

# LSIS Brief Guide

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## Ofsted consultation on FE inspections

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## Introduction

1. This paper discusses *A focus on improvement: proposals for further education and skills system inspections from September 2009*<sup>1</sup>.

## Background

2. Ofsted (formally, the Office for Standards in Education, Children's Services and Skills) was formed in its current incarnation in April 2007. It is responsible for *'the regulation and inspection of day care and children's social care, and the inspection of local authority children's services, schools, colleges, initial teacher education, work-based learning, adult and community learning, nextstep, employability programmes and Children and Family Court Advisory and Support Services (Cafcass)'* (A Focus On Improvement 4).
3. The Education and Inspections Act 2006, which established Ofsted, requires it *'to carry out [its] work in ways that encourage the services we inspect and regulate to:'*
  - improve;
  - be user-focused;
  - *be efficient and effective* (A Focus On Improvement, paragraph 3, p. 5)
4. The same act requires Ofsted to devise a *'framework for the inspection of the FE and skills system, including a common set of principles applicable to all inspections of FE and training'* (paragraph 4, p. 5). The proposals set out in this consultation document are intended to meet this statutory requirement.
5. *A focus on improvement* also defines the FE system itself. For Ofsted, FE comprises *'colleges, work-based learning providers, adult and community learning provision, offender learning and skills, nextstep and Department for Work and Pensions-funded provision, including employability programmes'* (paragraph 1, p. 5).

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<sup>1</sup> See:

<http://www.ofsted.gov.uk/content/download/7861/79493/file/A%20focus%20on%20improvement%20proposals%20for%20further%20education%20and%20skills%20system%20inspections.pdf>

# LSIS Brief Guide

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## Ofsted consultation on FE inspections

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6. Sixth forms are not included in this definition. Ofsted states that it inspects all post-16 education and training in England, except higher education (paragraph 6, p. 6).

## Policy influences

7. Ofsted recognises that the FE and skills sector has been subject to a number of significant changes in policy over the last few years. These are listed on page 6 of *A focus on improvement*, and include:
  - government changes that will drive different approaches to the commissioning and funding of learning for people pre-and post-19; this may require separate judgements for provision about outcomes for these two different groups;
  - *the recently published proposition from the FE and skills system for greater self-regulation; this will require more assurance from inspection that the system has the capacity to self-improve and self-regulate, and that learners and employers will continue to be well served;*
  - *the roll out of the Framework for Excellence for all providers in the FE and skills system, and in school sixth forms, and the need to use it intelligently in inspections;*
  - *recognition of the greater emphasis on the empowerment of users as a result of public sector reforms; this will demand more attention to be paid to the interaction between users and services to promote improvement;*
  - *the rising importance of locality leadership for many providers in the FE and skills system – especially colleges – where they are key players in the delivery of local priorities expressed in local and multi area agreements; this will require inspection outcomes that will relate to a provider’s contribution to the priorities of local areas;*
  - *the critical importance of employability skills and progression onto sustainable employment and further learning as outcomes from many government-funded programmes, and the need to judge this alongside learner achievements;*
  - *the introduction of new, more flexible qualifications where it may not be possible to measure outcomes in the traditional ways over easily defined timescales (paragraph 6, p. 6).*
8. In the consultation, Ofsted also sets out the reasons why it feels a change in the inspection framework is necessary. Firstly, the inspectorate states that it wishes to focus on improvement, especially in ‘*learner outcomes*’ (paragraph 8, p. 9). Ofsted intends to:
  - *help reduce the number of learners receiving inadequate provision;*
  - *help increase the number of good and outstanding colleges and providers;*
  - *have a positive impact on the quality of those colleges and providers that we inspect;*
  - *ensure that the colleges and providers which we inspect meet the needs of all learners through effective promotion of equality, diversity and social inclusion;*

# LSIS Brief Guide

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## Ofsted consultation on FE inspections

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- *ensure that our inspections take account of users' views and expect providers to do the same;*
  - *publish inspection reports that are even clearer and more concise in ways that are more accessible to users;*
  - *make explicit judgements in all our reports on the value for money delivered by colleges and providers (paragraph 8, p.9).*
9. Secondly, Ofsted wants to better evaluate the *'learner's experience'* of further education. Ofsted wants to engage more with learners and collect their views more thoroughly. With regard to learner opinion, Ofsted feels that its new inspection framework must ask certain fundamental questions:
- *how effective and efficient is the provider in meeting the reasonable needs of learners and users?*
  - *what is the provider's capacity to make and sustain improvements?*
  - *how effective are leadership and management in raising achievement and supporting all learners?*
  - *what is the quality of provision?*
  - *how well do learners learn, achieve and progress? (paragraph 16, p. 10).*
10. Ofsted also wants *'to continue to reduce the scale of inspection for the best colleges and providers to enable us to focus our efforts where they are most required'* (paragraph 13, p. 10). Since 2005, *'lighter touch'* inspections have been conducted of providers who meet certain levels of high quality, and Ofsted wishes to extend this practice.

## The proposed reforms

### Inspections and 'health checks'

11. Under the new Ofsted plans, *'inspections will be more proportionate to risk and focused on improvement'*. Thus, the length of time between inspections will vary depending on the performance of the provider, and the perceived risk of them falling into serious mismanagement. Thus, *'most providers will generally have an inspection every four years, but for high-performing providers the time between inspections could be up to six years. If a provider's performance is weak or faltering, or if a provider is new, they could be inspected more frequently than every four years'* (paragraph 18, p. 11).
12. *'The identification of colleges and providers to be inspected will be based on an analysis of risk using the information available about the college or provider's performance'*, including measures from the Framework for Excellence (paragraph 19, p. 11).

# LSIS Brief Guide

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## Ofsted consultation on FE inspections

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13. The frequency of inspections will be determined by a risk assessment, conducted annually. This will include
  - *information from the previous inspection;*
  - *success rates for a range of qualifications and frameworks;*
  - *outcomes from the Framework for Excellence, including user views;*
  - *progress data;*
  - *trend data over the last three years;*
  - *findings from survey visits;*
  - *analysis of the self-assessment report;*
  - *how long the provider has been established;*
  - *any significant changes to the type of provision and learner numbers* (paragraph 20, p. 11)
14. If providers are deemed inadequate, in whole or on a specific measure, they will be subject to more frequent visits and inspections from Ofsted. First, they will receive a *'reinspection monitoring visit'* within six to eight months of the last full inspection. This visit will have two mandatory themes, *'outcomes for learners'* and *'focus on a provider's capacity to improve including the self-assessment and improvement planning process'*. Other themes *'will focus on progress since the last inspection'* (p. 14).
15. Inadequate providers which received an inadequate grade on one part of their last full inspection will then proceed to a partial reinspection, between 12 to 15 months after the last full inspection, which *'will focus on the aspects of provision judged inadequate at the last full inspection'* and on the *'provider's capacity to improve'* (p. 14)
16. If the provider's overall grade was inadequate at the last full inspection, then a second full inspection will occur within 12 to 15 months after the last full inspection (that is, four to nine months after the monitoring visit), which will focus on *'all aspects of the Common Inspection Framework'* and on the provider's ability to improve (p. 14)
17. For providers adjudged satisfactory, and for all new providers, inspections will occur every four years. For *'high-performing providers'*, inspections may occur as rarely as every six years.
18. All providers will still be subject to annual *'risk assessments'*, using data from the Framework for Excellence. In addition, all providers will be subject to *'health checks'* between inspections, within three years of the last full inspection (p. 14).
19. A provider adjudged satisfactory, which has also been found to be satisfactory or worse on its capacity to improve, will receive a *'focused monitoring visit'* within two years of the last full inspection. This will be *'thematic in approach'*, with a *'focus on capacity to improve'* (p. 14).

# LSIS Brief Guide

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## Ofsted consultation on FE inspections

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20. A random selection of providers, including those adjudged good or outstanding, maybe be subject to *'survey inspection visits'*, comprising *'surveys of sector subject area and surveys based on topics linked to national priorities'*. These will involve the drafting of a report, and institutions will be graded (p. 15).

## The Common Inspection Framework

21. The consultation document lays out the key features of Ofsted's Common Inspection Framework 2009. A summary can be found in Annex A of the consultation document (p. 26-7), which lists the main questions that Ofsted will be asking as part of its inspections.
22. The new inspection framework *'will focus on whether particular groups of learners are achieving as well as they should, including the most able and those whose circumstances make them vulnerable. We will specifically judge how well a college or provider fulfils its duties in terms of equality and diversity and the impact on learner achievements'* (p 16).
23. More broadly, Ofsted inspections will gauge how a provider engages with users, which the inspectorate defines as including *'learners, employers, and parents or carers'*. Ofsted will evaluate how providers communicate with users, *'the actions that are identified'* as needing to be taken from their feedback and the *'impact made and the effectiveness of feedback to users'*. Ofsted may also inspect the provider's learner engagement strategy. Ofsted proposes *'a wider range of inspection activities that involve collecting and using the views of learners, employers and partners'*, which *'may include emails, focus groups, on-site interviews and telephone interviews'* (p. 16)
24. Ofsted will place a greater emphasis on evaluating a provider's *'capacity to improve'*. The inspectorate has always evaluated the overall effectiveness of a provider, but *'given the system's aspirations for greater self-regulation, more emphasis will be placed on the capacity of the provider to improve than is currently the case'*. The paper adds that *'self-assessment is important: a college or provider that does not know its own strengths and weaknesses is unlikely to be able to put in place well-targeted plans that lead to improvement'* (p. 17).
25. Ofsted's judgement of a provider's effectiveness and ability to improve *'will continue to include an assessment of the effectiveness of the steps taken to improve the provision for learners since the last inspection'*, and will also count *'performance management arrangements and targets that the provision is setting itself and its learners'* (p. 17).
26. The new inspection framework will include *'more detailed'* indicators for measuring whether providers are adhering to value-for-money principles (p. 17).
27. Ofsted may introduce a new *'limiting grade'*, which *'are grades in a given area that will impose a limit on a grade that may be awarded elsewhere. For example, a judgement of inadequate for equality and diversity might mean that the judgement for overall effectiveness would be limited to no better than satisfactory'* (p. 18)

# LSIS Brief Guide

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## Ofsted consultation on FE inspections

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28. Inspections will assess whether providers of 16-19 education are meeting the goals of the Every Child Matters agenda, the Government's strategy to ensure the health and well-being of all children in the United Kingdom from birth to the age of 19<sup>2</sup>. These goals are *'being healthy, staying safe, enjoying and achieving, making a positive contribution and achieving economic well-being'* (p. 17).
29. Finally, Ofsted promises changes to the ways it inspects and collects data. *'We are seeking a broader range of evidence including teaching, learning and by following the learners' journey throughout their time with the college/provider'*, the consultation paper says. *A focus on improvement* also pledges Ofsted *'to revise our methodology to ensure that inspectors will spend more time with learners: observing teaching and learning and reviewing their work and the levels of support that they receive'* (p. 18).
30. Ofsted offers two *'models'* of inspection on pages 18 and 19. The models are methodologically similar, but in Option 1, all providers would be inspected under the new methodology, while in Option 2 *'the methodology laid out in Option 1 would be employed in all high-performing colleges and providers. Satisfactory and inadequate providers would be inspected as they are currently with a sample of sector subject areas being included in the inspection and the outcomes graded'* (p. 19).

## Notice periods

31. Ofsted states that learners and employers would like to see more inspections undertaken without notice, *'to enable us to see the provision as it really is'*. The inspectorate also says that colleges themselves like shorter notice periods, as it reduces the stress of preparing for the inspectors' visit. Therefore, Ofsted *'would like to reduce notice periods to the shortest practicable length'*, to only one week for colleges, and three weeks for work-based learning and nextstep providers (p. 19).
32. *'In certain circumstances we feel that there is a need for unannounced inspections. For example, where we have received a complaint or have been notified about a safeguarding issue. Her Majesty's Chief Inspector has the authority to undertake inspections without prior notice'* (p.20).

## Aligning inspections

33. Since providers often offer multiple types of government-funded learning activities, they may face multiple inspections at different times. In *A focus on improvement*, Ofsted acknowledges that many providers find this frustrating, and pledges to help simplify the inspection process. The inspectorate says *'we aim to align inspection visits and maximize the value of inspection visits to providers by covering in a single inspection event all the government funded provision an institution provides'* (p. 20).

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<sup>2</sup> For more information on Every Child Matters, see: <http://www.everychildmatters.gov.uk/>

# LSIS Brief Guide

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## Ofsted consultation on FE inspections

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34. Ofsted also recognises that many providers subcontract Government-funded provision to other bodies, or work in partnerships or consortia with other providers. *'When we inspect a provider, we would seek to inspect all government-funded provision, whether the provider receives a grant, holds a direct contract or is a sub-contractor or partner'* (p. 20). Ofsted will hold the lead contractor responsible for all provision emanating from that contract.

## Changes to inspection reports

35. Ofsted desires to make its inspection reports clearer and more accessible to users. Measures to achieve this goal may include:
- *shorter reports;*
  - *a summary report for learners and other users, including employers and community groups;*
  - *sharper recommendations to promote improvement;*
  - *these recommendations will focus on areas for improvement and satisfactory areas;*
  - *a revised style with fewer paragraphs of text and a list of short sentences that highlight the main judgements, and;*
  - *reports will be published on our website within 20 working days after the inspection (p. 20-21).*

## Conclusion

36. Ofsted concludes *A focus on improvement* with the following statement: *'We are proposing changes which should ensure that inspection does more to drive improvement where it is most needed; takes greater account of the needs of those being inspected; targets resources where they will have the greatest impact on outcomes for learners; and uses resources as efficiently as possible'* (p. 24).
37. The Ofsted consultation shows a great deal of influence from the public service reform agenda, as established by the Cabinet Office paper *Excellence and fairness* last summer. *Excellence and fairness* calls for a *'new professionalism'* among front-line public service professionals, who will take more personal responsibility for the quality of the services they provide. To encourage this, front-line professionals will be granted more autonomy from direct control by central government (which will play a more strategic role).
38. Ofsted's consultation incorporates this reform agenda by explicitly recognising quality front-line provision, and allowing high-performing institutions more autonomy by reducing the frequency of their inspections.

# LSIS Brief Guide

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## Ofsted consultation on FE inspections

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39. *A focus on improvement* also reflects a growing government agenda of *'joining up'* services, so that different public agencies acting in related areas work more in concert. This effort can be seen in Ofsted's commitment to align its inspections of different aspects of provisions. Ofsted also expects a joined-up approach from providers – the use of *'limiting grades'* (see paragraph 27) means that a provider failing in one area will find their overall grade diminished, tying all parts of a provider's work together in a single assessment regime.
40. The consultation is also noteworthy for providing a quasi-official definition of the further education sector (see paragraph 5).

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