



Department
for Education

**EDUCATION & TRAINING
FOUNDATION**



THE CHALLENGES AROUND COLLEGE MERGERS AND LEADING SEND PROVISION

PAPER NINE

The challenges around college mergers and leading SEND provision

SUMMARY OF CHALLENGES AND REFLECTIONS

The following themes have emerged from the experiences and reflections of managers in relation to their inclusive provision.

An overwhelming response from all of those interviewed was the importance of early planning and recognising that, as with all organisational change, buy in and acceptance from staff often takes longer than anticipated.

The following themes were identified by senior leaders in the case studies that follow as of particular importance for early consideration, so that provision for students could be disrupted least, and where possible, improved.

1

Leading and managing staff.

Differences between organisations in relation to the remuneration and expectations of their support staff take time to resolve. Their resolution may be very important for students who thrive best with continuity of support, either in relation to their academic progress, or in terms of the development of resilience. These challenges may be compounded when specialist staff leave the organisation.

2

Liaison with LAs

Any increase in the number of LAs who commission high needs provision can mean a significant increase in the time needed to agree ways of working, identify named contacts, come to terms with a

range of formats for EHC plans and agree review procedures. Such liaison is particularly important to allow for the planning of support required, particularly specialist support.

3

Profiling provision and scoping new opportunities

Profiling provision in the area and identifying the possible increased inclusive opportunities for students is best started early, to take account of relative specialisms between organisations; logistical issues such as distance and transport costs, as well as any gaps in the Local Offer. Current students need to be able to complete their courses and progress in line with the expectations on any EHC plan.

4

Working with key stakeholders

Time to work with key stakeholders affected by the changes is essential. In particular, parents / carers need to be informed as early as possible of any changes, so that they can make any necessary changes to the practical arrangements and/or expectations about the provision, or consider new opportunities. Head teachers and SENCOs in local feeder schools also need to be advised early of any changes to the arrangements and provision. Employers need to be alerted to any changes in relation to arrangements for work experience, such as supported internships.

5

Alignment of MIS systems

MIS arrangements in relation to topics such as ILR and recording of progress, are likely to be different for each organisation, and need aligning if managers are to be able to evaluate the quality of provision. Particular consideration may be needed in relation to progress recording and reviews where students on discrete courses are not following accredited provision.

6

Alignment of support for students on mainstream courses

The organisations are likely to have different arrangements for adjustments / support for students on mainstream courses, with or without EHC plans. These may take time to align so that specialist staff buy in to any proposed changes and, wherever possible can provide the continuity of support where it is important for students. This is likely to include students with autism or those receiving augmented communication support wherever they are studying.

7

Updating Governing Bodies

Governors have specific responsibilities in relation to the Children and Families Act 2014 and should be kept informed and agree any changes in arrangement or policies such as safeguarding and Prevent.

BACKGROUND TO MERGERS

Further Education: Post-16 Area Reviews: Commons Briefing papers CBP-7357

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'In a written ministerial statement on 20 July 2015, the Skills Minister, Nick Boles, announced plans for "a restructuring of the post-16 education and training sector, through a series of area based reviews of provision." The Government expects that a phased series of 37 reviews, covering all further education (FE) and sixth form colleges in England, will take place in five waves over an eighteen-month period, with recommendations from reviews in the final phase being agreed by March 2017. The Government expects the area reviews to "enable a transition towards fewer, larger, more resilient and efficient providers, and more effective collaboration across institution types."

Progress and outcomes

In written evidence to the Education Committee in September 2016, the DfE stated that the reviews in waves 1 and 2 had agreed "a broad range of recommendations" covering collaboration between colleges; the academisation of sixth-form colleges, rationalisation of curriculum; and restructuring and mergers between colleges. In October 2016, the FE Commissioner, Sir David Collins, stated that he expected between 50 and 80 mergers in total from the area review process. He additionally stated that he expected "maybe just over half, maybe two-thirds" of sixth form colleges to go into the academisation programme.

Issues

There have been some concerns raised about the area review process, including that some post-16 institutions, including school sixth forms, 16-19 free schools and University Technical Colleges, are not included in the reviews. In response, the Government has stated that such institutions can opt-in to the reviews if they wish and that Regional Schools Commissioners will identify any issues with such provision as part of the review process. Questions have also been raised about the impact of a high number of college mergers, including on students in rural locations who may have to travel further to study. On the other hand, some stakeholders have expressed concerns regarding a perceived lack of change resulting from the area review process.'

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Review Reports and SEND.

The Area Review Reports have included very little about SEND provision or about the inclusion of students from disadvantaged backgrounds, such as Looked After Children. The earliest Reports made scant reference to students with SEND or high needs, beyond scoping numbers and stating that these students should not be disadvantaged by structural changes such as mergers. More recent Reviews have included a few specific reference to gaps in the Local Offer, particularly for students with autism, but key recommendations in respect of inclusion are rare.

At the same time as the Area Reviews, Ofsted and the Care Quality Commission have been carrying out

reviews of SEND provision, looking in particular at the impact of the SEND reforms on provision from early years upwards. The Review Letters acknowledge that implementation of reforms is highly variable; they make little reference to FE Sector provision. The two main aspects that are mentioned post 16 are provision at Level 3, where students usually achieve well, and supported internships which are often successful in enabling students to access the workplace. Little about the Local Offer is included to act as a guide to senior leaders when mapping and evaluating the quality of provision in the event of merger.

This paper focuses on case studies involving mergers, in order to explore some of the challenges and opportunities in relation to inclusion. These mergers took place before their respective Area Reviews, and during the relatively early stages of implementation of the SEND reforms.

1

NORTH WARWICKSHIRE AND HINCKLEY COLLEGE and SOUTH LEICESTER COLLEGE

North Warwickshire and Hinckley College and South Leicester College are 18 miles apart, in different Local Authorities. Both colleges had been graded good at their previous inspection and, for two years prior to merger, the colleges had been in a federation, with a single Principalship and senior management team, working across both sites. In the year before formal merger the senior leader for SEND began to work across both colleges. The two colleges merged by 1 August 2016.

The governors were involved both at the technical level to agree the legal arrangements, and also with the Project Group which had responsibility for the operational arrangements, including SEND. South Leicestershire College agreed to be dissolved, but both colleges kept their own names, identity, logo and brands, and continued to work with the same local catchment and schools. Both colleges had a similar quality of discrete provision, but the cohorts and the specialisms developed were different. Both colleges had significant numbers of supported students on mainstream courses, and both offered qualification-based provision on their discrete courses.

The key operational challenges for inclusive provision.

- Remuneration rates for staff in the two colleges were different, and staff from the dissolved college were TUPE'd across to the new organisation.
- The two colleges had different staffing structures for support staff. One site had promoted posts for senior support staff.
- The colleges had different job titles for support staff: Teaching Assistants in one college and Learning Coaches in the other, reflecting very different approaches to the role.
- The Local Authorities costed SEND provision differently, as did each college. Arrangements for development and review of EHC plans were also different. These all had to be aligned as the High Needs allocations became the responsibility

of Warwickshire Local Authority. Channels of communication between the different LAs and the two colleges varied significantly, and lines of responsibility had to be agreed.

- Agreement had to be reached about which members of staff should be expected to travel across the two college sites, in order to encourage greater consistency of SEND provision.
- The MIS for tracking and monitoring of progress had been agreed and the system was operational on the first day. However, the staff in each college recorded the detail of progress for SEND provision differently, which meant that managers did not have consistent data.
- Safeguarding arrangements in the two colleges were different, and needed to be consistent, particularly, for example, in identifying named senior contacts, incident recording, making referrals, and in providing reports to the Executive and Governors.

COMMENTS and REFLECTIONS FROM SENIOR LEADERS

- The imperative to complete the merger within a short time scale meant that the main focus was on agreeing and implementing the technical and legal arrangements. It would have helped to prioritise key areas relating to SEND early on, and to identify what would be needed before the legal process was completed.
- It was important for the merger Project Group to keep governors

informed of progress and challenges in relation to inclusion during the change processes, and to make sure that any changes to key policies affecting inclusion, such as the arrangements and contact names for safeguarding, were agreed at governor level and implemented swiftly across both colleges.

- Changes to working practices took time to enable 'buy in' from teaching and support staff, and were often not possible to implement fully in a year, particularly as there was significant staff turbulence.
- Changes to the approach to the curriculum in response to the FE Code of Practice were delayed, as structural issues dominated. Staff are now refocusing the programmes to focus on adult pathways.
- A positive consequence of the merger is that the specialism in autism, that had been developed in one college, is now being replicated in the other, expanding opportunities locally in an area of increasing demand. Transport costs for students would make prohibitive daily travelling from one college area to the other.
- The provision in the two colleges is becoming better aligned, as teachers travel between campuses, so that better use is made of their specialism. Support staff remain in the same centre.
- It's important to recognise that any changes to support arrangements and structures affect students receiving additional support across the college, not just those studying in discrete provision. Continuity

of support is very important for some students, particularly those made highly anxious by unexpected change.

- Involving the LAs at an early stage is essential so that the agreement about funding and arrangements for EHC plans can be aligned early. Developing strong channels of communication, with named officials and clear expectations, was crucial in responding to changing, and increasing, cohorts of students in need of support.

2

2 CITY OF BATH COLLEGE AND NORTON RADSTOCK COLLEGE

Following the Norton Radstock College Ofsted inspection report in 2014, in which the college was found inadequate, options about possible mergers took place locally, including a possible multi-school academy. The FE Commissioner agreed that the Norton Radstock College should merge with City of Bath College which had been graded good by Ofsted in 2013. Both colleges were in the same Local Authority area, which comprised four unitary authorities, although all received applications for placements for students with high needs from other LAs. Norton Radstock was located in a largely rural area, and Bath College in the centre of the City. Norton Radstock was significantly smaller than City of Bath College. The colleges are 15 miles apart.

The merger was completed quickly, finally becoming one legal entity in April 2015, known as Bath College,

with one brand and logo. The Norton Radstock campus became known as Somer Valley campus, reflecting the rural nature the site. Both colleges supported a significant numbers of students with high needs on mainstream courses, and City of Bath College offered discrete programmes.

A Merger Project Team was immediately established, with functional sub-groupings in relation to the key functional changes such as Human Resources, the legal issues, and due diligence in relation to financial matters such as long-term leasing, debts and assets. The team met weekly, and had very clear milestones. The Norton Radstock governing body was dissolved at the date of the merger. One senior leader at Norton Radstock continued in post.

The key operational challenges for SEND provision

- Infrastructure systems, such as data integration, networks, phone systems, and ILRs were different in each college, and needed reconciling swiftly.
- Marketing and PR staff needed to work with local stakeholders, such as school head teachers and employers, to explain what would happen as a result of the merger in relation to SEND provision. This was particularly important for work experience activity and for maintaining contact with potential new students who were at school.
- HR considerations, such as TUPE arrangements and pay scales, needed agreement, as each

college had different remuneration arrangements, and different staffing structures for their SEND provision.

- The appointing of restructured posts, including the new senior manager for SEND, had to be carried out swiftly so that decisions could be made in time for the new academic year.
- When members of staff with responsibility for aspects of SEND, left the college, it was not always possible to locate key documents, which was particularly problematic, particularly if the documents were related to EHC plans or offers of places.
- Cultural differences between the two colleges meant that some of their policies and expectations of students, such as attendance, on the two sites were different. Managers had to make sure parents/carers of students with High Needs were aware of the new arrangements and expectations.
- Care was taken to ensure continuity of courses and support arrangements for supported students, with or without EHC plans, so that they could continue the academic year without major changes, and progress to further study where appropriate. This was particularly important for students where the quality of relationship was significant, or where very specialist support was required.
- The arrangements for reviewing and monitoring of progress, and for quality arrangements such as course reviews and SAR development, needed to be aligned, in order to evaluate the quality of SEND

provision and inclusive support across the whole college.

- The different LAs had very different channels of communication and arrangements in relation to EHC plans and annual reviews of progress.

COMMENTS and REFLECTIONS FROM SENIOR LEADERS

- The imperative to complete the merger within a short time scale, and to secure the financial robustness of the new College, meant that the main focus had to be on reaching agreement and implementing the technical and legal arrangements, rather than broader curriculum issues.
- With hindsight, at the time of the merger, more time could have been given to profiling SEND provision locally to explore ways of enhancing or extending the new college's reach in the local community.
- It has taken time to make sure that the arrangements for SEND provision are aligned, and that the curriculum is responsive to the SEND reforms and the freedoms that organisations now have to tailor their provision to the needs and aspirations of students.
- The infrastructure arrangements had been successful in enabling the merged college to function, but the decision to implement a new financial system at the same time as trying to align systems, meant that parallel systems had to operate for too long.
- When staff members leave, it is important to make sure that documentation is held centrally so that it is readily accessible.

This particularly important for communication with LAs over EHC plans and new referrals in mainstream provision.

- The length of time it takes to liaise effectively with different LAs should not be underestimated.
- Changing cultures takes a long time, particularly where the changes are both cultural and practical. It's important that the well-being of students is considered during this process of change, particularly in relation to the quality of support they receive.

REFLECTIONS

Many of the challenges identified have implications for a range of partnership arrangements, not only full mergers.

- Do any of these challenges and reflections have implications for your organisation currently?
- If your organisation is currently involved in merger discussions, which of the challenges and reflections might you find helpful?

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Bath College

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