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Her Majesty's Inspectorate for Education and Training in Wales

Follow-up

Guidance for post-16 providers and inspectors

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Every possible care has been taken to ensure that the information in this document is accurate at the time of going to press. Any enquiries or comments regarding this document/publication should be addressed to:

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Follow-up guidance for post-16 providers and inspectors

This document provides guidance on follow-up for all core inspections of further education colleges, work-based learning providers and adult learning partnerships from January 2019.

The guidance identifies the steps that inspection teams will take to help them to identify the most appropriate level of follow-up activity. It will be useful for providers to understand these procedures and the factors that inspection teams will consider when deciding on the most appropriate level of follow-up.

However, this guidance is flexible as it needs to be responsive to the wide variety of situations that occur in providers as they improve after core inspections. Estyn reserves the right to adapt the guidance to meet the needs of specific providers.

Guidance for inspectors on placing a provider into follow-up

Background

During all core inspections, the inspection team will consider whether the provider needs any follow-up activity.

There are two types of follow-up activity:

- 1 Estyn review**
- 2 Re-inspection**

All follow-up work involves activity by Estyn inspectors. The activity involves increasing levels of intervention in proportion to need.

The same quality assurance processes apply to follow-up work as to core inspections. The only important judgement reported during any review visit is whether a provider continues to need follow-up activity. This judgement will be reported to the provider during review visits. It is provisional and subject to moderation by HMCI. It is confidential to the provider until the report is published.

1 Estyn review

For a provider to be placed in the Estyn review category.

Normally, a provider will require this level of activity when the judgement for inspection area 5, leadership and management, is adequate and needs improvement. It would be possible that a few inspection areas have been judged as good. However, the provider would have some important areas for improvement that require monitoring. For example, it may be that the provider has a limited track record of planning and implementing improvements in a timely manner. Although, inspectors judge that the provider is not causing concern to the extent of requiring a re-inspection.

If the provider is judged to require Estyn review, the reporting inspector should tell the CEO/principal at the end of the inspection that the team has reached this judgement and complete the relevant section on the internal reporting judgement form (JF).

After moderation and validation of the agreed inspection outcomes within Estyn, we will write a letter of confirmation to the provider, copied to the Welsh Government, explaining that inspectors will review the progress made by the provider. Estyn will monitor the provider's progress in addressing the recommendations highlighted in the report about 12-18 months after the report's publication.

In the first instance, the monitoring activity will take account of documentary evidence, for example the provider's evaluation of improvements made since the core inspection, including the provider's most recent self-assessment report. The provider will send the documents to Estyn by a given date. If there is clear evidence of progress and its impact on improving learner outcomes through the documentation, Estyn will remove the provider from the list of providers requiring Estyn review and no further follow-up activity or visits will take place. If clear progress is not evident at this stage, then, normally, inspectors will visit the provider.

If a review visit to the provider is required, this will normally involve three or four HMI for two and a half days depending on need. If the evidence provided by the provider during the visit shows that clear progress has been made in addressing the recommendations from the core inspection, including early impact of improvements on learner outcomes, normally inspectors will remove the provider from the list of providers requiring Estyn review. However, if inspectors judge during the visit that insufficient progress has been made, then the provider will require further monitoring. As a result, the provider may be judged to require a further review visit or re-inspection.

Once a provider is removed from Estyn review, Estyn will publish a brief letter on its website explaining its decision. If inspectors have visited the provider, Estyn will send a copy of the monitoring report to the provider and Welsh Government. If, following a visit, a provider requires re-inspection, Estyn will publish the report of the visit, to inform stakeholders of the visit's outcome.

2 Re-inspection

Providers identified as in need of **re-inspection** during a core inspection or following an Estyn review are likely to have many important areas for improvement in their work or have not made sufficient progress towards the recommendations. Some providers may have a few important areas for improvement to a very marked degree or many areas for improvement to a lesser degree. In most instances, it will be the cumulative weight and effect of a combination of these areas for improvement which, when taken together, will prompt the judgement that a provider is not providing an acceptable standard of teaching, training and assessment. While one feature alone is unlikely to result in a judgement that a provider requires re-inspection, where inspectors find low standards and poor teaching, training and assessment, or leadership and management is weak and has had little impact on raising standards, the provider will normally require re-inspection.

When considering whether a provider needs re-inspection, inspectors may find it helpful to consider the **judgement profile** for the provider, i.e. all of the judgements awarded by the inspection team for each inspection area.

While the provider may be just about delivering an acceptable standard of teaching, training and assessment and leadership and management are of an acceptable quality, it is important that the inspection team consider if there is room for significant improvement. The guiding principle must be whether the provider is performing significantly less well than it might in all circumstances be expected to perform. In all circumstances, it is vital that inspectors judge the work of the provider in the context in which it is currently operating. Inspectors **should not** be unduly influenced by:

- recently prepared plans for improvement that have yet to be implemented
- the recent appointment of staff, such as a new principal, CEO or senior management team

This is because, in both cases above, the effect or impact of improvements will not have taken place. Inspectors must judge the provider's current performance and outcomes including impact and experience of learners on training programmes or full-time and substantive part-time courses, rather than good intentions and an aspirational outlook.

Inspectors must give particular consideration to identifying the provider as needing re-inspection if many of the inspection areas are judged 'adequate and needs improvement', and one or more inspection area is judged 'unsatisfactory and needs urgent improvement'

Inspectors must also consider carefully if the senior managers responsible for leading, managing or governing the further education college, provider or partnership are **not** demonstrating the capacity to secure the necessary improvements. In judging whether senior managers have the capacity to bring about improvements, inspectors will need to give attention to how well these senior managers know and understand the strengths and weaknesses of the provider. Inspectors should also establish if senior managers show the ability to tackle the weaknesses through the sense of purpose and direction they provide. Discussions with senior managers should provide evidence of how they are tackling these issues and if they are giving attention to the right things. Senior managers should be able to demonstrate that they know what quality of work they expect of learners and staff they manage and be able to communicate these expectations to staff.

Inspectors should also take account of how well informed governors (where applicable) are about issues that affect the performance of the provider, how they set targets and challenge decisions at the senior level. They should evaluate how well they use this information to take effective and appropriate decisions.

At all times, inspectors should remember that the main emphasis in post-16 inspections is on whether all learners make the progress that they should from their starting points, and the standards that learners achieve. The issues identified above should be discussed as a matter of importance in inspection team meetings. The starting point of these discussions would be that these circumstances signal

important areas for improvement in the standards learners achieve, the quality of teaching or training provided by the provider and/or leadership, management and efficiency. Inspectors' discussions should take account of any mitigating factors to ensure the validity and reliability of judgements before coming to a decision that a provider does or does not require re-inspection.

The inspection team must be clear about why they judge that a particular provider is in need of re-inspection. The team should be able to justify their judgements when the deficiencies are considered as a whole.

Procedures to be followed if the provider is judged to require re-inspection

Inspectors should report their judgements using the prescribed wording and must follow the specific procedures set out below.

If the provider is judged to require re-inspection, the Reporting Inspector must take the following steps:

- 1) telephone and inform the appropriate inspection co-ordinator at Estyn (tel. 02920 446446) before the provider is informed of the judgement, no later than the end of the inspection.
- 2) tell the CEO/principal, nominee and any governors present at the feedback meeting following moderation meeting that the team has reached the judgement that there are serious deficiencies in the provider's performance and capacity, and list those deficiencies
- 2) explain that it is likely that the provider will be judged to require a re-inspection and that this will be confirmed once the report has been finalised
- 3) remind the senior managers of the need to ensure confidentiality about the team's provisional judgements and findings

See below for suggested text to explain carefully the reasons for this judgement; then the following form of words could be used in the feedback meeting when presenting the oral report:

'I am of the opinion that re-inspection is required in relation to this provider because it is failing to give its learners an acceptable standard of education and training and senior leaders lack the capacity to secure the necessary improvements. '

The RI should be prepared to justify the judgement, and to take note of any factual matters which the senior management wishes to put forward.

Reports and summaries for providers requiring re-inspection

The RI must make clear in the Reporting JF that, in their opinion, the provider is not providing an acceptable standard of education or training and senior leaders lack the capacity to secure the necessary improvement (that is, it requires re-inspection). They must also make clear the deficiencies which led to that judgement. The evidence base for each Inspection Area (IA) must be secure to fully substantiate the judgement.

What happens next?

- the provider is placed on a re-inspection list
- Before publication of the report, the inspectorate will write a letter of confirmation to the provider, copied to the Welsh Government, explaining that the provider is placed on a list of providers requiring re-inspection
- inspectors will visit the provider in the term after publication of the report to evaluate whether the provider's post-inspection action plan is suitably robust to bring about the required improvements
- about 12-18 months after the visit to evaluate the post-inspection action plan, Estyn will undertake a re-inspection visit to the provider and make one of the following decisions:
 - 1) if enough progress has been made, the provider can be removed from the list of providers requiring re-inspection
 - 2) if the provider has not made enough progress and does not give sufficient indication that it has the capacity to do so, then Estyn will refer the provider to the Welsh Government

Review visits to providers in re-inspection

The first post-inspection visit will usually be for one day. The visit will support Estyn's formal evaluation of the provider's post-inspection action plans and strategies for improvement. The provider must send their action plan to Estyn in advance of the visit. Inspectors will discuss the plan with senior managers, and ensure that it is robust enough to address the recommendations highlighted in the report as a matter of urgency. They will also discuss the action plan with a Welsh Government representative. This visit will take place in the term following publication of the inspection report.

Subsequently, a small team of Estyn inspectors will visit the provider about 12-18 months after the visit to evaluate the post-inspection action plan to undertake the re-inspection. The re-inspection visit will usually be for three and a half days, and the number of inspectors will be proportionate to the size and nature of the provider (normally three or four inspectors). Inspectors will focus on the progress the provider has made towards addressing the recommendations highlighted in the report, taking account of the milestones identified in the action plan. They will undertake a range of inspection activity, for example visiting learners in training sessions, talking to staff and learners and considering documentation.

If the team judges that the provider has made enough progress in relation to the recommendations, the team will recommend to HMCI that the provider be removed from the list of providers requiring re-inspection. Estyn will publish a brief report on its website explaining its decision. If progress is insufficient, Estyn will refer the provider to the Welsh Government for further action.