



## ESTABLISHMENT & DISSOLUTION OF SIXTH FORM COLLEGES

27<sup>th</sup> March 2012

Dear Mark,

Thank you for the opportunity to respond to the draft regulations relating to the Establishment or Dissolution of Sixth Form College Corporations and the Transfer of Property, Rights and Liabilities on Dissolution. The Sixth Form Colleges' Forum has developed this response on behalf of the Sixth Form College sector. You will have also received individual responses from some of our members and I would urge you to give these submissions due consideration.

Our primary concern with the draft regulations is the lack of clarity surrounding the whole issue of designation. As you know, all Sixth Form Colleges were designated in 2010 and so for the first time acquired their own legal identity. We are concerned that there is no mention of designation in the draft regulations. It is unclear what criteria, if any, the Secretary of State will use to decide on applications to establish a new Sixth Form College. While there is guidance elsewhere relating to the designation process, these draft regulations must contain a clear and unambiguous position on the issue. It is not in the interests of students or communities to see a proliferation of providers operating as 'Sixth Form Colleges' unless they uphold the high standards and reputation of designated Sixth Form Colleges.

Secondly, may I point out that the consultation period for these draft regulations is extremely tight and well short of the standard 12 weeks that should be set aside (your letter was issued on February 29<sup>th</sup> 2012 with a closing date of March 29<sup>th</sup> 2012). We understand that you want to have these regulations in place as quickly as possible, but fear that this timescale will not allow you to make considered judgements on what are crucially important issues for the sector. You will also be aware that most colleges break for Easter at the end of March and most Corporations only meet on a termly basis and therefore may well have met prior to the issue of the consultation documents.

Thirdly, we would suggest that a proposal to establish a sixth form college corporation should be published at least six months in advance, rather than four months as outlined in the draft regulations. There are a lot of stakeholders involved in the establishment process and we feel that six months is the minimum period within which the full support and consent of all interested parties could be secured. This successful establishment of a new SFC – or any other institution for that matter – requires careful and detailed planning.

Fourthly, we would contend that the timescale for dissolving a sixth form college corporation is also too short. Dissolution is a big step and would require a lot of thought and planning - particularly in respect of existing and future students. A responsible Board would want to ensure that existing students were able to complete courses already started with the minimum of disruption, ideally in the same institution in which they began their studies. It may be that the college continues with perhaps only a final last year group of students, but the wellbeing of students should be the most important factor in all considerations.

Fifthly, the period of one month for representations to be made with regard to either the establishment or dissolution of a Sixth Form College, is completely inadequate, particularly in the case of dissolution. All concerned need much longer - at least three months - to have the opportunity to formulate and register their concerns, opposition/support, and have their questions answered. There is no mention in the documents of consulting specifically with students, parents or partner schools.

We understand from the Catholic Education Service that they are responding on behalf of Catholic SFCs, so we have not specifically referred to Catholic colleges in our response, but of course they are full and valued members of our organisation.

Thank you for your attention and I hope that you find these comments helpful.

Yours,

A handwritten signature in black ink, appearing to read 'Lynda Allen', with a horizontal line extending to the right.

Lynda Allen MBE  
Vice Chair SFCF  
Chair SFCF Governance Committee

Please send responses to:

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