

**Consultation  
Prospectus for Self Regulation**

**Prepared by  
The Single Voice**

Download the document from our Website [www.feselfregulation.org.uk](http://www.feselfregulation.org.uk)

**October 2008**

## **The Single Voice vision**

‘A further education sector of respected autonomous, responsive organisations acting individually and collectively within a self-regulating system to deliver high quality provision for the benefit of learners, employers, communities, and the nation; a sector which operates as a respected and trusted partner of government’.

*Self-Regulation Implementation Group, 2006.*

## Contents

Foreword	Sir George Sweeney	Page 4
Executive Summary		Pages 5 – 6
Introduction		Pages 7 – 11
Values and beliefs		Page 12
The benefits of self-regulation		Pages 13 – 14
What we have done so far		Page 15
Where we are now		Pages 16 – 18
Managing improvement and accountability		
Framework for Performance Management and Improvement		Pages 19 – 27
Framework for Accountability		Pages 28 – 29
A further education authority		Pages 29 – 30
FE Code and licence to operate		Pages 30 – 31
Diagrams to show regulatory relationships and responsibilities		Pages 31 – 37
Common performance assessment framework and key performance indicators		Page 38
Managing performance risk within the sector		Pages 39 – 40
Further diagrams to show regulatory relationships and responsibilities within the new sector		Pages 41 – 42
Collaborative Self-Improvement – Provider Cameos		Pages 43-48
The Further Education System		Page 49
Consultation response pro-forma		Pages 50 – 52
Information about the Single Voice		Pages 53 - 54

## Foreword from Sir George Sweeney

In November 2006, the then Secretary of State challenged the further education sector to develop a proposition for self-regulation. The idea of self-regulation had arisen initially as a radical approach to reducing bureaucracy in the sector. Its potential had then been recognised by the National Audit Office and the Foster Review. It had also been identified as an important theme of the radical transformation in the relationships between government and the sector envisaged in the 2006 White Paper, *Further Education: Raising Skills, Improving Life Chances*.

The 2006 challenge marked the start of a journey to define and gain common understanding and support for self-regulation from the sector as a whole and from government, and to set out some practical proposals for implementation within realistic timescales.

The creation of the Single Voice as a new representative voice on regulatory matters for the further education sector, owned and managed jointly by the main provider representative organisations was a key milestone. This Prospectus, prepared by the self-regulation team on behalf of the Single Voice, is both the culmination of a major phase of work and the starting point of the next phase.

The Prospectus has been drawn up in consultation with, and is reflective of a sector that has come of age. It has met and exceeded collective aspirations for the learners that are its heart; it is not prepared to tolerate under-performing provision; it recognises that eligibility for public funding is not a long-service medal but a privilege earned through the gritty business of performance management and the self-discipline of daily accountability.

The social and economic transformations now taking place globally, nationally and locally, demand radical, strategic and far-reaching responses. If we are to achieve our own ambitions and the role the nation needs us to fulfil, then we must build on the solid foundations achieved so far and make the most of the golden opportunity ahead. Making a success of a progressively demand-led service means a journey to awaken and unlock creativity, ambition and innovation in ourselves, in our learners and in our nation. This cannot be imposed externally; it can only be achieved from within. Each institution and the sector as a whole must now take responsibility for its own destiny.

This Prospectus shows that the sector is now ready to start on that journey to take ownership of its own future, recognising that autonomy will be hard-won and hard work. During our journey so far the world has changed continuously and it will continue to do so as we move forward. As John Lennon so aptly said, *'Life is what happens ... while you're making other plans'*.

This Prospectus is an invitation to share our vision and proposals, to continue your own journey and to participate in and contribute to the sector's joint endeavour. Do please respond.

I would like to take the opportunity here of commending the work of the Single Voice team, and of thanking its members for their considerable commitment and hard work.

I am immensely grateful to all those in government and elsewhere who have so unstintingly given their time and expertise to support our work and help us understand the fast-changing circumstances around us. I am particularly grateful for the support that Chris Banks, Chair of the LSC, has given so consistently to our work. My special thanks go to Bill Rammell, whose steadfast support, gentle guidance and wise counsels throughout have been invaluable.



## **Executive summary**

The further education sector has come of age. With maturity comes the right to self-regulation and autonomy, and the freedom to operate with the minimum interference from external agencies. Self-regulation benefits learners, employers and communities because resources and energies are freed-up to better meet their needs, and because they can be more closely involved in shaping provision. It benefits providers by enabling them to manage their own organisational review and development in ways that suit their unique missions and circumstances. For further education professionals, there will be more time to concentrate on the core business of delivery and learning, with increased status, and greater public trust and confidence. Government benefits too, because self-regulation places the needs of learners, employers, and communities at the heart of things, and makes better use of public resources in a new simplified landscape. The sector itself will take responsibility for regulating its performance, including tackling under-performance, by drawing on its considerable capacity for collaborative improvement.

The **Single Voice's** authority rests on the maturity of the sector and on the trust invested in it by its member organisations. For the first time, there will be one voice speaking on the sector's behalf on regulatory matters – The Single Voice, and one regulatory authority, owned by the sector for the sector, rather than the myriad regulatory bodies that providers must deal with now.

The **Single Voice** has developed the main elements of a self-regulatory, self-improving further education sector, working in partnership with its member organisations, government, funding bodies, and improvement services. In doing so, it has made a clear distinction between the role of government and the role of the sector in regulatory matters. It recommends that the further education system, that is providers and all the stakeholders, adopts its recommendations.

**This prospectus sets out and recommends that the further education system adopts the following interdependent elements of self regulation.**

A Further Education Accord setting out the agreement on regulatory matters between government and the sector to include the expectation that the sector will take increased responsibility for performance and reputation, with reduced levels of external regulation.

A Framework for Performance Management and Improvement, which identifies individual, organisational, collaborative and sector-wide responsibilities for managing and improving performance.

A Framework for Accountability, which sets out in more detail how the sector takes responsibility for its own performance and reputation, using approaches which are proportionate to risk.

A sector-owned vehicle, a 'further education authority', to oversee the implementation and management of self-regulation, to include a further education code, linked to a licence to operate, and a differentiated system of intervention and support for tackling underperformance.

## Introduction

The further education sector has achieved its maturity. We are old enough and wise enough now to regulate ourselves. We are claiming our rightful role of safeguarding the sector's reputation, thereby ensuring that learners, employers, and communities receive the very best we can offer, and that the nation continues to benefit from our vital contributions to national competitiveness, and to building a prosperous, harmonious and inclusive society. We want to reshape and simplify the sector so that providers are better able to pursue their individual missions arising from their unique circumstances and the different communities and constituencies they serve.

We recognise that the sector's reputation is only ever as good as its worst provider, and for that reason, we share the Secretary of State's concern about under-performance. Our proposals include collaborative, vigorous actions to tackle inadequate providers, and to boost the performance of providers which need to progress beyond being satisfactory. We want a sector where every provider is excellent.

## The mature sector

Our mature sector has the capacity to account for itself, and to manage its own performance and improvement. We have met the targets set by government, and made significant contributions to vital national initiatives, such as Skills for Life.

Quality in the sector has risen steadily throughout this decade. Evidence of our capacity comes from Ofsted, as well as research commissioned by the AoC. In a recent survey<sup>1</sup>, Ofsted identified nearly 60% of colleges as good or better, with only 4% of colleges deemed inadequate. Some 77% of college learners achieve what they set out to achieve. Research<sup>2</sup> undertaken this year into nearly 900 AoC Beacon Award winners found a critical mass of colleges with the necessary capabilities to lead a self-improving sector. These colleges benefited from visionary leadership; they were innovative and creative, delivered personalised, inclusive learning, and raised the expectations of learners and communities. They were confident and clear about their roles in their communities, and delivered value for money for taxpayers. Most importantly for the well-being of the whole sector, they were good at working together, and eager to share their expertise with other providers.

In work-based learning, improvement is equally significant, with 62% of providers being judged to be good or better and only 9% deemed as inadequate. Some 64% of Apprentices are successful. In the specialist colleges, 46% of colleges are judged good or better, with 52% deemed satisfactory and only 2% judged inadequate. The responsibility for this improvement lies with the providers themselves.

Taken together, these figures and the AoC research, indicate a mature sector of confident, experienced providers well-able to act as the bedrock for self-regulation.

As well as considerable capacities for individual and collective responsibilities, providers are taking on more responsibility for the sector's different functions, with former or current principals chairing the new Learning and Skills Improvement

---

<sup>1</sup> *Ofsted: Survey of Key Drivers Supporting College Improvement and Barriers to Change, 2008.*

<sup>2</sup> *Celebrating Colleges, Pat Hood, Association of Colleges, 2008.*

Service (LSIS), the FE Reputation Group, the FE Communications Panel and the Information Authority.

We have already begun to work with partners to simplify the regulatory landscape, beginning with Sir George Sweeney's Bureaucracy Reduction Group, originally established in 2001, and, for example, working to ensure that data about the sector is collected once and used often, and that it is readily available to providers themselves. We say more in the Prospectus about our important work to simplify the sector.

## **The Single Voice**

The Single Voice is a new representative voice for self-regulation in the further education sector, owned and managed jointly by the main provider representative organisations. Our focus is on self-regulation and self-improvement. Our roles and responsibilities will include:

- acting on behalf of the sector to commission a new 'further education authority' to ensure our proposed Framework for Performance Management and Improvement and Framework for Accountability are implemented
- working with the 'further education authority' to support a licensing scheme for providers
- representing the views of the sector on regulatory matters with government and other stakeholders, and tackling unnecessary regulation
- developing the sector's capacity for self regulation and improvement by working closely with the new Learning and Skills Improvement Service
- working collaboratively with the sector to tackle under-performance, including satisfactory but not improving performance
- providing guidance and advice on regulatory matters to the sector
- simplifying regulation and lessening bureaucracy for providers
- enhancing the reputation of the sector by making sure everyone knows what it does, and by celebrating its successes
- working with the new Skills Funding Agency, YPLA, DWP, Local Authorities, and other public funding bodies to develop a common performance assessment framework which includes minimum requirements
- promoting and developing the professional status and standing of further education staff and governors
- listening to what learners, and employers and communities say nationally about provision, and helping providers respond to their needs
- providing a complaints service on behalf of learners, employers and communities

Our proposals and actions so far are set out in two key documents: Phase 1 Proposition to the Secretary of State for Education and Skills, February 2007, and Realising Self-Regulation in the Further Education Sector, the second Proposition to the Secretary of State for Innovation, Universities and Skills, November 2007. Both these documents are on our website [www.feselfregulation.org.uk](http://www.feselfregulation.org.uk). Other information about us can be found at the end of the Prospectus.

## **Support from government**

The work of the Single Voice has been powerfully supported by Bill Rammell, Minister of State for Lifelong Learning, Further and Higher Education, who set us the challenge of designing a self-regulating sector. We have risen to that challenge, and want to thank him warmly for his shared ambition for self-regulation.

## **What do we mean by self-regulation?**

Self-regulation means that the rules which govern behaviour and activities in the sector will be defined and administered to a much greater extent within and by the sector, either directly by providers or collectively by the organisation which represents them on self-regulatory matters – the Single Voice. Government will continue to provide strategic and policy leadership. Learners, employers and communities will become more powerful in influencing provision.

An increased capacity for self-regulation means there is less need for external regulation as the sector takes on more of the functions itself. De-regulation means that providers can deliver provision in as simple a way as possible, with the minimum of administration and bureaucracy, with fewer organisations and government agencies interfering or making unnecessary demands. Providers will work together to design and deliver shared services and new models of provision, taking greater account of what learners, employers, and communities say. Instead of government, the sector will regulate itself. It will set standards and ensure they are met, and take control of information about provision. It will become a self-regulating sector.

In the Prospectus, we show that in a self-regulatory system there will be less interference with providers, with better, more coherent regulatory processes closely geared to the uniqueness of each provider. For example, instead of a one-size-fits-all approach to self-assessment, providers will assess the things that are most important to them, and to their learners, employers, and communities. There will be tailor-made opportunities to share best practice and innovation, and under-performance, including satisfactory but not improving performance, will be challenged by the sector. The very best providers are well on their way to meeting the demands of self-regulation. A reshaped sector does not mean starting from scratch, or pulling attention away from the core business of delivery and learning.

Government and the country benefits too: the sector becomes self-accountable as well as publicly accountable. Our self-regulating system ensures that only those providers which achieve specified standards and undertake specified responsibilities are licensed to be eligible for public funds. Funding bodies will know they are getting services of a consistently high quality delivered by a mature provider. Under-performance, including satisfactory but not improving performance, is dealt with rapidly by the sector itself; and excellence is sustained and shared.

## **The policy direction for self-regulation**

Government has provided the policy direction for self-regulation. Its vision of the world-class public services which lie at the heart of a fairer and more prosperous country is articulated in the Cabinet Office document, Excellence and Fairness. Underpinning the vision is a three-way relationship between:

- i) **Citizens**, who will be empowered to have a real say in shaping personalised services; they will make informed choices based on easy-to-understand information about provision; they are entitled to consistent excellent standards and excellent outcomes from the services they use.

For the further education sector, this means that learners, employers, and communities will help shape provision, help set minimum requirements and assess effectiveness, and that they are entitled to excellence.

- ii) **Professionals**, who will take control of the process of change needed to achieve world-class services; they understand what citizens need and are best placed to respond; a new professionalism will release creativity and innovation, enabling professionals to set their own performance standards, and to collaborate and learn from each other.

For the further education sector, greater professional independence comes with enhanced responsibilities for the whole sector, individual providers, and professionals, in particular for performance and accountability. We will not only set our own minimum requirements, we will have to ensure they are met at every level.

- iii) **Government**, which will set the policy direction for service reform; provide strategic leadership, and ensure value for money; make sure regulation is 'light touch' and that its agencies contribute to the developing autonomy of public services.

For the further education sector, this means that government is providing the policy environment in which the sector can take responsibility for our own regulation. The challenge now is to reshape the sector so the job can be done.

The Government's better regulation agenda aims to minimise the costs and administration of compliance, make requirements as accessible as possible and minimise unintended consequences. Four ways of achieving these aims have been identified: deregulation (removing regulations from the statute book); consolidation (bringing together different regulations into a more manageable form); rationalisation (replacing sector specific regulations with guidelines on particular areas that cross different industries); and reducing administrative burdens (simplifying processes).

We believe that self regulation is also a key way of achieving better regulation in the FE sector. We subscribe to the Government's five principles for better regulation and will develop the detail of the self regulation proposition to be transparent, accountable, proportionate, consistent and targeted.

## **Raising expectations**

Radical changes to the planning, organisation and funding of further education were initiated by the 2008 joint DCSF and DIUS policy document Raising Expectations. De-regulation and self-regulation are central to changes which aim to 'make the landscape simpler for customers and providers'.

Raising Expectations describes the principles shared by the pre- and post-19 education systems for a de-regulated sector. The principles encapsulate government's priorities for de-regulation in the education system. They include:

- i) focus on the quality of the learner's experience
- ii) funding which follows the learner's choice
- iii) transparent decision-making, accountability, and funding
- iv) meeting the needs of the labour market
- v) providing good value for money

The principles fit with those adopted by the Single Voice which give first place to promoting the best interests of learners, employers and communities and wider public accountability.

### **Making it easier for providers to deliver learning**

Government agencies are making their contributions to de-regulation within the government's policy framework. For example, the Learning and Skills Council has reduced its audit, planning and reporting requirements from providers. The merging of Ofsted and ALI simplified the inspection regime. Greater account is taken of providers' own assessments of the quality of their provision, and light touch inspection pays most attention to failing or providers which are satisfactory but not improving. Research, development and quality improvement activities have been streamlined and strengthened by establishing the new sector-led Learning and Skills Improvement Service, replacing CEL and QIA. Providers should have more say in improvement programmes, to ensure that there is a closer fit between what is provided and what they need in order to build and sustain excellence.

Significant changes in policy, fewer requirements and demands, and streamlined agencies, help transform the environment for providers. It becomes easier for confident, mature providers to attend to their core business of learning.

### **The Prospectus**

The Prospectus draws together and outlines all our main proposals to the sector, describes the benefits of self-regulation, and shows how a self-regulated sector would work. Our proposals are underpinned by detailed work undertaken by the Self Regulation Project Team and by our member organisations, and by extensive discussion and consultation with the sector. We suggest prompts for action to help providers consider the implications of self-regulation, and invite your responses.

### **Your involvement**

**We need you to be actively involved in what we do. Your responses to the Prospectus will help us shape the next stage of our work.** There is information about how to respond in the last section of the Prospectus.

We begin our proposals with a description of the values and beliefs which have shaped our thinking.

## Values and beliefs

Our values and beliefs are that:

- i) self-regulation and self-improvement frees providers to deliver high quality provision which better meets the needs of learners, employers, communities, and the nation
- ii) the sector owns the self-regulatory framework within which it works
- iii) providers act together and learn from each other when it is in their strategic interests to do so
- iv) the sector is best placed to tackle under-performance
- v) the sector's commitment to professional development helps build trust and confidence
- vi) the sector directs and manages key sources of information about what it does
- vii) learners, employers and communities are closely involved in planning, reviewing and developing provision
- viii) the sector is a respected partner of government
- ix) the sector is committed to its statutory responsibilities, to the effective delivery of policy, and for the efficient use of public money
- x) the sector is responsible for enhancing its own reputation.

**Your response:**

1. Are these the values and beliefs that you want to see embodied in a self-regulating sector?

**Prompt for action:**

Do our values and beliefs fit with those that shape your own organisation?

## **The benefits of self-regulation**

Self-regulation is not an end in itself; it must have demonstrable benefits for learners, employers and communities, as well as for providers and their staff. There must also be benefits for government. Our work so far, including our discussions with providers, indicates considerable benefits for users, the sector, and government.

### **For learners, employers, and communities, the benefits are:**

- i) resources freed-up for delivery, learning and support
- ii) more say in the design and delivery of provision so that it more closely meets their needs
- iii) more opportunities for personalised learning
- iv) more involvement in planning and reviewing the quality of provision, with systematic tackling of poor provision
- v) clearer expression of needs and concerns, and better representation across the sector
- vi) increased confidence in the sector which serves them

### **For providers, the benefits are:**

- i) freeing-up resources for delivery, learning, and support
- ii) greater autonomy and flexibility to innovate
- iii) more discretion in developing approaches to organisational review and development
- iv) more shared development opportunities such as benchmarking and the sharing of best practice
- v) direct involvement in the design of improvement activities
- vi) rapid systematic tackling of under-performance, including satisfactory but not improving performance, 'by the sector for the sector'
- vii) simpler and fewer information demands, with easier access to data
- viii) lighter touch inspection
- ix) fewer, more coherent external regulations and requirements
- x) recognition of fitness to receive public funds through the FE Code
- xi) the Single Voice to speak as a coherent, influential body, on behalf of the sector on regulatory matters

### **For the further education professionals, the benefits are:**

- i) more time to focus on delivery, learning, and support
- ii) more opportunities to be innovative and creative in response to local needs
- iii) opportunities to learn from colleagues in other provision
- iv) a sector-owned improvement strategy that reflects their development needs
- v) improved professional status, increased public trust and confidence as part of a sector with an enhanced reputation

### **For the government, the benefits are:**

- i) the needs of learners, employers, and communities are at the heart of the self-regulation approach

- ii) a model of self-regulation that supports the national agenda for community and social cohesion, the Leitch priorities, personalised learning, and other key strands of government policy
- iii) more efficient use of public funds by reducing regulation from external agencies
- iv) a sector that takes direct responsibility for improving its own performance
- v) providers that adhere to an FE Code demonstrating that they meet minimum requirements, and are fit to receive public funds
- vi) the Single Voice to shape development and support programmes in a unified response to national priorities
- vii) effective dialogue on regulatory matters with a single organisation – the Single Voice

**Your response:**

1. Do you agree that these are the benefits of self-regulation? Do you envisage any other benefits?

**Prompt for action:**

Have you considered with governors/directors/trustees and staff the benefits of self-regulation for your organisation?

In the next section, we report what we have been doing on behalf of the sector.

## What we have done so far

Planning for a self-regulating further education sector began in 2001, building on the activities of the 'bureaucracy busting' group chaired by Sir George Sweeney. Since then, we have worked with providers, other organisations, and government to develop a vision of a self-regulated and self-improving sector. We have considered what this means for the sector as a whole and for individual providers, their governors, directors or trustees, and for professionals. We have also begun to reduce bureaucracy, and to design the frameworks within which effective self-regulation and improvement can work.

**In phase 1** of our work, we made the case for self-regulation, including researching other self-regulating service sectors and educational systems in other countries. We outlined the aims and shape of a self-regulating system. We made our First Proposition to the Secretary of State in February 2007, and received a positive, supporting response.

**In phase 2** we secured joint ownership of self-regulation by all the sector's representative organisations. They are listed at the end of the Prospectus. We worked out how self-regulation and self-improvement would work, consulting with the sector, and with our sister organisations and government.

We sent our Second Proposition to the Secretary of State in November 2007. In it, we explained how we intended to take on eight key responsibilities on behalf of the sector. These were to:

- i) lead the development of self-regulation
- ii) develop an FE Code for the self-regulated sector; work with government, the Learning and Skills Council, the new Skills Funding Agency, and Local Authorities to set and enforce standards for providers and funders, offering advice on which providers should be licensed and receive public funds
- iii) develop a Framework for Performance Management and Improvement, describing the responsibilities of professionals, providers, the sector, and other agencies within a self-regulating sector, and a Framework for Accountability showing how the sector-owned functions of the system will work in partnership with the government.
- iv) contribute to external assessment arrangements
- v) ensure providers' priorities are reflected in the new National Improvement Strategy
- vi) advise when and how external intervention for a failing provider might be necessary if actions sponsored by the Single Voice do not work
- vii) co-ordinate the work of key sector groups, in order to minimise demands on providers; the groups are: the Information Authority, the FE Bureaucracy Reduction Group, the Communications Gateway Panel, and the FE Reputation Group
- viii) promote the reputation and well-being of the sector

We received a second positive response from the Secretary of State asking us to continue with our work, focusing particularly on how under-performance would be tackled in the new system.

## Where we are now

Since we began our work, the government's organisation and funding of further education is being transformed. We responded positively on behalf of the sector to the DCSF/DIUS consultations on these changes, taking the opportunity to place the development of self-regulation and self-improvement within the context of a reshaped sector. Our detailed responses can be read on our web-site, but it is worth reporting here five of the main points we made on behalf of the sector: points concerning aspects of self-regulation which providers value particularly. They were:

- i) the central importance of a provider's own processes for organisational review and development, including self assessment
- ii) that views of learners, employers and communities should form an important part of the evidence on which funding decisions are based
- iii) our aspiration that all providers would be able to learn from each other, on a voluntary basis, using collaborative approaches to review and development
- iv) that a review of the Framework for Excellence is needed with a view to establishing a common performance assessment framework that is output based and linked to inspection.
- v) that a review was needed of the National Improvement Strategy, with increased involvement by providers, representative organisations, and the Single Voice

**In phase 3** of our work, we have tackled the technical challenges of self-regulation, and carried forward the eight responsibilities begun in phase 2. We have worked with partners to simplify the further education landscape, and to clarify respective roles and responsibilities through a series of protocols. Most importantly, we have developed a Framework for Performance Management and Improvement and an Accountability Framework for a reshaped sector of licensed providers. The Frameworks would be implemented by a 'further education authority' which we intend to establish later in 2008.

## Simplifying the landscape

We want to make sure that significant groups and agencies work together, with clearly delineated responsibilities within the newly-shaped sector. To that end, and to achieve some real synergy between ourselves and these other sector-led organisations, the Single Voice have entered into a Joint Working Protocol with:

- The Information Authority
- The FE and Training Bureaucracy Reduction Group
- The FE Communications Gateway Panel
- The FE Reputation Strategy Group

The Protocol is based on seven key principles of working. They are:

- i) **Collective outcomes**
  - achieve collective outcomes which introduce and support effective self-regulation

- ii) **Shared planning**
  - share complementary annual work plans
  - take part in bi-annual joint planning to identify potential joint working and potential duplication
- iii) **Joint meetings**
  - exchange agendas and minutes
  - observer status for the Single Voice
  - annual joint meetings of the Single Voice and other groups
  - bi-annual joint meetings of Chairs
- iv) **Sector representation**
  - the Single Voice to facilitate sector representation on the groups, and ensure its effectiveness
  - representatives from member organisations of the Single Voice to feedback to the Single Voice via their organisations
- v) **Shared communications**
  - the FE Code to support joint working between the groups
  - develop a shared high-level communications plan
  - the single Voice to publicise the work of the groups
- vi) **Simplification**
  - the Single Voice, the ‘further education authority’, and the groups to minimise their bureaucracy, handle data effectively, and to use the FE Communications Gateway Panel to ensure sector-led communications are fit for purpose
  - the Single Voice and the groups to support providers in responding to simplification
- vii) **Shared monitoring and review**
  - annual shared review and evaluation of impact
  - the Single Voice to publish an annual impact report on collective work, based on the group’s individual reports
  - the Single Voice to inform the sector and government of the effectiveness of the collective work

We believe that these practical working arrangements will help transform and simplify the demands on providers, for example, by making sure that providers themselves are able to access and use data about the sector to support their own strategic planning and self assessment.

Our partners agree with our belief.

The Information Authority Chairman, Graham Jones, says:

*‘The contribution of providers is critical to our success, and we look forward to a strengthened relationship through the Single Voice. The Joint Working Protocol reflects the increasing collaboration between the groups and the Single Voice, and we anticipate further benefits from continued collaboration.’*

The Bureaucracy Reduction Group Chair, Dr Christine Tyler, says:

*'Our multi-representational group can benefit by having a much stronger provider input. We welcome the value that the Joint Working Protocol can bring to all the groups working together with the Single Voice'.*

The FE Reputation Strategy Group Chair, Dr Alison Birkinshaw says:

*'The FERSG is delighted to be working together with the Single Voice. This joint approach is a real step forward for the sector, and will be a major element in self-regulation'.*

Simplifying demands, making data collection and its use more effective and accessible, and speaking with one voice about the sector and its reputation, all serve to strengthen providers, freeing up resources for teaching and learning.

### **Consultation with LSIS**

As well as our shared agreement with these groups, we have consulted with the new Learning and Skills Improvement Service about how we can best differentiate our responsibilities, and work together to develop the sector's capacity for self-improvement.

Collaborative working between the Single Voice and LSIS includes arrangements for the establishment of the LSIS Council, a national improvement strategy that builds capacity for self regulation and improvement. Further work is being undertaken to establish a joint protocol that will ensure a clear alignment between the regulatory functions of the Single Voice and the development functions of LSIS, on these and related matters.

In addition, we are establishing in Autumn 2008, a 'further education authority' to help bring about self-regulation, and to promote the sector's interests. We say more about the rationale for, and purpose of the authority later in the Prospectus.

#### **Your response:**

1. Are there other things you think we should be doing?

#### **Prompts for action:**

How will your organisation set about making a response to the Prospectus which includes the views of governors/directors/trustees, senior managers and staff, as well as those of your learners, employers, and community representatives?

## **Managing improvement and accountability**

Self-regulation means that professionals, governors and board members, providers, and the sector must manage their own accountability and performance within a framework of 'light touch' external regulation.

The two main related elements of our model for self-regulation are the Framework for Performance Management and Improvement, and the Framework for Accountability.

- The Framework for Performance Management and Improvement identifies individual, organisational, collaborative and sector-wide responsibilities for managing and improving performance.
- The Framework for Accountability sets out how the sector will exercise its responsibilities for self regulation in relation to the role of government and other agencies.

## **Framework for Performance Management and Improvement**

The sector's capacity for self-improvement lies at the heart of self-regulation. Providers must be able to assess and improve what they do, measure themselves against others, share and learn from each other, and tackle underperformance. They must be able to use the views of their customers to help them do these things. They must also be able to demonstrate the quality and value of what they do. These activities need to be individual and collective, with providers taking responsibilities for themselves and for the sector as a whole.

The Single Voice has developed a Framework for Performance Management and Improvement through which the sector will develop and demonstrate the capacity for self regulation and self improvement. The Framework is based on four sets of responsibilities undertaken by:

- i) individual professionals, governors/directors responsible for their own professional review and development
- ii) individual providers responsible for their own organisational review and development, including self assessment
- iii) providers working collaboratively to improve what they do through for example peer review and development, where it is in their strategic interests to do so
- iv) the sector working as a whole to establish the regulatory codes and standards on which provider responsibilities will be based

These four levels of responsibility are outlined in Diagram 1 and explained more fully in the following sections.

**Your response:**

1. Does our Framework for Performance Management and Improvement do what it needs to do as part of a self-regulating sector?
2. Is there anything we should change or add to the Framework?

**Prompts for action:** Consider to what extent your organisation is already engaged in the first three sets of responsibilities. What might you need to change as a consequence of self-regulation?

## Diagram 1: A Framework for Performance Management and Improvement

Four sets of responsibilities:

1. Individual responsibilities	2. Provider responsibilities	3. Collaborative responsibilities	4. Sector-wide responsibilities
Professional review & development	Organisational review & development	Collaborative review & development	System review & development
<i>Professionals, governors/directors/trustees:</i>	<i>Individual providers:</i>	<i>Providers working together:</i>	<i>The sector working as a whole:</i>
Engaging in continuing professional development – accredited, non-accredited	Identifying client needs	Benchmarking performance	Developing and applying FE Code and Licence to Practice
Acting within codes of professional conduct and practice	Setting performance goals	Validating self-assessment	Developing a national improvement strategy
	Managing performance risk	Identifying improvement needs and opportunities	Designing and delivering development support
	Benchmarking performance	Sharing/transferring practice	Setting standards, publishing guidance and providing information
	Self-assessing performance	Taking joint planning/action on under-performance	Managing under-performance
	Validating self-assessment	Monitoring impact	Developing a common performance assessment framework
	Acting on under-performance		
	Spreading good practice		
	Developing a self-improving culture		

## **Responsibilities within a Framework for Performance Management and Improvement**

Self-regulation depends on everyone in the sector taking individual and collective responsibility for its success within a shared Framework for Performance Management and Improvement. The four key sets of responsibility are described next.

### **Individual responsibilities for Professional Review and Development**

Moves towards greater self regulation will recognise the increased professional capabilities of those working in the FE sector to manage their own affairs, with reduced levels of external regulation. We seek to further develop these capabilities, and to exploit their full potential, through continuous professional development

This will include both accredited and non-accredited continuing professional development. Codes of professional practice, including those now being developed by the Institute for Learning will define expected levels of behaviour and practice.

Accountable bodies (e.g. Boards) will be responsible for:

- adhering to an FE Code
- ensuring the organisation's mission takes account of the views of learners, employers, and local and regional communities
- interrogating performance goals, and how performance risk is managed
- making sure self-assessment is based on the organisation's mission and strategic plan
- scrutinising the outcomes of self-assessment, including external benchmarking and validation, and ensuring action is taken to tackle under-performance, including satisfactory but not improving performance
- engaging in development activities to update and extend their skills, including collaborative activities with other providers

Professionals, including teachers, managers, and other practitioners will be responsible for:

- acting within a Code of Professional Conduct and Practice in keeping with the requirements of the Institute for Learning and other relevant professional organisations
- assessing their own practice, individually and with colleagues
- identifying their own development needs, and taking steps to meet them
- acting with others to tackle under-performance including satisfactory but not improving performance

- taking part in collaborative activities with staff in other providers to improve what they do by sharing and learning from each other
- engaging in their organisation's review and development activities, including self-assessment
- contributing to a culture of self-improvement
- listening and responding to what learners, employers and community representatives say about their education and training

**Your response:**

**Governors/directors/trustees**

1. Have we got the responsibilities right for governors/ directors/trustees within a self-regulating sector?
2. Are there other implications for their responsibilities?

**Prompts for action:**

Have your organisation's governors/directors/trustees been briefed on the Single Voice activities to develop a self-regulating self-improving sector? How might you prepare the way by, for example, ensuring they attend Single Voice events or by involving them in collaborative activities with other providers?

**Your response:**

**Professionals**

1. Are the responsibilities rigorous enough to support the aims of self-regulation?

**Prompt for action:**

How could your organisation's staff be involved in discussions about these responsibilities? What responsibilities do staff have already for their own improvement? How might you extend these in keeping with the requirements of a self-improving sector?

## **Provider responsibilities for organisational review and development**

The primary responsibility for regulating and improving performance will rest with individual providers. In essence, the 'self' in self regulation must rest mainly with those who deliver education, training and other learning services. For this purpose all providers will be responsible for regulating and improving their own performance through:

- identifying and acting on the needs and views of learners, employers, and communities
- setting performance goals and standards
- managing risks associated with performance
- benchmarking what they do against the work of other providers
- undertaking rigorous, accurate self-assessment and validating self assessment judgments
- tackling poor performance and provision
- identifying and spreading good practice within the organisation
- sharing and learning from other providers
- developing and sustaining a culture of self-improvement

As part of these arrangements providers will demonstrate achievement against their own performance goals, as well as external standards. This will require the development of a more mission-driven approach to self assessment and improvement. It will also require a systematic approach to the targeting of underperformance and the management of risk.

### **Your response:**

1. Are these the right responsibilities for organisational review and development?
2. Are there any others you could suggest?

### **Prompts for action:**

What additional responsibilities would your organisation adopt as a Licensed provider within a self-regulating sector?

How would you change your existing improvement processes to accommodate these new responsibilities?

## **Collaborative responsibilities for review and development**

Under our self regulation model, providers will have collaborative as well as individual responsibilities for raising sector performance. For this purpose providers, and the individuals working within them, will be encouraged to work more collaboratively in regulating and improving their own performance through:

- benchmarking performance
- validating self-assessment
- identifying improvement needs and opportunities
- sharing and transferring practices
- taking joint planning/action on underperformance
- monitoring the impact of collaborative work

Further commentary on collaborative self improvement, including cameos of provider practice is given on pages 27-33. Please note that participation in peer review and development is not mandatory in this model.

### **Your response:**

1. Do you consider collaborative action to improve provider and sector performance to be an essential element of a self-regulating self-improving sector?
2. What benefits and/or difficulties do you think these responsibilities might present for the sector?

### **Prompt for action:**

How might your organisation extend its strategic relationships and alliances to help prepare it for self regulation, for example, through peer review, or other jointly planned and delivered development opportunities?

## **Sector-wide responsibilities for System Review and Development**

The sector will need to establish an 'authoritative position' based not only on its influence and rights of challenge, but also on its regulatory powers. These powers will be based on an overarching FE Code which will set out the regulatory requirements within which providers will be required to operate.

The FE Code will be linked to a 'licence to practice' which will enable the sector to remedy situations where governing bodies and boards do not effectively discharge expectations set out in the Code. Specifically the sector will have powers to deal with underperformance before action is initiated by funding bodies

The sector-wide responsibilities will therefore include:

- developing an FE Code and associated licence to operate based on minimum levels of performance
- developing a national improvement strategy
- providing development support to enable professionals and providers to discharge their individual and collective responsibilities within a self-regulating system
- developing guidance standards for organisational and collaborative activities, including self-assessment
- regulating and tackling under-performance, including satisfactory but not improving performance
- developing a common performance assessment framework

**Your response:**

1. Do you agree that the sector-wide responsibilities should be these?

**Prompt for action:**

Consider the role that organisation could play in supporting the sector-wide responsibilities.

## **New focus for collaborative self-improvement**

In our model, we emphasise the sector's capacity to manage and improve its own performance through collaborative working. We include in the annex to this prospectus cameos of providers working together, often in long-established partnerships, to improve what they do, including tackling under-performance.

The cameos are important because they demonstrate that collaborative action to improve performance is not a new phenomenon; many of the consortia described here are long-established. Providers of all kinds are used to working together, and have the structures and networks in place to make it happen. What is more, they are formalising and aligning their improvement activities to the needs of a self-regulating sector.

What is new is the placing of collaborative self-improvement activities within performance management and accountability frameworks for the whole sector with a sharper focus on tackling under-performance. To that end, the more recent Natspec/Single Voice project and the national QIA/Deloitte initiative focus squarely on performance as a dimension of self-regulation. We look forward to the outcomes of impact studies of both these programmes and to learning about how effectively they tackled under-performance.

Whilst newer programmes are being designed from the start around self-regulation, long-established groups are also formalising and restructuring their activities to help increase providers' capacities for their self-regulatory responsibilities. We see their evaluation of the relevance of their activities to the new needs of the sector as further evidence of the capacities required for self-regulation. We note that the various initiatives described in the cameos have five things in common:

- i) critical thinking and action to improve the rigour and objectivity of collaborative activities, for example through the use of trained external facilitators
- ii) cross-sector working which contributes to the over-all health of the whole of an area's provision
- iii) strategic partnerships between providers in order to develop best practice and innovation and to improve under-performance in the whole or parts of an organisation
- iv) expectations of long-term commitment amongst partners, with time to develop trust and confidence
- v) a wish to see collaborative activities 'mainstreamed' as part of providers' everyday improvement processes

**Your response:**

1. Is collaborative working an important aspect of self-regulation?
2. Do you share our judgement of the sector's capacity for collaborative working to tackle under-performance and share best practice and innovation?

**Prompt for action:**

How might the collaborative activities in which your organisation is involved be formalised and refocused as preparation for self-regulation?

## Framework for Accountability

In an earlier part of this Prospectus, we explained how the sector could manage and improve its performance through a Framework with individual, organisational, collaborative, and sector-wide responsibilities. To some extent, these proposals arose from what is already happening successfully within the sector, as our cameos help to demonstrate. We now explain how the sector will exercise its responsibilities for self regulation in relation to the role of government.

It is important to bear in mind that our two Frameworks are related dimensions of a new further education system, and that they are intended to be understood and applied in conjunction with each other. Our Framework for Accountability is a radically new idea for the further education system. It might be termed the 'sharp end' or 'teeth' of self-regulation, with a 'further education authority' having the power to intervene in poor performance and to recommend the removal of a licence where providers do not improve. We see these clear and firm powers as necessary to self-regulation and to protecting the sector's reputation. Our view is that the sector has to take responsibility for its accountability in order to reap the full benefits of self-regulation.

In our Framework for Accountability, we think of the further education system in three parts, with their associated responsibilities:

- i) **The sector-owned part**, comprised of licensed providers, their representative organisations, the Single Voice, the Further Education Authority, responsible for:
  - delivery of provision
  - representation of specific groups of providers
  - speaking on behalf of the sector on regulatory matters
  - the self-regulating system with its two Frameworks including the FE Code and licensing system
  - strategic negotiation of the criteria that underpin both our Frameworks
  - risk management of performance, including intervention and support
  - ensuring regulations and the requirements made of providers are coherent.
  
- ii) **The sector-led part**, comprised of the Information Authority, FE Bureaucracy Reduction Group, FE Communications Gateway Panel, Further Education Reputation Strategy Group, and LSIS which has the ambition to become sector-owned, responsible for the development of:
  - standards for collection, analysis and provision of information and data about and for the sector and government

- reducing bureaucracy and demands upon providers
  - coherent communications about and with the sector
  - the reputation of the sector
  - the sector's capacity for improvement
- iii) **Government**, comprising government departments and their agencies, Local Authorities, responsible for:
- strategic policy and strategic planning
  - funding methodologies
  - value for money
  - external assessment by Ofsted of sector-wide performance management rather than inspection of individual providers
  - 'last resort' intervention when the sector's own activities have not succeeded in tackling under-performance

### **Strategic Accord**

A Further Education Strategic Accord between government and the sector will be agreed. The expectation is that the sector will take increased responsibility for its performance and reputation, with reduced levels of external regulation.

The Accord will set out the rights and responsibilities of the sector with respect to self regulation, including public service targets and objectives. Further it will define the standards for performance required of providers. It will also set out relationships with government agencies including but not limited to the SFA and YPLA, (particularly in relation to the SFA provider accreditation arrangements) and the role of Ofsted within a self regulating FE system. Relationships with LSIS in terms of performance improvement under self regulation will also be defined.

### **The 'further education authority'.**

The Single Voice proposes to commission a vehicle to oversee the sector's responsibilities for accountability, a 'further education authority'. This authority will derive its legitimacy through the delegation of regulatory responsibility by government and by its relationship with the Single Voice which represents the whole of the sector. Its legitimacy, and that of the whole regulatory system, depends on the collective ownership of the proposed regulatory framework, and on consensual agreement amongst providers to meet the requirements of an FE Code and associated licensing system. The credibility of the newly-shaped sector depends on its capacity to manage performance risk, and in partnership with LSIS and others, to ensure that every provider delivers the excellence that learners, employers, and communities deserve, and that the nation pays for.

We want to develop our ideas about the authority in further discussion with the sector, though at present, our thinking is that it will have the following remit:

- through the Single Voice, to establish a strategic accord with government
- implement an FE Code and licensing system to ensure only providers which achieve specified standards are able to receive public funds
- tackle under-performance through development intervention and support
- work with funders, Ofsted, and government, by producing a risk register of providers which are under-performing
- protect learners, employers, and communities against unsatisfactory provision by working with an independent appeals process and tribunal

We think that the ‘further education authority’ should have a majority of independent members. There would be direct involvement by providers through membership of two performance regulation panels, one convened by AoC, the other by ALP. The panels would have the remit to regulate under-performance in their parts of the sector. We say more about the intervention and improvement process later in this section.

### **The rules and regulations of the ‘further education authority’**

These will explain how the system operates, including:

- the constitution of the authority.
- the process for becoming a member of the authority
- the FE Code
- the licence to operate
- powers of inquiry, including how the authority will manage risk
- the performance and triggers for different levels of intervention
- sanctions, including removal of licence to operate
- the complaints and independent appeals process
- the relationship with the Institute for Learning where individual professionals are concerned

### **The FE Code**

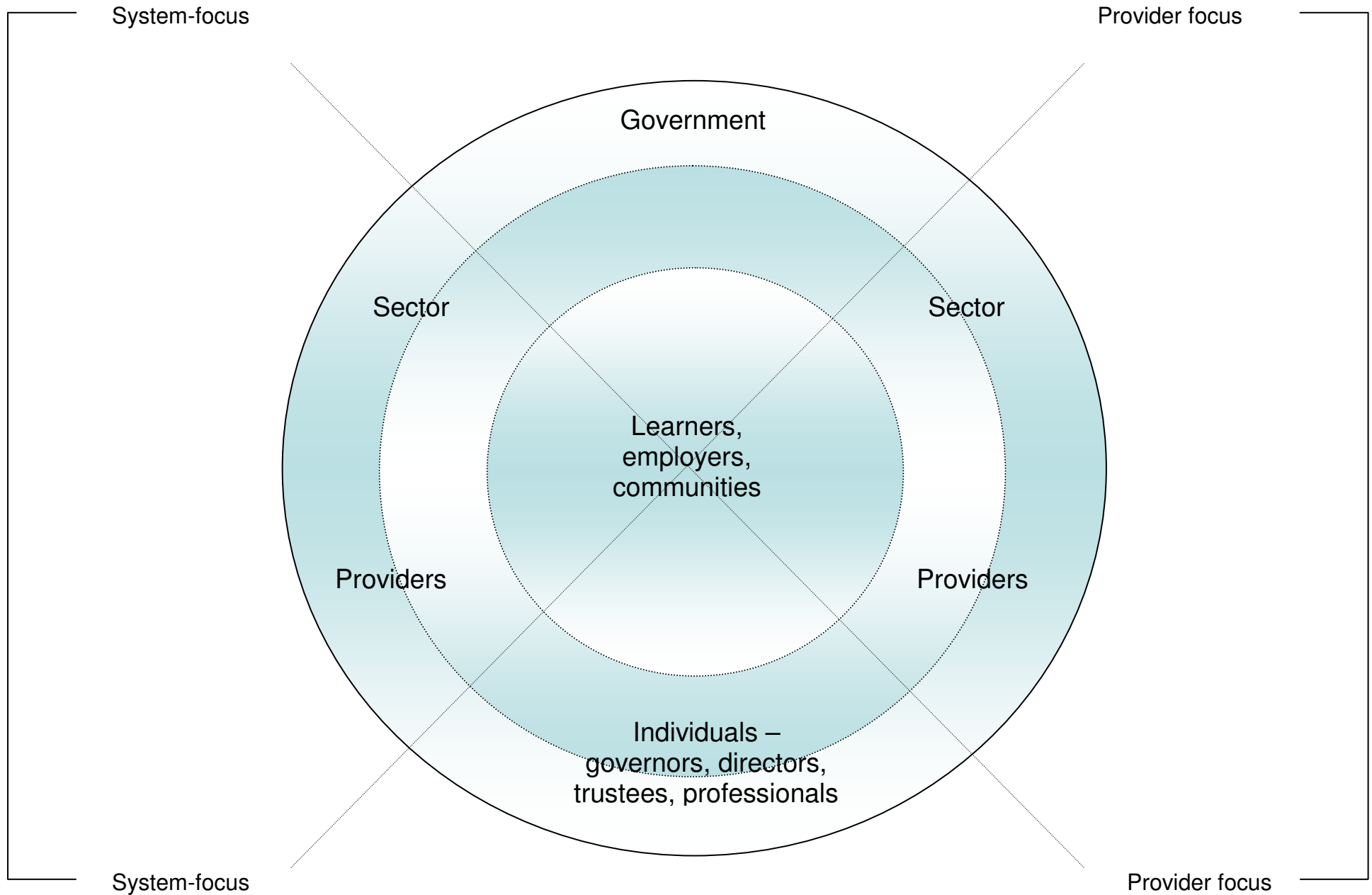
The FE Code describes the values, standards and behaviours which a provider must commit to as a licensed member of a self-regulatory sector. These include:

- adhering to the FE Code
- publishing an annual report and self-assessment

- making effective arrangements for internal control and risk management, as part of systems for organisational review and development
- engaging, as appropriate, in collaborative working, including, for example, peer review
- committing to the highest levels of statutory compliance
- accepting the responsibilities of the accountable bodies (e.g. Boards) for performance
- undertaking responsibilities of the professional development and performance of staff,
- providing information to learners, employers, and communities, and seeking and using their views on provision

The work of the 'further education authority', its strategic accord with government, the rules by which it operates and FE Code through which it establishes its regulatory powers with providers are central elements of our vision for self-regulation and are illustrated in diagrams 2 – 6. They are intended to assure government, learners, employers and communities that the sector as a whole, and individual providers within it, will act in accordance with our model of self-regulation.

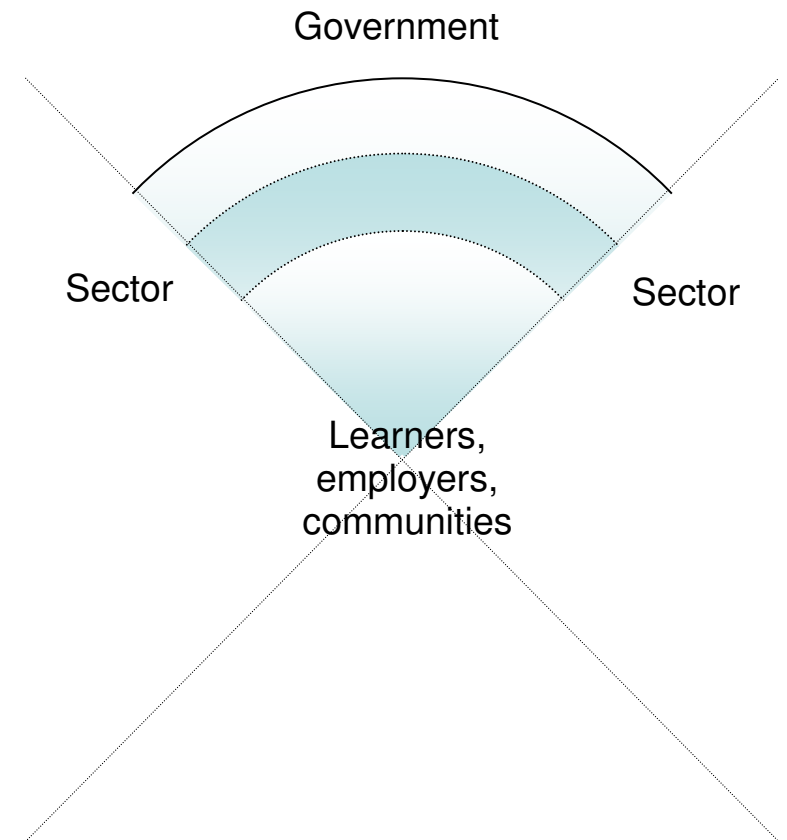
**Diagram 2: The scope of the regulatory system**



### Diagram 3: Government and the sector

#### The Strategic Accord

- The agreement between government and the 'further education authority' which sets out rights and responsibilities at sector level
- Defines the standards for performance required of providers
- Provides the mechanism for agreeing broad public service targets and objectives between the sector and relevant Departments
- Sets out relationship with other Government Agencies inc SFA and YPLA, particularly in relation to the SFA provider accreditation arrangements and the role of Ofsted
- Sets out the relationship with LSIS in terms of performance improvement
- Sets out the arrangements for consultation and dialogue with learners, employers and other users

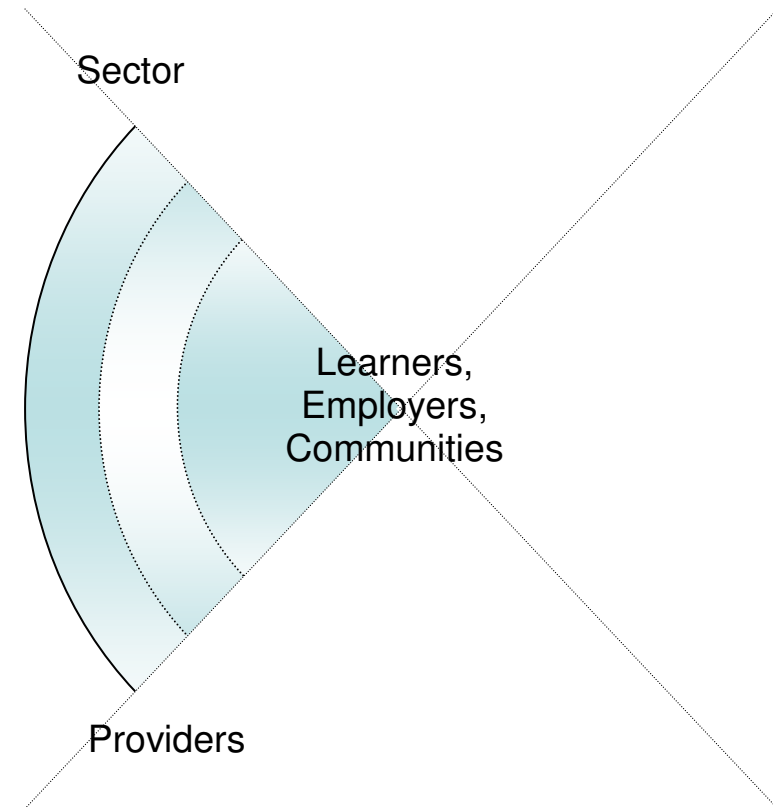


## Diagram 4: The further education authority' and providers at a system level

### The Rules and Regulations of the self-regulation system

Sets out how the self-regulation system works including:

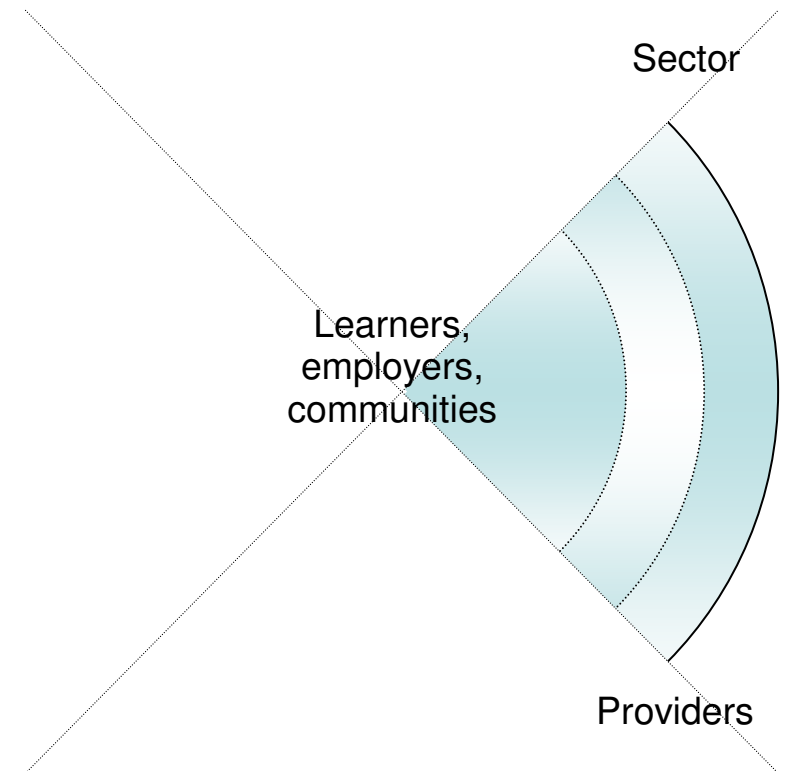
- The constitution of the 'further education authority'
- The process for becoming a licensed provider and the entry criteria to be met
- The licensing system
- How the regulatory body monitors compliance and assesses system-wide risks
- Complaints process – how the Authority will deal with complaints from the public about individual providers
- Powers of inquiry – how the Authority investigates complaints, monitors compliance with standards and assesses system wide risks
- Intervention – the performance and risk triggers for different degrees of intervention where minimum requirements are not met including statutory intervention as a last resort
- Sanctions – the actions to be taken where, following investigation, providers have been found not to have met the requirements of the FE Code, including removal of licence to operate
- Appeals process – arrangements for independent hearing of appeals by providers
- Relationship with Institute for Learning with regard to the professional conduct of staff



## Diagram 5: The 'further education authority' and individual providers

### The FE Code

- Sets out what an individual provider agrees to do as a member of the self regulation system including the values, standards and behaviours, as described in the FE Code, which a provider commits to and recognises as its responsibility
- The agreement will include:
  - recognition of the Authority's authority and the system 'rules' including the Authority's powers to intervene where minimum levels of organisational performance are at risk
  - an obligation to publish an annual report and assessment
  - requirements for internal risk management
  - to work collaboratively with other providers where it is in their strategic interests to do so
  - commitment to meet the highest levels of statutory compliance
  - acceptance of governors'/directors'/trustees' responsibility for the provider's performance
  - responsibilities towards and for ensuring that all professionals meet the requirements of relevant professional bodies
  - requirement to provide information to learners, employers, and communities, to seek and act on their feedback



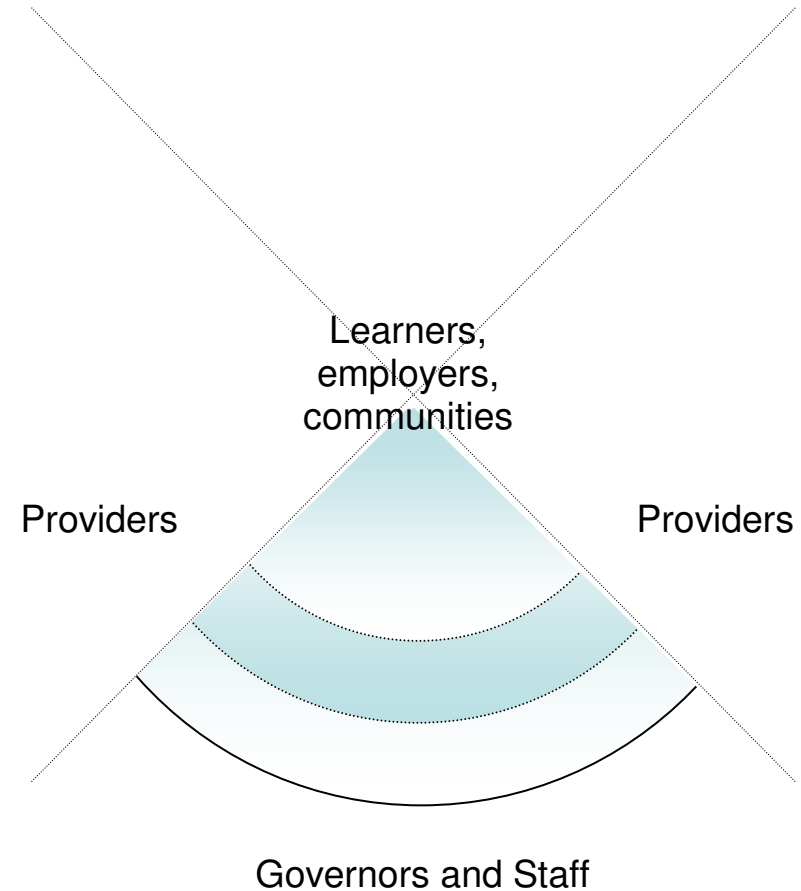
**Diagram 6: Individual professional responsibilities**

**Responsibilities of governors, directors, trustees**

- The corporate responsibilities of governors, directors, and trustees of self-regulating providers
- Based on existing Instruments and Articles (incorporated colleges); Memorandum of Association and Articles (incorporated company), other governance codes, with the inclusion of specific statements setting out the responsibility of governors/directors/trustees for the performance of the organisation, including management of performance risk, and the requirement to produce the Annual Report

**Codes of Professional Practice**

- Defines the professional behaviour which, in the public interest e.g. the Institute of Learning expects of its members throughout their membership and professional career
- Sets out the process for raising concerns about professional misconduct and the IfL's four stage disciplinary process
- Sets out the requirements and expectations of



**Your response:**

1. Do you agree with the establishment of a 'further education authority' which has a majority of independent members?
2. Do you agree with the FE Code?

**Prompt for action:** Consider the implications for your organisation of the powers and responsibilities proposed for the new authority

## Common performance assessment framework and key performance indicators

As part of our new paradigm for self regulation, we are committed to the development of a common performance assessment framework that will satisfy the accountability requirements of government, the inspectorate, and funding bodies and which is also responsive to diverse aims and missions of providers working in the FE system and needs of the learners, employers and communities they serve.

Our ambition is for a single performance assessment framework, rather than the plethora of frameworks that exist now. For this purpose we see the merits of a simple common performance assessment framework based on a relatively small number of Key Performance Indicators [KPIs] that are primarily output-based. The KPIs will be used for setting minimum levels of performance for providers. Beyond this providers will set performance goals that are responsive to their own organisational and collaborative missions. Detailed consultation will take place with the sector on the development of KPIs.

At this stage, three things are clear to us:

- i) minimum levels of performance need to be set for all licensed providers
- ii) performance measurement should be output- related
- iii) a new common performance assessment framework is needed which is flexible and rigorous enough to fit the purposes of a self-regulatory sector

We look next at managing risk within the sector, and at our proposed arrangements for providers who do not meet minimum levels of performance.

### **Your response:**

1. Do you agree there should be a new common performance assessment framework?
2. Which KPIs would you wish to be used?

## **Managing risk within the sector**

### **Individual provider's responsibility**

The first responsibility for risk assessment and management lies with the individual provider. A new approach would concentrate on the provider's ability to manage risk, which could include:

- analysis of performance against KPIs
- analysis of performance against other performance indicators relevant to the organisation's mission
- analysis of structured feedback from learners, employers, communities and other stakeholders
- descriptions of internal controls, including governance arrangements and management of risk
- statements on the quality of delivery and learning
- financial statement and accounts
- appointing their own auditors and acting as a single source of audit information for all public accountability purposes

Most providers hold a risk register as part of their internal controls, though current arrangements may focus mainly on finance. We envisage each provider extending what it does already to include a register of performance risk. This means that the provider would engage in a process of assessing risk as part of its self-assessment. The provider's assessment of risk would contribute to their self-categorisation. In the first instance, the onus is on the individual provider to seek support if it is required.

### **The responsibility of the 'further education authority'**

The authority will maintain a confidential list of all providers, rated according to their performance against the requirements of the FE Code. The authority will manage a regionally-based scrutiny of providers' performance through its two performance regulation panels. Evidence on performance will be collated by the authority's regional advisers. They will draw on providers' annual reports and self-assessments, inspection outcomes, audit reports, and other data drawn from the Information Authority, in order to identify providers falling below the minimum levels of performance required for licensed providers. The sector itself will then take action, using a 'traffic light' system of risk categorisation to decide on the levels and types of development intervention and support required.

### **The Traffic Light system**

Providers could be rated according to a traffic light system, for example:

Red	=	new provider not yet licensed by the authority
Red	=	inadequate performance
Amber	=	satisfactory but not improving
Green	=	outstanding, good, satisfactory and improving

The authority would concentrate its regulatory activities on providers categorised as Red or Amber. New providers might be categorised as Red until they took the actions required to sign the FE Code and receive a licence to operate.

### **‘At risk’ register**

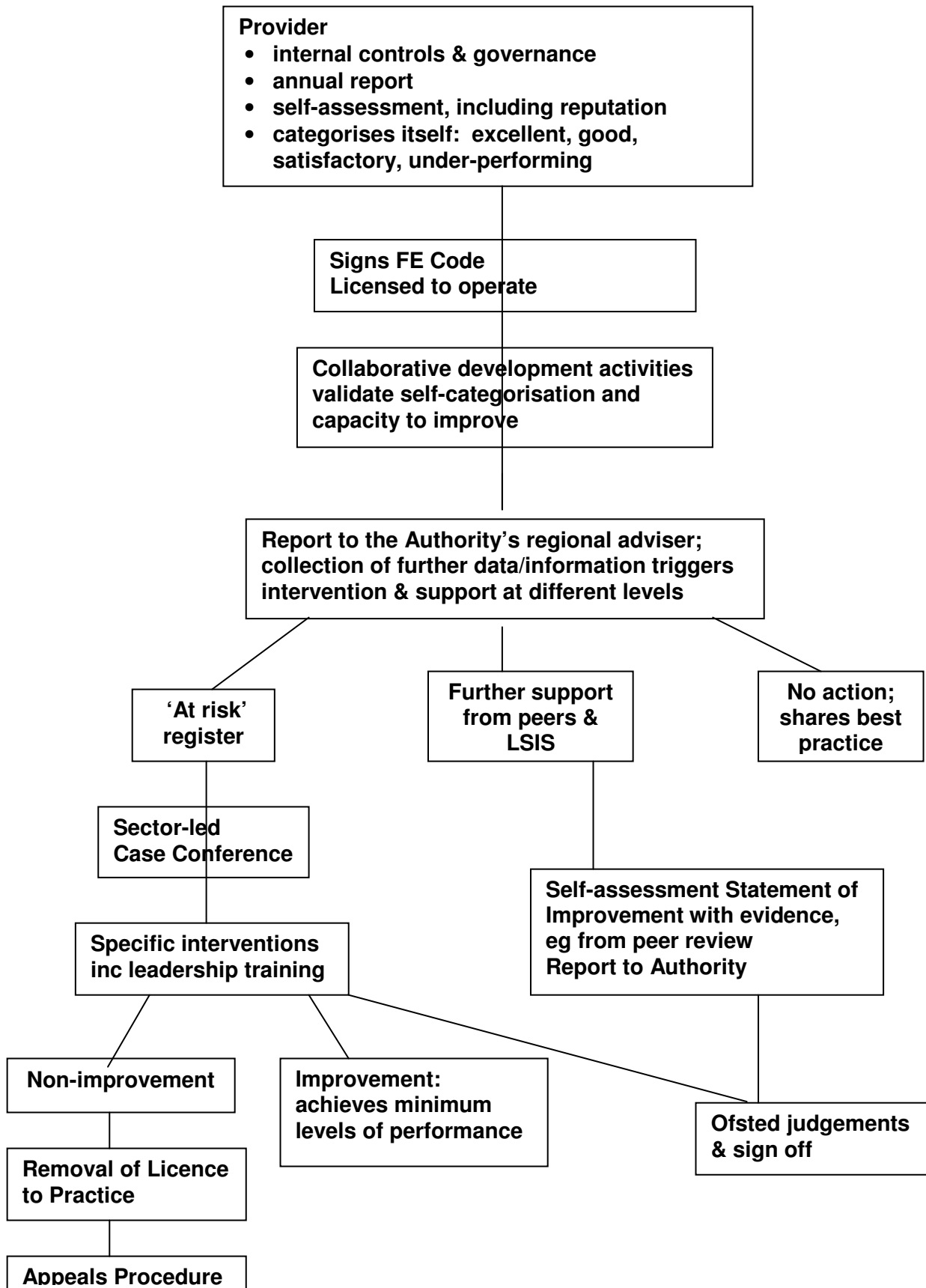
The authority will maintain an ‘at risk’ register of providers falling below the minimum levels of performance required for licensed providers. Entry in the register will trigger a sector-led case conference, convened by the regional adviser. Further interventions will then be planned, including support from LSIS. If the provider continues to fail to meet minimum levels of performance, the authority will recommend removal of its licence to operate.

### **‘Menu’ of intervention development and support**

The sector itself will provide support through structured collaborative development activities as an aspect of *system-level* regulation. The authority will work with LSIS to identify providers which require more intensive support, and it will also assist LSIS to develop demand-led support which target common areas of need.

Diagram 7 shows the partnership between individual providers and the ‘further education authority’ to manage risk in the sector.

**Diagram 7: Partnership between individual providers and the ‘further education authority’ to manage risk in the sector**



**Your response:**

1. Has the Framework for Accountability got the right elements and relationships to make it work?
2. Do you agree with our proposals for risk management across the sector, including the removal of licence to operate from providers which do not meet minimum levels of performance?
3. Should there be special designations for outstanding providers, including Beacon providers?

**Prompt for action:**

Consider the implications of the proposed Framework for Accountability with your governors/directors/trustees.

## Annex 1 Collaborative Self-Improvement – Provider Cameos

### **Cameo 1 Hampshire External Quality Review**

- Features:*
- 25 colleges in Hants, Surrey, Sussex
  - established in 1993/94 by sixth form colleges
  - extended to include further education colleges
  - steering group of principals/vice-principals
  - manager to co-ordinate
  - uses external adviser
  - engages in range of collaborative activities, including peer referencing to improve performance

*Drawn from: Peer Referencing: Beyond the Pilots, Institute of Employment Studies, [date?]*

### **Cameo 2 FE Sussex**

- Features:*
- 12 providers, including GFES, sixth form colleges, specialist college
  - established late 1990s
  - private company; board of college principals
  - Chief Executive, supported by local college managers
  - Funded from fees, LSC, LSN, QIA, SEEDA and European Funding
  - Three-year Quality Improvement Strategy

*Drawn from: Peer Referencing: Beyond the Pilots, Institute of Employment Studies, [date?]*

### **Cameo 3 PDP Shropshire**

- Features:*
- 6 GFES and sixth form colleges
  - established in 2002
  - widened participation to include operational managers and teachers
  - uses menu of professional development activities
  - formalising activities as preparation for self-regulation

*Drawn from: Peer Referencing: Beyond the Pilots, Institute of Employment Studies, [date?]*

### **Cameo 4 NE Peer Referencing Group**

- Features:*
- 5 GFES and a community
  - established in 2003
  - originally an informal quality forum focusing on self-assessment and sharing good practice
  - formalising their programme as preparation for self-regulation

**Cameo 5      Work-based Learning Providers**

- Features:*
- East Midlands Peer Challenge Group – 6 providers  
Tyne & Wear Association of WBL providers – 6 providers
  - both groups use external facilitators
  - funding from ‘Support for Success’
  - deploy range of collaborative improvement activities, including peer referencing

*Drawn from: Peer Referencing: Beyond the Pilots, Institute of Employment Studies, [date?]*

**Cameo 6      East of England**

- Features:*
- cross-sector 12 groups of 40 providers
  - includes GFEs, sixth form colleges, specialist colleges, adult and community learning providers, work-based learning providers, secondary schools
  - steering group established by LSC, includes QIA and LSN
  - co-ordination undertaken by external consultant

*Drawn from: Peer Referencing: Beyond the Pilots, Institute of Employment Studies, [date?]*

**Cameo 7      Better Together: Peer Review and Development in the North West**

- Features:*
- 4 colleges
  - established 2005
  - steered by Principals Group
  - uses ‘mini-inspection’ approach to ensure rigour
  - focus includes: validating self-assessments; leadership and management; under-performing curriculum areas, learner feedback; value for money; financial issues
  - structured review process, including provision of documentation to review team
  - evaluation finds ‘the benefits of peer review outweigh the costs involved’

**Cameo 8      League for Learning Self-regulation Pilot Project**

- Features:*
- 3 colleges
  - use Common Inspection Framework and Business Excellence Model as basis for peer verification of providers' self-assessments
  - 2-day peer review session focused on providers SAR
  - development activities based on outcomes of the sessions
  - rigorous external evaluation found evidence of colleges' capacity for collaborative improvement, and for securing the outcomes they needed from the process

*Drawn from: Evaluation of the League for Learning Self-Regulation Pilot Project, H. Foster, The Research Centre, City College Norwich, 2006.*

**Cameo 9      Northamptonshire Training and Development Partnership**

- Features:*
- 10 deliverers of work-based learning deemed 'at risk' of losing their LSC contracts because of under-performance
  - tailor-made mentoring programme using specialist organisation
  - included 2-day peer review session focused on providers SAR
  - LSC funded
  - evaluation indicated improvement; providers retained their contracts

*Drawn from: Evaluation of the League for Learning Self-Regulation Pilot Project, H. Foster, The Research Centre, City College Norwich, 2006.*

**Cameo 10      Yorkshire and Humber Provider Network**

- Features:*
- 4 local networks for all region's work-based learning providers
  - networks constituted as limited companies
  - remit to support and develop work-based learning infrastructure
  - professional development programmes across the region

*Drawn from: Evaluation of the League for Learning Self-Regulation Pilot Project, H. Foster, The Research Centre, City College Norwich, 2006.*

**Cameo 11      South West Local Authority Adult Learning Group**

- Features:*
- Heads of ACL services and senior managers in SW region
  - established 2002
  - strategic partnership with Memorandum of Understanding and Annual Service Level Agreement
  - focus on collaborative responsibility for improvement, and the strategic positioning of ACL

*Drawn from: Current peer-referencing activity in the adult learning sector: Open Door Adult Learning Centre/HOLEX/QIA, 2007.*

**Cameo 12      Lancashire Partnership**

- Features:*
- four local authorities, Manchester Adult Education Service, 3 colleges, local adult care services
  - established 2004
  - Lancashire Adult Learning [LAL] drives the partnership
  - focus on peer-referencing; LAL offers peer-referencing service to other providers in the partnership
  - involvement from CEL mentoring teams

*Drawn from: Current peer-referencing activity in the adult learning sector: Open Door Adult Learning Centre/HOLEX/QIA, 2007.*

**Cameo 13      East Midlands Partnership**

- Features:*
- four county councils and their ACL services, Leicester Adult Learning Service
  - established 2006
  - pilot for peer review activities
  - use external facilitator funded by LSC
  - QIA involvement

*Drawn from: Current peer-referencing activity in the adult learning sector: Open Door Adult Learning Centre/HOLEX/QIA, 2007.*

**Cameo 14      North West Corridor Partner**

- Features:*
- nine large ACL providers, including borough councils
  - established 2006 as part of Support for Success, supported by NIACE
  - focus on developing regional ACL benchmarks; developing shared improvement strategies
  - co-ordination by Support for Success consultant

*Drawn from: Current peer-referencing activity in the adult learning sector: Open Door Adult Learning Centre/HOLEX/QIA, 2007.*

**Cameo 15      North Tyneside Council Adult Learning Alliance**

- Features:*
- mix of ACL and work-based learning providers in North Tyneside
  - originally established for ACL but extended to other providers
  - active in peer review and development activities
  - progress from grade 3 for leadership and management in 2004 to grade 2 for all overarching grades and grade 1 for capacity to improve in latest inspection

*Drawn from: Current peer-referencing activity in the adult learning sector: Open Door Adult Learning Centre/HOLEX/QIA, 2007.*

**Cameo 16      Collaborative Approach to Improving Performance in Specialist Colleges for learners with learning difficulties and/or disabilities**

- Features:*
- project being developed jointly by Natspec and the Single Voice
  - focused on building capacity for self-regulation and for intervention
  - targeted at colleges which are 'satisfactory but not improving'
  - to use peer review process with Lead Peer Reviewers recruited from good/outstanding specialist colleges, trained as facilitators
  - structured activities, including development workshops and visits
  - builds on colleges' experience of involvement in other national improvement initiatives which deployed facilitators, and on their participation in Natspec-led improvement programmes

### **Cameo 17      Support for Excellence – QIA national programme**

*Features:*

- 600 providers working in 125 peer review and development groups
- undertaken by Deloitte on behalf of QIA
- providers secure development funds by producing needs-based action plans
- range of delivery and support facilities provided by delivery consortium, including development tools
- use of peer review processes for self-assessment
- emphasis on building sustainability so networks can continue once pump-priming funds end
- full range of providers involved, including those with no prior experience of collaborative improvement
- rigorous evaluation finds providers committed to making peer-referencing work as part of their self-improvement strategies, and to developing capacity across the sector

*Drawn from: Internal Evaluation of Support for Excellence.*

### **Cameo 18      Working towards self regulation – Landex**

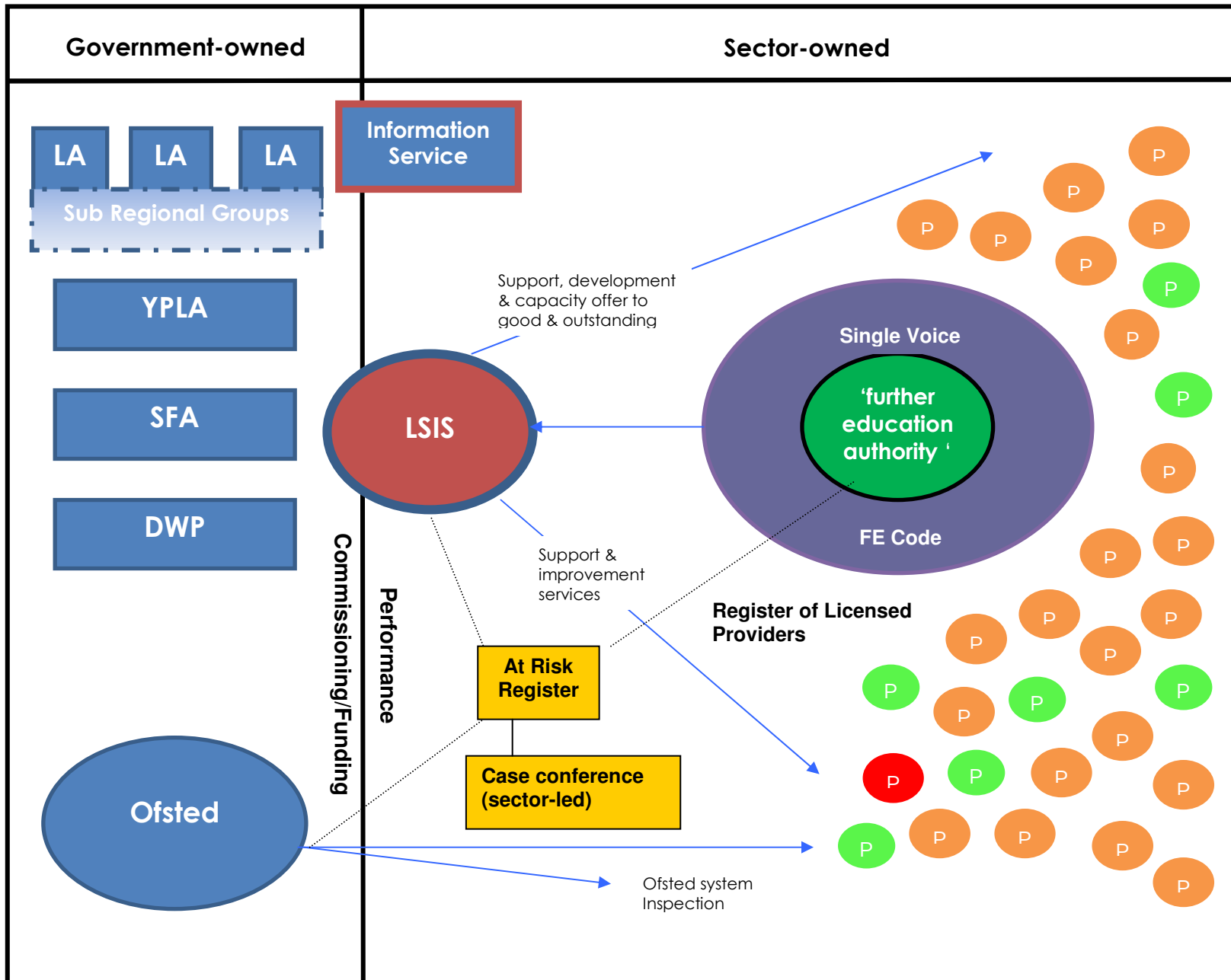
*Features:*

- Established in May 2006
- Thirty two members all with a specialism in land based provision
- Ensures effective dialogue with industry, government departments, funding bodies and other organisations.
- Helps others understand the unique set of issues that impact on the ability of members to work effectively.
- Ensures achievement of defined quality criteria within member colleges through robust self regulation and support for continuous improvement.
- Supports and promotes members colleges in achieving success.
- Membership criteria and a quality improvement strategy in place which guides corporate and member activity to promote quality improvement.
- Board of directors elected from the membership directs all aspects of Landex work and a membership subcommittee considers individual members' meeting of required quality criteria.

*Drawn from: Landex publication*

As one college manager said, 'this is a journey we can't opt out of'.

# The Further Education System



**Key:**  
 LSIS = Learning & Skills Improvement Service  
 P = Provider  
 DWP = Dept for Work & Pensions  
 LA = Local Authority  
 SPA = Skills Funding Agency  
 YPLA = Young People's Learning Agency

## **Consultation response pro-forma**

This Prospectus sets out our vision for a self-regulating further education system built on the maturity and capacity that we know is within the sector. The Single Voice needs your responses and support in order to continue its work. Sir George Sweeney says in his Foreword that the sector is now ready to take ownership of its future, recognising that autonomy will be hard-won and hard work. We think you will agree with both parts of that statement.

The Single Voice needs your responses to its proposals. We need to know that the sector is behind what we are doing, and that it is willing to contribute its expertise and experience to the evolution of self-regulation.

We would be grateful if you could take some time to respond to the questions raised in the Prospectus.

### **Your response should be sent to:**

**The Company Secretary,  
The Single Voice for Further Education,  
2-5 Stedham Place,  
London, WC1A 1HU**

Or emailed to [chanelle\\_smith@aoc.co.uk](mailto:chanelle_smith@aoc.co.uk)

**by Friday 19<sup>th</sup> December 2008**

## **Consultation Questions**

### **Beliefs and values**

1. Are these the beliefs and values that you want to see embodied in a self-regulatory system?

### **Benefits of self-regulation**

2. Do you agree that these are the benefits of self-regulation? Do you envisage any other benefits?

### **What we have done so far**

3. Are there other things you think we should be doing?

### **Framework for Performance Management and Improvement**

4. Does our Framework for Performance Management and Improvement do what it needs to do?
5. Is there anything we should change or add to the Framework?
6. Have we got the responsibilities right for governors/directors/trustees? Are there other implications for their responsibilities?
7. Are the responsibilities for professionals rigorous enough to support the aims of self-regulation?
8. Are these the right responsibilities for organisational review and development? Are there any others you could suggest?
9. Do you consider collaborative action to tackle under performance and to share best practice to be an essential element of a self-regulating self-improving sector?
10. What benefits/difficulties do you think these responsibilities might present for the sector?
11. Do you agree that the sector-wide responsibilities should be these?

### **New focus for collaborative self-improvement**

12. Is collaborative working an important aspect of self-regulation?

### **Capacity for self-improvement**

13. Do you share our judgement of the sector's capacity for self-improvement and tackling under-performance, and for sharing best practice and innovation?

### **The 'further education authority'**

14. Do you agree with the establishment of a 'further education authority' which has a majority of independent members?
15. Do you agree with the FE Code?

### **Common performance assessment framework and Key Preference Indicators**

16. Do you agree there should be a new common performance assessment framework?
17. Which KPIs would you wish to be used?

### **Framework for Accountability**

18. Has the Framework for Accountability got the right elements and relationships to make it work?
19. Do you agree with our proposals for risk management across the sector, including the removal of licences to operate from providers which do not meet minimum levels of performance?
20. Should there be special designations for outstanding providers, including Beacon providers?

## Information about the Single Voice

### Representative bodies which are members

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

### The Self Regulation Project Team

Sir George Sweeney	Chair
John Taylor	Project Director
Phil Cox	
Sue Dutton	
Paul Eeles	
Mary Heslop	
Sarah Johnson	
Yasmin Lambert	Project Administrator (August 2007 – March 2008)
Chanelle Smith	Project Administrator (April 2008 – June 2008)
Tsui Tsang	Project Administrator (July 2008 – September 2008)

### Co-opted members

Caroline Mager  
Steve Sawbridge/ Maggie Scott/ Joy Mercer  
Debbie Watson

### The Self Regulation Implementation Group, 2006-2007

Sir George Sweeney (Chair), former Principal, Knowsley Community College	Elaine James, Chair of Governors, Barking College
Tony Alderman, Chair of Governors, Barnet College	Melanie Hunt, Head of Post-16 Division, Ofsted
Kate Anderson, Director of Improvement & Strategy, QIA	John Latham, Principal, Cornwall College
Gareth Cadwallader, Board member, SSDA & LSC National Council	Nick Lewis, Principal, Castle College
Colin Daniels, Chair of Governors, Warrington Collegiate Institute	Frank McLoughlin, Principal, City & Islington College
David Meredydd, Vice Chairman, LANDEX, and Principal, Reaseheath College	Elaine McMahon, Principal & Chief Exec, Hull College
Sue Dutton, Deputy Chief Exec, AoC	Frank McMahon, YH Training Services
Ray Faulkner, Chair of Governors, Tamworth & Lichfield College	Lyndon Nelson, Head of Dept of Risk, FSA
Maggie Galliers, Principal, Leicester College	Dan Taubman, National Official, University & College Union

Heather Green, Manchester Solutions  
Max Hamps, CITB

Angela Hands, Director Value for Money Audit,  
NAO

Mary Heslop, Executive Director, 157 Group

Graham Hoyle, Chief Exec, ALP

Claire Ighodaro, Ind Dir & Member LSC

Alan Tuckett, Director, NIACE

John Taylor, Self Regulation Implementation  
Group Project Leader

Chris Thomson, Principal, Brighton Hove &  
Sussex Sixth Form College

Beth Walker, VP Further Education, NUS

Rob Wye, National Director LSC

Peter Newson, Director of Provider Financial  
Management, LSC

Department for Innovation, Universities and Skills (DIUS) Observers:

Sue Baldwin, and Marilyn East, Further Education Reform Unit

Emily Thrane, Secretary to the Group