

# Regulation and the FE and skills sector – a new approach

Statement of intent – June 2009



## Statement on behalf of the Single Voice and LSIS

1. At a meeting between the Department for Innovation, Universities and Skills (DIUS), now Business, Innovation and Skills (BIS), the Single Voice and the Learning and Skills Improvement Service (LSIS) on 22<sup>nd</sup> April 2009, agreement was reached on the next steps to be taken regarding regulation of the FE and skills sector. The note of the meeting produced by DIUS is available [online](#) and should be read alongside this statement. The proposals reflect the need to take account of latest thinking on public sector reform<sup>1</sup> which proposes a tripartite approach to achieving excellence based on government taking a strategic leadership role, stepping back from detailed prescription; public sector professionals being more effectively engaged as an essential source of expertise; and citizens and customers becoming more influential in shaping services.
2. These proposals for further developing regulation in the FE system reflect this approach with the emphasis on co-designing the system to take account of the strategic priorities of government, the voice of customers and the professional expertise of the sector itself. This approach is described as *shared regulation*. The sector is not seeking itself to run or execute the regulatory system, but to co-own and co-design the arrangements under which it operates.
3. Systematic engagement of the FE and skills sector with government in shaping the discourse on regulatory matters and in co-designing the standards, measures and mechanisms by which it is regulated and assessed should achieve a greater alignment between the wishes of government and its agencies, of citizens and customers, and of the sector itself. This will reduce drag and resistance in the system, empowering the sector to be ambitious in raising its performance to meet changing contexts and emerging needs. Shared regulation should be dynamic, capable of responding as priorities change and performance improves.
4. In summary it was agreed that shared regulation should:
  - empower the learning and skills sector to be the best it can be;
  - encourage the sector's providers, individually and collectively, to take greater ownership and responsibility for their own performance;
  - be streamlined and efficient but robust, securing public confidence and political trust;
  - afford the sector greater discretion to be responsive to its customers – individuals, employers and communities; and
  - be based on performance measures and targets that command sector endorsement, do justice to the sector's diversity and to its contributions to social and economic priorities

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<sup>1</sup> *Excellence and Fairness: achieving world class public services*, Cabinet Office, August 2008  
[http://www.cabinetoffice.gov.uk/strategy/publications/excellence\\_and\\_fairness/report.aspx](http://www.cabinetoffice.gov.uk/strategy/publications/excellence_and_fairness/report.aspx)

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provides Government, on behalf of taxpayers, with an objective for means of measuring the performance of the sector .

5. Specifically the following actions have been agreed to develop this new approach to regulation:
  - the Single Voice will act as the forum for developing and articulating collective views on regulatory issues for the whole sector, while recognising that there will be occasions where it is appropriate for each of the representative groups to put its views forward individually. There is no intention to create a substantial organisation. However, a robust communications strategy via constituent Single Voice members will be essential to establish wider sector ownership and engagement in shaping regulatory arrangements.
  - The initial priorities for co-design are those related to quality, standards and performance, including Framework for Excellence. Partners have agreed to review the accountability data provided to government and to consider how the sector can inform most effectively the measures of performance and minimum standards applied by Government. In addition, a protocol will be developed for those organisations that do not reach the minimum performance standards, setting out the processes and identifying what action needs to be taken, by whom and in what timescale.
  - Qualifications design and awarding arrangements have a significant impact on the operating environment for the sector and therefore the evolution of the qualifications and credit framework should be within the scope of co-design.
  - BIS will map the committees and groups that influence and determine policy related to regulation and, with the Single Voice, review the scope of the bodies and the representation and engagement of the sector. This will allow rationalisation of arrangements as well as making them explicit and enabling representatives to be more accountable to the sector. This process will also consider how to ensure the citizen or customer voice is salient.
  - The Bureaucracy Reduction Group will be asked to consider whether an ombudsman would provide a useful addition to current arrangements.
  - The National Improvement Partnership Board will act more overtly as a sector-wide coalition for improvement, building on its existing role in animating a culture of self-improvement through the combined roles of the professional and sector bodies and organisations involved. Graham Hoyle, chair of the Board will bring proposals on how to achieve this forward for discussion.
  - Robust and challenging governance arrangements are a key to effective regulation of the sector and work is already being taken forward jointly between AoC and LSIS.
  - LSIS will have no role in regulation – its role is identify and prioritise support needs on behalf of the sector, both directly with individual providers and on the advice of its Council which will be elected from the sector itself.
6. The publication of this statement and agreement between partners on the actions identified above, mark the beginning of a new phase of development that focuses primarily on the sector's own ambition for excellence driven by self-improvement, supported and enabled by shared regulation.