

# Governance and the Common Inspection Framework 2009

Brief guide for governors and clerks of colleges

Training material



## Acronyms and interpretation of terms used

Board	Further education corporation
CIF	<i>Common inspection framework (CIF) for further education and skills</i> , published by Ofsted in 2009
ECM	Every Child Matters
FEFC	Further Education Funding Council
Governing body	Further education corporation
'Handbook'	<i>Handbook for the inspection of further education and skills from September 2009</i> , published by Ofsted in January 2010
HMI	Her Majesty's Inspector
LSC	Learning and Skills Council
LSIS	Learning and Skills Improvement Service
Ofsted	Office for Standards in Education, Children's Services and Skills
PFMA	Learning and Skills Council's provider financial management assurance
SAR	Self Assessment Report

## Contents

1. Introduction	4
2. The new types of inspection	5
3. Change	6
4. Continuity	7
5. The focus on governance	9
6. Questions for governors	10
7. Conclusion	14
<b>Appendix 1</b> – Structure of grades in the common inspection framework for further education and skills 2009	<b>15</b>

## Governance and the Common Inspection Framework 2009

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## 1. Introduction

This guide for college governors is a brief introduction to the *Common Inspection Framework (CIF) for further education and skills*, published by Ofsted in 2009 and its focus on the governance of colleges.

The new CIF heralds a revised approach to the inspection of provision across colleges and other learning and skills providers. While many features of the previous inspection arrangements are retained, there are some distinct differences in approach. These include the inspection of leadership and management, where governance forms one of the contributory grades and is published in the Record of Main Findings at the end of the report.

Ofsted's *Handbook for the inspection of further education and skills from September 2009* (published in January 2010) contains more detailed guidance on the new approach to inspection and will be an important source of supplementary advice to both colleges and inspectors.

The governance of colleges has featured, to varying degrees, in all inspection frameworks applying to further education since 1993, both under the former Further Education Funding Council (FEFC) and, since 2001, under Ofsted. Since the incorporation of colleges in 1992, governing bodies have seen both an extension in their role in determining the mission and strategic direction of the college and in the attention paid to their work by the various bodies responsible for external scrutiny.

At the time when the 2009 CIF was being drafted, Ofsted published its report *How Colleges Improve in 2008*<sup>1</sup>, which drew attention to the significant contribution college governors can make both to improving the performance of a college and in a minority of cases to impeding progress.

This guide provides an outline of the main features of the new CIF and how the focus on governance has changed. It also suggests some of the ways in which inspectors may focus their attention when they inspect the contribution which governance makes to the college.

<sup>1</sup> 'How Colleges Improve', Ofsted, 2008



## 2. The new types of inspection

Under Ofsted's new arrangements, the concept of a fixed cycle of inspection is far less applicable than it was previously. The revised arrangements for colleges were introduced in September 2009 and are planned to span a six-year period to 2015, unlike all of the previous cycles since 1993 which were based on a four-year period.

Most colleges refer to their Ofsted inspection as the one which is lead by an HMI who is accompanied by a number of specialist full- and part-time inspectors and which results in a published report on the overall effectiveness of the college. There are, however, other types of inspection where governance could potentially feature in the inspection agenda.

Types of inspection	Timing of inspection	Nature of inspection
<b>The college inspection (the 'full' inspection).</b>	Within four years of the last inspection for colleges graded satisfactory for overall effectiveness in their last inspection. Up to six years for high-performing colleges where there is no indication of a decline in performance.	A team of inspectors led by an HMI who inspect the college usually for four or five days and produce a published report which includes a grade for the college's overall effectiveness.
<b>Full reinspection.</b>	12-15 months after the last full inspection for colleges with an inadequate grade for overall effectiveness in their last inspection.	As above.
<b>Partial reinspection.</b>	12-15 months after the last inspection for colleges with an inadequate grade for an aspect or subject area in their last inspection.	An HMI together with one or more specialist inspectors to focus on the areas previously declared inadequate together with the capacity to improve.
<b>Reinspection monitoring visit.</b>	Six to eight months after the inspection where an aspect or subject area is declared inadequate.	An HMI together with one or more specialist inspectors will focus on the provider's self-assessment and improvement planning process and how progress is being made to improve outcomes for learners and to implement the recommendations in the last report.
<b>Survey inspection.</b>	As part of Ofsted's programme of surveys to identify progress in the sector on current practice in curriculum or aspects of provision.	Normally a one-day visit by HMI or specialist inspector.
<b>Focused monitoring visit.</b>	Within the last two years for satisfactory colleges or those with an inadequate grade for capacity to improve. However, any college could potentially have a visit if it has an area of concern or a new area of provision.	As for survey inspection.

In addition to the types of inspection listed above, Ofsted will undertake an interim assessment within three years of the college's last inspection if no inspection is being planned. This is a desk-based exercise and will not involve an inspection visit, but will result in a letter to the college which will be published on the Ofsted website.

The full inspection will inevitably involve the inspection of governance as part of the inspection of leadership and management. However, governance can feature as an element of other types of inspection, particularly when leadership and management or capacity to improve is the focus of the visit.



### 3. Change

In many respects, the revised framework builds upon the approach to inspecting colleges which governors will be familiar with from previous cycles. Even in the last cycle from 2005/09 where the better-performing colleges experienced much smaller inspection teams, there was a focus on governance which was included in the inspection of leadership and management. However, the inspection did not produce a published grade for governance under either of the previous two cycles. Leadership and management remains one of the main headline grades at the front of the published report, but there is also now, for the first time under the Ofsted inspection of colleges, **a published grade for governance** at the back of the report as one of the contributory grades for leadership and management.

Some of the other changes to the inspection of colleges, under the new framework, that governors should be aware of, include:

#### **An increased focus on capacity to improve**

Previously, capacity to improve was a contributory grade to overall effectiveness. Now it is a headline grade with a stronger link to the inspection judgement around how well managers and governors can ensure the future progress of the college.

#### **Meeting users' needs**

Including the impact of the learner voice and the way that colleges respond to learners and employers to tailor their provision to respond to their needs.

#### **Teaching, learning and assessment**

All colleges now have some of their subject areas inspected so there will be more direct observation of learners' experiences than in the previous cycle.

### Limiting grades of equality and diversity and safeguarding

These contributory grades, which are inspected under leadership and management, can have a direct effect on the headline grade. They are explicitly defined as grades that can limit the overall grade of effectiveness for the college as a whole. *Ofsted's Handbook for the inspection of further education and skills* outlines how this limiting effect may work.

### Every Child Matters (ECM) outcomes

There were no published grades for the judgements on ECM outcomes that inspectors made in the last cycle. They are now included as published contributory grades in the graded aspect 'outcomes for learners'.

### Differentiation based on college performance by length of time between inspection and not size of inspection team

Better-performing colleges will have a longer time between inspections rather than smaller teams, as was the case in the last cycle.

### Subject areas covered in all inspections

No more 'full' inspections where only aspects (formerly key questions) are covered by a small team.

### Single inspection events

Ofsted aims to avoid multiple inspections of, for example, college nursery or residential provision separate from the main curriculum inspection. Increasingly, there will now be just one inspection event.

### The grade structure

The new grade structure is illustrated in Appendix 1. Aspects now replace key questions. Capacity to improve features prominently as do the ECM outcomes and the limiting grades of equality and diversity and safeguarding.

## 4. Continuity

The approach to inspecting colleges has changed focus over the last four cycles since 1993 but much has remained constant. The central purpose of colleges, which is to provide opportunities for learners to improve their lives and work prospects through education and training, has not changed. Two key shifts of focus can be identified:

- **The significance of learners' success** not just in terms of learning but a recognition of their achievement through qualifications and awards that enable them to achieve their ambitions in work and life.
- The encouragement given to colleges to develop **their capacity to improve their provision**, not least through honest and robust self-assessment that is linked to actions to improve.

Both of these have resulted in the development of an increasingly complex series of measures of learners' achievement, mainly through outcome measures of success rates, but more recently through various means of measuring the progress that learners make or the value added which good teaching in particular provides.

Over the years, as the availability of data has increased, colleges across the sector have been able to compare their data to assess their relative performance and inform their improvement planning. Recently, the reliability of some of the benchmarks against which colleges measure their performance has been called into question due to the way data has been organised. Nevertheless, judging students' achievement against measures both of their success and progress is a key feature of college performance – one in which inspectors have used with increasing sophistication.

The way in which ECM outcomes have been incorporated into the new framework represents a shift of focus. Inspectors now make judgements and allocate grades to reflect how colleges provide for the broader aspects of learner experience, such as healthy living, staying safe and making a positive contribution to the community. These grades may appear to have more significance under the CIF aspect 'outcomes for learners' than those associated with attaining the qualifications. However, this could be misleading if the contributory grades are simply combined in a mathematical average.

As in previous cycles, how well colleges assist learners to achieve their goals and attain the qualifications needed to progress in life and work is likely to remain a key focus of college provision and inspection. The continuity between this and the last cycle may therefore be seen in the following:

#### **The focus on success of learners**

While measures of value added and distance travelled feature more prominently, progress judgements need to be considered alongside the key outcome of attainment, i.e. learners' success in achieving recognised qualifications.

#### **The 4-point grading scale**

This remains unchanged from the last cycle when the 5- and 7-point scales were disbanded.

#### **The focus on self-assessment**

One of the key judgements inspectors make is the reliability of the college's self-assessment process and its impact on quality improvement. The judgement, which was introduced for the first time in the last cycle, logically informs the capacity to improve grade.

#### **The follow-up to inadequacy and the attention to coasting colleges**

The impatience with underperformance/slow rate of improvement is represented both in the short time between inspection and reinspection for colleges with inadequate grades, and the more frequent inspections of colleges with a satisfactory grade for overall effectiveness.

#### **Inspection organisation**

The role of the college nominee, the pre-inspection planning and feedback arrangements all remain similar to those from the previous cycle.



## 5. The focus on governance

One of the drawbacks to the separate grading awarded to governance in the last FEFC cycle was that it seemed to encourage a focus on the part of governors in some colleges on the procedures surrounding their meetings, the form of the paperwork, and the structure of their committees rather than on the impact of governance itself on the performance of the college.

The 2009 CIF makes clear that the focus of the inspection of governance, as of other aspects of college performance, is on the impact of governance on the quality of the provision and the effectiveness of the institution.

Aspect C2 of CIF specifically covers governance.

The focus on the impact of governance referred to above is clearly seen in the wording of the C2 aspect question (under the section on leadership and management) in the CIF and its three evaluation questions for inspectors:

### **C2 How effectively do governors ...provide leadership, direction and challenge?**

To make their judgements, inspectors will evaluate the extent to which governors:

- set the mission and strategic direction of the provider
- establish effective arrangements to monitor all aspects of the provider's performance
- make sure that their statutory duties – where applicable – are fulfilled.

However, it would be a mistake for governors to assume that the inspection of governance would limit itself to a narrow interpretation of these questions, solely in relation to the procedural conduct of the governing body. Neither would it be wise to ignore the more detailed steer that the inspection Handbook gives to the role of governance, which is implied throughout the framework, especially in relation to overall effectiveness and capacity to improve.

Page 61 of the Handbook provides further guidance on the factors that inspectors take into account when making their judgements.

### **Inspectors should take into account, where relevant:**

- how well governors and supervisory bodies monitor the quality of the experience provided for learners and their outcomes
- how effectively governors and supervisory bodies monitor financial management and health, including value for money
- procedures to ensure the accountability of the chief executive and senior post holders, or equivalent
- procedures for governors and supervisory bodies to assess and monitor risk
- how well governors and supervisory bodies ensure that legislative requirements are fulfilled, such as those for disability, safeguarding, and health and safety.

Both the CIF and the Handbook, give clear indications that inspection will explore the impact of governance in relation to the effectiveness of the college as a whole and the outcomes for its learners.

As with previous inspection frameworks, inspectors' judgements on the arrangements for monitoring financial management and the requirement to fulfil their statutory duties will draw on the evidence provided by the Learning and Skills Council's (LSC) provider financial management assurance (PFMA) team. Members of the team will normally be present in the college for at least one day during the full inspection<sup>2</sup>.

The LSC guidance<sup>3</sup> sets out the collaborative-working arrangements for the PFMA team and the inspectorate, and this guide will not seek to reproduce the arrangements which it contains. However, the guidance is jointly issued by the inspectorate and the LSC and is clearly intended to signal the close working between the inspectorate and the PFMA team and the potential influence which the PFMA team judgements may have on inspection outcomes.

Although the judgements arrived at by inspectors will be solely the responsibility of the inspection team and therefore of Ofsted, there is an inevitable overlap between the evidence reviewed by inspectors and the PFMA team. Some of the meetings requested by both inspectors and PFMA officers may be attended by both an inspector and a PFMA officer or frequently, the inspector will review the evidence gathered by the PFMA colleague after the meeting.

## 6. Questions for governors

Since the recent history of performance will vary significantly from one college to another, it is uncommon for inspectors to use standard sets of questions to explore the impact of governance.

As all of the inspection frameworks applying to colleges since 1993 have signalled, the assumption that institutions will have developed and refined their capacity to self-assess their own performance and take ownership of their quality improvement strategy has been central to the inspection approach.

As a key part of the pre-inspection planning inspectors will scrutinise the college's latest self-assessment report not only to form a preliminary view of the effectiveness of the institution, but also to review the progress that it claims to have made since the last inspection.

The scrutiny of the self-assessment report and the evidence of college performance to which inspectors will have access, will enable them to formulate a series of pre-inspection hypotheses or evidence trails, which will be tested during the inspection.

The analysis of the pre-inspection information will be shared with the college in advance of the inspection so the college can inform governors of the likely focus of at least some of the inspectors' questions before any member of the governing body meets an inspector.

<sup>2</sup> The LSC was replaced by the Skills Funding Council and the Young People's Learning Agency from 31 March 2010.

<sup>3</sup> *Guidance for Colleges on the Self-Assessment of their Financial Management and Governance Frameworks, and on Provider Financial Management Audit Team Reviews of these Frameworks in Parallel with Inspections by the Education Inspectorate – 2007/08*, Learning and Skills Council, 2007.

Inspectors’ questions to governors arising from this analysis are most likely to focus on any apparent discrepancy between claims in the self-assessment report and the evidence of college performance, especially in relation to learner-success measures or evidence of their progress. The apparent discrepancy may well be explained or at least set in context, but governors need to be aware of how that may be done. Below are some examples of actual lines of investigation from such pre-inspection.

The examples, which apply to both governance and other aspects of college performance illustrate how lines of enquiry will be influenced by both the self-assessment report and evidence of performance to which inspectors will have access before the inspection takes place.

Inspectors will pursue such lines of enquiry both through the documentary evidence that the college will provide and through interviews with governors and senior managers.

In most inspections, the chair of governors and one or more committee chairs will be interviewed by the inspector who has responsibility for leadership and management.

Self-assessment claim	Evidence from performance indicators
The college claims to have a successful marketing and schools-liaison strategy.	Enrolments have been declining since the last inspection and some of the pre-inspection comments submitted by new students to the college express concern about the pre-entry advice they received.
The college mission claims to cater successfully for all local school leavers who wish to continue their education.	The college only offers level 3 and limited level 2 provision.
The governance section of the SAR claims that it has effective arrangements for monitoring and improving the performance of students at the college.	Success rates have improved, but those which apply to significant proportions of learners have fallen behind the improvement in national rates and remain below sector averages.
The college claims to respond well to the concerns of learners and to have an effective learner voice strategy.	The governing body receives reports on the outcomes of learner surveys, but no reports on any feedback or actions taken in response.
The college claims the board is strong in governance.	In a college serving an ethnically-diverse local community there are only two female governors and one from a minority ethnic background, none of whom chairs the board or its committees.

Other governors will be interviewed where the inspector wishes to focus on aspects that may pertain to that governor's area of interest or responsibility (for example, safeguarding or equality and diversity) and any hypotheses which might have been developed from the review of documentation.

Having stressed the key influence of the college's own self-assessment and performance data on lines of enquiry, there will nevertheless be judgements which all inspectors of leadership and management and therefore of governance have to make.

Some examples of the more general questions which inspectors may ask when inspecting governance include the following:

### **Mission and college performance:**

- Q** What is the rationale for the mission and how does it relate to the government's priorities for the sector and those of the communities the college claims to serve?
- Q** What influence did the governors have on the mission – what, if any, features were amended or rejected?
- Q** How might governors illustrate the way in which aspirational goals have been determined and set for the institution?
- Q** How might governors account for any underperformance identified and what do they understand has been done to address it?

- Q** How do governors explain any apparent contradiction between judgements in the SAR and evidence from college performance?

- Q** How has the college adjusted to the changed agenda on safeguarding and equality and diversity? How has it influenced the allocation of governor responsibilities and the training they have received?

### **Financial management:**

- Q** What have been the main factors that have contributed to the college's financial health and what do governors understand to be the main risks it faces?
- Q** How robust do governors feel the arrangements for financial monitoring are and why?
- Q** How might governors illustrate the impact that financial monitoring arrangements have had on the college's financial health?
- Q** What underlies the college's judgements on value for money and how do they relate to the guidance in the inspection Handbook?
- Q** What strategy is in place for sustainable development at the college?

**Accountability of senior staff:**

- Q** What are the arrangements for managing the performance of the principal and senior post holders and why do governors consider them effective (if they do)?
- Q** How have arrangements been revised in recent years to keep up with best practice in other colleges?

**Training:**

- Q** What analysis has been undertaken of the training needs of governors both individually and collectively and what has been done to address them?
- Q** What have been the benefits of training received by governors over the last 12-24 months in relation to:
- raising their awareness of national and local issues which impact on the college
  - improving their understanding of developments in performance measurement, especially of student success and progress
  - enabling them to meet the statutory and related requirements on them, especially in terms of safeguarding and equality?



## 7. Conclusion

The new arrangements for the inspection of colleges, which came into force in September 2009, represent a judicious mix of continuity and change.

The context in which colleges, in particular, operate is arguably the most dynamic one in the education field. In addition to any consequence of the general election and review of public expenditure, the demise of the LSC's building colleges for the future programme and the machinery of government changes which will impact on colleges in 2010 are just two examples of the challenges faced by sector. Inspection arrangements have to be flexible in order to effectively accommodate these changes.

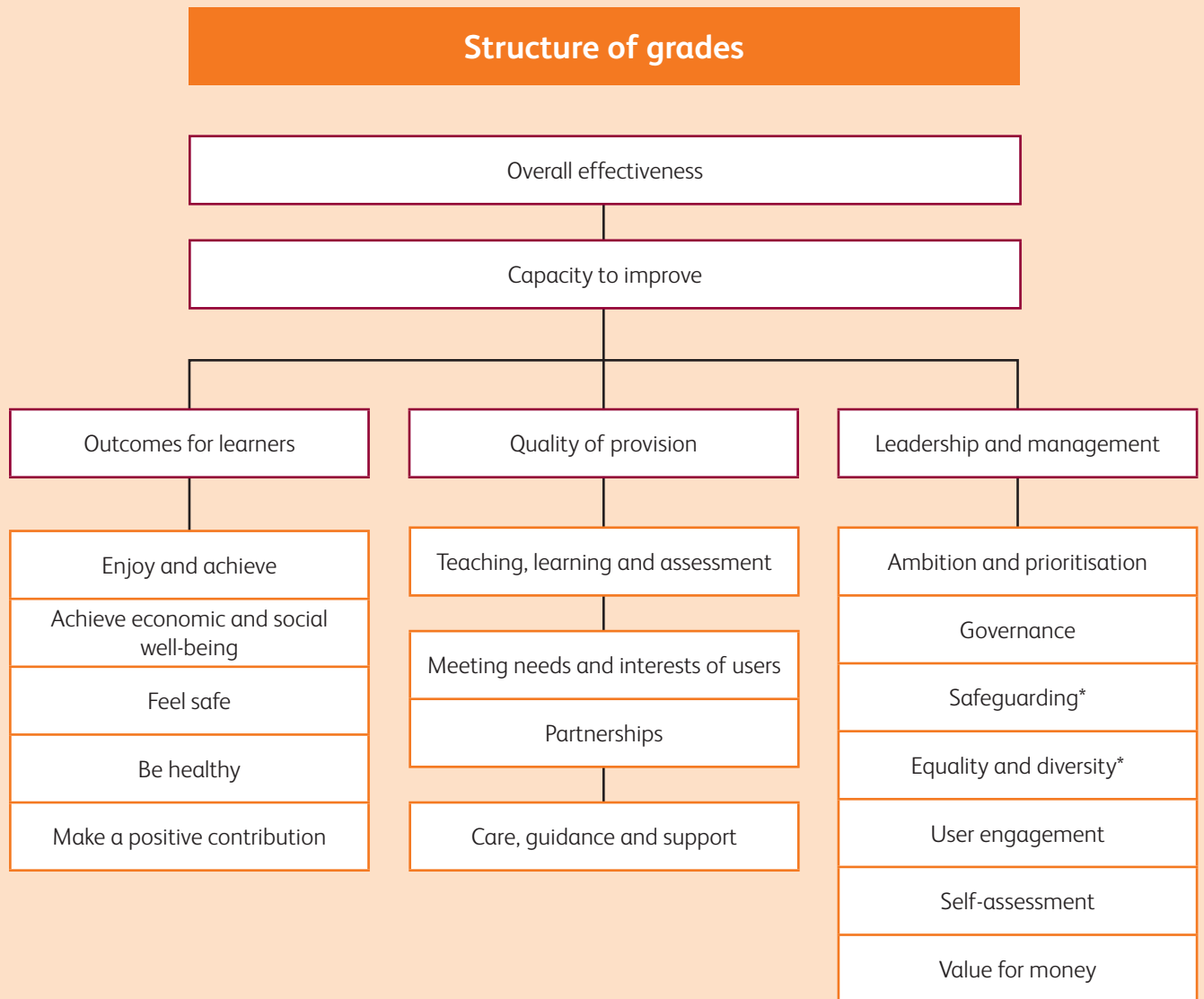
The increased profile throughout education on safeguarding children and young people and the right of all young people to secure an education tailored to their needs feature prominently in the judgements that inspectors make, which may impact the overall performance of the college.

The core mission of colleges remains to help those young people and adults who wish to improve their life chances through education and training. Therefore, the inspection of colleges will focus on how well colleges succeed in this. The ultimate responsibility for securing this mission rests with the leaders and managers of the college, which includes the members of the governing body.

Governors that not sufficiently aware of how their college performs in relation to national and local expectations, and how further improvements can be introduced and made effective, will have failed in their duty. Fortunately for the vast majority of learners in colleges, governors give willingly of their time and are committed to improve the performance of their institution.

## Appendix 1

### Structure of grades in the common inspection framework for further education and skills 2009



#### Key

Main grades

Contributory grades

\*These grades may limit the overall effectiveness grade

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## Learning and Skills Improvement Service (LSIS)

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