



# Effective Governance: Case Study

## Setting up a Board: Adult Community Learning Services

### Summary

This case study shows how a National Leader of Governance (NLG) can support an Adult Community Learning Service in setting up a governance system that works within a local authority setting and accountability arrangements.

### Ofsted Guidance

Adult and Community Learning (ACL) providers have a good quality record but some recent Ofsted grading has been compromised by the governance assessment. There is concern that Ofsted are critical of some governance structures in ACL because the structures are complex and different in each locality and ACL providers were not particularly adept at describing and articulating the effectiveness of the structures they have in place. Ofsted have also highlighted that the effectiveness of some governance arrangements is not very evident, even though they are not necessarily having a negative effect on the quality of provision.

This assignment was principally concerned with setting up a governance board capable of setting direction and undertaking the independent challenge role that Ofsted wishes to see.

### Issue to be resolved

The ACL service had requested guidance and advice on how to set up a board and how to select the most appropriate chair. There was a secondary issue in how it would fulfil the council's scrutiny role.

### Context

The models for governance for ACL providers are varied. There is no legislative requirement for local authority providers of community learning and skills to have a governing body as is the case for general FE colleges. Some Ofsted ACL inspection reports refer to 'governance' in general and a few refer more specifically to advisory boards, or where available, community learning trusts. Most of the other reports which were reviewed made reference to an elected member and/or senior officers.

However, Inspectors asked whether governors or those in a similar role:

- know the provider and understand its strengths and weaknesses.

- support and strengthen the provider's leadership and contribute to shaping its strategic direction.
- provide challenge and hold senior leaders and managers to account for improving the quality of learning and the effectiveness of performance management systems.

The other issue here is that leadership and management of this type of provision is typically in the directorate within the local authority that has responsibility for it. Restructuring within the local authority often means a change of management for the community and skills provision, as noted in a few of the reports. The range of directorates that currently hold responsibility for this provision includes directorates for: economy and skills; children and younger adults; environment and neighbourhood services; regeneration; adults and health; community and housing. Again, there are no clear trends relating to the quality of provision and the type of directorate that manages it.

The ACL service in question for this assignment is part of a local authority and the local authority are the accounting officer and ESFA registered provider. It is a medium sized ACL service and had been given an Ofsted 3 at its last inspection, mainly related to governance. It has suffered from being located in three different directorates in the past three years.

## **Methodology**

The NLG requested a range of documentation for review in advance of the visit including: scrutiny arrangements, council committee papers where decisions about the service were made, and information about any other council services which have their own boards.

The NLG also reviewed Ofsted reports and other ETF papers which described good practice in this sector.

The NLG identified three main areas to prioritise:

1. Did the council want to give a role to an independent board and, if it did, would it listen to their advice?
2. Council scrutiny processes.
3. Setting up the board.

The NLG then made a day long visit to the local authority, which included discussion with senior officers of council, the head of service and council lead.

The NLG produced a final report which set out the purpose of the visit, the findings and detailed recommendations for the provider to take forward which addressed the issues.

## Findings and actions

### Key findings

The NLG worked with the head of service to identify key aspects of what makes good governance (see Annex 1).

They discussed what the service needed by way of its form of governance. Was it just for scrutiny or, was it advocacy and promotion and/or advice about what the locality needed. They reviewed the different governance options available including:-

- Standalone board with delegated responsibility.
- Advisory board – that advised the council and involved annual reporting to the lead councillor.
- Strengthening the scrutiny arrangements that were in place in the council by enlarging the management meeting (set up since the Inspection) to review performance and to cover local need.

The NLG worked with the head of service to produce a report to go first to the lead officers group, and then council members, proposing that an advisory board be set up which included the lead council member as the chair. The head of service had already taken a sounding on whether this approach would be welcomed.

This was also to be accompanied by clear guidance on the role of the advisory board and how performance data would be provided the council scrutiny committee.

### Recommendations

The NLG worked with the head of service to determine the best approach and supported the preparation of the documentation but, it was the head of service who took forward the action.

### Results

The council agreed the head of service's recommendations which resulted in:-

- An advisory board was set up with a remit that covers all the identified good practice in Annex 1.
- It is intended that the advisory board's performance papers go to the council's scrutiny board and the lead officers have set up a rigorous performance system so that trends are recognised early. The head of service now feels she is being fully supported when change is necessary.

### Conclusions and Next Steps

When Ofsted returned they saw a marked difference in governance which led to an Ofsted 2.

### Adult and Community Learning

The key components of good governance are:

#### Strategic Direction

- A clear vision by council officers and elected leaders for the future of the adult service, providing strong advocates of adult education in their area.
- Effective strategic direction for the service provided by council leaders, the executive member for education and skills, and the community advisory group to ensure that the provision meets local priorities for community improvement and regeneration.
- Continued links between the council's strategic priorities and the planning of the curriculum supported effectively by the elected council members to ensure that local and national priorities are met.

#### Accountability and Scrutiny

- In whatever type of arrangement, accountability and challenge roles are clearly articulated and those involved understand their responsibilities.
- Reporting arrangements are thorough and all those involved value the resulting discussions on how the service can improve further.
- In a LA arrangement, elected members and senior officers need to provide a very good level of well-informed and intelligent challenge regarding the quality, success and continued financial viability of the provision.

#### Teaching and learning and the student experience

- The cabinet and the elected members need to have a good understanding of the range and quality of the borough's adult and community provision and how it contributes to council priorities. They need to take a keen interest in ensuring that all learners receive an outstanding experience and, as a result, can make a more positive contribution to the local area.
- Governors/advisory boards/cabinet members need to provide rigorous scrutiny of the self-assessment report and the accompanying action plans including regular in-depth monitoring of the performance of the provision by elected members and senior officers, including attendance and the number of learners who successfully complete their courses.

#### Management of the service

- Members of boards and/or elected members need to develop realistically high expectations for the managers of the service based on good knowledge of all aspects of the provision.
- Regular reporting to the advisory board /cabinet committee on funding and whether funding targets are met to enable it to have effective oversight of the service's finances.

- Effective support and challenge to the head of service by senior council officers and elected leaders to maintain the focus on quality and to drive rapid improvements.
- Decisive action by governors along with managers to cease or reallocate the provision when subcontractors consistently underperform and fail to make improvements.