



Landex Member Briefing – May 2018

With so many current initiatives affecting all areas of member activity, writing a comprehensive briefing is not possible, but the team will be pleased to discuss activity in any area of concern not covered by this briefing.

Land Based Learning Ltd.

Since its formation, Land Based Learning Ltd.(LBL) had been a joint venture between Landex and the University of Northampton. Last summer, as part of an internal review the University decided that it was no longer making a productive contribution to Land Based Learning, and offered to pass its shares in the company to Landex without charge.

Since 1st August 2017, LBL has been a wholly owned subsidiary of Landex and the company is now managed centrally on a day to day basis by the Landex staff. LBL now procures materials development and site maintenance services through sub-contracts and some of the most recent developments will be demonstrated during this year's conference.

Land Based Assessment Ltd.

The End Point Assessment (EPA) of apprenticeship standards remains a well-publicised concern for many apprenticeship providers. It may consume up to 20% of the available funding; and 20% of the available funding will be retained by the IfA pending successful completion of the EPA by each apprentice.

Potential EPA organisations may only apply to assess a standard once the assessment plan has been approved and published, and as most plans have not yet been approved for land based apprenticeships, relatively few EPAO applications have been made to date.

This situation makes the decision by a group of 16 Landex members to form a new company 'Land Based Assessment Ltd.' (LBAL), to ensure that End Point Assessments are available when land based apprentices are ready for assessment, increasingly important.

The company will work closely with Lantra, an approved Awarding Organisation for EPA's, to ensure that there is complete coverage of all apprenticeship standards, whatever the size of the cohort.

The initiative is managed under contract by Landex, with LBAL members providing the assessors and the assessment sites, and Lantra providing the independent validation and quality assurance functions.

National Land Based College Ltd.

Having successfully launched the NLBC and committed a great deal of time and energy to steer it through its first two years of operation, Lord Curry decided to step down as chair at the Annual General Meeting AGM on 1st March 2018. The Chief Executive, Leigh Morris left the NLBC in November 2017 to take up a new appointment, and the remaining staff employed directly by NLBC left the organisation at the end of March 2018.

At the NLBC Board meeting on 1st March 2018, it was agreed that Landex would provide a range of Administration, Management and Development services to NLBC from 1st April 2018 until 31st July 2019 in the first instance, and that the NLBC office function would be transferred to the Landex offices in Northampton.

This was a pragmatic decision by the NLBC Board, aimed at addressing the difficult financial position that had emerged over the previous twelve months, both by reducing overheads and

by achieving closer synergy with Landex *'Land Based Colleges Aspiring to Excellence'* Ltd., and the other organisations based in Northampton, including Land Based Learning Ltd. and Land Based Assessment Ltd.

A principal objective during this period will be to secure a more sustainable and financially secure future for NLBC.

NLBC's partnership with City & Guilds to rewrite its technical qualifications at levels 2 & 3 has involved a wide range of staff from Landex member institutions. Significant progress has been achieved, and although there have inevitably been a few teething problems along the way, we hope that as many members as possible will now adopt these qualifications.

Key priorities for NLBC over the coming months will be formalising arrangements with other organisations, establishing sector based employer panels and developing specialist CPD programmes for employers.

DfE Flexible Learning Fund

In January 2018, Landex and the National Land Based College (NLBC) applied to the Flexible Learning Fund for a grant to convert delivery of two specific land based qualifications to a blended delivery approach, where online elements could be completed by adult learners at their own pace and in their own time, with this learning being consolidated and practiced using standard face-to-face delivery.

The application was submitted with the support of: 14 Landex members as potential design, development and delivery partners; a learning technology partner; employer groups; and the 2 awarding bodies. The ambition being to develop this blended approach for qualifications where there is no current provision, thus widening the opportunity for adults to enrol when this would otherwise be impossible.

The application stated that the developed materials would be hosted on the Land Based Learning Moodle site.

The project was costed at £725K, which included £560K of grant funding and £165K of in-kind funding from Land Based Learning in the form of its Moodle platform.

The two qualifications submitted for development were:

- City and Guilds - Level 2 Certificate of Competence in the Safe and Responsible Use of Veterinary Medicines
- Royal Horticultural Society - Level 3 Certificate in Practical Horticulture

Despite there being a very strong interest that resulted in over 170 applications, Landex has recently been informed that the application was successful.

DEFRA Visits to Colleges

The Landex Chief Executive meets regularly with staff from the 'Farming Productivity – Knowledge Exchange and Skills' and 'Workforce Strategy & Childhood Obesity' sections of Defra to discuss issues of mutual interest. During 2017/18 alternate meetings and tours have been held on College campuses (Sparsholt and Reaseheath to date) as a means increasing official's knowledge and understanding of colleges and of strengthening our relationship with the Department. We hope this programme of visits will continue in the future.

National Minimum Residential Care Standards

The *"National Minimum Standards for the Accommodation by Further Education Colleges and 16-19 Academies of Students aged under 18"* were revised by Landex in early 2017. Due to a General Election and changes of Minister, the proposals were not subject to formal consultation until late 2017, with the "Government Consultation Response" and final version of the standards being published in March 2018. These will be implemented from September 2018, but it is important to note that whilst these will be reflected in the Ofsted 'Inspection Framework' they are quite distinct documents.

Qualification Achievement Rates (QAR)

The 16-18 performance data for 2016/17 was published by the ESFA on 16th April 2018. Landex is currently producing a summary of the data, together with land based sector averages which will be published shortly on the Landex website.

The government has also launched a consultation on proposals to “strengthen” public reporting on the performance of FE and sixth form colleges, which are structured as groups and have multiple sites. This consultation closes on 10th June 2018.

<https://www.gov.uk/government/consultations/performance-reporting-fe-college-groups-and-multi-site-colleges>

This follows proposals for a new college campus identifier to be introduced into individualised learner records from 2018/19: the intention being to “allow identification of provision delivered across the various sites of merged institutions”.

<https://www.gov.uk/government/publications/ilr-specification-validation-rules-and-appendices-2018-to-2019>

Education and Skills Funding Agency

To achieve the potential benefits from the 2017 merger of EFA and SFA, the agency intends to join up the FE funding and provider services previously divided by funding stream and student age group.

Peter Mucklow is taking responsibility within ESFA for a range of adult learning services in addition to his current role on young people’s funding and college intervention. He will now be responsible for the ESFA roles in the following: Adult Education Budget including devolution, non-levy Apprenticeships allocations and provider management, the European Social Fund, the National Retraining Scheme and Career Learning Pilots, the eligibility for funding of adult qualifications, and customer contact services for adult funding.

The intention is to progressively integrate and improve services over the next 12 months and these changes may provide the opportunity to address some members’ concerns in relation to post-18 further education.

16-19 Funding Guides

During March 2018, the ESFA published a number of guides for 2018 to 2019 for the following schemes:

- 16-18 Bursary Fund
<https://www.gov.uk/guidance/16-to-19-bursary-fund-guide-2018-to-2019-academic-year>
- Care to Learn
<https://www.gov.uk/guidance/care-to-learn-guide-for-institutions-academic-year-2018-to-2019>
- Residential Bursary Fund
<https://www.gov.uk/guidance/16-to-18-residential-bursary-fund-guide-2018-to-2019-academic-year>
- Residential Support Scheme
<https://www.gov.uk/guidance/16-to-18-residential-support-scheme-for-academic-year-2018-to-2019>
- Free meals in Further Education
<https://www.gov.uk/guidance/16-to-19-funding-free-meals-in-further-education-funded-institutions>

There are a number of changes for the next academic year e.g. the bursary fund guidance explains changes to some of the definitions for bursaries for vulnerable groups, and the updated free meals guide includes changes to eligibility for students and parents in receipt of Universal Credit.

Ofqual - Applied General and Technical Qualifications

Ofqual has written to awarding organisations to encourage those offering Applied General and Tech Level qualifications to consider changes to their qualifications in order to provide a 'safety net' for those students who narrowly miss a pass on one or more externally-assessed units. The intention is to create a more level playing field for students taking all types of Level 3 qualifications in schools and colleges.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691032/Open_letter_-_Applied_General_and_Tech_level_interpretation_advice.pdf

Technical and Vocational Qualifications list

The list of Technical and vocational qualifications for teaching from September 2018 and reporting in 2020 performance tables has been published by the DfE.

www.gov.uk/government/publications/2020-performance-tables-technical-and-vocational-qualifications/technical-awards

T-Level Qualifications

The Technical and Further Education Bill, 27th October 2016 addressed policies relating to Technical and Further Education that support the government's social mobility agenda to help boost the country's productivity by addressing skills shortages and ensuring high quality technical education. It relates to the future administration of apprenticeships and technical qualifications. The Government's ambition was that every young person, after a grounding in the core academic subjects and a broad and balanced curriculum to age 16, is presented with two choices: 'the academic or the technical option'. The technical option will include T levels and apprenticeships, offering two different, but equally valid routes to skilled employment. However, over the last 18 months the way forward has become less clear. It appears likely that the third route involving 'Applied General' qualifications will remain and the new T-levels will only be developed at level 3.

A cornerstone of the reforms was to simplify the qualifications system and make it easier to understand, particularly by employers. However, it now appears that the current raft of vocational and technical qualifications will remain in place, at least for the foreseeable future, alongside the new T-levels leading one to question whether the simplification agenda has been placed firmly on the back burner.

A detailed consultation on T-levels ended at the start of the year, however the department's analysis of the responses has yet to be published.

A consultation on the draft route maps developed by the Gatsby Foundation were also subject to consultation at the turn of the year. The Land Based route map was particularly bizarre and it is to be hoped that very significant changes take place before it is used to influence further developments.

The £50million made available in 2018/19 to allow providers to prepare for the introduction of T-levels has resulted in significant funding being available to most Landex members, specifically to prepare for the introduction of work placements. The guidance is sufficiently flexible to meet the needs of most land based programmes and the pilot's target of

successfully offering, in the first year, placements to only 10% of those eligible and funded, has been warmly welcomed.

T-level panels will be responsible for developing the outline content for the qualifications forming part of the new T levels. The DfE believes there is one way to get this right; through a genuine partnership between business, government and education professionals: one team for skills. This is a major change from the guidance on developing apprenticeships which made no reference to the inclusion of education professionals.

Each T-level panel will sit at pathway level and the department is currently looking to recruit people with direct experience of occupations in Agriculture, Environmental and Animal Care; The closing date for applications is 5pm on Monday 7 May 2018.

<https://publicappointments.cabinetoffice.gov.uk/appointment/11817-2/>

At present the first T-levels are due to be available in 2020/21, with a roll-out to all pathways by 2022/23. The 'Agriculture, Environmental and Animal Care' route or pathway is due for implementation from September 2022. However, there is speculation that this programme is likely to be delayed by a year.

In the autumn 2017 budget, the government announced an investment of up to £20 million to help the teaching profession prepare for the implementation of T levels. As a consequence, providers will be asked to complete a short data collection survey about their plans to implement T levels in the organisation.

Questions will include which routes and pathways the institution will deliver, and to how many students it expects to enrol. What support teachers will need to get ready to deliver the new programmes, and the equipment and facilities required.

The survey aims to encourage providers to self-assess their readiness to deliver T levels. It is expected that the survey will be re-run at intervals over the next few years to monitor progress.

The DfE plans to launch the survey in May, with responses being due back at the end of June 2018.

Apprenticeships

A major concern for many Landex members is the exceedingly slow development and approval of land based apprenticeship standards and their associated assessment plans. Coupled with the inadequate funding of the existing apprenticeship frameworks, this places both providers and employers in a very difficult position, and it is not surprising therefore that some, in consultation with employers, have decided to suspend enrolment until appropriate standards are available.

The change in approach by the Institute for apprenticeships (IfA) in allowing the inclusion of formal qualifications within the standards is viewed by most members as a positive step by helping to ensure that sufficient underpinning knowledge will be included to allow progression to further study. This will be particularly important if the standards are to be used as the starting point for developing T-levels, but it is probable that few of the standards currently going through the approval process will include a long qualification until a full review takes place.

The Land Based Training and Education Committee (LE-TEC) has invested heavily in the development of Land Based Engineering Standards at both level 2 and level 3, and the repeated delays and in particular in finally approving an appropriate funding band at level 3 is most frustrating for all concerned.

Similarly, the Agriskills Apprenticeship Group awaits final approval of the funding bands for its first batch of standards, including Stockperson (level 2), Crop Technician (level 3) and Packhouse Line Leader (level 3). Even when approved, members are concerned that these standards will not cater for the majority of agriculture apprentices who require a broader based apprenticeship.

However, some land based apprenticeship standards such as those for Arborist, Forest Operative, Horticulture/ Landscape Operative and Golf Greenkeeper are fully approved and delivery is currently taking place.

STEM Status for Land Based Subjects

Efforts to have land based further education defined as STEM have continued without success, despite many land based technical qualifications and apprenticeships [agriculture, horticulture, veterinary nursing, equine and animal science, and land based engineering in particular] involving considerable knowledge and understanding of science and technology topics: we still believe they should be correctly identified as STEM subjects.

This view is reinforced by the fact that the Government's Agri-tech Strategy is regarded as STEM activity, and land based subjects at level 4 and above are recognised as STEM subjects by HEFCE and are funded as such. It is important however to recognise that all land based subjects could not be demonstrated as having significant STEM content.

However, the department still does not accept the case, and we are rapidly reaching the conclusion that we will not be successful in achieving STEM recognition for the land based programmes.

Ofsted Learning and Skills Inspection

The inspection timeframe for colleges rated 'good' by Ofsted is to be extended from August 2018, from the previous three years, to "within five years from the last inspection." This is detailed in the revised Inspection Handbook, which also details changes for providers who are graded 'requires improvement.' Rather than "support and challenge" visits, Ofsted will now conduct a "single monitoring visit with a published report that has progress judgements". This visit will take place between 7 and 13 months after the previous inspection.

<https://www.gov.uk/government/publications/further-education-and-skills-inspection-handbook>

Strategic Improvement Fund

The DfE recently published a report showing that 14 general FE and sixth-form colleges had received grants through a fund designed to support failing colleges to improve the quality of education and training. The programme enables colleges rated 'requires improvement' or 'inadequate' overall, or for their apprenticeship provision, to apply for grants of between £50,000 and £250,000. Each application had to be supported by a stronger college, rated at least 'good' at its most recent Ofsted inspection.

<https://www.gov.uk/guidance/guidance-for-applicants-to-the-pilot-of-the-strategic-college-improvement-fund--3>

Landex supported one of its members with a successful application, that is one of the largest approved to date. We will be pleased to assist any other members who find themselves in the unfortunate position of being eligible to make a Strategic Improvement Fund application.

Adult Education Budget

The ESFA has published a draft version of the 2018/19 AEB funding rules for all providers who receive AEB funding from the ESFA. <https://www.gov.uk/government/publications/adult-education-budget-funding-rules-2018-to-2019>

Devolution of the Adult Education Budget

The ESFA has circulated letters to colleges with information on 2018-19 allocations and about the changes planned for 2019-20.

The introduction of 3% tolerance for under delivery in 2018-19, combined with a promise of automatic payment of up to 3% where there is over delivery is to be welcomed. Landex has campaigned for members that recruit from a wide geographical area to be funded nationally rather than through devolved budgets.

It has now been announced that a handful of providers will be protected from the devolution of the adult education budget and will be funded by the ESFA for two years until 2020/21 after devolution goes ahead. The list includes providers that qualify for a “residential uplift” for their learning provision, which receive more than two thirds of their income from the AEB, and which “predominantly target their provision at the most disadvantaged in society”. The funding will be provided in this way “to aid their transition to devolution/delegation given their specialist nature and reliance on AEB”. As no Landex members rely primarily on learners funded through the adult education budget, it is now unlikely that further representations will result in ESFA allocations direct to Specialist Land Based providers.

Post-18 Funding Review

There are good reasons for looking broadly at post-18 education funding. Demand will rise steadily as the numbers of 18-year olds in the population will increase by nearly 23% by 2030 from its low point in 2019.

The review is expected to focus primarily on funding at Level 4 and above, as well as to identify ways that colleges can offer more higher level provision. The aim is to ensure that the post-18 education system is accessible to all and that funding arrangements don't stop potential students from accessing higher education and training. This is good news for the FE sector and those who want to study academic, technical or vocational subjects locally or alongside work, or other commitments. The review, which concludes in early 2019, should present colleges with opportunities to significantly expand their higher education as long as conditions, such as fees, are appropriate for all students.

The independent review panel, led by Philip Augar, will provide input to the review and the panel is currently seeking evidence through an on-line survey closing on 2nd May.

Amongst other issues, this has provided the opportunity to highlight once again the anomaly of reduced funding for 19-year olds who are completing a third year of 16-19 education.

Widening Participation in Higher Education

The National Collaborative Outreach Programme (NCOP) aims to help meet the government goal of doubling the proportion of disadvantaged young people going to HE and increase by 20%, the number of students from Black, Asian and Minority Ethnic (BAME) backgrounds by 2020. In addition, the government has highlighted concerns about the continuing gap in HE participation rates between men and women, with particular reference to men from disadvantaged backgrounds.

NCOP funds 29 consortia formed of HE institutions, FE colleges, schools and other organisations such as employers, third sector bodies and Local Enterprise Partnerships (LEPs), to deliver focused activity to pupils living in areas with low absolute levels of HE participation and where participation is lower than expected, given GCSE attainment. The publication of the first annual report examines how well the various consortia and initiatives are working, concluding with a summary of the emerging lessons and next steps. <http://www.hefce.ac.uk/pubs/rereports/year/2018/ncopyear1/>

Part-time Students in Higher Education

On the theme of improving social mobility, a Sutton Trust report “The Lost Part-Timers” highlights the large drop in the number of part-time undergraduates in the HE system. From 2010 to 2015, the report found that the number of part-time undergraduates reduced by 51% (45% for HE in FE Colleges) as a result of the 2012 reforms in student funding (40% of the decline is attributed to fee changes). The report concludes that the government's review of post-18 education should recognise that the mature and part-time sector requires tailored solutions if more people are to access HE.

<https://www.suttontrust.com/newsarchive/decline-part-time-mature-students/>

Adult Students in Higher Education

Research from another Sutton Trust study on the influence of finance over higher education decision making, suggests that for applicants to full-time higher education, finance is less of an issue. What is a concern, is the reputation of the HE provider and fears that the choice of institution may influence future careers. This is clearly a matter for the FE sector to consider if HE in FE is to grow.

General Data Protection Regulation (GDPR)

General Data Protection Regulation (GDPR) will come into force on 25th May 2018. Whilst all members are encouraged to take this regulation seriously, there is danger that it assumes similar proportions to those surrounding the Year 2000 and the ‘so called Millennium bug’. The legislation is really aimed at those who deliberately procure or use information for purposes other than that for which it was collected.

The key risks to institutions are breaches of data protection to personal data; either by internal mishandling, theft or external threats.

This can occur with data providers are processing or controlling, including when third parties process data they control i.e. sub contracted learner enrolments.

The legislation states that every reasonable step must be taken to:

- i) Know what data is collected and where it is stored after collection, particularly during recruitment/marketing exercises.
- ii) Understand the end points at which data can be accessed or stored by employees or contractors of the organisation.
- iii) Ensure robust policies, contracts and procedures are in place to manage the handling of personal data on devices used by institution's employees classed as end points. i.e. remote wipe functions.
- iv) Have evidence of consent from the individual, who may be identified via the personal data you hold.
- v) Review paperwork regularly to ensure processing procedures are clearly marked, consent is obtained and the rights of those providing data are clearly stated separately from other Terms & Conditions.

To demonstrate compliance:

- 1) Implement appropriate technical and organisational measures that ensure and demonstrate that you comply. This may include internal data protection policies such as staff training, internal audits of processing activities, and reviews of internal HR policies;
- 2) maintain relevant documentation on processing activities;
- 3) where appropriate, appoint a data protection officer;

- 4) implement measures that meet the principles of data protection by design and data protection by default. Measures could include:
- data minimisation;
 - pseudonymisation;
 - transparency;
 - allowing individuals to monitor processing; and
 - creating and improving security features on an ongoing basis.
 - use data protection impact assessments where appropriate.

Any information supplied about the processing of personal data must be:

- concise, transparent, intelligible and easily accessible;
- written in clear and plain language, particularly if addressed to a child; and
- free of charge - However, you can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive.

Members may wish to review their own practices against the guidance available on the Information Commissioner's website.

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr>

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April 2018