

## Overview and Scrutiny Management Board

1.	Date of meeting:	16 May 2018
2.	Title:	Spotlight review following the Ofsted Inspection of Adult Community Learning
3.	Directorate/Agency:	Assistant Chief Executive's Children and Young People's Services

### 4 Background

4.1 This paper outlines the outcomes of the spotlight review following the Ofsted Inspection of Adult Community Learning (ACL) by members of Improving Lives Select Commission.

### 5 Context

5.1 In June 2017, an Ofsted inspection of RMBC Adult and Community Learning provision delivered a judgement "*that the quality of teaching, learning and assessment is now inadequate and the proportion of learners who stay to the end of their course and achieve a qualification is low*". Delivery of this service has since been transferred from the local authority to Rotherham and North Notts College (RNN).

Of the approximate 1400 learners registered for the 2016/17 academic year, the majority were enrolled on non-accredited courses, which included family learning, with approximately 25% enrolled on courses leading to qualifications, including functional skills or English for speakers of other language. The ACL Ofsted reported concerns about the monitoring of progress and assessment; poor standard of teaching provision and inadequate support and guidance.

5.2 It was agreed that a small cross-party working group would be established to examine what actions had been taken to address the issues raised by the Ofsted inspection. In undertaking the review, Members wanted to seek assurance:

- That there was a clear understanding of the issues leading to the inadequate judgement in June 2017;
- That the issues raised in the 2017 Ofsted inspection of Adult and Community Learning have been addressed; and
- That there are clear plans in place to ensure that adult learners have pathways to secure employment or skills training.

5.3 The following Members undertook the spotlight review on Tuesday 6<sup>th</sup> March 2018:

- Cllr Chris Beaumont;
- Cllr Maggi Clark (Chair);
- Cllr Victoria Cusworth.

Cllr Peter Short also contributed to the planning meeting which determined key lines of enquiry for the spotlight review.

5.4 The conclusions and recommendations made by Members are based on information gathered during the course of the review and examination of related documentation.

This documentation included:

- Ofsted: Further education and skills inspection report – Rotherham Borough Council (20 -23 June 2017, published 28 July 2017)

- RMBC Corporate Plans 2016 -17 Quarter 1 - 4 Performance Reports
- RMBC Council Plan 2017/18 Quarter 1 – 2 Performance Reports
- RMBC Annual Governance Statement 2016/17

5.5 The review group thanks the following Cabinet Member for Children and Young People's Services and officers for their co-operation with this inquiry.

- Cllr Gordon Watson, Deputy Leader (Lead Member Children and Young People Services)
- Ian Thomas, Strategic Director for Children and Young People Services (CYPS)<sup>1</sup>
- Dean Fenton, Head of Service – School Planning, Admissions & Appeals, CYPS
- Aileen Chambers, Head of Service - Early Years and Childcare, CYPS

## 6 Key Issues

6.1 The Ofsted report flagged areas of concern arising from the previous inspection which had not been addressed in a timely manner. It further identified that quality improvement plans had not been enacted quickly enough and Elected Members had not received clear information about performance. Members sought explanation as to the circumstances behind these issues. Whilst acknowledging that ACL is a small part of CYPS provision overall, in light of previous Council governance failings outlined in the Casey Report<sup>2</sup>, Scrutiny Members wanted to be assured that wider issues around oversight and governance had been addressed.

### 6.2 Events leading to the inadequate judgement in June 2017:

6.2.1 As context, the Strategic Director reminded Scrutiny Members that from September 2014 onward CYPS had been focussed on addressing the serious and widespread failures identified in the Jay Report and the Ofsted Inspections<sup>3</sup>. Prioritisation was therefore given to addressing the shortcomings in safeguarding within children's social care and tackling Child Sexual Exploitation, with resources dedicated accordingly. It was acknowledged that assurance from the ACL service about performance had been accepted at 'face value', which in retrospect, did not correlate with supporting data. It was noted that the Ofsted judgement did not raise any safeguarding concerns for the ACL service.

6.2.2 The Strategic Director explained that the delivery of ACL is a non-statutory duty and the local authority has no requirement to provide adult learning courses directly. The provision was comparatively small, with a small in-house team delivering some elements of adult and community learning with the remainder commissioned to be delivered by voluntary and community agencies.

6.2.3 Although under the previous inspection framework, the service had received an Ofsted judgement of "Good" in 2014, concerns had been expressed by senior managers at that time that performance was inconsistent. A notice of concern was issued in 2015 by the Skills Funding Agency (now the Education and Skills Funding Agency) for the ACL service's failure to meet the minimum performance thresholds. As a result of this, significant additional management support was given to the service to increase capacity which resulted in the notice of concern being lifted again in February 2016. However, despite these actions, there were continuing concerns that the improvements were not

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<sup>1</sup> Ian Thomas left the Authority in April 2018 to take up a new position.

<sup>2</sup> Louise Casey CB: Report of Inspection of Rotherham Metropolitan Borough Council (February 2015)

<sup>3</sup> Ofsted Inspection of services for children in need of help and protection, children looked after and care leavers and Review of the effectiveness of the Local Safeguarding Children Board (September 2014)

embedding at pace with a further notice of concern issued in spring 2017 which triggered the re-inspection.

6.2.4 Due to additional management intervention, the extent of the issues became apparent in early 2017 (prior to the re-inspection in June 2017). Accelerated action was then taken to address the serious shortcomings that had arisen regarding data analysis; poor supervision of teaching quality; and lack of performance monitoring and risk management. The actions to address poor performance were acknowledged in the Ofsted ACL report however, it was reported that there was not sufficient time for these to embed for Ofsted to evaluate the impact of the interventions.

6.2.5 It was reported to the Scrutiny Members that following management intervention, significant improvements had been made which became evident later in the year (post-inspection). It was noted that the required achievement rate for accredited courses levels had been reached by the end of July 2017 and had been well above the threshold on which the Notice of Concern was issued.

### 6.2.6 Conclusions

- Scrutiny Members appreciate the candour of the Deputy Leader and officers in their explanation of the circumstances that led to the inadequate judgement.
- From the evidence, it is clear that following the 2014 ACL Ofsted judgement of “Good”, a false assurance was given of service quality. This allowed performance and data concerns which had been highlighted prior to 2014 to remain unresolved which in turn led to poor outcomes for many learners. Despite additional management support to address these issues, performance remained inconsistent.
- Scrutiny Members are assured that robust action was taken to address the decline in service quality and resources were allocated accordingly. This accelerated from March 2017 with increased oversight from the Deputy Leader and it is evident that improvements were made to the service, albeit too late to embed sufficiently in time for the ACL Ofsted inspection.

### 6.3 How wider issues raised in the 2017 Ofsted inspection of Adult and Community Learning were addressed:

6.3.1 The ACL inspection report highlighted that *“until recently, managers have not given elected members clear information about performance.....This means that council members have been unable to challenge managers or hold them to account for the decline in standards”* (Ofsted, 2017, p5). It was clarified that a Performance Board had been established in March 2017, chaired by Cllr Watson as Lead Member, which provided rigorous challenge to managers for service delivery. From the time line presented to Scrutiny Members, it would appear that the reports to the Performance Board commenced some two years after the first Notice of Concern was issued in March 2015.

6.3.2 Although it is accepted that the Deputy Leader was informed latterly of the serious decline in performance, neither this decline or the inadequate judgement were referred explicitly to any of the Council’s Overview and Scrutiny Committees at the time.

6.3.3 The ACL Ofsted inspection report stated that *“Leaders and Managers have not rectified areas for improvement identified at the previous inspection”*. The Scrutiny Members sought guarantees that this was an anomaly and there were rigorous processes in place to address areas of improvement identified in inspections and there was clarity about how these were recorded. Both the Deputy Leader and Strategic Director referred

Scrutiny Members to the recent Ofsted report<sup>4</sup> which concluded that the local authority “has taken a systematic and rigorous approach to improvement... Leaders and senior managers have appropriately prioritised the improvement of key service areas... embedding a culture of performance and quality assurance”. The Deputy Leader gave further assurance that these principles had been applied across the directorate and he had oversight of the inspection schedule and related performance issues across individual services.

6.3.4 The importance of adult learning as a gateway to further skills development or employment opportunities was recognised in the RMBC Corporate Plan 2016-17 and the successor RMBC Council Plan 2017-20, with specific outcomes linked to this activity<sup>5</sup>. Performance was reported on a quarterly basis with reports submitted to Cabinet and in some instances, Overview and Scrutiny Management Board.

The Scrutiny Members reviewed the reports to examine whether the decline in performance was flagged as a risk. It was noted that concerns were reported in the narrative in both the Quarter 3 and 4 Corporate Plan Performance Reports and Quarter 1 and 2 Council Plan Reports, however, it was felt that the performance decline was not signposted sufficiently in the cover reports or scorecards. This also meant that opportunities for wider corporate organisational learning arising from the decline in performance were not fully explored and applied.

6.3.5 It was also noted that the inadequate judgement was reported in the 2016/17 Revised Annual Governance Statement to the Audit Committee. However, this was not reported in the regular reports to the committee on recommendations from external audits and inspections. This appears to be a gap. It is also unclear if the decline in performance and attached risks relating to the reissuing of the Notice of Concern in spring 2017 were raised with the Audit Committee.

### 6.3.6 Conclusions

- Scrutiny Members are assured that the Deputy Leader had a full understanding of the performance issues from March 2017. However, given that concerns had been raised about inconsistent performance from 2013, it is surprising that this was not flagged earlier to the Cabinet Member or Scrutiny and/or Audit Committee as a risk.
- The Council rightly aspires to high standards of openness and transparency in the way in which it allows for adequate scrutiny by Councillors and responds to inspection outcomes and issues of performance. In addition to consideration by the Cabinet Member, public democratic oversight of inspection outcomes, performance concerns or service failure should also include timely referral to the relevant scrutiny body and/or the Audit Committee.
- It is accepted that the decline in performance was detailed in the narrative of both the Corporate Plan and Council Plan reports from February 2017 onward. However, in order for Members to hold officers to account on an informed basis, it is important that critical performance issues are also signposted more explicitly in cover reports and performance scorecards.
- The organisational learning arising from areas of concern should be reviewed and

<sup>4</sup> Ofsted Re-inspection of services for children in need of help and protection, children looked after and care leavers (January 2018)

<sup>5</sup> Outcome: 4C. Adults supported to access learning improving their chances of securing or retaining employment Improve participation, performance and outcomes of people aged 19+ accessing Council funded and RMBC delivered adult learning provision.

- Increase the number of people aged 19+ supported through a learning programme
- Increase the number of learners progressing into further learning, employment and/or volunteering

reported on by the Corporate Performance, Intelligence and Improvement Team on a timely basis to provide assurance that improvements and learning are being applied.

#### 6.4 **What pathways are in place for adult learners to secure employment or skills training?**

6.4.1 Provision for ACL has been transferred to Rotherham and North Notts College (RNN) from the start of the 2017/18 academic year and the Education and Skills Funding Agency confirmed that RNN will be allocated the funding previously awarded to the local authority. This ensured that whilst the provider had changed, the funding was maintained in Rotherham for local adults.

6.4.2 It was reported that as a large college provider, RNN could manage the delivery and quality assurance requirements that the Council had failed to deliver consistently in the past. It was felt that this would address the significant decline in the standards of teaching and learning and in learners' outcomes which were reported in the Ofsted judgement. The Deputy Leader and Strategic Director were confident in RNN as a strategic partner and its capacity to deliver a programme that would focus on engagement, first steps learning and targeting Rotherham's most vulnerable groups and communities. It was asserted that this would support the Council aim to deliver family learning, digital inclusion and community cohesion training and workshops. Some of this activity had been sub-contracted to the Creative Learning Centre within the Local Authority to deliver for the 2017/18 academic year.

6.4.3 It was reported that negotiations between the Business Growth Board, Health and Well Being Board and the newly evolving Local Integration Board would need to take place in order to influence the ongoing programme offered by RNN so it meets the needs of Rotherham's communities. In order to ensure that there is good governance of these arrangements, given there are potentially three reporting routes, it was felt that further clarification was required on how RNN's delivery of ACL links to the agreed Council priorities around the employment and skills agenda (as outlined in the Council Plan) and how these are reported to Members.

6.4.4 It was also reported that Government proposals for adult education delivery would lead to funding being devolved to combined authorities (including Sheffield City Region Combined Authority) to determine how this is to be allocated in local areas. The Department for Education has signalled that this will take place from 2019.

#### 6.4.5 **Conclusions**

- Scrutiny Members are assured that the transfer of provision to RNN means that the delivery of ACL will be on a more sustainable footing, with proper oversight of teaching standards and advice and guidance. This will lead to better outcomes for adult learners and address the concerns raised in the ACL Ofsted report about teaching, learning and assessment.
- Although the transfer of provision is supported, there is a lack of clarity about how RNN will deliver a programme which links to Council priorities around the skills and employment agenda, (targeting Rotherham's most vulnerable groups and communities) and how this is reported to Members.
- Whilst it is accepted that the Council is no longer responsible for the delivery of this provision, it is important that the Council maximises its influence in this key area, particularly in light of the devolution of adult education delivery to the Sheffield City Region Combined Authority.

## **7 Recommendations**

- 7.1 That areas of concern raised in external inspections or reviews are referred to the relevant scrutiny commission on a timely basis, alongside a plan detailing what action is proposed to address identified areas of improvement;
- 7.2 That the Corporate Performance, Intelligence and Improvement Team ensures that learning from the reporting of areas of concern and in particular the issues arising from this spotlight review, are applied to inform how performance management information is shared and acted upon;
- 7.3 That future performance reports and scorecards should signpost Members clearly to areas of declining performance and actions taken to address these;
- 7.4 That further details are provided to the Improving Places Select Commission to clarify how Council priorities linked to the skills agenda and community engagement will be delivered by RNN and how outcomes will be reported to Members;
- 7.5 That the Council's representatives on the Sheffield City Region Combined Authority Scrutiny Panel are asked to keep oversight of the devolution of adult education provision to ensure good outcomes for Rotherham learners.

## **8 Name and Contact Details**

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