Volume 12
Researching Self-Regulation in FE Colleges

Edited by Professor David Collinson
Research Publication Notices

Research Reports

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LSIS focuses on learners and on developing excellent and sustainable further education and skills provision across the sector. Leadership development underpins and forms an important part of the organisation’s strategic role in the sector.

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Contact Details

LSIS London
t 0870 060 3278
s 0207 929 8700
e enquirieslondon@lsis.org.uk
Fourth Floor, 47 Mark Lane
London
EC3R 7QO
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Editorial Introduction

Professor David Collinson

Introduction

This edited collection of LSIS research reports explores the issues surrounding the possibility of self-regulation (SR) for FE colleges. Despite extensive policy discussions there has been little independent research on SR in the Learning and Skills Sector (LSS). In October 2008, LSIS commissioned four, six month research projects on leadership and SR. Reflecting the broad and diverse nature of the sector, two projects focussed on the implications for FE colleges (Chapman et al, this volume, Hubert et al, this volume), one explored work-based learning (McEvoy-Robinson and Marples 2009) and the other examined adult and community learning (Yarroll 2009).¹

In February 2009, an awayday for the LSIS researchers was held at Lancaster University. During the day, certain common themes began to emerge across the different projects. Researchers reported that respondents in the different sectors expressed similar concerns that their views were not being taken into account within current policy debates about SR. FE college Principals were frustrated that they were not included in these debates, and so too were many respondents in private training providers and in the adult and community learning sector.

The two research reports comprising this volume examine the potential implications of SR for FE colleges (FECs). They highlight a number of key messages for the leadership of FECs in a more self-regulated environment. The first report by Reg Chapman, David Collinson and Margaret Collinson explores the voice of FE college Principals. The research found that Principals favoured greater devolution as a way of enabling colleges to respond flexibly and creatively to the needs of their communities. Whilst accepting the value of external accountability, Principals wanted increased autonomy, particularly in the area of self-improvement. Tending to favour a redirection of resources from central agencies to colleges, they argued that less intervention would allow more resources to be re-directed, away from regulators, and towards learners. This report concludes that SR is seen by FE Principals as a valuable means of more effectively serving their communities as well as responding to growing economic and social challenges.² The Principals preferred a balanced form of regulation combining external accountability and performance evaluation with internal quality enhancement and self-improvement processes.

The second report by Peter Hubert, Edward Sallis and Gary Jones of Highlands College, Jersey illustrates what can be achieved by an FE college operating outside the structures of the mainland FE system. In the absence of minimum standards imposed by the States of Jersey, Highlands College developed its own approach to self-improvement through self-regulating practices. The authors identify key critical success factors, such as: the involvement of college managers in developing the process, contracting external oversight to a senior English inspector, the long term stability and sustained enthusiasm of the senior management team, and the high levels of trust among and between staff and management. The Highlands case illustrates how the ‘responsible discretion’ of one college can generate significant self-improvement and benefits to the local community. It exemplifies how a culture of self-improvement can be established in an FE college.

¹ In addition to the four LSIS projects on self-regulation, two HE projects were commissioned, one on governance (Gleeson et al 2009) and the other on place shaping (Gibney et al 2009).

² Unlike previously commissioned practitioner and HE projects, which tended to be conducted separately, this report is based on a collaboration between a practitioner and two HE researchers who worked together to map the meanings of self-regulation by exploring the perspectives of key leaders at the local college level in the FE sector.
These research reports highlight the need to link more closely national-level policy debates with the challenging, multi-dimensional complexity of local level processes, where policy has to be interpreted and successfully turned into effective practice. The findings demonstrate the need to go beyond policy-making debates (inevitably conducted at a somewhat detached level) to examine the implications of SR for geographically diverse, localised contexts across England. As the research by Chapman et al underlines (this volume), the effective implementation of SR will inevitably require the commitment and enthusiastic support of leaders of colleges and other providers.

Disproportionate distance between leaders and led, and the organizational problems that can subsequently arise, is an important and growing strand of leadership research (e.g. Antonakis and Atwater 2002, Weibler 2004). Whilst such distance can take many different forms (e.g. geographical, hierarchical, cultural and/or psychological), its consequence is often the perpetuation of misunderstanding (Collinson 2005). Our research at Lancaster University Management School has repeatedly found that practitioners in the LSS point to the localised problems they face in trying to implement policies that, they argue are not only imposed from central government, but are also frequently inappropriate to local needs (Collinson and Collinson 2005, 2006). In relation to self-regulation, such distance between those who devise policy and those who implement it, and, relatedly, between ‘theory’ and ‘practice’, would seem to be particularly paradoxical.

Published as separate documents, the two other 2008-09 LSIS research reports on SR raise further questions about the detached nature of policy-makers, and the impact of their distance on policy construction. Investigating the implications of SR for private providers of WBL (McEvoy-Robinson and Marples 2009) and local authority and Third Sector providers of adult learning skills (Yarroll 2009), they question whether policy makers currently represent the views of those outside the college sector. These two reports emphasise the complexity and diversity of the LSS, and the subsequent difficulties of trying to produce a ‘one size fits all’ model of SR for the entire sector. Yarroll argues that the leadership, governance and accountability structures within local authority and Third Sector organisations are far more diverse and complex than within other parts of the FE sector.3 McEvoy-Robinson and Marples observe that the voice of private providers has rarely been heard in debates on SR. Both reports conclude that more account needs to be taken of the complexity of leadership and governance for private providers and within local authorities and Third Sector organisations.

Policy Background

Over the past five years we have conducted a number of separate research projects on leadership issues in the LSS (e.g. Collinson and Collinson 2006, 2008). In these studies, those in leadership positions have consistently expressed their frustration about perpetual fluctuations in government policy and changes at ministerial level. Whilst the sector has demonstrated remarkable flexibility and adaptability in absorbing change, it is at this local level where the impact of policy shifts are most sharply experienced and where any inherent tensions and contradictions have to be managed and resolved.

3 Very similar findings about the neglect of ACL in debates about SR were outlined in an earlier research report by Northern College (Jowitt and Westerman 2008).
Changes over the past twenty years in the regulatory landscape of FE are a case in point. During this period the sector has experienced a recurrent cycle of regulation and de-regulation. Prior to 1992, most FECs were owned and controlled by local authorities. With Incorporation in 1993, colleges were de-regulated. In 1997, the regulatory regime was tightened. This intensive regulation is now being questioned by government, authoritative external commentators and independent research. FE is currently one of the most regulated sectors in the UK, with 2.6% of its overall budget spent on regulation (Taylor 2008). The Foster Report (2005) criticised the sector’s ‘galaxy of oversight, inspection and accreditation bodies’. Independent research has also highlighted the unintended effects of excessive monitoring in the sector that can restrict providers’ capacity to improve quality (Collinson & Collinson 2005, 2006). Accordingly, it is increasingly recognised that this top-down management regime may have reduced the overall level of poor performance, but it has not facilitated the development of self-sustaining systems with the capacity to support continuous quality improvement. One unintended effect of target-driven cultures has been the stifling of innovation, ambition and new knowledge creation.

In 2006, the Secretary of State challenged the sector to develop a proposition for SR. Soon after, the ‘Single Voice’ was formed comprising representation from the nine main sector provider bodies. In 2008, the Single Voice published its ‘Prospectus for Self-Regulation’ emphasising that SR was a means for directing creativity and resources towards the needs of learners, communities and employers. Between October 2008 and March 2009, LSIS organised a seminar series on SR (coincidentally these ran parallel with the funding timeframe for the LSIS research projects on SR). During this period, the impact of the global economic recession, triggered by a catastrophic failure of regulation in the financial services sector, fundamentally re-shaped public views. The public mood had changed and it was increasingly unclear how much government support now existed for SR. Accordingly, as debates in the LSIS seminars progressed, the preferred terms shifted from ‘self-regulation’ to ‘co-regulation’ to a new consensus around the notion of ‘shared regulation’. This latter term implies a combination of public accountability and regulation based upon trust in providers developing their own rigorous quality improvement processes.

Whilst the LSIS research projects were commissioned explicitly to study SR and have therefore concentrated on this theme in final reports, their findings suggest that an emphasis on shared regulation could generate support across the LSIS. The term ‘shared regulation’ is also compatible with the emphasis in recent government reports and White Papers which argue that effective public services now require greater scope for innovation, flexibility and ownership from front line staff which in turn requires greater autonomy for providers to meet the needs of their locality. ‘Excellence and Fairness: achieving world class public services’ (2008) argues that Government should focus only on strategic leadership, the empowerment of customers and citizens and the professionalization of the workforce. The Cabinet Office (2009: 66) report ‘Working Together – public services on your side’ promises that ‘most services will be given greater freedom to manage themselves’.

4 Yarroll (2009) criticises ‘The Consultation Prospectus’ (Single Voice) for simply assuming a college model of governance. The need for wider representation of different views is also emphasised by the recent LSIS report (2009) which encourages the Single Voice to consider how to improve its engagement and accountability to the sector as a whole.
Research Background

This is the twelfth edited collection of reports from the CEL/LSIS research programme, but the first to be published under the auspices of LSIS. Like its eleven predecessors published by CEL (see references below), it is designed to showcase research in the LSS on important leadership-related themes. The main aims of the LSIS research programme, which commissions both HE and practitioner research projects, are to:

- support research that critically investigates key issues in the LSS,
- provide the sector and stakeholders with evidence-based and theoretically-informed research findings by addressing current issues,
- strengthen networks linking practice, research and policy,
- disseminate research findings as widely as possible and communicate these in ways that are useful to the sector,
- encourage networking between researchers to build a sustainable research community within the LSS.

In the past two years, practitioner research has become increasingly prominent and significant. This programme and the series of edited volumes emerging from it enable employees in the sector to develop a research voice, to participate in the setting of research agendas and to define the key themes for leadership. In doing so, practitioners are actively engaged as researchers in the process of applied knowledge production and organisational change. Participation in research provides practitioners with space to reflect on current practice, to explore how other organisations work and how they could improve their performance as individuals, teams and in organisations. It can also facilitate staff development and constitute an accredited part of CPD. Accordingly, the practitioner research programme has helped to facilitate more reflexive, critical and reflective learning cultures within the LSS. In the current context this is particularly relevant, as the UK government is keen for FE colleges to offer more degree-level/HE programmes.

This strengthening of a research community in the LSS has been an important objective of the practitioner research programme, culminating in February 2009 with the first LSIS National Practitioner Leadership Research Conference (NPLRC). At this meeting in London over 30 practitioner research reports were presented to an audience of over 100 participants and six prizes were awarded to practitioner researchers for the impact of their research on (a) their own organisation, (b) local communities and (c) leadership development and thinking (see conference website: http://www.lums.lancs.ac.uk/leadership/cel/research/nplrc-p1/).

To date, the practitioner research programme has funded over 120 projects and provided individual practitioner researchers with the opportunity to develop their own original research question and produce research findings that can both shape organisational change and improve future policy and practice. The underpinning philosophy of the practitioner research programme has always been one of seeking to facilitate a self-regulating research community. The success of the NPLRC in 2009 demonstrated that this research culture is now increasingly established within the sector. It is therefore hoped that in the future the sector can continue to build on these foundations to realise its full research potential, making the transformation from researching self-regulation, to the self-regulation of research.


Giving Voice to College Leaders: The Journey Towards Self-Regulation?

Reg Chapman, David Collinson and Margaret Collinson

‘Moving from good to great public services can only be achieved by Whitehall letting go and empowering staff to shape local provision to meet local needs and priorities.’

(Gordon Brown, Prime Minister)
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Executive Summary

This report explores the views of Principals of Further Education colleges in England on proposals for self-regulation in the sector. It draws on research that revealed a strong consensus with Principals highlighting the need for more devolution of responsibility to colleges. The current regulatory regime was seen as dysfunctional and greater devolution was viewed as allowing colleges to respond flexibly and creatively to the needs of their communities. Principals felt most strongly that responsibility for self-improvement could be transferred to colleges. They accepted the need for external accountability, including inspections, but argued for increased autonomy consistent with a risk-based approach to accountability. Principals favoured a redirection of resources from central agencies to colleges. In their view, less intervention would allow more resources to be redirected from serving regulators to serving learners. For Principals, self-regulation was not seen as an end in itself but a means to serving their communities more efficiently and effectively and responding to the growing economic and social challenges.

Introduction - The journey towards self-regulation

The 361 FE Colleges in England (FECs) have a total income of over £6bn, employ over 230,000 staff and educate approximately 3 million people each year (Association of Colleges, 2008). As major public bodies, FECs have to be regulated and held accountable. Over the past twenty years, the regulatory landscape of further education (FE) has significantly changed. Prior to 1992, most FECs were owned and controlled by local authorities. With Incorporation as independent bodies in 1993, colleges were de-regulated and the government operated through the Further Education Funding Council (FEFC). In 1997, the new Labour government tightened the regulatory regime, pursuing a succession of policy goals (e.g. high quality, localisation, widening participation, skills) through enforced targets and tight monitoring (via e.g. inspection, audit, performance reporting and supervision by the Learning and Skills Council (LSC)).

This top-down, managerialist approach is now being questioned both within government and by authoritative external commentators (e.g. the Foster Review 2005). Whilst the tightly managed regime since 1997 could be seen to have improved quality, increased FEC responsiveness and reduced poor provision, it is increasingly viewed as breeding micro management, excessive control from the centre, a rigid ‘soviet tractor mentality’ and a compliance culture, all of which has damaging consequences. The government accepts that the next great leap in public services from ‘good to great’ will require innovation, flexibility and ownership from front line staff. There is a growing recognition that this leap requires each college to have greater autonomy to meet the needs of its locality, flexibly and creatively.

1 The term FECs covers a diverse range of post-compulsory educational provision for people over 16, taught primarily in general and tertiary FE colleges, sixth-form colleges and specialist colleges.
In 2006, the Secretary of State challenged the Learning and Skills Sector (LSS) to develop a proposition for self-regulation (SR). This challenge was taken up by the Single Voice, a body created by the nine main sector provider representative bodies with the sole intention of presenting a definitive voice for the sector on regulatory matters. In 2008 (after the start of this research project), the Single Voice issued for consultation a ‘Prospectus for Self-Regulation’ which offered proposals for SR and its implementation in the sector. The Prospectus highlighted the success and growing maturity of the sector and its ability to continue the journey from good to great whilst also challenging under-performance. The Single Voice emphasised that SR was a means for redirecting creativity and resources away from dealing with regulatory requirements and towards meeting the needs of learners, communities and employers and allowing FEs scope to play a leadership role in local economic and social regeneration.

More recently, The White Paper, *Excellence and Fairness: achieving world class public services* (HMSO, 2008) identified three fundamental principles for the next stage of public sector reform:

- Government withdrawal from detailed management to focus on strategic leadership involving clear policy direction, driving efficiency and facilitating innovation.
- Informed customers and citizens empowered and influencing provision.
- A New Professionalism with a fully qualified workforce relieved of many regulatory requirements and energised to focus on improving service.

This reform framework was updated in *Working Together – public services on your side* which promises that in future, the government will not seek to prescribe how public service managers should change services, nor will it seek to micro-manage. Instead, ‘most services will be given greater freedom to manage themselves’ (Cabinet Office, 2009: 66). It is against this background, of increasing interest in greater autonomy for providers in the LSS, that this research project on the views and experiences of FEC Principals was conducted.

**Research Framework**

The detailed proposals for the implementation of SR have been articulated by national bodies representing providers and a small number of sector leaders. These policy debates have been largely an elite preoccupation. By contrast, this project was informed by the view that if, SR is to be introduced effectively, it requires the commitment and enthusiastic support of leaders of colleges and other providers who will be implementing these new policies at the local level. This research report examines the views and experiences of college Principals about SR, locating these within wider economic and policy contexts. It draws on a project that was designed to assist the creation of a consensus on how self-regulation can best be understood and taken forward in a climate that has changed considerably since the journey started in 2006.

The research therefore seeks to ‘give voice’ to Principals, providing a bottom-up commentary from those who will need to operate any self-regulatory arrangements. In particular, the research pursues four themes:
1. Understanding
How do college leaders understand SR and its purposes and what do they see as its implications for local delivery of services?

2. Aspirations
What do college leaders want from SR and how do they think it could benefit learners, employers and communities as well as their institutions?

3. Judgement on Single Voice Proposals
How do colleges understand and judge the Single Voice proposals? Are there alternative models which could command their support?

4. Challenges
Any move towards SR will present challenges to colleges. What do Principals see as the critical issues which need to be addressed or where the sector needs to build capacity to make SR a success?

Research Methods

The project concentrates on Principals of FE colleges in England. In a sector which is extremely diverse, this focus on Principals of FE colleges allowed for easier access and the selection of a better research sample. In total, interviews with 21 Principals and 6 leaders of national sector organizations were conducted between December 2008 and March 2009. Given the possible sensitivities involved, all interviewees and institutions were assured of confidentiality and anonymity. Semi-structured research interviews covered a common set of questions. Typically, research interviews lasted approximately one hour. The same standard list of interview questions was used, but as much time as possible was left open, enabling respondents to raise additional themes.

If the research was to ‘give voice’ to college leaders then the selection of a valid, representative sample was fundamental and the Principals who were contacted were selected to provide a diverse range of organizations in terms of size, performance, location and local community features. Of the 21 FEC Principals who agreed to be interviewed, several volunteered in response to a request from the Association for College Management (ACM) to Principals in membership to support the project. This encouragement ensured a wide spread of types of college and Principals, as table 1 outlines:

<table>
<thead>
<tr>
<th>Table 1: Research Sample of College Principals</th>
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<tbody>
<tr>
<td>Gender: male 13, female 8</td>
</tr>
<tr>
<td>Region: all English regions were represented by at least two colleges</td>
</tr>
<tr>
<td>College Size: two thirds were medium or large colleges</td>
</tr>
<tr>
<td>College Type: 17 General FE colleges, 2 Land-based and 2 Sixth Form Colleges</td>
</tr>
<tr>
<td>Length of service: a wide spread of experienced and newer Principals</td>
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</tbody>
</table>
This research sample cannot be considered fully representative as it was skewed towards volunteers from larger colleges perhaps because such Principals often have a more cosmopolitan outlook and typically had leading roles in sector bodies such as AoC, 157 Group, ACM or Landex. Several Principals were also part-time Ofsted inspectors. In addition, confidential research interviews were conducted with leaders of 6 national sector organisations (several of whom were former Principals). These interviews proved to be very helpful in facilitating understanding of the context of SR as well as the views of their own organisations. Equally, the researchers’ participation in a series of monthly seminars on SR organised by LSIS assisted understanding of the issues and context.

Emerging findings from the interviews were tested with larger audiences at ACM Education Committee in January 2009 (15 delegates present) and the LSIS National Practitioner Leadership Research Conference (over 100 delegates) in February 2009. The response to the testing suggests that the views of these 21 Principals seem to have a wider resonance. They provide a reasonably sound basis for claiming that the research findings highlight many of the key views about SR held by FEC leaders across the sector.2

The following section outlines the key research findings from our interviews with college Principals. Whilst a number of differences of view inevitably emerged, for the purposes of this report the analysis concentrates mainly on general patterns and areas of commonality.

**Research Findings – The Voice of College Principals**

**Current Burdens**

The Principals pointed to the numerous targets and standards that inform college practices. Most accepted that success rates, minimum performance levels, Ofsted gradings and definitions, though often crude, have assisted the drive to improve standards. Equally, they acknowledged that published performance data are powerful tools for both self-improvement and external accountability, facilitating measurement of college performance and benchmarking against sector norms. Yet, Principals consistently argued that the plethora of standards and data sets are confusing, ever changing and hugely resource-intensive and that these measures were often operated in a ‘tick box’, compliance style by local LSC officials (who whilst well intentioned, had little understanding of the complexities of delivery).

Principals argued overwhelmingly and passionately that the current FE regulatory and funding regime was dysfunctional and often prevented colleges achieving, not only what they felt their communities needed, but also what the government wanted. Their daily experience was that regulatory burdens and funding complexity had increased over recent years and these were likely to increase further from 2010 when the LSC disappears. Principals articulated their main frustrations and burdens created by the current regime. These focussed on: the sheer extent and scale of external intervention and regulation; rigid central targets and funding categories limiting local college responsiveness; extensive compliance costs associated with servicing regulatory process.

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2 Although sixth form colleges were included in the sample and the views of the Principals were broadly in line with their GFE colleagues, it is not claimed here that this very small sample provides sufficient evidence about the distinctive features of these colleges. From 2010, sixth form colleges are to move under local authority regulation.
requirements with some of the heaviest burdens arising from data returns associated with a complex funding regime; and national agencies and programmes that seem to absorb resources and offer national programmes and solutions which frequently do not meet colleges’ local priorities.

The following statements from interviews illustrate these views:

‘The structure of regulation, planning and quality assurance in the sector is probably more extensive than any other on the planet!’

‘I want to be treated as an adult and judged once not 15 times as I see a never-ending list of people through the door. ‘

‘The Framework for Excellence is multiplying work exponentially. They can’t need all this information – what do they do with it all?’

‘The starting point is there’s too much regulation. The way forward is a more moderate approach. 70% of the sector is now good or outstanding. My wish is that the Government would have more trust and confidence in the FE sector.’

Principals highlighted numerous examples of how current arrangements restrict them from realising their colleges’ stated mission and from making positive interventions to ameliorate the effects of the recession. For example, a college in the North East is experiencing a collapse of apprenticeships due to business conditions and has taken many of these ‘into college’ to continue their training, but without funding for this extra work. A London college has reluctantly ‘closed its doors’ to 19+ learners seeking to retrain after losing their jobs in the recession because it is unable to teach them due to tight finances. The Local Strategic Partnership is dismayed by an inflexible funding regime which is unable to respond to local needs. A college in the South East recruited an extra 200 16-19 year old learners above their target but receives no funding for this responsiveness. A sixth form college has increased its MIS staff from 2 to 6 in recent years mainly to meet the demand for external returns and the Principal lamented the continuing direction of travel. Other Principals highlighted the hidden costs of compliance as they directed energies into finding ways round the system to do the ‘right things’.

Principals argued that these multiple, competing and sometimes contradictory external pressures and systemic rigidities pushed them towards operating more like ‘branch managers’ of a national enterprise rather than influential servants of their local communities. Although they resisted these pressures in various ways, all recognised that the discretion available to leaders, governors and professionals was significantly restricted. These findings confirm those from a previous CEL research project that highlighted the contradictory effects which can emerge from excessive and inconsistent inspection and auditing regimes (Collinson and Collinson 2005, 2006). The Principals in this study were keen to see the development of a new regulatory regime – a new settlement with government that would allow professionals to do the job that had initially attracted them into education and enable colleges to play an important role in reshaping their communities.
Future Challenges

Principals were very clear about the challenges they faced and how the regulatory regime needs to change to enable them to enhance performance and meet the new challenges. The key challenges identified were:

- Facing the economic and social consequences of the recession which will impact differently on different areas;
- Meeting long term developments in the economy with a growing switch to high skilled jobs;
- Dealing with issues of community cohesion, reflecting different demographic and ethnic profiles of their localities;
- Being able to motivate and inspire an increasingly well qualified workforce, depressed by bureaucratic and regulatory burdens.

At a time of unprecedented change, Principals were unanimous that, above all, what they needed was local flexibility, as one Principal stated:

‘Colleges are looking for more flexibility. That’s what we have lost. We want to start an ‘Executive Job Club’ at our college to help the recession, but I can’t do anything like that. We have had to shut the front door to 19+ students. We also can’t vire money anywhere to anywhere. We’re stuck. At the moment we have no flexibility.’

Another Principal explained,

‘We need more flexibility to meet local needs. SR could contribute to improvement in college performance by allowing us to shift more resources to the front line: better reward packages to attract and retain staff, investment in learning resources, more into student support. This area has low results, low aspirations and low participation rates post-16. Many young people need extra time and support… they may have a ‘longer journey’.’

Principals argued that this flexibility could be used to help local communities in numerous ways, including:

- Devolution of power to colleges and the ability to use local discretion especially in deploying resources. They felt the current funding categories (especially pre and post 19 and Train to Gain) were far too rigid and argued for some ability particularly to vire funds;
- Freedom to take risks, to innovate and invest in development, all of which are heavily constrained by regulatory requirements;
- Greater sensitivity to place, localism and local differences instead of a centrist ‘one-size-fits-all’ approach;
- A fundamental redirection of resources from central agencies and meeting regulatory requirements to funding front line services for learners.
Principals were convinced that with such changes, SR would make a real difference to colleges’ performance and what they could do for their communities. A sixth form college Principal spoke for all saying,

‘I want every bit of effort and money to go into developing students.’

What do Principals want SR to look like?

A New Settlement

Principals wanted a clear statement of a New Settlement with government delineating a new division of responsibilities between government and its agencies, the sector as a whole, individual colleges and individual professionals. Without such a clear statement based on the principles of public sector reform set out in Excellence and Fairness, there was profound scepticism that anything would change. Moreover, the ‘test’ Principals will apply to any settlement is that power is transferred from government and agencies to colleges individually and collectively. But one Principal reflected the scepticism of many respondents about the government’s willingness to transfer power:

‘Do they really mean it? Do they really want reduced control? ...Instead of hitting us with a big stick are they just giving us the same big stick to hit ourselves or is it a smaller stick? Trust is the key – do they trust us enough?’

Another Principal highlighted the same issue of trust and its importance for SR:

‘On the whole, ministers do not send their children to FE colleges. They send them to universities. As a result they do not really understand what we do and because they do not understand us, they do not trust us.’

Principals would only have confidence in any new settlement if it was based on the assumption, summarised by one Principal that: ‘The unit of self-regulation is the college corporation.’ What was less clear to Principals was how colleges should organise themselves to negotiate this settlement; co-design with government the detailed operational arrangements; and keep under review the Settlement and operational arrangements. Principals were sceptical about creating further bodies to represent them and were opposed to what they see as more bureaucracy and regulatory architecture being created unless it replaces existing arrangements.
Separating ‘Improvement’ from ‘Regulation’

Improvement

Most Principals made an important distinction between Regulation and Improvement and argued that each should be handled differently under a new Settlement. There was a solid consensus around the importance of self-improvement and a confidence that colleges could take individual and collective responsibility from government and its agencies for promoting self-improvement and excellence. The growing maturity of colleges’ quality regimes based on 15 years refinement of Self Assessment combined with improved performance in success rates, inspection and learner satisfaction gave interviewees confidence that the sector could take responsibility for its own performance – albeit to standards agreed with government.

Regulation

The Principals were not really asking for independence, however. They all welcomed the need for some forms of external regulation and accountability. For example, it was not thought realistic for colleges to take full responsibility for challenging serious under-performance in other colleges and the need for credible external inspection was widely accepted. The research suggests that, although Principals are keen to grasp and own improvement, they accept that regulation will be shared between empowered colleges and outside agencies, including local stakeholders. Most interviewees argued that regulation should be proportionate and risk-based.

Pass/Fail Regulation

Most Principals advanced a clear but simple notion of how a new Settlement could operate in ways that balanced autonomy and regulation for accountability. In simple terms this can be seen as a Pass/Fail arrangement incorporating:

- Baseline standards set by government in negotiation with the sector and which may be raised over time.
- A judgement made annually on the performance of each college against the standards using published data on a few high level performance indicators.
- Colleges meeting or exceeding the standards should be free to run their own affairs but in consultation with local stakeholders.
- Colleges failing to meet these standards would receive peer and professional intervention and support to improve within a set timescale. If such intervention was unsuccessful, then the funding agencies and inspection would intervene.

Such a model was seen as combining the key requirements of: high ambition and continuous improvement; institutional autonomy and responsibility; shared responsibility for peer improvement; and proportionate external accountability based on earned trust. Most of the instruments for operating such a Pass/Fail regulatory regime are already in place, though Principals felt they needed to be operated differently to achieve the new Settlement. Set out below are those changes Principals believed are mostly concerned with regulation and accountability and those which are primarily tools for self-improvement.
Regulation and Accountability

Standards and Performance Measures

Principals argued that for the Pass/Fail regulation to work effectively, it is essential that judgements can be made using transparent and comparable performance data. Whilst the Framework for Excellence (FFE) may have some potential to fulfil the role of providing data on a few high level performance indicators, the current proposals are not well understood and are resented as excessive and intrusive. One Principal stated,

‘It has been designed by people who, though knowledgeable, have never managed a college.’

Principals argued for a single streamlined set of performance measures agreed with the sector and satisfying the requirements of government, inspectors and other stakeholders, but one which was flexible and responsive to the diverse missions of colleges. A major part of any new Settlement would be negotiation of a simplified set of performance measures aligned with college needs as well as those of external bodies.

Strengthening College Governance

Under any form of enhanced college autonomy, the role of Boards of Governors becomes more important. With less central direction and reduced Ofsted presence, governors must play a greater role in setting goals and direction, judging performance and holding the executive to account. Most Principals believed their governors are a valuable resource for the college but would need strengthening to undertake this enhanced role. As one Principal warned:

‘Failing colleges usually exhibit governors in the pocket of the Principal or in joint denial.’

Governors were seen as committed to their college, but frequently constrained by lack of time, knowledge and specific skills that will be required to respond effectively to SR. The main improvements Principals suggested were:

- **Selection** – governors were often recruited for business or community expertise and as college stakeholders. There is a need to recruit more governors with in-depth knowledge of further education.

- **Analytical Skills Training** – especially in using complex educational performance data. Boards are heavily reliant on data presented by the executive. The availability of a single set of standards and performance measures as described above would greatly assist governors, providing they had training in their use.

- **Skills and Confidence to Challenge** – Principals argued that too often governors were reluctant to challenge the Principal. Moreover, in the face of external challenges from Ofsted or LSC, governors often see themselves as friends and defenders of ‘their’ college rather than trustees of the public interest. A clear statement of these broader public responsibilities and training to interpret and act accordingly, were widely identified as essential for effective self-governance.
• **Governor Self Assessment** – Principals argued that this needs to be improved, based on robust self analysis and passion for improvement. To assist governors, it would be helpful to have clearer guidance and perhaps a core national self assessment model supported by national resources. Peer referencing with other colleges may be especially valuable in exposing governors to issues beyond those raised by the executive.

• **Payment for the Chair and/or senior governors** – this was raised by some Principals as adding status to key roles and instilling greater commitment from governors. Others raised some concerns that governors might try to manage the college.

Most of these suggestions have been around for many years but Principals felt that, without their active introduction, there was a danger that governors could not rise to the challenge of SR and that maverick Principals or under-performing colleges could go unchallenged.

**Inspection**

Principals were unanimous that inspection by Ofsted should remain as a valued and legitimate way to ensure public accountability. Ofsted is seen as a recognised and valued brand which gives information and confidence to external stakeholders and, in cases of serious under-performance, can call Principals and governors to account. There are also benefits to colleges in allowing them to benchmark themselves and see comparisons across the whole sector, including school sixth forms.

However, Principals asserted that colleges now had mature quality systems, often mirroring Ofsted processes, and a strong culture of self-improvement. So for many, the primary internal benefit of inspection was to validate self assessment and stimulate colleges towards self improvement. Consequently Principals were enthusiastic about Ofsted adopting a risk-based approach to inspection using robust, benchmarked data: a ‘right-touch’ inspection service involving lighter touch for good colleges but closer intervention in weaker ones. This approach exemplified the Pass-Fail model of regulation favoured by Principals.

Principals expressed some reservations about a risk-based approach. Sole reliance on desk-based research and on limited data, especially success rates, was seen as potentially dangerous as inspectors can become out of touch with the internal and external dynamics of colleges, which can change rapidly. The loss of face-to-face interchange and debate with a college inspector on a continuing basis was seen as a serious weakness. This reflected a general disappointment that Ofsted tends to limit itself primarily to making judgements rather than advising on improvement (unlike the Adult Learning and FEFC inspectorates). One Principal spoke for many:

> ‘The FEFC inspectorate was a critical friend - Ofsted is just critical...It’s criminal only to allow judgements rather than also pointing out possible routes to improvement. Colleges are mature organisations and deserve a mature dialogue with Ofsted.’
Although Principals view Ofsted as both legitimate and useful, it is seen more as part of the regulatory and accountability framework than one of the main pillars of self improvement for most colleges. The existence and capacity of Ofsted to act in cases of failure was widely seen as a necessary and important part of sector regulation.

Localism and Accountability

Principals asserted that their colleges offered primarily local services and their size and importance meant they contributed significantly to local skills, jobs, prosperity and inclusion. They are often among the largest employers in their localities and capital investment schemes planned under the Building Colleges for the Future programme were often among the largest projects in their areas, frequently integrated into ambitious regeneration schemes. These often involved colleges in the ‘place shaping’ processes that are currently being advanced by government. This idea involves trying to reshape their locality’s physical, social and cultural elements and is premised on: recognising that places are different, with different needs and priorities; requiring joined-up responses from agencies; and needing to unlock local energies and creativity. This new emphasis is consistent with the wishes of Principals for greater delegation.

Most Principals were only just coming to terms with this changing landscape and the extent of partnership working involved. Sometimes Principals felt that FE Cs were not being treated as important local partners – and indeed may even be treated as competitors by their local authorities. For many interviewees, the mechanisms for local accountability were under-developed and the experience of many Principals was of heavily bureaucratic and meeting-intensive structures. Although Principals were anxious to work with local stakeholders, they were unsure how this could be translated into accountability arrangements and many felt new models should be explored in different settings, with a particular emphasis on creating local accountability arrangements.

Challenging Under-performance

Any new settlement would be required to show how it handled serious college under-performance. For government and external stakeholders it is a fundamental requirement of SR. All the Principals we interviewed accepted this point and believed that under-performance should not be tolerated as it damages learners and communities and the overall reputation of colleges. However, Principals were also unanimous in arguing that too much of the regulatory regime is currently built around the small number of failing colleges and that politicians often react to ‘the failures of the few’ by ‘regulation for all’.

There was no unanimity amongst interviewees on how serious institutional under-performance should be handled. Two main alternatives were offered:

- **Sector regulation** – using benchmarked performance data indicating when things went wrong, the sector would intervene early to avoid failure and subsequent heavy intervention by regulators or funders. This would be achieved by Peer Review and support (described below) but some Principals stated that this may also require some sector-owned national body to identify problems and manage the support. The Single Voice Prospectus had proposed an FE Authority to undertake this role, but Principals rejected this as complex and entailing extra bureaucracy.
• **External regulation** – many Principals were sceptical that colleges would challenge one another robustly. They felt that the relationship between colleges should be one of collaboration and the sharing of good practice. Principals believed that challenging serious under-performance should be left to the regulators: the funders and inspectors. Interviewees identified Ofsted as the key agency to monitor and evaluate performance and to step in using its statutory powers when colleges are under-performing. This would be necessary, in particular, where colleges were in denial and unreceptive to peer advice and support.

This disagreement between Principals reflects deeply held views on the extent to which FECs can and should be held responsible for the overall performance of one another and the broader public interest. But it may also reflect the state of maturity of Peer Review which, if developed, would permit earlier, supportive intervention whilst reducing the need for external intervention.

**Promoting Self-Improvement**

The distinction between instruments for regulation and accountability and those for promoting self-improvement underpins Principals’ views of how a new settlement could and should operate. However, regulation and self-improvement are closely linked and there is a need for the regulatory framework to provide a climate for self-improvement to flourish. If the regulatory framework is conducive, as set out above, then Principals believe the three instruments of self-improvement set out below can drive the SR to which Principals aspire.

**Peer Review and Development (PRD)**

Although improvement is seen as developing within each college, there is an important role for peer support and challenge. This was the one ‘big idea’ that Principals felt had come of age in the sector and should be the cornerstone of sector-wide improvement arrangements. PRD involves meaningful clusters of like-minded colleges working together to review, challenge and support one another on the journey towards excellence. This has existed for many years informally but, over recent years, the Quality Improvement Agency promoted peer review actively in over 120 Peer Review Groups (PRGs).

PRGs have usually been received enthusiastically and almost all the Principals were very positive about them. Firstly, they were seen as bringing new ideas and supportive challenge, as one Principal explained:

> ‘They challenge the SAR and bring alternative credible questions, solutions and suggestions from their experience.’

Secondly, they build on the strength and professionalism which already exists within colleges, as the following statement from a Principal demonstrates:

> ‘The expertise now exists in colleges. Build on this, mine it, link it up.’
PRGs enabled colleges to secure support and challenge on college-wide processes and issues from (generally) respected peers. They were also seen as relatively free of bureaucracy. FECs were able to negotiate a focus for review activity which met their main development needs. Principals often compared PRGs favourably with Ofsted interventions because they were: regular, focussed on improvement in teaching and learning, encouraged staff to be open and receptive (rather than defensive) and, above all, because they involved a problem-solving dialogue between mature professionals.

The research uncovered a particularly good example of the effectiveness of PRD operating between the land-based colleges, as table 2 outlines.

**Table 2: Land-Based Colleges and Landex**

Landex was formed as a registered company in 2006 from a previous loose association of Principals. It has 30 members and is largely self-financing. Its purpose is to improve quality and meet the challenge of SR for land-based colleges. Landex operates an extensive peer review process of the SAR of each college, led by a full time Quality Improvement Director who involves specialists from other colleges. This Director also acts as a critical friend helping to identify individual and shared development needs and providing CPD and consultancy support using the expertise of members. There are protocols for dealing with under-performing colleges including issuing warnings and ‘Notices to Improve’, along with support and monitoring. Landex is developing its procedures on what sanctions, if any, to impose on colleges which fail to improve. This example illustrates the benefits of collaboration between like-minded colleges as they take ownership of self-improvement and successfully negotiate the possible competitive pressures among members. It shows the direction of travel other PRGs might make as they mature.

The limits of PRG were also acknowledged by Principals. These arrangements can become too cosy and collusive, with the reviews lacking rigour. They may be unsuited, or perhaps just not yet mature enough, to challenge serious under-performance or denial by a group member. PRGs were often seen as lacking authority or teeth to follow up reviews. Accordingly, they were widely seen as having more impact in terms of review than development. The Principals’ view was that peer-review would be most effective between colleges that are not in direct competition with each other.

It was argued strongly by most Principals that supporting PRD should be a major priority for LSIS. There was need to promote greater robust challenge; ensure that the membership and composition of PRGs is effective; and, without creating further bureaucracy, help improve the quality assurance procedures and operational aspects of PRD. This is a powerful and challenging role for the LSIS but one which Principals felt would be a good test of the new body’s willingness to be a facilitator of self-improvement. Principals accepted that PRD was not yet fully mature but, with further support, argued that it will be a valuable tool for individual and collective self improvement.
A Critical Friend

A surprising number of Principals expressed the wish to have available a ‘Critical Friend’ who could support and challenge them. Rather than an executive coach who might work with the Principal on his/her personal development, this was someone who would provide an external view on college performance. The loss of regular contact with an inspector left several Principals feeling the need for a credible outsider to provide an overall judgement of their college based on experience of senior college leadership and an awareness of sector issues and standards. Principals would expect to pay for this service and felt that this was another useful role that LSIS could play in developing this service.

Learning and Skills Improvement Service

The final instrument to assist self improvement for the Principals was LSIS. As a new body there was limited awareness of its purpose and for some it was seen as ‘just another quango’ soaking up resources which should be channelled into colleges. There was certainly a fear that LSIS might operate through ‘one-size-fits-all’ national programmes, implemented using an army of consultants made available to colleges, as one Principal elaborated,

‘The last few years we have had “death by consultant”. Peer reference is better than using consultants. These consultants are not high value to the sector. The monies used on consultants should be freed up and given to each college to use only for the self improvement agenda linked to self assessment.’

Several Principals argued that government funding frequently did not reach the colleges, as one stated:

‘In this sector, the money pours in at the top but only trickles out at the bottom to the colleges.’

Nevertheless, several Principals commented favourably on initial proposals from LSIS for a national strategy for self-improvement, building on the strengths of the sector. They saw it as a potential champion for self-improvement and to support SR. Above all, Principals are looking to LSIS as a facilitating body which helps them to pursue their own missions and to accelerate their journey towards excellence via SR. Principals looked to LSIS to facilitate, for example, PRD and the coordination of the provision of Critical Friends. They will also be looking to see a real switch of resources from central programmes out into colleges to support learners and learning. So although there is some scepticism about yet another new improvement body, the Principals were receptive to the early statements from LSIS about supporting self-improvement initiatives.
‘Going it Alone’ or ‘Leading the Way’?

Principals were frustrated at the slow progress of SR and most felt that a single set of arrangements was not feasible for the diversity evident in the LSS. They felt that colleges had now earned the right to more independence due to their performance over recent years. Equally, Principals were rather more sceptical about whether many smaller, private providers were ready for further self-government and often may have comparatively rudimentary governance arrangements. Many Principals went further and expressed strong antipathy towards granting further autonomy to profit-based organisations and wanted them regulated through a tight contracting regime. Private organisations were viewed as primarily deliverers operating within a contract. FECs were seen as having a wider public interest role as part of the network of organisations providing local leadership. They therefore needed greater flexibility to serve their learners and communities. SR for adult and community learning provided through local authorities and third sector organisations was also seen as problematic. These often already have complex governance arrangements and their more recent exposure to Ofsted inspection suggested that many were still at an early stage of the journey towards excellence.

For all these reasons, some based on principle and others based on pragmatism, Principals felt overwhelmingly that progress on SR could only be achieved if colleges led the way. Although they accepted some common standards (e.g. minimum performance levels, success rates) and common principles (e.g. the Nolan Principles) should operate across the whole sector, Principals wanted to see SR arrangements developed initially for colleges. There was a wide consensus that the Prospectus issued by the Single Voice was definitely not the way forward, nor did they view the Single Voice as a legitimate body to lead the development of the next stage.

Rather, most looked to the AoC to show leadership with support from LSIS. Principals were deeply aware of the political complexities and institutional (and personal) vested interests that AoC would face from the other sector bodies if it sought this leadership role. Nevertheless, Principals are looking for effective leadership to progress the SR agenda and, for most of them, the AoC seemed to be the obvious candidate.

Conclusions

This research project uncovered a remarkable consensus among FEC Principals that the current regulatory regime was dysfunctional and on the major changes needed. Principals rarely spoke the language of ‘self-regulation’ and had not been engaged in the SR project led by Single Voice. However, they argued for the benefits of greater flexibility and devolution to allow them to serve their localities better.

They believed that colleges had earned greater autonomy based on their performance over many years. Principals argued passionately that the individual college and corporation should be the building blocks of any new regulatory regime.

The Principals were realistic and pragmatic. They expressed a strong public service ethic and recognition that colleges should be accountable nationally and locally. Whilst acknowledging that the climate for SR is less favourable than before the recession, Principals emphasised that, as public finances tighten, the case for reducing the burdens of bureaucracy to redirect resources into front-line teaching and learning becomes
stronger. Faced by the worst recession in living memory, the Principals emphasised that a less regulated environment would facilitate more flexible, differentiated responses to local economic and social challenges. Greater flexibility would enable them to serve their communities more effectively and creatively. Rather than ‘self-regulation’, Principals were seeking to develop a culture of ‘shared-regulation’ or ‘co-regulation’.

The main case presented by Principals can be summarised as follows:

- A distinction between improvement which should be organised and developed by the sector, and regulation that should be shared by the sector and external bodies.
- The unit of improvement should be the individual college supported and challenged by peers and sector-based organisations, notably LSIS.
- External regulation should be reduced, but external inspection should remain based on proportionality and risk. Performance data should allow identification of under-performing colleges needing close intervention, whilst those performing well should be left to develop self-improvement: a pass-fail intervention regime.
- Resources should be redirected from serving regulators to serving learners. More central agency funds should be devolved to colleges, and within colleges less regulation would allow resources to move from back-office to front-line operations. Moreover, there should be greater flexibility and virement in using resources at local level instead of the silo funding currently experienced.
- Colleges should go-it-alone in negotiating a new regulatory regime, a New Settlement with government, with AoC taking the lead.

These changes were not seen as an end in themselves or primarily to benefit colleges. Such changes, Principals believed, would allow them to meet the economic and social challenges of the recession and the broader challenges of community cohesion. Principals felt that the recession provided them with ‘their moment’ to show local leadership and work with local partners. The current regulatory regime prevented them from exercising their local leadership role, but they felt strongly that a new devolved settlement, without the label of SR, would allow them to do so.

This research project set out to provide a bottom-up commentary on SR from those who need to believe in and operate any new self-regulatory arrangements. Our findings demonstrate that, although most Principals have not yet engaged with the SR project, they nevertheless support the idea but with clearer emphasis on the positive impacts on communities. They wanted the highest level of college control consistent with public accountability. This research project highlights that college Principals have an important story to tell and a significant voice which needs to be heard by those who seek to develop this project of SR for the Learning and Skills Sector.
References

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Developing Self-regulation at Highlands College

Peter Hubert, Edward Sallis and Gary Jones
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Executive Summary

Operating outside the structures of the mainland FE system and in the absence of minimum standards imposed by the States of Jersey, Highlands College in Jersey has developed an approach to self-improvement that has placed the College in the position of self-regulating some aspects of its activity. Much of this self-improvement process has been adapted from the English FE system. By contracting external oversight of the process to an authoritative senior English inspector, rigour was maintained and the College’s local reputation enhanced. Critical to the success of the process was the involvement of college managers in developing the process and the deeply held sense of intimate accountability to the Island’s community. This was underpinned by the long term stability of the management of the College and the sustained enthusiasm of the Principal and Deputy Principal coupled with high levels of trust among staff and management. Inspection has been transformed into a supportive positive experience for staff at all levels.

Introduction

This is a case study of an English college operating outside England which is for all intents and purposes self-regulating. It provides an example of how things might be and could be. It is not intended as a model but rather designed to show possibilities. This is a study of how one college has successfully used self-regulation (SR) for the benefit of its learners and its community.

Colleges in England will recognise the parallels between pre-incorporation prior to 1992 and the circumstances in which Highlands College operates in Jersey. At the time some English colleges were experimenting with quality assurance arrangements especially those influenced by models of TQM which were gaining recognition at the time. Many others however, were content to drift along with little intervention from their LEA, where the focus was on schools. College autonomy was thus a two-edged sword; for some it provided the opportunity to find their own route to quality improvement, whilst for others there was little attempt at serious change and too much reference to the FE myth of underperformance being explained by the context in which they operated and the students they recruited. The impatience of the government with underperformance influenced the FEFC, from 1993, to establish the first framework for quality assurance and inspection which was devised to apply to colleges in the UK. Had all colleges in England made the effort to establish robust arrangements for QA, then their history of the last decade and a half might have been different. However, for too many the marginalisation in the local authority landscape led to complacency and underperformance. The challenge for SR is to demonstrate that there cannot be a re-run of the pre-1992 conditions in the UK.

Highlands is Jersey’s sole FE college. While in many respects similar to a typical English FE college, its accountability structure is different. The College is part of the States of Jersey Education Service. Jersey is a crown dependency and is self-governing with its own parliament responsible for domestic policy and foreign relations. This gives the College a unique position, providing a different policy context from English colleges, and enabling Highlands to be a source of experimentation and a place to test “what ifs”.
In many respects it looks just like any other college but “what if there was no OFSTED?”, “what if there wasn’t Train to Gain?” or “what if we could decide to prioritize adult learning?” Highlands can do just this; an English college outside of England. The Highlands story is about how the College and its Governing Body have tried to square the circle of being outside but demonstrating that they are also inside for critical purposes.

Of course, Jersey has its own policy making structure, but it has been much more trusting of its College than is the case in England. The Education Service has imposed very little curriculum related regulation. The College is subject to the States of Jersey’s financial, procurement and human resource regulation, but it is trusted to understand its market, work directly with employers and respond to needs and wants rather than having its curriculum priorities dictated to it.

What Constitutes Self-Regulation?

SR is a difficult and to an extent a ‘slippery’ concept. It has overtones of total autonomy, which it is not, and it sits uneasily against the background of the credit crunch where a high degree of SR can be seen as one of the reasons for the current recession.

Nevertheless, in further education government is keen to see a much clearer definition of the powers held by bodies in this field. The recent report ‘Excellence and Fairness’ from the Cabinet Office recognises that if public services are to fulfil their goals with high levels of service then government needs to support without micro-managing institutions. The Single Voice for Self Regulation identified four functions for a self-regulated FE sector in its proposal to the sector (2007):

- Setting standards and rules as to how business should be conducted and quality will be judged;
- Monitoring and enforcing those rules;
- Ensuring continuous quality improvement;
- A well publicised complaints procedure and redress.

The newly constituted Learning and Skills Improvement Service (LSIS) held a series of seminars on the topic which teased out some of the propositions that give shape to the concept. The report on Seminar One of the LSIS policy seminar series 2008-09 suggested that ‘Self-assessment and self-improvement, embedded in the culture of individual professionals and organisations, should be key pillars for self-regulation in the learning and skills system.’ The second developed more detail for this conceptual framework stating ‘Self-governance and self-regulation can only work if we have discretions – room for manoeuvre, headroom, capacity to act independently.’ The freedom of academic staff from bureaucracy so that they could spend more time on the core business of teaching was highlighted. The notion of peer review and the formation of partnerships to facilitate this was introduced as a possible model to pursue.

The appointment of auditors collectively by FE providers for public accountability purposes was proposed in the Prospectus, as was a licensing process for those deemed eligible for public funds, dependent on reaching particular standards and undertaking specified responsibilities. The FEA would enforce the code that set out the values, standards and behaviours expected from a licensed provider.
The conclusions from the third LSIS seminar argued that ‘under self-regulation front-line professionals would be given the status and opportunities to lead development of innovation and change necessary to establish high quality, responsive services.’ The importance of this statement was that it referred to what professionals would actually do in a self-regulatory environment, rather than the broad generalised features of SR of the type listed against the bullet points below. These features were identified in the summary of the first three LSIS policy seminars, Self-regulation – shifting the paradigm, as:

- Safeguarding and accounting for public money;
- Securing quality and best value for public money;
- Achieving public policy priorities;
- Ensuring behaviour that meets the accepted standards of public service.

The growing consensus is that SR does not imply that colleges act outside a framework of governmental regulation, nor does it imply a lack of public accountability. It is not deregulation, but rather a model of regulation based upon trust in colleges developing their own rigorous and demonstrable quality processes (Learning and Skills Network 2008).

To emphasise this point, the term *co-regulation* was proposed in the LSIS seminars. This recognises that the process is one of deciding where the boundaries lie and who is responsible for what (Mager 2009). The interim conclusions were that government had the responsibility for minimum standards, value for money and compliance, while the institutions themselves were better placed to achieve self-improvement and customer service with the exact boundary being one for negotiation.

The fourth LSIS seminar drew attention to the difference between being consulted on standards and mechanisms for regulation, and co-authoring them. It was asserted that the latter would produce far greater understanding of the framework and commitment to it. There was recognition that in a co-designed system the ability jointly to change and adapt the standards was necessary.

The Single Voice consultation response indicated that the sector should practice what it termed ‘assumed autonomy’ rather than seek to earn autonomy; the sector should display more self-confidence in its own capability.

The launch of the Institute for Learning (IfL) as the professional body representing teaching staff in FE has added another facet to the topography of SR. One of the IfL’s aims is to ‘Uphold the standards of professional practice’, i.e., ensuring behaviour that meets the accepted standards of this aspect of public service.

To use the language of other regulatory frameworks FE regulation would be judgement based rather than rules-based with self-improvement being the major beneficiary of an approach that gives the sector much greater control over its own quality improvement processes. It is in this context that the Highlands case study has its utility, as this is the approach that Jersey has taken for a decade or so.
Research Methodology

This project was approached as an *ex post facto* case study: the writing of a narrative that described the self-improvement journey undertaken by Highlands College, written by those involved in this journey. Self-improvement was taken as the acid test of SR assuming that, unless the reforms have a direct impact on learner achievement and institutional performance, there was little point in undertaking the changes necessary for SR.

Evidence for this narrative was gathered using nine interviews with internal participants on that journey (which included the Deputy Principal, Heads of Faculty and a cross-college quality co-ordinator) and from nine focus groups of internal and external participants (which included college inspectors, governors, members of the College Leadership Team and representatives of Jersey’s Education Service). The idea of self-improvement was taken to be the acid test of SR based on the idea that unless the reforms have a direct impact on learner achievement and institutional performance then there is little point in undertaking the changes necessary for SR.

The interviews were conducted by a former FEFC inspector who also acted as the facilitator for the focus groups to elicit what they considered to be the factors that have contributed to making the journey possible. This information was analysed to establish which factors may have been critical to the success of the quality processes and the importance participants attached to those factors.

> ‘The task of the educational investigator is very often to explain the means by which an orderly social world is established and maintained in terms of shared meanings.’ (Cohen and Manion, 1994)

The situation prevailing at Highlands College was compared with the emerging consensus over what constitutes SR in relation to the FE sector to determine if Highlands was self-regulating.

The Self-improvement Journey at Highlands College

The Initial Conditions

As the only FE college within the States of Jersey Education Service, Highlands has to meet the requirements of a wide range of UK curriculum bodies, universities and other agencies but is not a part of their regulatory framework. Highlands’ story is about how the College and its Governing Body have tried to square the circle of being English whilst being located outside of England.

Until the incorporation of colleges in the UK, HMI had a role in inspection in the Channel Islands and Highlands had last been inspected in 1991 at the instigation of the Jersey’s Education Service. Formed in 1992, the FEFC’s new inspectorate only had responsibility for English colleges so Jersey was left without an inspection regime. However, the publication of FEFC Circular 97/12 *Validating Self Assessment* and FEFC Circular 97/13 *Self-assessment and Inspection* had prompted work in the College on the development of self-assessment reporting and thus the College took the first steps towards SR.
In 1997 a new Principal was appointed and he, in consultation with the Governing Body and the Director of Education, agreed to an inspection of the College in order to benchmark it against English performance. The full inspection was led by Dr Terry Melia CBE, the former FEFC Chief Inspector and took place in April 1998. The use of self-assessment reporting was a key element of the inspection, as was the inclusion of a Jersey Education Department nominee on the inspection team. The combination of the initial work on self-assessment and the Principal initiating a full inspection marks the start of the process by which Highlands College has taken ownership and responsibility for its performance.

**The College Inspector and the Standards Committee**

After the inspection, the Governing Body appointed a College Inspector who would advise them on quality issues and, importantly, carry out development work with staff to improve quality. The first inspector was Dr Melia and he was succeeded by Dr Maureen Banbury, who is a former senior inspector at OFSTED. From 1999 onwards a process of annual visits by Dr Melia was instigated.

During his visits he met with the team leaders for each of the curriculum areas, senior managers and those with college-wide responsibility for quality. In those meetings he received reports on progress against previous quality/performance action plans. This formed the basis for an annual report to the Governing Body.

The Governors in 2000 strengthened their ability to work with Dr Melia by forming a Standards Committee. This gave the Governing Body the underpinning for what is now called SR. Jersey’s Education Service are represented on that committee.

**Rolling Inspection and Critical Friends**

In 2002 it was decided to adopt a different approach to England but to use the same framework to make judgements (the Common Inspection Framework). The intention was that the process would be far more developmental. Curriculum teams were grouped into six categories of which two would be inspected each year for the next three years. One innovation was to involve Curriculum Team Leaders working alongside inspectors so that knowledge of standards in the College could be enhanced. Team Leaders conducted joint lesson observations with inspectors and contributed to the judgements. Colleagues from Guernsey College also formed part of the inspection teams.

Overlapping with the rolling inspection cycle was the introduction in 2003 of visits by critical friends to support curriculum areas prior to inspection. Dr Maureen Banbury led these visits with a brief to review the strengths and weaknesses statements in self-assessment reports and data about retention, completion, success, progression, etc. She and her team also spoke with staff and students, reviewed students’ work and observed lessons.

The outcome was a discussion with the curriculum team and a report confirming strengths and suggesting areas where a change in practice would lead to an improvement in performance or the students’ experience. These visits were designed to be supportive and bring about significant improvement.
Supported Self-improvement

In 2004 Dr Banbury took over as College Inspector and the Governing Body decided not to repeat the inspection procedure but to develop a process that emphasised self-improvement. This had been one of Dr Melia’s recommendations following the publication of his inspection report. The use of external experts was seen as valuable in an Island community to provide context and benchmarks so their use was incorporated into Supported Self-Improvement (SSI), a process devised in collaboration with Dr Banbury. Her report for OFSTED, ‘How Colleges Succeed’, was used to inform a vision of a future perfect Highlands College towards which staff would work.

SSI was not inspection in another guise, but a beneficial and supportive process designed to help the curriculum area improve. To obtain the most benefit, it was necessary for staff to be completely open about their work and treat the critical friend as a consultant.

The format of SSI encouraged a speedy response by the curriculum teams involved. This is largely because of the review’s two part structure: an initial three-day visit by the critical friend to set the scene and put forward a number of hypotheses to be tested out at the four-day second visit, some three months later. Each visit included observations of teaching and learning, discussion with learners and employers, scrutiny of student work and analysis of performance data. The period between the two visits became, in almost all cases, a period of rapid development and quality improvement. During the second visit the critical friend would determine the extent of progress and present a final report aligned to the Common Inspection Framework. The extent of progress was taken as a direct measure of capacity to improve.

Moreover, those areas which were to be subject to Supported Self-improvement the following year invariably felt the pressure to note the findings of critical friends and endeavour to make those improvements in their own provision. Those that had had Supported Self-improvement the previous year were expected to do likewise. Consequently improvement across the whole college ratcheted up year on year.

Alongside these developments the past six years has seen the strategic objectives of the States of Jersey, the Education Service and Highlands College progressively aligned. In the case of the College this has been done to demonstrate that we do not act as a completely autonomous entity.

The journey undertaken by Highlands College and the factors that have influenced this process are summarised in Figure 1.
Figure 1. Self-improvement at Highlands College: Sources of Influence, Developmental Stages and Key Relationships
The Experience of College Managers

As the College did not have external drivers pushing it to try and appear better than it really was, Highlands did not ‘play the game’ with Supported Self-improvement. The absence of obvious pressures or adverse consequences meant staff could be more honest. This honesty with self-assessment was promoted by enlisting the views of experienced external people and by using their constructive criticism to create internal positive pressure for change. Instead of instigating ‘witch-hunts’, processes were put in place that reduced the chances of undesirable performance. It helped that the introduction of solutions focussed coaching methodology brought self-assessment and responsibility for improvement down to the individual (Sallis and Hubert 2008). The College chose to accept the responsibility to move beyond minimum standards which required motivation at an individual level.

Managers observed that Highlands had a quality improvement scheme that worked, that it was developed over a long period and this has been made easier by having a very stable management team. As a team in post for the long term this factor had engendered mutual commitment. As individuals, managers identified with the College and felt they were identified as being part of the College by their neighbours, friends and relatives. This created a pressure to make the college as good as it could be. As a manager stated, ‘This is our college in our island, it’s a small place and that makes a difference.’ The College’s growing reputation across the island of Jersey was considered an important factor in the move towards SR.

Early on there was a lack of systems supporting curriculum. In its sophistication the quality and accuracy of data lagged behind the UK. In the absence of externally set rules for formulating data, the College expended effort in improving data accuracy. However, it is not collected and presented in a form that allows easy comparison and benchmarking with UK data. To offset this problem the college joined the Hampshire value added project and ALPS.

The Role of Curriculum Leaders

Heads of Faculty thought that the 1998 inspection felt ‘soft’ compared to UK inspections because the consequences of a poor inspection result were less severe in Jersey. However, aspects of the subsequent process were as pressured as a UK inspection. This group of managers were directly engaged with the inspectors in the 2002 – 2004 round and consequently it felt more personal, particularly with just two areas being inspected at a time. The phased inspection, and later Supported Self-improvement, process was seen as a valuable process for sharing good practice across the College because the improvements in one area were fed to the rest of the College. The dialogue that managers had with the inspector was very important in helping college managers understand what the inspectors were looking for and how judgements were formed. Co-observing with the inspectors gave confidence in the inspectors’ judgements and also contributed to staff development. College managers subsequently worked with Terry Melia as part of his inspection teams at Guernsey College.
It was acknowledged that staff resistance to change can present a challenge; particularly on a small island where there is always the possibility of meeting staff socially outside work with whom difficult conversations might take place. It was also necessary to have processes outside of the solutions focussed methodology to deal with the small number of individuals where intransigent under performance was an issue. Therefore staff development aimed at ensuring employees understood what was needed to bring about improvement, e.g., all staff were encouraged to visit outstanding colleges in the UK.

Again Heads of Faculty expressed the connection they felt with the community. ‘There are things that motivate us to improve, … as private individuals we train the people who provide us with services in the community such as hairdressers and childcare’ (Head of Faculty – Community Studies).

The Role of Governors and External Independents

A stable political environment and economy provide a background for the College’s development. The Governors stressed the importance of the presence of strong leadership with a stable high quality senior management team as a major factor in the College’s success. Furthermore they recognised that managers exhibited an ethos of self-accountability, were empowered to drive the mission and had confidence in their roles. There was also trust and confidence in the College and its management from the Director of Education right down through the layers of management to the staff. This had allowed the College the freedom to plan and develop as it deemed best and modify what it does as circumstances changed.

This had led to a view by some in the Island outside the College that Highlands had been permitted to grow in an unchecked manner. It was thought that staff take a lot of responsibility, that there is a high coherence in teaching teams and that UK colleges would have to change their management styles to replicate what has been done at Highlands. The College had worked hard to convince the Island of its capability. To achieve this it had put in place quality assurance, performance management and quality enhancement processes. Utilising off-island processes had also enabled local credibility. Staff showed great commitment to students and felt they must not miss out because of geographical isolation. To offset isolation, the College had a rolling programme of eminent UK figures invited to update staff on current and emerging issues in FE.

In achieving this credibility two factors have been in operation, the Principal’s outward facing public relations efforts and the Deputy Principal’s internal drive for improvement. Thus the College’s progress on performance underpins positive public statements about the College from influential and important individuals.

Recognising that there are sometimes tensions between the College and the States of Jersey, Highlands was relatively successful in navigating its political environment. The value of having a management team who have been in post for a long period should not be underestimated. Accepting that moving to employment in another college would mean leaving the island, senior management had concentrated on making Highlands as good as possible rather than being focussed on furthering their careers. Being part of the Island’s community gave managers a sense of intimate accountability to the Island. Experience in the UK had shown that there have been problems in colleges with rapid changes of management and policies; the successful colleges have been those with consistent, realistic and stable leadership.
Lessons from Self-regulation

Commitment by Managers to Quality Improvement

All studies of college performance connect the success of an organisation to the abilities and behaviour of senior managers. Highlands was fortunate to have a senior team who were not only committed to securing high quality for students but also to bring in arrangements which could be recognised by staff and stakeholders as systematic and focused on improvement.

Ownership of the Process

A powerful factor which led to the success of the self-improvement model in Jersey was the ownership of the model by college staff. Although the model was informed by QA arrangements in the UK, staff did not perceive it as an outside imposition but one which they had adopted for themselves and had adapted over time. All advocates of quality assurance models cite the crucial significance of ownership by those who are responsible for implementing the improvement.

Trust in Managers to Implement

One of the most common factors which militate against the success of QA models in colleges, especially where they have been in place for some time, is a sense of cynicism engendered by inactivity on the part of managers to act on issues identified. Managers were trusted, both to engage with staff on the formulation and implementation of QA arrangements, and to act where they could on the outcomes. There was a healthy combination of ownership and trust which was at the heart of the success of the approach adopted by Highlands.

Impact on the Community

SR created a strong sense of responsibility. There was an imperative to ensure that provision was of the highest standard as many students had little alternative but to look to the College for progression beyond school. Working in tandem with this was the immediacy of the feedback on College experience which can be provided by students and their parents who rub shoulders with college staff in their day to day lives on the Island. No lecturer or manager wants to have to explain in the supermarket on a Saturday why their neighbour’s son or daughter is unhappy or underperforms at the College.

Relationship formed with External Reviewer

From the outset the college management decided to contract the management of self-improvement to highly experienced and authoritative former senior inspectors from the UK. At any one time there was a “college inspector” who not only managed the provision of specialist inspectors to support him/her in conducting the self-improvement events but also engaged with the College so that he/she built up an in-depth knowledge of Jersey and the context in which the College operates. This contributed both to their credibility with staff and to the quality of the judgements which were arrived at through the process. The obvious challenge that such a relationship might breed an over-familiarity with the College was countered by a regular review of the relationship and periodically changing the college inspector.
Opportunities to Demonstrate Improvement

The self-improvement model gave staff the opportunity to demonstrate their commitment to quality improvement. By implementing the recommendations from the first part of the process, Stage Two became the occasion where the impact of managers’ actions were validated and their effect on learners celebrated. This reinforced the commitment of participants to the self-improvement model and encouraged staff to share their experiences with colleagues.

Staff Development Linked to Self-improvement

The self-improvement model was not the only feature of QA arrangements in the College. Initiatives such as targeted staff development in solutions focus coaching methodology complemented the model in many ways. The focus in Jersey, unlike in some colleges, was less on “preparing for inspection” as upskilling for improvement. Staff recognised the value of the staff development events they were engaged in and saw their relevance either to improving the learners’ experience or in improving their own management skills. Using inspectors to carry out staff development gave an important message about the integration of the QA system with self-improvement.

Rolling Programme rather than Single Event

The staged process of covering only a sample of curriculum areas at one time avoided the “big bang” effect of UK inspections and at the same time allowed the curriculum areas which had not been included to learn from the experience of those which had.

The ultimate test of any QA approach is its impact on improvement. The two stage model allowed short term improvements to be recognised. As the college focused on both its data collection arrangements and managers’ understanding of the messages from the data improved, so improvement over time could be demonstrated in the performance of the whole college.

Self-improvement or Self-regulation?

Highlands College approached SR from the opposite direction to UK colleges. Whereas UK colleges have been subject to an array of regulation from a multitude of bodies, Highlands was initially operating in an environment where regulation was largely absent. Rather than let the college drift, senior management embarked on a process of self-improvement that drew on the standards and frameworks used in the UK at various times over the past eleven to twelve years. The LSIS seminars made a clear statement that self-improvement was not the same as SR which might imply that Highlands remains unregulated. Regulation is considered to require the existence of a set of minimum performance standards. There are no such standards that have been imposed by any organisation external to the College. However, the College has selected and developed performance standards and a framework for their measurement but then handed the measurement to a senior respected individual external to the College.
When comparing what the LSIS seminars considered the bare minimum for regulation in the public sector with the processes that are used at Highlands it was clear that regulation was in place. The requirement to safeguard and account for public money was covered by the Finance Regulations subsidiary to the Public Finances (Jersey) Law 2005. Determining whether a particular part of the public sector is providing value for public money is a function undertaken in Jersey by the Comptroller and Auditor General. The College may be subject to the scrutiny of that office at any time.

At the beginning of the period that has been discussed, the College had considerable autonomy to determine what it did or did not provide for Island students. As the States of Jersey began to articulate its intentions more clearly in its strategic plans, it became clear that the College needed to align its plans with those of the Island’s government, and more particularly with those of its immediate political masters, the Education Service. Initially this was done as a matter of good practice. However, as the self-improvement process started to have a real effect, Highlands’ reputation as an establishment able to deliver a quality product grew. This led to public policy being more specific and demanding of the College. There are now clear connections between the overall objectives of the States of Jersey Strategic Plan, the objectives of the College’s own plan and the appraisal objectives for individual College staff.

Unlike many mainland colleges, Highlands has long had a policy which insists that all academic staff hold a Certificate of Education for FE or latterly the DTLLS qualification. This has supported the maintenance of teaching standards and acted as a proxy for behaviour standards in public service. The introduction of IfL membership as a requirement for all FE academic staff in order to work in the sector has meant that UK academic staff are now qualified to teach. In Jersey there has been no requirement to belong to the IfL in order to work in FE as a means to ensure behaviour meets accepted standards of public service. However, many members of staff do belong. While behaviour standards in public service currently remain out of the spotlight in Jersey, compulsory IfL membership could be used to as a direct measure to assure the College’s stakeholders.

That Highlands has demonstrated its capacity to develop its own self-improvement without guidance or intervention from the Jersey’s Education Service accords with the notion that ‘Self-governance and self-regulation can only work if we have discretions – room for manoeuvre, headroom, capacity to act independently’ (LSIS Policy Seminar). Furthermore, the idea that ‘Under self-regulation front-line professionals would be given the status and opportunities to lead development of innovation and change necessary to establish high quality, responsive services’ has been enacted at Highlands.

Evidence from the interviews with college management revealed a very strong sense of ownership of the self-improvement process and belief in its ability to bring about improvement. Managers explicitly stated that this was because of their involvement with shaping the process lending credence to the assertion that co-designership was a necessary condition for commitment to a framework for SR.
Conclusions

The self-improvement journey undertaken by Highlands College has been made possible by a number of crucial factors:

- The sustained enthusiasm of the senior team;
- A very personal sense of intimate accountability to the Island’s community;
- Long term stability of the composition of the management team;
- A relentless commitment to improvement;
- Complete honesty in the self-assessment process;
- The development of a sense of ownership in the improvement model;
- High levels of trust across the College;
- The use of highly experienced, authoritative former senior inspectors as key external reviewers.

It should also be acknowledged that relative autonomy from the UK was a critical feature of the approach to SR in Jersey, but in itself did not guarantee that a quality improvement model of any kind would be introduced.

Despite the apparent autonomy from UK agencies that regulate mainland colleges, Highlands College is not completely self-regulating. There are aspects of the College’s operation that are strictly controlled by instruments of the Island’s government. The LSIS seminar series proposed the term ‘co-regulation’ and this is almost certainly the best description of Highlands’ regulatory circumstances. Figure 1 shows a spectrum with different forms of regulation laid out between two extremes. It would be necessary for responsibility of all aspects of regulation to be either in the hands of government or the sector for either government regulation or SR to be the case. In reality for Highlands some aspects of regulation are handled by government and some by the College. No parts of the regulatory structure have been co-authored by both sides. Instead each side has developed its own aspects independently in the areas it deemed were its own field of expertise or responsibility. These respective areas are indicated at opposite ends of the spectrum in Figure 2.
This presents a co-regulation scenario where different spheres of regulation can co-exist because they have not impinged on each other. The situation has come about because the States of Jersey have not perceived the need to intervene with regulation in FE academic territory. The College on the other hand has had the confidence to shape its own future and show that the imposition of further government regulation was unnecessary. The Jersey model of co-regulation is one of separately developed co-existing regulation. It is possible that in the UK where there are many individual establishments in the FE sector and a culture of comprehensive imposed government regulation, the co-regulation model is more likely to be one of co-authored agreement.
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Between 2006 and 2009, the CEL/LSIS research programme was directed by Professor David Collinson of Lancaster University Management School. During this time the programme published 12 edited volumes of practitioner research reports, 6 individual practitioner research reports and 20 individual HE research reports, all exploring leadership issues in the learning and skills sector. All these publications are available from LSIS (in hard copy) and from the LSIS website (http://www.centreforexcellence.org.uk/default.aspx?Page=Practitioner Projects) in electronic form, as follows:

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