

Written Evidence submitted by Sandwell College (SPEB14)

FAO: Skills and Post-16 Education Bill – Public Bill Committee

Executive summary:

- Evidence is being submitted against Part 1, Chapter 2, Section 7 – Technical education qualifications, ‘additional powers to approve technical education qualifications’.
- This section deals directly with the Government’s post-16 qualifications review at Level 3. The intent of the Bill as written essentially provides the powers to remove funding approval from qualifications that overlap with A levels and T levels.
- The Bill as written provides for the ‘withdraw (of) approval of a technical education qualification’ – the Bill does not provide a definition of these qualifications nor does it direct either ‘The Institute’ or the Secretary of State to define these qualifications on the face of the Bill.
- The tests as set out in A2D2 (3) (a)-(c) provides too broad a scope to defund qualifications without recourse to having statutory guidance in place or a definition of technical qualification in place within the Bill – for example, The Government’s Post-16 Skills Plan (<https://bit.ly/3cZ1CG9>) highlight ‘Applied General’ qualifications (e.g. BTECs) as Academic Qualifications – therefore exempt from being seen a Technical Qualification. However, the Bill provides a blanket approach to the removal of ‘overlap’ with A levels (an academic route) and T levels (a technical route). Therefore, clarity on the face of the Bill is required.
- These tests would also benefit from a focus on the economy within the Bill, requiring the Institute to have regard to the benefits to social mobility, the economy and employers regarding the ongoing value of technical qualifications (of any type) – This test should also align with Chapter 1, Clause 1 on the Bill on Local Skills Improvement Plans; if these plans have been agreed and approved a necessary locally then the removal of funding for qualifications required locally for any age groups will be at odds with the intent of the Local Skills Improvement Plan section of the Bill.
- A2D2 (7) (b) requires strengthening. The Bill states the Institution ‘must consult – such other persons as the Institute considers *appropriate*’ The role of institutions, awarding body organisations and other practitioners is crucial, otherwise challenge to the word appropriate when in Law favours the Institute and provides little recourse for institutions.

Therefore, the Bill should include reference to Further Education Colleges, Sixth Form Colleges, Secondary Maintained Schools, Academies and Awarding Body Organisations. Their inclusion also recognises the voice of students through their practitioners which is critical. It should also be noted that the role of practitioners in institutions is similarly informed by the Local Skills Improvement Plans (as outlined in Chapter 1, Clause 1 (4) (7) of the Bill)

- A2D6 (6) requires the Institute to publish information about matters that it considers when deciding whether or not to approve a qualification (section a) or withdraw approval (section b). The clause as written, or no other aspect of this section of the Bill, outlines a right of appeal. Clearly articulating an appeal process and the potential for independent review of decisions is critical.
- A2D9 Moratorium on further approvals under section A2D5 provides broad powers to the institute which may limit student choice or restrict employers from accessing skills. Clause 1, allows the Institute to determine there is a “an appropriate number of approved technical education qualifications of a particular kind”. This then allows the institute to put in place a moratorium on future approvals.
- A2D9 does not recognise the changing needs of the economy and the development of new technologies, modes of working, skills and emerging skills gaps. To apply a moratorium does not benefit the wider economy; the clause only serves to limit the number of qualifications to ensure that T levels and A levels to become the “qualifications of choice” (as stated in the Government’s consultation response). Section 4 then allows the Institute to end a moratorium (which indicates the tenuous need for one in the first instance), but Section 6 requires Secretary of State consultation which will prove bureaucratic and not responsive to economic need. Indeed Chapter 1, Clause 1 (Local skills improvement plans) (2) and (7) (i)- (iii) recognise the importance of local decision making and responsiveness to employers and the needs of an area. A national moratorium could undermine the intent of the Local Skills Improvement Plans
- A2D9 requires reference to what tests or measures the institute would apply to determine ‘an appropriate number’. The Institute should also have regard to the financial impact on Colleges and other providers in making its decisions. The Bill creates explicit obligations on the Institute and Ofqual to co-operate when exercising their respective functions in relation to technical education. Similar obligations should be made with regard to the Institute and the Education & Skills Funding Agency (Department for Education). This is to prevent institutional instability and the wider implications this has on the financial strength of an institution, like a College, has to respond to local needs like a Local Skills Improvement Plan or for local authorities to maintain sufficient and adequate provision for

- young people as determine by Under Sections 15ZA and 18A of the Education Act 1996 (as inserted by the ASCL Act 2009), which requires institutions to cooperate with local authorities to ensure sufficient suitable education and training opportunities to meet the reasonable needs of all young people in their area. Reducing choice and destabilising will impact on ‘all young people’.
- A2D9 (7) (1) approved “technical education qualification” means a technical education qualification that is approved by the Institute under section A2D3 or A2D5 – is insufficient given that Applied Generals are a different type of qualification that provide a different type of educational experience - one that combines the development of skills with academic learning hence the need for further clarification. Hence the needs for clarification on the use of the term technical education on the face of the Bill.

Introduction and context for evidence submission:

Sandwell College is the largest deliverer of Post-16 Education in the West Midlands. We deliver to over 6,500 16-19 year olds and have 3,500 young people at Level 3, of which 1,300 study A levels (a third of which follow a combined routeway with an Applied General qualification) and 2,200 following a pure Applied General route. Over 1,000 of these students also follow an English and/or Maths GCSE with 77% of them progressing into Higher Education.

Statements made publicly by Officials as the Bill has progressed through the Lords to its present Committee Stage in the Commons appear at odds with the evolving policy and the attached document highlights these discrepancies and what can only be interpreted as potentially misleading information and advice being provide to MPs and Ministers – therefore the Bill and its implementation needs greater clarity.

We are rightly concerned that the response from Department for Education explicitly in both the first and second consultation documents **states** that **full BTECs** (and other qualifications) which are essential for progression will become ‘**rare and only those that are small would survive**’ – therefore the clauses on the Bill pertaining to the role of the Institute have been prejudged and the Bill in its present form does not offer sufficient protections or transparency for students, parents and institutions of a set of qualifications studied by more the a quarter of a million young people every year.

We're pleased to enclose this evidence for your consideration. The submissions have been created based upon the practitioner-led experiences of Sandwell College as the qualification reforms have been announced and subsequently rolled out. The submissions highlight inconsistency of message and how this lack of clarity and understanding is also evident in the clauses of the Bill referenced here.

Recent announcements by Ministers in relation to the reforms of the Level 3 qualification landscape indicate that the process to date has not fully considered the weight of evidence and experiences which institutions can provide. Institutions like Sandwell College seek to strengthen the reforms and we trust the evidence provided and the suggested amendments/mitigations will prove helpful to the Committee in its scrutiny of the Bill.

Evidence Section:

Level 3 (T level) Qualification Reform – Strengthening their implementation

I'm writing regarding the qualification reforms with some of the potential negative consequences for over 250,000 students as a result of the proposals to defund BTECs.

The Secretary of State and his new team are listening, however we thought it useful to appraise you of actions which seem to be at odds with the Secretary of State's wishes.

- 1 We have recently received communications from DfE which clearly states that in the next few months they will publish those qualifications to be defunded despite the provision within the Bill. This appears to be at odds with the measured evidence-driven approach of the Secretary of State who has been clear about the need to retain those qualifications which are valued by students, employers and universities.

Our fear is that the list already exists as highlighted through the DfE's Capacity Development Fund which is trialling Industrial Placements: <https://bit.ly/32hi2aM>

This list suggests that the defunding policy is already established by officials, contrary to expressed Ministerial views, and will continue in this vein.

Officials refuse to meaningfully engage practitioners regarding the value of qualifications; as the Principal of the largest 16-to 18-year old college in the Midlands and despite offering support and help, this has not been taken up. Even after securing meetings this has not been followed up which we find baffling. The recent consultations disregarded key concerns regarding the reforms with nearly 90 per cent of respondents disagreeing with the defunding of full level 3 BTEC qualifications.

- 2 We are concerned that the response from **DfE** explicitly in both the first and second consultation documents **states** that **full BTECs** which are essential for progression will become '**rare and only those that are small would survive**', such change *will reduce opportunity and choice*.

Ofqual have quality assured BTECs for many years and more rigorous assessment processes have been introduced over recent years. Ofsted also inspect the quality of education and at no point have they suggested that these qualifications lead to poor outcomes. It is difficult to understand how the departmental team feel better placed to make judgements on the quality of qualifications and education.

The intent to get rid of meaningful BTECs is clear and is articulated the July impact assessment update (<https://bit.ly/30Tzlc3>, page 16, paragraph 2), to quote:

*"It will be important to **prevent** students taking combinations of small qualifications designed to be taken alongside A levels that would effectively replicate large AGQ programmes of study."*

This clearly demonstrates the contradiction to statements by the officials in charge and shows their true intent.

It can also be considered **highly misleading of senior officials** to say that 'BTECs are not being defunded'

- For detail see (<https://bit.ly/3FHKUaF> - Education Committee, 03/11/21, page 14).

In fact, it is only the very small limited BTECs, which do not offer the equivalence of full A levels programmes or T levels, which survive and as such limit social mobility which are being considered for retention

- For detail see <https://bit.ly/3DLdqiM>. Government Consultation Response, Page 23, Para. 3)

- 3 Given the acceptance that T Levels are technical and job led qualifications, the relaxation of maths and English is to be welcomed. However, this will do nothing to enhance their status alongside A Levels, as students **would not study** an A level programme without passes in these core subjects. It is still difficult to understand how, given the size of many T levels, GCSEs can be effectively studied alongside the other elements – this can only serve to *reduce GCSE resit pass rates* still further. This adjustment fails to address the entry requirements.
- 4 In addition, it is strange that the DfE officials can create flexibility with work experience, but this will not be permanent, bypassing Ofqual and IFAAaTE validation processes as outlined by the Department's own documentation.

No considerations have been given for the changing working practices in organisations. There is also no reason why the length of work experience time was chosen. It may be that this was merely a reversal of the 80/20 Apprenticeship model with no real attempt to evaluate the necessity of the number of days/hours.

The DfE officials have provided no effective research to justify why this should be the case to employers or students and they continue to gloss over this issue which will have repercussions for those in rural areas with lack of access to a variety of industries.

Safeguarding too is also a concern with students having to travel vast distances if they are to be able to undertake work placements in some of these sectors. Official documents are silent on these matters.

This is particularly the case where they suggest young students age 16 should be exposed to obvious risks arising from shift patterns. It appears a significant safeguarding risk to ask unpaid students as young as 16 to work late at night or during the night. It is difficult to see that most parents would view this as appropriate.

By DfE's own admission, BAME and economically disadvantaged students will lose out by these reforms (<https://bit.ly/3DLdqjM> – Government Consultation Response, page 35, paragraph 4; page 39, paragraph 1). For Sandwell College around 1,200 students would be impacted by these reforms, 80% of whom are from BAME background.

Indeed, the impact assessment should be reviewed in light of assumptions that significant student numbers don't study maths and English GCSE at level 3. The current assumptions that no one at Level 3 was studying English and maths is highly likely to effectively underplay the impact on participation.

- 5 There is a lack of proper assessment of the well-being of young people who may be forced to choose between education with unremunerated work placements and part time work which they need to contribute to household income. There is no Impact Assessment of the financial cost to the economy as a result of the youth unemployment that will ensue.

Associated with this issue is the lack of any real financial impact analysis on colleges and schools. Remarkably the DfE only estimate that c25 providers will suffer a reduction in their income (July impact assessment update (<https://bit.ly/30Tzlc3>), page 11, paragraph 1). This does not appear credible given the number of FE colleges and sixth form colleges as well as schools. There is no transparency to determine the validity of assumptions. However, given there are 100s of colleges and thousands of schools, the assumption of 25 providers appears to be far too low.

The figure is also highly selective only drawing reference to providers losing 75 per cent of funding. Of course, losing even more modest percentages in large 16-18 settings would result in the loss of millions of pounds and cause instability. For Sandwell College we estimate a potential loss of income which could be as high as £5.45m. The last time systemic changes to funding were introduced officials recognised the need for transitional funding support. The impact assessment is silent on this.

- 6 Finally, there is a lack of understanding of the connection between progression routes L2 and L3 and the relationship between them. Removal of this will result in many students not having clear progression pathways and will lead to young people not being able to access higher pathways which lead to higher skilled and more highly paid jobs. The National Education

Opportunities Network (NEON), the professional organisation representing over 40 universities to widen access to Higher Education, published findings back in February 2021 (<https://bit.ly/3G2AvGX>) showing Level 3 qualification reform may set back government efforts to widen access to higher education by at least 5 years.

Nearly a third of all 18-year-old students from areas of the lowest HE participation entering HE in 2020 did so with at least one BTEC qualification, and a third are BAME students.

A survey of nearly 50 universities and Uni-Connect partnerships undertaken for this report, shows that over 90% feel the BTEC option is crucial for students from widening access backgrounds and that the new system will have a 'devastating' impact on social mobility. If only half of students presently entering with BTECs from low participation areas are unable to do so, then the numbers entering from these areas will go back to 2015 levels. If none are able to enter then a decade's progress in enabling those from the areas the government wishes to 'level up' to enter HE will be lost.

Further independent research from the Social Market Foundation (<https://bit.ly/314RljQ>) highlights how vocational qualifications at level 3 have played a major role in broadening access from underrepresented groups and low-participation regions – BTECs account for 77% of those vocational qualifications.

Of those accepted into a higher education institution, students were much more likely to enter with a vocational qualification if they live in the North East, North West, Yorkshire and the Humber and the West Midlands. As well as the well documented impact on BAME, the research also demonstrates how vocational qualifications are an important entry route for those from white working-class backgrounds. Across all regions a higher proportion of white working-class students are accepted to university with vocational qualifications compared to the average student.

Six Asks: making the reforms work

- 1 Confirm that full BTECs (the equivalent of a T Level or A Level programme) will be considered as valuable in the review and explicitly confirm this.
- 2 Involve college practitioners and students in the assessment of what qualifications will continue to be funded. Ensure learner progression is a key factor in assessment, and publish transparent processes which offer a level playing field in reviewing qualifications
- 3 Embed permanent flexibilities into the T Level programmes to ensure that they remain flexible in regards to the work placement component.
- 4 Review the impact assessment for BAME and those economically disadvantaged in light of the changes to maths and English and implement mitigations.
- 5 The 30 or 40 Diplomas and Extended Diplomas that are offered by the majority of colleges to be guaranteed as retained as they have already been quality assured and reformed by Ofqual.
- 6 Consider the value of student choice alongside the demands of employers in considering 'overlap' between qualifications; do not look at simplistic titles, rather consider outcomes – both academic and employment.

Reforms: Six Myths of the Officials Debunked

- 1 ***There are over 12,000 qualifications and over 4,000 Level 3 and it is confusing*** (<https://bit.ly/3DLdgjM> – Government Consultation Response, page 12, paragraph 4; <https://bit.ly/3FHlmuc> - Secretary of State's Response, Skills and Post 16 Bill Debate, 15/11/21))

Colleges are required to offer effective advice and guidance which is reflected in Ofsted inspections. In truth a core of about 30 – 40 BTECs are offered by the majority of Colleges. These should be the core of qualifications that remain funded

2 ***BTECs are not of high quality***

- They have been approved by Ofqual through a rigorous assessment process.
- They are recognised by universities, including The Russell Group
- They recently attracted a high value premium as qualifications funded by the DfE
- They form a core element of education and the standards are inspected by Ofsted, who have not questioned their use.

3 BTECs overlap with T Levels (a key provision of the Bill).

The T Level concept developed by Sainsbury did not suggest defunding the core BTEC Diplomas and Extended Diplomas as the value of these was recognised as a way to progress academically.

T Levels were originally discussed as a route to work, however, the development of T Levels has not reflected this and has sought to create an academic route in vocational settings which contradicts the original concept.

4 To be pro-BTEC is to be against T Levels

BTECs serve a fundamentally different purpose to T levels.

T Levels provide a different type of qualification for certain students who have a clear career goal.

At present, T Levels are being viewed as the *only* type of vocational qualification of value. T levels may only be suitable for certain types of academically able students which is to be welcomed alongside a choice of high-quality qualifications.

5 There will be a smooth transition to T levels

The impact assessment underestimates the numbers due to those not in education, employment, training and participating in Higher Education impacting on the flawed assumptions regarding those studying maths and English. In addition, there is a lack of reality over the scale of work placements with no real answer as to how the number can be escalated to that required. There is no published financial model of loss of funding to institutions, nor any publicly available modelling on loss to the economy due to increase youth unemployment.

6 Employers want these changes and are engaged in their roll out and will offer sufficient placements

A Government commissioned comprehensive survey of 11,000 employers only 6% would offer the length of placements required by the T Level (<https://bit.ly/3r3AGNY>). Education officials have taken no accountability for the generation of placements and rather have passed it to colleges. A recent TES survey of employers (<https://bit.ly/3nGO0FN>, June 2021) concurs and states only 1 in 10 would engage with T levels; with 6 in 10 a definite no; the remainder unsure.

Without the placement no young person will benefit from the reform, nor achieve the skills needed for the economy or progress to HE.

Thank you for taking the time to read through this, please do not hesitate to contact me if you would like to talk further or require any more information about the proposals and their impact on young people and our sector.

Best wishes,



Graham Pennington
Principal & Chief Executive

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