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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 from September 2017. During the academic year from September 2017 – July 2018, Estyn's core inspections for work-based learning providers will use the new inspection framework. For further education colleges, Estyn will continue to use the current common inspection framework, but will pilot new inspection arrangements in readiness for the new framework from 1 September 2018.

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 most important judgement reported during any review visit is whether a provider continues to need follow-up activity. Any judgements that are reported during review visits are provisional and subject to moderation. They are confidential to the provider until the report is published.

1 Estyn review

Normally, providers will require this level of activity when the judgement for inspection area 5 (or key question 3 for further education colleges), leadership and management, is adequate and needs improvement. It would be possible that a few inspection areas (or key questions for further education colleges) 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 timely enough. However, the provider is not causing concern to the extent of requiring placement in 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 reporting 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. 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 will take place. If clear progress is not evident at this stage, then, normally, inspectors will visit the provider.

If a visit to the provider takes place, this will be brief (for example, normally for two days). 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 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. If, following a visit, a provider requires a more intense level of follow-up activity, 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 are likely to have many important areas for improvement in their work. 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 training. 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 management that 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 providing an acceptable standard of education and training, 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

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, 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 persons responsible for leading, managing or governing the provider are **not** demonstrating the capacity to secure the necessary improvement in the provider. In judging whether senior managers have the capacity to bring about improvements, inspectors will need to give attention to how well these persons 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 those they manage and be able to communicate these expectations to colleagues.

Inspectors should also take account of how well informed governors (where applicable) are about issues that affect the performance of the provider. 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 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 in aggregate.

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 RI should take the following steps:

- 1) telephone and inform the appropriate inspection co-ordinator at Estyn (tel. 02920 446446) before the provider is told of the judgement, no later than the end of the inspection in the provider
 - 2) inform the orally that in the opinion of the inspection team there are serious deficiencies in the provider's performance and capacity, and list those deficiencies
 - 3) tell the CEO/principal and any governor present at the end of the inspection 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 re-inspection and that the team now needs to review the evidence
 - 3) remind the senior managers of the need to ensure confidentiality about the team's possible findings
- at the oral report to senior management, state that the team has judged that the provider does not give an acceptable standard of training or education, and explain carefully the reasons for this judgement; then the following form of words could be used:

'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 training and education 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 training or education 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 the inspection should fully substantiate the judgement.

- the provider is placed on a list of providers requiring re-inspection
- Estyn will monitor the progress of the provider 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 publication of the report, Estyn will undertake a monitoring 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 publication of the inspection report. The visit will usually be for two and a half days, and the number of inspectors will be proportionate to the size and nature of the provider. 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.

Appendix 1

The following table may be useful in helping the team where they are required to come to a decision on progress against a recommendation:

Recommendation Descriptor	Addressing the recommendation	Aspects still requiring attention	Impact on standards and/or quality of provision	Work required on the next review visit
Limited progress	Does not meet the recommendation	All or many important aspects still awaiting attention	No impact on standards and/or quality of provision	Much work still to do and many aspects still to consider
Satisfactory progress	Addresses the recommendation in a majority of respects	A few important aspects still require significant attention	Limited impact on standards and/or quality of provision	A majority of aspects addressed but still significant work to do in important areas
Strong progress	Addresses the recommendation in most respects	Only minor aspects still require attention	Positive impact on standards and/or quality of provision	Most aspects covered already - little significant work left to do
Very good progress	Addresses the recommendation in all respects	No aspects require further attention	Very good impact on quality of provision	Provider to maintain and build on this improved practice