

Access to Support for Sixth Form Colleges in Significant Failure

April 2011 to March 2012

Introduction and Background

1 This process note sets out the circumstances and the process by which sixth form colleges that are deemed to be in significant failure can secure access to support funding to reduce immediate risks to learners and public funds and improve their position.

2 The Coalition Government has set out its intent to raise standards of education and training through a raft of measures which support the common features of strong leadership, institutional autonomy and clear accountability. Increasingly colleges and schools will take responsibility for sourcing, devising and funding their own arrangements for general improvement support.

3 As part of the transition to this approach, the Department for Education (DfE) confirmed that, with effect from 31 March 2011, sixth form colleges would no longer be able to access general improvement support from the Learning and Skills Improvement Service (LSIS), unless they have a contract with the Skills Funding Agency in which case they would receive a small amount of support funding for event attendance through their LSIS 'account'. At the same time, however, DfE also confirmed that funding would continue to be available for the 2011-12 financial year, through the Young People's Learning Agency, for improvement support in those few cases where a sixth form college was deemed to be in 'significant failure'.

Defining Significant Failure

4 The definition of significant failure is where:

- 25% or more of the college's weighted success rates are below the published MLP for the year in question (for short or long provision)
- overall effectiveness is assessed by Ofsted as Grade 4/inadequate
- the college is financially failing Grade 4.

Notices to Improve (NtIs) and Case Conferences

5 All the cases of significant failure, described above, currently result in the issue of a Notice to Improve. The issue of an Ntl in itself does not trigger support funding but rather it starts the case conference discussion about the causes of such significant underperformance at the college in question, and what the right strategy for support is given its particular circumstances.

6 In the cases of significant failure as described, the YPLA will issue a Notice to Improve to the college and call a case conference. Those invited will usually include representation from the Local Authority, the Skills Funding Agency, if it has a legitimate interest, the Association of Colleges (AoC), and the Sixth Form Colleges' Forum (SFCF), in respect of their members, and where appropriate the Catholic Education Service (CES). Significant failure is rare but can sometimes call into question the quality of a college's leadership and governance. The initial case conference therefore may not include the college, but the college will be assured that representative bodies are there to act in the sector's interests.

7 Each case conference will vary to accommodate the particular circumstances. Detail of its operation will not be prescribed, although reasonable records will be necessary in the event that the support planned does not bring about sufficient improvement and further action or intervention is necessary. The sorts of issues the group might consider will likely include:

- Does the College have the capacity to improve? In most cases this is likely to be the position, if so:
- What sort of support is required?
- How will support be sourced e.g. is that support peer support, self improvement or external support, such as LSIS?
- If external support is needed, is there an organisation/individual best placed to deliver it?
- What is an appropriate timeline/timescale for the required improvement (this should be set out in the Notice to Improve)?
- How best can the college be engaged to lead in the support activity?
- How frequently should case conferences be called to assess progress?

8 The attendees should seek to reach a collective view on these issues. If the college does not appear to have any capacity to improve its situation the case conference attendees will need to consider whether a more strategic change is needed to allow for progress.

Improvement Support Package

9 Following the first case conference the YPLA representative should notify the college of the proposed support package. There should then be a second case conference to which the college will normally be invited, along with the other representatives, to discuss and finalise the improvement support programme.

10 The college will be expected to indicate its agreement to the finalised support package, and to accept responsibility for implementing the agreed actions and activity to fulfil the conditions of the Ntl, to agreed timescales.

11 If delivery of the package of support would require additional funds the case conference attendees will estimate the sum required, based on reasonable market rates. As a guide, previous cases of this kind have been funded for a range of support from ten days to fifty days, subject to need. The focus should be on scoping the right support rather than seek to draw down any sort of maximum entitlement.

12 The YPLA representative will seek to facilitate the release of funds, for this purpose, through college grant payments. This might be phased, by profile payments, or as a single sum added to a monthly grant payment, depending on the particular need. This could be passed directly to the college if external support is being sought or to another college providing peer support if it is already funded by YPLA. Funding agreements already reference the need to meet national quality thresholds so any conditions set in the Ntl are, in effect, part of the funding agreement.

13 If external support is to be used, once any funding arrangement is finalised the college should seek to arrange and secure the appropriate support through its own procurement processes. The monitoring of improvement support impact and spend should be a routine aspect of subsequent case conferences and Ntl monitoring.

14 The college will be expected to guarantee the attendance of a senior member(s) of staff, able to report progress from the college perspective, at each case conference to which the college is invited.

Lifting Notices

15 As the issuing body, the YPLA will be responsible for lifting the Ntl once the case conference attendees agree that the conditions set out in it have been met. These conditions will, in all cases, be clear, unambiguous and measurable. Once the Ntl is lifted the case group should have no further need to meet and a final statement about Ntl compliance should be recorded.

Where No Capacity to Improve

16 If it is concluded at the first case conference that the college does not have the capacity to improve, the case conference attendees should consider what the barriers to making progress are. The case conference should, if necessary, consider what action might be taken to encourage and facilitate – mindful of accountabilities and respective remits – appropriate changes to leadership and management. If possible this should be done without recourse to advising the Secretary of State about the exercise of statutory powers of intervention.

Dispute Resolution

17 The YPLA is the body responsible for the funding agreement and issue of the Ntl. In the unlikely event that case conference attendees cannot support the college through consensus or where a college refuses to engage with a case conference and a dispute arises, the YPLA representative will escalate matters through its Governance structures and where necessary keep DfE informed.

PROCESS FLOW CHART

