



Education & Skills
Funding Agency

Education and Skills Funding Agency
20 Great Smith St
Westminster
London
SW1P 3BT

25 July 2019

Terry Lazenby
Chair of Governors
Brooklands College
Heath Rd
Weybridge
Surrey KT13 8TT
(By email)

Dear Terry Lazenby

Notice to Improve

This letter and its schedules constitute a Notice to Improve (NTI) in line with clauses within the Funding Agreements between the Secretary of State for Education (DfE) acting through the Education and Skills Funding Agency (ESFA) on behalf of the Crown.

It sets out additional conditions of funding that Brooklands College is required to comply with in order that ESFA can continue to fund. The conditions set out in the schedule of this NTI are in addition to the conditions of funding set out in the Funding Agreements.

I am issuing this NTI for the following reasons:

- The Further Education Commissioner's Diagnostic Assessment in May 2019 recommended that 'the college is put into formal intervention and that a FEC-led SPA should commence;
- The declining financial health of the college;
- The significant financial risk presented by the investigation into Brooklands College's sub-contracting arrangements

Schedule 1 attached sets out the action required under this NTI.

This NTI aligns with the Department's published policy, *College Oversight: Support and Intervention* (April 2019). We reserve the right to vary the terms of the NTI. Where an NTI has been issued, the ESFA may take it into account when determining any eligibility for growth funding and/or it may also affect your ability to be successful in tendering for other funds and other competitive tendering processes for new provision.

Monitoring

The ESFA will closely monitor progress made towards meeting the additional conditions of funding, through scheduled case conferences and will work with you and wider agencies to secure the best outcome for learners, employers, and the local community.

Compliance

If Brooklands College does not comply with the additional conditions within the specified time period, ESFA will pursue one or more of a range of options outlined in, or incorporated into, the funding agreements.

In all cases, the removal of the additional conditions will occur when Brooklands College receives a letter from ESFA indicating that the additional conditions have been met.

Complaints

If you consider that ESFA has acted unreasonably or not followed a proper procedure in issuing the additional conditions, you can make a complaint under the procedure for [dealing with complaints about the ESFA](#).

Publication

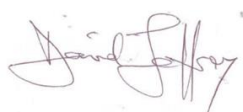
ESFA publishes all NTIs on .gov.uk. The college will be notified before this Notice is published.

Action required

Please acknowledge receipt of this letter and the schedule below by writing to me within 5 working days of the date of this letter.

This NTI is being copied to Ofsted and the FE Commissioner, and when published to the college's local authority, and to the Office for Students.

Yours sincerely



David Jeffrey
Deputy Director

FE Directorate Territorial Team – London and South East

To: Terry Lazenby, Chair of Governors – c/o josephine.carr@brooklands.ac.uk

Cc:

Shereen Sameresinghe, Interim CEO

Christine Ricketts, Interim Principal

Jos Parsons, Ofsted

Richard Atkins, FE Commissioner FEC.OPERATIONS@education.gov.uk

Schedule 1: Formal Intervention Brooklands College

This schedule sets out the additional conditions relating to the improvement of the overall services. It has been issued because ESFA has assessed Brooklands College as requiring formal intervention associated with declining financial health, the significant financial risk associated with the investigation into subcontracting and the recommendations in the FEC Diagnostic Assessment monitoring report.

Timescales

The additional conditions outlined within this schedule must be addressed swiftly, and within the timescales agreed with the ESFA.

In the event that the ESFA considers sufficient improvement is not, or cannot be achieved within the timescales specified, the ESFA reserves the right to take further action(s).

Monitoring and Progress

You are required to prepare a comprehensive response, in the form of an action plan to address the identified underperformance. This will be reviewed at case conference and monitoring meetings with the ESFA Territorial Team and when required by the FE Commissioner (regularity to be specified by ESFA).

Additional Conditions of Funding

1. The College must acknowledge this letter and schedule, in writing, within 5 days of this Notice being issued.
2. The College must prepare a comprehensive plan that addresses all of the issues identified and that provides the ESFA with sufficient confidence to enable funding to continue. ESFA (and the FE Commissioner where appropriate) will monitor progress against the plan to ensure that sufficient progress is being made and agreed milestones are being met. Outline plan to be provided to the ESFA within 10 days of the issuing of this Notice, final version to be completed within 25 Days. The plan must identify clear targets, milestones and measures against which progress can be measured.
3. The College must continue to work with the FE Commissioner and his advisers to complete a Structures and Prospects Appraisal (SPA) to identify options for a structural solution. (see *FEC recommendation 5*)
4. The College must comply with the ESFA funding agreement and funding regulations, putting in place controls, measures and checks that ensure the effective performance of college provision, programmes and sub-contracted provision. (see *FEC recommendation 1*)

5. The College must suspend all new starts through sub-contracting provision until the ESFA confirms it is assured that the points in paragraph 4 above have been addressed.
6. The College must continue to undertake regular reviews and analysis of cash flow requirements and forecast, including providing the standard ESFA 12 month rolling monthly cashflow template and a rolling 13-week short-term cash flow forecast with an opening position reconciled to their bank account(s).
7. The College must attend regular meetings with ESFA. Attendees should include, as a minimum, the CEO, Principal, Director of Finance and Chair or other appropriate Governor to represent the Corporation when appropriate. The meetings will focus on the requirements of the additional conditions of funding, and the college's progression against the milestones in the action plan. The college will be expected to provide evidence to demonstrate proper oversight and timely implementation of the plan. The ESFA will determine the regularity of these meetings.
8. ESFA reserves the right to attend any and all Governing Body meetings as an observer, including committees, to assure itself there is sufficient oversight and challenge. The college must provide the ESFA with the schedule of meetings and papers for all Corporation meetings.
9. The ESFA reserves the right to procure a third party firm to undertake an Independent Business Review and that the college co-operates in full with this process
10. The ESFA reserves the right to request that the college procures and pays for an external independent review of its financial, management and governance control environment, with a duty of care to the ESFA and the scope of the work to be agreed with the ESFA.
11. If, in ESFA's view, the college fails to take the necessary actions (in whole or part) within the timescales set out, or if evidence of progress is not appropriate or not available, the ESFA will take further action.
12. ESFA will determine when the college has made sufficient progress for the NTI to be lifted. When the college complies with the actions within the timescales set out the ESFA will formally write to the college to notify you of the lifting of the NTI.