

Professionalism in Further Education

Interim Report
of the Independent Review Panel

Established by the Minister of
State for Further Education, Skills and Lifelong Learning

March 2012.

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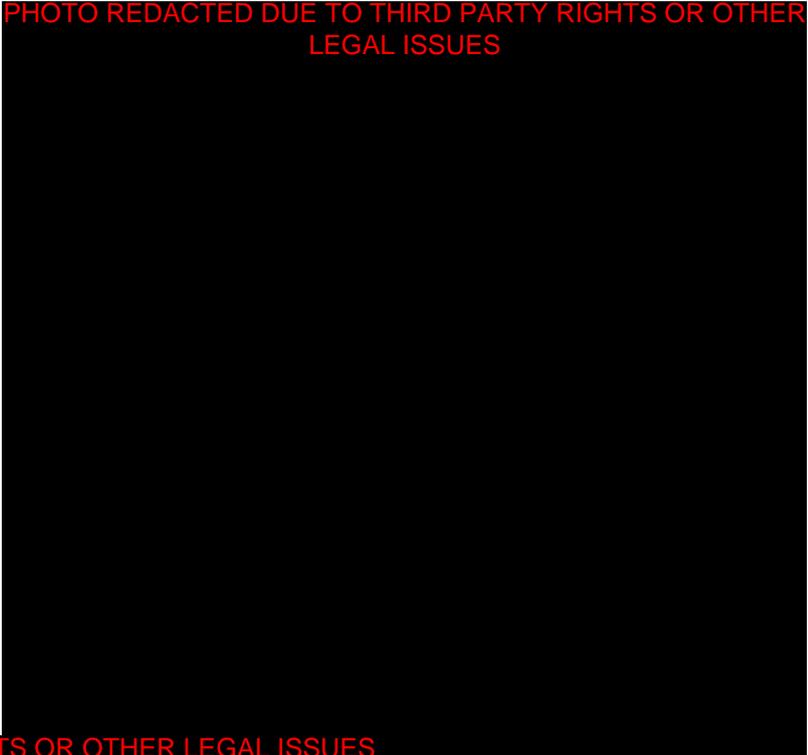


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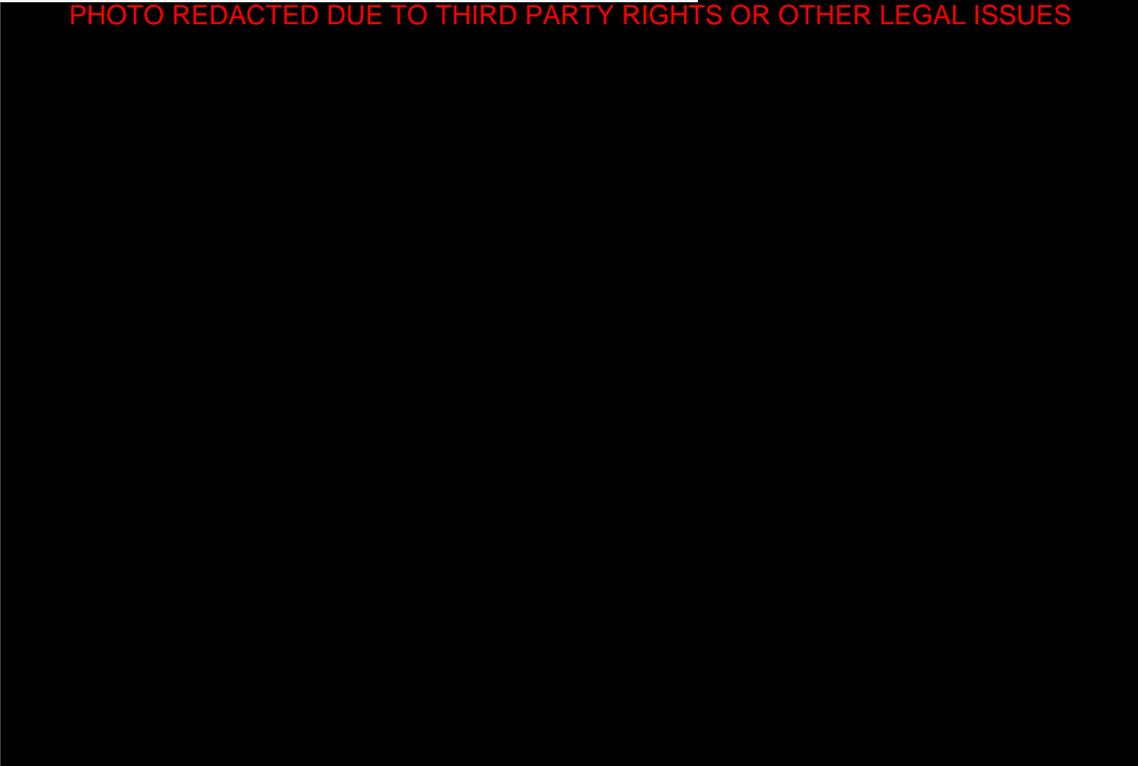


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Introduction by the Chairman

Over the past decade, government has attempted to impose by statute a form of professionalism on the further education sector through the development of national occupational standards for teaching staff. As successive reports by Ofsted and academic research have shown, this endeavour has failed to achieve consistency in the diverse provision for acquiring vocational knowledge and skills. In comparison with arrangements in both schools and higher education, the initial training of lecturers and their continuous professional updating in further education are too often reported by those involved to be both haphazard and onerous.

The present administration is seeking a decisive change of course. Many state agencies have been abolished, including a number which were seen as instrumental in 'professionalising' further education. The new policy requires the rolling back of central controls and regulation, in favour of local decision-making and individual responsibility. The present economic crisis dictates that expenditure should be cut wherever there is evidence that it does not offer good value for money.

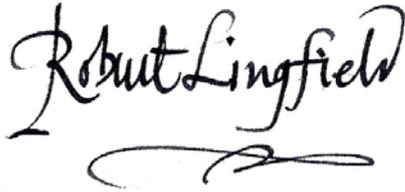
This Review will endeavour to offer comprehensive recommendations to government which will not only reflect circumstances which are very different from those of a decade ago, but which also pay greater attention to the particular virtues of further education, its unique place in our national life, and a conception of professionalism which suits a body of staff who often enter teaching following a successful career in business, a trade or another profession.

With the agreement of the Minister of State, we shall divide our work into two phases. In the first, covered by this Interim Report, we have sought to deal with matters which must be resolved quickly in order that funding and contracts for 2012-2013 can be settled in good time. We want to end uncertainties for staff in the sector and also in the Institute for Learning, particularly so that recent tensions can be laid to rest, allowing employers, employees' representatives and a professional body to rebuild productive relations. The second phase, on which we shall report this summer, will combine both the kind of evidence sessions, which have helped us thus far, with a research and development process involving as many participants in this complex matter as possible. Our intention will be to outline and encourage new directions which will be free of unnecessary compulsion (and the perverse outcomes so often associated with it), and to bring some fresh thinking to issues which, evidence suggests, have become confused.

We have heard in our sessions differences of view which are strongly held and so we are under no illusion that the changes set out in this Report will please everybody; it is impossible to do so, given the intensity of disagreement. We trust that all those who have advised us, or sent submissions to us so far, will accept that their views have been listened to carefully and, wherever possible,

have influenced our decisions. We are appreciative of their care in setting out their position and their candour in discussing them with us.

I am particularly grateful to my colleagues on the Review Panel who have given so much of their time to prepare our Recommendations and I look forward to working with them and many others in the sector to try to outline a new concept of professionalism in Further Education in our final Report.

A handwritten signature in black ink, reading "Robert Lingfield". The signature is written in a cursive style with a large, sweeping flourish at the end.

The Lord Lingfield Kt, DL

Summary

- 1 The Review Panel has studied a great deal of documentation and has interviewed representatives of organisations which have an interest in these important issues. Our work has been divided into two parts:
 - An interim report and recommendations which aim to resolve the tensions between the Institute for Learning (IfL) and the main employer and employee representative bodies; to clarify the future position of the IfL; and to specify what needs to be done by the Department for Business, Innovation and Skills (BIS) in relation to the 2007 Regulations.¹
 - A final report by July 2012 which will consider professionalism more widely, recommending future arrangements in the round so that anomalies may be avoided and that employers, employees, government and a professional body might each take an appropriate and fair part of the responsibility for supporting the professionalism of Further Education (FE) staff.
- 2 We conclude that leaving matters as they are is not a practicable option:
 - With the benefit of nearly five years of State funding and regulatory backing, the IfL has not won the confidence of those organisations which should be its partners. Regulatory compulsion increased the IfL's membership from 4,000 to over 200,000 before it fell back to around 85,000 this year. However, regulation has also distorted the pattern of in-service teaching qualifications and has been at the root of much of the alienation of staff and employers.
 - Having given fair warning since November 2009, the government is withdrawing State funding from the IfL.
 - The dominant trend of government policy is towards de-regulation, exemplified in the abolition of the parallel body to the IfL in schools, the General Teaching Council (GTC). The 2007 Regulations are now deficient in a number of respects: they must at least be amended in the light of the anomalous position of staff teaching exclusively on higher education courses in further education institutions (FEIs), the position of sixth-form colleges where staff are now subject to both FE and school regulations, and the failure of the 'associate teacher' role and the CTLLS qualification to gain widespread understanding and support.
 - The wide range of infrastructure organisations which existed when the 2007 Regulations were conceived and implemented has largely been abolished, leaving regulatory enforcement problematical: these

¹ *The Further Education Teachers' Continuing Professional Development and Registration, England, Regulations, No. 2116 and The Further Education Teachers' Qualifications, England, Regulations, No. 2264*

include the Learning and Skills Council (LSC), the Qualifications and Curriculum Authority (QCA), Lifelong Learning UK (LLUK) and its subsidiary SVUK which approved qualifications, the DfES Standards Unit and its regional structure, Centres of Vocational Excellence (CoVES), and Centres of Excellence in Teacher Training (CETTs).

- The in-service teaching qualifications are over-complicated; attempt a distinction between awards for a 'full teaching role' and an 'associate teaching role' which is meaningless when viewed from the standpoint of learners (who deserve equally good teaching whatever the employment status of the lecturer); include a stage between achievement of a diploma and conferment as a 'qualified teacher' for which we can see no compelling reason; and in daily speech are inappropriately named (Petals, Kettles etc).
- Only a small number of lecturers have become 'fully qualified' under the current arrangements: between 2,900 (GHK, August 2011) and some 6,000 (IfL submission, 2012). Whilst this number may rise as the five-year watershed approaches, some 85 per cent of FE lecturers have not embarked on the final supervised practice phase, following the diploma. We do not believe that so slight a result after such a long delay makes this qualification credible as a licence to practise which, properly speaking, should be earned before starting work, as it would be in other professions.

3 We therefore recommend the following changes:

- Revocation of the 2007 Regulations from 1 September 2012, with largely discretionary advice to employers on appropriate qualifications for staff and continuous professional development replacing compulsion.
- Confirmation of an end during 2012-13 to State grant funding to the IfL, with support for professionalism among FE staff to be provided from September 2012 by the Learning and Skills Improvement Service (LSIS), which already carries out many of the necessary functions. The last increment of transitional funding for the IfL should be used to refund part of the second year of fees paid by FE staff and, if the IfL board so decides, to reorganise the business in accordance with a plan approved by the government.
- Reconsideration of the in-service teaching qualifications to simplify and re-name them; place them squarely within the normal system of national awards regulated mainly by Ofqual (offered by awarding bodies and universities, with a substantial provider contribution) without the need for post-qualification conferment; and to include a response to the increase of higher education awarding powers to FEIs, the new arrangements for funding skills courses through large employers, and the equivalence of similar awards gained overseas. This review should be led by LSIS and we advise that it should take account of the following needs:

- a preparatory award in further education to guide the induction procedure for new staff, completed within a recommended time after appointment and contributing to the normal probationary period;
 - a 'Certificate in Further Education' at Level 5 for those staff who wish to attain it; and
 - a 'Diploma in Further Education' at Level 7 to help form the capabilities of those who aspire to the highest professional levels.
- Transfer to an appropriate government body at the earliest possible opportunity of powers to keep a register of staff who have been found guilty of gross misconduct by the authorities, so that they may be excluded from future employment in the FE sector.

4 In the second phase of our work we propose to review a number of complex issues. These include the following:

- A change in the nature of the debate from 'professionalisation' of FE to supporting and enhancing the professionalism which we consider already exists, in the context of the government's intention to increase the autonomy of providers and considering whether services which encourage a broad commitment to FE as a whole and to the body of knowledge and the values it represents might be strengthened.
- Any additional guidance which should be given to Ofsted so that the potential of its new inspection framework to check that employers ensure that their staff are properly qualified and their skills are kept up-to-date is fulfilled, and that Ofsted monitors reliably the qualifications of FE lecturers (in both teaching and their professional area) and establishes any direct link between teaching qualification and teaching observation grades.
- Any special arrangements that may need to be made in respect of staff teaching basic literacy and numeracy, or working with students with disabilities or learning difficulties.
- Consideration whether approaches to initial teacher training and continuing professional development might be more carefully compared across schools, FE and HE, so that lessons might be learnt from the successful features of each one.

5 In all these matters we emphasize our core belief that staff training, professional updating, competency and behaviour are essentially matters between employer and employee. There are sufficient statutory arrangements in place through, for example, employment legislation and the requirements for staff performance management and learner safeguarding set out in Ofsted's *Common Inspection Framework*, to ensure at least a threshold level of professional competence. Above that, providers should have the freedom to stand or fall according to the service they offer to learners and the public accreditation they earn for

the high quality of that service from Ofsted and others (e.g. IIP, EFQM, ISO etc). The example of the Higher Education Academy shows clearly that a shift from the intention to compel lecturers to achieve teacher-training qualifications, towards one where they and their employers are persuaded that this is in all their best interests in order to enhance standards, is much more effective than regulation.

1 Terms of Reference of the Review

1.1 Overall objective

To review the current arrangements to regulate and facilitate the professionalism of the Further Education and Skills workforce, and make recommendations as appropriate for how these should be changed or improved, taking account of the broader context of the government's strategy in *Skills for Sustainable Growth* and its belief that building the status of the workforce is central to growing and promoting the reputation of the sector.

The independent review is not partisan and will be carried out on the basis that there will be no public lobbying by any parties.

1.2 Key tasks

- Review progress made with professionalising the FE and Skills workforce following the introduction of the reforms stemming from *Equipping Our Teachers for the Future*;
- Investigate if lessons can be learnt from the way professional status is facilitated and regulated in other sectors;
- Examine the appropriateness and effectiveness of the current regulations;
- Examine the role, functions, benefits for members and governance of the Institute for Learning as the sector's professional membership body, its regulatory functions and how effectively it is facilitating the achievement of a professionalised workforce, and, where relevant, the contribution of the other partner bodies;
- Consider what is the fairest, most efficient and appropriate way of meeting the costs of facilitating a professionalised FE and Skills workforce;
- Make recommendations for any changes and improvements required to enable continued progress in raising the professional standards and status of the FE and Skills workforce, to support continuing professional development, and to engage and give confidence to all key stakeholders.

1.3 In understanding these tasks, the review would be expected to take account of:

- Views and evidence invited from practitioners and other key stakeholders in the FE and Skills sector on the current arrangements, and what 'professionalism' means to them;

- Advice and research evidence from those with expertise in professionalism and the functioning of the professional membership bodies in other sectors;
- Related reviews of the funding of initial teacher training and teaching qualifications as these may bear upon the professional standing of the FE teaching workforce;
- Changes in the institutional landscape that have taken place following the de-licensing of LLUK as a sector skills council, and the contribution of the Learning and Skills Improvement Service;
- Changes affecting how the professionalism of the school workforce is regulated and facilitated.

2 Background

- 2.1 Until the late 1990s, teacher training for lecturing staff in the further education sector (FE) was largely unregulated by government. A voluntarist environment had led to a position in which, whilst FE staff were often qualified in professions or occupations as diverse as the sector itself, only around 40 per cent of them had taken a formal course of teacher training.² This position was similar to that often characterised as typical of some universities in which a capability in teaching is seen as something to be picked up informally through subject expertise and experience, with the support of colleagues.³
- 2.2 As FE came to be seen as more central to the nation's economic and social wellbeing, government intervention grew. In 1999, two years into the life of the Labour government, employer-led occupational standards for FE lecturers were introduced by the national training organisation, FENTO. In 2001, regulations were made to compel all FE lecturers to gain a nationally-recognised teaching qualification.
- 2.3 The new regime had had little time to settle when Ofsted produced what has been recognised ever since as a seminal report, *The Initial Training of Further Education Teachers*, in November 2003 (HMI 1762). Inspectors visited eight higher education institutions (HEIs) and 23 FE colleges to evaluate initial teacher training. They did not inspect arrangements in other significant parts of the FE sector, for example work-based learning (WBL) or adult community learning (ACL). The report was highly critical, concluding that 'the FENTO standards provide a useful outline of the capabilities required of experienced FE teachers, (but) they do not clearly define the standards required of new teachers'; 'the current system of FE teacher training does not provide a satisfactory foundation of professional development for FE teachers at the start of their careers'; 'the needs of this diverse group of trainees are not adequately assessed at the start of the courses'; and 'few opportunities are provided for trainees to learn how to teach their specialist subjects'. The lack of mentoring in the workplace was noted by Ofsted, and is of special significance among qualifications which are usually studied in-service following what may be an extended period of teaching experience. The notion of studying to be a 'qualified teacher' in such circumstances might in retrospect be thought odd.

² Lucas N, *Teaching in further education: new perspectives for a changing context* (Institute for Education, London, 2004) quoted in Lucas, Nasta and Rogers, *From fragmentation to chaos? The regulation of initial teacher training in further education* (British Educational Research Journal, Routledge, London, 2011)

³ Lucas N, *State regulation and the professionalisation of further education teachers; a comparison with schools and HE*. Journal of Vocational Education and Training, Routledge, London, 2010.

2.4 In 2004, the Standards Unit of the Department for Education and Skills (DfES, Ref. ITT Reform 1) produced policy proposals responding to Ofsted's findings, *Equipping our Teachers for the Future: Reforming Initial Teacher Training for the Learning and Skills Sector*. This proposed the following:

- 'Introducing a new programme for trainee teachers, leading to a new QTLS award – Qualified Teacher Learning and Skills;
- Investing in providers and partnerships that demonstrated high standards of support for trainee teachers in the workplace;
- Setting new standards for teachers across the learning and skills sector;
- Setting in place more effective quality assurance mechanisms;
- Introducing simple and effective planning and monitoring arrangements through Lifelong Learning UK (LLUK), the sector skills council (then) in development;
- Developing the skills of teacher trainers, within a professional framework set by LLUK;
- Amending current regulations for teachers' qualifications in further education;
- Piloting aspects of the reform – in particular approaches to mentoring to help teachers develop teaching skills in their own specialist or subject area;
- Introducing new funding in April 2007, with development funding in 2005-2006 and 2006-2007;
- Introducing the reforms as a whole package from September 2007, with a programme of development and preparation between 2005 and 2007;
- Recognising that a teacher's training is not complete when initial training ends, through all teachers committing to lifelong professional development, so that their skills might always be up-to-date as the needs of learners change'.

2.5 Moving towards implementation of these plans, FENTO was abolished in 2005, to be replaced by one of the new sector skills councils, LLUK and its subsidiary organisation Standards Verification UK (SVUK), which approved qualifications for FE. LLUK supplemented occupational standards with core units of assessment within a credit framework. This highly prescriptive arrangement was intended to allow trainee lecturers to move between FE employers without disrupting their initial teacher training. In addition to LLUK and SVUK, *Equipping our Teachers for the Future* envisaged that the system of support for FE teacher training would comprise Centres of Excellence in Teacher Training (CETTs), the Learning and Skills Council (LSC), Centres of Vocational Excellence (CoVEs), the Qualifications and Curriculum Authority (QCA), The DfES Standards Unit Regional Network and the IfL.

2.6 Following two further reports by DfES in 2006, *Further Education : Raising Skills, Improving Life Chances, and Professionalisation of the Learning and Skills Sector*, setting out a further requirement for at least 30 hours of continuing professional development (CPD), the re-constituted Department for Innovation, Universities and Skills (DIUS) produced regulations to enforce the new arrangements in 2007 (*The Further Education Teachers' Continuing Professional Development and Registration, England, Regulations, No. 2116* and *The Further Education Teachers' Qualifications, England, Regulations, No. 2264*). These regulations required that FE lecturers should comply with the following:

- Annual registration with the IfL;
- Achievement of teaching qualifications comprising an initial award (PTLLS), 'fully-qualified' status consisting of Qualified Teacher Learning and Skills (QTLS) or Associate Teacher Learning and Skills (ATLS) based on a Diploma (DTLLS) or a Certificate (CTLLS), plus a period of reflective practice, termed 'professional formation', monitored by the IfL;
- An annual requirement for at least 30 hours of CPD (or between six and 30 hours for part-time staff, according to the extent of their teaching contract) which FE lecturers should report to the IfL in order to maintain their 'qualified' status: in effect an annually-renewable licence to practise.

These regulations applied to colleges under statute and to other providers in the FE sector under contract with the public funding bodies. They affected FE lecturers who joined the sector after 1 September 2001, requiring them to be 'fully qualified' within five years of 1 September 2007; that is by September 2012 or five years after the date of joining for those who entered the service after 2007.

2.7 The distinction between a 'full teaching role', to which DTLLS and QTLS would apply, and an 'associate teaching role' to which CTLLS and ATLS would apply, has proved confusing and sometimes controversial in practice. A 'full teaching role' was defined as follows in the 2007 Regulations:

'A teaching role that carries the full range of teaching responsibilities (whether on a full-time, part-time, fractional, fixed term, temporary or agency basis) and requires the teacher to demonstrate an extensive range of knowledge, understanding and application of curriculum development, curriculum innovation or curriculum delivery strategies'.

An 'associate teaching role' was defined as follows:

'A teaching role that carries significantly less than the full range of teaching responsibilities ordinarily carried out in a full teaching role (whether on a full-time, part-time, fractional, fixed term, temporary or agency basis) and does not require the teacher to demonstrate an extensive range of knowledge, understanding and the application of curriculum development, curriculum innovation or curriculum delivery strategies.'

- 2.8 Other anomalies in the structure of standards and qualifications arose from the fact that whilst LLUK was a UK-wide body, its standards were not uniformly applied across the four nations and the 2007 Regulations establishing mandatory qualifications and CPD applied only to England.
- 2.9 At the heart of the system is the IfL. The Institute was established in January 2002 as a voluntary membership body, promoting and supporting professionalism among FE lecturers. It is a company limited by guarantee. As a voluntary body it attained a membership of some 4,000 lecturers (source: IfL) by 2006. This should be compared with a sector estimated in 2009-2010 as comprising over 2,000 employers and 188,000 members of the teaching workforce.⁴ When registration with the IfL became mandatory under the 2007 Regulations, the number of those associated with the professional body rose to over 200,000 (including a number of teaching support staff), before falling back in stages to around 85,000 in 2011-2012 (source: IfL). The highest figures of IfL registration were achieved through government paying the whole of the registration fee.
- 2.10 Specific tasks assigned to the IfL by the DfES Standards Unit (2004) were as follows:
- ‘Designing the professional development record;
 - Registering those who enrol on the passport to teaching (PTLLS), and those who complete it as holding a threshold licence to practise;
 - Registering those who enrol on the full course and, on behalf of the Secretary of State for Education and Skills, awarding QTLS as the full licence to practise to teachers who complete the full qualification;
 - Continuing to register those who complete appropriate CPD;
 - Modelling good practice for teacher trainers across the sector; and
 - Liaising with the GTC and the Higher Education Academy to encourage coherence in development across the teaching professions a whole’.

In addition, the IfL publishes a professional journal, has published a Code of Professional Practice and excludes those who have committed gross breaches of the Code from further employment in FE. In this respect, it is a statutory regulator as well as a private membership body.

- 2.11 In November 2009 (*Skills for Growth, MC 7641*), the previous government announced its intention of phasing out funding for the IfL. The government’s decision was confirmed subsequently in both a policy document published by the new coalition government (*Skills for Sustainable Growth*, November 2010) and the IfL’s annual grant letters. The grant has generally amounted to approximately £5-6 million a year. In February 2011, the Institute made clear its intention to charge a

⁴ *Further Education Workforce Data 2009-2010* quoted in GHK Consulting, unpublished survey for the Department of Business, Innovation and Skills, 2011.

registration fee to individual members of £68 for an initial eighteen-month period, which was later extended to a two-year term with an annual rate of £38. This brought to a head underlying concerns expressed variously by employers' and employees' representative bodies, and by many individual lecturers, about the value added by the IfL; the juxtaposition of compulsion for FE lecturers to register with the Institute and the obligation to pay a fee, without which they would be disbarred from employment; and the fact that the duty to be 'qualified' and regularly updated to teach effectively lay with employees rather than being shared with their employers. Discontent found a focus in a boycott of IfL registration among many of the 40,000 or so FE members of the University and College Union (UCU) and the threat of legal action. By August 2011, only some 2,900 lecturing staff had achieved 'fully qualified' status (source GHK), for which the IfL was the conferring body; a figure that had risen to 6,000 by February 2012 (source IfL). In more normal circumstances, this figure might have been expected to rise as the five-year deadline grew nearer but, as matters stand, it appears to represent only a modest return on the efforts expended by all concerned. According to research conducted for the government by GHK Consulting, only about 15 per cent of lecturers have attained 'fully qualified' status or have committed themselves to the programme of post-qualification study and supervised practice required to achieve it. QTLS/ATLS has not become a universal full licence to practise and a driver of teaching excellence.

- 2.12 This disappointing outcome appears to be compounded by the findings of researchers and of Ofsted, to the effect that decade-long reforms have had very little impact on the same faults in delivering teacher training in FE that were identified by the inspectorate in 2003. Initial teacher training programmes appear to be largely generic and theoretical, rather than being related to the professional and occupational expertise of college lecturers; mentoring continues to be weak; the system of qualifications and credits is very inconsistent among teacher training providers; and the commitment of FE employers to support their staff to attain excellence in pedagogy appears distinctly uneven. It is at least arguable that most of the national effort has been made in the wrong place: towards standards, regulations and compulsion, rather than towards fostering a deep and shared commitment to real 'bottom up' professionalism among FE employers and staff.

3 The Case for Change

3.1 Withdrawal of government funding for the IfL

3.1.1 Phasing out government funding for the IfL was announced by the Labour government in November 2009. In *Skills for Growth* (p.63 para. 12a) it was made clear that the Institute should become self-financing. The coalition government confirmed its continuation of the same policy in *Skills for Sustainable Growth* (November 2010). The expectation was reinforced in the government grant letters to the IfL for successive years on 1 April 2010, 10 March 2011 and 30 November 2011. Funding which was intended to taper down to assist an orderly transition was set at £6 million for 2010-2011, approximately £3.5 million for 2011-2012 and £1 million for 2012-2013. This long-matured policy direction will not change.

3.1.2 The main response by the IfL to an end to government funding has been to seek to pass its costs on to FE staff, who are compelled to register with it. Many have refused to do so. All the staff unions which gave evidence to the panel were in active or tacit support of their position. The IfL has made no other substantial changes, for example in the services it offers, which might have convinced lecturers that their subscription represented good value for money. The wider FE community understands that IfL's preferred outcome to the review would be a return to some form of government funding and enforcement of the 2007 Regulations. It is regrettable that this stance by the IfL appears to have alienated employee and employer representative bodies alike. In any case to enforce fully the regulations would have the effect of forcing employers to dismiss teaching staff whom they both need and regard highly, a position which, clearly, no party would wish to see.

3.2 Deficiencies in the 2007 Regulations

3.2.1 The Regulatory Impact Assessment made prior to enactment of the 2007 Regulations contained the following assertion: 'How QTLS is regarded in the sector would (unless enforced by regulation) be determined by who chooses to participate and on providers' decisions on who to employ. This would undermine confidence in the quality of post-16 teaching'. The panel is unaware of any empirical evidence to support this statement. In the light of the voluntarist approach to in-service teacher training in well-regarded universities, it appears to be mistaken. It is certainly contrary to the de-regulatory policies of the present government, which are based on a conviction that the achievement of excellence is inextricably connected with local autonomy.

3.2.2 Whilst some employers initially found regulation supportive of a sense of national momentum in raising standards of teaching and

learning, there is no solid evidence that it subsequently did so. Ofsted has confirmed to the panel that no sound, causal, link can be made between regulatory enforcement of teaching qualification and CPD in the sector, and improvements in practice. Evidence from the Association of Colleges (AoC) that Ofsted 'overall effectiveness' judgements have become better since 2007 is welcome confirmation of the commonsense deduction that investment and effort put into enhancing lecturers' capabilities would bear fruit, but it does not of itself support the case for regulation. On the contrary, both employer and employee representative bodies have spoken eloquently to the review panel about the resentment caused by compulsion.

3.2.3 As noted earlier in this report (see para. 2.8 above) there have been anomalies in the application of the 2007 Regulations, almost from the start. These have become more serious as time has gone on. The abolition of the General Teaching Council (GTC), announced by the Secretary of State for Education in June 2010, has raised the level of uncertainty around regulatory compulsion as an effective instrument in matters of professionalism. As the extent of higher education provision in FE colleges has risen, so has the importance of the exclusion from the Regulations of college lecturers who work solely on higher education courses. This can be seen certainly as a matter of unfairness and, potentially, one of divisiveness among colleagues. Lecturers in sixth-form colleges who have QTLS recognition are subject to both school and FE regulations and to possible sanctions applied both by the Secretary of State for Education (via the Teaching Agency in future) and by the IfL.

3.2.4 At the very least, therefore, the 2007 Regulations must be amended to keep abreast with the dynamic policy environment in all sectors of education. The review has had to confront the question of whether the fragility of the philosophical argument used to advocate their introduction, as well as the deficiencies visible today and which seem certain to increase in future, demand amendment of the Regulations, or their revocation.

3.3 Changes in the educational infrastructure

3.3.1 With the sole exception of the IfL, all the infrastructure organisations which were envisaged by government as its supports, in 2004, have been abolished by the previous or the present governments (see para. 2.5 above).⁵ Some of their duties

⁵ This is true, not least, of the sponsoring government ministry which successively has been organised as the Department for Education and Employment (DfEE), the Department of Education and Skills (DfES), the Department for Innovation, Universities and Skills (DIUS)/Department for Children, Schools and Families (DCSF), and the Department of Business, Innovation and Skills (BIS)/Department for Education (DfE).

have been taken over by the Skills Funding Agency (SFA) and the Young People's Learning Agency (YPLA). However, the new agencies are smaller, less well-funded and, by explicit intention, capable of less intervention in the affairs of employers in the FE sector. The panel has been confronted by the urgent question, therefore, that if the government wished to enforce the 2007 Regulations when the present amnesty agreed with the employers' and employees' representatives has expired, who would do it?

3.3.2 The panel's doubts about the validity of the 2007 Regulations; a conviction that it would be absurd and impracticable to dismiss those lecturers who have dissented from them (in some cases, from the outset); and our understanding of the tenor of government policy, lead us to conclude that the Regulations are unenforceable.

3.3.3 Many of the infrastructure changes are, of course, positive in terms both of their reduction of unnecessary bureaucracy, of complexity and of cost. One such has been the consolidation of the DfES Standards Unit, the ideas behind CoVES and CETTs, and the standards-setting functions of the LLUK, into the Learning and Skills Improvement Service (LSIS). Established as a company limited by guarantee with a board and council representative of the FE sector, and a commitment to supporting self-help in raising standards ('for the sector, by the sector'), LSIS could also be seen as overlapping some of the intended duties of the IfL. LSIS received a government grant of some £30 million for 2011-2012.

3.4 Inappropriateness of the awards

3.4.1 The structure of in-service teaching qualifications was conceived as two parallel strands for those with a 'full teaching role' and an 'associate teaching role', respectively (see para. 2.7 above). While both started with the entry 'passport', PTLLS, they then diverged towards the certificate (CTLLS) for 'associate teachers' and the diploma (DTLLS) for 'full teachers'. These awards, for which lecturers studied over a period of years with a university teacher training department or a national awarding body such as Edexcel or the City & Guilds of London Institute (CGLI), are not in themselves considered to offer 'qualified teacher learning and skills' status (QTLS). In FE, that can only be conferred after a period of reflective practice recorded in a portfolio and supervised by the IfL. The IfL is the 'conferring' body with powers derived from the 2007 Regulations. QTLS status can be maintained by lecturers only through undertaking and reporting to the IfL their annual commitment to CPD, and payment of the registration fee. The review panel and many others have come to see a number of disadvantages in this system.

3.4.2 Lucas *et al.* found that respondents to their research believed that 'CTLLS was not an appropriate qualification' and that it 'caused

confusion among teachers and managers'.⁶ All of those consulted are reported to have 'agreed that CTLLS should be scrapped, along with the role of associate lecturer'. The AoC, representing the colleges as employers, reported 'a great deal of criticism of CTLLS, in respect of its relevancy and adequacy'.⁷ None of those who gave evidence to the review panel sought strongly to defend the 'associate teacher' role or CTLLS, with most considering that so few lecturers either understood them or had used them that they were, in effect, a dead letter. The panel believes that they could reasonably be seen as an unintended outcome of the precise definitions and distinctions required in the drafting of statutory regulations which, when seen from the standpoint of a student, for example, would be meaningless.

- 3.4.3 Other aspects of the current teacher-training qualifications in FE appear inequitable when compared with schools and universities.⁸ Setting aside the lack of any form of compulsion bearing on lecturers in higher education and the apparent illogicality of requiring lecturers who may have already worked successfully in FE for many years to become 'qualified teachers', the IfL on behalf of the FE sector, is unique in requiring post-qualification tasks before conferral of 'qualified' status. The recently-negotiated interchangeability between the schools' QTS status and QTLS only underlines the problem. Similarly, teachers in schools are not required to maintain their 'qualified' status through payment of annual fees and reportage of regular study. They remain qualified unless disqualified for some specific misdemeanour. If professionalism in FE is closely associated with 'qualified teacher' status, as it appears to be in the 2007 Regulations, in much of the government policy discourse leading up to them and in the work of the IfL, then these additional hurdles to qualification might be interpreted as meaning that FE and FE lecturers are inherently less professional than their peers in other sectors. The implication is that they are in need of special measures to assure 'professionalisation'. The review panel believes that this is nonsense, contradicted by the fact that many colleges in the sector, for example, have been giving a good public service for a century or more.
- 3.4.4 The DfES Standards Unit (2004) required that the IfL should 'liaise with the GTC and the Higher Education Academy (HEA) to encourage coherence in development across the teaching profession as a whole'. The new equivalence of QTS and QTLS

⁶ *From fragmentation to chaos?*

⁷ *Initial Teacher Training of FE Teachers*, AoC, London, May 2011.

⁸ See Lucas N. *State regulation and the professionalisation of further education teachers: a comparison with schools and HE*.

should be seen as evidence that, in part at least, this direction has been followed. As Lucas points out (in *State regulation* etc), systems of teacher training internationally for schools, colleges and universities respectively, can be classified as ‘unified’, ‘linked’ (i.e. with structured connections between them) or ‘tracked’ (i.e. stand-alone for each sector). Despite good intentions and effort, the three regimes in this country are different and separate: ‘tracked’. Much could be learned from cross-sectoral comparison. For example, the review panel has been impressed by the achievements of the HEA. In 2004, following rejection of the prospect of compulsory teacher training by the universities, the HEA was re-launched from a predecessor body, with a fresh determination to make voluntarism work. Serving a lecturing workforce almost identical in size with that in FE, the HEA derives half its £30 million annual budget from the Higher Education Funding Councils and university subscriptions (the latter amounting to £2.8 million) and half from earnings from consultancy, publications, conferences and other services. By securing the support of the employers and maintaining voluntary involvement among lecturers, who do not pay any subscription, 30,000 of them have achieved postgraduate teaching qualifications and fellowship of the HEA as advanced practitioners.

- 3.4.5 There are doubts about the consistency of delivery of the qualifications, researched in detail by Lucas *et al.* and largely confirmed by organisations that gave evidence to the review. Lucas and his colleagues found ‘wide variations in the credit structures amongst the (university FE teacher training) programmes reviewed’; differing numbers of modules accordingly and therefore ‘different assessment demands’; ‘variation in the titles of the qualifications awarded... all claiming to cover the new framework caused confusion’; and different levels for apparently identical awards on the national Qualifications and Credit Framework. The researchers were told that ‘validation and endorsement of the new framework was so rushed that things were cobbled together by teacher trainers working in isolation from one another – all having to take their own university criteria, structures and credit ratings into account’. When the qualifications of the nine national awarding bodies are added to universities, variability seems likely to be unhelpfully large.
- 3.4.6 As has been described earlier in this report (see para. 2.3), the shortcomings found by Ofsted in 2003, which apparently remain common, had much to do with delivery of teacher training in the employing college or provider. It is, in other words, often the workplace elements and application of the awards which are found lacking. These include analysis of the particular needs of each student/lecturer; the support given in addressing them; and the relevance of the programme to each professional specialism, eg engineering, construction, hospitality and catering, healthcare etc.

Lucas and Unwin concluded that many of the FE colleges surveyed offered little or no financial support to their staff undertaking mandatory teacher training, nor sufficient remission from their normal lecturing timetables to 'reflect, to read... to dig deep into the theory; no time to think through what it all means'.⁹ Lucas and Unwin found that FE staff 'are perceived as productive workers and, hence, do not benefit from the protected status of the dual identity of trainee and worker'. They go on to say 'Too many colleges are characterised by restrictive features of job design and work organisation'. The review panel concludes that effective in-service training arrangements in FE depend not only on the engagement of staff, on whom the IfL places the onus of responsibility through its registration, reporting and conferment regime, but also on the wholehearted involvement of their employers. That involvement appears to be patchy, ranging from complete to minimal.

- 3.4.7 It must in conclusion be said about the current awards that their titles do not bestow either easy comparison with those common in schools and universities, or respect. In daily parlance it was foreseeable that lengthy descriptions would become acronyms and that those acronyms would be rendered back into words. Hence in the serious matter of FE lecturers' qualifications we are faced with 'Petals' (PTLLS), 'Kettles' (CTLLS) and the rest. The sector deserves more careful consideration.
- 3.5 The period of grace, five years, which was granted to allow time for FE lecturers to become 'qualified teachers', was described to the review panel in one submission as 'a let-out clause allowing significant numbers (of lecturers) to be working towards qualification for a number of years'. The implication was that, as has occurred in some previous impositions on the sector, that 'working towards' would, for many, be a permanent state. The small number of those who have attained QTLS or apparently intend to do so, despite having achieved the diploma, appears to bear out this perception. Whether, as the IfL might prefer, the right response would be to shorten the period of grace or, as others might suggest, that voluntarism should replace compulsion, bringing with it enthusiasm and commitment, is a matter for judgement. Nevertheless, it is clear to the panel that the current position is unsatisfactory.
- 3.6 From the genesis of the current provision in the 2003 Ofsted report; to the exclusion of private and charitable providers from statutory compliance with the 2007 Regulations (in favour of contract); to the lack of recognisable reference to the instructors, assessors, mentors and verifiers who make up much of the work-based learning staff in the descriptions of 'associate teachers' and 'full teachers', it is clear that the needs of much of the FE sector have been overlooked. The model

⁹ Lucas N and Unwin L, *Developing teacher expertise at work: in-service trainee teachers in colleges of further education in England*. Institute of Education, University of London, 2009.

principally addressed in the current arrangements is that of classroom teaching. Whether it is taking place in a manufacturing or service-sector employer's premises, or a work-based learning provider's, or an adult community learning centre or, indeed, a college, classroom teaching forms a relatively small part of the pedagogic activity of the FE sector. The panel concludes that this narrowness of focus must be remedied if the investment in advanced practitioner training for FE lecturers is to bear fruit.

4 Recommendations

- 4.1 It is clear that the positions of many of the organisations at the heart of the present review have become polarised. Recent differences about who should pay for registration with the IfL and for qualifications are important because they reflect both positions of principle and the relatively poorly-paid condition of FE staff in comparison with their peers in schools and universities. In the case of the IfL, passionate advocacy for the *status quo* reflects a high degree of effort and concern which has been devoted to issues of professionalism. Unfortunately, it follows that whatever the review panel may recommend and the government decide, will please nobody completely. The panel has been convinced by what it has heard and read, that things cannot feasibly be left as they are, nor will tinkering at the margins suffice to give the FE sector the support for professionalism that it deserves. The topic is too big and too important to too many people to be rushed. For that reason the panel opted to divide its work into two parts. The first part resolves those things on which decisions must be made by the end of the financial year, so that contracts, funding arrangements and the futures of individuals can be removed from doubt. This first part is the subject of the recommendations in this section. The second part is sketched out in the next and last section, and will be completed by the summer.
- 4.2 The 2007 Regulations are no longer fit-for-purpose, nor are they so well-founded that amendment will deal adequately with their shortcomings. We recommend that they should be revoked with effect from 1 September 2012. We recommend in their stead a largely voluntary regime of in-service advanced practitioner training and CPD for lecturers, based on advice to employers drawn up through consultation conducted urgently by LSIS and encapsulated where appropriate in contracts issued by the funding bodies. In particular, the panel is convinced that every employer in the sector routinely provides a systematic induction for new lecturing staff for which it would welcome both advice on content and formal recognition as a preparation for practice in FE, so that transferable elements need not be repeated when they move to new posts. It would be reasonable, in the panel's judgement, for this induction to be complete within a time after starting employment to be agreed and subsequently recommended, and that it should be considered the threshold licence to practise as part of the fulfilment of a probationary period. The panel also believes that the entitlement to at least 30 hours' CPD each year was common practice before it was included in the Regulations, and that it would be reasonable for this to be reflected in government contracts to help assure good value in return for public funds.
- 4.3 The panel recommends that, as already planned, public funding to the IfL should come to an end in the financial year 2012-2013. When combined with our recommendation to revoke the 2007 Regulations, this advice will restore the IfL to its original status as a private membership body,

dependent on voluntary subscriptions in return for services. We suggest that the IfL should be obliged to refund part of the second-year subscription paid by some of those who are registered with it, when the Regulations are revoked from 1 September 2012. We recommend that the final instalment of the transitional public funding granted to the IfL be used for this purpose, before any restitution of accrued reserves is required by the Secretary of State. Should the board of the IfL decide substantially to reorganise the business, it should submit a plan to the government setting out its aims and proposals for change, on the basis of which should rest retention of reserves or funding.

- 4.4 The review panel has noted that much of the support for professionalism in the FE sector is now actually or potentially in the hands of LSIS. We recommend that from 1 September LSIS is asked to assume full responsibility for supporting professionalism on behalf of the sector. The panel believes that this consolidation may entail some adjustment of the balance of representation in the governance arrangements of LSIS to ensure that the interests of staff are represented alongside those of employers. The panel is convinced that in bringing together voluntarily the concerns of employers and employees, LSIS will be reflecting the essential conjunction of interests in which professionalism thrives. The review panel suggests that both government and LSIS, might consider whether there are elements of the approach of the HEA in higher education which would be suited to FE, bearing in mind the close parallels which exist between the two sectors in relation to the 'dual professionalism' of lecturers (occupational specialist and teacher) and the growing provision for HE in FE providers.
- 4.5 The in-service teaching qualifications are over-complicated and, in a few respects, have fallen into disuse. We recommend that they be reviewed under the leadership of LSIS, with appropriate consultation, with a view to their replacement from 1 September 2013. We recommend that LSIS should be asked to consider the following:
- Recognition of awards or parts of awards already achieved by FE lecturers under the current arrangements
 - Abolition of the category of 'associate teacher', recognising that all those who learn in FE are entitled to consistently high standards of service from whoever is chosen to teach them or assess their progress, and that all those who teach or assess may equally wish to become advanced practitioners through voluntary study
 - Abolition of the CTLLS award
 - Replacement of the PTLLS with a new preparatory award intended as a threshold licence to practise in FE, contributing to the normal probationary period
 - Replacement of the DTLLS award with a Certificate in Further Education at Level 5 for those who wish to attain it, which would be directly comparable with the established Certificate in Education

- Introduction of a Diploma in Further Education at Level 7, to help form the capabilities of those who aspire to the highest professional levels in FE
- Simplification of the standards and any associated requirements by LSIS, with a view to increasing the flexibility available to awarding organisations to take account of the broad scope of the sector (including e.g. work-based learning, adult community learning, specialist environments such as the criminal justice system and the armed services etc.), and to ensure that teaching qualifications are readily applicable to the different occupational disciplines taught in FE
- Recognition of the changing circumstances in FE, for example its increasing concentration of higher education provision and plans to contract for learning programmes through major non-educational employers.

4.6 An important aspect of sustaining a professional workforce, ensuring that those who have committed gross breaches of professional conduct with one FE sector employer should be disbarred from moving to another, has been dealt with in a relatively low-key manner under present arrangements. We recommend at the earliest possible opportunity, an appropriate government body be given the task of keeping a record of all those found culpable of gross misconduct by the authorities. It should be noted that the Independent Safeguarding Authority has a separate responsibility in disbarring those adjudged to be unfit to work with children or other vulnerable groups, with or without a relevant criminal record.

5 Next Steps

- 5.1 The review panel's recommendations so far could be regarded as clearing the ground to give a better view of the requirements for supporting professionalism. It is obvious to the panel that these amount to a great deal more than requiring training or CPD in pedagogy and in the occupational specialism with which lecturers enter FE. In the coming months we will consider this wider perspective, with advice from additional witnesses and from the standpoint that we are seeking to further enhance an already-professional sector, rather than remedying a deficiency. We will bear in mind the significant new opportunities which will arise as FE providers achieve greater independence from government. In all these matters we emphasise our core belief that staff training, professional updating, competency and behaviour are essentially matters between employer and employee. There are sufficient statutory arrangements in place through, for example employment legislation and the requirements for staff performance management and learner safeguarding set out in Ofsted's *Common Inspection Framework*, to ensure at least a threshold level of professional competence. Most providers will want to do very much better than that and to stand or fall according to the service they offer and the public accreditation they earn for the high quality of that service from Ofsted and others. The review will seek to focus more sharply those internal and external drivers so that they enhance professionalism and excellence of service to learners, rather than to add any new structures or controls.
- 5.2 It should be said, nevertheless, that professionalism as it might be understood today – as distinct perhaps from the 19th century ideas which informed the longest-established professional bodies – contains many less tangible notions. These include a conception of FE which is greater than the individual provider; of a set of loyalties to the sector, its values and its body of knowledge and practice which extend beyond the individual provider; and of a sense of solidarity with fellow professionals and a concern that their conduct as well one's own should bring credit to the sector as a whole. It is in this arena that professional bodies operate and which the review will seek the better to define.
- 5.3 The panel will not shrink away from considering whether FE staff have received less support from government and its agencies than they need in order to inhabit that professional arena, but within our guiding conviction that persuasion and willing consent are always better determinants of performance and behaviours than is compulsion. That must be true of employers just as it is of employees.
- 5.4 We propose to continue our useful dialogue with Ofsted to explore fully whether the new inspection framework as it stands, or supplemented with advice from the Secretary of State to Her Majesty's Chief Inspector, will suffice to provide the following:

- Assurance that employers in FE ensure that their staff are appropriately qualified in their occupational areas and to teach or assess these well, and that their skills and knowledge are kept up-to-date.
- Assurance that inspectors will gather consistently evidence to establish any direct connection between advanced pedagogic qualification and teaching observation grades.

The purpose of this discussion will be to help ensure that the single regulator remaining in FE monitors outcomes in a way which informs learner choice and assists employers both to further enhance their service and to support the professionalism of their staff.

- 5.5 The review panel also intends to discuss with the funding agencies any amendments that may need to be made to contracts for provision for 2012-2013. These may be necessary to ensure that elements of the 2007 Regulations which applied to colleges could in future be transferred to contracts, so creating more equitable arrangements across the FE sector. While saying this, however, the panel should reiterate its determination to remove any form of compulsion wherever it is sensible to do so.
- 5.6 The review will need to consider with great care, any special arrangements which should apply to those FE lecturers teaching basic skills in literacy and numeracy or working with learners with disabilities or learning difficulties. These lecturers are more prominent among the active members of the IfL than perhaps are their colleagues in more obviously vocational and technical subjects. The panel is keen to ensure that their interests are not overlooked in the wider movement towards deregulation and voluntarism. Panel members are strongly aware of the substantial progress made in the last decade or so through Skills for Life, and in helping to realise the potential of people with various forms of disability. We will ensure that none of this is lost.
- 5.7 Whilst the panel appreciates the importance of the equivalence of the current QTLS recognition and QTS in ensuring that transfer between the FE sector and schools is feasible for the few lecturers who will wish to do so, we believe that still more potential lies in developing parallels with higher education.
- 5.8 The panel has noted that the current arrangements are disproportionately concerned with formal teaching in colleges, neglecting much of the breadth and richness of the FE sector. We will invite witnesses from these areas of neglect to describe to us what they need to contribute fully to an ambitious and professional sector during the next stage of the review. This is likely to include discussions with individual members of staff and employers, as well as a greater variety of representative bodies.
- 5.9 It is never easy to contemplate recommendations which remove arrangements which were painstakingly built in earlier years. Nor is it comfortable to cause disadvantage to colleagues who have worked hard in endeavours which are now seen to have been inadequately defined and, as a result, did not work well. Nevertheless, the panel has done

what it thinks right to help the FE sector to progress. We trust that in the next stage of our work, the tensions and animosities which built up long before the review began, can be set aside in favour of productive debate. Our conviction is that there is a determination shared by employers, staff, government and its agencies, to make the English FE sector the world's best and to give it global reach and reputation. In higher education, providing an excellent service to over 800,000 international students, here and abroad, has been a powerful contributor to extending ambition and new ideas about professionalism. The panel can foresee comparable developments across FE, complementing the sector's overriding commitment to its home students. Our belief is that, in further education, our country has something unique and special. Our hope is that in the second stage of this review, we can capture that particular excellence and the conception of professionalism best associated with it, and finally set aside an unfortunate hiatus in the sector's developing autonomy.

Review Panel

The Lord Lingfield Kt DL
Pro-Chancellor, Brunel University

Chairman

David Sherlock CBE
Director, Beyond Standards Limited and former
Chief Inspector of Adult Learning for England

Professional Lead

Dawn Ward OBE
Chief Executive and Principal, Burton and South Derbyshire College

Dan Wright
Chief Executive, First 4 Skills Limited

Alexander Morris

Secretary to the Review

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In addition the panel has received submissions from IfL, UCU, AoC, Ofsted, UCET, LSIS, ASCL, FAB, UNISON and HEA.

List of Witnesses

IfL	Toni Fazaeli	Chief Executive
Jean	Kelly	Executive Director of Professional Development
Sue	Crowley	Elected Chair
Paul	Tredwell	Interim Director of Communications
UCU	Sally Hunt	General Secretary
Barry	Lovejoy	National Head of Further Education
Kathy	Taylor	President-Elect, National Executive Committee
AoC	Martin Doel	Chief Executive
Fiona	McMillan	President
Evan	Williams	Director of Employment and Professional Services
Ofsted	Matthew Coffey	National Director, Development, Learning & Skills
Angela	Milner	Principal Officer, Development, Initial Teacher Education
UCET	James Noble-Rogers	Chief Executive
Jim	Crawley	Chair: Post-16 Committee
Aliso	n Barton	Lancaster University
AELP	Graham Hoyle	Chief Executive
ATL	Mary Bousted	General Secretary
Norman	Crowther	National official for post-16 education
Jill	Stokoe	Education Policy Adviser
LSIS	Rob Wye	Chief Executive
ASCL	Christine Tyler	Colleges Specialist
FAB	Jill Lanning	Chief Executive
Isabel	Sutcliffe	Chair (Edexcel)
Judith	Norrington	City and Guilds
UNISON	Christine Lewis	National Officer: Education and Children's Services
Chris	Fabby	National Officer: Further Education
HEA	Craig Mahoney	Chief Executive
Steve	Outram	Senior adviser
	Julie Hutton	Executive adviser

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URN 12/670