



Education & Skills  
Funding Agency

Education and Skills Funding Agency  
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[www.education.gov.uk/efa](http://www.education.gov.uk/efa)

12 November 2019

Tim Mason  
Chair of Governors  
Highbury College

Sent via email to: Tim Mason – Chair Governors

Dear Tim

### **FEC Diagnostic Assessment escalation: 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 Highbury 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.

This NTI is being issued following the FE Commissioner Diagnostic Assessment Monitoring visit that took place on 4 October 2019. Whilst the FEC team recognises that the college has made good progress in delivering many of the recommendations there remains significant concern around the college's leadership and governance, therefore Highbury College has been escalated to formal intervention.

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

### **Referral to the FE Commissioner**

This NTI aligns with the Department's published policy, *College Oversight: Support and Intervention* (April 2019). This NTI brings Highbury College in scope for an FE Commissioner led independent assessment of the college's capability and capacity to make the required changes and improvements within a reasonable period of time. This independent assessment has been scheduled to take place on the 11<sup>th</sup> and 12<sup>th</sup> November 2019. Once this has been undertaken by the FE Commissioner, we reserve the right to vary the terms of the NTI to reflect any recommendations made by him. These recommendations would be included in an additional Schedule to this NTI.

Where a NTI is 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**

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

## **Compliance**

If Highbury 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 Highbury 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

## **Future Transition**

ESFA is currently reviewing and updating how and when it collects and assesses financial information from colleges. Should this lead to any changes in the terms and conditions of this Ntl, ESFA will write and confirm this.

## **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, your local authority, and Office for Students, and the FE Commissioner.

Yours sincerely



Paul Lucken  
Deputy Director, Intervention (South West and South), ESFA

Cc:

Stella Mbubaegbu, Chief Executive / Principal  
Jos Parsons, Ofsted

Alison Jeffery, Director of Children, Families and Education, Portsmouth City Council  
Office for Students

Richard Atkins, FE Commissioner

## **Schedule: FEC Diagnostic Assessment escalation: Highbury College**

This schedule sets out the additional conditions relating to the improvement of the overall services. It has been issued because the FEC has identified significant concerns around leadership and governance at Highbury College.

### **Timescales**

The additional conditions outlined within this schedule must be addressed swiftly. Once the FE Commissioner has completed his assessment, amendments may be issued to confirm any additional conditions that are required.

In addition, where it is evident that sufficient improvement is not or cannot be achieved within the timescales specified, the ESFA reserves the right to take further action open to it at any point.

### **Monitoring and Progress**

All conditions will be reviewed at case conference and monitoring meetings with the ESFA Territorial Team and the FE Commissioner.

### **Specific conditions**

1. The college must work with ESFA and the FE Commissioner and his advisers to undertake an independent assessment of the college's capability and capacity to make the required changes and improvements. This will include supplying all necessary information to the FE Commissioner or his Advisers so the assessment can be made.
2. The college must prepare and share with the FEC and ESFA an action plan which addresses the concerns raised by the FEC team. This action plan must be approved and finalised by the college Corporation prior to submission. The date of submission to be confirmed subject to the college receiving the FEC's published report.

The plan should detail specific, measurable, achievable, realistic and timely activities and milestones, and should cover but not be limited to:

- governance and governor ownership and monitoring of the actions within the plan
- the management of any risks to the delivery and quality of education provision

ESFA and the FE Commissioner will monitor progress against the plan to ensure that sufficient progress is being made and agreed milestones are being reached.

3. The college must attend regular meetings with the ESFA and FEC. Attendees should include, as a minimum, the Principal, Director of Finance and Chair or other appropriate Governor to represent your Corporation. The meetings will focus on the college's progression against the milestones in the plan, where the college will be expected to provide information to demonstrate proper oversight and timely implementation of the plan. ESFA will arrange these meetings and your first point of contact is Caroline Pover.
4. The college is required to continue to supply the ESFA with a monthly management accounts and a cashflow template in the format provided by ESFA.

5. Option for sustainability concerns: 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
6. This NTI may be revised and updated subsequent to the date of issue to reflect progress and/or any change in circumstances including, following the FE Commissioner's intervention and recommendations.
7. 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 EFA will take further action.
8. The FEC and 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 by the FEC, the ESFA will lift the NTI and confirm this in writing.