BRIEFING PAPER

Subject: Self Regulation in the Further Education Sector

Introduction:

Since publishing its proposition for self regulation in November 2007, the Self Regulation Project Team has been working to further develop its proposals under the guidance of the Self Regulation Implementation Group. A programme of work has been developed around the following workstrands:

- Improvement function
- Gatekeeping / challenge groups
- Provider performance management
- Intervention strategy
- Future developments

A number of important milestones have been reached; notably, the ‘Single Voice for Self Regulation (for Further Education)’ company has been formed, and has begun a dialogue with government regarding the new improvement agency.

The Single Voice is responsible for overseeing the work of the Self Regulation Project Team, while the Self Regulation Implementation Group remains the primary reference group for the Project Team.

The programme of work and its associated communication is set within the context of the wider Machinery of Government changes and the forthcoming consultation.

The Programme of work:

1. The Single Voice for Self Regulation (for Further Education)

Following the proposition ‘Realising Self Regulation in the Further Education Sector – Phase 2’ presented the Minister on 16 November 2007, representatives from each of the following member organisations signed the agreement to form a new company called ‘The Single Voice for Self Regulation (for Further Education)’ on 18 December 2007:

   Association of Colleges (AoC)
   Association of Learning Providers (ALP)
   The National Network of Local Adult Learning Providers (HOLEX)
   Land Based Colleges Aspiring to Excellence (Landex)
   Mixed Economy Group (MEG)
   The Association of National Specialist Colleges (NATSPEC)
   National Institute of Adult Continuing Education (NIACE)
   Sixth Form Colleges Forum (SFCF)
   The 157 Group

The chief executives or chairs of each of these organisations are also the directors of the company.
Having held its inaugural meeting in December 2007, the Single Voice for Self Regulation has since met on 21 January 2008, and on 28 February 2008.

As stated in the Memorandum and Articles of Association, the objects of the Company include:

(a) to promote, pursue, foster, support and work towards the establishment of itself as a Single Voice collating the views of [its members as listed above] on regulatory matters, as agreed by the Board of the Company;

(b) to design, implement, maintain and evaluate a self regulatory framework for the Further Education sector and its provider base in England including (without limitation) the development and maintenance of self governance and accountability structures, codes of practice and behaviour, mechanisms for interactions with learners, employers and other stakeholders, benchmarks and mechanisms for performance management measurement and quality improvement;

(c) to work in collaboration with and assume responsibility partially or wholly for existing functions of the LSC, QIA, CEL, LLUK, BECTa and such other persons, organisations and bodies as may be agreed by the Board of the Company.

Through its membership, comprising all the bodies representing providers within the sector, the company will speak as the legitimate voice of the sector on regulatory matters. Clear communications between the Single Voice and its provider base are a prerequisite, as is effective and efficient dialogue with Government and its agencies.

It is envisaged that each of the representative bodies will consult its constituency on the self regulatory framework as it develops. On strategically crucial issues (e.g. development of the Framework for Excellence), the Single Voice would seek to provide a coherent position on behalf of the sector. This position may need to reflect the differences in the nature of providers that it represents, which includes colleges as well as work-based and community-based learning providers. In developing its position, the Single Voice will also seek to engage, where appropriate, with other organisations and key stakeholder groups (e.g. learners, employers, LLUK).

Over time, the makeup of the Single Voice and its advisory bodies will be reviewed to ensure the interests of its membership and stakeholders are reflected appropriately.

2. Improvement function

The Single Voice submitted a response to the consultation on ‘Improvement in the Further Education Sector’ in January 2008, making the following specific proposals:

- The new sector owned improvement organisation must be led by the sector through the Single Voice organisation
- The Single Voice should make nominations / hold the elections for the appointment of board members
- On behalf of the sector, the Single Voice should take responsibility for the National Improvement Strategy, chair the National Improvement Partnership Board, receive the funds direct from the various government departments and be held accountable for commissioning the new agency.
The Single Voice Chair and Project Director are currently involved in discussions with the Chair and Chief Executive of the new Improvement Agency concerning proposals as to the relationship between the Single Voice and the new Improvement Agency.

3. Gatekeeping / challenge groups

A number of groups have been set up to work on the simplification of information, communications and reputation. Under the direction of the Single Voice, the project team has been engaged in discussions with the following gatekeeping / challenge functions and groups to explore their future relationship with the Single Voice and to determine whether there can be a rationalisation of activity and a reconsideration of ownership:

- the information authority
- Bureaucracy Reduction Group
- FE Communications Gateway Panel
- FE Reputation Strategy Group
- National Learner Satisfaction Survey
- National Learner Panel

Following a detailed study of the functions and associated resources of these groups, it is proposed that the Single Voice sponsor and co-ordinate the information authority, Bureaucracy Reduction Group, FE Communications Gateway Panel and FE Reputation Strategy Group during the course of 2009; that it continues to work with the National Learner Satisfaction Survey to identify appropriate future ownership arrangements; and that it declines sponsorship of the National Learner Panel at this stage.

4. Provider performance management

A performance management framework has been developed by the Self Regulation Project Team, which sets out the responsibilities of providers, individually and collectively, for achieving minimum standards and improving provision for the benefit of learners, employers and communities. The framework also specifies sector-wide arrangements for assuring and improving performance standards across the FE system. The following areas have been identified as central to developing a performance management framework for a self-regulating sector:

- Organisational review and development
- Peer review and development
- Single Quality Framework
- New guidance standards
- Licensing system
- Support and intervention strategies

Specific arrangements for developing these capabilities will be progressed through the National Improvement Strategy. The performance management framework will be underpinned by a system of external regulation including inspection and the Framework for Excellence.

New guidance on self assessment was originally planned to support the roll-out of a new suite of documents on the implementation of the Framework for Excellence, to be issued in June 2008. It has since been agreed that the scope of the new guidance should be extended to include wider policy developments in the sector, including self regulation. Given the intention to establish self assessment as a sector owned activity, it has been agreed that work on the new guidance should be taken forward under the overall direction of the Single Voice, working in association with sector agencies.
5. Intervention strategy

The Single Voice is currently preparing a response to the LSC ‘Intervention Strategy’ consultation for submission in May. It is expected that its response will include proposals that:

- the LSC implement its new intervention powers in conjunction with the Single Voice
- the LSC’s role in setting benchmarks for under performance, and developing intervention/support mechanisms for dealing with under performance and promoting collaborative models for improving poor quality provision be carried out in conjunction with the Single Voice
- the LSC work with the Single Voice on the development of a ‘licensing system’ that ensures all public-funded providers meet and maintain minimum standards of provision. This will include the LSC’s current work on defining minimum levels of provider performance.

6. Future developments:

Discussions are progressing with DIUS concerning any changes in the Instrument and Articles of Government that may be necessary as the self regulation agenda unfolds, and with the new improvement agency and others about building the capacity of governors and managers to challenge and direct the executive of providers to perform appropriately.

Work is also underway to develop a ‘Code of Conduct’ for the sector to underpin the performance management.

The Single Voice is in discussion with DIUS concerning the continuation and further development of the project work of self regulation through to the summer months.

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