



Department  
for Education

# **FE Commissioner Intervention Summary: Richmond Upon Thames Borough Council**

**July 2020**

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## Background

<b>Name of Council</b>	Richmond Upon Thames Borough Council (RUTBC)
<b>Type of provision</b>	Adult education budget (AEB) (apprenticeships and adult and community learning)
<b>Date of visit</b>	24 and 27 July 2020
<b>Type of visit</b>	Intervention assessment (virtual)
<b>Trigger for intervention</b>	Inadequate Ofsted assessment
<b>Further Education Commissioner (FEC) Team members</b>	Louise Twigg – FE Adviser Steve Campion – FE Adviser
<b>Location</b>	Southwest London
<b>Apprenticeship training provider</b>	Yes
<b>Latest Ofsted inspection grade</b>	Inadequate

## Conclusion/Executive summary

Richmond Upon Thames Borough Council further education (FE) and skills provision was judged Inadequate overall by Ofsted in February 2020. Safeguarding was also found to be ineffective. In addition, Ofsted found a ‘stark contrast’ between the council’s adult and community learning provision (ACL), which was judged Inadequate, and its apprenticeship provision, which was judged Good.

The council’s ACL provision is currently managed using a range of small sub-contractors, which deliver non-accredited short courses, often to vulnerable members of the community. Apprenticeship provision is separately managed by Achieving for Children (AfC) - a community interest company that is owned by the council, which provides children’s services to the boroughs of Richmond, Kingston, Windsor and Maidenhead. ACL provision is funded by the Greater London Authority (GLA), while apprenticeships are funded by the Education and Skills Funding Agency (ESFA). Immediately after the Ofsted inspection, the ESFA instructed the council to stop recruitment onto sub-contracted provision. Subsequently, the COVID-19 pandemic lockdown took place, meaning that no teaching or ACL recruitment has taken place since March 2020. AfC, on the other hand, has continued to support apprentices and employers throughout lockdown through its Way2Work (W2W) team.

Elected members and senior leaders whom the FEC team met acknowledged that they were not effective enough in monitoring the performance of the council's sub-contracted ACL service. Following the Ofsted February 2020 visit, senior leaders instigated safeguarding checks and training for their ACL sub-contractors which had previously not been undertaken. Compliance with these requirements has since been monitored more closely. Conversations between the FEC team and senior leaders, managers, employers and apprentices support Ofsted's finding that the apprenticeship provision that is delivered by AfC is Good. It is crucial that leaders develop mechanisms to identify and share good practice across the council.

Senior leaders whom the FEC team met explained that the council has a plan, stretching back to 2018, to rationalise the number of its small sub-contractors. This plan has now been accelerated, with the council intending to focus on sub-contracting with just one local delivery partner - Richmond and Hillcroft Adult and Community College (RHACC), which Ofsted recently judged Good overall and in all aspects. The council's rationale for moving sub-contracting provision to a single delivery partner is that the arrangement will eliminate competition and strengthen delivery, thus benefitting adults in the borough. Working with RHACC, senior leaders are now concentrating on ensuring that the council's overarching ACL curriculum strategy better meets the needs of communities and employers and on ensuring that there is accurate information on all aspects of performance to help with future decision making. At the time of the FEC team visit, there was some confusion as to whether AfC is, or is not, a sub-contractor. This, and reporting lines to senior leaders and elected members, need clarifying urgently with the ESFA.

Indications are that the strengthened governance and management structures, with AfC and ACL both now reporting to a refreshed governance board, will provide greater clarity and enable the council to better carry out its responsibilities to learners, and as a lead contractor. It is too early to assess the impact of these recently introduced changes, but it is clear that governors and senior leaders now appreciate the challenges and are clear about what needs to be done to move forward and work constructively with the various agencies.

## Recommendations

**Recommendation 1: The council should demonstrate appropriate safeguarding and oversight arrangements for their sub-contracted provision by September 2020.**

**Recommendation 2: The council should create a clear line of accountability at governance level for both adult and apprenticeship provision by September 2020.**

**Recommendation 3: Achieving for Children (AfC) should comply with ESFA funding rules and the council should clarify their relationship and reporting arrangements by September 2020 to the ESFA.**

**Recommendation 4: The council should ensure that sub-contracting agreements are in place for the start of the 2020/2021 academic year and declare and report AEB apprenticeship and sub-contractor arrangements that are in line with GLA and ESFA requirements by October 2020.**

**Recommendation 5: The council should develop mechanisms to identify and share best practice in apprenticeship and ACL provision across the service by December 2020.**

The FEC team and the ESFA will liaise prior to, and after, the agency's regular case conferences with the council, where the council will report on progress, especially in relation to inspection findings and the FEC team recommendations.

The FEC team will conduct an intervention stocktake visit to review progress after the upcoming Ofsted monitoring visit.

## **Governance and leadership**

### **Governance**

At the February 2020 visit, Ofsted found that governance oversight of the council's ACL sub-contracted provision had been insufficiently focused. Leadership, management and governance arrangements for apprenticeships, which are delivered by AfC, were, however, found to be sound. The FEC team concurs with these findings and notes that apprentice achievement over the last 5 years is significantly above national and London rates.

The FEC team spoke to the newly elected lead member of the reconstituted ACL and apprenticeship governance board. As a keen supporter of apprenticeship and adult learning pathways, he can clearly see the important links between the two, which have previously been governed and managed separately. Along with senior leaders, he has instigated changes, including bringing oversight of ACL and apprenticeship provision together under one governance board. This board will, in turn, report to the education and children services committee and the finance, policy and resources committee.

The updated terms of reference for clearer operation of the governance board and its revised membership should enable more effective oversight of adult provision and sub-contracting arrangements and enable more rigorous challenge of leaders and managers. The board is already starting to demonstrate improved quality assurance. It has met twice during lockdown, with minutes showing that the above was discussed. The board includes 2 elected members, who are senior leaders from both ACL and apprenticeship provision, and 2 external FE representatives, both of whom have safeguarding knowledge and experience. Recruitment of at least one employer is planned. It is crucial that this is progressed quickly.

## Leadership

While senior leaders explained to the FEC team that they were aware from late 2018 onwards of the differences in quality and standards between apprenticeship and ACL provision, they agreed that they were unprepared for the extent of the gap that the February 2020 Ofsted inspection revealed. They acknowledged that they were not effective enough in monitoring performance of the sub-contracted ACL service and did not delve sufficiently nor challenge managers about the quality of provision or emerging concerns.

Following the Ofsted February 2020 inspection visit, senior leaders sought external support from an experienced consultant. Together, they instigated pre-employment checks, rights to work checks and safeguarding training for sub-contractors, using established safeguarding procedures in the wider council. Compliance with requirements has since been monitored more closely. When talking to the FEC team about the benefits of the council's service to often vulnerable learners, sub-contractors spoke about 'promises not kept' regarding continuous professional development for their staff and onerous paperwork. It is clear to see how inspectors came to their conclusion.

Leadership and management arrangements prior to the February 2020 Ofsted inspection were insufficiently thorough for ACL and are still work in progress, although improving. Indications are that the revised governance and management structures will give greater clarity to lead contractor responsibilities and enable increased challenge. It is too early to assess the impact of the changes that have been recently introduced and the pending transition to a single experienced sub-contractor; however, it is clear that governors, leaders and managers now better appreciate the challenges, though much of the impetus has come in response to the February 2020 Ofsted inspection and ESFA findings.

## Curriculum and quality improvement

### Curriculum and provision overview

The curriculum comprises ACL provision and apprenticeships. The ACL offer is largely short, non-accredited courses, including family learning, employability, functional skills and well-being courses. Apprentices study frameworks or standards in children and young people's workforce, customer service, business administration, and in supporting teaching and learning in schools. Managers are adept at recruiting apprentices in skills areas that are needed in the region. This is evidenced by the majority working fully during lockdown and the numbers that are offered full time jobs on completion. A small number of apprentices were furloughed during lockdown; they will all return to work in August.

## Curriculum planning and development

The February 2020 Ofsted assessment criticised the council's ACL offer for not addressing local and regional adult learning priorities sufficiently. The FEC team spoke to senior leaders at the council and to the principal of the proposed single delivery partner college about this. Shared priorities going forward will build on RHACC's curriculum strategy for adult learning and include: developing employability skills in local residents who face social marginalisation; sector specific training in health and social care, construction, security and contact centres (forecast to grow after the pandemic); financial resilience; English and mathematics; small employers and voluntary sector organisation needs. RHACC acknowledges that the curriculum may also need widening to deliver some niche provision that was previously offered by the council's smaller sub-contractors to vulnerable learners.

## Outcomes

It is not clear what ACL learners achieve from their programmes, as all courses are non-accredited. The February 2020 Ofsted visit noted, however, that although the curriculum offer is narrow, learners who might otherwise be socially isolated were able to attend leisure-based courses and meet and interact with others and avoid possible anxiety or depression. Ofsted judged that apprentices acquire the necessary knowledge, skills and behaviours that are needed to succeed on their programme and that most achieve their qualification. In 2018/19, apprenticeship headline achievement was 18.9% greater than the national rate and 25.1% higher than that of London. Data that senior leaders and managers supplied to the FEC team to interrogate agrees with this. They believe that this 5-year upward trend is due to sound leadership and a strong emphasis on improving the quality of teaching, learning and assessment. Most learners are successfully recruited into full time jobs when they complete an apprenticeship. In 2018/19, progression by apprentices into employment was 87% for at least a year, into further apprenticeships was 11%, and into FE or HE was 2%.

## Quality: self-assessment & effectiveness to manage and improve quality

AfC services in Kingston were judged Outstanding by Ofsted in October 2019 and Good in Windsor and Maidenhead in January 2020. AfC apprenticeship provision in Richmond was judged Good in February 2020, as part of a wider Ofsted inspection. ACL contract management does not adequately encompass quality assurance and safeguarding and, in contrast, was judged Inadequate. All the evidence that the FEC team saw supported this judgement, although individual learners were positive about the teaching and spoke about it being inclusive and sometimes inspirational. They agreed that they felt safe, although evidently mechanisms to measure this were lacking.

Since Ofsted found in February 2020 that managers of ACL provision did not maintain a sufficiently close overview of the day-to-day management and delivery of sub-contracted provision, senior leaders have put more measures in place to oversee effectiveness. A consultant with significant strategic, quality and systems experience has been brought in to support senior leaders to help them improve the management and governance of the service. He is also overseeing the close out of previous sub-contracting arrangements. The updated quality improvement plan (QIP)/post-inspection action plan (PIAP) is now more comprehensive and better addresses areas for improvement that were identified by inspection, although its success indicators are still too broad and some lack measurable targets. It is important that temporary expertise is not used to quickly address shortcomings in a way which fails to address underlying problems. The council needs to plan for permanent oversight to embed long-term improvements.

From 2020/2021 onwards, all adult delivery is planned to be sub-contracted to RHACC. This has been agreed by the GLA and due diligence is currently being undertaken before a formal appointment for the start of the new academic year. This rationalisation of delivery partners should reduce complexity and allow for improved oversight of adult delivery. RHACC will be formally declared as a sub-contractor to the council through GLA reporting mechanisms, with formal appointment expected for the start of the new academic year.

## **Student and staff views**

Those students with whom the FEC team spoke stated that the ACL courses helped them to increase in confidence. Some spoke about the good teaching. They also said they felt safe; most were, however, largely unaware of what Prevent and safeguarding meant. The FEC team also spoke to AfC staff who are very committed to their apprentices. They had maintained virtual contact and undertaken feedback surveys with apprentices during lockdown. All end-point assessments (EPA) have been completed successfully in year. They are now reviewing schemes of work in the transition from apprentice frameworks to standards. Although aware of the safeguarding concerns that were raised during the February 2020 Ofsted inspection, they reinforced that AfC processes are robust. The college has seen some negative impact on potential starts since lockdown but is hopeful that numbers will not be too badly affected. Employers were unanimous in their praise for the support which they and their apprentices received, both before and during lockdown.

## **Finance and resourcing**

The council has funding allocations for both adult skills and apprenticeships.

The apprenticeship allocation is sub-contracted solely to AfC. Following the February 2020 Ofsted inspection, AfC have registered on the register of apprenticeship training providers (ROTAP) as a main provider. This was confirmed on 26 June 2020. Both the



council and AfC staff now understand better sub-contracting reporting requirements and need to prioritise sub-contractor declarations to the ESFA, as well as ongoing annual audit requirements. It was explained to the FEC team that AfC operates as a directorate within the overall council structure. Reporting lines to senior leaders and elected members need clarifying urgently.

Up until and including 2019/2020, the AEB allocation has been managed directly by the council with delivery by a range of small sub-contractors. As previously discussed, for 2020/2021 onwards, all adult delivery is planned to be sub-contracted to RHACC. Both parties foresee significant benefits in the sub-contract across wider adult delivery for the borough and, as such, there is no plan for a management fee to be charged by the council. A long-term improvement consultant is overseeing the close out of the previous sub-contract arrangements with no ongoing delivery taking place. Any outstanding payments to these partners relating to 2019/2020 are planned to be completed by September 2020. The partners have been given written notice of contract termination.

## Appendix A – Interviewees

Assistant chief executive

Elected member/lead governance board

Head of employment and skills

Chief operating officer/director for finance AfC apprenticeship provision and sub-contractor payments

Senior leaders and managers responsible for AfC W2W apprenticeship provision

Teachers on ACL and apprenticeship provision

Consultant economic development office

ACL sub-contractors

Employers and stakeholders

Students and apprentices

## Appendix B – Documents reviewed

Organisation chart (lines of reporting) for ACL and AfC and their relationship to the wider council – governance and leadership and management (July 2020)

Details of apprenticeship and ACL curriculum offer

Remote access to relevant council meeting minutes and governance

List of sub-contractors, volumes of contract information and contact details

Details of ACL delivery venues

Self-assessment report 2019/20 &/or position paper regarding progress since February 2020 Ofsted inspection

Revised QIP and progress against actions, including safeguarding and prevent (July 2020)

Safeguarding policy/procedures and details of recent training

Three years trends in numbers, levels and achievement rate data

List of employers with telephone contact details

Teaching, learning and assessment policy/procedures

Details of performance management processes (appraisal)

Details of procedures for tracking learning progress

Proposed 2020/21 curriculum strategy



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