

NIACE response to the Government document

'Improvement in the Further Education Sector: a consultative prospectus for a new sector-owned organisation'

Introduction and summary

The National Institute of Adult Continuing Education (NIACE) is the national non-governmental organisation for England and Wales representing the interests of adult learners, potential learners, and those who make provision for them. A membership organisation NIACE is a registered charity and a company limited by guarantee. NIACE represents the interests of all learners, advocating increased opportunities for adult learning and for better quality provision. However, as an organisation, we are particularly concerned to advance the interests of those who have benefited least from education and training and who are at a disadvantage in British society. We carry out our work through advocacy, research and development and promotion in partnership with all stakeholders in adult learning, since we seek to advance the case for adults in the full range of contexts where adult learning takes place. We do not represent the interest of any specific group of providers.

We welcome the opportunity to respond to the development of government thinking set out in the consultation document of December 2007¹. We have been associated as stakeholders and contractors in the work of both the bodies (the Centre for Excellence in Leadership (CEL) and the Quality Improvement Agency (QIA)) upon which a new sector-owned organisation will be built.

NIACE also welcomes the aspiration for a single agency to cover the current remit of CEL and QIA. We welcome this as an interim step towards a situation where logic would suggest a closer relationship with the sector skills council for this employment area, Lifelong Learning UK.

As a member of the 'Single Voice' group we recognise its role as a mechanism for securing the involvement of the full range of providers, particularly at a time of significant culture change in the sector.

NIACE has responded to the range of consultation questions. This is preceded by some background comments that providers and practitioners may find useful.

Background

The Department for Innovation, Universities and Skills, the CEL and the QIA are consulting nationally on 'how improvement services should be commissioned and provided for the further education sector?'. In doing so the Boards of QIA and CEL have decided on forming 'an entirely new organisation dedicated to developing and supporting the excellent further education sector [that] employers, learners and communities need.'

This organisation will build on the existing CEL and QIA, but it is not simply a bringing together of their work. It will take a comprehensive approach to whole organisation improvement, offering services which are based on leading edge practice from within the sector and further afield.¹

Both organisations believe it is timely to merge in view of the changing policy context in terms of self-regulation, Leitch implementation², and the Foster Review's call for a better co-ordinated sector.³

QIA and its partners, including CEL, were remitted to review their National Improvement Strategy [NIS] in the government's Leitch Implementation Plan. This work has already begun. The new organisation will take on the development of the Strategy, which will be owned by the sector; and the views of colleges and providers will inform the work of revision.¹

Launched in April 2006, the QIA works with colleges and providers to raise quality and standards in the further education sector across England. It leads the National Improvement Strategy⁴, working with national partners and stakeholders. QIA aims to encourage and support providers in self-improvement activities.

QIA does not charge for any of its services.

CEL was launched in October 2003 to 'develop strategic organisational leadership in the learning and skills system.' Created by the government's Leadership Advisory Group, it initially aimed to address the skills needs of college principals and other senior leaders. Since then, partly due to the extensive skills set of its consortium members, it has developed in many areas, not least a vibrant body of action research.

Unlike similar bodies like the National College of School Leadership, CEL was set up to move towards self-funding status within three years. Therefore most

¹ www.dius.gov.uk/consultations/con_1107_feimprovement.html

² *World Class Skills*, DIUS, July 2007.

³ *Realising the potential – a review of the future role of further education colleges*, DfES, November 2005.

⁴ *Pursuing Excellence*, QIA, January 2007.

CEL programmes are not free at the point of use, but many are heavily subsidised to address market failure.

In terms of the merged body, the vision is of a 'sector-owned improvement organisation' belonging to the further education sector' (defined as 'the wide range of colleges and providers and the national partners responsible for planning, funding and improvement in England... from the age of 14 upwards.')

A name has yet to be chosen for the new organisation. This is something the shadow board will address following consultation from the sector on what the new body is there for and how it is funded. Having said that it is expected that 'some rationalisation and ...savings will be made, for example from economies of scale, but without an overall reduction in service.'

The planning assumption is that the new organisation will come into being by April 2008 and be fully established by autumn 2008. A 'shadow Board' has been established to oversee the financial and legal arrangements for setting up a limited company and recruit the new chief executive.

Until such time as the new organisation is set up and running, the CEL and QIA operations and infrastructure, along with their boards and executive, will continue to function. Programmes and services will continue – it will in this sense be 'business as usual' and colleges and providers should find no difference in the service they receive from CEL or QIA.

NIACE's response follows the questions asked in the consultation document.

QUESTION AREA 1: MISSION AND AIMS OF THE NEW ORGANISATION

The document starts by recognising the size and complexity of the sector.

It includes: small, specialist providers focusing on skills development in local areas or industry niches; adult education services helping people learn simply for interest or giving them the second chance they need; offender learning in prisons; and substantial colleges which are major businesses in their own right and which offer a huge range of courses and qualifications.¹

However the external context as laid out in the document is definitely one of a Leitchian view of global economic competitiveness. Although reference is made to 'social mobility, justice and cohesion.' This better reflects the wider remit of providers in the sector.

If the organisation solely reflects the current agenda of a 'demand led system' at the outset this will have implications for the organizational style and culture of the new body. A demand-led system suggests an improvement body which sells services to the field and is led through processes of customer involvement and consultation. This would present a culture shift away from centrally driven provision and targets, to standards agreed through negotiation, a culture of trust and market responsiveness.

The contextual information does not refer to the role of Lifelong Learning UK or the Institute for Learning which seems to be an omission, given the roles of these organisations.

NIACE supports the vision of a genuinely sector-owned body and the need to develop and refine mission, aims and activities over time by involving the sector. For many providers in this diverse and complex sector this will be a welcome and relatively new concept. It would be perhaps fair to say that both CEL and QIA have been required to prioritise the needs of FE Colleges over what the government refers to as 'other providers'.

The new organisation's mission is proposed as 'to enable sustained and systemic transformation of the further education sector in response to learner and employer need, thus supporting the sector to enhance its reputation, make a success of self-regulation, and meet the social and economic challenges we face.'

NIACE supports this broad mission but queries whether specific reference to self-regulation needs to be there. Self-regulation is a driver of improvement not an end in itself. The focus of the organisation should be on impact, through providers, upon individuals (in learning and outside of it),

employers and communities (a term applied inconsistently throughout the document.)

NIACE welcomes the focus ‘on improving the quality of learning so that learners achieve the best they can across the whole further education sector.’

We support the promotion of good practice and learning success across the sector and systematic research to support excellence and innovation. We regard these as two key words to be used in the organisation’s aims.

QUESTION AREA 2: KEY ACTIVITIES

NIACE supports the intention to work with the sector, partners and employers and learner and community representatives to refresh and update the National Improvement Strategy. We hope to continue to be involved in this activity. It would be good to see explicit links with the National Learner Panel in this work.

One omission is the leadership of research around improvement and excellence. Recent work by the NIPB has shown encouraging signs to join up research within a framework to support the NIS. This should emphatically not be lost in transition.

NIACE strongly supports disseminating and embedding innovation, research and good practice across the sector, but would welcome a debate on how this is done, particularly in the light of the DIUS’s proposed Innovation Strategy.

In managing dissemination it will be important not to ‘inflate’ individual examples of innovation and good practice, so that something small comes over as ‘universal’. There is already a tendency to do this on the part of agencies keen to show they are having an impact (QIA measures itself and is measured on this). This situation may make providers’ staff reluctant to ‘claim’ innovation or good practice as many organisations may not want the ‘razzamatazz’ that then ensues – being under the spotlight is not comfortable. Also, once a provider is labelled ‘innovative’ or an exemplar of good practice or excellence, it has been said that there is ‘nowhere to go other than down’. The new body needs to be sensitive to this in its dealings with providers.

It is perhaps surprising in view of the machinery of government changes not to see explicit reference to the role of local authorities in the activities section. NIACE does not understand why sixth form colleges are singled out for special reference in this context. This seems inconsistent with the rest of the document.

NIACE recognises the role of commissioning in delivering effective public services, but implores the new body to avoid needless bureaucracy in its commissioning activity. This detracts value from the sector and focuses too much on process at the expense of outcomes. The new body should be staffed accordingly.

It is encouraging to see that the new body would work in partnership with the Learning and Skills Council, Ofsted, Becta and Lifelong Learning UK to avoid duplication and waste of public money. **NIACE thinks this would merit a plan in itself that directly communicates to the sector the role of various agencies both at a national and sub-national level.**

NIACE believes that the new body should also work in close liaison with other leadership bodies such as National College for School Leadership, the Cultural Leadership programme, the Local Government Leadership Centre, so that there is shared learning about improvement and development.

QUESTION AREAS 3-13: INTERNAL ORGANISATION

NIACE agrees that the new organisation will want to develop a good working relationship with the government and its departments involved in the sector. We agree principal contact will be with the Department for Innovation, Universities and Skills (DIUS), which has policy responsibility for the further education sector. It is encouraging to see the desire to work closely with the Department for Children, Schools and Families (DCSF) on 14-19 reform and Work and Pensions (DWP) on integrated employment and skills services.

These changes will directly impact on providers and their ability to deliver excellence. In view of this it is good to see the intention to influence policy as well as deliver it on behalf of government. Organisationally this approach needs careful thought. It would be true to say that the relative maturity of existing organisations has not led to a consistent approach to this to date. The new body should be given adequate time to establish a new operating culture that fits its new mission – with time for thorough consultation with stakeholders about this.

Governance, legal structure, ownership and funding

NIACE is pleased that a range of options for sector-owned improvement bodies were considered from higher education, local government and the schools sector. But, as noted, the learning and skills sector is different.

We understand the desire to explore a 'national' (i.e. England-wide) model but wonder how this sits with the role of LLUK (four-country model).

NIACE cannot support or otherwise the detailed terms of business of the new organisation without further details. But as QIA (also a NDPB) and CEL are both companies limited by guarantee and with charitable status, the merged organisation having the same status is not problematical. The funding arrangements are designed to mark a significant shift away from government control placing lead responsibility with the sector itself.

NIACE supports the intention therefore that the new organisation should not be regarded as an NDPB but acknowledges that it's funding might be considered more vulnerable because of this.

NIACE supports the intention to give 'colleges and providers' members voting rights to nominate and elect a proportion of the board, although the use of 'colleges and providers suggests a de facto prioritisation or hierarchy (and is outdated). We do not support voting rights being weighted broadly to contract value. From our perspective this will perpetuate inequalities in the system and bring in unnecessary rigidity and bureaucracy. The arrangements in the document, at this stage, seem over complex.

NIACE is happy to advise on running a membership organisation.

As a member of the Single Voice group **NIACE believes that it is critical is that the relationship is clear and unambiguous and the responsibilities and powers of each are distinct but complementary.**

We support the proposal that the Chair will be an advertised post and that the chief executive officer will be appointed through an open recruitment exercise. It is unclear how the SMT will be recruited. NIACE would not like to see a situation where the CEO did not have adequate scope to recruit his/her own team.

As we understand it, the main elements of funding for the new body would be:

1. shadow levy/member subscription from providers, and
2. commissions from the government
3. other contracts and commissions
4. the sale of services and products

The new organisation will move to a position where the bulk of its funding is under 2 to 3 and 4. NIACE is aware that this will require a culture change in some aspects of what is in effect a merged as opposed to 'new' organisation. It is right and proper to discuss this with the sector and organisations like NIACE that have operated in this way for some time.

QUESTION AREAS 14-17: SERVICES FROM THE NEW ORGANISATION

How can learners, employers and communities influence the new organisation?

NIACE believes that any governance arrangements should involve learners, for example the Chair of the National Learner Panel, or a nominated representative. It is critical to move learners' (and employers') roles away from those of stakeholders to be consulted, to a role in governance and agenda setting.

Priorities for action

NIACE supports ensuring that there is continuity between the work of the new body and CEL/QIA. In terms of quality improvement the NIPB has reviewed the NIS so should be well-placed to influence this. However, this is only part of the changing context and the wider role of the new body.

NIACE is aware that there will be a necessary prioritisation of the Workforce Development and self-regulation agendas. However, it will be as important to prioritise a review of processes that enable the new body to be effective and add value as well as the content of its activities.

In terms of timescale, **NIACE supports a staged approach with short, medium and longer term plans.**

Partnership working and sector expertise

In addition to the comments made above, **NIACE would encourage a review of the effectiveness of current partnership arrangements (e.g. the NIPB, CEL Advisory Board) before planning further.**

CONCLUDING COMMENTS

NIACE welcomes the opportunity to respond to this important consultation. The role of the proposed new single body is important ensuring effective and high quality provision to adult learners.

While adult learning is only part of the new body's constituency it is crucial that the views of adult learning providers, adult learners and their communities are heard in planning the new body's activities and its ways of working.

How this new body operates will be critical. From our perspective, its **organisational culture must be more than an amalgam of the very**

different cultures of the QIA and CEL. We hope the new body adopts an enabling approach rather than one of micromanagement. We hope it will have the confidence and respect to challenge as well as implement policy. This will come from skilled organisational leadership and carefully established governance.

It is encouraging that the sector's diversity and complexity has been acknowledged, but we have been there before. In the past similar things have been said only for a 'one size fits all' policy/approach to be adopted. **NIACE would welcome assurances that providers involved in learning and skills provision that is not currently central to mainstream policy priorities, will be included and listened to.**

Finally, **NIACE believes it is important that an open dialogue is initiated between sub-sectors, so that over time a framework is established to enable us to move towards a more coherent system.** As sector skills council, LLUK should lead this work, so that a narrow parochialism is avoided within the learning and skills sector, and that links with the Higher Education sector are further developed.

NIACE would welcome the opportunity to enlarge upon any of the topics covered in this paper. In the first instance please contact Mark Ravenhall, Associate Director. (mark.ravenhall@niace.org.uk).

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