



Arolygiaeth Ei Fawrhydi dros Addysg a Hyfforddiant yng Nghymru
His Majesty's Inspectorate for Education and Training in Wales

Follow-up

Guidance for post-16 providers and inspectors

For use on inspections
(for use from 26 February 2024 onwards)

This guidance is also available in Welsh.

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

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Follow-up guidance for post-16 inspectors

This document provides guidance on follow-up for all core post-16 inspections, which take place from 26 February 2024.

The guidance identifies the steps that inspection teams will take to help them to undertake follow-up activity.

Post-16 inspectors have one level of follow-up available to them. However, the monitoring activity is flexible and is tailored to best meet the key recommendations identified at the core inspection.

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.

Background

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

All follow-up work involves activity by Estyn inspectors. The activity involves monitoring that is closely matched to the provider and the recommendations from the core inspection. Estyn follow-up is flexible and tailored to meet the key recommendations identified at the time of the core inspection. Follow-up activity needs to be proportionate to the number and type of recommendations that the provider needs to address following their core inspection. Careful consideration needs to be given to the monitoring activity in terms of the activity, number of inspectors and the duration of visits to the provider. Follow-up activity should not be the same for all providers, but be proportionate to the recommendations.

The same quality assurance processes apply to follow-up work as to core inspections. The only evaluation reported during any monitoring visit is whether a provider continues to need follow-up activity. This evaluation will be reported to the provider during post core inspection monitoring visits. It is confidential to the provider until the report is published.

Causing concern

During all inspections, the inspection team will consider whether the provider is causing concern and requires follow-up activity. This may be related to an aspect or aspects of education and training which is inadequate to meet learners' needs. The Tertiary Education and Research Act (Wales) 2022 states that 'the quality of tertiary education, or of a course of tertiary education, is inadequate if it is not adequate to meet the reasonable needs of those receiving the education or undertaking the course.'¹

¹ Section 52 (3) Tertiary Education and Research (Wales) Act 2022

The potential reasons for identifying that a provider is causing concern are:

- a high proportion of learners underachieving over time or a considerable decline in achievement over time
- if the provider is failing to give its learners an acceptable standard of education and training
- if the provider is performing significantly less well than it might in all circumstances reasonably be expected to perform
- if the persons responsible for leading, managing or governing the provider are not demonstrating the capacity to secure the necessary improvement
- serious safeguarding concerns
- failure to address shortcomings identified during previous inspections or through other internal or external activity
- any other concern that presents a significant risk to the well-being or achievement of learners

The inspection team must report as they find and be able to substantiate their judgements on the basis of sound evidence. If the evidence points to the conclusion that the provider is causing concern, inspectors must make that decision.

At all times, our inspectors should remember that the main emphasis in post-16 inspections is on the outcomes for learners.

In judging the extent to which senior leaders have the capacity to bring about improvements, inspectors will need to consider how well these leaders know and understand the strengths and areas for improvement in their organisation. Inspectors should also establish if senior leaders show the ability to tackle the areas for improvement through the sense of purpose and direction they provide, and through decisions and actions taken to address concerns. Discussions with senior leaders should provide evidence of how they are tackling these issues and if they are giving attention to the right things. Where relevant, inspectors should also take account of how well-informed governors or board members are about areas for improvement and how well they use this information to take effective and appropriate decisions.

In all circumstances, it is vital that inspectors evaluate the work of the provider in the context in which it is currently operating. They should not be unduly influenced by recently prepared plans for improvement that have yet to be implemented or the recent appointment of staff, such as a new principal, CEO or senior leader, or the provider stating that they can address areas of concern quickly. This is because, in these cases, the effect or impact of improvements will not have taken place. Inspectors must judge the provider's current performance and outcomes rather than speculative or good intentions, plans and an aspirational outlook.

Team discussions should take account of any mitigating factors to ensure the validity and reliability of evaluations before coming to a decision that a provider is causing concern.

If the provider is judged to be causing concern, the reporting inspector should take the following steps:

- inform the appropriate inspection co-ordinator

- inform the Assistant Director or Strategic Director of the judgement (who will in turn inform HMCI)

If the provider is judged as causing concern, the reporting inspector should tell the principal/CEO at the end of the inspection that the team has reached this conclusion and complete the relevant section on the reporting form.

After moderation and validation of the agreed inspection outcomes within Estyn, we will write a letter of confirmation to the provider 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 using the arrangements noted below in this guidance.

Follow-up arrangements

There will be one category of follow-up for post-16 inspections: 'causing concern'. The guidance below sets out how we will work with a provider where an aspect or aspects of education and training are not adequate to meet the reasonable needs of those receiving the education.

Post-inspection action plan link visit

Around three months after the inspection, we will arrange for the post-16 link inspector to visit the provider, meeting with senior leaders and governors (where relevant) and any other key stakeholders where relevant, such as Welsh Government². Where possible, we will also involve the reporting inspector from the inspection. The purpose of this would be to check that the provider has fully understood the reasons for the inspection recommendations, and to check that the provider is developing appropriate plans to address shortcomings. We will send a formal notification three weeks in advance of the visit but will aim to ensure that the date is suitable before we issue this notification.

Following the visit, Estyn will send a letter to the principal/chief executive officer of the provider. This letter will confirm the degree of assurance inspectors received during the visit that the provider understands the reasons why there is an aspect or aspects causing concern and that suitable plans are being developed to address shortcomings. The letter will also confirm how the provider is planning to address the concern.

Monitoring visits/activity

Following the post-inspection action plan link visit, we will develop a schedule of monitoring visits or activity with the provider. The views of the provider will be taken into account in developing the schedule.

These monitoring activities will be used to check how well the provider is progressing with its plans to address the recommendation(s) from the inspection, and what

² Or the Commission for Tertiary Education and Research, from 1 August 2024

impact their actions are having. Monitoring activity will be bespoke to the provider and may include a desk-based activity, online meeting or visit to the provider.

We will carry out the first monitoring activity around nine months after the post-inspection action plan link visit. Further visits or activity, if required, will be scheduled six months after the previous visit/activity. We will formally notify the provider three weeks in advance of a monitoring visit but will aim to ensure that the date is suitable before we issue this notification.

We will usually involve the link inspector in every monitoring activity, and we will usually involve the reporting inspector from the inspection in at least the first monitoring visit/activity. The size of the team and design of the activity or visit will be tailored to the specific context of the provider and the nature of the recommendations. Monitoring visits will typically be spread over three days, starting and finishing at lunchtime on the first and last day, but ultimately, we will work with the provider to agree a suitable timetable of activities. Other monitoring activity, such as online meetings or desk-based reviews will take place over a shorter period, typically two days.

A VIR will be set up for each monitoring activity which will allow the provider to share a few key documents and supporting information that is relevant.

During the monitoring activity, inspectors will consider how well the provider has addressed each of the recommendations and how much progress has been made overall. If the provider is no longer causing concern, then inspectors will recommend that the provider be removed from follow-up.

Following each monitoring visit or activity, we will send the provider a short report within four weeks, copied to Welsh Government Post-16 Quality team³. This report will confirm the degree of assurance inspectors received during the visit that the provider's actions since the inspection are having the desired impact on the areas for improvement. In the report, inspectors may include recommendations for the provider to support further improvement in its plans to address the concern. If the provider has made sufficient progress, they will be removed from follow-up.

If inspectors are not satisfied with progress, we will plan a time for a further monitoring visit or activity in six months' time. If there is not enough progress after two years in follow-up, we will send Welsh Government⁴ a report explaining the reasons why the provider still has an aspect or aspects of education and training which are not adequate to meet the reasonable needs of those receiving the education.

Removing follow-up

After any monitoring visit, inspectors could recommend to HMCI that the provider is no longer causing concern and can be removed from follow-up. To be in this position, inspectors would need to be assured that enough progress has been made in addressing each recommendation from the inspection.

³ Or the Commission for Tertiary Education and Research from 1 August 2024

If HMCI agrees, then the report for the monitoring visit will include an evaluation of progress for each recommendation, and an overall judgement that sufficient progress has been made that follow-up can be removed as the provider is no longer causing concern.

A brief letter which explains that the provider is no longer causing concern will be published on our website.