

**Further Education Commissioner
assessment summary**

West Sussex County Council

February 2016

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Assessment

Background

1. West Sussex County Council's Adult and Community Learning service offers Community and Leisure Learning and Classroom Based Skills provision. The provision is delivered under a contract for services by Aspire Sussex Limited, an independent company limited by guarantee and registered charity. Aspire had been spun-off from the Council in November 2012, with an initial contract for five years which expires in November 2017. Most of the provision is Adult Skills and Community learning, with the remainder comprising learning programmes for a small number of 16-18 learners. The provision is delivered in over 250 community venues across the county.

2. Following the Skills Funding Agency's notification that West Sussex County Council's Adult Education provision had been graded as 'inadequate' by Ofsted at its most recent inspection in November 2015, the Minister for Skills decided that the FE Commissioner should assess the position of the County Council in line with the government's intervention policy set out in 'Rigour and Responsiveness in Skills'.

3. The FE Commissioner's report is intended to advise the Minister and the Chief Executive of the Funding Agencies on,

- the capacity and capability of West Sussex County Council's leadership and governance to deliver quality improvement within an agreed timeframe;
- any further action that should be taken by the Minister and/or the Chief Executive of the funding agencies to ensure the delivery of quality improvement (considering the suite of interventions set out in 'Rigour and Responsiveness in Skills'); and
- how progress should be monitored and reviewed, taking into account the Agency's regular monitoring arrangements and Ofsted's monitoring visits.

Assessment methodology

4. The FE Deputy Commissioner and an FE Adviser visited West Sussex County Council over the period 2nd February to 4th February 2016. They met with the interim Director for Education and Skills and members of his senior team and the chief executive of Aspire and members of her senior team. They also met with the County Council's Strategic Lead for Safeguarding Adults. They visited Ifield Community College in Crawley and examined documentation provided by the County Council and Aspire on the service and on its Safeguarding policy and procedures.

Ofsted Inspection judgements

5. Ofsted identified two main reasons why the Council is an inadequate provider. These were:

a) 'West Sussex County Council managers do not adequately manage and monitor the provision, which is wholly subcontracted to Aspire Sussex Limited.'

b) 'The arrangements for safeguarding learners are not effective. Leaders and managers have not suitably checked all tutors or venues to ensure learners have a safe experience.'

Governance, leadership and management arrangements

6. Governance arrangements by the Council as the main contractor for the provision of ACL have been inadequate with insufficient monitoring and challenge of the subcontractor, Aspire. Council officers were taken by surprise by the identification of the inspection that the shortcomings governance and leadership were attributed to their stewardship of the funding contracts. That Ofsted was correct in its attribution of responsibility is, however, now fully accepted.

7. West Sussex County Council has managed significant reductions in its resources in past years. A consequence of this is that continuity of policy has been compromised and corporate memory interrupted. Consequently, the drive towards establishing Aspire through the novation of contract, as an independent provider and the direct holder of the ACL contract for West Sussex has dropped out of sight.

8. The Council has soon to make a choice regarding the future of its ACL provision as its current contract with Aspire ends in 2017. The Council needs to determine whether it wishes to bring the provision back in-house, continue to sub-contract to Aspire or consider an alternative option.

9. The Council should prepare and agree an ACL strategy for West Sussex, co-ordinated with other, related, policies and which reflects current thinking in the Council and nationally about the wide-ranging objectives which adult learning might address. This will underpin the contribution of the Council Trustee on the Aspire board and enable a detailed specification of the performance required to be annexed to the contract between the Council and Aspire.

10. Significant preparatory work needs to be done to improve the governance of the ACL provision and the primary responsibility and accountability for the performance of the provision lies with the Council and not Aspire. The Council's Cabinet Member for Education and Skills has now taken up a position on the board of Aspire and the Director of Education and Skills has committed to attend regularly as an observer.

Leadership and management of Aspire

11. Ofsted commented that there is a young and enthusiastic management team and board and management records suggest that they are doing a sound, professional, job.

The quality of the teaching and learning experience and the outcomes for learners were judged to be good by Ofsted when they inspected the provision in November 2015.

12. Since the transfer of provision in 2012, the Council has continued to support Aspire with advice and services, including health and safety, human resources and payroll to whose management the Council contributes through service-level agreements. The Council underwrote the original TUPE arrangements and, until the end of this year, will act as guarantor for any redundancy costs. In the first three years of its operation, Aspire used premises owned by the Council free or on very favourable terms.

13. The Aspire board agreed at its meeting of 16 November 2015 that it was in the interests of Aspire to acquire full responsibility for the provision, that it would improve efficiency and most importantly, would address the leadership and management issues raised by the Ofsted inspection. The possible ways forward are, however, limited by the Public Contract Regulations 2015, which mean that is no longer possible for the SFA to novate the full value of the funding agreement with WSCC to Aspire, as was originally intended by the Council. There are now four possible options for future funding and delivery arrangements:

- the Council brings the provision back in-house;
- the Council continues to subcontract the provision to Aspire, or another suitable provider/s;
- the Council requests a novation for part of the current funding agreement (up to the EU limit of €750,000) to Aspire and subcontracts or directly delivers the remainder; and
- the Council terminates the funding agreement with the SFA which would most likely trigger a procurement exercise run and managed by the SFA that the Council would not be involved in.

Safeguarding

14. The second issue identified by Ofsted was oversight of Safeguarding processes and procedures by the Council, and the Safeguarding practices followed by Aspire. In particular, concerns related to

- The completeness of DBS checks;
- The provision of appropriate staff development;
- The quality of record-keeping of incidents;
- Risk assessment of the venues used;
- The scrutiny by senior managers of the appropriateness of actions taken in response to serious and urgent incidents.

15. Underlying the issues raised by Ofsted was the requirement that the Council, as the contract holder, recognise that it, rather than the subcontractor, Aspire, should take full responsibility for Safeguarding.

16. Having accepted that responsibility remains with the Council, there is willingness among officers to support Aspire provision in meeting the responsibilities of the Safeguarding Adults Unit. The Strategic Manager of the Safeguarding Adults Unit and the Director of Education and Skills, have confirmed that they will re-establish the linkage between the Council and Aspire to ensure that all services, including staff training, will be made available to Aspire as well as other providers of ACL across the County. Within the Education and Skills Directorate additional Safeguarding support staff are being appointed.

17. The large proportion of Aspire students with additional learning needs amount to some 5,000 enrolments across the year. This is a very significant cohort of adults who may be vulnerable and who require special attention with regard to Safeguarding. Coupled with the very large number of venues used to deliver ACL across the County, the volume of vulnerable learners presents a need for robust risk assessment for individual students, discrete student groups and for each venue. This is not yet being done.

18. Aspire has recently appointed a dedicated Safeguarding Manager who is part of the senior team who is both keen and competent to address the issues that have been raised. Aspire has updated all its internal policies. Teachers who have not yet been cleared through a DBS check are not now allowed to teach unsupervised. If supervision is not possible then classes have been postponed. Risk assessment documentation has been revised and Aspire plans to consider reducing the number of venues it uses. On-line training is now mandatory and monitored by the newly appointed Safeguarding Manager.

Conclusions

19. West Sussex County Council had failed to recognise that while subcontracting its ACL provision to Aspire; it retained full responsibility for standards of governance, including strategic direction and for the Safeguarding and risk management of a large cohort of potentially vulnerable adults.

20. As a consequence, while Aspire has continued to deliver good teaching and learning and outcomes for learners, the intimate connection which ought to exist between the Council's policies and intentions towards the community, and the practices followed by Aspire, has been broken. This is true most obviously in the gap between the Council's high-quality arrangements for Safeguarding vulnerable adults, including Prevent and Channel, and the weaknesses found by Ofsted in Aspire's practice.

21. Contracting out ACL to Aspire has made the Council lose sight of its own aims and ambitions for this service to its local community. This omission is all the more serious because Aspire serves such a large number of vulnerable adults who would otherwise lack some significant elements of care.

22. Both the Council and Aspire are clearly committed to rectifying the problems found by Ofsted. They have the will, the skills and the resources to do so. The fundamental strengths of delivery of ACL by Aspire are in place. Given the strength of commitment to do this among all those concerned, in the Council and in Aspire, we believe there to be grounds for optimism that it can be done at pace.

Recommendations

- That the Council refresh its ACL strategy and cascade it in appropriate form into:
- A post-inspection action plan and quality improvement plan prepared in collaboration with Aspire;
- An agreed annex to its service contract with Aspire with a view to establishing more appropriate and detailed performance criteria;
- A brief for the Council Trustee on the Aspire board which will assist in aligning Aspire's operations with Council policy;
- That the Council re-establish the earlier connection between its own Safeguarding staff and ACL providers, including Aspire, across the County;
- That the Council provide a full programme of training and support in Safeguarding to Aspire and, in particular, Enquiry Officer training for all Aspire senior managers. Furthermore it ensures that Aspire maintains comprehensive records of the training undertaken and the timing of any refreshment required;
- That representatives of ACL providers across the County be incorporated as members of the training sub-group of the Safeguarding Adults Board;
- That Aspire develop an appropriate risk-assessment procedure for all its teaching venues and give consideration to rationalising its estate in order to better manage risk;
- That all staff of Aspire, including support staff, volunteers and trustees be DBS cleared and that a trustee with appropriate knowledge of Safeguarding be designated as the specialist board member;
- That Aspire ensure that all records related to Safeguarding are accurate, comprehensive and timely, and include details of the outcomes of investigations or interventions;
- That a Stocktaking visit by the Commissioner be carried out later in 2016 at a time to be set in consultation with the Council, the funding agencies and Ofsted.

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