

# Common Inspection Framework 2012

## Consultation on proposals for a revised inspection framework for further education and skills providers from September 2012

### A response from the National Institute of Adult Continuing Education (NIACE) to the Office for Standards in Education, Children's Services and Skills (Ofsted)

#### Introduction

The National Institute of Adult Continuing Education (NIACE) is the UK's leading independent, non-governmental organisation and charity for lifelong learning. NIACE is a membership organisation whose primary purpose is to advocate on behalf of adult learners and to promote more, different and better learning opportunities through formal and informal provision, including those that are embedded in or occur as a consequence of other activities. This encompasses provision in colleges, the workplace, through local authority adult learning and other public services, and third sector organisations based in community settings.

NIACE welcomes the opportunity to comment on the Ofsted consultation on the proposed revisions to the inspection arrangements for further education and skills providers from September 2012. The following response has been informed by FE providers' views elicited through four policy briefing meetings facilitated by NIACE that examined both the consultation on revisions to the Common Inspection Framework (CIF) and the Ofsted review of progression post-16 for learners with learning difficulties and / or disabilities.<sup>1</sup>

#### Overall comments

##### *NIACE welcomes*

- Ofsted's central objective, also set out in its Strategic Plan, to 'streamline and simplify the Common Inspection Framework so as to focus on areas that have the most impact'. The current fiscal environment requires all publically-funded bodies to review and reduce costs where possible, and to target investment on

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<sup>1</sup> Ofsted (August 2011) *Progression post-16 learners with learning difficulties and / or disabilities*, Ofsted

areas of greatest need. Strengthened proportionality in inspections and a clearer focus on inadequate performance and insufficient improvement by providers is a sensible way forward, providing messages to the sector and the wider public are nuanced by a broader view that includes provider progress, innovation and success.

- The proposed closer alignment of the CIF with inspection arrangements and guidance for schools and their parents in order to facilitate comparisons. This chimes with other efforts across the FE sector to improve public information and learner/ service user choice<sup>2</sup>. The CIF must reflect the changing FE landscape of greater provider freedoms and flexibilities, increased self regulation, more informed, engaged and empowered learners, employers and parents as service users, the introduction of new, more flexible qualifications, and the rising importance of provider responsiveness and accountability to local communities.

### ***NIACE endorses***

- the proposed sharper focus on teaching and learning, not only as the ‘core purpose of the provider’ but more importantly, as the primary determinant of the quality of the learning experience and its value to learners; and
- the commitment to listen carefully to the views of learners, employers, staff and, where appropriate, parents, in arriving at judgements about provider effectiveness. NIACE would like to see this strengthened by an explicit intention to involve learners in the inspection process alongside the commitment to retain senior staff. Social Care inspections offer a useful model and the Adult Learning Inspectorate (ALI) also developed an approach involving learners. It would be entirely congruent with the thinking behind the new CIF for Ofsted to develop a similar methodology for the post-compulsory environment, drawing on any lessons from the ALI experience.

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<sup>2</sup> For example, the sector-led initiative to develop a framework for public information being funded by the Department for Business, Innovation and Skills and involving NIACE along with the Association of Colleges, Hoxex, Association of Employment and Learning Providers, Institute for Learning and the 157 Group.

### ***NIACE is concerned***

- that there is insufficient consideration in the proposed Framework of the recommendations made by Baroness Sharp's Independent Commission on Colleges and their Communities. While the final report appeared during the consultation process, OFSTED has had observer status on the Commission, the report of which makes clear that colleges in particular need to look beyond their existing learners and reach out to their communities to assess and respond to demand and need as well as delivering high-quality teaching and learning. NIACE believes that the common framework should consider the steps and actions taken by colleges and other providers to engage with, listen to and respond to the communities in which and with which they operate. Although it is a finely-balanced judgement whether this should be done through the CIF or through thematic inspections, NIACE notes that the Chief Inspector's Annual Report acknowledges that a focus on risk-proportionate investment means there is a danger of missing the 'big picture' - in this case the ability to assess the wider role of ALL providers in ALL of their communities;
- that the proposed changes to subject specific inspections and the removal of separate reporting and grading will undermine the quality of provision in the longer term through the loss of appropriate benchmarks, and make it harder to identify pockets of excellence and distinguish between the performance of different departments; and
- that the proposed additional powers to charge for requested inspections, while understandable in the current financial climate, will detract from the inspectorate's principal role - to judge the quality of state provision - and its capacity to deliver it. Requests for inspections from the private sector are more appropriately met by consultants operating in the same milieu, and payment by publically-funded providers for additional inspections must raise questions about value for money when investment in improved inspection grades is set against investment in better opportunities for learners.

### ***NIACE disagrees strongly***

- with the proposed removal of the 'limiting grade' for effectiveness in actively promoting equality and diversity, tackling discrimination and narrowing the achievement gap. NIACE appreciates the drive to mainstream equality and diversity through the assimilation of reporting on this area into the single

grades for outcomes for learners, teaching, learning and assessment, and leadership and management. We share the view that it should be embedded in all organisational activity and not a ‘bolt-on’ for the purposes of compliance. However, this proposal risks signalling a reduced importance for equality and diversity in the inspectorate’s deliberations and discouraging providers from investing in widening participation. At a time when trend data highlights the persistent gap between the learning rich and learning poor - professional and managerial groups are more than twice as likely to take part in learning as the least skilled - this is a matter of considerable concern.<sup>3</sup> Replacing the ‘contributory grade’ with a paragraph in each of the headline grades also has the potential to undermine whole organisation approaches and commitment to equality and diversity, compounding the impact of the relaxation in the Equality Act on the General Duties for Public Bodies.

## Responses to specific questions

### **1) *To what extent to you agree or disagree with our proposed overarching grade and three key headline grades?***

NIACE agrees with the assimilation of ‘capacity to improve’ into judgements relating to the effectiveness of leadership and management. Providers’ capacity to improve largely reflects their management of quality improvement and this area is of greater direct interest to government and the inspectorate than to learners, employers and other service users.

### **2) *To what extent do you agree or disagree with our approach to judging outcomes for learners?***

NIACE shares Ofsted’s concern about persistent patterns of low achievement and the damaging consequences for individuals and their families and communities. We agree with the focus on achievement gaps *between* different groups of learners in a provider, providing the analysis is sufficiently detailed and contextualised. Moreover, this is also an opportunity to raise debate about barriers to achievement beyond the particularities of individual providers, including structural inequalities. However, NIACE would argue that encouraging and embedding effective provider responses to persistent achievement gaps could be undermined by the proposal to remove the ‘contributory grade’ on equality and diversity. These propositions are in tension and could be contradictory in practice.

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<sup>3</sup> Aldridge, F. and Tuckett, A. (NIACE 2011) *Tough times for adult learners. The NIACE Survey on Adult Participation in Learning 2011*, NIACE p. 5

NIACE recognises the importance of progression to ‘higher level qualifications and into jobs that meet local and national needs’. However, the narrowing of learner progress to economic and educational progression loses the social and civic outcomes identified under the current system. In particular, removing consideration of learners’ positive contribution to the community runs counter to the policy focus on service providers’ accountability to, and stronger engagement with, local communities that is driven by the public services reform and consumer empowerment agendas, and an encouragement towards greater ‘giving’, including through corporate social responsibility (for example, by providers), within Big Society thinking.<sup>4</sup> It is arguable the proposal could undermine the inspectorate’s capability to judge the effectiveness of a key strength it has itself identified amongst many providers. In its recent evidence to the Independent Commission on Colleges in their Communities Ofsted argued:

*“Key strengths included extensive partnerships with local businesses, the local authority, schools and charities which create real projects that have high impact on both learners and the immediate community. These colleges are key players in the achievement of an effective community ethos.”*<sup>5</sup>

Replacing judgements on improvements to learners’ economic and social well-being and their capability to make informed choices about their own health and well being with the ‘development of personal, social and employability skills’ risks obscuring important contributory factors such as increased confidence and self-esteem. And while NIACE understands fully the importance of more closely aligning skills development with skills demand, we would argue that the jobs learners obtain should meet their own needs and aspirations and not solely local and national needs as proposed for the CIF. This would also reflect better the importance attached by Ofsted to providers preparing learners with learning difficulties and/ or disabilities for progression to destinations that match their long term goals<sup>6</sup>.

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<sup>4</sup> See the *Open Public Services White Paper*; the *Giving White Paper*; the *Consumer Empowerment Strategy*; and NIACE Policy briefing *Learning for a change: why adult learning will make the Big Difference to the Big Society*.

<sup>5</sup> NIACE (November 2011) *A dynamic nucleus. Colleges at the heart of local communities. Final report of the Independent Commission on Colleges in their Communities*, NIACE p. 3

<sup>6</sup> Ofsted (August 2011)

**3) To what extent do you agree or disagree that inspectors should judge the quality of teaching, learning and assessment as proposed?**

NIACE agrees that particular attention should be paid to how staff demonstrate high expectations, enthuse, engage, support and motivate learners, set challenging tasks, have appropriate skills and expertise, assess learners' progress and provide for a range of needs, including learners with learning difficulties and/ or disabilities, promote equality and diversity, and develop literacy, numeracy, language and functional skills, independent and lifelong learning.

NIACE strongly endorses the focus on appropriate and timely information, advice and guidance (IAG) but contends this should include more holistic learner needs (such as access to dependent care) and wider opportunities to consolidate learning outcomes and skills (such as volunteering), alongside IAG for 'next steps in training, education and employment.'

In general terms, NIACE would argue that the revised CIF should reflect the outcomes of Ofsted's major thematic reports. For example, the current proposals take no account of the findings of its report on progression for post-16 learners.<sup>7</sup> This demonstrated that learning opportunities beyond school for young people with learning difficulties and/ or disabilities vary considerably between local areas. Enquiries found insufficient provision available for learners with the highest level of need, and that the current placement system resulted in significant inequities in the provision available for learners with similar needs. Poor learning difficulty assessment was evident. In this context, it is essential that judgements on providers' assessments include initial diagnostic assessment in addition to the proposed assessments of 'learners' progress'. This may be implied in the proposed wording but the importance of this step in the learning continuum for many learners, particularly those who are amongst the most vulnerable (including but not limited to those with learning difficulties and/ or disabilities), warrants becoming explicit in the revisions.

Ofsted's report recommended that local authorities should improve the arrangements for transition from school to the post-16 sector by ensuring personal advisors are adequately resourced and trained to provide objective learning difficulty assessments and to keep in contact with learners who become disengaged from formal learning or employment on leaving school. The proposed CIF revisions fail to reflect Ofsted's own thinking in this area along with wider developments to improve the transition to adult services for young people with

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<sup>7</sup> Ofsted (August 2011) *Progression post-16 learners with learning difficulties and/ or disabilities*, Ofsted

special education needs and young disabled people.<sup>8</sup> It is questionable whether the CIF, as currently envisaged, would capture the impact of these changes on provider behaviour and learner access to appropriate provision.

**4) *To what extent do you agree or disagree that inspectors should judge the effectiveness of leadership and management as proposed?***

NIACE agrees with the intention to evaluate the extent to which leadership and management raise expectations, promote ambition and improve outcomes, improve teaching and learning, ensure the appropriateness of the provision, deploy resources, evaluate the provision through monitoring quality, including engagement with users, actively promote equality and diversity, tackle discrimination and narrow any achievement gaps, and ensure the safeguarding and well-being of all learners. We agree that staff professional development and support should be taken into account, not least because this will endorse the importance of provider investment in this area at a time when training and CPD budgets are vulnerable to pressure from funding cuts.

However, NIACE regards the proposed revisions to the CIF as imbalanced, emphasising the impact of leadership and management on those already in learning and paying insufficient attention to the impact on engagement with those who are not. Widening participation should be integral to the welcome focus on whether providers are ‘effectively narrowing the gap between potentially vulnerable learners and their peers’ as part of a ‘raised expectations nationally to address disadvantage, to target support to those who need it and to have a greater impact on narrowing gaps in outcomes for learners.’

**5) *To what extent do you agree or disagree that capacity to improve is adequately represented by a judgement on the quality of leadership and management?***

As noted above, NIACE agrees with the proposal to subsume ‘capacity to improve’ into leadership and management.

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<sup>8</sup> Including the *Special Educational Needs and Disability Green Paper* (Department for Education) and the Department’s 20 Local Authority/ Primary Care Trust Pathfinders

**6) *To what extent do you agree or disagree with our proposed approach to judging equality and diversity?***

NIACE agrees with the intention to take specific account of how effectively leaders and managers discharge their responsibility for equality and diversity, and to focus the revised methodology even more closely on the impact of equality and diversity on learners. However, as was outlined above, we disagree with the proposed removal of the contributory grade on equality and diversity. Additionally, while NIACE appreciates the limitations of policies and procedures, particularly as proxies for best practice, it is also the case that they help embed Equality and Diversity measures as part of whole organisation approaches and require regular monitoring. It is essential that the proposed reduced focus on the documents does not jeopardise important activity behind their development and effective use.

**7) *To what extent do you agree or disagree with our proposals to inspect and report on subject areas?***

While understanding that funding constraints on Ofsted inevitably mean some areas of work must be cut back, NIACE regrets the proposal to discontinue separate reporting and grades for subject areas. As was noted earlier, we are concerned this could undermine the quality of provision in the longer term and make it harder to identify pockets of excellence and differentiate between departments. However, we are also mindful that subject areas can be contentious and inappropriate, for example, adults and young people with learning difficulties and/ or disabilities have sometimes been judged as a subject area in themselves.

**8) *To what extent do you agree or disagree that we should move to devoting a greater proportion of inspection effort to satisfactory and inadequate providers?***

NIACE understands the pressure to focus increasingly scarce resources on the weakest parts of the FE sector to ensure that more learners have better quality experiences. However, it is important that judgements take sufficient account of value added and that messages to the sector and the public also reflect the breadth of provider behaviour, including examples of innovative, creative, effective and high-quality practice. If potential learners and other FE customers have an unrelieved diet of reports of mediocre or failing practice, it is possible their confidence in the sector and their own potential involvement with it will be undermined.

**9) *To what extent do you agree or disagree that Ofsted should respond positively to most requests for inspection and charge for such inspections?***

As was outlined above, NIACE disagrees with this proposal on the grounds that it will detract from the inspectorate's principal role of judging the quality of state provision and could undermine its capacity to deliver it. However, we also understand that in the current financial climate this may be a necessary means of income generation. We would suggest that if Ofsted does decide to take on and charge for more requested inspections, that the additional funds go towards supporting more subject inspections.

## **Conclusion**

NIACE would be pleased to supply further information and analysis about its response. Please contact Dr Cheryl Turner ([cheryl.turner@niace.org.uk](mailto:cheryl.turner@niace.org.uk)) in the first instance.

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