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**Raising Skills,
Improving Life
Chances: Giving
learners and
employers a say**

Guidance for Further Education
Institutions on Consultation

Foreword



Views of learners, potential learners and employers are powerful forces that will help us to develop an FE system able to respond to the challenges of the 21st Century. We are all facing huge challenges – to help all our citizens achieve their goals, whoever they are and wherever they choose to learn.

Our goal is a skills and FE system which targets support for individuals and employers where it is needed most, and allows colleges and providers to deliver the excellent service we must have as we move forward. As the 2006 White Paper – *Further Education: Raising Skills, Improving Life Chances* recognised – when learners participate in decisions affecting their learning experience they are likely to play a more active role in the provider’s quality improvement process.

The White Paper made a series of commitments which are already being delivered. This guidance builds on these existing measures.

All providers in the FE system are expected to have in place a learner involvement strategy (LIS) enabling learners to influence and improve provision. I am delighted that 90% are already meeting this requirement or have plans to develop such a strategy.

We are strengthening the role of the Staff Student Liaison Officer by developing Standards for this important work. These will be in place and available to the sector in Spring 09.

The National Learner Panel has now been in operation since 2006. This is a rich resource – representing much of the diversity of the FE system with learners aged 17–67 coming from colleges, work based learning and the adult education sector.

In addition we have increased the number of student governors on the boards of FE corporations from one to a minimum of two. Increasing opportunities are encouraging learners to become more actively involved in decisions affecting their learning.

The *Further Education and Training Act 2007* reflects the Government’s commitment to put the needs and priorities of learners and employers at the heart of the system. This guidance will help colleges develop the way they seek and respond to the voice of learners and employers. It complements and supports work already underway to develop more personalised learning for all and recognises that learners, potential learners and employers are not passive recipients in this process.

A handwritten signature in black ink that reads "Bill Rammell". The signature is written in a cursive style.

Bill Rammell, Minister of State
Lifelong Learning, Further & Higher Education, DIUS

1. Introduction

1.1 This guidance encourages governing bodies of further education institutions in England (FEIs) to consult with learners, and those likely to become learners, of the institution and employers. It provides advice for the governing bodies of FEIs on the principles and practice to support work on consultation with learners, potential learners and employers. Governing bodies are required to have regard to it under section 49A of the Further and Higher Education Act 1992. But it is for the governors, managers, teachers and trainers to decide how best to consult these stakeholder groups in their area. The principles set out in this guidance are aimed at securing the views of learners, potential learners and employers in connection with decisions that affect them. The guidance also sets out that the views of those consulted or engaged in decision making should be considered in the light of the individual's age and understanding.

About this guidance

- 1.2** The guidance is intended for governors, managers, teachers and trainers of FEIs and all those involved in providing education and training services within the FEI as they plan to consult and engage with learners, potential learners and employers about decisions that will affect them and their learning experience. The guidance offers advice on how governors and others might organise, operate and respond to the consultation and the views of stakeholder groups. The guidance is not prescriptive; it will be for governing bodies to determine how best to involve learners based on the particular circumstances in their area. This guidance sits alongside similar guidance for local authorities and schools on consulting with children and young people on decisions that affect pupils.
- 1.3** The duty for governing bodies to have regard to guidance about consulting their existing learners, those who are likely to become learners and employers, supports the wider 'personalising learning' agenda in FE. This guidance will support colleges in generating, capturing and responding to the views of learners and in ensuring that learners and employers are at the heart of how services are delivered. This guidance will support colleges in developing their learner involvement strategies. The LSC has published guidance on developing a learner involvement strategy which is available at <http://excellence.qia.org.uk/tutors/documents/nat-developingalearnerinvolvementstrategy-pu-feb2007.pdf>
- 1.4** There is no single right way of effectively consulting and engaging learners, potential learners and employers on decisions that affect them. This guidance aims to help college governing bodies to effectively capture the views of learners and employers and engage them in decisions that affect the learning experience.

2. What the duty means

- 2.1** This guidance is issued by the Secretary of State under section 49A of the Further and Higher Education Act 1992. The law requires governing bodies of FEIs to have regard to its content when exercising their functions. The duty concerns consultation by the governing bodies of FE institutions with people who are, or are likely to become, students, and also with employers, in connection with decisions which affect them.
- 2.2** This guidance builds on the Government's commitment in the FE White Paper *Further Education: Raising Skills, Increasing Life Chances* (March 2006) to put the needs and priorities of learners and employers at the heart of the system. The duty will underpin the wider personalisation agenda which recognises that where learners participate in decisions affecting their learning experience, they are likely to succeed and to play a more active role in the provider's quality improvement processes – a key lever of service improvement.
- 2.3** By consultation we mean institutions actively seeking the views of learners, potential learners and employers in connection with decisions affecting them. It also means empowering learners to understand the education system and to create structures and systems such that learners are able to raise and initiate discussion on decisions. In effectively seeking and responding to the views of these groups, the institution will be contributing to the wider ambition of:
- individuals becoming more active participants in their own learning and employers promoting skills development and lifelong learning amongst their employees;
 - participation in creating, prioritising and improving services to make them more responsive to the needs of students, employers and of those likely to become students of the institution;
 - developing a culture of lifelong learning and skills development through giving individuals the approaches and tools they need to become independent and effective lifelong learners and citizens.
- 2.4** It will be for each governing body to decide how best to consult with and engage learners, potential learners and employers in their area. There is no single model that will suit the varied circumstances in which an individual institution operates. Indeed the institution may wish to consider different approaches to consulting with the different groups (learners, those likely to become learners and employers).
- 2.5** However when dealing with learners, all institutions should seek views on issues (college led approaches) and develop systems and structures to empower learners to raise and initiate discussion and views (learner-led approaches).

2.6 Learner-led approaches to learner involvement will most often manifest through representative systems and groups of students empowered to raise and initiate for themselves, consultation and discussion, on matters of concern for students. Most often this will take the form of a students' union, forum, council, committee or association. The views of learners must be considered in the light of their age and understanding. Colleges should be aware that many learner-led approaches would be in the form of students' unions as defined by the Education Act 1994. It defines a students' union as:

- an association of the generality of students at an establishment whose principal purposes include promoting the general interests of its members as students; or
- a representative body (whether an association or not) whose principal purposes include representing the generality of students at an establishment in academic, disciplinary or other matters relating to the government of the establishment.

The Act requires colleges to take reasonable steps to secure that students' unions operate in a fair and democratic manner and are accountable for their finances. Amongst other things, colleges should ensure that the union has a written constitution, that elections are held and they should supervise any financial arrangements.

Scale and scope of consultation

- 2.7** The governing body will want to consider the potential role of consultation to inform the range of decisions taken by the institution in delivering its services. They will want to consider, in particular, the range of decisions which will directly impact on the learning experience of the individual or has the potential to address barriers to entering and remaining in learning.
- 2.8** An institution may wish to consider consulting with representative or other community, sector or local groups where this provides an effective route to the views of a particular constituency. This may be particularly helpful where participation from amongst a certain local group or community is very low and exploring the potential barriers to their engagement can be effectively initiated through an existing organisation. Institutions may also wish to consider consulting with parents, where this could add value in their particular circumstances. However, consultation through third parties alone is unlikely to represent an effective consultation strategy and direct consultation will be an important part of an institution's overall approach.
- 2.9** There will be a wide range of issues that an institution will wish to consult on and these may vary or take on different levels of priority depending on the individual FEI's circumstances.
- 2.10** An example of an issue on which an institution may wish to consult is the faith and spiritual needs of its learners, potential learners and also staff. For many young people and adults, their faith or spiritual needs are an important defining characteristic of who they are. Many are still seeking a sense of meaning or purpose to their lives, either within, or sometimes in reaction to, the faith or non faith traditions in which they live. These beliefs may affect their study and learning needs in a variety of ways e.g.

religious obligations may place barriers to studying or on times of study, or there may be expectations which impact on their learning or their ability to access learning. In addition, there may be situations, e.g. the death of a student or a major incident, when some students and staff need extra pastoral support to help them understand how they might respond or deal with their feelings.

- 2.11** Colleges and other providers should therefore consider consulting learners and potential learners on their spiritual and faith (or no faith) needs as a key part of reviewing their student support services. It may be appropriate in consultations to include representatives of key local faith communities and faith groups. But equally, many learners and potential learners do not hold religious beliefs, and don't want to play an active part in a faith community and would prefer to learn in a secular setting. In consulting, it will be important to recognise this.
- 2.12** Further guidance on meeting students' faith and spiritual needs can be found in:
- a) the LSC guidance 'Faiths and Further education : a handbook' <http://readingroom.lsc.gov.uk/lsc/2005/quality/goodpractice/faiths-and-fe-handbook.pdf>
 - b) the Centre For Excellence's 'Faith Communities Tool Kit' <http://www.centreforexcellence.org.uk/UsersDoc/CEL%20Faith%20Communities%20Toolkit.pdf>

Those facing particular barriers to learning

- 2.13** FEIs will want to consider consultation with communities in their area that are under-represented within the college or who fail to thrive and succeed at the level of their peers, to explore the real or perceived barriers to engaging successfully in learning. This may be a particular ethnic community or a disadvantaged group, such as looked after young people, facing barriers in terms of disability or location, where travel to colleges may be a major difficulty.
- 2.14** People with learning difficulties and/or disabilities will face particular barriers when seeking to access learning opportunities and consultation can be a valuable tool in capturing the views of those learners and potential learners. In the case of disabled people, colleges already have a duty to promote disability equality. This existing duty applies to all the functions of a college, not just education provision, employment and service delivery but, for example, budget setting, course validation, procurement and strategic planning.
- 2.15** When carrying out their functions the college is already required to have due regard to the need to:
- promote equality of opportunity between disabled people and other people;
 - eliminate discrimination that is unlawful under the Disability Discrimination Act 1995;
 - eliminate disability related harassment;
 - promote positive attitudes towards disabled people;
 - encourage participation by disabled people in public life; and

- take steps to meet disabled peoples needs, even if this requires more favourable treatment.

- 2.16** It will also be for the governing body to determine how often learners, those likely to become learners and employers are consulted and, again, this may vary for each of the groups. However, institutions will want to find effective ways of consulting those learners participating in short courses and courses operating outside the three term timetable of delivery, as well as those on part-time, evening, weekend or distance learning courses.
- 2.17** The FE sector has a key role to play in helping people gain the skills and qualifications they need to be employable in a modern economy. The purpose of this role is to ensure that the priorities for funding and delivering learning in FE are in line with the skills requirements articulated by employers. It will be for the governing body to determine the scope of the consultation taking into account the circumstances in their area and with regard to issues of value for money, effectiveness, confidentiality and data protection.

Working with partners

- 2.18** In discharging its duty with regard to consultation, the governing body should ensure that its approach is consistent and co-ordinated with other key partner organisations, in particular with the LSC who will co-ordinate the strategy for consultation with individuals and employers at national and regional levels.
- 2.19** The Skills for Business Network, including 25 Sector Skills Councils (SSCs), has been established to articulate the skills needs and priorities of employers and to influence the provision of learning to meet employer demands. Colleges should work with the LSC and, where appropriate, Regional Skills Partnerships to ensure a coordinated approach to consulting with SSCs and directly with employers. It is important to avoid unnecessary and multiple consultation. Colleges should not need to consult on an individual basis with every SSC. However, colleges should pay particular attention to consulting with SSCs whose footprint is in line with the college's own area of specialist vocational excellence. In these cases, colleges may decide that direct consultation with the SSC is appropriate and of value. The college may also wish to consult direct with employers, for example Small and Medium-sized Enterprises (SMEs) in their geographical locality. Where the college decides that direct consultation is appropriate either between the college and an SSC, or between the college and employers, the college should notify the LSC and ensure that consultation is undertaken as a coherent part of the LSC's strategy for consultation with individuals and employers.
- 2.20** In carrying out the consultation, FEIs should look to the LSC and SSCs to develop an approach in line with the principles set out later in this guidance. Governing bodies may also wish to consider how best to engage with schools in their area where pupils will be considering becoming students at the institution, or who may study or intend to study at more than one institution. Institutions will be involved, alongside schools and other providers, in the 14–19 Partnership in their area, and in drawing up and delivering the 14–19 prospectus. The 14–19 Partnership will be a key mechanism for Institutions to engage with other providers in their area.

3. The benefits

- 3.1** The duty requiring governing bodies to have regard to this guidance on consultation with learners, potential learners and employers in connection with decisions affecting them is an important part of the wider agenda to personalise learning. Personalisation puts the user at the heart of education and training services. We believe that this will deliver the skills, for more learners and at all levels, which are needed to sustain an advanced, competitive economy and promote a fairer society.
- 3.2** The approach is one of working in partnership with learners, potential learners and employers, to tailor services in a way that best meets the needs of individuals and employers and is therefore more likely to deliver a successful outcome. Consultation is the bedrock of this approach, allowing the voices of users to shape the services on offer and how those services are delivered.
- 3.3** Consultation can allow the institution to anticipate the needs of learners and employers to ensure that the opportunities on offer are attractive and likely to **increase participation**, particularly amongst traditionally underrepresented groups. It can also help to identify, and ultimately remove, barriers and potential barriers that may deter learners and employers from engaging in learning.
- 3.4** Seeking and responding to the views of the learners and employers can also **improve effectiveness** by ensuring an institutions' investment and resource allocation decisions are informed by the needs of the users. Improvements in retention and achievement will also improve overall effectiveness. Consultation, that can help identify and address issues that can lead to drop-out or poor attainment, will be a powerful tool in improving successful outcomes.
- 3.5** Responding to the needs of the local community and employers can help **engage more people in learning** and ensure that those learning opportunities offer **valuable skills** that will improve life chances, employment prospects and economic well-being. Institutions may respond through flexibility in course choices, location and timetabling, innovative and appropriate uses of ICT and tailored approaches, such as Train to Gain.
- 3.6** A strong consultation strategy can also help foster **openness and trust**, supported by robust systems, where learners and employers help shape services and comments and complaints lead to **improved services**. For individuals it can also help them to become more involved and put them on the road to effective lifelong learning and citizenship. The duty to have regard to guidance about consultation will also be supported by the Accreditation requirements of the new Standard for Employer Responsiveness and Vocational Excellence which will be an integral part of the Framework for Excellence.

4. The principles

4.1 Engaging in effective consultation with learners, potential learners and employers may look very different because of the need to tailor the approaches in a way most likely to engage those stakeholder groups. There is a core of common principles which governing bodies will need to consider, alongside some principles which will apply more specifically to particular stakeholder groups.

Core Principles

4.2 *A whole-college commitment and approach to seeking and valuing the views of their key stakeholders*

- A public commitment to consulting with learners, potential learners and employers that is understood by everyone in the college.
- A public commitment to empowering learners, both individually and collectively, to initiate and raise consultation topics at a pace and in a way that is inside their control.
- A clear statement, for example in the strategic plan, on the college's consultation plans and how it will respond to stakeholder views.
- An embedded approach to evaluating and improving the college's consultation strategy within the college's business cycle and quality improvement processes.

4.3 *A commitment to equality of opportunity to be involved in the consultation*

- The college must seek to ensure that no-one is excluded or prevented from getting involved on grounds of race, religion, culture, disability, age, ethnic origin, gender, sexual orientation, language or the area in which they live.
- The college must consider the views of learners and potential learners in the light of their age and understanding.
- That where participation amongst some stakeholder groups is low, colleges should tailor their approaches to better meet the needs of those groups, including individuals facing particular disadvantage and small employers who may find it more difficult to engage.
- The level of confidentiality and privacy that applies to the consultation is made clear to all individuals and employers.

4.4 *The college strategy for consultation should be appropriate to the local circumstances and cost effective*

- The college's overall strategy for consulting stakeholders should be appropriate to the local circumstances and support the delivery of the college's business plan.
- Consultation should reflect local circumstances and be cost effective, in line with wider business priorities.

4.5 *The college strategy for consultation should be coherent, simple and transparent*

- The approach to consultation should be straightforward and easy for learners, employers and potential learners to understand and engage with.
- Consultation should be co-ordinated and coherent, where necessary taking account of the plans of other local partners, to avoid multiple approaches to individuals, employers or other groups.
- The college should ensure that employers and individuals understand the purposes, benefits, timescale and approach to consultation and how the results of the consultation will be used to ensure a responsive system of funding and learning delivery.

Learners

4.6 *A clear and visible commitment to involving learners in the life of the college and in their own learning experience*

- The college should demonstrate that it values the views of its learners and deals with its learners with respect and trust, including processes to respond to the views learners express.
- Makes information available to learners where it is necessary for the learner to effectively engage in the consultation, including clarity about limitations for change due to practical, legal or other constraints.
- Celebrating with learners the impact of learner involvement and its outcomes.

Potential Learners

4.7 *A clear and visible commitment to increasing and widening participation*

- Colleges need to understand why some individuals and groups of individuals fail to engage in or remain in learning in order to understand and address those barriers.
- A range of methods could be used to seek the views which may include engagement through local community or faith groups, local schools or direct consultation, it is for the college to determine which methods will be most appropriate in their area.
- Colleges need to demonstrate they understand the economic and social issues of the local area and region so they can be responsive to the learner, potential learner and employer, including employment opportunities, skills shortages, etc.

Employers

4.8 *A clear and visible commitment to deliver learning provision which responds to skills requirements articulated by employers*

- Colleges should seek to ensure consultation with employers is coherent with national and regional approaches by working with the LSC, SSCs and, where appropriate Regional Skills Partnerships, to minimise the chance of multiple approaches to employers.
- Colleges should pay particular attention to consulting on and responding to the skills needs of employers within their geographical locality, and those within their area of sector specialisation.
- Consultation arrangements should encourage the participation of SME employers as well as larger organisations.

5. Putting the principles into action

- 5.1** It is ultimately for the governing body to decide how best to consult and involve learners, potential learners and employers and on the scope, frequency and scale of those consultations. This section sets out options that governing bodies may wish to consider in developing their own consultation strategies. These are example only. Institutions themselves will wish to look at a range of different consultation approaches in deciding the best strategy for their particular circumstances.
- 5.2** The FE White Paper *Raising Skills, Improving Life Chances* (DFES 2006) has already set out The Department's expectation that there should be effective mechanisms for engaging with learners and employers. This includes giving regular opportunities for learners to feed back their levels of satisfaction, so that colleges and providers can make improvements; providing effective mechanisms for engaging with learners collectively through student committees; and integrating the employer perspective into mainstream activities, e.g. by using employers' satisfaction data to drive performance.
- 5.3** As part of the wider personalising learning agenda, all providers are expected to have a Learner Involvement Strategy. For FEIs this duty to have regard to guidance on consultation will form part of their wider involvement strategy. The LSC has issued guidance to support providers in the development of their strategies which is available at <http://excellence.qia.org.uk/tutors/documents/nat-developingalearnerinvolvementstrategy-pu-feb2007.pdf>
- 5.4** Institutions will want to undertake a baseline review of the approaches they currently take to consulting with learners, potential learners and employers to assess strengths, weaknesses and gaps in existing approaches. There are a number of levels at which the college will want to assess its consultation strategy.

National level

- 5.5** At a **national level**, the Skills for Business Network, including (25 SSCs), has been established to articulate the skills needs and priorities of employers and to influence the provision of learning to meet employer demands. FEIs should look to the LSC and SSCs to develop an approach that takes account of their distinctive mission linked to one or more areas of specialist excellence, which aim to broaden the recruitment base for particular employment sectors. The FEI should also take account of existing frameworks for employer consultation, such as SSC led Sector Skills Agreements (SSAs). SSAs are a key mechanism for determining the priorities for the use of public funding. Each SSA sets out the priorities of that sector for the skills and qualifications that will make most difference to productivity.

Local level

- 5.6** At the **local level**, governing bodies may wish to consider how best to engage with a range of groups and representative bodies where these may help in discharging the duty to consult. For example:
- schools in their area where pupils will be considering becoming students at the institution, or who may study or intend to study at more than one institution;
 - local employer groups, networks or representative bodies;
 - Train to Gain brokers;
 - other local or specialist FEIs;
 - the local partnership teams of the LSC; and
 - local community groups, for instance representatives of key local faith communities and faith groups, secular community groups and representatives of key minority ethnic communities, disadvantaged groups such as looked after young people or particular socio-economic groups.

College level

- 5.7** At the **college level**, college-led approaches should include conducting an annual learner satisfaction survey, an annual employer satisfaction survey and, from time to time, a survey of the needs of potential learners. Learner led approaches might involve establishing and maintaining an effective forum for engaging learners collectively such as a student council, committee, or similar.

Classroom and Individual Level

- 5.8** At the **classroom and individual level**, looking at ways of capturing individuals' views and concerns about their specific course and learning experience as well as the wider services being delivered. There are a number of models that can be used including course representatives, investing in strong Student Liaison Officer roles, integrated pastoral and tutorial support for capturing views, formal surveys, etc.
- 5.9** However if an institution decides to consult it will need to ensure that it takes account of the importance of capturing as wide a range of views as possible. For example, they should ensure that the consultation mechanisms are inclusive, capturing the views of potential learners who are "hard to reach" or learners who are less articulate and small employers; as well as capturing the articulate, the confident and the larger employers.
- 5.10** It is good practice to include a statement in the college's annual report in respect of the consultation that has been undertaken and evidence of how the views of learners, potential learners and employers have been used to develop and tailor college services to better meet the needs of their local area.

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