

The **Quality Assurance System** for post-16 Learning¹ – A Guide for Work Based Learning Providers

INTRODUCTION

The White Paper '*Raising Expectations; enabling the system to deliver*' (2008) talked about '*introducing a clear framework for assessing performance which is common across all providers of post- 16 education and training*'. It suggested that this '*could build on the Framework for Excellence*'. Elsewhere in the White Paper, it talked about important aspects that were linked to management of the system (Chapter 4) and sponsorship of the further education system (Chapter 9).

A significant amount of work has gone into bringing these proposals together under the banner of a new '*Performance Management Framework*'. However, recent work with partners and sector representative organisations questioned whether the emphasis on 'performance management' is right. Although the proposals outlined in the White Paper support the move towards new operating arrangements (through the Skills Funding Agency, Young People's Learning Agency (YPLA) and Local Authorities (LAs)), at the same time, we are moving away from the concept of performance management and more towards providers taking responsibility; and the 'system' supporting quality improvement.

With this in mind, in spring 2010 we will introduce a new Quality Assurance System, which will draw together all the work that goes into ensuring learners and employers receive quality experiences from post-16 learning providers.

This document is a prelude to the full Quality Assurance System which we plan to publish in April 2010. It has been written to help Work Based Learning Providers understand what the Quality Assurance System is; how the individual aspects that support quality assurance will be brought together into a single, consistent and coherent system; and what this all means for further education colleges.

OVERVIEW OF 2010

The Learning and Skills Council will cease to exist at the end of March 2010. From April 2010, planning, commissioning and funding of 16-19 education and training will be the responsibility of local authorities, supported by the Young People's Learning Agency (YPLA). Responsibility for post-19 education and training will lie with the Skills Funding Agency. Responsibilities will include assessment of the quality of learning outputs and oversight of the performance of providers across the post-16 learning sector. These structural changes provide an ideal opportunity to review the systems and processes that operate to manage performance, and ensure these arrangements balance the need for public accountability, while enabling providers to access the right support, at the right time, to take forward their own quality improvements.

¹ Post-16 Learning (Sector) is used through out this paper to refer to the range of learning opportunities offered by FE Colleges, Sixth Form Colleges, School Sixth Forms, Independent Specialist Colleges and a wide range of private, public and voluntary organisations who will be contracted by the Skills Funding Agency, Local Authorities and the YPLA.

It is essential that all post-16 learning providers understand that responsibility for the quality of provision lies with them; that they are working to the same quality standards; that excellence is recognised, rewarded and used to support/drive the improvement of others; and that importantly, where an organisation is significantly under-performing, this will be identified and tackled quickly and robustly.

SO HOW NEW IS THE QUALITY ASSURANCE SYSTEM?

Actually, the Quality Assurance System is not all new. A lot of it will build on the well established and proven systems and processes with which post-16 learning providers will already be familiar. Some new elements will however be introduced, to reflect the new operating arrangements that will be introduced in April 2010.

What will be new is that we will be much clearer about how the elements of the Quality Assurance System fit together, for example, how Ofsted inspections fit with Framework for Excellence (FfE), or the impact of a Notice to Improve on commissioning decisions.

Each component will be described in individual, detailed operational guidance. The Quality Assurance System will be the glue that brings these together. It will be used to provide updates on developing policies and to provide web-links to all of the key supporting documents.

SO WHO DOES WHAT IN THE FUTURE AND WHAT DOES FITTING TOGETHER LOOK LIKE?

The table at annex 1 summarises the roles and responsibilities of the funding, monitoring and support bodies, and Ofsted.

The diagram at annex 2 shows how all of the elements of the Quality Assurance System fit together for a work-based learning provider.

Annex 3 is a glossary of terms used within this guide.

The rest of this document provides an overview of the main processes that will make up the Quality Assurance System. But before we get to this detail it is important to set out the key principles that underpin the Quality Assurance System.

KEY PRINCIPLES OF THE QUALITY ASSURANCE SYSTEM

- We will only invest in providers who deliver quality provision. We will target funding towards those who have the capacity and capability to deliver to high standards and who meet the needs of learners and employers.
- The primary responsibility for the quality of provision rests with the individual provider. We expect you to continue to support learners to achieve their chosen qualification, and to give them a quality experience in learning.
- Providers will be required to publish quality assured information about their performance, so that learners and employers are able to make choices.
- Self-Assessment remains at the heart of well managed and effective provider improvement. This is an integral part of both the FfE and Ofsted's inspection.

- Performance assessment will be based on a common and transparent data set. From 2010 FfE will be the primary tool for capturing and reporting performance information.
- Performance management will be light touch for those providers who are judged by FfE and Ofsted to be performing good or better. Satisfactory providers will be encouraged to take full advantage of the support available to drive improvement and achieve higher ratings.
- 'Excellent' providers will be recognised and rewarded, with earned autonomies depending on the degree of excellence.
- Poor and inadequate provision will be identified and tackled quickly. Providers who do not respond to opportunities to improve will not be funded.
- Intervention policies will be robust, transparent and fair. Improvements in performance will be evidenced in line with an agreed (and monitored) action plan.
- We are not just looking for value for money but rather the best value for money. We want to be able to evidence a truly world class FE sector.

SO HOW WILL THE QUALITY ASSURANCE SYSTEM WORK FOR A Work-based Learning Provider?

Setting standards

The primary purpose of the Quality Assurance System is to support the continual improvement of the whole of the post-16 learning sector. Commissioners will want to secure the best possible provision for their learners, so it is essential that they are clear about what high quality looks like and how it is measured, before they make any funding decisions. LSC currently use Minimum Levels of Performance (MLPs) to set the baseline for quality standards. Minimum Levels of Performance are expected to continue for at least a further year but in due course FfE will be used as the primary measure of quality and outcomes.

Over the next few months, we will be continuing discussions with partners and representative organisations, so that we can be clear how quality and success will be measured and we will provide further information in relevant guidance in 2010 (including for FfE).

Commissioning and Contracting

Private, Voluntary and Independent Learning Providers may be funded and contracted to both local authorities and the Skills Funding Agency or where they are contracted to SFA (or both SFA and a local authority) they will be quality assured by the SFA.

In addition, if the provision contracted to a LA is causing concern they will raise these concerns with the SFA Account Manager.

Where provision is only contracted with a local authority, it will be contract managed by that authority alone and would not have a relationship with the SFA.

For LA Commissioning and contracting the National Commissioning Framework sets out the importance of using robust data to assess quality and performance. As

described above, FfE will (in due course) be the main vehicle for assessing quality and commissioners will be expected to use FfE data when making decisions about the future of provision.

Commissioning and contracting decisions for post-19 provision will be supported by a new Approved College and Training Organisation Register (ACTOR). The ACTOR is currently being developed and will build on the LSC's experience of operating the Qualified Provider Framework. For inclusion on the ACTOR, organisations will need to meet entry or (other) minimum standards, including quality, capability and capacity – these standards are currently being developed. All existing LSC providers will be given the opportunity to migrate to the ACTOR as part of the transition process.

Importantly, the recent White Paper *'Skills for Growth – The National Skills Strategy'* announced that *'all except new or poorly performing colleges and training institutions will have discretion to manage their resources more flexibly within their separate employer responsive and learner responsive budgets to meet national priorities in the context of local needs'*. This will be an important consideration during future commissioning discussions. The detail of exactly how this 'earned autonomy' will apply is currently being considered by the Department for Business Innovation and Skills and further guidance will be issued in 2010.

Delivery, Outcomes and Results

The majority of schools, colleges and other providers already deliver good outcomes for their learners and their local communities, but even the best organisations need to improve continuously. Where performance is strong the Skills Funding Agency and LA's will support and encourage innovation and the sharing of best practice.

For work-based learning providers, a number of complementary sources of data will be used to decide if the standards are being met – namely self-assessment, FfE, MLPs and inspection. Primary responsibility for quality will remain with providers themselves. They will continue to provide their annual self-assessment for uploading to the Provider Gateway (managed by the FE Data Service). In pulling together their self-assessment they will reflect their FfE results, as well as drawing from their own internal systems for performance management, quality monitoring and overall management of their organisation.

Ofsted use FfE as part of a risk assessment process, to plan future inspections and as part of their inspection evidence gathering activity.

The Skills Funding Agency Account Manager will use FfE results to determine if any action needs to be taken by the provider to improve their performance.

Incentives and Rewards

Ofsted's revised Common Inspection Framework (published on 23 July 2009) will govern inspections from September 2009. For the providers judged as 'good' or 'outstanding', the inspection interval could be as much as six years.

As mentioned in the context of post-19 commissioning, how 'earned autonomy' will apply is currently being considered by the Department for Business Innovation and Skills. This will include discussion about what more can be done to provide rewards and incentives for excellence.

We expect to publish guidance on all aspects of recognising and rewarding excellence alongside the final Quality Assurance System policy document in April 2010.

Identifying and Managing Underperformance

Providers that are not delivering the outcomes expected of them can expect support and/or challenge from their Skills Funding Agency Account Manager. As now, specific improvements in performance will be required within a prescribed time frame. Details of how this operates can be found in the LSC's publication 'Identifying and Managing Underperformance'. A revised version of this to reflect future operating arrangements will be published in autumn 2010

Importantly, FfE will in future be a primary tool for identifying areas requiring improvement. However, because the first full results from FfE will only be produced in 2010, we intend to continue to use MLPs (set annually by the Skills Funding Agency in consultation with representatives of the post-16 Learning Sector), to make judgments about acceptable performance. By 2011 (at the earliest), we expect MLPs to be fully integrated with FfE. Until then, existing MLP arrangements will be used as the basis for issuing Notices to Improve.

Following the issue of a Notice to Improve, we expect most providers will take the necessary action to improve their performance and return to delivering at the required standards. However, failure to improve within the time limits prescribed will result in the Skills Funding Agency enacting its Intervention Policy. This policy is expected to mirror the current LSC policy and (as now) may result in the Skills Funding Agency ceasing to fund inadequate provision. It is important to note that a college or training provider who is known to have performance issues may not be meeting the criteria set to remain on the ACTOR. As such, they may be removed from the ACTOR and will not be eligible to be commissioned for future Government funded learning places.

Case Conferencing

Where providers have contracts from a number of different agencies; and where LAs, the YPLA or the National Apprenticeships Service have concerns about a provider's performance, this will be raised with the Skills Funding Agency Account Manager. They may choose to call a formal case conference to agree and monitor a plan for recovery, or to agree how to minimise the impact of funding withdrawal on the providers overall stability. Details on case conferencing are currently being developed.

Support and Improvement

The post-16 Learning Sector has responsibility for its own development and improvement. However where a provider is required to undertake a programme of planned improvement (as the result of an Ofsted inspection, or failure to meet MLPs.) then support will continue to be available from the Learning and Skills Improvement Service (LSIS). As now, providers will be free to choose to use their own funds to purchase support from other organisations, or to secure additional support from the LSIS.

Next Steps

This document has only provided you with an overview of the new Quality Assurance System. There is still some way to go before we finalise the details of all of the elements and processes which come together within it. We are developing the detail through a stakeholder group that has representation from all of our main partners, as well as colleagues from representative organisations including the Association of Learning Providers (ALP), Association of Colleges (AoC), the Sixth Form Colleges Forum, the 157 Group, and the Association of School and College Leaders (ASCL).

The Quality Assurance System will be published in April 2010. We plan to use the FE and Skills e-newsletter to provide further updates on the Quality Assurance System.

If you have comments you would like to feed in please contact your representative organisation or you can contact policy officials in BIS by sending an email to: qasmalbox@bis.gsi.gov.uk

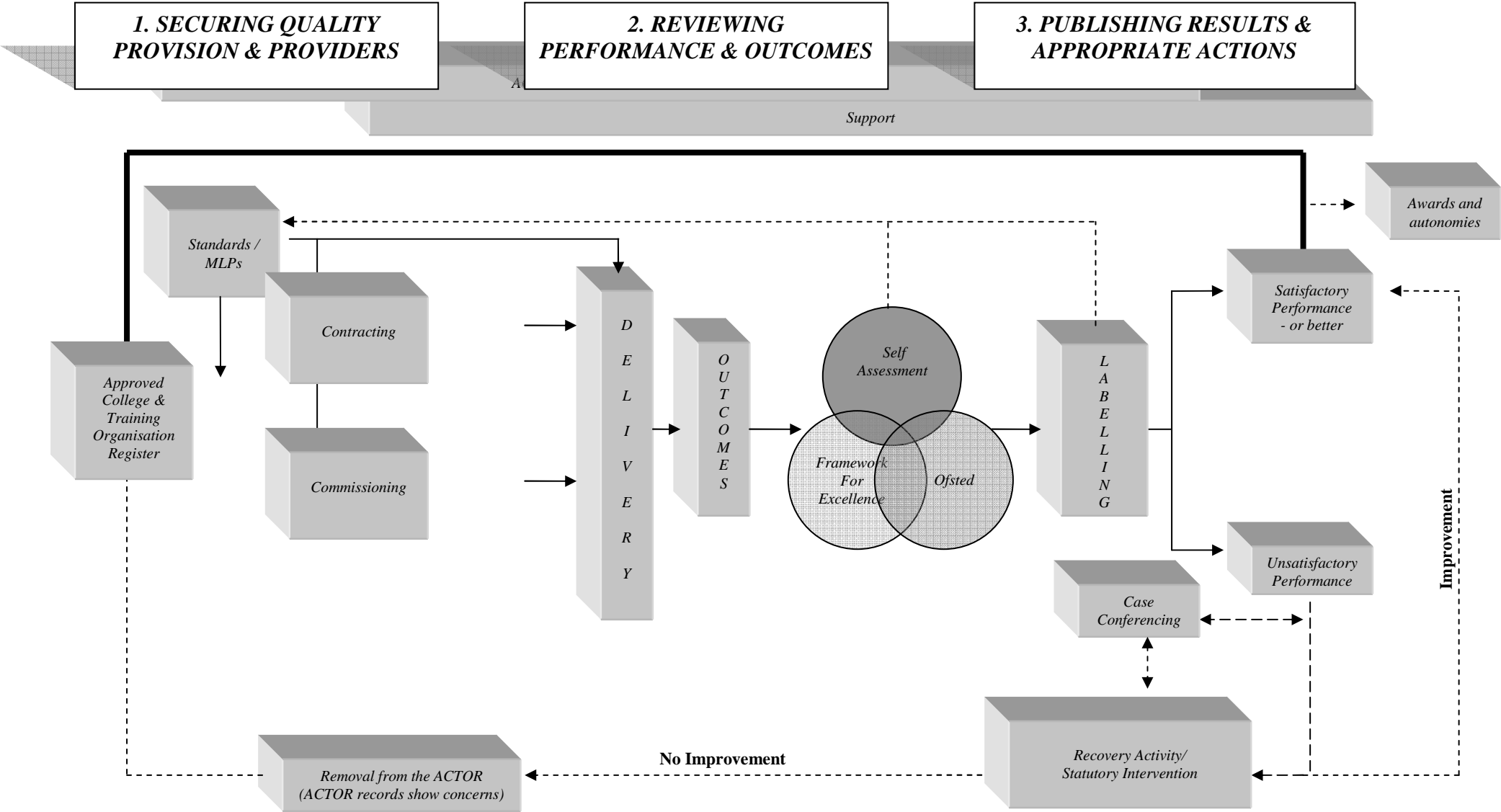
SO WHO DOES WHAT IN THE FUTURE AND WHAT DOES FITTING TOGETHER LOOK LIKE?

The table below summarises the roles and responsibilities of the funding, monitoring and support bodies, and Ofsted.

Skills Funding Agency	National Apprenticeship Service	Local Authorities	Learning and Skills Improvement Service	Ofsted	FE Data Service	Association of Learning Providers
Funding Decisions and Planning Provision	Planning and funding Apprenticeships training provision	Commissioning Provision	Support for providers with performance issues	Inspection in line with revised CIF	Self-Assessment Collection	Membership of the Quality Assurance Framework Stakeholder Forum representing the views of their members and providers in general.
Identifying and managing underperformance and intervention	Use data from FfE, Ofsted inspections and college self-assessments to ensure that Apprenticeship provision is delivered to a high standard	Raising performance Issues with SFA Account Manager OR Identifying and managing underperformance and intervention (if no contract with SFA).	Improvement Activity	Surveys and thematic reports	Data collection	

QUALITY ASSURANCE SYSTEM

How it fits together



Quality Assurance System

Glossary

Approved College and Training Supplier Register (ACTOR) - Used for commissioning. It replaces the Learning and Skills Council's Qualified Provider Framework. To be approved, providers will need to satisfy pre-determined criteria which demonstrate capacity and capability to deliver quality levels according to Framework for Excellence (FfE) standards. The ACTOR will become fully operational by August 2010

Commissioning - a process by which education and training services are secured to deliver government funded provision

Common Inspection Framework (CIF) - based on the common evaluation schedule which informs all of Ofsted's inspections. It sets out the judgments inspectors will make during inspection. The revised CIF was published on 23 July 2009 and has been used as the basis for inspections from September 2009. The revised CIF is available on the Ofsted website at:
[http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Common-inspection-framework-for-further-education-and-skills-2009/\(language\)/eng-GB](http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Common-inspection-framework-for-further-education-and-skills-2009/(language)/eng-GB)

Earned Autonomy - *Skills for growth* set out a commitment to simplify the funding system so that all except new or poorly performing colleges and training institutions will have discretion to manage their resources more flexibly within their separate employer responsive and learner responsive budgets to meet national and regional priorities in the context of local needs. Colleges and training institutions rated 'outstanding' on the basis of a selection of Framework for Excellence indicators will be given further enhanced freedoms across their budgets. Precise details of implementation will be developed over the next few months in consultation with stakeholders in time for the 2010/11 academic year.

FE Data Service - has been established as the custodian of the FE sector data architecture with responsibility for holding a comprehensive and holistic view of Post-16 FE sector data. It is responsible for driving improvements in the effectiveness and efficiency of the use of data within the Post-16 sector. Together with the information authority, the Data Service will have responsibility for bringing the use of data and information within the sector to best practice standards.

Framework for Excellence (FfE) - provides an accurate, independent picture of performance, validated and supported by published data. FfE will apply to all FE colleges and independent learning providers and will be operational across the whole post-16 sector from September 2010. It is at the centre of the new Quality Assurance System, detailed guidance on FfE can be found at:
<http://www.ffe.lsc.gov.uk/>

Identifying and Managing Underperformance (IMUP) - provides guidance on the operation of minimum levels of performance and Notices to Improve. The guidance for 2010/11 is currently being revised. There will be further guidance issued by Skills Funding Agency once it is in place. Guidance can be found at: http://readingroom.lsc.gov.uk/lsc/National/nat-identifyingmanaginunderperformance_yr3_pt1-dec08.pdf

Intervention Policy - sets out in detail what colleges can expect in the event that all efforts to address underperformance have failed and LSC/SFA and the college cannot agree a way forward. The Statutory Intervention Policy will be revised when the powers transfer from LSC to the Chief Executive of the Skills Funding Agency.

Labelling - Following recommendations from UKCES, the 2008 FE Skills Strategy ('Skills for Growth') commits to the introduction of a 'labelling' system for the rating and public presentation of Framework for Excellence (FfE) scores. This presentation approach would be designed to draw on FfE data and provide public information on the quality of all providers and provision in the post-16 further education sector. Supplementing 'labelling' will be a balanced scorecard showing providers' wider achievements. The balanced scorecard would cover a broader range of information than is currently contained within FfE.

Learning and Skills Improvement Service (LSIS) - is the sector-owned body that aims to accelerate the drive for excellence in the learning and skills sector, building the sector's own capacity to design, commission and deliver improvement and strategic change. Specific, tailored support is available to failing providers through the LSIS Improvement Adviser Service.

Minimum Levels of Performance (MLPs) - represent the absolute minimum success rate performance. Meeting the levels will not be enough to guarantee continued funding. MLPs are published annually in 'Identifying and Managing Underperformance'.

National Apprenticeship Service – (NAS) - has end to end responsibility for Apprenticeships in England. It has been designed to increase the number of Apprenticeship opportunities and provide a dedicated, responsive service for both employers and learners.

National Commissioning Framework (NCF) - will set out the core systems for planning, commissioning, procuring and funding for the education and training for 16-19 year olds, young people up to age 25, where a learning difficulty assessment is in place, and young offenders in youth custody. The final version will be published by the Young People's Learning Agency (YPLA) in April 2010.

Notices to Improve (NTIs) - a vehicle for driving up performance. Issued to colleges identified as underperforming. NTIs outline the conditions that a college must adhere to in order to secure continued funding in its current configuration, and with its existing provision.

Office for Standards in Education, Children's Services and Skills (Ofsted) - inspects and regulates institutions in England providing education

to learners of all ages and providers of care for children and young people. As part of its remit, Ofsted is responsible for inspecting and reporting on the quality of post-16 learning funded by LSC/ Skills Funding Agency.

Self-Assessment - supports the provider's own work on quality improvement and is used to measure progress against its own mission and goals. Guidance can be found at: [http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Common-inspection-framework-for-further-education-and-skills-2009/\(language\)/eng-GB](http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Common-inspection-framework-for-further-education-and-skills-2009/(language)/eng-GB)

Skills Funding Agency (SFA) - will be ultimately responsible for the allocation of funding to all post 19 educational institutions and employers, but not universities.

Skills Funding Agency: Account Manager - is a single point of contact for each provider for all their contracts across all programmes. It will encompass the negotiation and allocation of funding, performance management, monitoring and review, and risk assessment and will incorporate provider specific initiatives such as capital projects. The details of this role and guidance are currently being developed.

Young People's Learning Agency (YPLA) - From 2010 local authorities (LAs) will have responsibility for commissioning and funding all education and training for young people up to the age of 19. The YPLA is new slim-line non-departmental public body that will support and enable LAs to carry out their new duties.