

Re-inspection of inadequate local authorities

Consultation on revised re-inspection arrangements

This consultation sets out proposals for a more proportionate approach to enable local authorities to demonstrate they are no longer delivering inadequate services to children.

The consultation seeks your views on:

- whether re-inspection should have a more proportionate focus on weaknesses identified at the previous inspection
- the timing of a re-inspection
- which aspects of the single inspection arrangements we could be more flexible about on a re-inspection
- how we should report our findings.

This consultation closes on the 8 March 2016.

Published: February 2016

Reference no: 160010



Corporate member of
Plain English Campaign
Committed to clearer communication

361

The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people, and in education and skills for learners of all ages. It regulates and inspects childcare and children's social care, and inspects the Children and Family Court Advisory and Support Service (Cafcass), schools, colleges, initial teacher training, further education and skills, adult and community learning, and education and training in prisons and other secure establishments. It assesses council children's services, and inspects services for looked after children, safeguarding and child protection.

If you would like a copy of this document in a different format, such as large print or Braille, please telephone 0300 123 1231, or email enquiries@ofsted.gov.uk.

You may reuse this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence, write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

This publication is available at www.gov.uk/government/organisations/ofsted.

Interested in our work? You can subscribe to our monthly newsletter for more information and updates: <http://eepurl.com/iTrDn>.

Piccadilly Gate
Store Street
Manchester
M1 2WD

T: 0300 123 1231
Textphone: 0161 618 8524
E: enquiries@ofsted.gov.uk
W: www.gov.uk/government/organisations/ofsted

No. 160010

© Crown copyright 2016



Contents

| | |
|--|-----------|
| Introduction | 4 |
| How do I respond to the consultation? | 4 |
| Online electronic questionnaire | 4 |
| Download and email | 5 |
| Print and post | 5 |
| About you | 6 |
| Focus on weaknesses | 6 |
| The timing of the re-inspection | 8 |
| Inspection methodology | 10 |
| Making judgements and reporting | 12 |

Introduction

1. The current framework and evaluation schedule for the inspections of services for children in need of help and protection, children looked after and care leavers (the single inspection framework), states that Ofsted will re-inspect any inadequate local authority within 18 to 24 months.¹ For any local authority found to be inadequate, this has meant two inspections in three years looking at the full range of their services. We recognise that this may not always be the most proportionate response, particularly for those local authorities that have been judged inadequate in some aspects of their services but not others.
2. In March 2015, we introduced our improvement offer to those authorities judged to be either inadequate or to require improvement to be good. The final stage of the improvement offer for those judged inadequate is an inspection that reports on the progress made but does not supersede the earlier judgement of inadequate; currently this can only happen through a full re-inspection under the single inspection framework.
3. The current single inspection cycle will end in 2017 and so there may be some authorities that will need an opportunity to demonstrate improvement out of inadequate beyond the end of the single inspection cycle.
4. This document sets out our proposals to use the single inspection framework more proportionately for re-inspection.
5. In keeping with our standard practice, we are also going to review our improvement offer to ensure that it remains fit for purpose, adds value and is delivered in the most efficient way. We will take account of the response to this consultation when determining any revisions to the improvement offer in future and in particular how the improvement offer aligns with our re-inspection arrangements. We will contact local authorities and other key stakeholders directly for their views on the improvement offer at a later date.

How do I respond to the consultation?

6. There are three ways of completing and submitting your response.

Online electronic questionnaire

Visit www.surveymonkey.co.uk/r/ReILAs to complete and submit an electronic version of the response form.

¹ Inspecting local authority children's services: framework;
www.gov.uk/government/publications/inspecting-local-authority-childrens-services-framework.

Download and email

Visit www.gov.uk/government/consultations/re-inspection-of-inadequate-local-authorities to download a Word version of this document and complete the questions on your computer. When you have completed the form, please email it to socialcare@ofsted.gov.uk with the consultation name in the subject line: **re-inspection of inadequate local authorities**.

Print and post

Visit www.gov.uk/government/consultations/re-inspection-of-inadequate-local-authorities to print a Word or PDF version of the response form that you can fill in by hand. When you have completed it, please post it to:

Social Care Policy Team
Ofsted
Aviation House
125 Kingsway
London
WC2B 6SE

About you

Are you responding on behalf of an organisation or as an individual?

| | |
|--|--------------------------|
| Individual response | <input type="checkbox"/> |
| On behalf of an organisation, please specify | |

I am a:

| | | | |
|---|--------------------------|--|--------------------------|
| local authority Director of Children's Services | <input type="checkbox"/> | local authority Chief Executive | <input type="checkbox"/> |
| Local Safeguarding Children Board Chair | <input type="checkbox"/> | Other local authority director or assistant director | <input type="checkbox"/> |
| practitioner in education | <input type="checkbox"/> | senior manager in education | <input type="checkbox"/> |
| practitioner in social care | <input type="checkbox"/> | senior manager in social care | <input type="checkbox"/> |
| lawyer | <input type="checkbox"/> | elected representative | <input type="checkbox"/> |
| child or young person | <input type="checkbox"/> | parent/carer | <input type="checkbox"/> |
| prefer not to say | <input type="checkbox"/> | | |
| Other (please tell us) | | | |

Focus on weaknesses

7. We propose to focus re-inspections on the areas of weakness (the reasons for the inadequate judgement) identified at the original single inspection. This will ensure that each re-inspection focuses on the areas of practice most in need of improvement.
8. Where a local authority was found to be inadequate in all judgement areas, this will likely result in the re-inspection mirroring a full single inspection as we will want to be assured that sufficient progress has been made against the full scope of the original inspection. We will use the relevant grade criteria in the single inspection evaluation schedule as our benchmark to evaluate against.
9. This approach will ensure that all local authorities are evaluated against a consistent standard of practice, while ensuring that the grade criteria are applied in a manner specific to the areas for improvement in that local authority.
10. We recognise that there are risks inherent in this proportionate approach: aspects of practice that were previously strong may be allowed to deteriorate if a local authority focuses only on its weaknesses from the original inspection. If we have any information to suggest that practice has significantly deteriorated in specific areas, we will include these areas of practice in the scope of our re-inspection.

11. We also propose to mitigate this risk through the new inspection programme that we will implement after the single inspection cycle has finished. This will likely include a mixture of short universal and targeted inspections, giving us greater flexibility to focus on any specific issue or area of practice. This future regime will be subject to full public consultation later in the year.

Do you agree that our re-inspection of local authorities previously found to be inadequate:

- should be more proportionate and risk based?

| Yes | No | Don't know |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- should focus on the areas of weakness identified at the previous inspection?

| Yes | No | Don't know |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- should be the same as a full inspection, where all judgement areas were found to be inadequate?

| Yes | No | Don't know |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please use the box below to provide any comments you have on our proposal to focus on weaknesses at a re-inspection:

The timing of the re-inspection

12. Our experience of the re-inspections we have undertaken to date and our discussions with representative bodies – such as the Association of Directors of Children’s Services (ADCS) and the Local Government Association (LGA) – show that timing is important. We want to return at a time when an inspection positively supports the improvement journey the local authority is on. We propose that the timing of a re-inspection should be influenced by:
- regular Ofsted monitoring visits (be that under the existing improvement offer or similar arrangements)
 - the views of the Department for Education (DfE)
 - the views of the local authority itself
 - any data, information or intelligence that suggest that the local authority has made sufficient improvement or is failing to act on its weaknesses.
13. We do not propose to give the local authority prior notice of the inspection, rather that they (and the DfE) are influential in agreeing when the most appropriate time for re-inspection will be. Ofsted will reserve the right to re-inspect at a time that it sees fit or re-inspect when directed by the Secretary of State.
14. We propose to keep the current maximum time limit for re-inspection set out in the single inspection framework, which is to re-inspect within 24 months. We will measure this from the point when the local authority submits the statement of proposed action they are required to make in response to the report.
15. If we decide to re-inspect at any time in the period up to the 24-month time limit, this inspection will likely be a proportionate re-inspection as outlined in our first proposal. If the 24-month time limit is reached and there is insufficient evidence of improvement, we will likely undertake a full inspection. This is because an indication of insufficient improvement in the areas of weakness would give us cause for concern that the performance of other areas of service may have declined.

Should the timing of the re-inspection be influenced by the views of:

- the Department for Education:

| Yes | No | Don't know |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- the local authority

| Yes | No | Don't know |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If you have answered 'No' to either part of the previous question, please tell us how you think the timing of a re-inspection should be determined:

Do you agree that we should keep a maximum time limit for re-inspection of 24 months after the local authority has made an action plan?

| Yes | No | Don't know |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please use the box below to provide any other comments you have about the timing of a re-inspection:

Inspection methodology

16. To provide a consistent experience to local authorities, we propose to use an adapted version of the methodology outlined in the single inspection framework. We propose to focus the re-inspection on the weaknesses identified at the original single inspection. Therefore, the scope of each re-inspection will differ. For example, weaknesses may only have been identified in the help and protection of children. The breadth of the inspection will determine how many inspectors we will deploy and over what period.
17. For re-inspections, we propose to retain the overall structure of the single inspection and to gather information in the same way. However, we will modify the arrangements to reflect the specific scope of the more focused re-inspection.
18. Things we will keep the same on a re-inspection:
 - we will always undertake some activity in weeks one to three
 - activity in week one will occur with the same short notice period
 - inspectors will not be on site in week two
 - we will ask the local authority to audit some cases
 - the timescales for the local authority to submit information to support the inspection (Annex A in the framework) will remain the same.
19. Things we may be more flexible about for each re-inspection:
 - whether the core part of fieldwork can be contained within one week (week three)
 - we will only ask for items in Annex A of the framework (case file lists and information to support the inspection) that are relevant to the specific scope of the re-inspection
 - the number of cases we ask the local authority to audit
 - the number of inspectors on site in week one and the number of days they are on site (in some cases this may be only the lead inspector for a very short period)
 - the number of inspectors on site in week three and the number of days they are on site.
20. We anticipate that the **minimum** size a re-inspection is likely to be:

| Week 1 | Week 2 | Week 3 |
|---|---|---|
| The lead inspector gives notice and attends on site the following day | Inspectors off site; local authority provides case audits and Annex A information | A team of three inspectors on site for one week |

21. We believe that by using the single inspection model more flexibly in this way, we can provide local authorities with a consistent experience for which they feel prepared, while minimising the burden of inspection through a more proportionate and tailored response to their circumstances.
22. We will share the exact arrangements for any re-inspection in writing in advance of the re-inspection taking place.

Do you agree that on a re-inspection we should retain the following parts of the single inspection methodology:

| | Yes | No | Don't know |
|---|--------------------------|--------------------------|--------------------------|
| we will always undertake some activity in weeks one to three | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| week one will occur with the same short notice period | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| inspectors will not be on site in week two | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| we will ask the local authority to audit some cases | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| the timescales for the local authority to submit information to support the inspection (Annex A in the framework) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Do you agree that on a re-inspection we should be flexible in applying the following parts of the single inspection methodology to reflect the specific scope of the re-inspection:

| | Yes | No | Don't know |
|---|--------------------------|--------------------------|--------------------------|
| we will consider whether inspectors need to be on site in week four | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| we will only ask for items in Annex A of the framework that are relevant to the specific scope of the re-inspection | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| the number of cases we ask the local authority to audit | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| the number of inspectors on site in week one and the number of days they are on site | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| the number of inspectors on site in week three and the number of days they are on site | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please use the box below to suggest any other aspects of the inspection arrangements we could be more flexible about on a re-inspection:

Making judgements and reporting

23. We propose not to make a graded judgement on the traditional Ofsted four point scale. This is because the scope of each re-inspection will be unique to that local authority, and therefore the judgement we would make would not be directly comparable with earlier inspection judgements. Instead, we propose to make one of the following judgements:
- the local authority services considered at this inspection continue to be inadequate
 - the local authority services considered at this inspection have improved and are no longer inadequate.
24. We propose to provide our judgement in a published letter, setting out the progress made against the weaknesses identified at the last inspection. The letter will identify where any of the weaknesses considered are now strengths and any that still require improvement.
25. We will include the specific evaluation criteria considered at each inspection in an annex to the letter.

Do you agree that the re-inspection should result in a judgement that the services either 'continue to be inadequate' or 'have improved and are no longer inadequate'?

| Yes | No | Don't know |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If you answered no to the previous question, what judgement do you propose that we make?

Do you agree that the outcome of the inspection should be reported through a letter setting out the progress made since the last inspection, strengths and areas for improvement?

| Yes | No | Don't know |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please use the box below to provide any other comments you have about how we present our findings from a re-inspection:

Thank you for providing your feedback on our consultation proposals.