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ABSTRACT

Private colleges are a sector of the economy unknown to many, except maybe some members of the Committee of Validating Universities who have entered into collaborations, and so the colleges offer their qualifications. Of late there has been a proliferation, and some of these are known to be struggling financially with the initial set-up cost being at least £250,000 and most having to sink in more money before there is any return on capital. Others are set up to encourage fraud and illegal immigration. Others are there to provide a genuine and quality education. The article outlines the various controls that should be in place. Mentioned are: Companies House and the Business Names Act section, Trading Standards, the DfES Register, the UK Borders Agency, the Foreign and Commonwealth Office, professional bodies, Transport for London, state education, UK NARIC, the police, press and television, employment tribunals, county and small claims courts, and the Joint Education Taskforce. Unfortunately this diverse list of controls has been found not to work perfectly in practice. We turn now to the role of the British Accreditation Agency in all this, and its mission and history. Included is an account of its structure and particularly the criteria it uses for accreditation. Overall conclusions are then drawn.

Keywords: Higher Education, Regulation, Government Policy, British Accreditation Council, Fraud, Degree Mills

INTRODUCTION

It was in early 2005 that Gordon Brown announced a reduction from 35 to 9 in the numbers of quangos inspecting throughout the public sector, some of which also or solely inspect the private sector. Private colleges are the hidden part of UK education (Vinten, 2007). They can become part of global knowledge management transfer (Shaw, 2005). They come to the surface as some of them seek accreditation and franchises through British universities. Increasingly we see accreditations through Australian universities, and this represents a challenge to British universities in terms of speed and quality of response, focus and costing. Other colleges run professional courses, such as Association of Chartered Certified Accountant (ACCA) and Association of Business

Executives (ABE), and through these connect to university degrees. Those who wish to uphold acceptable standards submit to the rigorous accreditation, inspections and re-inspections of the British Accreditation Council (BAC) (www.the-bac.org). Through this they achieve a badge of quality, with periodic review, as well as being admitted to a body of like-minded individuals. There is a periodic newsletter that raises issues of importance as well as letters from the chief executive and the chief inspector issuing updates, often in legislation.

It is government policy to encourage the sector, and some private universities will soon emerge. The sector has much to offer in supplementing the work of public institutions through markets the public institutions have failed to reach. The overwhelming majority of students in the colleges we accredit are from overseas, and a good proportion use private colleges as a conduit to British higher education. The colleges can provide a more intimate and personalised learning environment, and some are in significant niche areas (such as BAC-accredited BPP which provide professional courses in accountancy, law and other areas). The reputation of British education can be enhanced, the government target on overseas student numbers more easily achieved, and invisible exports increased. Much of value is going on in the sector, and state universities are also gaining from partnerships formed. In the best cases there is constant linkage between the institutions, amounting in some cases to sharing research and publications.

Other private colleges reign in the nether world of deceit and criminality, and rely on consumer ignorance in the overseas market, or if not exploiting overseas students, positively recruit those who wish to become illegal immigrants. It will not have escaped notice that some would-be religious fanatics, who now cost us all so much money and inconvenience in heightened security, entered the USA or UK as students. Colleges and training centres were used by terrorists in the USA, and so was it any surprise that one of our BAC-accredited colleges was the site of a police raid in March 2007, with one of those implicated in the infamous London underground and bus bombings arrested?

Following 9/11, when it became more difficult to obtain student visas into the USA, especially from countries suspected of harbouring fanaticism, there was a proliferation of non accredited institutions in the USA. Incidentally, the USA is reckoned as being a prime source and site of bogus degrees, college degree mills, and bogus accreditation and quality assurance bodies. These institutions were then eager to form links abroad. Many colleges were unaware that they were offering degrees of little value, and others were unaware of the requirement of the Education Reform Act 1988 that they had to make it clear that these were non UK 'qualifications'. Other colleges were aware of the situation and were happy to flaunt the law. In most cases the colleges in the UK lacked staff or academic resources to deliver a higher education programme, so the students received a doubly bad deal. The BAC played a significant role in terminating such arrangements.

Another notorious example is a so-called American based institution which claims support from a UK institution, whereas in reality there was no knowledge of this so-

called MBA by the UK institution, and there was no authorisation for this intermediary to act according to the US institution. The Quality Assurance Agency became involved when the UK institution used words that was taken to imply some form of accreditation and certainly recognition. An e-mail from an official of this organisation stated that this intermediary was like a double glazing salesman. Indeed he stated that he was offering a UK qualification, which was cheap at the price, which seemed to come down by the minute with this and that discount as one betrayed lack of interest. One BAC college, which had said initially it was not interested, suffered a further nine sales calls and eventually told the individual not to telephone again. The writer also suffered calls when he was a college principal and he was told he was the one chosen ('many are called, few are chosen') whereas it appears that this gentleman had used various lists he could find, in this case that of the Association of Business Executives, and telephoned willy nilly. As far as we can ascertain this was a private house masquerading as a college and as usual usurping a similar name to a legitimate institution. Since it is dubious whether there is proper American accreditation in support at this moment, the advice is that any college purporting to offer such degrees will not receive BAC accreditation, or will lose it. We are waiting for the promised legal action as a result, but so far it has failed to come! This is a common tactic of degree mills, and attack is the best form of defence to them. Taking on such institutions is not without risk, but it is a risk we must take. It is pleasing that the writer has been accused of causing huge loss of income to this institution. America has a considerable number of bogus degrees and accreditation mills (Vinten, 2008).

Students locate colleges with two rooms in them which do not seriously teach anything at all, and for a fee of maybe £1500, or substantially less, will fabricate records to pretend the student is pursuing the required minimum of 15 hours study a week and the required attendance of 80%. It is a matter for the economists to argue whether the illegal labour is a net benefit or results in a charge on public funds, but the simple fact is that it is illegal. There is thus a high public interest in regulating private colleges.

Legitimate colleges are annoyed at the high set-up costs which are avoided by the less than honest colleges. At the extreme are the degree mills which are situated on a website which may be controlled through someone's home, so the website is virtually a sunk cost. The only real cost is to print degree and perhaps attendance certificates, and even here the most cheapskate of these so-called colleges use a standard inkjet printer. Others may use more expensive printing techniques. Some will forge certificates from legitimate institutions. One attempt involved the assumption that the real University of Oxford coat of arms was too modest and so was embellished to make it more marketable! Others will give a false address - those emanating from the USA may fail to realise that there are no addresses in the UK with numbers such as 3023 as there could be in the USA. Those who live in the UK know that some of the numberings, postcodes used, and locations are simply ludicrous. Others may find that their degree is from a fish and chips shop. This is what the listed college turns out to be unbeknown to the owner. Others are simply offices that forward mail, or have a service that pretends to be a certain

university for those who telephone a specified number. Where some modest coursework is required, it is doubtful if anyone bothers to read it and the award of the degree is a foregone conclusion.

To set up a new college one may need at least £250,000 and that is just at the start. Costs could rise to double that or more, and the payback period could be several years. This is not an undertaking for the weak hearted. Certainly there are times of self doubt and wishing that one had started something different. The best owners are in it because they have an interest in education. Profit will hopefully follow, as well as sleepless nights! So it is annoying to find that there is not anything like a level playing field and colleges are allowed to flourish that are the complete antithesis to education. Many BAC accredited colleges can name names, and some do. They go to the trouble of attempting to provide as rich an educational experience as possible while the dodgy colleges provide next to nothing. The irony is that there can be total student satisfaction (Helgesen & Nasset 2007) with these dodgy colleges, since if all that is required is to create an illegal immigration route, and this is achieved, there is student satisfaction even though there is no education provided! Perhaps it is best to call it consumer satisfaction in this case.

So what regulation is there? Professor Michael Power has drawn attention to the diverse inspectorates in British life (1999, 2000). The trouble is that appearance and reality can be deceptive, and controls which exist often fail to operate, or operate inadequately. Let us take the controls one by one.

1. Companies House. It is a criminal offence under the Business Names Act 1985 to use certain names without the permission of the Secretary of State. One of these is 'Institute' which infers a degree of pre-eminence and perhaps a membership body. The same applies to 'Institution'. Perhaps strangely, if you are a charity and have not registered as a company, you can probably register as 'institute'. Two of those using the name Institute without permission were London City Institute and Kings Institute (which also used the word 'King' without permission). Despite eventual warnings from Companies House they both persisted over a considerable period of time. The first has now changed to LCI but continued to sport the name at its entrance into early 2007. It is now called London City College of Further Education or LCI College. The second has changed to KI on its website, but the representation is false since Kings Institute remains in its shop window frontage and on a billboard which obstructs the pavement outside.

Both institutions are run by brothers. The middle brother owns the first, and the eldest and younger brothers jointly own the second. All are known to BAC and neither college has been accredited. One dodge is to register a name such as Inst. or Instt. and then to use the name Institute on publicity material. The legislation should have also prohibited the use of names that mimic or may be taken by readers as being an abbreviation of a proscribed name. There is a grapevine of how to beat the system and a band of those willing to do so and exploit each loop in the

system that can be found. Meanwhile innocent officials stand by.

Recently, the researcher persuaded Companies House to use Trading Standards Officers (see next section) to assist them in prosecuting offenders, but it is an uphill struggle to get anything to happen. Otherwise the Act is a theoretical piece of legislation that may be broken with impunity. He finds it on e-mail record that a constant miscreant will be prosecuted, but there is no evidence of this happening. The excuse was that there are no resources, or how can an organisation based on Cardiff be expected to supervise the whole country? Even without leaving their seats, it is possible to check pertinent websites, but he has yet to hear why this is not done. He must have sent about 50 e-mails by then personally and he has yet to find any action. The latest is to state that they will not prosecute themselves but leave it to local Trading Standards officers. One wonders how the Company House officials justify their salaries, but they seem to think they are doing a good job. The legislation is not effective in implementation.

2. Trading Standards. This came into the frame with consumer complaints from students relating to fees, accreditations, immigration matters and the like. Where a BAC college was involved, BAC would try to mediate and often this would work. Occasionally it would not, and one form of advice was to complain to Trading Standards. However many if not most complaints to Trading Standards related to non BAC accredited colleges that were using or were degree mills, falsifying attendance and certification records, and failing to pay staff and creditors and generally adopting poor business practices. Some Trading Standards departments did place language and business colleges on their list of places to visit, but as one principal officer put it, they were beholden to the local council taxpayer who was more interested in dogs fouling footpaths and generally did not attend such colleges. It was expecting rather a lot that these departments, with constraints of local government finance, should shoulder the sole burden of responsibility for such dubious colleges. There was a conference on 23 May 2007, which turned out to be extremely popular, arranged by Anita Davis of Tower Hamlets Trading Standards to chart a way forward in what they have called the College Compliance Partnership Seminar. The proposal was to establish a College Compliance Partnership Group to agree on joint strategies and protocols towards a common and joint approach by the London Trading Standards Departments and relevant agencies, such as the Department for Innovation and Skills (DfIS) and the UK Borders Agency. The follow-up meeting of July 3 took this forward, and the group now meets regularly and had BAC representation. The trouble in dealing with Trading Standards departments is that their geographical territory is restricted to one local government area, and one college that was being investigated in the London Borough of Westminster moved to the London Borough of Camden and sent a solicitor's letter saying that the college was no longer in the London Borough of Westminster area, and so there was no jurisdiction.

3. The DfES (Department for Education and Skills) Register of publicly funded, and private, learning providers in the UK was a measure set up by David Blunkett when Home Secretary, with Charles Clarke as Secretary of State for Education at the time. This is one of the most inglorious inventions of all time. One could pretty much register one's garden shed in terms of the minimal requirement, yet this became the sine qua non of overseas students obtaining a visa from 1 January 2005. All sort of flotsam and jetsam are to be found there along with the more reputable. BAC accreditation admits colleges automatically and is the only reliable route onto the register. Although they reserve the right to remove colleges, they rarely do. In a recent Email communication they state that although they know that a particular college is dubious, without robust evidence of fraud they cannot remove. If anybody complains about abuse, he/she is told that they do not really have the capability to deal with this; so they effectively allow the abuse to continue. A form of words was required :

Registered with the Department for Education and Skills (DfES) on its Register of Education and Training Providers.

www.dfes.gov.uk/providersregister

The Register is a list of genuine education and training providers in England, Wales, Scotland and Northern Ireland. The register does not quality assure or accredit in any way the learning provision of any registered provider.

Colleges regularly state that they are 'accredited' by the DfES which is in breach of stipulation. One of the worst examples is at www.lcst.ac/accreditations where it is stated: "Barbican University is a registered university in the providers register with the Department for Education and Skills." This 'university' bears the Panamanian ship of convenience since it itself is registered there. The DfES has managed to appear to provide it with bogus university status within the UK. Other less than honest institutions have found it quite easy to get on the register. The British Council and British Accreditation Council through accreditation means an automatic route for inclusion on the DfES Register, as well as an automatic route to remove colleges. However it has been found that colleges removed later reappear, presumably through having applied themselves. DfES is the first to admit that they are not a regulatory organisation, and have limited powers.

There is now a second register, of colleges linked with a university, and this may be a move forward as a means of selecting institutions that have gone through hopefully rigorous procedures. The registers will be less significant under the new regime of Registers of Sponsors under the new Points Based System which will be the system relied upon by visa officers.

With the abuse being common, and with the department split in two in 2007, the part dealing with the Register, the Department for Innovation and Skills (DfIS) dictated that no reference was to be made to the Register, and that those who did would be struck off.

The DfES does have a department led by Philip Vine with a remit to close down bogus degree programmes. However it only has the Education Reform Act in support. This means that as long as a college makes clear that the degree is awarded by a non-UK body, it is impossible to touch it. To compound the issue, prosecution is only permitted via Trading Standards departments, which may have limited understanding of or interest in the Act, or may have what they regard as more pressing priorities.

4. The UK Borders Agency (UKBA) the new name for The Borders and Immigration Agency which was set up in April 2007 and only lasted a few months, formerly The Immigration and Nationality Department and in a process of transition for the first year. Let us give them some benefit of the doubt since there has been a new chief executive, Lin Homer, and winds of change. Lin Homer is former chief executive of Birmingham City Council and a solicitor. Suffice it to say that their own Home Secretary quite recently virtually disowned the Home Office as a whole, and it is now split up, its criminal justice responsibilities being hived off to the Department of Constitutional Affairs. Students used to regard the Home Office as varying between no control at all, and one that is not a lot to worry about. It was so difficult to get them to answer correspondence and this is a regular comment of BAC-accredited colleges, some of whom regarded BIA and formerly IND as a waste of public resources with little accountability. The Home Office has taken to issuing a letter after their visits saying that all is fine. However BAC inspections have shown that not all is fine. The BIA/IND has so far refused to answer the question as to whether they are inadvertently turning into a de facto accreditation agency for fulfilment of Home Office requirements, which BAC looks at as a routine part of inspections. However the letter now makes it clear that the contents of the letter are not to be used in marketing and advertising, and colleges will be written to if they say 'Home Office Approved' and told to remove such a claim. In another case it was fobbed off at a college that was spurious and shown students who were nothing to do with the college that was being visited. In fact there were no students at the college at the time. The letter saying that all was well followed after the Dean requested the like. We hope that lessons will be learned and that a fruitful relationship with BAC will continue. We are pleased to have as a Council member a manager from the connected Managed Migration. More money has been put into college compliance teams, and colleges are pretty likely to receive visits now.
5. Foreign and Commonwealth Office. It seems here that there is a handful of civil servants who advise on higher education matters, but few or none with first hand or practical experience. Recently there has been strange visa refusal which is causing financial grief to private colleges. In one case part of the reason for refusal was that there was an overseas accreditation of one of our private colleges by an institution recognized by the Australian government, which was not on the DfES

Register. The researcher wrote to the then DfES Register and was told that unless there was a UK address, registration would not be appropriate. The alternative is that the Register lists all universities across the world accepted by their national governments. This is scarcely the function of the Register, but it seems that yet again there is no joined up government. One realizes that entry clearance officers have little time per case, but to make such fundamental errors which may then lead to valuable students going to other countries should not be the unanticipated aim of a UK government department.

6. Professional bodies. Some of these leave a lot to be desired and often fail to carry out thorough due diligence. It is well known that some professional bodies will take on virtually all comers. There is a litany, shall we call it cacophony, of first choice professional or more likely semi-professional bodies which are first port of call for the dodgy college. BAC has been trying to persuade them to be far more selective and is having some success. The Association of Accounting Technicians is an example of a professional body which has extremely rigorous requirements with which the researcher was proud to be associated as a Council member for two years. The chief executive, Jane Scott Paul told me that part of the idea was to stave off bogus colleges. Recently they have suspended a BAC college on quality grounds and with good reason, and our own investigation is underway. City and Guilds Institute seems to be another example of an institution with a robust approach to accreditation.
7. Transport for London (and equivalents). This is not supposed to be part of the official educational control system, but TfL checks on colleges that apply for their students to gain student discounted travel passes. On one visit they found that a college address' room numbers were no other than a 'ladies' and a gents' toilet. They have also found large numbers of student travel passes granted where there is a student enrolment far less. It is not unknown to find a theoretical enrolment of 300 or more, with only 50 to 80 real students present.
8. The state education institutes. Some of these are less thorough than one would like. He remembers that in another life (sometime in the past) he had shut down one overseas institute for his establishment while another university was impatiently waiting in the wings to take it over. There are other universities – and one knows which they are – which have less than robust reputations for the care with which they admit those who will take on their courses, and often as a nice earner for them. Without more discerning systems there will be problems stored up for such institutions who can expect the opprobrium of the Quality Assurance Agency as a result. London University transcripts office has now taken three months to fail to state whether a particular person has a PhD from them, and the Data Protection Act serves as a good excuse not to supply information. With such sluggish response is it

surprising that a College Principal gets away with what is undoubtedly a false claim. Universities need to be quicker in response if scams are to be nipped in the bud.

9. UK NARIC is the National Agency for the DIUS. It is the only official information provider on the comparability of international qualifications from over 180 countries worldwide, and is concerned to distinguish the bogus from the genuine and in April 2007 hosted a well attended conference entitled 'Degrees of Deception'.
10. The police. They tend to state that this is an immigration issue and refer to the Home Office. The Serious Fraud Office state that they will act on large educational fraud if requested to do so by the Home Office. Since the Home Office seems never to request it, the Serious Fraud Office does not intervene. In any case there is limited resources and sometimes interest in the investigation of fraud, with officers who indulge in it sometimes being dubbed 'paper cowboys' and possibly being denied promotion opportunities available to those who have stayed in more 'mainstream' activities, such as a murder squad. Fraud is only accorded around 0.3% of the police budget, and education fraud is right down the list of priorities, and is barely a priority at all. The new Fraud Act 2006 is frankly a disappointment. It has been long in the coming and its main gain seems to be making it an offence to possess articles for use in frauds and making or supplying articles for use in frauds. It has not consolidated existing acts and so the patchwork quilt of acts still exists, and most are not mentioned in the new act.
11. The Press and TV. This is not part of the official system, but the Press are a significant 'Third Estate' to investigate abuses. There is a view that there is less funding of investigative journalism, partly as a result of near monopoly power in the hands of a few media magnates. Also the interest of a newspaper can be fickle and frequently one does not hear the end of a story. Nevertheless there is still a function of scrutiny that assists the public good by posing inconvenient questions. In January 2008 there were two items about the Irish International University and its activities. It was strangely admitted by their Chancellor, Baron Knowles that this was a dodgy institution. Baron Knowles is not a real Baron, and in real life is Chartered Accountant Dr. Jeff Wooller. Later in the week there was another news item that the Principal of a college that ran IIU degrees had been criminally prosecuted and had received a substantial fine as a result.
12. Employment Tribunals. There are some perverse decisions emanating from this source. A Court of Appeal case (Perkin v St Georges Healthcare NHS Trust [2005] EWCA Civ 1174, 12 October 2005), which itself seemed to reach a perverse decision, commented that it was possible to justify just about any point of view of the employment situation from Employment Tribunal cases. Although educational whistleblowers are supposed to receive a degree of protection under the Public

Interest Disclosure Act 1998, in reality such protection can be limited to the legal artefact that the Act constitutes. It can take eight months for a tribunal to respond and then selectively in reaction to the letter of a Member of Parliament. Their complaints system does not appear to operate at all.

13. County Courts and Small Claims Courts. These are low cost solutions, especially the Small Claims Courts. The trouble again is enforcing a judgement which may mean more trouble, and the use of bailiffs sent along to the less reputable tuition provider.
14. Joint Education Taskforce. The establishment of this committee was announced by former Home Office Minister Des Browne on 7 February 2005 with representatives from across the education sector. The aim of the JET is to support partnership working across Government and with all the key stakeholder groups on immigration issues affecting international students. In a speech by Lord Triesman at the Association of Higher Education Providers' Conference on 14 December 2007 he spoke of abuses of visa applications that he was hearing about from places such as Lagos, Mumbai and Kingston, and how it was the intention of government to attract genuine rather than bogus students who would lie to gain entry. In the minutes of the meeting of 5 December 2006 there is mention of the then IND updating members on initiatives on:

- *Bogus colleges
- *Illegal working
- *Marriage abuse
- *Forgery
- *Absconders and overstayers

However no details are provided on this and the minutes are itty bitty and more a series of unanswered questions than anything else. So although they are posted on the UKBA website, it is not possible for the outsider to gauge accurately what progress has been made. It seems that educational fraud is an issue, but there is more concern about quick implementations to strict deadlines, and fraud, like the poor, are with us for ever and so is part of the furniture with no special priority. Did not Rome burn as Nero fiddled?

All of this constitutes a horrendous mess which the government has stood by and allowed to mushroom. Indeed a foreign visitor might consider that the system has been deliberately set up to encourage fraud. There are bits of theoretical control which are inefficient, residing in different locations which never achieve the synergy of coming together, or joined up government. The DfES pursued target growth while the Home Office/UKBA is concerned to control numbers and avoid the social instability that can result from excessive and illegal immigration. It seems left to TfL inspectors, some

Trading Standards Departments and BAC to control the flood, but they cannot do everything. Funnily enough TFL has more powers since it can go into the non BAC accredited colleges which BAC cannot touch if colleges are resistant to BAC involvement. Of course it is only going for a single purpose and does not achieve any other objective. The government needs to make ALL colleges subject to inspection. From 2009 accreditation by bodies such as BAC will be mandatory for visa granting, so that will force some colleges into accreditation, or hopefully some into liquidation. Not too much more time of educational chaos to be endured. The new Points Based System may help in clearing up some of the inconsistencies of decisions made by entry clearance officers, since it is based on more objective criteria.

MISSION OF BAC

- Committed to making a major contribution to common global standards, working with accreditation bodies across the world
- Recognised and valued by governments and other stakeholders in education as the leading UK provider of accreditation services for independent further and higher education

HISTORY OF BAC

- Established on 29 June 1984. The Department for Education and Science (DES) had decided to withdraw from the inspection and recognition of independent colleges of further and higher education from April 1982. This left a significant hiatus, and was accompanied as it happened by a hike in the fees payable by overseas students at publicly funded universities and colleges. This in turn created a possibility in the marketplace for the independent sector to undercut the public sector to provide lower cost tuition especially to overseas students. Most of these were providing genuine and cheaper education, but there were those who took the opportunity for profit alone to be their motivating factor, or who were mills to encourage illegal immigration. There were existing voluntary schemes for English language schools (British Council) and for correspondence colleges, but there remained a substantial number of types of institutions who had nothing to rely on. These were sixth-form and tutorial colleges, colleges of business and professional education and training, those with more general courses in higher education, and those for students with special educational needs. One milestone was the statement in 1990 by the Rt. Hon. John MacGregor MP, as Secretary of State for Education, that the three bodies of BAC, the British Council and Open and Distance Learning Quality Council (ODLQC), were "the only public guarantee of standards in independent institutions of further and higher education in the UK."
- Dedicated to establishing and raising standards. The handbook, which has been

particularly developed over the years by Robin Laidlaw as chief executive and then head of inspection services, is virtually a guide to good management. Its checklists provide an invaluable start to ensuring that everything is done that needs to be done. It is amazing how many colleges think it is such an easy standard to achieve and then are shocked to find that they have not passed the standard, as is now happening to over half the new applications.

- Team of skilled inspectors
 - Formed from Her Majesty's Inspectors (HMIs), Quality Assurance Agency (QAA), Office for Standards in Education (OFSTED), Adult Learning Inspectorate (ALI) and others. There are 49 specialist inspectors who relate to a particular area, with twelve reporting inspectors who lead a team through a visit, plus four senior inspectors who are guaranteed a certain amount of work per year and carry out additional duties to being reporting inspectors, such as inspector training. All are part time. Some of these inspectors put in substantial work, but others are just called upon periodically, since their speciality is not in demand very often, such as floral arranging, and psychotherapy.
 - Works with the sector and government
 - Represents the sector in the International Network of Quality Assurance Agencies in Higher Education (INQAAHE) (www.hetac.ie) which acts as an international forum, and through which you can see that problems and issues are truly worldwide.
 - Strong relations with British Council and Open and Distance Learning Quality Council (ODLQC). The former is considered to be the expert accrediting agency for English language teaching, and BAC leaves this for them to undertake. However there is mixed mode provision, which makes a grey area, and where English language teaching is incidental to the like of business education, the BAC is likely to deal. The latter is accrediting open and distant learning providers, and this makes for different if complimentary standards, so the decision was made that there would be full cooperation between ODLQC and BAC, but this had, of necessity to stop short of merging standards.
- Charity limited by guarantee
- Governed by a Council of stakeholders – recognised public bodies interested in education. These are the Association of Colleges, the British Council, the Council of Validating Universities, Universities UK (formerly Committee of Vice Chancellors and Principals), Institute of Chartered Secretaries and Administrators, the Quality Assurance Agency for Higher Education, the Standing Conference of Principals, UKCOSA (The Council for International Education), and the Department for Education and Skills. Often the chief officer or other significant official attends.

- Executive Committee. This is responsible for strategic direction and keeping a watching eye on the finances, and is the Board of Directors for BAC as a company limited by guarantee, and the Board of Trustees for BAC as a charity.
- Accreditation Committee
- Senior Officers:
 - Dr Stephen Vickers, Chief Executive
 - Professor Gerald Vinten, Head of Accreditation
 - Dr Gina Hobson, Accreditation Manager

Accredited Colleges

- Around 220 in UK
- Bulgaria
- Czech Republic
- France
- Germany
- Greece
- India
- Pakistan
- Spain
- Switzerland
- UAE

Greece is the more prolific clustering of colleges, probably because the country is obdurate in implementing European Union law relating to private colleges and has in the past refused to accept British qualifications obtained in Greece. BAC has provided support and encouragement, as well as accreditation in a hostile country environment. Other countries have one or two colleges at most, but this could be an expanding area in the future. There are an estimated 1500 unaccredited colleges in the UK and maybe about 500 of these will apply for accreditation over the next two years. At first the BAC was the natural point of call for the new Home Office stipulation that from 2009 only colleges accredited by a relevant agency would receive overseas visas. Indeed towards the tail end of 2006 the Home Office observed two BAC inspections and concluded that the process was vigorous enough to obtain their endorsement. Indeed they were much impressed with what they saw and the rigour and persistence of the questioning of the two colleges. However a month later this had changed.

By January 2007 they were saying that they were not set up to be qualified to make such judgements, and at a meeting of February 2007 it was made clear that responsibility was to pass to OFSTED (Office for Standards in Education) who were to take over the Adult Learning Inspectorate from the Learning and Skills Council. Her

Majesty's Inspectors would be assigned to each accreditation agency, and there was to be a robust relationship built up.

In April 2007 a letter was received from Ofsted asking for expression of interest with a set of documents by 25 May 2007 which had to be completed as soon as possible to meet planned deadlines for the introduction of Tier 4 (students) under the Points Based System. This will enable private education providers to qualify for the new Sponsor Register. The process was over by July 2007 and this will be a brave new world for everyone when the initial approval period commences in that month.

INSPECTION PROCEDURES

- Stage 1: Application form and documentation. It should be noted that at all stages the institution itself is being accredited and not the courses within it. If the institution is offering degrees from an institution not in good standing in the country of origin, then accreditation is not offered. So for the USA it is from one of the recognised accreditation bodies. Some less reputable colleges have set up their own accreditation bodies so that they may be accredited. Since such bodies are without any credibility, they are plainly unacceptable. This is a more sophisticated way of setting up a bogus degree mill. The National Recognition Information Centre (UK NARIC) is a body with which BAC works closely and which is funded by the DfES and other official education bodies, and which may be drawn upon to determine the status of overseas qualifications to ensure they are in good standing.
- Stage 2: Compliance with statutory requirements and minimum standards

PROCEDURES

- Premises and Health and Safety
 - Secure tenure
 - Health and safety
 - Properly equipped
 - Accommodate students in safe and clean environment
- Student Welfare
 - Support (including overseas students and special needs)
 - Accommodation
 - Statutory requirements
- Management and Staffing
 - Effective management, qualified staff

- Attendance monitoring
 - Statutory requirements – employment
 - Administration of assessments
 - Clear entry requirements
 - Accurate publicity material
 - Copyright regulations
- Stage 3: Management of quality and teaching and learning. It is not part of BAC work to criticise curriculum from a respectable institution, following on from the point made in Stage 1 about accepting institutions in good standing. Most institutions applying are of good standing, rather than being fraudulent, and the role of BAC is to give advice on how to improve and be more successful. Such help and advice is generally fully appreciated, and institutions generally comment on the high quality service they obtain through BAC, even though on the continuum of regulator and consultant it is more regulator.

PROCEDURES

- Management of Quality
 - Clearly detailed course requirements
 - Monitoring of student progress
 - Standards reviewed and monitored
 - Student feedback and complaints system
 - Internal awards and degree programmes
- Teaching and Learning
 - Planning and delivery
 - Staff knowledge and skills
 - EFL support
 - Study resources and learning materials
 - Further study and employment advice

ACCREDITATION

- Awarded by the Accreditation Committee. This is a committee that meets every two months or so with an agenda full of reports on colleges and other issues and a remit to make decisions on accreditation.
- Period of up to five years. New colleges may receive shorter periods than this, simply to check that there has been real progress and that students are being well served.

- Expect development and progress over this period. Although nothing will be accepted that is disadvantageous to students, the financial and academic constraints in the early days are well known to BAC and its inspectors, and there will undoubtedly be higher expectations as time goes on. Inspection reports do mention cases where there has been less progress than would be expected, or where previous recommendations have been ignored.
- Long-term commitment from the College. One does not expect a fly-by-night mentality whereby a college has a short-term commitment, or is more interested in profit than the students. It is through discussion with staff, owners and students that it becomes apparent if there is a true commitment.
- Interim, Supplementary and Spot Check visits

An interim visit is a half-time visit to an institution that has been granted the full five year accreditation. It is a check on progress and plans, and an assurance that full accreditation is still warranted. A supplementary visit is where significant issues have arisen in a visit that necessitate checking that there has been full compliance, say in six months' time. A spot visit is carried out without warning where there is reason to believe that an institution has fallen significantly below the standards required, and that only through such a surprise visit can matters be sorted out. The withdrawal of accreditation is one possible outcome, but BAC prefers to work with institutions so that matters can be put right.

REVIEW OF OUR COLLEGES BY THE QUALITY ASSURANCE AGENCY (QAA)

The Quality Assurance Agency for Higher Education in the UK promotes public confidence in the quality of provision and standards of awards in higher education. It informs students, employers, funders and other stakeholders. The QAA audits collaborative links between UK higher education institutions and some of their partner organisations overseas. In the spring and early summer of 2001, QAA audited some collaborative links between UK higher education institutions and institutions in Greece. The purpose was to provide information on how UK institutions maintained academic standards and quality of education in their partnerships with Greek institutions. Let us take some words from their report on City Liberal Studies, a BAC accredited college:

"The University of Sheffield established its link with CITY Liberal Studies in 1992 and the first collaborative programmes were approved and launched in 1993. Since that time, the partnership has grown considerably with five undergraduate and six postgraduate programmes currently offered to over 500 students. Further developments, particularly at postgraduate level, are under consideration. The link now represents the

largest collaborative partnership operated by the University and, in its view, the most successful.

The findings of this audit suggest that the University's confidence in the success of its partnership with CITY is justified. The link has been managed through the University's well-established Collegiate Studies structure which has been subject to review in order to ensure that it is able to provide policy advice, to offer a framework for quality assurance and academic standards, and to ensure that collaborative provision does not become detached from the University's mainstream academic activities. The structure has enabled the University to carry out much commendable work in relation to the link."

CONCLUSION

To return to the title, private colleges have the potential to be a boon. They can be cheaper and perhaps more flexible than public universities, while coming under a similar or identical regulatory framework. They can also make a valid contribution in professional education and vocational training, and the offering of short courses. Certainly they can enhance the reputation of the UK, and can offer a more student friendly atmosphere and often there can be greater value added. On the other hand there is a worry from the valid sector that there is a growing army of 'sheep in wolves' clothing' or predatory sharks who are more interested in making money than providing a decent or respectable service. There are trade bodies in support of respectable colleges. One is the Hellenic Colleges Association (H.C.A.) established during 1998 with BAC assistance. It has 10 members which cooperate with foreign universities to offer higher education courses in Greece leading to diplomas or university degrees. All members have been accredited by BAC (www.hca.gr). Another is the Association of Independent Higher Education Providers (AIHEP) (www.aihep.com) which at present has a limited membership of foundation like-minded colleges. It aims at:

- providing a representative body for the UK's high quality independent providers
- ensuring clear standards for course delivery and student support
- ensuring compliance with UK government regulations, particularly immigration (members are lead participants in the current Home Office pilot tracking system)
- growing effective public-private partnerships for mutual benefit

It is a pity that so much attention has had to be paid to fraud, but this is an ever present reality, especially on more recent BAC inspections. Less than half of colleges now get through first time and some never come back. Of course not all of this is down to fraud, and it is often the inability to manage a college efficiently and effectively, and in the best interest of students. Private colleges have the potential to be a boon, and there is no doubt that this is a boom period. However a minority of them are a curse, and

set up with criminal intent. It is the role of BAC to be vigilant to maintain such a minority to the lowest possible number. However this is a not insignificant part of the hidden illegal economy and with degree mills, accreditation mills and false colleges come other serious side effects. It has not happened in the UK as far as we know, but in the USA there has been at least one death through a paramedic who was the product of a degree mill and did not know what to do in an emergency. If you wonder why buildings and bridges collapse, then check the credentials of those involved.

A significant issue are the 'transaction costs' of reporting false colleges. There is a general feeling that nothing happens, and so should one expect a situation whereby students are either ripped off, or have no genuine wish to be a student, since the true intention is to disappear and either work full time, become an illegal immigrant or obtain spurious credentials through a sham marriage which then provides a right to stay in the country. Large numbers of students simply disappear from even respectable colleges that are trying their best to offer a genuine education. This puts further financial strain on them, since their projected income stream is depleted. It is a student dodge to claim a refund because of some circumstance, such as family bereavement or dissatisfaction with the quality of a course, yet the true reason is often to have one's cake and eat it – to achieve illegal immigration status as well as to achieve a refund.

Currently the panoply of controls is either not working or takes too long, and genuine colleges are tired of reporting the disreputable students and even colleges and then finding there is no acknowledgement that they have written, or apparently no action taken. This, however, has begun to change, and there is now some reassurance that some action may be taken, but it can still be a haphazard process. The Human Rights Act or the Data Protection Act is given as an excuse and potential cover up which aids to protect the fraudster.

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