

# Annex A: Proforma for Responding to the Consultation Circular

Cheylesmore House, Quinton Road, Coventry, CV1 2WT

T 024 7682 3264 F 024 7682 3334

[www.lsc.gov.uk](http://www.lsc.gov.uk)

[S4A.implementation@lsc.gov.uk](mailto:S4A.implementation@lsc.gov.uk)

(Reference: Circular 03/01 consultation on floor targets; headline improvement targets and funding rates; three-year funding; development planning and development plans.)

Please complete and mail this proforma to the address above (or fax on 024 7682 3334) by no later than **25 April 2003**. A copy of your response will also be forwarded to your local LSC for information. A Microsoft Word version of this response proforma is available on the LSC website ([www.lsc.gov.uk](http://www.lsc.gov.uk)) and can be completed and emailed back to [S4A.implementation@lsc.gov.uk](mailto:S4A.implementation@lsc.gov.uk) if preferred.

Early responses would be greatly appreciated.

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Name (*please print*): Sue Cara

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Role/title: Director, Policy and Programmes

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Organisation: NIACE

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Address: Renaissance House, 20 Princess Road West, Leicester

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Postcode: LE1 6TP

The Learning and Skills Council may in accordance with the Code of Practice on Access to Government Information, make available on public request, individual consultation responses. This will extend to your comments unless you inform us that you wish them to remain confidential.

**Please respond below by highlighting the appropriate box and entering your comments in the space provided.**

Do you wish your response to remain confidential?

Yes  No

Which of the following organisations do you work in/represent

Further education college (including representative body)

LEA

Other public sector provider (including representative body)

Sixth form college

Employer

Voluntary sector provider (including representative body)

Specialist college (agriculture or art and design)

Private training provider

Ufi/**learndirect** hub

Higher education institution with further education provision

Specialist designated institution

Specialist college or learners with learning difficulties and/or disabilities

Other (please specify)

Narional Institute of Adult Continuing Education (NIACE)

Comments are invited on the following questions:

Q1 Do you agree with the five key principles to support the implementation of the quality and success framework? Yes  No

**Comments**

**NIACE agrees with the principles but in relation to principle 5 'making decisions based on the professional judgements of the Local LSC' we would emphasise the need for capacity building and staff development for LSC staff to enable them to make such judgements on a sound basis and with sufficient knowledge and understanding to ensure the confidence of providers. There is a real need for colleges to be reassured about capacity and intention so that trust in the LSC can be built. The intention to develop staff mentioned in paragraph 27 and throughout the Circular must be realised.**

Q2 Do you support the concept of a single, high-level development plan to be agreed with the local LSC? Yes  No

**Comments**

NIACE strongly supports the concept of a single plan to be agreed with the

LSC. The LSC will need to ensure that the plan is truly high level and not request inappropriate detail or there is a risk that it will be merely an agglomeration of current plans and lead to no reduction in bureaucracy. Many colleges and other providers will want to maintain their own strategic plan. Providers are more than agents of the LSC and there may be some potential for tension between college corporations and their overall plans and the LSCs local strategy.

Q3 Do you agree that in due course colleges and providers should have a single development plan covering all Council-funded provision? Yes  No

### Comments

We agree that one plan should cover all Council funded provision and all, aspects of such provision. If this is to work the LSC will need to agree with providers how much information is essential for sensible planning to keep demands to a minimum. We urge the LSC to recognise that, for some providers in receipt of substantial funds from other sources, a single plan may need to make reference to non-LSC funded activities and priorities.

Q4 Do you think there should be more targets and milestones for:

-customer focus? Yes  No

-provision of excellent teaching and effective learning? Yes  No

-enhancing the capability of the college or provider's staff? Yes  No

### Comments

We do not support more headline targets. While believing that the targets identified have their uses, we are concerned about the effect this combination of targets may have on widening participation. Providers anxious to have excellent success targets - on which funding depends, may be reluctant to recruit from disadvantaged groups, as learners from these groups can be more challenging to teach and more likely to drop out of provision. This problem may be exacerbated as colleges respond to encouragement to specialise and withdraw from some areas of work, leaving learners who are least able to access distant provision at risk. We hope that thought will be given to how encouragement to recruit more and learners and success targets will be reconciled.

Q5 Do you agree that FTEs or learners aged 16 to 18 and over 19, respectively, are reasonable headline measures of learner numbers? Yes  No

### Comments

FTEs are a reasonable headline figure for learners up to the age of 19. Programmes for this age group tend to be substantial and FTEs measure

participation and the work needed to support participation adequately. With adults, FTEs are a less useful measure. Very large numbers of adult learners take short and very short courses and, indeed, those hardest to reach are most likely to engage on a short term basis at the beginning of their learning journey.

When large numbers of adult learners are translated into FTEs the effect is to make provision for them look much less than it is and to make adult part-time provision look a smaller proportion of workload than it represents. It also does not give any sense of the large number of people involved in such provision. We would urge a learner number count being maintained for this group, and for this number to be examined as part of planning. This should be no more onerous for providers as the ILR will be completed for all learners..

Q6 Do you agree that the headline improvement target or learner numbers on work-based learning programmes should be based on the average number of learners aged 16 to 18 and over 19 on programmes? Yes  No

#### Comments

No Comments

Q7 Do you think that the Council should agree one or more headline improvement target(s) with each college or provider or employer engagement? Yes  No

#### Comments

We support the increase in engagement of employers and the drive to help providers be more responsive to employer need. We also welcome the examples given in this circular of ways in which targets for employer engagement will be devised to be appropriate to providers' missions. We hope that employer engagement targets will be used to ensure that the needs of particular groups of employees are met, for example low paid and part time workers. We also hope to see that some providers' employer engagement targets relate to preparing those outside the workforce for entry or re-entry to it. There is a need to think creatively about what this target means in those providers whose missions have not thus far encouraged them to think of employers as their prime customers.

Q8 Are there other important employer engagement targets or colleges and providers that should also be considered? Yes  No

#### Comments

While NIACE believes that targets for employer engagement are important we would also like to see an emphasis on engagement with individuals and learners to accompany this. Not all those living in an area will want to join the local labour market. We believe responsiveness to individuals, families,

communities and current learners is an equally important aspect of customer focus for providers.

Q9 What are your views of the early thinking on future measures or evaluating learner success as set out in Annex E?

### Comments

NIACE is supportive of the LSC's intention to look at a variety of means of measuring success in both certificated and uncertificated learning. We are working with the Council on the recognition of achievement in non-certificated learning. We look forward to progress being made in this area to allow adult learners achievements and the work of providers in enabling those achievements to be recognised both in funding terms and as a measure of institutional success. The approaches outlined in the Circular indicate useful early thinking on these complex issues.

Q10 Do you agree with the proposed way the success rate for learners in colleges and former external institutions will be calculated? Yes  No

If not, what alternative would you like to see?

### Comments

NIACE sees the merit in using known and familiar data for success rates. We are concerned that the need for high success rates does not lead to a diminution of interest and focus on hard to reach learners. Colleges and other providers with high widening participation factors have little choice in recruitment and have now excellent developed strategies for helping such learners to succeed as evidenced by the figures. Colleges in more affluent areas may choose to focus on learners less likely to challenge systems to maintain good success rates. The effect on other providers in an area who pick up and focus on such learners will need to be considered. It is not clear whether lower success rates in external institutions result from this alongside poor reporting of success.

Q11 Do you agree with the proposal that work-based learning provision success rates should be calculated as the combined number of modern apprenticeships completed and NVQs achieved expressed as a percentage of the number of learners who have either left or successfully completed their programme? Yes  No

If no, what alternative would you like to see?

### Comments

We support the need for work to recognise employment as a measure of success where such employment is appropriate and development of success

in e to e programmes. NIACE supports the concept of return to employment 'r to e' programmes and would hope success measures developed might fit programmes for returners as well as labour market entrants.

Q12 What are your views on the application of *Success for All* to higher education institutions in the light of the different data collection arrangements?

**Comments**

NIACE has no comment on HE data timetabling but does wish to see all sectors including ACL treated equitably and looks forward to success measures for all sectors serving adult learners.

We are particularly keen to see a role for learners' views of success in the evaluation of the success of the system and the judgements made of providers.

Q13 What are your views, as higher education institutions, of the current arrangements or data collection on further education provision in higher education institutions, and how (if at all) would you see these changing to accommodate the requirements of *Success for All*?

**Comments**

No comment

Q14 Do you agree that success rate targets and national floor targets should be set at a high level of aggregation? Yes  No

**Comments**

In the interests of reducing bureaucracy we agree that success rate targets and floor targets should be set at a high level of aggregation. However, we strongly support the paragraphs in the Circular encouraging local LSCs in discussing improvement targets to disaggregate particular aspects of institutions' performance.

Q15 Do you agree with the proposal that national floor targets for success rates should be set at different levels for general further education, sixth form and specialist colleges, respectively, with no separate differentiation for colleges with high widening participation actors? Yes  No

**Comments**

Although there are not major differences between success rates at present for those colleges with high widening participation factors, the system is in flux.

The LSC has yet to see the effects of better funding for disadvantage, which may improve success rates, funding linked to levels of performance or Strategic Area Reviews. While NIACE accepts that there is not a strong case at present for differential targets, we would like to see this issue revisited in 2006 when the Success for All reforms have bedded down.

Q16 Do you agree with the proposal that national floor targets and headline success rates should be disaggregated into long and short qualifications for general further education and specialist colleges but not or sixth form colleges? Yes  No

### Comments

Adult learners tend to have higher success on short course provision and we are keen to be able to disaggregate information on adult learners and provision for them. We support this proposal.

Q17 Do you agree with the proposal that national floor targets and individual institution headline success rates should not be differentiated by age or both long and short qualifications? Yes  No

### Comments

NIACE is concerned that adult learners should thrive throughout the system. We are aware that the 14 - 19 agenda will place a burden on colleges and may act as a focus of interest. We are not sure of how increasing institutional specialisation and review of provider missions will affect the attention to be given to adult learners. We are also concerned about how the likely focus on skills will influence what is offered to learners and their consequent success.

Because of these reasons and because our target group is adult learners we should like floor targets that indicate success with adult learners and different age barriers among adult students. We are not sure that a general target will pick up shifts in emphasis. At the least we would like this issue to be reviewed in 2006 when the effects of Success for All can be seen more clearly.

Q18 Do you agree with the proposal to set targets or individual success rates and sector-wide floor targets or the further education funded provision in former external institutions using the same approach as for further education colleges? Yes  No

### Comments

We agree with common systems being used across the sector. However, external institutions are very often providers of non-certificated learning and are also small institutions perhaps least able to deal with high levels of bureaucracy. It must be a key aim of the Council to deal with the learning

funded through the ACL funding stream so that those institutions dealing with both kinds of provision are able to use the same systems for both. This relies on straightforward non bureaucratic systems being developed in non-certificated learning, perhaps necessitating a high degree of trust in providers.

Q19 What should be the focus of the Council's work to disaggregate work based learning completion rates?

**Comments**

No comments.

Q20 Do you agree with the proposals for headline success rates for work-based learning provision in relation to colleges' or providers' development plans? Yes  No

**Comments**

No comments.

Q21 How do you think colleges and other providers of further education can best contribute to the achievement of the interim national target or teachers' qualifications?

**Comments**

The approach outlined in the Circular where providers are encouraged to set their own targets and milestones for this purpose, and these are shared with LLSCs seems appropriate. Colleges will have a view of which areas of work need to be given priority in the drive to obtain a qualified workforce.

Q22 How should agency staff or staff provided by third party providers be included in headline improvement targets or teachers' qualifications?

**Comments**

Agency staff should be included in the headline improvement targets. There should be no possibility of providers avoiding the drive for qualification of staff by choosing to use agency staff as an alternative. Stringent qualifications should be required of staff who wish to work for agencies. Their employment to fill in for normal staff or take part-time courses which, it is recognised, may well have less support from the centre, means that they need to be as well, if not better, qualified than the staff employed directly by the institution.

Q23 How do you think work-based learning and adult and community learning providers can best set targets in their three year development plan, to

help accelerate progress towards a fully qualified teaching and training workforce?

### Comments

The same approach should be taken as with FE providers. Targets and milestones should be encouraged. However, staff in the ACL sector, along with staff in colleges dealing with outreach may well need to take slightly different staff development and qualification programmes to lecturers working in a more highly structured environment. The work of mapping the qualifications needed and used in community based learning and the development of standards has been slower than in others sectors. The Lifelong Learning SSC when established will need to encourage rapid development in this area if an appropriately qualified staff in ACL is to be secured.

Consideration may also need to be given to the role of artists, craftsmen and many other professionals who are teaching in local authority secured adult learning on a regular basis. These staff are rather different from those mentioned as on a 'temporary or occasional basis'. Their main occupation will not be teaching yet they may have more to offer than a conventionally qualified teacher without commercial experience even if such staff existed in sufficient quantity. Double staffing is not generally an affordable option. Thought needs to be given to how valuable services from such staff may be retained in the system where the quality of teaching and learning in their classes is high.

Q24 Do you agree with the characteristics required for an excellent college or provider of further education in order to receive premium funding? Yes  No

### Comments

We agree that the characteristics of an excellent provider are mainly appropriate. NIACE would however consider that higher grades for teaching and learning should have more weight than leadership and management. If the learner is to be at the heart of the system it would seem to us that the teaching and learning transaction is the key area for excellence. If this is being achieved with management and leadership that does not fit the LSC's definition of outstanding, then that definition may need revisiting. We would therefore like to see a position where should this happen excellence can be rewarded, e.g. where all curriculum areas are good or outstanding and management and leadership not less than satisfactory. We are also concerned that the pressure to specialise and withdraw from some areas of work that are less satisfactory may result in less choice of provision for learners or in extreme cases where travel is necessary, a lack of opportunities for part time adults in some curriculum areas.

There is a real concern that excellence is only achievable for VIth form colleges and some FE colleges with a high degree of specialisation.

Q25 Do you think a procedure for dealing with disagreements is necessary? If so, please suggest what frameworks might be adopted.

Yes  No

**Comments**

NIACE believes that, regrettably, an appeals process is likely to be necessary. We believe the appeals machinery should involve the national LSC, Principals of providers from other areas and ED's from other areas. It would be desirable for ALI to be involved.

Q26 Are the features of the three-year funding agreement acceptable? Yes  No

**Comments**

NIACE believes that the three year funding agreement as proposed should work well for the providers included. We very much regret that ACL providers will not be funded over three years and hope that this will occur as soon as possible. As stated before, many external institutions are also ACL providers and are struggling with two sets of funding when as small institutions they are probably least equipped to do so. All providers will welcome the stability of this funding which should allow confident planning to meet learner need. It is unfortunate that such providers will have to produce development plans for a three year period without the reward of stability of funding to be enjoyed by others in the system.

We hope that the lack of commitment to three year funding will be accompanied by an understanding of the disadvantage this may give these institutions and that this will be taken into account when considering their performance.

Q27 Do you accept the proposal that colleges and providers should be offered a three-year funding agreement, other than those assessed as giving cause for 'serious concerns' through performance review?

Yes  No

**Comments**

We agree with the proposal that only institutions causing serious concern should be barred from three year funding.

Q28 Are the proposals for dealing with colleges or providers moving into or out of 'serious concerns' reasonable?

Yes  No

**Comments**

The proposals seem reasonable.

Q29 Do you agree with the proposed calculation method for three-year funding? Yes  No

**Comments**

Apart from the reservations mentioned in respect of FTEs as a measure of adult activity we agree with the method.

Q30 Do you agree that it is reasonable to regard estimated FTEs which come to within  $\pm 3\%$  of target as meeting the target for allocations? Yes  No

**Comments**

No comments.

Q31 Do you think that the margin range should be wider/narrower? If so, what should it be and why.

**Comments**

Some innovative practice which adds value to local provision may not work out as anticipated. Local LSCs should have power to vary the 3% in their area where they believe that experimental provision which they supported has been unsuccessful and this has been responsible for shortfalls. This may be particularly important for small providers where 3% is a small number of learners. It is important not to discourage innovation and risk taking in the sector.

Q32 Do you agree with the suggested level for the setting of floor targets for external institutions? Yes  No

Are they achievable? Yes  No

If not, why not?

**Comments**

It will become clear if data is improved whether the issues in low floor targets for external Institutions relate to data or not. If there is an underlying problem unrelated to data we would hope this matter could be reviewed. A similar balance between aspiration and achievability as in work based learning may be needed. External Institutions may need support in terms of the infrastructure required to deal with bench marking.

Q33 Do you agree with the proposal to set a single national floor target for work-based learning? Yes  No

**Comments**

Q34 Do you agree with the proposal to set floor targets for work-based learning or 2005/06 at 40%? Are these achievable? Yes  No

If not, why not?

**Comments**

We appreciate the balance to be achieved. In the case of both External Institutions and WBL providers we hope that action planning will be accompanied by a sufficient application of resources to aid improvement.

Q35 Do you agree that where a trust relationship has been developed (and the risk of retrospective clawback removed), then colleges and their local LSCs should exchange data and information more openly and frequently? Yes  No

**Comments**

We are most anxious to see a high trust relationship between providers and LSCs develop as we believe this is in the best interests of learners.

Q36 Are the informative criteria reasonable and comprehensive? Yes  No

**Comments**