NEARLY FINALLY...

More than 184,000 people have recently signed an on-line petition that reads, 'School should start at 10am as teenagers are too tired'. The UK Parliament is now required to debate petitions with more than 100,000 signatures and a debate on the petition was held on 11 February. MPs neat response to the petition was that 'The government has given all schools the ability to set their own school hours.... including the flexibility to decide when their school day should start and finish'. Nevertheless, it seems there might actually be benefits for teenagers of a later start to the school day, with research suggesting that adolescents in particular have a 'late-running biological rhythm'. However, much of the research is based on studies in parts of the USA where many schools have moved from an 07:00 start to an 08:30 start, whereas in the UK, schools start at 08:50 or 09:00. Also, the extent to which a 10.00 start would help prepare teenagers for the realities of the world of work is, at present, unclear. The petition can be seen at:

<https://petition.parliament.uk/petitions/229178>

AND FINALLY...

Breaking news from the Nestlé factory. A student from a local FE college on work experience at the factory was injured today when he was buried beneath the contents of a crate of chocolate that fell from the racking above where he was working. He called for help repeatedly, but every time he shouted, 'The Milky Bars are on me!', the other workers nearby just cheered. No more information is available at this time.

Alan Birks – February 2019

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