



Department
for Education

College oversight

How the government supports the improvement of further education colleges, sixth-form colleges, and designated institutions

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Introduction

Who this publication is for

This guidance applies to **all institutions within the statutory further education (FE) sector in England**, including further education corporations, sixth-form college corporations, and designated institutions established or designated under the Further and Higher Education Act 1992.

Compliance with the requirements set out in this policy is a condition of each college's Accountability Agreement that colleges have in place with us.

While the guidance is primarily directed at colleges, it may also be of interest to strategic representative organisations such as the Catholic Education Service, the Association of Colleges, and the Sixth Form Colleges Association, as well as strategic authorities, the Office for Students (OfS), local authorities, designated Employer Representative Bodies (ERBs), and employers.

This guidance does not apply to 16 to 19 academies, 16 to 19 free schools, or University Technical Colleges (UTCs).

This guidance has been developed to align with the implementation of the new Ofsted framework. We will continue to review how the guidance is implemented in practice over the year, working with Ofsted, sector leaders and representative bodies, as both it and the Ofsted framework are implemented.

Terminology

Where used throughout this document, common terms are defined in the following way:

- statutory FE institutions in England: further education corporations, sixth-form college corporations, and Designated Institutions established or designated under the Further and Higher Education Act 1992. These are collectively referred to as 'colleges' or 'institutions' throughout this document, unless otherwise specified
- where this document refers to 'we', 'the Department for Education' or 'the Department' this should be understood to mean officials in the Department, the Further Education Commissioner's (FEC's) team and ministers acting collectively

Purpose of this document

This guidance is essential reading for all FE statutory governors, leaders and governance professionals. It sets out, in one place, how the Department:

- oversees all statutory FE institutions in England
- offers and prioritises support to drive improvement; and
- intervenes where there is cause for concern

It also provides supporting information on restructuring, insolvency and relevant funding as that applies to FE statutory governance and oversight.

The Department holds a regulatory and stewardship role for all statutory FE institutions in England: it sets expectations for the quality and conduct of providers, allocates funding for education and skills training, and defines associated funding conditions and compliance requirements. Through this role, the Department supports the statutory FE sector to deliver high-quality provision and meet the needs of learners.

Strong governance and leadership are critical to effective performance across the statutory FE sector, and the Department is committed to helping colleges govern effectively and maximise their impact. That includes encouraging and challenging colleges to lead their own improvement, collaborate with others, share best practice, and make full use of the guidance and support available from the Department and the FEC team. However, this guidance also makes clear that the Department is moving to a more prioritised system of support, increasingly and more systematically targeting support to colleges most in need. In most cases, we expect providers to proactively engage with support, but we also introduce a new form of mandated support, where needed.

Where there is failure in financial management, quality of provision, leadership, governance or overall performance, the Department's intervention triggers continue to directly protect learners and ensure value for money for taxpayers. Ofsted inspection judgements will also continue to play a key role in informing intervention decisions, alongside other indicators of risk, and this guidance also makes clear how recent changes to Ofsted's inspection approach will be 'reflected in intervention triggers.

Key changes made to this document since the last published version (April 2024)

In this updated guidance, we:

- explain the role of the new Regional Improvement Teams
- introduce a tiered offer of support
- introduce new mandated support where needed
- strengthen the existing risk management approach to identifying where improvement is needed; and
- update existing intervention triggers and introduce a new trigger (contribution to skills need) in line with recent Ofsted changes

Review date

This guidance will be kept under regular review. Updates will be communicated to the sector, and all institutions within the English statutory FE sector should ensure they refer to the current published version.

The structure of this document

Chapter 1 focuses on the strategic role of the statutory FE sector in delivering the government's ambitions for economic growth, opportunity and local responsiveness.

Chapter 2 sets out guidance on how improvement support will be delivered across the statutory FE sector.

Chapter 3 sets out guidance on the intervention regime, including all relevant intervention triggers.

Chapter 4 sets out guidance on restructuring.

Chapter 5 sets out guidance on insolvency and funding.

Chapter One: Driving growth and opportunity – the strategic role of colleges across England’s statutory FE sector

Regional Improvement Teams

The Department will establish Regional Improvement Teams to strengthen performance in post 16 delivery. These teams will work with Strategic Authorities and local authorities to set priorities for provider improvement, based on the local skills improvement plan, and an analysis of the area’s performance. These priorities will then guide our improvement activity, including through Annual Strategic Conversations, targeted support offered by the FE Commissioner team and mentoring by National Leaders of FE and National Leaders of Governance.

The priorities chosen will both reflect the views of the Strategic Authority, and national priorities identified by Skills England. Potential areas are set out below, relative priority will be driven both by regional need, and performance relative to national outcomes.

- addressing the proportion of young people who are not in education, employment or training (NEET)
- improving outcomes for cohorts of young people such as those who have special educational needs, or lower attainers
- strengthening provision in a particular sector which is a priority for local growth, including supporting the roll out of TECs, and ensuring they support improved delivery across the relevant sector
- supporting the uptake and delivery of reformed qualifications (T Levels, Apprenticeships, V levels)
- improving progression to higher levels of training, including the Prime Minister’s ambition for two thirds of young people to progress to higher level training

The Regional Improvement Teams will also prioritise support for improving individual college performance. There will be 3 broad categories of support, Universal Support around driving best practice; Targeted Support where improvement needs are identified; and intensive support – where colleges have hit a trigger for intervention, or where there is need for structural change through a Structure and Prospects Appraisals. The support available under each of these categories is set out in more detail in Chapter 2.

The Regional Improvement Teams will be formed by bringing together the Department’s teams that currently oversee Colleges and Independent Training Providers, who will be paired with a lead Deputy Further Education Commissioner for the region. By bringing together our oversight across provider types, the teams will be able to look at the roles of both colleges and ITPs in tackling regional problems, including how to achieve stronger progression. ITPs will continue to be performance managed through their contracts with

the Department as set out in our published [guidance](#). Having clear priorities for regional improvement will enable us to consider how ITPs contribute to regional needs – where for example some ITPs have played a leading role in supporting young people at risk of being disengaged. The lead Deputy FE Commissioner will provide expert practitioner advice in shaping the improvement priorities and oversee the FE Commissioner support for the area on behalf of the FE Commissioner. Teams will be organised at the regional level but will assess improvement need and priorities for each strategic authority area.

The Regional Improvement Teams will consider the context of the local skills system - including looking at progression routes from school into post-16, and then on into Higher Education, and at collaboration across the system. The teams will work closely with Skills England, with the Department's Regions Group which oversees schools and with the Department for Work and Pensions. This will enable a focus on improved transitions across age boundaries, and from education into employment.

The teams will also consider how to strengthen collaboration between colleges and universities in delivering local skills improvement plans – and will identify examples of best practice. Regional Improvement Teams will have a role in building stronger collaboration between colleges and universities in responding to local skills needs. The Post-16 Education and Skills White Paper sets out clearer expectations for universities to engage in the development review and implementation of local skills improvement plans. Regional Improvement Teams will assess progress in Further Education / Higher Education collaboration and identify examples of best practice.

The Further Education Commissioner

The FE Commissioner is a public appointment made by the Secretary of State for Education reporting to the Minister of State for Skills. Supported by a team of deputies and advisers, the FEC team plays a key role in helping and supporting the FE sector deliver high-quality outcomes for learners.

The FE Commissioner's role is focussed on improvement and, where required, intervention.

Accountability agreements, the local needs duty and Local Skills Improvement Plans and Annual Strategic Conversations

The Local Needs Duty is set out in Section 52B of the Further and Higher Education Act 1992, as amended by the Skills and Post-16 Education Act 2022. It places a statutory requirement on governing bodies of general further education colleges, sixth-form colleges, and designated institutions to regularly review how well their education and training provision meets local needs and to consider what actions could be taken to improve alignment in the light of that review.

Accountability agreements are the formal mechanism through which colleges report on how they are responding to this duty, setting out their planned provision and how it supports local, regional, and national priorities. The [accountability agreements and Local Needs Duty guidance](#) can be found on GOV.UK.

Statutory FE institutions are required to co-operate with the designated employer representative body (ERB) in the development and review of a local skills improvement plan (LSIP). They must also have regard to the LSIP when making decisions on post-16 technical education or training provision, and to [guidance issued by the Secretary of State in connection with LSIPs](#).

Governing bodies should engage with their local Regional Improvement Team at an early stage to discuss these responsibilities, particularly where actions arising from the Local Needs Duty review may lead to structural changes. Regional Improvement Teams can provide advice and guidance on how to approach options assessment and, where appropriate, offer support through the FEC team and our delivery partners.

Annual Strategic Conversations (ASCs) will continue across the sector and will be delivered by the Regional Improvement Teams. These conversations provide a structured opportunity to engage directly with colleges, enabling discussion on the outcomes of their local needs review, exploration of their Annual Accountability Agreement, and assessment of how they are responding to LSIP priorities. The format and approach of ASCs will vary depending on the nature of support required and the cross-cutting priorities set by each Regional Improvement Team.

Chapter Two: Supporting improvement across the statutory FE sector

Enabling a self-supporting sector, with access to tiered support where needed

The Department will continue to empower a self-improving sector, with three tiers of additional support:

- **Universal support** is intended to promote collaboration and foster continuous improvement. That recognises that, overall, this is a high-performing sector, where high performance is reflected in high trust. Resources that already enable this self-improving culture across the sector will continue to be available to all colleges, and will continue to include:
 - national guidance
 - benchmarking data
 - effective practice guides developed by the FEC team
 - access to webinars and other information-sharing opportunities also enabled either by the FEC team or Department more generally; and
 - support for best practice -- for example, through the 'Just One Thing' and 'Just One More Thing' programmes that have been co-ordinated by the FEC
- **Targeted support** will preserve and prioritise some forms of support for those colleges that would benefit most. Each Regional Improvement Team, working closely with its dedicated Deputy FE Commissioner – and drawing on the views of Strategic Authorities and feedback from colleges – will consider risk across a region and allocate support where most needed. That will be informed by analysis of performance data, financial indicators, Ofsted outcomes and other sources of information, such as the ASCs and the FE Provider Dashboard, which is explained more fully below. Colleges may proactively request targeted support as part of their own self-assessment and improvement planning. Targeted support provision will include:
 - access to peer mentoring through either the National Leaders of Further Education or Governance programmes
 - FEC-led health checks – these are an established form of support, which is mutually agreed between the FEC team and individual colleges and then collaboratively implemented
 - support through the FEC team's flagship 'Curriculum Efficiency and Financial Sustainability' programme; and

- other, more bespoke support to strengthen leadership, governance and educational performance

In some cases where significant risks are identified, or a college declines to engage with an offer of targeted support, or where risks persist following a visit from the FEC team, Regional Improvement Teams will have the new ability to issue a 'Letter to Improve.' This will mandate targeted support in the form of a new FEC-led 'Improvement Review' as a condition of funding, assess an individual college's capacity to address weaknesses identified and result in tailored plans setting out specific areas for improvement. Neither the plans resulting from 'Improvement Reviews' nor the 'Letter to Improve' will be published.

- **Intensive support** will continue to be available in the small number of cases where concerns are persistent or there are significant challenges that cannot be resolved through improvement alone. This includes:
 - intervention, where a relevant trigger has been met; and/or
 - a Structure and Prospects Appraisal (SPA),

[More information](#) on the range of help and support listed above can be found on GOV.UK.

The FE provider dashboard

The FE Provider Dashboard is an online analytical tool that consolidates key published data on learner outcomes into a single, accessible platform to support accountability and improve decision-making. It enables providers to quickly view trends and comparisons through dedicated tabs on learner and provision mix, offering insights into performance at both individual provider level and across groups. By presenting data on provision mix, learner mix, and learner profile, the dashboard helps build a fuller understanding of delivery and outcomes across the FE sector.

By highlighting areas of strength and challenge, the dashboard supports strategic conversations within colleges, and between the Department and colleges where more targeted support is needed.

Colleges are encouraged to integrate the FE Provider Dashboard into their existing business cycle as a core tool for performance monitoring and strategic planning. The dashboard can be used to:

- help prepare for, and underpin, Annual Strategic Conversations
- support business and curriculum planning processes and reviews with leadership teams, governing bodies and other stakeholders; and
- identify strengths and areas for improvement

Please do access the [FE Provider Dashboard](#).

Identifying where targeted support is needed

Identification of the need for targeted support will focus on:

- financial management – indicators of concern may be evidenced by persistently poor or declining financial health scores, cash flow issues, late submission of accounts and/ or funding changes
- provision quality – indicators of concern here may be evidenced by Ofsted outcomes (short of those triggering intervention), achievement rates and performance indicators (for example, through the FE provider dashboard)
- governance and leadership – indicators of concern here will be evidenced by modified audit and regularity opinions, local needs duty outcomes, leadership instability and/ or more general compliance concerns

Regional Improvement Teams will also act on any more general indicators of wider concern that may be raised – for example – through audit or investigation findings, complaints or incidents of whistleblowing. The Department expects FE statutory providers to act promptly on risks identified through their own data, and to be proactive in also sharing any concerns with Regional Improvement Teams – engaging early where possible. Where serious risks are identified or should a college with significant risks not accept support voluntarily, Regional Improvement Teams will issue a ‘Letter to Improve.’ This **will mandate targeted support in the form of a new FEC-led ‘Improvement Review’** as a condition of funding, underscoring the need for timely and specific improvements.

Neither the plans resulting from Improvement Reviews nor the ‘Letter to Improve’ will be published or seen as intervention. However, if improvement is not secured following this mandated form of support, affected colleges may be escalated into intervention.

A letter to improve could include any of the targeted forms of support, as well as:

- detailed improvement plans, accompanied by performance review discussions at agreed points; and/ or
- requests for additional financial or other relevant information

Chapter Three: Intervention and structural change (intensive support)

This chapter sets out the Department's approach to intervention across the statutory FE sector. Intervention exists to safeguard learners' interests and ensure the effective use of public funds where that is most needed.

The purpose of intervention is to ensure that colleges have the leadership, governance and strategic capability needed to achieve a performance turnaround where significant concerns have been identified.

While some issues will always trigger immediate intervention or use of the Secretary of State's statutory intervention powers, in the majority of other cases, the Department will initially seek to work with colleges to resolve issues without placing the college into intervention. As a first step, the Department will usually engage with the college with an offer of targeted support. If that offer of support does not lead to the issue(s) being addressed, the Department will usually issue the college with a Letter to Improve or may, in some cases, place the college into intervention.

Intervention in more detail

The stages involved in the intervention process are set out in detail below.

Stage 1: Placing a college into intervention and issuing a Notice to Improve (Regional Improvement Teams)

Regional Improvement Teams are responsible for holding all colleges to account and determining whether a formal trigger for intervention has been met. They will consider the context of the case and available evidence. The decision to place a college into intervention will then be made within a consistent governance framework to ensure transparency, accountability and coherence across all cases.

A college can be placed into intervention due to concerns on the following grounds:

- financial health
- financial management and other controls
- quality
- contribution to meeting skills needs; and
- failure to make progress on resolving an issue/s of concern

Where a Regional Improvement Team assesses that intervention is warranted across any of these areas of concern, that will be communicated to the college's governing body and senior leadership. The Notice to Improve is then published, setting out additional conditions of funding that the governing body must comply with for continued public funding. That will also include a timeline for meeting those conditions, which will be

monitored as part of the Single Improvement Plan. Compliance requirements and the criteria for exiting intervention will also be specified within the same Notice to Improve.

Colleges are required to formally acknowledge receipt of the Notice to Improve within three working days. Notices are published following receipt by the college, and the Department's website is updated monthly to reflect newly issued or withdrawn notices.

The Notice to Improve will be reviewed at least annually to ensure that the conditions of funding remain appropriate and reflect the progress made in addressing the underlying issues. Where necessary, a Notice may be updated to include revised conditions and associated Single Improvement Plan actions. Any updated Notice will also be published.

The only exception to that process is for Catholic sixth-form colleges. The Department recognises the strategic responsibility of Diocesan Bishops for Catholic education within their dioceses. Accordingly, decisions regarding the future of Catholic sixth-form colleges – including restructuring or changes to governance – require the consent of both the Diocesan Bishop and the college trustees. Where intervention steps are being considered, the Regional Improvement Team will notify the appropriate diocesan body, engage with it throughout the process, and take its representations into account.

Stage 2: Intervention assessment and report (FEC-led process)

Following the decision to place a college into intervention, the FE Commissioner takes over the lead in the intervention process. That begins with an intervention assessment, which typically occurs within a few weeks of the Notice to Improve being issued or sooner in certain circumstances (for example, where there are safeguarding concerns).

Based on that assessment, the FEC team will consider the full range of intervention actions available, which may include:

- changes to governance and/or leadership
- conditions or restrictions on funding
- revisions to processes, structures, curriculum, quality improvement plans and financial recovery plans (including capital investment projects)
- any actions needed to meet local skills needs, which may include restructuring
- escalation to 'Supervised College Status' (further information about supervised college status is provided below under stage 3)

Recommendations are discussed with the college and the FEC team will then prepare a report outlining findings and proposed actions. Colleges are given the opportunity to fact-check the report before it is finalised. Where relevant, individuals no longer employed by the college will also be contacted by the Department to provide an opportunity to review the report prior to publication.

The responsible minister will then consider the FEC team's report and issue a formal letter to the college's chair in response. Both the minister's letter and the FEC team's

summary report will be published on GOV.UK. Colleges are required to publish the summary report on their own website within 14 days of receipt and retain it until the Notice to Improve is lifted, ensuring public accountability and transparency. Completion of the recommendations will then form part of the college's funding conditions.

Following publication of the FEC team's intervention report, the Notice to Improve will be reviewed and may be updated to reflect additional conditions of funding based on the FEC team's recommendations.

Stage 3: Co-ordinated support through a Single Improvement Plan (FEC-led process)

Governors and senior leaders must work with the FEC team to then develop a Single Improvement Plan, which provides an overview of the improvements required to exit intervention. These plans are owned by the college and are not published.

Progress against the Single Improvement Plan will be monitored through regular meetings, led by the FEC team. The content of Plans will vary and may, for example, include provision of targeted support described elsewhere in this guidance. They may also set out other actions forming part of the intervention process as detailed below.

- Structure and Prospects Appraisal – where the intervention process identifies that the structure of provision is acting as a barrier to improvement or to meeting local skills needs, the FEC team may specifically recommend a Structure and Prospects Appraisal. That process helps determine whether structural change such as a merger or new partnerships are required to secure long-term sustainability. Where appropriate, and particularly if the level of risk escalates, a college in intervention may be placed into 'Supervised College Status' on the recommendation of the FEC team. This may occur if additional intervention triggers are met, if significant milestones within the Single Improvement Plan are not achieved – for example, at the time of Ofsted re-inspection – or if insufficient progress is made in addressing areas of weakness.
- A decision may be taken to move a college to 'Supervised College Status' – that involves enhanced monitoring and oversight and requires the college to consult or inform the Department of any decisions affecting its long-term future. These decisions may include, but are not limited to:
 - appointment of senior staff;
 - significant financial commitments exceeding a specified threshold;
 - major asset disposals or capital developments; or
 - plans for structural change.

Stage 4: Move from intervention to post-intervention monitoring and support (Regional Improvement Teams)

To exit intervention, a college must demonstrate sustained improvement against the Single Improvement Plan and have fully met the conditions of funding set out in the original Notice to Improve.

The FEC team leads on assessing whether a college is ready to exit intervention, with the final decision taken through Departmental governance, and on the advice of the FEC team. Upon exit, the college will no longer be subject to the additional process and conditions associated with intervention, and the Notice to Improve will be withdrawn. A formal letter confirming the college's removal from intervention will be published on GOV.UK.

To support continued progress and institutional stability, a Post-Intervention Monitoring and Support plan will normally then be agreed between the college and the lead Regional Improvement Team. This plan ensures colleges continue to receive targeted support, as needed, and that improvements are sustained. This phase of continued support is intended to be short-term in nature, typically lasting around 12 months.

The decision to remove a college from post-intervention monitoring and support will be based on an assessment led by the Regional Improvement Team. This assessment will consider whether the college has made sufficient progress against the plan. Where any areas remain outstanding, college leaders must demonstrate that these do not pose unmanageable risks and that mitigation is in place. If the requirements for exit have been met, the Regional Improvement Team will then issue a formal letter confirming that outcome.

Working with other regulators and authorities

When a college is placed into intervention, the Department will notify relevant external bodies to ensure co-ordinated oversight and support. These include:

- the Department for Work and Pensions
- Ofsted
- the relevant strategic authority
- the Office for Students, where the college is a registered higher education provider

College corporations and sixth-form college corporations are exempt charities, with the Secretary of State for Education acting as their Principal Regulator. In this role, the Secretary of State is responsible for ensuring that charity trustees comply with their legal obligations under charity law.

Designated institutions may either be operated by a registered charities regulated by the Charity Commission or exempt charities with the Office for Students as their Principal Regulator. Where a designated institution is operated by a registered charity, the

Department will notify the Charity Commission that the institution has been placed into intervention. It is then for the Charity Commission to determine what, if any, regulatory action it will take in addition to the FEC-led intervention process.

The Charity Commission provides guidance for trustees on key legal responsibilities, including:

- [the Essential Trustee](#)
- [how to report a serious incident in your charity - GOV.UK](#)
- [how to close a charity - GOV.UK](#)

In all cases where the Department has concerns about compliance by a college's governing body with charity law obligations, a policy decision will be made on whether to refer the case to the Charity Commission, in line with the published Memorandum of Understanding between the Department and the Charity Commission.

Intervention triggers

A college is deemed to have met a trigger for intervention where there has been a failure to meet expected standards. The tables below set out the five categories of intervention and examples of circumstances that could result in a college being placed in intervention. These examples are not an exhaustive list.

Where risks are identified across these categories that do not justify immediate intervention, the college will be offered targeted support. In most cases that will be a range of voluntary support options, such as FE Commissioner Health Checks. In some circumstances where there are concerns that serious risks are not being addressed quickly (whether quality or financial), or where the right range of advice and support for the college is not in place or being sought, a Letter to Improve may be issued which will lead to a non-published Commissioner Improvement Review.

Trigger 1: Financial health

Intervention criteria/trigger	Circumstances and considerations that would bring a college in to scope of intervention
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<p>A moderated financial health grade of 'inadequate' by the Department based on financial information.</p>	<p>a) A post-moderated grade of 'Inadequate' will normally result in the college being placed in intervention.</p> <p>After a merger, we will normally allow 2 years for a merged college to address underperformance issues inherited from the merger, to stabilise and organise itself and return to financial sustainability. If a merged college's moderated financial health grade is rated as inadequate as a result of the merger, we may suspend intervention action, and the issue of a new notice to improve if the college is judged to be taking appropriate action. We will continue to monitor financial health in line with the published framework. This is set out in the college financial planning handbook.</p>
<p>Cash-related concerns:</p> <p>a) Any new provision of emergency funding at any time</p> <p>b) Serious cash flow pressures identified at any time</p> <p>c) Debt recovery including slippage on re-profiling, government loan repayments and potentially a breach of bank covenant where the bank ¹takes action</p>	<p>a) Where new emergency funding is provided, a college will normally be placed in intervention</p> <p>b) Serious cashflow pressures identified at any time may place a college in intervention</p> <p>c) Debt recovery including slippage or extension to an agreed re-profiling/ repayment plan government loan repayments and potentially a breach of bank covenant where the bank takes action² - we may decide to place a college in intervention. Colleges should refer to the College Financial Planning Handbook, for information about how changes to a repayment schedule or breach of agreements may impact on the assessment of financial health moderation</p>

Trigger 2: Financial management and other controls

Intervention criteria/trigger	Circumstances and considerations that would bring a college/governing body in scope of intervention
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² Colleges should note that, as public sector organisations, they may only borrow from private sector sources if the transaction delivers better value for money for the Exchequer. All such borrowing requires consent as detailed in the [College Financial Handbook](#)

<p>The college's affairs are or have been mismanaged</p>	<ul style="list-style-type: none"> a) One or more qualified audit opinions, and/or an emphasis of matter opinion regarding a material uncertainty on going concern, and/or a modified regularity report, and/or an unsatisfactory conclusion on a funding audit. A qualified audit opinion will normally put a college in intervention b) Upheld investigations related to financial management and governance and/or funding Audits and/or significant fraud or fraud practice. This will include, but is not limited to, related party transactions and evidence of action taken by an accounting officer and/or governors outside of a college's or departmental controls/policies. Where investigations are complete and upheld – may result in the college being placed in in intervention c) Financial practice or other actions taken by an accounting officer and/or governors that is not in the best interests of: value for money; the protection of public funds; the effective delivery of service for learners; and/or which does not meet the public benefit test will always be reviewed and may result in the college being placed in intervention d) Failure to submit financial accounts to the Department within 30 days of the published deadline or beyond any extended deadline. Where an agreed extension is not met, we will normally place a college in intervention
<p>Failing to adhere to a legal or regulatory requirement</p>	<ul style="list-style-type: none"> a) Where the College's governing body has made a decision or taken action that is not compatible with their organisation's charitable purpose, for example when using funds, assets, property and/or other resources. We will review and may place the college in intervention b) Breach of the College Financial Handbook The college may be placed in intervention where breaches are significant or recurring c) Breach of Accountability Agreement or other DfE grant agreements or other funding agreement/ rules for example Strategic Authorities. We will always review and may place the college in intervention where there are significant concerns d) Notification from the Health and Safety Executive of a breach of health and safety regulations. A breach may result in a college being placed in intervention) Appointing a trustee or senior

	<p>manager who is disqualified by the Charity Commission. We will always review and would normally place the college in intervention</p>
<p>Subcontracting where, in the Department's assessment, there has been significant or material non-compliance with subcontracting rules as set out on GOV.UK.</p>	<p>a) We may decide to place the lead provider in intervention. In cases where a college does not meet the required subcontracting standard and/or fails to comply with the rules, the Department may require the college to cease subcontracting activities until it is satisfied the standard has been reached. If there are significant concerns, a permanent cessation of subcontracting may result</p>

Trigger 3: Quality

Ofsted inspects and reports on the quality of education and training across all statutory FE institutions. Inspections include an evaluation of how well safeguarding and Prevent duties are being met. All inspection reports are published and contribute to the Department's assessment of institutional performance.

The Further Education and Skills Inspection Toolkit, published in September 2025 and issued under Part 8 of the Education and Inspections Act 2006, sets out the areas that will be evaluated and graded during inspections. These include whole-provider level judgements such as safeguarding, inclusion, leadership and governance, and contribution to meeting skills needs. Inspectors also assess provision-type level areas such as curriculum, teaching, and training, achievement, and participation and development.

With the removal of single headline grades and the introduction of report card arrangements, the Department recognises that different triggers for intervention or contractual action now apply. This shift allows for a more nuanced understanding of provider performance and enables targeted responses.

Ofsted has committed to monitoring inspections of colleges with any evaluation areas graded as requiring 'urgent improvement' or 'needs attention' and/ or where safeguarding is 'not met'. These inspections may result in a change to grade for the areas, published via an updated report card. Where there is evidence of decline, Ofsted may decide to carry out a full inspection.

Where monitoring inspections identify a decline in quality and Ofsted decides to carry out a full inspection, the Department will await the outcome before deciding on any further action/s. That may include mandating targeted or more intensive support or escalating the college to intervention. If Ofsted does not decide to reinspect, the Department will still consider what further action/s may be appropriate.

Where a college is already in intervention due to a quality-related trigger, and a monitoring inspection results in a change to grade(s), the Department will review the revised Ofsted report card. This review will be considered alongside the FE Commissioner's intervention assessment report and progress against the Single Improvement Plan to determine the college's continued intervention status and any update to the Notice to Improve. This approach ensures that, where areas for improvement are identified, action is proportionate and taken swiftly to raise standards.

Details on the quality intervention triggers are below:

Intervention criteria/trigger	Intervention considerations that may bring a college/governing body in scope of intervention
Where a provider level evaluation area is judged as 'urgent improvement' or safeguarding is 'not met'	a) Provider-level judgements: We will place a college into intervention where leadership and governance or inclusion is judged as 'urgent improvement' or where safeguarding is 'not met'
Where any provision-level evaluation area is judged as 'urgent improvement'	<p>a) Provision-level judgements: Where provision-level evaluation areas are graded as 'urgent improvement', this would normally lead to targeted support or action depending on circumstances. The overarching ambition is to ensure our action is proportionate while upholding high quality standards. Any finding of urgent improvement may also lead to a college receiving a letter to improve, and an FEC led Improvement Review neither of which would be published. Should there be continued concerns about the college's capacity to improve then the college could be escalated to intervention. Targeted support or action may include:</p> <ul style="list-style-type: none"> • imposing additional funding conditions, such as mandating targeted support or increased oversight through an improvement plan • action under a specific contract (for example, apprenticeships). Providers should refer to the Apprenticeship training provider accountability framework and specification and the Apprenticeship Provider Agreement for details • reducing eligibility for certain funding streams pausing or stopping learners' growth/starts • This list is not exhaustive

Where any evaluation area is judged as 'Needs Attention'	b) Where provider- or provision-level evaluation areas are judged as 'needs attention,' the focus will normally be on targeted support in some circumstances – for example where a college is 'Needs Attention' across multiple areas or is combined with other finance or governance risks a Commissioner Improvement Review may be triggered. This is most likely to take place after other forms of support have been offered
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Trigger 4: Contribution to skills needs

Intervention criteria/trigger	Intervention considerations that may bring a college/governing body in scope of intervention
Where the provider-level evaluation area contribution to meeting skills needs is judged as 'urgent improvement'	a) Where Ofsted judges a colleges contribution to meeting skills needs as urgent improvement, and after consideration of available evidence this may lead to targeted support or the college being placed in intervention

Trigger 5: Failure to make progress on resolving an issue/s of concern

Intervention criteria/trigger	Intervention considerations that may bring a college/governing body in scope of intervention
<p>Where there is an identified issue or issues of concern, our expectation is that governors and leaders take the steps needed to improve, including accessing professional support and advice. Where the assessment of available information and evidence, including by the FEC team, concludes that college leaders have failed or are failing to make sufficient progress to address concerns, this could trigger intervention</p>	<p>a) Where, having considered available evidence, including FEC team reviews, a college fails to demonstrate sufficient progress in resolving the identified issue(s), examples could include leadership, governance or programme performance issues, we may escalate the college to intervention</p>

Additional information on legal and regulatory requirements and Managing Public Money non-compliance

As a result of reclassification to the public sector, colleges must operate in line with the requirements of HM Treasury's *Managing Public Money* rules. The details of these transactions were set out in a Department letter to accounting officers dated 29 November 2022. These requirements mean that certain transactions as set out in the published college financial handbook now require Government approval. The [college financial handbook](#) sets out the Department's overarching expectations for financial management and other controls, consistent with colleges' obligations as public bodies. Compliance with the handbook is a condition of the college's accountability agreement, and all colleges are expected to familiarise themselves fully with its requirements, in addition to [good practice guidance](#).

College governors and leaders must seek approval in advance where required. Where any expenditure is incurred without necessary approval, the Department will review and seek an explanation for the breach or non-compliance. We will also consider whether the college's financial and non-financial controls are operating effectively and may take further action if systemic weaknesses are identified.

Colleges may apply for retrospective approval for transactions requiring prior approval. However, colleges must not assume that approval will be automatically given, and retrospective requests are likely to result in greater levels of scrutiny before any decision is made.

Where breaches of financial compliance are significant or recurring, the Department may place the college into intervention. In other cases, depending on the nature of the transaction and the explanation provided, the Department may issue a reminder or warning letter.

In certain circumstances, the Department may apply sanctions or financial penalties. These may apply as part of intervention or following a formal warning and may include the removal of delegations associated with non-delegated transactions, increased spending controls, or recovery of any expenditure linked to an irregular or unauthorised payment.

If a breach in compliance results in the college being placed in intervention, a Notice to Improve will be issued and published on GOV.UK to ensure transparency.

Below provides illustrative examples of circumstances that may constitute significant or recurring breaches of compliance, and which may result in a college being placed in intervention. Information in the table is not designed to be an exhaustive list of circumstances.

Significant breach

- where the level of unapproved expenditure is substantial and/or deemed poor value for money for taxpayers/government
- where approval has been given by the Department to a certain financial limit, for example borrowing, and this is breached, suggesting poor financial oversight and control
- where the breach is likely to create a moral and/or legal obligation or a contingent liability and therefore expose the college to financial risk
- where the breach demonstrates serious mismanagement that could or has resulted in service failure for example impacting on the delivery of service for learners or it calls into question or has an impact on the Departmental Accounting Officer delegations or financial resources
- novel, contentious, repercussive. For example, a repercussive transaction is a transaction that may have wider financial implications for the sector, government as a whole, or which appears to create a precedent. An example of a contentious transaction could something that causes criticism in the media or debate in Parliament

Recurring breaches

- where a college has repeatedly failed to seek the necessary approval/made irregular transactions or payments
- where the college has submitted to the Department multiple retrospective approval requests for the same or different requirements
- where there are multiple breaches – for example, failing to follow the college's procurement policies or Public Procurement
- regulations (by buying without seeking the necessary quotes)

Secretary of State statutory intervention powers

If administrative intervention fails to deliver improvement, or is unsuitable for a particular case, the Secretary of State may consider statutory intervention using powers set out in sections 56A or 56E of the Further and Higher Education Act 1992 or may invoke the FE insolvency regime under the Technical and Further Education Act 2017.

The Secretary of State's intervention powers are set out in sections 56A and 56E of the Further and Higher Education Act 1992, as amended by the Skills and Post-16 Education Act 2022. These powers enable the Secretary of State to take direct action where serious concerns about institutional performance or governance arise.

Statutory intervention may be exercised if the Secretary of State is satisfied that one or more of the following conditions apply:

- the college's affairs have been or are being mismanaged by the governing body
- the governing body has failed to discharge a duty imposed by or for the purposes of any Act
- the governing body has acted, or is proposing to act, unreasonably in exercising its powers or performing its duties under any Act
- the college is performing significantly below reasonable expectations or is failing – or likely to fail – to provide an acceptable standard of education or training
- the education or training provided did not, or does not, adequately meet local needs

Where these circumstances are met, the Secretary of State can:

- remove and appoint members of the governing body (where vacancies exist)
- issue directions to the governing body regarding the exercise of its powers and performance of its duties. Such directions may include requiring the governing body to enter into collaboration arrangements (as defined in section 166 of the Education and Inspections Act 2006) or to make a resolution to dissolve itself
- direct the transfer of property, rights, and liabilities to facilitate structural change, such as a merger where this is necessary to secure improvement

Statutory intervention powers are considered when other avenues for improvement have been exhausted. For example, these powers may be used where a governing body has failed to act on recommendations made by the FE Commissioner following an intervention assessment, or where a regulatory body has identified serious concerns and the relevant statutory criteria are met.

[Further guidance](#) on the powers, including the circumstances in which they may be exercised, and the processes that would be followed if their use was being considered, can be found on GOV.UK.

The Further and Higher Education Act 1992 can be found via [Further and Higher Education Act 1992 \(legislation.gov.uk\)](#)

Chapter Four: Restructuring

Colleges considering structural changes

FE statutory institutions operate as independent institutions and it is the responsibility of their governing bodies to consider the case for structural change. The challenges faced by colleges are varied, and therefore the options and support required will differ depending on the specific circumstances.

Early identification of potential issues is critical. The sooner risks to performance or viability are recognised, the greater the opportunity to implement structural change that secures long-term sustainability. Delayed recognition reduces the range of viable options and increases the likelihood that the college will lose autonomy over its future direction.

Whether the issue is temporary or indicative of deeper systemic concerns, it is essential that governing bodies undertake a robust and evidence-based assessment of all available options. This ensures that any structural change is both proportionate and strategically aligned with the college's long-term goals.

In most cases, the impetus for change will stem from concerns about financial viability, requiring the college to achieve greater efficiency and cost reductions. These efficiencies may be realised through estate rationalisation, curriculum efficiency, or shared services.

Potential structural change routes include:

- **restructuring the existing college** to streamline operations and improve performance
- **merging with another college**, which may involve the dissolution of the existing corporation or de-designation of a designated institution; and
- **disaggregating the college**, resulting in a smaller core entity focused on sustainable delivery

Colleges must demonstrate how proposed changes will improve learner outcomes and strengthen alignment with local skills needs. This includes consideration of vulnerable groups, travel-to-learn distances, and curriculum breadth.

It is essential that any structural change is underpinned by evidence, such as the local skills improvement plan (LSIP) and the information used to develop that plan, local needs review of provision, data and information available from Skills England. Change should be driven by a sound costed curriculum plan and estates strategy that meet the needs of learners in the local area and with evidence and rationale usually clearly set out in the [college's accountability agreement](#) statement. The Department will ensure stakeholders engaged, including the strategic authority, to support transparency, collaboration, and alignment with both local and national priorities.

Colleges pursuing a structural change

Where structural change is proposed, we recommend that governors and leaders seek advice at the earliest opportunity and consult their local Regional Improvement Team on options. Colleges should also ensure that suitable independent professional advice is received on all major decisions. This could include financial due diligence, turnaround advice (including strategic or operational), business change support (such as HR or systems), estates advice (including in respect of ongoing maintenance, efficiency and suitability of existing space, development and sale potential, and large capital projects) and legal advice. The Department can support colleges in identifying relevant advisers, as well as advise on scope and lessons learned by other colleges in similar positions.

If colleges are considering structural change or a review concludes that this is needed, a Structures and Prospects Appraisal is strongly encouraged. This will help to ensure a college takes an objective and evidence-based approach that will enable the college to best meet the needs of learners in the local area. In some cases, the Department may mandate a Structures and Prospects Appraisal to ensure that decisions are objective, evidence-based, and focused on securing sustainable improvement and delivering the best outcomes for learners and communities.

Colleges considering a structural change can undertake their own Structure and Prospects Appraisal, but are also able to request an [FE-Commissioner-led-structure-and-prospects-appraisals-spa](#).

The RIT relationship manager working with the FEC team can help a college assess their restructuring options and provide support and advice throughout the process.

Through an FEC-led Structure and Prospects Appraisal, colleges can expect:

- objective and impartial recommendations for the future structure and provision of the organisation, based on thorough analysis of available information;
- expert support to assess potential options and advice; and
- support and leadership to run a productive Structures and Prospects Appraisal, including running a fair and transparent process to find an appropriate merger partner if a merger option is decided upon

Colleges that would like to request a FEC-led Structures and Prospects Appraisal or discuss whether it would be helpful to them should contact FEC.OPERATIONS@education.gov.uk.

Independent business reviews

Independent business reviews are intended to clarify a college's financial position and provide a robust and independent assessment of the options for its future. They are a tool for colleges and their lenders and funders to help make informed decisions, including whether structural change is necessary.

There are different ways for an independent business review to be commissioned. Sometimes colleges will commission their own independent business reviews, and the department will encourage them to consider doing so as early as possible if they have concerns. Lenders may commission an independent business review where they have concerns about future viability, and where there may be a risk that the college will become insolvent, though an independent business review does not necessarily lead to insolvency. Where the Department has concerns about future viability, it may commission, and choose to fund, an independent business review.

In cases of serious financial failure, where a college is unable to continue to finance its operations, we would expect an independent business review to be commissioned, except where the circumstances mean that another approach would be more appropriate. The Department would consider commissioning and funding the independent business review if appropriate.

Other circumstances in which we would expect an independent business review to be commissioned include where:

- the college identifies risk to its financial viability or sustainability
- a lender requests or requires a college to undertake an independent business review – this is at the discretion of the lender but may be required in the case of a covenant breach
- a college is unable to continue to finance its day-to-day operations
- a college's creditor has made an application through the courts for a college to be put into administration (which would trigger the 14-day decision period)
- a college is identified by the Department's forecast model or the college's own budget projections as likely to be financially inadequate in the next academic year
- the Department's specialist restructuring team commission an independent business review in line with the terms of the college accountability agreement
- the FEC team recommends an independent business review as part of help and support, intervention visit, or local provision review

Where colleges fund the costs of an independent business review themselves, they should discuss and agree the scope of the independent business review with the Department and must ensure that any independent business review provider has a duty of care to the Department. If a college identifies the need for an independent business review but is unable to meet the costs, it should contact its Regional Improvement Team about potential support.

Using an independent business review to provide an independent assessment of the college position and options has significant benefits; it provides an objective view which can be used as a common basis for decision-making. The earlier an independent business review is undertaken; the more options are likely to be available to the college to resolve any issues identified.

The scope of an independent business review is determined on a case-by-case basis. Typically, independent business reviews require an agreed baseline of information (financial, sector and commercial) to facilitate effective decision-making.

Independent business reviews are usually conducted by an accountant specialising in financial reviews and restructuring who may be a licensed insolvency practitioner (IP). The IP or accountant will spend time in the college, assessing its financial and strategic future and addressing the matters set out in the independent business review engagement contract. This will typically involve discussions with wider stakeholders, potentially including the designated ERBs, DWP, strategic authorities, local authorities, the relevant [Regional Director](#), higher education institutions and neighbouring colleges that could be considered for merger or might otherwise be affected by changes, such as receiving transferred students in the event of an insolvency.

The length of time to complete an independent business review will depend on the scope and complexity of the individual case and the quality of the information available in the college. Generally, it is expected that a full independent business review will take between one and three months. Where a college is well managed and has high quality management information about its performance (for example, contribution analysis by curriculum area, funding type and site), it will be much easier to pull together the information needed for an independent business review.

Independent business review reports are private documents which will not be published, as they are commercially sensitive and are undertaken confidentially.

When a structural change has emerged as a potential solution as part of the intervention process.

There are several types of interventions that a college may be subject to that could potentially identify a structural change as a solution to a college's challenges. If such a solution is to be pursued, the FEC team working alongside the RIT relationship manager will lead a Structures and Prospects Appraisal to ensure all options are explored objectively and impartially. In the case of an FEC-led Structures and Prospects Appraisal resulting from an intervention, a summary report will be published on GOV.UK.

Further information about [how FEC-led SPAs work](#) is available on GOV.UK.

Post-independent business review decisions

An independent business review would usually contain an assessment of options and recommendations. In considering and implementing the recommendations of an independent business review, the college is expected to take into account value for money. The college or other stakeholders may also have identified options through other routes, including any support or intervention activity that may have already been undertaken with the particular college, including from the FEC team. The decision as to which option(s) to pursue sits with the governing body of the college (unless the college

is insolvent, in which case these decisions would be taken by the administrator) and is likely to require the support of any funders and creditors to deliver.

FEC -led local provision reviews

While Structures and Prospects Appraisals are focused on a single college and finding the best solution for the continuity of its provision, FEC-led local provision reviews can assess options for changing the provision or structure of multiple colleges.

FEC-led local provision reviews:

- consider the overall provision for learners in an area
- can include multiple relevant colleges
- can consider whether government needs to create new capacity; and
- are developed in response to gaps in provision or potential insolvency

FEC-led local provision reviews look at post-16 provision in the area to examine structural solutions for securing a long-term viable and good quality education and training offer.

The Department will determine whether a FEC-led local provision review is appropriate. The need for such a review may arise from a number of challenges that affect a college and/or FE provision in a local area, such as:

- weakness or failure of existing providers (including risk of insolvency);
- increased competition
- declining learner recruitment
- urgent improvement or needs attention judgements by Ofsted
- significant financial challenge
- changes in local demographics and/or local skills needs; and
- data and information from Skills England, the relevant ERB/s and strategic authority and other sources about changes in local demographic and skills needs

The Department will determine the scope and approach of each review on a case-by-case basis – with input from any prospective administrator – and then write to the college concerned setting out the terms of reference. We will also write to other local stakeholders including local MPs, Strategic Authorities, and the ERB. The terms of reference, will likely include details such as:

- broad objectives of the review
- areas of a college's structure, delivery model and curriculum offer and/or FE provision in the local area in question
- start date and approximate date of completion of the review
- outcomes/potential solutions that will be explored; and
- relationship of the review to any other support or intervention activity being undertaken in the case/area in question

The terms of reference will be published by the Department. The review will examine options for delivering quality provision in that area. The review will draw on the analysis of the current situation, including the LSIP and likely future sustainability of colleges. Broader evidence could include:

- local demography, employment patterns, LSIP priorities, strategic authorities and local authority priorities, and the nature of the current local education market; and
- engagement with stakeholders such as:
 - the designated ERBs
 - local authorities or strategic authorities
 - the relevant Regional Department for Education Director
 - schools
 - local MPs; and
 - learners

The review will result in a report that identifies the alternative solutions for FE provision in the area. Potential solutions could include:

- disaggregation, in which a part of the college becomes a separate entity
- merger
- estate rationalisation
- solvent or insolvent closure of a college, with transfer of some or all assets, liabilities and provision to another organisation
- an outline financial assessment of the options

In considering recommended options, the FEC team will consider:

- how will the area's educational be met?
- how will the area's economic and business skills needs be met?
- how will the quality of provision for current be sustained and improved?

Chapter 5: Insolvency and other funding

This chapter provides an overview of insolvency funding, which refers to any monies provided to colleges that are either at risk of insolvency or are technically insolvent. Such funding is delivered through loan and/or grant agreements with the Department for Education, or previously the Education and Skills Funding Agency (ESFA). It is intended to offer emergency financial support or to enable a longer-term, financially sustainable solution – such as a merger – where appropriate.

Emergency funding

We may decide to provide emergency funding on a case-by-case basis where a college is otherwise likely to run out of money. The funding would be provided for the minimum period necessary whilst a decision is made on the future of the college, and the funding provided would be the minimum required to keep the college solvent during that period. As an alternative, the Secretary of State may immediately, or at any later time, apply for an education administration, if it is judged that this is the most cost-effective way of minimising the disruption to existing learners.

If the Department is providing emergency funding, the review of the options for that college and local provision will be subject to a highly compressed timeline, with much more limited input from the college leadership as to the option to be taken forward.

Provision of emergency funding to continue the running of the college will normally result in a college being put into intervention (and the issuing of a Ntl).

Funding to support long-term changes as a result of intervention

We may provide funding to support the restructuring of a college or changes to a college's provision or operations, either inside or outside an education administration. We will consider on a case-by-case basis what action and investment minimises the disruption to existing learners, secures the provision the area needs and provides best value for the taxpayer. This funding is provided in exceptional circumstances and at the Department's discretion.

Where funding is provided to support restructuring it will not normally result in a college being put into intervention.

The FE insolvency regime

The FE insolvency regime was introduced through the Technical and Further Education Act 2017 (TFEA 2017), the Further Education Bodies (Insolvency) Regulations 2019, and

the Education Administration Rules 2018 and amended in Skills and Post-16 Education Act 2022. The relevant legislation came into force on 31 January 2019.

Insolvency law applied to companies, designated institutions and to private companies that delivered FE. The legislation modified and applied aspects of insolvency law to FE and sixth-form college corporations (statutory corporations) and introduced a special administration regime (called Education Administration) for both companies conducting designated institutions and FE and sixth-form college corporations in England, and companies conducting designated institutions and FE corporations in Wales (together defined in the TFEA 2017 as 'further education bodies').

The Department has published specific guidance that provides more information on [the insolvency regime for FE bodies](#), aimed particularly at governors. Although instances of insolvency may be rare, college governors and executives should familiarise themselves with this guidance and seek appropriate advice as necessary.

Insolvency procedures

As set out in section 6 of the TFEA 2017, the FE insolvency regime applies the following existing insolvency procedures to FE and sixth-form college corporations in England and FE corporations in Wales:

- voluntary arrangements (including a Company Voluntary Arrangement)
- administration
- creditors' voluntary winding up
- winding up by the court; and
- fixed charge receivership

The conduct of these existing procedures is governed by the provisions of the Insolvency Act 1986 (IA 1986), as applied by TFEA 2017 and modified by the Further Education Bodies (Insolvency) Regulations 2019 to apply effectively to FE or sixth-form college corporations. Provisions in existing insolvency law that require actions or decisions by company members, directors, contributories, or shareholders, are either not applied or have been modified to apply appropriately to the equivalent members of an FE or sixth-form college corporation.

These insolvency procedures already apply to companies that conduct institutions designated under the Further and Higher Education Act 1992 ('designated institutions') and to private companies that deliver FE.

The FE insolvency regime introduced an insolvency procedure called Education Administration, which is a special administration regime (see above).

Section 39 of the TFEA 2017 also amended the Company Directors Disqualification Act 1986 (CDDA 1986) to apply the Act to FE bodies that are statutory corporations, meaning that in some circumstances governors can be disqualified if their conduct in managing

the college prior to the insolvency has been unfit. This can apply to any type of governor found responsible for wrongdoing and can also apply to other individuals, including those who acted as a governor although not formally appointed as one. This could include members of the executive management team of an FE body. Further information about disqualification is provided in the [insolvency guidance](#) for FE bodies.

Each special administration regime has a special objective that is appropriate to the supplied service that is to be protected.

The special objective of Education Administration (detailed in s16 of the TFEA 2017) is to:

- avoid or minimise disruption to the studies of the existing students of the FE body as a whole; and
- ensure that it becomes unnecessary for the body to remain in education administration for that purpose

An Education Administration commences as a result of a court order on an application by the Secretary of State. The court may make an education administration order only if it is satisfied that the FE body is unable to pay its debts or is likely to become unable to pay its debts. The education administrator (an IP appointed for the purpose of an education administration) may achieve the special objective through means including:

- rescuing the FE body as a going concern
- transferring some or all of its undertaking to another body
- keeping it going until existing students have completed their studies; and
- making arrangements for existing students to complete their studies at another institution

An existing student is defined in the TFEA 2017 as a student at the institution in question, or who has accepted a place on a course at the institution, when the education administration order is made.

The TFEA 2017 also sets out that the education administrator must, in pursuing the objective of the education administration, consider the needs of existing students who have special educational needs.

If a college or creditor initiates insolvency proceedings, notice of those proceedings should be sent by email to Restructuring.FACILITY@education.gov.uk or by post to:

Secretary of State for Education
Department for Education
Sanctuary Buildings
Great Smith Street, London
SW1P 3BT

The role of the education administrator

The general functions of the education administrator are detailed in section 24 of the TFEA 2017. Primarily their function is to achieve the special objective of an education administration and seek the best outcome for creditors as a whole, as far as consistent with the special objective. Often, the independent business review will have generated a delivery plan, which the education administrator will aim to put in to effect if it is appropriate to the education administration in question.

The education administrator is a licensed IP with expertise in dealing with insolvency proceedings in a variety of sectors. They are appointed by and answerable to the court. They would not be obliged to consult any one specific person, other than employee representatives if redundancies are expected. However, they are likely to liaise with the FEC team and others who have already been involved in discussions with the board and senior staff at an insolvent college. Decisions concerning timings and subject of consultations will be at the discretion of the education administrator.

Annex A

Useful links

[Apprenticeship training provider accountability framework - GOV.UK](#)

[Automatic disqualification rules for charity trustees and charity senior positions -](#)

[GOV.UK \(www.gov.uk\)](#)

[College financial handbook - Guidance - GOV.UK \(www.gov.uk\)](#)

[College financial planning handbook and CFFR – GOV.UK \(www.gov.uk\)](#)

[Colleges notices to improve](#)

[College and local authority accountability agreements - GOV.UK \(www.gov.uk\)](#)

[FE-Commissioner-led-structure-and-prospects-appraisals-spa](#)

[Find an Ofsted inspection report](#)

[Funding higher risk organisations and subcontractors policy - GOV.UK \(www.gov.uk\)](#)

[Further and Higher Education Act 1992 \(legislation.gov.uk\)](#)

[Further education and skills inspection: toolkit, operating guides and information](#)

[Further Education Insolvency guidance](#)

[Further education corporations and sixth-form college corporations: governance guide](#)

[Help and support for colleges](#)

[Local skills improvement plans - GOV.UK \(www.gov.uk\)](#)

[Memorandum of Understanding \(between the Charity Commission and the Department for Education\)](#)

[Subcontracting funding rules for post-16 education and training - GOV.UK \(www.gov.uk\)](#)

[Statutory intervention powers for the FE sector - GOV.UK \(www.gov.uk\)](#)

[The essential trustee: what you need to know, what you need to do - GOV.UK](#)



Department
for Education

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