



P R O V O C A T I O N S

BLAME OR BETTERMENT? REGULATION AND INTERVENTION IN FURTHER EDUCATION

A FETL Provocation by Stephen Exley

The meaning of the term 'provocation' is usually understood as 'incitement', something that provokes, arouses or stimulates – a message in search of a response. This series of short FETL papers has this in mind. Their aim is to stimulate interest and debate, to air a new or original idea with a view to eliciting thoughtful, open-minded responses. As with all FETL publications, we do not seek to offer the final word. We are all about what happens beyond the page, in the wider life of an idea. We hope readers will take them in this spirit and share with us their own ideas and responses and, indeed, their own provocations.

ABOUT THE AUTHOR

After starting his career in the regional press, Stephen became education correspondent at the *Cambridge News* in 2008. This was the start of more than a decade in education journalism. In 2010 he joined *Tes* (formerly the *Times Educational Supplement*) as a reporter, and subsequently was twice named the winner of the Award for Outstanding National Education Journalism at the Chartered Institute for Public Relations' Education Journalism Awards. In 2015 he was appointed *Tes*' Further Education Editor, taking responsibility for the overhaul of the publication's editorial coverage of the sector and expansion of the *Tes* FE Awards. In 2020 he joined the Villiers Park Education Trust, a national social mobility and education charity, as Director of External Affairs. He is also a primary school governor and a Fellow of the RSA, and maintains a strong interest in education, skills and industrial policy.

FOREWORD

Dame Ruth Silver

This is the third report from the Further Education Trust for Leadership (FETL) on shame and shaming and their impact on further education leadership. While the previous reports looked, respectively, at shame in organisational life and the impact of shame on individual leaders, this report explores the regulatory system within which providers operate and asks whether the prevailing system, with its tendency to focus blame on institutions and individuals, is conducive to sector improvement, and, ultimately, better teaching and learning.

This is an important topic. Further education needs an effective system of regulation and oversight, as does any sector charged with spending large amounts of public money. However, it is particularly important in the case of a sector responsible for realising the learning goals and aspirations of millions of young and adult learners and for helping them get on in life. FE leaders and their institutions feel this responsibility acutely, as do their staff, who frequently demonstrate tremendous commitment to their students. But does the existing regulatory framework give them the right kind of support, and does it intervene fairly and effectively when things go wrong or weakness is identified?

These are among the questions that Stephen Exley attempts to answer in this paper, through a combination of analysis of government data and interviews with further education leaders. His treatment is thoughtful and constructive, with an emphasis on how we might remove the obstacles that stand in the way of a genuinely 'self-improving' system. He reveals leaders' experience of regulation to be highly varied, with some finding it overbearing and 'terrifying' and others praising its 'light touch' and 'generosity'. This may reflect the important role played by individual officials in setting the tone for inspections, but it also suggests an inconsistency of approach, leaving the system open to accusations of unfairness.

Stephen's paper highlights the importance of communication and the need for different parts of the system to talk to each other. I would second this. But I think there is a more general need for better communication, between regulators and providers, between providers and government, and among providers and their leaders. We need regulators that understand the sector and we need a sector whose people trust the regulatory system they work within to deliver fair, informed judgments and reasoned and reasonable critique. We also need to ensure that when things go wrong, there is support, including peer-to-peer support, and that leaders are not afraid to acknowledge vulnerability and ask for help, as, very sadly, many are.

With further education firmly under the policy microscope and major new initiatives and announcements in the offing, including a much-anticipated new White Paper, this report could not be timelier. It has much to say about the past and much sense to offer the future.

Dame Ruth Silver is President of the Further Education Trust for Leadership

INTRODUCTION

On 22nd May 2019, 13 people silently shuffled into a High Court hearing room to witness a sombre moment for the further education sector: the beginning of the break up of Hadlow College. I was present to hear Chief Insolvency and Companies Court Judge Briggs explain that he was satisfied the college had insufficient assets readily available to address the "cashflow crisis" which it had left it days away from running out of money and owing over £40 million to more than 300 organisations. As a result of this judgement, Hadlow became the first college to be placed into "education administration" through the insolvency regime created by the Technical and Further Education Act 2017. Four months later West Kent and Ashford College, also part of the Hadlow College Group, followed suit.

This marked the nadir of a turbulent period for the further education sector. Until this point, it was individual college leaders who appeared to be paying the price for perceived failure. In the autumn term of 2018-19, eight high-profile college leaders left their jobs in just eight weeks.¹ The burden on "shamed" individuals leading troubled institutions has been sensitively explored in recent FETL reports.² What the Hadlow case laid bare was that the consequences of failure could be not just catastrophic for the individuals concerned, but for the very institutions they lead. It also shone a light on the regulatory system for colleges, raising a fundamental question for the sector: how had things been allowed to get this bad? This was addressed directly by Anne Milton, the apprenticeships and skills minister at the time, when I interviewed her the day after the court hearing. She unveiled plans for a review of how colleges' financial issues were monitored and managed by regulators, adding: "This went on too long without us knowing about it."³ This review, by Dame Mary Ney, is yet to be published. But it is anticipated that it will raise serious questions about the effectiveness of the current regulatory model, which are likely to feed into a planned White Paper outlining potentially significant reforms for the FE sector.⁴

1 <https://www.tes.com/news/eight-college-leaders-quit-eight-weeks>

2 <https://fetl.org.uk/publications/voices-of-the-shamed-the-personal-toll-of-shame-and-shaming-in-further-education/> and <https://fetl.org.uk/publications/fe-and-skills-and-shame-in-organisational-life/>

3 <https://www.tes.com/news/exclusive-dfe-review-why-hadlow-college-problems-went-too-long>

4 <https://www.tes.com/news/keegan-fe-white-paper-offer-vision-sector>

But what of colleges not in need of euthanasia, but in need of surgery? Improvement, after all, is at the heart of several regulators' core missions. "The purpose of the college oversight regime," states the Department for Education, is "to improve financial resilience and quality".⁵ The ESFA claims to "hold providers to account for their performance to ensure [that they] consistently raise standards."⁶ Ofsted puts it most succinctly of all: "Our goal is really simple: to be a force for improvement through our inspections."⁷ While the regulators are united in their desire to make things better, those working in the sector increasingly warn that, too often, the effect they have is precisely the opposite. This paper explores the impact of the regime, focusing on the three most prominent regulatory organisations: the Education and Skills Funding Agency (ESFA), the FE Commissioner and Ofsted. In particular, it looks at the experiences of those subjected to a Notice of Concern or Serious Breach from the ESFA, an FE Commissioner intervention or an inadequate grade from Ofsted.

It is important not to blame what happens to a college after intervention on the body which put it there. As incorporated institutions, colleges ultimately are masters of their own destiny. Ofsted is not to blame if a college finds itself on the wrong end of successive "inadequate" ratings; the FE Commissioner cannot be held accountable for the fate of a college which refuses to address weaknesses he has raised. What this paper seeks to do is explore how intervention and regulation serve to enable or inhibit an institution's improvement. It combines an analysis of government data with interviews with a number of principals and system leaders who have first-hand experience of working under the regulators. In recognition of concerns over the "shaming" culture expressed in recent reports, this report will identify no colleges or leaders by name. The aim is not to point the blame; rather to highlight the regulatory obstacles to a self-improving system.

5 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/832042/College_Oversight_document_Aug_19.pdf

6 <https://www.gov.uk/guidance/16-to-19-education-accountability>

7 <https://www.gov.uk/government/news/ofsteds-new-inspection-arrangements-to-focus-on-curriculum-behaviour-and-development>

REGULATION IN FURTHER EDUCATION

The Department for Education's website lists seven separate organisations which regulate the work of college corporations:⁸

CHARITY COMMISSION

This regulator provides advice and guidance on charity law. It gives authority for activities such as payments to college governors, and can use other regulatory powers at the request of the Secretary of State for Education, the Principal Regulator.

DEPARTMENT FOR EDUCATION

The Department "regulates, supports and challenges the FE sector to ensure high standards of governance, education and training", including through publishing provider performance data. The Secretary of State also has powers to remove or appoint college governors in prescribed circumstances, or direct the board to take action in cases of mismanagement or underperformance.

EDUCATION AND SKILLS FUNDING AGENCY

As an executive agency of the DfE and the primary funder of corporations, the ESFA sets financial reporting, audit and assurance requirements, ensures compliance with funding agreements, and intervenes over financial or quality concerns. It can withdraw funding or impose additional conditions.

EDUCATION AND TRAINING FOUNDATION

The government-funded workforce and professional development body supports FE governors, leaders and teachers.

8 <https://www.gov.uk/guidance/fe-governance/regulation-and-support>

FE COMMISSIONER

An independent adviser to ministers who leads interventions and early engagement with colleges facing challenges in finances or educational performance. The Commissioner has no formal powers to direct a corporation, but can recommend leadership changes or the use of the Secretary of State's intervention powers. Intervention summary reports are published.

OFFICE FOR STUDENTS

Colleges must register with the independent regulator for higher education in England in order to receive grant funding for higher education provision, or for their students to be eligible for tuition fee or maintenance loans.

OFSTED

A non-ministerial government department responsible for inspecting education and skills providers. It inspects and publicly reports on the quality of education and training in FE and sixth-form colleges, using a four-point grading scale ranging from "outstanding" to "inadequate".

Other regulators not listed include the Institute for Apprenticeships and Technical Education, Quality Assurance Agency for Higher Education, combined authorities (in areas with devolved skills powers) and awarding bodies. It is worth noting that, by and large, each set of processes was primarily designed with another type of provider in mind, whether it be schools (Ofsted and ESFA), universities (Office for Students, QAA), independent training providers (IfATE) or charities (Charity Commission).

The three organisations this report focuses on – the ESFA, FE Commissioner and Ofsted – work alongside one another, sharing data on providers, including information on planned assessments, interventions and inspections.⁹ Triggers for Commissioner interventions, for instance include an Ofsted "inadequate" grade and an "inadequate" financial health grade from the ESFA. However multiple interviewees spoke of the tension which existed between the three regulators, which at times appeared to college leaders to be more in competition than collaboration.

9 <https://www.tes.com/magazine/article/when-youve-run-out-money-its-too-late>

A patchwork regulatory system has evolved around colleges, which as a result have been left with the burdensome task of juggling with a number of different multiple sets of reporting processes. The burdens of accountability and regulation have become, as one senior leader described them, "inappropriate, overlapping and restrictive" or, in the words of Doel, "a mess":

Tensions include those between: national markets and combined authorities' desire for systems; national policy goals and what the market and consumer choice (students and employers) will deliver; the stated social inclusion mission and the role as provider of high-quality and high-status vocational education and training (VET); co-operation and competition at local levels; and the long-standing three-way tension between what employers want, what students choose, and government aspirations. FE continues to have the thankless task of mediating between these often conflicting imperatives.¹⁰

10 <https://fetl.org.uk/publications/rethinking-place-and-purpose-provocations-on-the-future-of-fe/>

THE EXPERIENCE OF COLLEGE LEADERS

OFSTED

The inspectorate inspects providers and publishes its findings; in this sense, it has the least power of the three regulators this paper focuses on. Yet it is the best known, largely because each inspection report is made public. Current Department for Education policy is that providers which are graded “inadequate” are removed from the Register of Apprenticeship Training Providers, effectively barring them from recruiting apprentices. In addition, an overall grade of “good” or better was the minimum published requirement for colleges to apply to open an Institute of Technology or to deliver the first three waves of T levels. But arguably the biggest hit resulting from an “inadequate” grade is that to a college’s reputation and subsequent levels of student recruitment.

The leaders interviewed all spoke about the dichotomy between the expertise and knowledge of inspectors – described as being “very professional and [trying] to do their best” and “really good, useful and helpful” – and the indirect impact of the inspection regime on providers, particularly those undergoing difficulties. One principal with a track record of taking over at struggling institutions raised concerns about the timing of inspections. In one case, a college was inspected less than two months before it was to be dissolved through a merger.

All it did was distract us from the main business of what we needed to do: get that college through a successful merger, recruit a healthy numbers of students and maintain staff morale and confidence. [Ofsted’s] attempts to justify it were vacuous: they tried to say learners needed to know what they were getting, but it was in such a state of transition that what they’re getting now could bear no resemblance that they will soon be getting.

Ofsted insists that documents requested by inspectors should be “not prepared specifically for the inspection”, and that “providers are not expected to prepare anything extra for

inspectors”.¹¹ However the leaders interviewed agreed that the severe consequences of a poor inspection meant that institutions often decided they could not take the risk of not devoting considerable time and resources to achieving as strong a grade as possible. As another college CEO who joined a college after a period of turbulence at the institution said:

For the first six months we were obsessively worried about Ofsted coming because there was some really bad data coming for last year and curriculum strategy for the college was pretty much non-existent. Apprenticeship outcomes were disastrous, because of all the mess we had to clear up. We were looking down the barrel of a grade 4. All of the good work that had been done - winning the hearts and minds of staff, boosting student numbers and winning confidence of employers and local authorities - would have been scuppered. Now, Ofsted will say [an inspection should be] business as usual, but this is rubbish. It’s never business as usual, even more so when you’re in intervention. What that does is creates a pressure that the organisation doesn’t need. You end up making decisions: do you do the right thing or the Ofsted thing? And you have to sometimes go with the Ofsted thing, which puts back your recovery.

FE COMMISSIONER

If a college’s quality or finances hit a trigger for intervention, it is subject to an intervention assessment, assessing its capacity to “deliver rapid and sustainable improvements where serious weaknesses and risk of failure have been identified”.

These may be followed up with stocktake visits to review the college’s progress.

Several respondents argued that the calibre of the Commissioner team, and the usefulness of guidance and advice, was variable: “The Commissioner has only been helpful to me. The problem is that some of [the Commissioner team members] are very good and some of them are not quite as good,” commented one interviewee. Another issue raised was in the lack of clear delineation between the remits of the commissioner and Ofsted. For instance, while curriculum is most closely associated with Ofsted inspections, particularly given the focus of the new Education Inspection Framework,¹² Commissioner intervention reports

11 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/873169/Further_education_and_skills_handbook_Mar2020.pdf

12 <https://www.gov.uk/government/news/ofsteds-new-inspection-arrangements-to-focus-on-curriculum-behaviour-and-development>

also feature a section on “curriculum and quality improvement”. Conversely, judgements on “leadership and management” in Ofsted reports can overlap with the content of those from the Commissioner.

The majority of respondents, however, agreed that, at their best, Commissioner interventions offered valuable access to experienced college leaders. While one principal felt the intervention was more “light touch” than they had anticipated, the majority agreed that the process was robust. One leader explained:

It's tough; it's meant to be. It keeps you on your toes; it's meant to. It is terrifying at first because [the Commissioner team] hold all the power. You've got to demonstrate more than green shoots. So the pressure at first was relentless. I think I might have let some things slip a bit if I hadn't known there was another stocktake visit coming up.

Most of the leaders interviewed noted concerns about the prevailing narratives in published FE Commissioner reports, which were perceived on being too narrowly focused on decisions made by the principal/CEO. As one put it: “The principal is often either the villain of the piece or the hero figure. In my experience I don't think either of those caricatures are correct.” This perceived tendency to focus on the role of leaders means reports can sometimes fail to acknowledge the precarious and high-risk nature of running a college, and can damage the reputation of the institution. As one experienced CEO said:

It's very easy to look at a decision from two or three years ago and say that it was obviously wrong. People can only make decisions with the information they have available at the time. For example, somebody may have made a decision to cut a section of the curriculum and actually it didn't make the savings it should have and it created a reduction in student numbers over the next two years, creating more financial issues. But they made that decision at the time with the information available and thought it was the right thing to do. If we don't let people learn from their mistakes, than we're never as a sector going to move on.

EDUCATION AND SKILLS FUNDING AGENCY

The ESFA intervenes when it has evidence of risk, or underperformance or noncompliance with funding requirements, “in proportion to the seriousness of the issues and the college's context and circumstances”. The level of discretion permitted perhaps goes some way to explaining respondents' polarised views of the Agency.

Within the ESFA sit two departments: the Provider Market Oversight (PMO) directorate, which provides financial analysis to minimise the risk of provider failure and becomes involved in high-risk cases, and the FE directorate territorial teams. Every provider has a lead contact in the latter who, in the case of an intervention trigger being met, takes a case management role, acting as the primary contact point and relationship manager for the college, coordinating engagement with other teams and external stakeholders. These officials were often regarded as helpful and supportive, but as having little influence in the corridors of power.

Another leader said that while ESFA intervention involved “having your homework marked all the time” through regular case conferences, it was “more of an asset than a liability”, adding: “My college is an eight-figure sum in debt to the government. As a tax-payer I'm quite pleased they want to keep an eye on what's happening to their money. They have opened doors for us. They told us it straight if they weren't sure about what we were doing, and listened to our responses.”

While some respondents spoke of ESFA officials going the extra mile and even “bending the rules” to help institutions in difficulty or going through mergers, others expressed frustration at the inflexible, “computer says no” approach they had come up against, which they perceived to be focused on “ticking boxes” and excessively cautious. “The ESFA create rules that don't work on the ground, or create more work or more bureaucracy, for no particular reason,” claimed one principal, who continued:

The financial forecasts that they decided to make colleges do in January, which then slipped to February, is a perfect example. They did this because they wanted to have earlier notice of colleges that might have a cashflow issue. Because they didn't come out and ask colleges first, they made us fill in a complicated forecast model that needed as its baseline to have the budget for 2021 before we knew what any of the allocations were. The penalty of getting that forecast wrong was high because it could

have brought down intervention measures on to you. What it did in our organisation was created a high amount of work for the finance department. So instead of monitoring the budget in year and having the budget meetings for next year to plan that carefully, they didn't do any of that work, because all they did was the forecast.

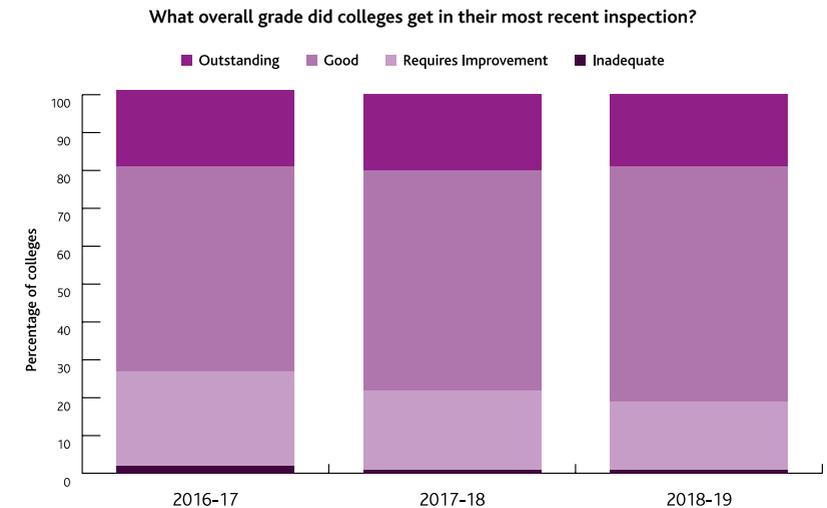
Another leader described monthly meetings for colleges in intervention as doing “absolutely nothing to help the college to improve”, adding: “When you’re in a college in intervention, your workload grows exponentially because you’re having to jump through all sorts of hoops which in themselves do nothing to recover the college. They are just a distraction to demonstrate you’re making progress. They bog you down at a time when you’re already busy enough.”

THE STORY BEHIND THE DATA

What happens after intervention is, of course, down to a range of factors, most importantly how the college corporation responds. However, given that the goal of raising standards and facilitating improvement is at the heart of the regulators’ missions, it is useful to scrutinise what happens in the months and years following an intervention.

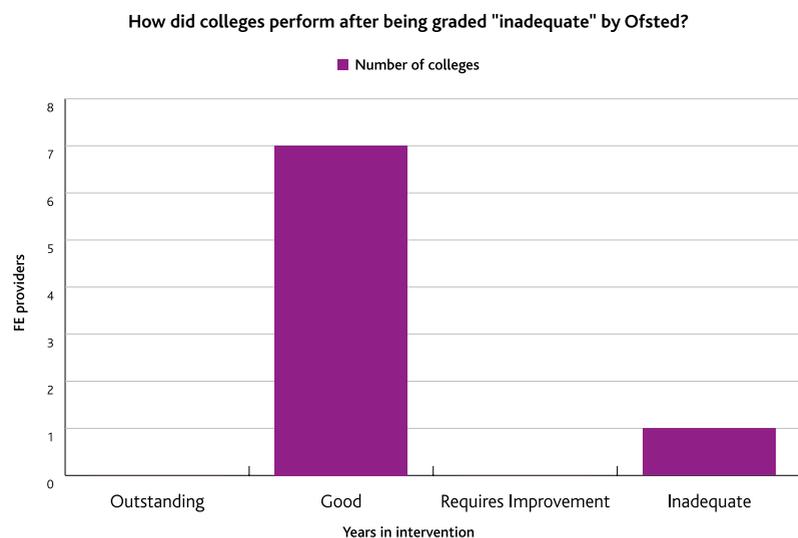
OFSTED¹³

The number of colleges graded “inadequate” for overall effectiveness has remained low in recent years. According to the three latest Ofsted annual reports, the proportion of colleges receiving this judgement in their most recent report has dropped from 2 per cent to 1 per cent. In the same period, the proportion of colleges receiving “requires improvement” has declined more steeply, from 25 per cent in 2016-17 to 18 per cent in 2018-19.



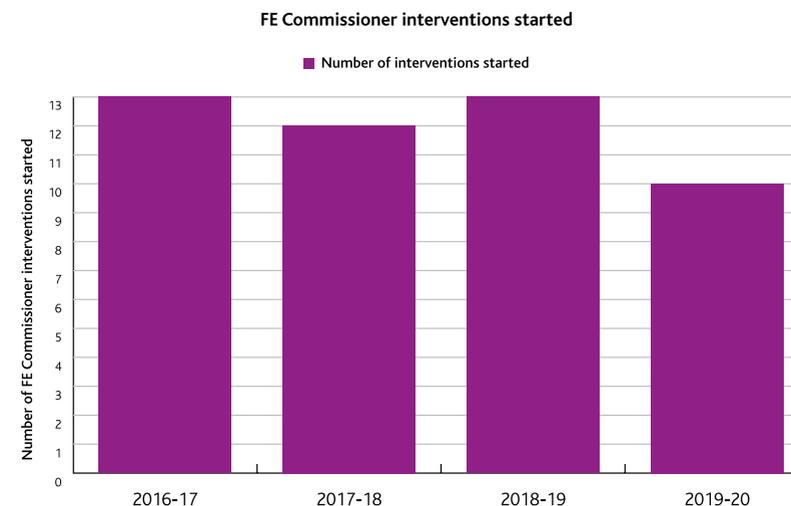
¹³ Data as at 29 February 2020. Source: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/895122/Further_education_and_skills_-_inspection_data_as_at_29_February_2020.csv

Thankfully for the FE sector, this means that the number of colleges with a grade 4 is low. Accordingly, the sample size should be treated with caution. However, it is encouraging that of the eight colleges which have been reinspected after receiving an “inadequate” for overall effectiveness, seven improved. Just one received the same grade again, while the others all improved by two grades to receive “good”.



Of these, one college was reinspected within a year, while the other seven all had the opportunity to improve their grade within two years of receiving a grade 4. In addition, there are three colleges which received a grade 4 in their most recent inspection within the last year, and which are awaiting reinspection.

It is important to note that the impact of the individual regulators cannot be looked at in isolation. One college I looked at was an ostensible success story, having moved from “inadequate” to “good” in the space of 17 months. Yet 15 months later it was placed into FE Commissioner intervention; this remains in place, and the college is still under an ESFA financial health notice to improve.



FE Commissioner¹⁴

Since Richard Atkins was appointed FE Commissioner following the retirement of his predecessor, Sir David Collins, in November 2016, 48¹⁵ providers have been placed in intervention, of which 44 were colleges and four were local authorities.

Of these, 27 interventions were still ongoing at the time of writing. Of 21 ‘successful’ outcomes, 11 interventions had been closed as a result of the Department for Education being satisfied with the progress made by the institution, with 10 interventions ending as a result of merger.

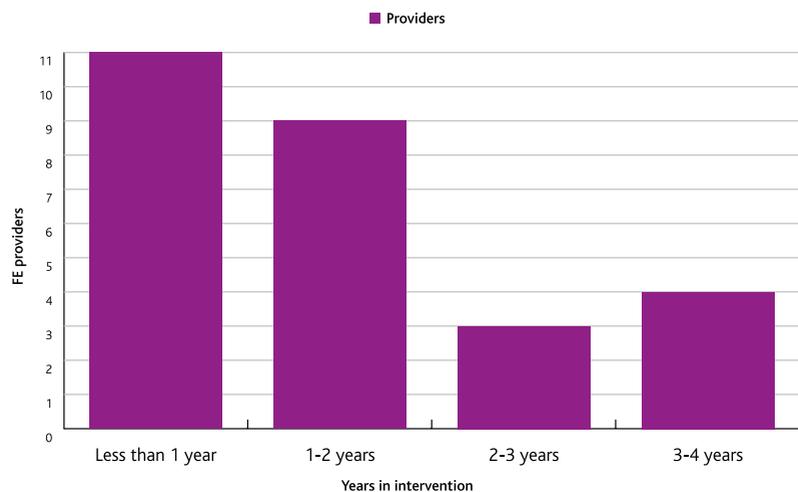
The average duration of an intervention is 16 months. However there is considerable variation: 11 of the providers currently under Commissioner intervention have been so for less than a year. At the other end of the spectrum, 26 per cent of providers in intervention have been so for two years or more, with four of them having been in this category for over three years. The college which has endured the longest period of intervention has been in this category since November 2016 – 43 months at the time of writing.

¹⁴ Data covers period beginning 1 November 2016, and was correct as at 24 June 2020. Source: Data released to author by Department for Education under Freedom of Information Act. As the data included only the month of interventions starting or closing, I listed each date as the 1st of the month.

¹⁵ The data for 2016-17 and 2019-20 does not include the full academic year.

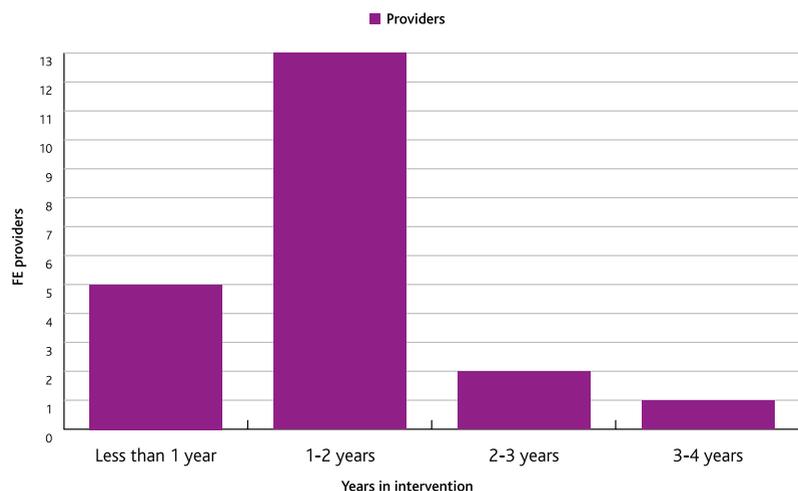
Of the 21 closed interventions, five cases were resolved within a year, with 13 closed within two years. Only three lasted longer than this; the longest intervention commenced in February 2017 and was eventually closed in February 2020.

How long have providers been in FE Commissioner intervention so far?



These findings suggest that some colleges' issues are resolved relatively quickly upon being placed under FE Commissioner intervention, it is by no means a silver bullet. In the period looked at, five providers have remained in the glare of Commissioner intervention for more than three years; in four of these, the intervention has still not been closed.

How long did it take FE Commissioner interventions to be closed?



ESFA

Compared to Ofsted and the FE Commissioner, there is less transparency around data on ESFA interventions. For notices of concern or serious breaches issued prior to 1 August 2017, only the start dates of those still in force are listed on the Department for Education website.¹⁶ However all interventions instigated from August 2017 onwards are listed on the website¹⁷, which includes the start date of intervention, along with updates on those which have been closed. At the time of writing, the Department had not supplied additional information requested by the author under the Freedom of Information Act.

What the partial data in the public domain does reveal is when live interventions (at the time of publication) were opened. Of the 10 notices of concern over financial health issued prior to August 2017, one was opened in June 2012 – more than eight years ago. Another was opened in 2013, with three more being instigated the following year. These interventions have been in place far longer than those instigated by the FE Commissioner. Without more robust data, however, it is not possible to identify any further trends.

16 <https://www.gov.uk/government/publications/esfa-current-notices-of-concern>

17 <https://www.gov.uk/government/collections/colleges-and-higher-education-institutions-notices-to-improve>

REFLECTIONS

A recurring theme in conversations with college leaders I interviewed while researching this report was the wide variation in their experiences with the regulators. To some, Ofsted is seen as a supportive force for improvement; to others, a distraction from the core businesses of rescuing a college. FE Commissioner intervention was described variously as “terrifying” and “light touch”, while the ESFA was perceived as being “inflexible” to the detriment of colleges, while also being viewed as having “erred on the side of generosity” in its acquiescent dealings with providers.

What interviewees agreed on was that their experience of regulation was dependent on the inspectors, advisers or officials assigned to them. This human experience at a micro level appears to be mirrored by the trends at a macro level, as drawn out of the analysis of data on institutions in intervention. There is no typical journey out of ‘inadequate’ or clear path out of FE Commissioner intervention. Take the latter: while five colleges left formal intervention within a year, one has remained in it since the end of 2016.

This regulatory inconsistency is by no means surprising. The direction of policy travel since 2010 has been away from regulation and state control towards deregulation and autonomy. The government’s powers to intervene in mismanaged and underperforming colleges were clipped by the Education Act 2011, meaning that governing bodies remain independent and in control of managing their own affairs – to such an extent that colleges were in 2012 taken out of the public sector by the Office for National Statistics. The government has limited powers to directly intervene, which has resulted in the evolution of a patchwork regulatory and intervention framework to mitigate against this, culminating in the insolvency regime created by the 2017 Act.

Efforts have been made to draw these different regulatory strands together into a single coherent framework for oversight and intervention¹⁸. Yet just as too many cooks spoil the broth, the proliferation of regulatory bodies inevitably increases the risk of a lack of clarity over areas of responsibility. At worst, a lack of communication and coordination between agencies can inadvertently conspire to create overlapping or contradictory audit requirements, dragging resources and time away from frontline education.

One principal’s account offers an illustrative example:

We were weeks away from merger, and unexpectedly we underwent an Ofsted inspection which we were unprepared for. I’d lost my deputy at the start of that term, so I didn’t have a nominee. We got an overall grade of “requires improvement”. At the end of that week, it came to my attention that the manager who was in charge of putting in the application for the [Register of Apprenticeship Training Providers, an ESFA requirement in order to deliver apprenticeships] hadn’t filled the form in properly. We’d had Ofsted in that week and all of a sudden on the Friday I was writing this bloody application for the 5pm deadline. We missed the deadline by 37 seconds. I spent the next four months being told the college would therefore lose its ability to recruit apprentices. Our finances had been fine until that point, but things were so tight that I couldn’t really afford that loss of income. That 37 seconds could have meant my college financially failing.

Better communication and cooperation between regulatory bodies could have prevented this scenario. As it turns out, the college was given “exceptional” discretion to apply to the apprenticeship register outside the application window; disaster was, in the end, averted. But it could very easily not have been. Especially as the country responds to the economic crisis resulting from the Covid-19 pandemic, further education is too important for the fortunes of institutions educating thousands of young people and adults to be left down to luck.

OPPORTUNITY

The proposed White Paper for further education offers an opportunity to rethink what we want colleges to be, and how they are supported and held to account. An opportunity to establish clearer boundaries between, and relationships between, regulators, with support in place to enable colleges to address weaknesses in a timely fashion – and to enable decisive regulatory action if this does not happen. An opportunity to build a regulatory system with colleges at its centre, not one which has been contorted by squeezing them into the remits of bodies whose primary focus is elsewhere. If the further education sector is to finally reside within a framework of regulation set up to genuinely enable systemic improvement, this is an opportunity that cannot be missed.

¹⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/832042/College_Oversight_document_Aug_19.pdf

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