



**Office for Standards
in Education**



**ADULT LEARNING
INSPECTORATE**

CONCORDAT BETWEEN THE LEARNING AND SKILLS COUNCIL, JOBCENTRE PLUS, OFFICE FOR STANDARDS IN EDUCATION, AND THE ADULT LEARNING INSPECTORATE

NOTE: There is a parallel Concordat between LSC, the ALI and Ufi and one in development between LSC, LGA, Ofsted and the ALI as appropriate to cover school sixth forms and Adult and Community Learning.

The four partners are committed to supporting each other so that each can contribute successfully to their shared objective of raising standards, including the achievement of qualifications, jobs and other learning outcomes, in education and training provision funded by the Learning and Skills Council and Jobcentre Plus.

To that end they have agreed the following principles: -

Data Exchange

The four organisations will provide each other with the information they need to plan and conduct their respective businesses.

Minimising Bureaucracy

The four organisations will work together to reduce bureaucracy wherever feasible, giving particular consideration to the impact of systems and data requirements on smaller providers. They will apply the principle of collecting data or information once and using many times, and endeavour to harmonise their arrangements to reduce burdens on providers.

The inspectorates will work jointly with the LSC and DfES to harmonise the schedules for Strategic Area Reviews (StARs) and Area Inspections. In consultation with the LSC

The Inspectorates will take account of proposed StARs when planning the scope and timing of Area Inspections. The Inspectorates will seek to use evidence gathered and provided through StARs to support Area Inspections where appropriate. Equally appropriate Area Inspection evidence will be used by the LSC in support of StARs.

As part of the criteria against which judgments are made Ofsted and the ALI will take account of PSA Targets and national policies.

Inspection Programme

Ofsted and the ALI will hold annual meetings with LSC, Jobcentre Plus and DfES, to discuss the strategy for the annual inspection programme covering provider, area and survey work.

The provisional annual programme for college and Area Inspections will be agreed in consultation with the LSC, Jobcentre Plus, DfES and inspectorates. These organisations may request deletions or additions. The inspectorates will take the final decision within the agreed volumes of inspection. Following these meetings and those deciding the ALI quarterly programme the inspectorates will each send a list to the other partners including DfES on a confidential basis.

Notification of Inspections

The inspectorates will notify providers, and others as appropriate, of planned inspections at least six weeks prior to the planned inspection date.

Staffing of Joint and Area Inspections

Ofsted is responsible for the overall direction and planning of the joint and Area Inspections and for setting out, in consultation with the ALI, the staffing requirement. It will agree with the ALI the staffing which each inspectorate will contribute to every inspection. The composition of the joint inspection teams will be drawn up to reflect the differing profile of learners in each provider and their programmes and to ensure appropriate expertise and specialisms are deployed for each inspection.

Publication of Reports

For FE College inspections Ofsted will normally publish the final report within 12 working weeks from the end of inspection and for Area Inspections the reports will normally be published within 14 weeks of the end of inspection. For ALI sole remit inspections the aim is to publish reports within six weeks of the end of inspection.

Financial Information

The four organisations will work together to reach a shared understanding of how to identify and inspect value for money. The LSC/Jobcentre Plus will provide the inspectorates with financial information and/or expertise to inform inspections on the basis of risk and materiality.

Post Inspection Action Plans

The LSC/Jobcentres Plus will be responsible for signing off all provider post-inspection action plans. They will consult the inspectorates in the case of all providers requiring re-inspection. In all other cases, to support development of LSC/Jobcentre Plus expertise, the inspectorates may be consulted on the adequacy of these plans.

Area Inspection plans will be accepted, (or otherwise), by DfES Ministers. The LSC will be responsible for submitting the post area inspection action plan to the DfES. The DfES will ask the inspectorates to comment on the adequacy of these plans where re-inspection is indicated.

The LSC and the relevant LEA will develop, publish and implement Area action plans in line with statutory requirements and the guidance issued by the DfES on behalf of Ministers. They will work with, and where appropriate lead, providers and partners to ensure effective action is taken in line with Government priorities to address the issues raised by the reports.

Re-Inspections

For individual provider inspections, provision which is judged less than satisfactory (i.e. graded 4 or 5) will be re-inspected and will be subject to monitoring re-inspection visits as appropriate. The scope of re-inspection will depend on the seriousness of the weaknesses. Full re-inspection of all aspects of provision will take place where the provision is inadequate. The assessment that provision is inadequate is a matter for the inspectorates. As a guide, this will normally arise where more than one third of curriculum/occupational area provision is less than satisfactory or where there is a less than satisfactory standard of leadership and management. In all other cases, there will be a partial re-inspection which will be confined to those aspects of the provision that were less than satisfactory. All re-inspection activity will normally be completed within two years of the initial inspection.

In the case of Area Inspections, where provision in an area does not reach a satisfactory standard, the report will state the timescale in which the weaknesses are to be addressed. A further inspection will be conducted, at a date specified by Ofsted, normally within three years of the publication of the report, which will also assess the progress made in bringing about improvements.

The DfES and LSC may request a new inspection when the implementation of any post Area Inspection plan, including those arising from 16-19 Area Inspections, is not judged to be effective or timely.

Emergency Action Plan

If a provider does not obtain satisfactory grades at re-inspection, the Inspectorates will meet with the LSC/Jobcentre Plus to consider what action is required. Where the LSC/Jobcentre Plus decides to continue to work with these providers, they will agree an Emergency Plan with the provider to accelerate the rectifying of weaknesses. The LSC/Jobcentre Plus will closely monitor implementation of the Emergency Plan, which should, normally, be implemented in full within six months of the publication of the re-inspection report. Where the LSC/Jobcentre Plus judge that the Emergency Plan has been effective, the provider will return to the normal cycle of inspections. If the LSC/Jobcentre Plus judges that the emergency action plan has not brought about the required improvements in provision, they will then decide on further action within their powers. Any action including termination of contract must take into account the impact on the learners.

Where post-area inspection action plans are not prepared or implemented effectively, the LSC will consult with the DfES and the inspectorates to decide what additional support or action is required.

Provision of Advice from the Inspectorates to the LSC/Jobcentre Plus

The inspectorates will respond to requests for the provision of advice from the LSC/Jobcentre Plus within their overall resource constraints.

Complaints Procedure

Ofsted and ALI will operate a common procedure for complaints and internal review, which includes access to independent adjudication; although given the differing timescales for publishing inspection reports the timescale for complaints will vary according to the provision being reported on.

Consultation on Strategy and Policy Development

The four organisations will consult each other on areas where their respective remits overlap.

Staff Development

The four organisations will share staff development opportunities.


Review

This Concordat will be reviewed around the middle of 2004 and annually thereafter.

10 November 2003



Mark Haysom
Chief Executive
Learning and Skills Council



Mark Fisher
Director of Business Strategy and Communications
Jobcentre Plus

A handwritten signature in black ink that reads "David Bell". The signature is written in a cursive style and is underlined with a single horizontal line.

David Bell
Her Majesty's Chief Inspector
Ofsted

A handwritten signature in black ink that reads "David Sherlock". The signature is written in a cursive style and is underlined with a single horizontal line.

David Sherlock
Chief Inspector
The Adult Learning Inspectorate

ANNEX TO THE CONCORDAT SETTING OUT DETAILED ARRANGEMENTS AND FURTHER WORK TO BE CARRIED OUT BY THE PARTNERS

Coverage

- The Concordat applies across the work of the four organisations. The broad principles should inform all activities. The opening paragraphs in this annex apply equally across individual and Area Inspections. Paragraphs 21 to 28 apply to individual provider inspections only and paragraphs 29 to 31 apply to Area Inspections only.

Data Exchange

1. The four organisations will provide each other with the information they need to plan and conduct their respective business. The objective is to minimise the demand on providers while securing robust information. The parties are aiming to handle these communications electronically. The LSC/Jobcentre Plus will be responsible for monitoring and checking the validity of data in respect of LSC/Jobcentre Plus funded provision. Where data on learner's retention & achievement and on the profile of the workforce (Staff Individual Record) for the most recent year is not available from the LSC, the Inspectorates will accept data from the college for use during the inspection provided it has been generated through the use of software 'kitemarked' by the LSC.
2. The LSC will continue to share the best and the worst of the results of performance review, with Ofsted and the ALI, and will work towards sharing all assessment categories during 2004. Jobcentre Plus will discuss with the ALI how to ensure that inspections are informed by, for example, the work and views of its District Programme Quality Management Teams.
3. Ofsted and the ALI have inspectors who link with local LSCs and the ALI has similar arrangements with Jobcentre Plus District Offices.

Inspection Programme

4. The four organisations will consult one another about the inspection programme in the following ways: -
- the inspectorates will arrange annual meetings to consult on the proposed inspection programme, which will include DfES, Jobcentre Plus and LSC. Such meetings will consider all forms of inspection: provider, area and survey work.
 - the provisional annual programme for college and Area Inspections will be confirmed at termly meetings of LSC, Jobcentre Plus, DfES and the inspectorates. These organisations may request deletions or additions, depending, for example, on results of performance review. The inspectorates will take the final decision within the agreed volumes of inspection.
 - each inspectorate will send a provisional inspection programme covering individual provider and Area Inspections each quarter or term according to the appropriate cycles but at least two weeks in advance of the date when the list needs to be finalised (on a confidential basis) to LSC, Jobcentre Plus and DfES at national and local level. For individual provider inspections, local LSC Executive Directors will be included in the advance notification.
 - the LSC/Jobcentre Plus may request an early inspection where they have particular concerns about a provider.
 - the inspectorates, in consultation with LSC, will synchronise individual and Area Inspections as far as practicable, to maximise evidence and minimise the burden on providers.
 - for Area Inspections, Ofsted in consultation with the DfES, the ALI and LSC (including relevant local LSCs), will seek to harmonise the schedules for Strategic Area Reviews (StARs) and Area Inspection and will take account of the scope and timing of StARs when deciding the geographical scope of the area to be inspected.

Notification of Inspection

5. The inspectorates will normally notify providers and others as appropriate, (eg in the case of Area Inspections the local LSC, the LEA(s) and Connexions), about planned inspections copied to the national office and local executive director, at least 6 weeks before they start. There will be a rolling programme of notification of inspections which includes Local LSC Executive Directors. For Jobcentre Plus, the planned programme will be sent to the Jobcentre Plus Head Office.

Annual Reports

6. Her Majesty's Chief Inspector of Schools' report, currently published in February each year, will include a section about Post-Compulsory Education in schools and colleges from February 2003.
7. The Chief Inspector of Adult Learning's report will be published annually in November, covering its sole remit and including reference to work-based learning, adult provision including ACL, the New Deals and other relevant programmes in FE colleges.
8. An embargoed copy of the two reports above will be shared with LSC, Jobcentre Plus and DfES.

National and Multi Site Providers

9. The ALI, LSC and Jobcentre Plus will review the arrangements for conducting and feeding back from inspection of national or multi-site providers. This will include arrangements for the funding bodies to raise local issues at the planning stage and for the conduct of feedback meetings to include local feedback where it is requested and practicable.

Integrating Financial Assurance and Inspection

10. The partners agree that it is beneficial for there to be joint working and cooperation between the inspectorates and the LSC on areas of financial

expertise. These areas include providers' financial management, corporate governance and value for money. LSC will advise on the provisional inspection programme, and there will be joint timetabling of visits wherever possible, sharing evidence and discussion, as appropriate, on the outcomes from these visits. The inspectorates will take account of the advice from the LSC financial assurance officers in reaching conclusions on providers' leadership and management.

11. There are three points of detail:

- The LSC provider financial assurance programme will aim to include most of the colleges of further education; and LSC provider financial assurance officers may accompany inspectors on inspection in respect of significant provision at other providers (selection based on the degree of risk and materiality in provision);
- For those providers which are jointly funded by the LSC and Jobcentre Plus, Jobcentre Plus and LSC will have an interest in each other's outcomes of assurance reviews, and a protocol for sharing of information will be developed along similar lines to those agreed for the Inspectorates;
- For providers not subject to joint LSC assurance reviews with the inspectorates, the LSC/Jobcentre Plus will provide appropriate financial briefings to the Inspectorates.

Value for Money

12. The four organisations will review the scope for developing a common definition of VfM building on the work being undertaken by the LSC and the Department on VfM targets as well as that of the Success for All Measuring Success Group, the Skills strategy and PSA Targets as appropriate.

Provision of General Advice by the Inspectorates

13. The inspectorates will respond to requests for information from the LSC/Jobcentre Plus within resource constraints; for example, in relation to the national rates advisory group, and funding for learners with learning difficulties

and/or disabilities.

Staff related issues

14. The partners see benefits in LSC/Jobcentre Plus staff becoming endorsed as Ofsted additional or the ALI associate inspectors. Their deployment must avoid any conflict of interest in relation to their duties and in respect of the provider being inspected. The partners will also work together to ensure that all associate inspectors are fully trained and developed to carry out the full range of roles required of them.

15. The partners will work together and coordinate activities related to the development of providers. In particular the inspectorates will provide link inspectors to fulfil a liaison role with senior managers in the funding bodies at local, regional, district or other appropriate levels. The partners will work together to realise the full potential of the link inspector role in the planning of inspections which are more tailored to the particular needs and circumstances of providers.

Dignity at Work

16. Staff employed by the partner organisations will conduct themselves in a civilised and professional manner in all their dealings with providers. They will expect similar treatment from providers: inspection of provision is a prerequisite for public funding. In particular, instances of harassment, bullying, discrimination or abuse on the basis of gender or race, may prompt the withdrawal of the partners' staff, including inspection teams.

Inspection Planning and Feedback

17. LSC/Jobcentre Plus/Ufi Regional Director and other key stakeholders, as appropriate, will be invited by the Inspectorates to attend inspection planning and feedback meetings.

Representation on Committees

18. Ofsted and the ALI will have observer status on the LSC's Young People's and Adult Committees respectively. Jobcentre Plus will have observer status on the LSC's Adult Committee. The LSC, OFSTED and Jobcentre Plus will have observer status on the ALI Board. Ofsted will consider an equivalent arrangement as appropriate for the other partners.

Staffing of Joint and Area Inspections

19. Ofsted and the ALI will agree the staffing which each inspectorate will contribute to every joint inspection. The approach will be one that is designed to deal equitably with 16-19 and adult learners, in order to make secure judgements that reflect the nature and balance of the provision.

20. Ofsted and the ALI will agree the staffing which each inspectorate will contribute to every Area Inspection.

Individual Provider Inspections

Post Inspection Action Plans

21. All providers will be required to produce a post-inspection action plan within two months of the report being published.

22. In addition, where provision is to be re-inspected, the LSC/Jobcentre Plus must seek the advice of the inspectorates on whether the provider's action plans are sufficient to address the concerns raised by inspection. In all other cases, to support development of LSC/Jobcentre Plus expertise, the inspectorates may be consulted on the adequacy of providers' proposals.

Re-Inspection Policy

23. Provision which is judged less than satisfactory (i.e. graded 4 or 5) will be re-inspected and will also be subject to monitoring re-inspection visits as appropriate. The scope of re-inspection will depend on the seriousness of the weaknesses.

- Full re-inspection of all aspects of provision will take place where the overall provision is inadequate. The assessment that provision is inadequate is a matter for the inspectorates. As a guide, this will normally arise where more than one third of curriculum/occupational area provision is less than satisfactory or where there is a less than satisfactory standard of leadership and management.
- In all other cases, there will be a partial re-inspection that will re-examine only the unsatisfactory grades.
- All re-inspection activity will normally be completed within two years of the initial inspection.
- In the case of large complex providers, with a substantial volume of unsatisfactory provision, and colleges requiring a full re-inspection, more time may be required. In no case will the re-inspection process last for more than two years.
- Partial re-inspection will lead to a new grade and new text for only those areas which have been re-inspected, to be published on the inspectorates' website(s). Total re-inspection will lead to a completely new report, published on the inspectorate website(s).

24. After re-inspection, providers which are awarded satisfactory grades will return to the normal cycle of four-yearly inspection. The decision on whether a provider moves out of either re-inspection category rests solely with the Inspectorates.

Emergency Action Plans

25. If a provider does not obtain satisfactory grades at the concluding re-inspection, the Inspectorates will meet with the LSC/Jobcentre Plus to consider what action is required. The LSC has a policy on intervention in such cases. Where the LSC/Jobcentre Plus decide(s) to continue to work with these providers, they will

agree an Emergency Plan with the provider to accelerate the rectifying of weaknesses. The LSC/Jobcentre Plus will closely monitor implementation of the Emergency Plan, which should, normally, be implemented in full within six months of the publication of the re-inspection report. Where the LSC/Jobcentre Plus judge that the Emergency Plan has been effective, the provider will return to the normal cycle of inspections. If the LSC/Jobcentre Plus judge that the emergency action plan has not brought about the required improvements in provision, they will then decide on further action within their powers. Any action including termination of the contract must take into account the impact on the learners. If the contract is not terminated, the LSC will place the provider in its 'high risk' category and monitor performance accordingly.

Centres of Vocational Excellence Status/Preferred Provider/Beacon Status

26. Providers in receipt of such awards will not be exempted from inspections either in whole or in part. The LSC will take account of the inspectorates' reports to inform decisions it makes regarding CoVE proposals, and subsequently to inform monitoring of CoVEs that are in the established network. The inspectorates will include evaluative comments on the specific CoVE provision where it is included in the inspection plan, in colleges and providers they report on. The LSC and inspectorates will share information on the good practice of CoVEs, its dissemination, and other key programme developments at their regular keep in touch meetings.

Self-assessment

27. The partners agree that the Common Inspection Framework is at the centre of self-assessment. In addition to the headings in the Framework, the LSC/Jobcentre Plus will add their own requirements where these are additional. These are now set out in the Guide to Self-Assessment and Development Planning which the partners have all agreed.

Survey Reports/Good Practice

28. The partners agree that any cross-cutting surveys should have a dissemination

plan associated with them. The four organisations will consult on these surveys, taking account of DfES priorities, during the annual meeting to discuss the inspection programme.

Area Inspections

Objectives

29. In her letter to HMCI of 14 December 2001, the then Secretary of State set out the following key objectives for inspecting and reporting on 16-19 Area Inspections assessing:

- whether the standard of provision is meeting the needs of learners and employers;
- how far the existing configuration of provision meets the needs of learners;
- whether there is coherent progression from school to post-compulsory education and training;
- how much providers are collaborating to enhance the opportunities available to learners, so that every young person has local access to a wide curriculum in line with the 14 - 19 agenda; and
- the Inspectorates will carry out 14-19 Area Inspections in line with the Common Inspection Framework, and then supplement relating specifically to Area Inspection, in the light of current legislation, the Secretary of State's letter of 14 December 2002, and Ministerial priorities.

Post Inspection

- Ofsted and the ALI will offer a meeting to provide formal pre-publication feedback to the local LSC, which will invite partners, within four weeks of the conclusion of inspection. Any serious or grave concerns, (for example relating to health and safety issues, misuse of funding etc) will be fed back to providers and the LSC immediately. Ofsted and the ALI will give informal oral feedback to the local LSC and others during the period of inspection.

Reports

- Ofsted is responsible for publication of 14-19 Area Inspection Reports, normally within 14 weeks of the end of inspection. Ofsted will publish the report on its website, and send copies to the ALI, DfES, the LSC, LEA and others as prescribed in legislation.
- The ALI will provide Ofsted with relevant text and findings for the report within two weeks of the inspection taking place. Draft reports will be shared in confidence with the ALI, DfES, the LSC and LEA, (who may wish to consult providers) for factual checking. The ALI, the LSC and the LEA will provide comments on factual accuracy in sufficient time for the 14 week deadline.

Action Planning and Follow-up

- The LSC is responsible for ensuring the follow-up action is carried out, in line with the guidance issued by the DfES on behalf of Ministers. Specifically, the LSC and relevant LEAs will work with, and as appropriate lead, providers and partners to develop a response to a 14-19 Area Inspection report in the form of an action plan that specifies measurable targets. The LSC and relevant LEAs will lead the implementation of the action plan and monitor its effectiveness. The action plan will be assessed by Ministers and published in line with the post 16 Education and Training Inspection Regulations 2001 (currently 3 months from report publication) or as specified by the Minister. The LSC will consult with the inspectorates in preparing the action plans to ensure the plans are sufficient to address the concerns raised by inspection, where re-inspection is indicated.
- As part of 14-19 Area Inspection follow up the LSC may request the inspectorates to bring forward the inspection of individual providers in the inspection programme.

Re-inspection

- Where provision in an area does not reach a satisfactory standard, then a re-inspection will follow. Re-inspection will normally be within three years of the

original inspection, depending on the seriousness of the weaknesses identified. The report will state the timescale in which the weaknesses are to be addressed. A further inspection will be conducted at a date specified by Ofsted, normally within three years of the publication of the report, which will also assess the progress made in bringing about improvements.

- The DfES and LSC may also request a 14-19 Area Inspection when the implementation of the post Area Inspection action plan is not judged to be effective or timely.

Schools with sixth forms

30. Ofsted has enhanced the Section 10 inspections of schools with sixth forms so they are closely aligned with the Common Inspection Framework.

31. In developing the funding and quality assurance arrangements for schools with sixth forms, the LSC is committed to involving Ofsted (and LEAs) in the detailed design work, which will take place during Spring 2002.