Brief guide for governors, senior staff and clerks in further education colleges

Higher education in further education colleges
Purpose of this guide

This guide for governors has been written by the Mixed Economy Group of colleges (MEG) in collaboration with the Learning and Skills Improvement Service (LSIS.) It has been produced in response to the significant changes which have taken place in higher education (HE) funding and student finance since the 2012/13 academic year. These include the process of bidding for additional, directly-funded numbers under the Core and Margin scheme and the creation of new entities such as the Student Loans Company (SLC).

A successful bid for Core and Margin funding enables colleges to offer higher education courses in their own right ie without needing a university to handle funding. Colleges will still in most cases have a validation relationship with a partner university. They obtain student numbers directly from the Higher Education Funding Council for England (HEFCE) and receive funding from SLC. This success brings with it a series of responsibilities previously born by the partner higher education institution (HEI), but also potentially enables the college to grow its HE provision.

The guide reviews key aspects of HE provision and its funding and quality assurance arrangements, highlighting where they differ from those of further education (FE). It is designed to support the identification and evaluation of risk, the monitoring of the college’s HE strategy and the quality assurance of the HE provision. The senior college managers responsible for higher education will be able to provide further detail of how these changes affect your college.

The guide is best read in conjunction with another document written by the Mixed Economy Group entitled ‘FE college/HE institution partnership checklist’ and a paper produced by LSIS outlining the principles of good governance. Governors and senior college managers may also find the HE in FE guide produced by the Association of Colleges, also in association with LSIS, to be of interest.

Who is this guide for?

It has been created specifically to provide information for governors and clerks. It can also be used to support induction sessions for members of the corporation who are new to HE in further education colleges in England (FECs).

Useful information

The guide is available electronically from the LSIS governance site www.fegovernance.org and the MEG website www.mixedeconomygroup.co.uk
A further list of additional sources of information is given at the end of this document.
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Higher education in further education colleges
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1. Introduction

The academic year 2012/13 created a watershed in the way in which HE is funded and students receive financial support for their studies. Governors and senior managers in colleges will need to familiarise themselves with the two systems: existing pre-2012 students will progress through their courses as new students join them under a different funding regime. HE policy is still developing: at the time of writing (2013) there is still no prospect of an HE bill to both regularise many of the changes which have been made and to introduce those which are needed in order to remove anomalies and streamline various procedures and processes. In this setting, college staff and governors will focus on their HE market and the admission, retention and success of their students.

Prior to 2012/13, funding for most prescribed HE courses, validated by a university, came from HEFCE. This was paid in the November of each year as block grant, to be apportioned as the institution saw fit amongst its HE courses. Some colleges were directly funded, receiving this money from HEFCE. Others were indirectly funded, in which case the money was passported on to them via their franchising HEIs. In these cases an element was retained by the university in order to meet the costs of a range of quality and data services. Most colleges had both direct and indirect funding streams.

Post 2012/13, the funding regime is very different. With the exception of high-cost courses such as engineering, sciences, medicine, IT (known as price bands A, B and C1) all prescribed HE is now funded from student fees. The college is thus competing directly with other local colleges and universities for students, in the knowledge that without their fees it cannot offer HE courses. The college will receive the student fee from the SLC, but on a different payment structure to that of HEFCE. SLC payments are made on the basis of three tranches of funding at 25% / 25% / 50% of the total fee. This structure places a premium on student retention.

In this setting, colleges will focus on the marketing of their courses, their admissions process and the quality of the student experience. The college must ensure that it meets current local demand and also delivers a high-quality experience for its students. Their opinion is now sought and publicised through the new UK Quality Code of HE and the National Student Survey (NSS). The first of these documents is owned by the Quality Assurance Agency (QAA) and has replaced the compilation of HE standards previously known as the Academic Infrastructure.

Given the increasingly marketised approach to HE, Governors and senior managers of HE in FE will find it helpful to discuss issues such as the scholarly activity undertaken by teaching staff, their CPD, their own level of academic qualification and their teaching skills. However, running throughout any debate about HE, whether held at national level or more locally, is a firm belief that any HE offered must be of high quality and must conform to QAA's expectations. The student experience may be different to that of a university but the academic standards applied must be the same. Senior college staff with responsibility for HE will be aware of these requirements and of the QAA review system which maintains them.
Higher education provision in further education colleges

Most general and specialist FE colleges in England (283 out of 341) provide some higher education, much of which is vocationally orientated. This meshes well with policy agendas for widening participation and enhancing higher-level skills.

Colleges provide higher education for a variety of reasons including:

- to provide internal progression opportunities for college students to support widening participation initiatives;
- to enhance external progression opportunities from level 3 vocational programmes;
- as part of a local, sub-regional and regional HE offer to address skills gaps and shortages;
- to enhance the college profile and staff experience; and
- to support a diversified income stream. These include international students paying a significantly higher fee but also those in employment supported partly or wholly by employer.

It is crucial that the HE experience in colleges is judged by QAA, students and employers to be equivalent in quality and standards to that in a university.

However, college provision traditionally attracts a wider range of students than may be the case in most universities. These include ‘second chance’ students, those without a family history of higher education, and also adults in work and other part time students. The target client group and the small cohorts and high levels of personal support usually found in colleges set it apart from university-based HE. The significant role played by colleges in widening participation in HE has been acknowledged by HEFCE.

At the time of writing this guide, the policy context is particularly fast moving. Key issues in 2013/14 are likely to include:

- employer engagement, work-based learning and employer/employee contributions to fees;
- the development of Higher Apprenticeships;
- the impact of student fees and student loans on application and enrolment numbers;
- the impact of Student Number Controls on the college HE offer;
- the impact of greater competition on college-university partnerships; and
- the decline in enrolment of part time and mature students.

What is higher education in further education colleges?

England has a two-sector system of further education and higher education. (Colleges which offer both FE and HE are often described as dual sector institutions). The present-day architecture of the two sectors was established by legislation in 1988 and 1992.

The main assumptions behind this separation were twofold: that further and higher education stood for different and distinctive levels of learning; and that each was best provided by institutions predominantly concerned with one or the other. Since 1997, these assumptions have been challenged by government policies aimed at the growth of HE in FE colleges. Many of the difficulties that confront colleges in this role arise from this inherited structure, especially its separate and different administrative, funding and quality
regimes, plus the need for most colleges to seek validation from an HEI.

HEFCE see colleges as “a distinctive part of the higher education system”, serving local communities with responsive and flexible provision. Students studying HE in FE colleges are more likely to be older, to study part-time and to come from areas with low rates of participation in higher education than students in HEIs. *(Supporting HE in FE Colleges: policy, practice and prospects. 2009)*

Colleges offer predominantly vocational HE and this is associated by most students with a better chance of employment or, if they are employed, with both keeping a job and progressing within their chosen industry. Colleges are also more likely to focus on ‘short cycle’ HE, providing foundation degrees and Higher National Diplomas and Certificates. They can respond swiftly to local and regional skills needs and employer demand within a context of lifelong learning and a turbulent market.

Until recently, HEFCE was responsible for the funding of most HE, known as ‘prescribed’ higher education (as defined in the 1988 Education Reform Act and subsequent statutory instruments). However, most HE is now funded through student fees accessed via the SLC.

‘Higher-level’ at the time of the 1988 Act was defined as above Advanced GCE or BTEC National. Many higher-level awards including National Vocational Qualifications at level 4 and above and the qualifications of many professional bodies fall outside the list of prescribed HE and are, by default, ‘non-prescribed’ higher education (NPHE). The Skills Funding Agency has the power but not the duty to fund NPHE. In practice the number of qualifications funded via this route has dropped significantly in recent years.

**Prescribed higher education**

Prescribed HE includes masters degrees, first degrees and foundation degrees as well as postgraduate diplomas and certificates, and diplomas in higher education validated and awarded by HEIs, along with Higher Nationals (HNDs and HNCs).

Higher Nationals are awards of Pearson Edexcel but may be awarded under licence by an HEI or college. All other awards for prescribed HE have previously been validated by and awarded by an HEI.

Under the Further Education and Training Act of 2007, colleges can now apply for foundation degree-awarding powers. At the time of writing, two colleges have achieved this status, with several others currently undergoing the required QAA scrutiny process.

Where an HEI awards professional qualifications (including the Diploma for Teaching in the Lifelong Learning Sector), this is prescribed higher education.

**Non-prescribed higher education**

Some higher level, professional awards are provided by national awarding bodies such as:

- Edexcel;
- City and Guilds;
- the Association of Accounting Technicians (AAT);
- the Chartered Institute of Marketing (CIM);
- the Chartered Institute of Legal Executives (CILEX);

and many more. They include programmes in teaching, management, accountancy, and marketing and other specialist subjects
as well as higher-level National Vocational Qualifications.

Responsibilities of a further education college corporation

A college corporation has defined responsibilities for governance of the institution and its activities. The source of funding for prescribed HE brings with it particular implications for college income, expenditure and monitoring of numbers as well as a different quality regime.

We have taken each of the functions for which the corporation is responsible under legislation1 (with the exception of the employment of senior post holders and the clerk) and set against it corresponding activities flowing from the different arrangements for HE. Members of the college corporation need to have an awareness of current HE issues and it is likely that this will figure both when recruiting to the board and in ongoing training/updating activities for governors. Income for prescribed HE is now much less predictable than was previously the case and governors will thus be more involved in a range of decisions concerning HE.

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<th>Corporation function</th>
<th>Key aspects to be addressed where higher education is provided</th>
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<td>The determination and periodic review of the educational character and mission of the institution and the oversight of its activities.</td>
<td>Governors are advised to ensure that the college has a clear and stated rationale for providing the type and scale of HE that it offers. The MEG checklist referred to on page 2 offers a useful series of questions for governors to discuss as part of this exercise.</td>
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1 Under the standard Instrument and Articles of Government (Further and Higher Education Act 1992 – as amended by the Education Act 2011 – dated 31 March 2012). Corporations have general powers to modify their Instrument and Articles of Government but the modified version must comply with Part 2 of Schedule 4 of the Further and Higher Education Act 1992 (as amended by the Education Act 2011). As a consequence of the power to modify the Instrument and Articles of Government it is no longer useful to reference individual articles (eg 3.1) as this may vary across institutions. Under Schedule 4, corporations must retain the following responsibilities in the Articles:

- The determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
- The effective and efficient use of resources, the solvency of the institution and the corporation and safeguarding of their assets.
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<td>Approving the quality strategy of the institution.</td>
<td>All prescribed higher education falls within the remit of the Quality Assurance Agency for Higher Education (QAA). It is essential that all such college provision takes account of the UK Quality Code for Higher Education. Details of this can be found on the QAA website.</td>
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Prescribed HE in both colleges and universities is reviewed by the QAA in exactly the same way, under the process known as the Higher Education Review (HER). HER for FECs will operate initially as a four year periodic review (from the date of the last IQER Summative Review) and then a six-yearly cycle thereafter once two successful QAA reviews have been carried out.

This review method has some significant differences to that of Ofsted. Governors will need to ensure that there is a robust internal process to manage these distinctions, along with maintaining relationships with the awarding bodies. (Edexcel and validating HEIs).

NPHE funded by the Skills Funding Agency is subject to inspection by Ofsted under the common inspection framework applied to further education provision. Within this, there are particular arrangements for initial teacher training.
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<td>The effective and efficient use of resources, the solvency of the institution and the corporation and safeguarding their assets and approving annual estimates of income and expenditure.</td>
<td>Although most funding for HE courses will now come via the Student Loans Company, HEFCE will retain some funding responsibility for STEM courses and some other funds eg allocations for widening participation. Colleges will increasingly have their own allocation of full-time student numbers. That funding will be paid to the college by the SLC in three tranches of 25%, 25% and 50% respectively. This clearly puts an added premium on student retention in-year. Some colleges will have maintained delivery arrangements in partnership with one or more HEIs. (The MEG Partnership Checklist offers guidance on partnership arrangements.) Non-prescribed HE may be funded by the Skills Funding Agency but as indicated above this is a declining source of funding and has been replaced in some colleges by fully-funded provision, making the determination of price a key factor. Where NPHE is provided, this may be funded by the Skills Funding Agency, although employers and employees increasingly meet the costs of professional training. The Skills Funding Agency focuses funding on provision within the Qualifications and Credit Framework and as advised by Sector Skills Councils (SSCs).</td>
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<td>Setting a framework for conditions of service of all other staff.</td>
<td>While only a very small number of colleges have modified their pay and conditions of service for staff teaching on HE programmes, this may be raised as an issue. (For example, many staff who teach HE are aware that their peers in universities have reduced teaching loads in order to undertake research. College staff are also expected by QAA and partner universities to undertake scholarly activity and may seek to raise this as an issue with governors.) There is a different set of standards for staff teaching higher education (the UK Professional Standards Framework for teaching and supporting learning in higher education, the UK PSF). This may have implications for staff training and the requirements for teaching HE should be addressed in continuous professional development (CPD).</td>
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In the sections that follow we address each of these aspects in more detail. Some questions are posed for consideration and debate. However, we ask governors to consider the issues against the critical mass of HE (and the significance of that offer) within their own colleges and to make a judgement as to appropriate action – beginning with a review of why the HE is offered.

### Reporting and representation

It is important to address the differences between FE and HE systems in order to avoid financial and other penalties. Colleges address the oversight of higher education provision in various ways. Examples include:

- appointing and training a governor responsible for liaising on higher education matters with college managers;
- termly receipt of separate reports on FE and on HE provision;
- the creation of a separate committee of the corporation with responsibility for higher education;
- including a governor from a partner or other HEI; and
- appointing a student governor from an HE course.

Colleges vary in their numbers of HE students and courses, so each governing body will make a judgement as to the best way of monitoring the quality, viability and strategic importance of its HE offer. QAA expectations with regards to quality, HEFCE expectations with regards to data returns and the administrative expectations of the SLC apply as equally to 25 students as to 250. Each one is different to those of the Skills Funding Agency and requires knowledge of different funding and data rules.

The question for governors is whether the college is able to meet these varying expectations from within its existing staff base and structure. The ultimate question is “What is the strategic intent in offering HE provision?”

In the case of indirect funding, the HEI sub-contracting the student numbers to the college will have a continuing interest in the student experience and academic standards. Nonetheless, colleges need to monitor the student experience as this will influence future recruitment and thus funding. The college will also have direct responsibility for quality to the QAA via the HER process.

### Proportionality

Although a small number of colleges are now in receipt of as much HE funding as the smallest HEIs, the principle of proportionality applies. Governors should bear in mind that one half of all of the students pursuing a course of HE in FE are taught in only 52 FE colleges. Of the 283 FE colleges offering HE, only a minority have more than:

- 1,000 HEFCE-funded students by headcount;
- 500 or more full-time equivalent higher education students;
- £1,000,000 of income from HEFCE or the SLC;
- 10 per cent of students or income derived from higher education provision.
1. Educational character and mission

Prescribed higher education
Although the HE provided by colleges is not a large proportion of all higher education, it is considered crucially important because of:

- its role in opening up vocational progression routes into and within higher education;
- making HE more accessible;
- contributing to the development of higher-level skills and local employment needs;
- the employability of graduates; and
- adding value to provision in a locality.

Provision should avoid unnecessary duplication between colleges and universities in the same locality. (See MEG Checklist referred to above.)

In summary:

- Governors should ensure that the college has an HE strategy which covers prescribed and non-prescribed higher education.
- They should reassure themselves of the financial and legal requirements around the admission of international students.
- Higher education provision for other students who are not publicly funded (such as students fully-funded by fees) and students funded by other public funders such as the National Health Service and the Training and Development Agency for Schools is also the responsibility of the Corporation.

Non-prescribed HE
For some colleges NPHE is a significant part of the HE curriculum portfolio.

The professional awards made by recognised awarding organisations at Levels 4 and above on the Qualifications and Credit Framework contribute to the higher-level skills agenda and are attractive to many employees and employers.

In some professions these qualifications are an accepted alternative to the graduate qualification route. They also include postgraduate specialist diplomas. Several national awarding bodies offer qualifications for initial teacher training for the learning and skills sector which give Qualified Teacher, Learning and Skills status. Some colleges provide these for their own and other colleges’ staff as non-prescribed higher education.

Questions for governors to consider

- What type and amount of HE does the college provide?
- Why is the college providing HE? How does it fit with the FE offer? Is there a risk of “mission drift”?
- Is the HE offer appropriate in the current policy context?
- Does the provision overlap with nearby HEI or FE college provision?
- Is the HE distributed across all curriculum areas or is it only in some specialist areas? How is it managed?
- What are the arrangements for monitoring the implementation of the strategy and its revision?

2. Funding arrangements

HEFCE funding
As noted earlier, the funding basis for higher education changed dramatically in the academic year 2012/13 for all providers. The previous funding system, based on an annual grant from HEFCE to universities and colleges, was largely replaced by funding in the form of student fees collected from the Student Loan
Company. Only STEM subjects, other high cost subjects (those in price groups A, B and C1) and SIVs (Strategically Important and Vulnerable subjects) will continue to receive some HEFCE funding. Universities and colleges, therefore, are increasingly dependent on student recruitment for their funding and will have to introduce new data systems and form new relationships with the SLC.

The change in funding arrangements was accompanied by a move to open up the market in HE provision by allowing HE providers to bid for additional student numbers over and above their existing allocations. This also enabled colleges which had previously been in franchise arrangements with universities to bid for their own, directly-funded numbers. The Core and Margin exercise, as it became known, has led to many colleges becoming directly funded for the first time in their history of providing HE. Governors of these colleges will be aware that senior managers must now take particular care to meet the requirements of both HEFCE and QAA – such duties would previously have been met by their franchising HEI. MEG has written a series of case studies on the Core and Margin process which governors in colleges new to direct funding may find helpful.

Directly-funded colleges

Under the previous system (that is, before the academic year 2012/13), colleges in receipt of direct funding from HEFCE were funded through a Financial Memorandum which set out the terms and conditions of funding. (This included the responsibilities of the institution and its governing body). The college was required to have proper systems for managing and controlling its finances, including the quality of its data and returns. The principles and practice of allocating and monitoring and potentially clawing back, funding differed significantly from those of the Skills Funding Agency and demanded specialist knowledge and attention.

Any residual HEFCE funding is formula based. It takes the form of a block grant but is based on the number and type of students (agreed full-time equivalents, FTEs) and subjects taught and – for HEIs only – research. The great majority of funding is for teaching and learning with allocations for widening participation and other targeted allocations and weightings. Tuition fees are assumed, which contribute to the overall cost of delivering provision which still attracts HEFCE funding.

Under the new approach, courses which are outside the A, B and C1 price groups are entirely funded by student fees. Colleges which choose to charge more than the ‘standard’ fee (£6,000 for 2013/14) must submit an ‘access agreement’ to the Office for Fair Access (OFFA) for approval. A directly funded college will make a data return to HEFCE in November – the Higher Education in Further Education: Students Survey (HEIFES) which is used to calculate future funding. Students are recorded on the college return to the Skills Funding Agency on the individualised learner record (ILR) and a reconciliation exercise is conducted at the end of the year. (This may change in future, once the new arrangements have had time to bed in.) New provision can only be funded if it falls within current allocated student numbers. Colleges with more than 100 directly funded FTEs are also required to submit a widening participation strategic assessment. This will be regularly monitored, along with the access agreement if the college has one.

Indirectly-funded colleges

Colleges may receive funding from HEFCE or student fees via one or more HEIs in a ‘franchise’ relationship. Higher education
institutions retain variable amounts of the funding per student (often described as the ‘top-slice’). Fees will be determined (up to the maximum) by the university: they may mirror the fee charged to students taught at the HEI or, by agreement, be lower. The student numbers belong to the HEI and the HEI retains responsibility for the student numbers, the curriculum, the quality of the provision and the student experience. The HEI returns the data on the students to HEFCE in December on the Higher Education Students Early Statistics Survey (HESES) and records them on the Higher Education Statistics Agency (HESA) individualised student records. The college is responsible for ensuring the data is accurately returned to the HEI, whose staff will adjust the funding passed to the college. Funding and roles and responsibilities on the part of each institution should be set out in a Memorandum of Agreement.

In both funding arrangements, college managers need to have a specialist understanding of the funding system in order to make and monitor financial projections.

The Skills Funding Agency
The Skills Funding Agency has the power to fund non-prescribed higher education, but is not required to do so. Higher-level qualifications offered by national awarding organisations have been accredited for inclusion on to the Qualifications and Credit Framework (QCF). As part of the UK Vocational Qualification Reform programme, SSCs and awarding organisations have worked to populate the QCF and it now includes HE awards. The Skills Funding Agency prioritises funding on qualifications listed on the QCF.

Some anomalies remain – certain awards (such as diplomas to teach in the learning and skills sector and management diplomas) may be treated as prescribed higher education if validated and awarded by an HEI but be non-prescribed HE if approved as part of the National Qualifications Framework and awarded by a national awarding body.

From 2009/10 to 2012/13 there has been a year-on-year decline in the number of non-prescribed HE qualifications funded by the Skills Funding Agency, with only Higher Apprenticeship numbers rising during this period. Most NPHE is funded by either the students themselves or their employers or a combination of both.

**Questions for governors to consider**
- How does the college receive its HE funding?
- What percentage of non-prescribed HE qualifications are funded by the Skills Funding Agency?
- Is non-prescribed HE growing? If so, how is it being funded?
- Are there systems in place to monitor HEFCE student numbers and make the required data returns?
- If new provision is planned for prescribed HE, what is the source of the student numbers?
- Do the college accounts separate the (potentially) various HE and the FE funding streams?
- Where provision is indirectly funded, what are the arrangements with the partner HEI(s)?
- Is there a formal partnership agreement detailing financial arrangements, roles and responsibilities?
- How are these arrangements reviewed?
- Does the college have an access agreement? Did it submit a widening participation strategic assessment? If so, how are they monitored?
- Does the college have any partnerships with schools to progress students into HE at the college?
• What percentage of the college’s own FE students move into the college’s HE provision?

3. Quality arrangements

Prescribed and non-prescribed higher education

Colleges are responsible to the awarding body for the academic standards of the awards that they deliver. This can be to the HEI which has validated the award or to a body such as Edexcel in the case of some Higher National awards. Where HEIs make the award of HND/C under licence from Edexcel but the course is delivered in the college, the college’s primary responsibility is to the HEI. Colleges are also responsible for meeting the awarding body’s requirement to provide the quality of learning opportunities which will enable the students to achieve the appropriate standard.

If a college delivers HE with more than one awarding body they will be subject to the collaborative review of each awarding body – because the review of collaborative provision is concerned with how each awarding body manages its responsibility for standards through its partner. Each college that offers HE will have its own review to look at how it manages its own responsibilities for delivering standards, quality, information and enhancement.

All providers of prescribed HE in England, Scotland, Wales and Northern Ireland are required to take account of the QAA UK Quality Code. The college must be ready to demonstrate how this is achieved.

From 2013/14 the provision will be reviewed (whether directly or indirectly funded) by the QAA in accordance with the process of Higher Education Review (HER.) This applies to all institutions, whether they are HEIs or FECs. HER for FECs will operate initially as a four-year periodic review (from the date of the IQER Summative Review) and then a six-yearly cycle thereafter once two successful QAA reviews have been carried out.

FECs which are subscribers to QAA and have achieved a successful IQER and, subsequently, a successful HER will be able to use a QAA ‘Kite mark’ on their publicity material. Like IQER, HER is a peer review process and reviews are conducted differently from Ofsted inspections. They have a different purpose and are underpinned by different principles. Terms familiar from FE quality systems, such as ‘standards’ and ‘benchmarks’ have a different meaning in the Higher Education Review process. It is important that staff (and governors) are aware of this.

HER focuses on the management of the quality and standards of the college’s HE provision. Following the review QAA will publish a report which will contain judgments (which can be differentiated, eg by type of award or curriculum area) on three key aspects of the college’s HE provision, namely, academic standards, academic quality and published information about the HE offer. (Institutions will also be asked to make a commentary on a particular theme which will be set annually by QAA.)

HER places emphasis on the effectiveness of the processes the college has adopted for discharging its responsibilities to the relevant awarding bodies. Partner institutions are involved in the process but the review will focus on the college’s self-evaluation, describing the way in which the college manages academic standards, the quality of student learning opportunities and the reliability of the
information it publishes about itself and its provision.

Students are much more heavily involved in HER in that they are encouraged to make a submission which can be written (but doesn’t have to be) to the review panel. There will be a student member of the review panel and the student body will be expected to nominate a lead student representative. HE students in FECs participate in the National Student Survey (NSS).

Where a college provides an initial teacher education (usually for teaching in the learning and skills sector) validated by an HEI or by an Ofqual-approved (Office of the Qualifications and Examinations Regulator) national awarding organisation, it will be subject to inspection by Ofsted. Initial teacher education programmes are inspected by Ofsted under the ‘Framework for the inspection of initial teacher education 2008-11’. This includes programmes for FE staff which lead to Qualified Teacher, Learning and Skills (QTLS) status.

Colleges are responsible for the quality and standards of non-prescribed HE to the relevant awarding organisation. Non-prescribed HE provision is covered by the Ofsted inspection regime at the same time as the inspection of FE provision, using the Common Inspection Framework. Because it is an inspection service, Ofsted’s approach differs significantly from QAA peer reviews.

Under the 2007 Further Education and Training Act colleges are able to apply for Foundation Degree Awarding Powers (FDAP). The stringent criteria require the college to demonstrate the effectiveness of its regulatory and quality assurance arrangements with respect to academic standards and management as set out in the UK Quality Code for HE. This has implications for governance and the college’s committee structure, as well as financial implications. So far (March 2013), two FECs have successfully achieved FDAP.

Questions for governors to consider
- Is the UK Quality Code embedded within the quality assurance and operational management systems of the college and in the delivery of provision?
- Is the responsibility for the standards of prescribed HE provision clearly identified to match the guidance provided in the UK Quality Code?
- Does the college provide adequate support for students so that they can play a full role in the quality assurance processes of the college and in preparation for HER?
- How is the student experience monitored and evaluated?
- How does the corporation assure itself that the college is properly discharging its responsibilities to its awarding bodies and satisfying all applicable expectations of the UK Quality Code.

4. Staff conditions and development

Some colleges have modified their conditions of service for staff teaching higher education – usually prescribed HE – in order to reflect the HE sector’s expectation that they should be demonstrating scholarly activity. The QAA has set out its views on scholarly activity in a paper published in 2013 entitled “Guidance on scholarship and the pedagogical effectiveness of staff: expectations for Foundation Degree-awarding powers and for taught degree-awarding powers.”

Most colleges will not have to address chapter B11 research degrees.
Senior college staff can advise governors about this document, which forms the basis of the QAA’s expectations. Scholarly activity and the college structures which sustain it must be demonstrated where a college applies for foundation degree-awarding powers. Governors must satisfy themselves that college staff are discharging their HE responsibilities appropriately and the document referred to above encourages that debate.

It is generally considered that staff teaching HE should be qualified to at least the level above their teaching. There is a different set of standards for staff teaching higher education, known as the UK Professional Standards Framework for teaching and supporting learning in higher education. This standard is applied by HEIs and staff usually participate in a partner HEI’s programmes.

The Higher Education Academy (HEA) provides support for staff looking for professional recognition. It also offers conferences, events and subject-specific advice for teaching staff.

**Questions for governors to consider**
- Do staff conditions of service vary?
- Are staff appropriately qualified and experienced to teach on higher education programmes?
- How does this impact on recruitment and retention of staff?
- How does staff scholarly activity impact on student retention and success?
- Do or should staff teaching on higher education courses have different continuous professional development programmes?
Sources of further information for clerks and governors:

Documents

Widening participation and non-continuation indicators for further education colleges: Overview of trends. HEFCE, August 2012 | ref: 2012/20

Understanding Higher Education in Further Education Colleges. BIS, June 2012

Supporting higher education in further education colleges: Policy, practice and prospects. HEFCE 2009/05

Links to other resources

The Association of Colleges HE in FE Guide

The MEG HE Partnership Checklist can be found at www.mixedeconomygroup.co.uk under Research Documents.

Details of the QAA’s UK Quality Code for HE

More information about OFFA can be found at www.offa.org.uk

The HEA has an area of its website specifically dedicated to HE in FE matters: www.heacademy.ac.uk/he-in-fe
Acronyms

C and M  Core and Margin funding
FE  Further Education
FEC  Further Education College
FDAP  Foundation Degree Awarding Powers
FTE  Full-time equivalent
HE  Higher Education
HEA  Higher Education Academy
HEFCE  Higher Education Funding Council for England
HEI  Higher Education Institution
HEIFES  Higher Education in Further Education: Students Survey
HE in FECs  Higher Education in Further Education Colleges
HER  Higher Education Review
HESA  Higher Education Statistics Agency
HESES  Higher Education Students Early Statistics Survey
HNC/D  Higher National Certificate/Higher National Diploma
ILR  Individualised Learner Record
IQER  Integrated Quality and Enhancement Review
LSIS  Learning and Skills Improvement Service
NPHE  Non-prescribed Higher Education
NSS  National Student Survey
OFFA  Office for Fair Access
Ofqual  Office of the Qualifications and Examinations Regulator
Ofsted  Office for Standards in Education, Children’s Services and Skills
QAA  Quality Assurance Agency for Higher Education
QCF  Qualifications and Credit Framework
QTS  Qualified teacher status
QTLS  Qualified teacher, learning and skills
SLC  Student Loans Company
SSCs  Sector Skills Councils
STEM  Science, technology, engineering and mathematics
UK PSF  Professional Standards Framework for teaching and supporting learning in higher education, developed by the HEA