

FE Commissioner Intervention summary report: Sunderland City Metropolitan Borough Council

March 2018

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Background to FE Commissioner Intervention

Sunderland city metropolitan borough council was referred to the Further Education (FE) Commissioner (FEC) team for formal intervention following notification that the overall judgement for the council's apprenticeships and family, adult and community learning (FACL) provision was inadequate at its Ofsted inspection in January 2018.

Two FEC advisers visited the council in March 2018 to carry out the intervention. They received briefing information in advance from the education and skills funding agency (ESFA) and the council. They also spoke to elected members, senior leaders, managers with overall responsibility for the service, subcontractors and learners (see Annex A and B).

The FEC intervention report is intended to advise the minister and the chief executive of the ESFA on:

- the capacity and capability of the council's leadership and governance to deliver quality improvement within an agreed timeframe;
- any action that should be taken by the minister and/or the chief executive of the ESFA to ensure the delivery of quality improvement (considering the suite of interventions set out in Rigour and Responsiveness in Skills); and
- how and when progress should be monitored and reviewed, taking into account the ESFA regular monitoring arrangements and Ofsted monitoring visits.

Overview of the College

The city of Sunderland is a local government district of Tyne and Wear, in north east England. It has the status of a city and metropolitan borough.

The percentage of the population of Sunderland who are unemployed is higher, at 5.8% than regional (5.4%) and national (England 4.4%) rates. Manufacturing, retail and health and social care are the largest local employment sectors and there is an ageing workforce, particularly in the health and social care sector. A third (29.1%) of people in Sunderland have no qualifications (higher than regional [26.5%] and national [22.5%] averages), while the percentage of those with qualifications at level 4 and above (18.2%), is significantly below regional (22.2%) and national (England 27.4%) rates.

The council's 2017/18 contract with the ESFA covers apprenticeships (all ages) and adult learning provision:

 apprenticeships are delivered via the Tyne and Wear Care Alliance (TWCA) team, established in 2003 as a joint European Social Fund (ESF) project by the then Learning and Skills Council (LSC) and the five local authorities and independent care providers in the sub-regions. Its remit is to engage with care employers and upskill the workforce to improve the quality of care received by users of the service and;

 adult learning is delivered by the FACL team funded by the adult education budget (AEB). Its remit is to address the education and learning needs of some of the regions most disadvantaged and deprived communities.

The FACL and TWCA teams were merged in 2017 on the basis that they had common aims and objectives, along with the Connexions hub.

The council's 2017/18 contract with the ESFA comprises: a 19+ allocation, including apprenticeships, apprenticeships/all ages and adult learner loans facility.

The council has been in formal intervention since 2017 for failing to meet minimum standards for its apprenticeship delivery (based on 2015 to 2016 data), which identified 100% of learners below the threshold for achievements. The ESFA issued a Notice of Concern on 20 March 2017 and began formal intervention processes, these include, regular monitoring meetings and discussions with the service manager.

Until recently, the council delivered all its provision through subcontractors, many of whom have worked with the council for a number of years. Recognising the decline in subcontractor performance, some of whom had their own direct contracts and/or other subcontracting relationships, the council took the decision to establish its own assessment centre, with the longer-term strategic aim of eventually bringing all delivery in-house. The centre finally became operational in October 2017. At the start of January 2018, there were 98 apprentices enrolled on apprenticeship frameworks and two internal quality assurance (IQA) assessors.

Leadership and Governance

Leadership and Management

In the last few years, the need for the council to reduce its budget has impacted significantly on the operation of the adult learning service and senior leaders acknowledge that they have been busy overseeing the merger of three organisations (TWCA, FACL and Connexions) under a single service manager.

The service sits within the council's People Directorate. Leaders and managers acknowledged the distractions of bringing these three organisations together, they had, as the direct contract holder with a number of subcontractors, neglected some of their responsibilities to ensure that all learners get high quality training.

It was found that in the case of the contract management of apprenticeships in particular, face to face review meetings with subcontractors had in the past not sufficiently focused on what needed to be done to tackle slow progress and rather the emphasis was on checking where subcontractors were with respect to financial targets and compliance.

Subsequent to the publication of the recent inspection report, the service is now focusing more on ensuring accurate data on all aspects of performance to help inform decision making, and on its role of ensuring high quality teaching, learning and assessment across all subcontractors.

It is too early to assess the impact of bringing the apprenticeship delivery in-house, although the new assessor provision knows the scale of the challenge and what needs to be done moving forward. However, it remains the case that the apprenticeship numbers will decline over the next two years, from 424 currently to 135 after 1 August 2018, of which approximately 96 (71%) will be in-house. It is crucial that these apprentices are fully supported to achieve, especially as the apprenticeship frameworks on which they are enrolled have been superseded by new apprenticeship standards.

Governance

We met with elected members who are staunch supporters of the adult learning service and are clearly dedicated to overseeing a curriculum that serves local employment and community priorities well. Ofsted (January 2018) agreed with this judgement.

Nevertheless, governance and accountability arrangements prior to the recent inspection were insufficiently thorough. Elected members and leaders acknowledge that they were not effective enough in the monitoring of the performance of the service. Nor did they receive sufficient information to enable them to challenge managers about, for example, the deterioration in the quality of the apprenticeship provision since the previous inspection, emerging safeguarding concerns and/or the quality of teaching, learning and assessment across subcontractors. Greater challenge may have ensured that the actions to address these issues, now being put in place after the inspection, might have led to timely interventions.

Elected members and senior leaders are clear that this situation must change and were open to a suggestion of establishing an adult and community learning board to lead, monitor and challenge leaders and managers better, holding them to account for the performance of the service, as well as supporting and advising them. The board would consist of council and non-council members (along the lines of the recently constituted 'together for children' board) to provide the appropriate scrutiny and challenge, similar to that of a college governing body.

Leaders and managers, whilst recognising the implications of being removed from the register of apprenticeship training providers (RoATP), are focused on improving quality and outcomes for existing learners. The retention of adult and community learning provision is rightly regarded as an important contributor to the council's overall social responsibilities. What is less clear is whether there is a need for the council to provide apprenticeship training, where it is recognised that there are other providers with track records that could carry out this work.

Curriculum and Quality Improvement

Curriculum overview

Until recently, TWCA delivered apprenticeship provision through, on average seven sub-contracting arrangements, although current apprentices are spread across four subcontractors (326) and the newly established in-house assessment centre (98). The majority of, mainly adult, apprentices are with two sub-contractors - Absolute Care Training and Education Ltd (204) and ELMS Associates Ltd/Learning 4 Ever (78).

Apprentices are enrolled across two sector subject areas (business administration and law and health, public services and care) on frameworks and standards in health and social care, business administration, clinical care and care leadership and management. The FACL provision is delivered through, on average fifteen sub-contractors, although the majority of provision in 2016/17 was through four providers.

Programmes range from two-hour tasters and entry level programmes such as family learning, pre-employability courses, courses to support health and well-being, courses to reduce social isolation and increase integration to full level 2 diplomas. Qualifications include functional skills in English and mathematics, awards in customer service, food safety, preparation for work in adult social care, certificates in contact centre operations, employability and IT user skills and diplomas in personal development for employability and health and social care (adults).

Ofsted inspections

In its previous inspection in November 2014, the council was judged good overall. It was inspected in January 2018 and judged inadequate for overall effectiveness.

Overall effectiveness	Inadequate
Effectiveness of leadership and management	Inadequate
Quality of teaching, learning and assessment	Requires improvement
Personal development, behaviour and welfare	Inadequate
Outcomes for learners	Requires improvement
Adult learning programmes	Requires improvement
Apprenticeships	Inadequate
Arrangements for safeguarding learners	Ineffective

Inspectors summarised strengths as:

- Elected members are committed and passionate advocates of the benefits that the service brings to local residents.
- Senior leaders and managers have developed a curriculum that meets the needs of employers and communities well.
- The large majority of learners on adult learning programmes enjoy their learning; achieve their learning goals and progress to further learning, employment or apprenticeships. They achieve greater independence and have increased involvement in their communities and with their families.

Summary of areas for improvement:

- Failings in contract management relating to the monitoring of safeguarding and the Prevent agenda means that managers cannot assure themselves that learners and apprentices are safe or are safe from the risks of possible radicalisation/extremism.
- Self-assessment is weak and has not been effective enough in improving the quality of teaching, learning and assessment.
- Contract management for apprenticeships has not been robust enough to identify and arrest the deterioration in the quality of the provision. Some apprenticeship provision does not fully meet off the job training requirements.
- Elected members and senior leaders have been too slow to recognise and hold managers to account for the recent deterioration in the achievement of apprentices and the emerging safeguarding concerns.
- They have not been decisive enough in ensuring that managers take action to address these issues.

Inspectors recommended that the council needs to:

- Urgently improve safeguarding arrangements; ensure that elected members and senior managers receive timely reports, informed by accurate data, on the performance of the service, including the quality of teaching, learning and assessment, so that they can hold managers to account and intervene more decisively if performance does not improve.
- Strengthen arrangements for monitoring the performance of subcontractors, placing a greater emphasis on assuring the quality of teaching, learning and assessment.
- Improve managers' use and understanding of management information, including data, so that they can be more self-critical in their evaluation of the quality of provision and develop specific, timed and monitored improvement actions.
- Ensure apprentices receive their entitlement to time for off-the-job training at work.

Quality improvement

From our discussions with leaders and managers, it is clear they now appreciate that as the direct contract holder, the council is responsible for the quality of all its provision. Having previously been judged good overall, leaders, managers and teachers did not all keep abreast with the incremental changes necessary to now effectively quality assure apprentice and the FACL provision.

Leaders and managers acknowledged that they did not fully appreciate the importance of central record keeping and reporting on performance to elected members and senior leaders. For example, managers would not have been formally aware of any safeguarding concerns or issues within individual subcontractors, so could not assure themselves of the safety of their learners. Although, subcontractors told us they do keep such records and learners say that they feel safe when questioned but this impression of safety was not justified by wider safeguarding and/or Prevent practices of the council.

Ofsted found that managers were 'overgenerous in their evaluation of the quality of their provision and did not use management information sufficiently well to inform their judgements'. Data was 'not accurate or timely enough to them to improve the quality of provision and any analysis to inform actions to improve was superficial or absent'.

The self-assessment report (SAR) has now been rewritten to reflect all the inspection findings. A post inspection action plan/quality improvement plan has also been prepared which considers some of the underlying causes for poor performance, although the actions proposed need to be more specific and the actual impact of improvement closely monitored. To date, subcontractors do not formally contribute to this process, although many will have some form of self-assessment arrangements.

Curriculum planning

Elected members, senior leaders and managers have lately overseen the merger of three organisations to support the healthcare sector needs. From discussions with leaders and managers, it is clear that they have ensured that the curriculum is highly responsive to local needs and to the council's strategic objectives.

With respect to the FACL provision, Ofsted referred positively to 'effective, long-standing relationships with subcontractors, schools, Jobcentre plus and other partners which reach residents throughout the community who have previously found it difficult to engage with education or employment'.

The council had also taken the decision to cease the subcontracting of apprenticeship provision, which had resulted in the establishment of an assessment centre and recruitment of assessors who were allocated to apprenticeship provision from January 2018. The aim was to leave learners with subcontractors until they had completed their apprenticeship to provide consistency and prevent any risk to their progress. Given that

the council will now be removed from the RoATP, further growth of apprenticeship provision will not be able to proceed in the short/medium term for a number of years.

Outcomes

Based on the provisional qualification achievement rates (QAR) data for 2016-17, apprenticeship provision has failed the minimum threshold achievement rates for the second year (of 478 apprentices, 89.7% of leavers were below the threshold compared with 100% in 2015/16). Headline achievement overall is 60.3% overall and timely is 53%, compared with 67% and 59% nationally. This masks a spikey profile with 19-23 apprentice achievement lower at 51.1% overall and 24+higher at 62.9%.

Managers did however highlight that there have been internal problems with data cleansing and that some learners have mistakenly been carried forward on the individual learner record (ILR), rather than being withdrawn. The council is now in the process of implementing a new management information system (MIS) and that data is now being submitted correctly.

In 2015/16, the QAR for FACL provision exceeded both provider type and national rates by 9.5% and 7.7% respectively. The provisional QAR for 2016/17 also indicates further improvement in this area - by 1.8% to 95.4%. These results are easily above the minimum standard threshold, so no quality concerns have been triggered with the ESFA.

Teaching, learning and assessment

Teaching learning and assessment was judged by Ofsted inspectors as requiring improvement in January 2018. The council commissions an external agency to undertake teaching, learning and assessment observations for FACL subcontracted provision. Ofsted found that these judgements were generally accurate.

Action plans to address concerns arising from individual observations have, however not been monitored sufficiently enough to ensure the necessary improvements are made; this reduces the impact of observations of teaching, learning and assessment. They highlighted that 'tutors on adult learning programmes design and deliver engaging activities that motivate the learners well and build their self-confidence, but also drew attention to a lack of stretch and challenge in some teaching.

Assessment observations for apprenticeship provision are carried out by the council. Inspectors judged that these have not occurred often enough. Consequently, areas for improvement have not always been identified and/or addressed.

Finally, in an overarching comment, inspectors judged that tutors 'do not routinely use information gained from initial assessments of learners' and apprentices' starting points to plan learning that matches individual needs and goals in some teaching'.

Student views

Over 97% of learners said they were either likely or extremely likely to recommend their course to someone else in the FE Choices. They felt well supported, albeit having to balance study and domestic commitments.

Effectiveness of the college to manage and improve quality

As the council was recently judged by Ofsted as inadequate for apprenticeship delivery, it is now unable to recruit any new apprentices and will be removed from the RoATP. Before August 2018, two thirds of apprentices are scheduled to complete, leaving 135 apprentices – the majority of whom (96) were recently enrolled in-house. Quality improvement arrangements for current apprentices thus remain a priority.

Managers explained that they have now started to either put new systems in place or are refreshing outdated practices to strengthen the arrangements for monitoring the performance of subcontractors. They are now placing a greater emphasis on assuring the quality of teaching, learning and assessment. These are in the early stages of implementation.

TWCA apprenticeship subcontractors confirm that contract management, previously somewhat at arms-length, is becoming more rigorous. The council have now requested more information about learners and the frequency of contract meetings and training events has increased.

FACL subcontractors confirm good working relationships with the council and more supportive quality assurance arrangements for monitoring family, adult and community learning provision.

Conclusions

Leadership and management has been weak and contract management has not adequately encompassed quality assurance, especially regarding sub-contracted apprenticeships. Governance oversight of the provision has not been sufficiently focused on progress data.

Senior leaders and managers acknowledge that much of the time spent in merging operations internally shifted focus from the deteriorating quality of provision and from apprenticeships in particular. A recent decision to bring apprenticeships in-house was an option in addressing weaknesses. It came too late however to impact on inspection, and whilst there are positive signs in the work undertaken by new assessors, the removal of the council from the RoATP suggests a need to re-evaluate other alternative provider options as the council manages a declining number of learners.

Much work has been undertaken in addressing the weaknesses identified in the inspection, including in relation to safeguarding. It is important that new policies and procedures are successfully integrated with those of sub-contractors to ensure effective implementation.

Providers should also be fully engaged in the process of self-assessment, which, in turn should be an instrument of governance. The post inspection action plan addresses the weaknesses identified at inspection but the actions and objectives need to be rigorously monitored through an effective timeline.

Recommendations

- The council should restrict its activities to family, adults and community learning provision.
- 2. The council should plan to cease apprenticeship provision and work closely with the ESFA to develop more effective ways of delivering apprenticeship programmes using providers with greater experience and success in apprenticeship provision. Quality improvement arrangements for current apprentices remain a priority for sub-contracted and in-house delivery during transition.
- 3. Improved governance arrangements should be introduced for the family, adults and community learning provision comprising both council and non-council representatives, who oversee the service's strategy, provide suitable monitoring and challenge and hold managers and staff to account for the performance of the service, as well as supporting and advising them.
- 4. Ensure that the council's developing family, adults and community learning policies and procedures align with those of subcontractors.
- 5. Develop self-assessment arrangements for subcontractors and hold regular formal meetings to monitor/evaluate performance as part of an improved quality cycle. Comparative data should be sufficiently robust to enable managers to be more self-critical in their evaluation of the quality of provision and develop specific, timed and monitored improvement actions
- 6. Ensure that the post inspection action plan and any quality improvement plans arising out of self-assessment have interim and final measurable impact targets.
- 7. The FEC adviser(s) should attend case conferences prior to undertaking a monitoring / stocktake visit during the autumn term to review progress.

Annex A - Information reviewed

ESFA council briefing

Ofsted inspection report (January 2018)

The council's self-assessment report (updated March 2018)

Post inspection action plan (March 2018)

ESFA funding allocations

Student number details, ages and levels

QAR summary achievement data

Details of performance management framework

Safeguarding and Prevent policies/templates

Risk assessment action plan

Policy/procedures - recognising and recording progress and achievement (RARPA)

Service specifications for adult learning and apprenticeship provision

FACL delivery locations map.

Annex B - Interviewees

Chief Executive

Executive Director - People services

Portfolio Lead - Responsive services and customer care (FACL)

Portfolio Lead - Health, housing and adults services (TWCA)

Head of Programmes

Service Manager - Apprenticeships & adults and community learning

Performance and Quality Manager - TWCA

Family, Adult and Community Learning Manager - FACL

Apprenticeship Assessor/IQA - TWCA

Apprenticeship Subcontractor - New College Durham

Family, Adult and Community Learning Subcontractor - IMPACT NE