

The Rt Hon Malcolm Bruce MP
House of Commons
London
SW1A 0AA

Dear

Bogus Colleges in Scotland

The Association of Scotland's Colleges (ASC) is concerned about the increasing problem of so-called 'Bogus Colleges' operating in Scotland. We therefore write asking for your support in protecting the good name of Scotland's colleges in future.

You may have seen press reports since July 2007 in The Herald and other newspapers detailing the activities of businesses trading as 'colleges' in Scotland. Many of these 'colleges' claim to offer educational qualifications and facilities that, on closer inspection, are not in fact provided and/or are provided but to an unsatisfactory level. I enclose copies of the relevant articles for your attention.

For example Commonwealth College Glasgow Limited advertises itself as 'Commonwealth College Glasgow' and has claimed to be recognised by the Universities and Colleges and Admission Service (UCAS) in its prospectus. According to UCAS the Commonwealth College Glasgow is not on their registered list of Colleges and Universities. The web site address for this 'college' is www.gwc.ac. Although the suffix 'ac' gives the impression of an academic institution this is in fact the Internet country code top-level domain for Ascension Island. This is potentially misleading to prospective students. Other businesses ASC is aware of trading as 'colleges' in Scotland are noted below.

Globalisation means that it is increasingly easy for individuals to study anywhere in the world and competition between educational facilities is fierce. To foreign students, use of the word 'college' on a web site or other promotional material allows them to identify that the particular undertaking they are viewing is a provider of education. If this proves not to be the case then individuals face considerable distress and anxiety. In addition, the reputation of all of Scotland's colleges suffers.

Home Office Minister of State for Borders and Immigration Liam Byrne MP said on 24 July 'abuse of our education system will not be tolerated'. I am sure you will agree that for any business to call itself a 'college' and recruit students from overseas by a bogus offering is indeed an abuse of Scotland's world renowned education system.

ASC welcomed the announcement made by the Department for Innovation, Universities & Skills in July that any college recruiting students from abroad will, in future, need to be registered on a new Home Office Sponsors' Register. My colleague Sue Pinder (Principal of West Lothian College and Convenor, ASC Principals' Forum) wrote to Liam Byrne MP on 2 August congratulating the Government on taking this action and urging the Department to remove the names of possible bogus colleges from the current Register with immediate effect.

ASC are of course willing to actively participate in helping to protect legitimate Colleges, students and ultimately Scotland's reputation for education. In light of this, acting on behalf of ASC, Thorntons Law LLP, Solicitors have written to the under noted 'colleges' asking them to clarify their position in respect of their use of the term 'college' and their relationship with particular professional bodies such as the Scottish Qualifications Authority (SQA), the Association of Chartered Certified Accountants (ACCA) and others. To date Thorntons Law LLP have had little response except from LSMT Business School which insists they are a legitimate independent educational institution but have now removed their misleading referral to the University of Dundee in their prospectus. Thorntons Law LLP have also had a verbal response from Glasgow College stating that they are taking our comments on board and are to approach the relevant academic institutions referred to in their website for accreditation. Whilst these actions are helpful it is unfortunately not enough to tackle this problem in the long term. Therefore in addition to the actions already being taken by the government and ASC, ASC asks that further action is taken to protect the good name of colleges in Scotland.

It is generally accepted that there are some words and expressions that, when used in a business name, imply business pre-eminence, a particular status or a specific function. For this reason, they have been prescribed in regulations as requiring the approval of the Secretary of State. In the field of education, words that are restricted include 'Institute', 'Polytechnic', 'Special School' and 'University'. You will note that use of the word 'college' in a business name is currently unrestricted. In their response to a parliamentary question asked about bogus colleges on 27 September, the Scottish Government advised that protection of 'college' title is a reserved matter as it falls under the Business Names Act 1985 and the Companies Act 2006.

ASC considers that if bogus colleges were not allowed to use the word 'college' in their business name this would greatly reduce their ability to operate, advertise and ultimately recruit students. It would make business much more difficult for bogus colleges and, together with the actions already being taken by the Border & Immigration Agency, hopefully stop them altogether.

ASC has written to both the Secretary of State for Scotland Rt Hon Des Browne MP and the Secretary of State for Business, Enterprise & Regulatory Reform Rt. Hon. John Hutton MP asking them to consider enacting regulations under the Business Names Act 1985 to protect the word 'college' in the same way that the other words and expressions with education connotations listed above are currently protected. ASC has also discussed the issue with Association of Colleges (AoC) who represents the interests of further education colleges in England and Wales. National Union of Students (NUS) Scotland has written to the Scottish Government asking them to take action on the issue of bogus colleges. ASC understands NUS is also considering the issue on a UK basis.

The Secretary of State for Scotland has advised that the Department for Business, Enterprise and Regulatory Reform's Companies Act Implementation Team are currently reviewing the words and expressions which cannot be included in a company's name without prior consent, with a view to new regulations which will come into force on 1 October 2008. This means there is a window of opportunity for the list of words and expressions to be updated and include 'college' in respect of company names. However protection must also be sought in respect of other business forms e.g. partnership. Otherwise a loophole will be created for bogus colleges to operate using the term 'college'.

ASC appreciates that there are a number of angles for the government to consider and the matter is not a simple one. There must of course be consultation with other interested parties, including business representative organisations. We do however believe that the case for protecting college title is a strong one and, given that the numbers of new companies registering each year including the word 'college' is not high, one that will be relatively simple to administer without additional burdens on legitimate businesses.

ASC would like your support in this process. We ask that, if you agree with our suggestion that the 'college' title should be protected, you make that known to the Secretary of State for Business, Enterprise & Regulatory Reform. We are of course happy to provide any additional information on the issue of bogus colleges or the work of Scotland's colleges more generally.

Yours sincerely,

Howard McKenzie

Acting Chief Executive, Association of Scotland's Colleges

Note Referred to:
Commonwealth College Glasgow
LSMT Business School
Glasgow College
Great Regent College
Kelvin Business School
International College Scotland
Middlesex College



HOWARD McKENZIE

MBA, FRSA, FCIM, MloD, MInst LM, MCGI, LCGI, CFBM cert ED

Howard McKenzie was appointed Principal and Chief Executive of Jewel and Esk Valley College in August 2001.

He leads a College with 8,000 students, 400 staff and a turnover of £16m per annum. Howard gives the vision, drive and leadership to the College's e:volve project, a £52.5m rebuild and modernisation programme due for completion in Autumn 2008.

In addition to his role as College Principal Howard has been Acting Chief Executive of the Association of Scotland's Colleges since February 2007. In this role he oversaw the Association's political and public affairs strategy for the 2007 Holyrood elections.

A former tenant dairy farmer, he has worked in the College Sector for twenty-five years and has held most senior posts in Colleges, both academic and support. His expertise is in business psychology, social inclusion, child protection policy, social marketing and special needs education. The Principal's teaching background is in agriculture, management, computing and strategic planning.

Howard is a Director of Midlothian Enterprise Trust Ltd and the Scottish Parliamentary & Business Exchange Ltd. He is also the Secretary of the Edinburgh & Lothian Colleges Group and a member of the Scottish Advisory Committee of City & Guilds.

Howard was winner of the Institute of Directors Scotland Public Sector Director Award for 2006 having been the runner up for the same award in 2005.

He has worked extensively in the international markets in Argentina, Malaysia, Romania, Belarus, Bulgaria and Estonia.

The Principal lives in Livingston and is married with two grown up daughters. He is a keen rugby supporter - supporting Edinburgh and Scotland.