

Committee Overview and Scrutiny	Date 5th January 2010	Classification Unrestricted	Report No.	Agenda Item No.
Report of: Assistant Chief Executive Originating Officer(s): Ashraf Ali Scrutiny Policy Officer		Title: Scrutiny Challenge Session – English for Speakers of Other Languages (ESOL) Ward(s) affected: All		

1. Summary

- 1.1 This report updates the Overview and Scrutiny Committee on the outcome of the Scrutiny Challenge Session on ESOL provision in the borough with a focus on considering the impact of reduction of services at Tower Hamlets College primarily on the availability of ESOL courses in community based locations.

2. Recommendation

- 2.1 The Overview and Scrutiny Committee is asked to note and agree the outcome of the Scrutiny Challenge Session.

Background papers

N/A

Name and telephone number of and address where open to inspection

Ashraf Ali

**LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)
LIST OF “BACKGROUND PAPERS” USED IN THE PREPARATION OF THIS REPORT**

3. Introduction

- 3.1 Tower Hamlets is one of the most ethnically diverse areas in the country. About half of the total population are from black and minority ethnic communities and there are many new communities moving into the borough which will contribute to a changing community profile over the next ten years.
- 3.2 We know that education is the best way to break the cycle of poverty and give people a step-up into employment. A key priority for the Tower Hamlets Community Plan is to ensure that local people have access to lifelong learning opportunities and this includes making high quality ESOL provision available to those wanting to improve their English skills.
- 3.3 One of the main providers in the borough is Tower Hamlets College with ESOL provision forming 43% of its adult places in the current academic year. In June the College outlined plans to reduce student places for ESOL from 3000 to 2300 to save £1.75 million this year. This is in response to their financial and educational challenges including an adjustment to their curriculum offer in response to major funding and policy changes for further education and a reduction in student numbers and funding from the Learning and Skills Council.
- 3.4 This report provides a summary of the scrutiny challenge session held to consider ESOL provision in the borough with a focus on Tower Hamlets College. This session provided Members with an opportunity to learn more about the impact of the reduction in ESOL places on local residents.
- 3.5 The session was attended by Council Officers from the Children's, Schools and Families Directorate, staff and students from Tower Hamlets College, representatives from the University and College Union (UCU) and 11 Councillors including Cllr Bill Turner who chaired the meeting and Councillor Abdul Asad, Lead Member, Children's, Schools and Families.

4. Purpose

- 4.1 Challenge sessions are designed as a quick way for a group of members to get to grips with key policy issues and provide a robust check on local policies and services. The purpose of this scrutiny challenge session was to:
- Understand the national, regional and local policy on ESOL provision
 - Provide a platform to learn more about the impact of cuts to ESOL services in Tower Hamlets College
 - Consider the future provision of ESOL services available to local residents
- 4.2 Members received presentations and written submissions during the course of the session, as outlined below:
- National and Local Drivers (Written submission by the Learning Skills Council (LSC))
 - Tower Hamlets College Position Paper (Written submission by Michael Farley, Principal Tower Hamlets College)

- A local perspective (John Budis, ESOL Lecturer, Tower Hamlets College)
- The future of ESOL provision in Tower Hamlets (Fiona Paterson, Head of Lifelong Learning Service)

5. Background

- 5.1 Skills for Life courses which were more often known as Basic Skills have been taught nationally for many years. The traditional target group was predominantly adults, educated in the UK, who had either missed long periods of schooling or who had not achieved basic English and Maths during their time in school.
- 5.2 During the 1980s and 1990s, provision for ESOL became more widely available, as the flow of refugees and asylum seekers into the UK increased. After 1999, the Government made Skills for Life (including ESOL), a priority. Most demand has been from refugees and asylum seekers keen to improve their literacy and numeracy as well as their English Language skills and fluency. The rate of immigration and the demand for ESOL has out-stripped all the 1999 forecasts.
- 5.3 In October 2006, the Government announced a number of changes to further education funding arrangements that would have an impact in particular on the provision of courses in ESOL. The two changes were set out in the LSC's annual statement of priorities *Raising Our Game*. They were:
- The withdrawal of automatic fee remission from adult ESOL courses
 - The withdrawal of eligibility from adult asylum seekers to access all publicly funded further education

5.4 Rationale for proposed changes to ESOL

ESOL is delivered as part of the Skills for Life Strategy and mainly funded as part of the LSC's Adult Learner Responsive budget. The LSC published *Priorities for Success* in 2005, which set out the need to 'focus public investment in adult learning on increasing participation and achievement in areas of highest economic growth and social priority'. Due to the significant growth in spending on ESOL, *Priorities for Success* led to a review of arrangements for support for ESOL and to the changes announced in October 2006 by the Government.

5.5 Drivers for change

There were two key drivers for the change to funding arrangements for ESOL:

- Managing the unsustainable growth in demand for provision and checking the impact that growth in demand for ESOL could have had on the delivery of other adult learning priorities
- Reprioritising ESOL funding towards those learners who most needed public help and support to enable them to integrate and become economic contributors in the UK

In practice, the new rules introduced in 2007 meant that in some parts of the country enrolments fell substantially but this was not the case in Tower Hamlets although a fee waiver at entry level 1 and 2 helped to maintain numbers.

- 5.6 In June 2009, Tower Hamlets College announced that it needed to make savings of £1.75 million for the academic year 2009/10. Part of the overall cost saving package included reductions from 3000 to 2300 student places for ESOL courses and the rationalisation of provision within the community, withdrawing from 11 outreach centres in the borough.

6. National and Local Drivers

- 6.1 At the meeting members were made aware of national and local drivers and considered a written paper submitted by the LSC.
- 6.2 The paper outlined how ESOL is a key national government priority and that in 2006, 600,000 people of working age were estimated to have varying levels of ESOL need in London. Roughly a quarter of this figure accessed publicly funded provision but the numbers of people taking up provision has steadily increased. In 2004/05, around 111,000 people took up LSC provision, rising to over 127,500 in 2005/06. The Government, through the LSC, managed a reduction in take up by targeting funding on provision that met the Public Service Agreement (PSA) targets at level 2 and level 3 as well as cutting free provision.
- 6.3 The key providers of ESOL and basic skills provision in the borough are Tower Hamlets College and the Lifelong Learning Service. There are also several third sector providers and provision, commissioned by the Department of Work and Pensions (DWP) targeted at parents in workless households. It is expected that ESOL and Skills for Life provision will form 43% of all adult places in Tower Hamlets College from 2009/10.
- 6.4 A discussion was held on the demand for ESOL provision locally. Dan Trubman from the UCU outlined that in Tower Hamlets the demand for provision at pre entry, entry level 1 and entry level 2 remains high. In particular there remains a very strong demand for entry level 1 provision for new readers and writers. Demand significantly outstrips supply for ESOL at lower levels. He also informed members that in May 2009 the Department for Innovation, Universities and Skills (DIUS) launched a 'New Approach' to ESOL which tasked the local authority to take the lead with ESOL providers and partners to identify groups/individuals who should be identified as priority learners. There is no new money but in drafting a plan, the expectation is that all sources of funding and services will be considered to support the learners.
- 6.6 The LSC paper argued that this new approach provides the opportunity for a locally led approach to aligning all ESOL funding and targeting those with the highest perceived need for language training and support.
- 6.7 In response to a question regarding whether an equality impact assessment (EqIA) was undertaken when removing automatic fee remission Dan Trubman stated that in meeting responsibilities under the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000), the Department for Education and Skills

working jointly with the LSC carried out a full race equality impact assessment on the changes.

- 6.8 Members were informed of the subsequent effect of removing automatic fee remission for ESOL. Since August 2007, free tuition is only available for certain priority groups. These include people who are unemployed or receiving income based benefits and asylum seekers whose applications are still pending after 6 months or who are unable to leave the UK for reasons beyond their control.
- 6.9 John Budis, a Lecturer at Tower Hamlets College, also argued that it had an adverse effect on those it was supposedly intended to help. Anyone who is in paid work that earns an income that exceeds £20k has to pay full tuition, exam and registration fees. Reductions are available for those on lower incomes but they would still have to pay.
- 6.10 John Budis further added that he had seen a succession of ESOL students enrolling and then leaving when the demand for fees arises. These are typically long-term residents of the borough from Bangladeshi or Somali origin who have managed to secure an income of just above £20k and which very often supports an extended rather than nuclear family.
- 6.11 It was suggested that this is exactly the type of target group that the new approach to ESOL is aimed at, as very often it is women who are no longer able to access the classes they accessed for free in the past. Roberto Fotho, another ESOL Lecturer at the College, said that in 2003 the enrolment figure stood at 7000 but now the figure is 2300, corroborating claims made by John Budis and exemplifying the outcome of the “rationing” process.

7. Tower Hamlets College - position paper

- 7.1 Members spent time reflecting upon a college position paper submitted by Michael Farley, Principle of Tower Hamlets College. The paper stated that the College’s adult learner responsive funding allocation from the LSC for 2009/10 resulted in a funding cut of £333,000. Since 2007/08 the College has had a funding reduction of more than £1 million to its Adult Learner Responsive contracts. Furthermore, during 2007/08 the College received ESOL transitional support funding for one year to develop more work-focused provision at lower levels. This has meant a further reduction in income from the LSC in 2008/09 of £634,000 in real terms.
- 7.2 The reason being that the LSC significantly reduced the current volume of ‘developmental learning’ (qualification bearing courses but not a priority for public funding) student numbers and shift targets to higher levels. A number of important courses have been funded in the past through developmental learning, including entry level ESOL programmes. Within the current funding constraints, the LSC requirement for the College to deliver accredited and higher level ESOL courses have reduced student places available at entry level. Members expressed concerns about this reduction, arguing that it affected local students the most because many had needs at entry level.

- 7.3 Members were informed that after careful consideration of cost factors, health and safety and the suitability of each of the outreach centres, provision was withdrawn from 11. This amounts to a loss of over 22 courses with between 12 and 16 students per course or 250 student places. Students that typically enrolled on these courses are exactly those from settled communities but who need help to encourage and maintain English speaking to support integration that are highlighted as a priority group in the government's publication 'A new approach to ESOL' .
- 7.4 Furthermore, members were told in the presentation from the Tower Hamlets UCU delegation that cuts will isolate the most vulnerable, in particular women. It will also break up a strong partnership between the College and residents built by years of hard work. For some residents the option of attending ESOL classes organised by a private provider might mean an unsuitable teaching and learning environment with the added pressure of having to pay fees at a commercial rate. It was felt that some private providers had less than robust quality assurance systems and prioritised selling certificates rather than teaching.

8 The future of local ESOL provision

- 8.1 Members were informed that the Lifelong Learning Service currently provides ESOL at entry levels 1 and 2 and, in some instances, level 3. It currently funds approximately 24 courses reaching an average of 300 learners. All courses are accredited currently by English Speaking and Listening Board (ESB) and cover aspects of citizenship and living in the UK. Teaching staff are Skills for Life qualified and the service is subject to external regulation by Ofsted. Many support activities are undertaken in schools, this includes 18 courses a year targeted at parents allowing them to develop language skills as well as to understand and support their children's educational achievement.
- 8.2 Fiona Paterson, Head of the Lifelong Service, said that the new response to ESOL will be a challenge as there are fewer resources to meet residents' needs. Members sought clarification on how the Council can ensure quality and were informed that the Service is contractually required to recruit qualified teacher staff on the same basis as any other provider funded by the LSC.
- 8.3 The Council had also allocated £1.17 million of Working Neighbourhood Funds (WNF) to develop a programme of ESOL through a partnership project coordinated by the Lifelong Learning Service. Seven providers, including Tower Hamlets College, are offering classes at levels entry 1 to entry 3 between April 2009 and July 2010.
- 8.4 Cllr Abdul Asad, Lead Member for Children's Schools and Families, advised that the Cabinet would allocate a further £200k to minimise the impact on residents as a direct response to the reduction in lower level ESOL provision that the College is no longer able to provide. This money will be used for 14 entry level ESOL courses to meet demand at levels entry 1 – entry 3. These will support learners to gain the vital skills needed to function within society, gain employment and contribute to the economic prosperity of the Borough. The proposed courses will help to reduce the waiting list.

9 Recommendations

- 9.1 Members were specifically told that anyone attending an ESOL course that is in paid work with an income that exceeds £20k has to pay full tuition fees, exam and registration fees. Reductions are available but only for those on lesser incomes or where the funding stream, for example, WNF means that there is no cost to the participant. The closure of ESOL provision at community centres has placed pressure on residents to seek alternative providers including private colleges. There is a risk that some residents might go to a private college and be enrolled on a course without proper initial assessment, find the course unsuitable and have problems trying to obtain a refund. However, for many residents there is no option of paying a commercial tuition fee so the impact is around reduced available opportunity.
- 9.2 Members were also informed that there was a concern that some private colleges offered ESOL certificates in exchange for money. Council Officers said that private colleges are not subjected to the same inspection or monitoring as public and third sector providers. Members argued that the Council should take a more proactive role to scrutinise these colleges to ensure that they are not cheating residents out of money.

Recommendation 1– That the Trading Standards service investigate allegations of bogus issue of Skills for Life certificates and pursue prosecution or other sanction, and ESOL providers across the borough through External Partners Advisory Group (EPAG), are encouraged to report any instances of fraudulent ESOL qualifications to Trading Standards that come to their attention.

- 9.3 It was noted that ESOL and Skills for Life provision will form 43% of all adult places at Tower Hamlets College from 2009/10 and the majority of this provision will be delivered at entry level 1 and 2.
- 9.4 Members spoke of the need to have sufficient ESOL provision at entry level to meet the demand from local residents. This will empower residents to live independent lives. The meeting was informed that the Leader of the Council and the College had sent a joint letter to the Minister responsible Further Education (Kevin Brennan) but had not received a particularly encouraging response. A further briefing had been sent to the Mayor of London's Office highlighting the impact of the reduction of entry level ESOL places in the borough. To date there had been no direct response but ESOL has been included as the first priority in the *London Enriched* Strategy which has recently been published and the Mayor, through the London Skills and Employment Board (LSEB) wanted to direct resources to parts of the capital that have particular needs. Members argued that the key question is whether we are meeting the needs of the local community and those deemed hardest to reach when we have cut so many entry level courses and have a year-on-year waiting list that is expanding.
- 9.5 Members requested that the Council and the College, informed by the work on the New Approach to ESOL submit a further joint letter to the Secretary of State for Innovation, University and Skills challenging the cuts to entry level courses by

identifying the effect this will have on local residents. This is particularly pertinent for a borough like ours which has a high number of new residents coming to settle.

- 9.6 Members also made the point that given that most ESOL students access entry level courses, there should be a continued effort to find ways of making sure that this provision is protected and where possible increased. To this end, members recommended that the Council work with partners and other ESOL providers to try and keep existing entry level courses open and look for innovative ways of increasing this.

Recommendation 2—That a further joint letter from the Council and Tower Hamlets College and all interested stakeholders is submitted to Secretary of State for Innovation, Universities & Skills (DIUS) and the Mayor of London lobbying the government for further funding for entry -level ESOL provision and highlighting the need in Tower Hamlets.

Recommendation 3 – That the New Approach to ESOL plan prioritises entry level ESOL courses and includes action to identify further funding for entry level ESOL provision.

- 9.7 Members were also told that the closure to 11 ESOL courses in community centres would mean that many students were now in a position of having fewer venues to access courses. Members were informed that the EPAG is working to establish a coordinated approach to delivery amongst all the ESOL providers in the borough. Members welcomed this but argued that EPAG should make certain that those affected by closures to centres are aware of alternative providers.

Recommendation 4 – That EPAG ensures students displaced by the closure of the 11 ESOL courses in community centres are supported and redirected to other accredited providers that are able to meet their needs.

- 9.8 Members were also told that Jobcentre Plus commission ESOL courses for targeted groups and individuals in receipt of Job Seekers Allowance (JSA and other benefits). College staff argued that there were examples of students having to leave college courses to attend Job Centre Plus provision instead to ensure they kept their benefit entitlement. Members were keen to ensure that the quality of these courses is the same as that found at Tower Hamlets College. They recommended that Jobcentre Plus consider running courses jointly with the College, utilising the expert knowledge that staff at the college have.

Recommendation 5 – That Job Centre Plus is encouraged to participate fully in EPAG to share information about provision and exchange best practice so that the planning of ESOL provision and the standard of delivery meets the needs of local residents.

10. Conclusion

- 10.1 The Challenge Session was an opportunity for members to understand the impact of cuts to ESOL provision by Tower Hamlets College. The session enabled

members to ask key questions such as what the future of ESOL provision will be in light of these cuts and what actions the Council and its partners will take.

- 10.2 Members were clear that there is a the need for a more joined up approach to ESOL provision, which included working more closely with the EPAG and Tower Hamlets College to support the most vulnerable residents. They welcomed the opportunity to consider and review the impact of ESOL reductions and to explore new approaches to ensuring that the impact on residents is minimised.

11. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 11.1 This report updates the Overview and Scrutiny Committee on the outcome of the Scrutiny Challenge Session on ESOL provision in the Borough.
- 11.2 There are no specific financial implications emanating from this report but in the event that the Council agrees further action in response to this report's recommendations then officers will be obliged to seek the appropriate financial approval before further financial commitments are made.

12. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

- 12.1 The Council is required by section 21 of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council's Constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants and may make reports and recommendations to the Full Council or the Executive in connection with the discharge of any functions.
- 12.2 The Council is an enforcement authority under the Consumer Protection from Unfair Trading Regulations 2008 and has a duty to enforce those regulations. The subject conduct may be a misleading action or an unfair commercial practice within the meaning of those regulations.
- 12.3 The Council has power pursuant to sections 15A and 15B of the Education Act 1996 to secure the provision for Tower Hamlets of full-time or part-time education suitable to persons: (a) who are over compulsory school age who have not attained the age of 19 (16 – 19 provision); and who have attained the age of 19. This may include provision for persons from other areas. The Council may do anything that it considers necessary or expedient for the purposes of, or in connection with, the provision of such further education.

13. ONE TOWER HAMLETS CONSIDERATIONS

- 13.1 Ensuring fair and equal access to services in the borough is an important step towards challenging inequalities. During the session Members considered the impact

of cuts to ESOL courses and made recommendations to improve access to allow those who do not have English as a first language to improve their life.

- 13.2 New migrant communities are often among the poorer members of the community. Access to basic ESOL courses is therefore vital to ensure that they are able to access key services such as GPs or housing. In the longer term, the provision of ESOL at both entry-level and with an employment and skills emphasis will ensure that new migrants are more able to access the labour market, and often at a higher level.