

**DRAFT - 8 August 2003**

**Ofsted**

**FRAMEWORK FOR THE  
INSPECTION OF LOCAL  
EDUCATION AUTHORITIES**



## Preface

### Part I

### Paragraph

The statutory basis for inspection

1

The scope and purpose of inspection

5

### Part II

The selection of LEAs for organisational inspection

14

The key functions of an LEA

21

The stages of inspection

30

## Appendices

1. The Principles of Inspection
2. The Code of Conduct
3. Roles of the Audit Commission and of the Social Services Inspectorate in LEA inspections
4. Distribution arrangements for LEA inspection reports, thematic inspection reports, and action plans

## **Preface**

[To be inserted]

David Bell

Her Majesty's Chief Inspector of Schools

Framework for the inspection of Local Education Authorities

Effective from 1 January 2004

Office of Her Majesty's Chief Inspector of Schools in conjunction with the Audit Commission

© Crown Copyright 2003

Office for Standards in Education

Alexandra House

33 Kingsway

London

WC2B 6SE

Telephone 0207 421 6800

Website: <http://www.ofsted.gov.uk>

This document may be reproduced in whole or in part for non-commercial educational purposes, provided that all extracts quoted are reproduced verbatim without adaptation and on condition that the source and date thereof are stated.

Further copies can be obtained from:

Ofsted Publications Centre

PO Box 6927

London

E3 3NZ

Telephone: 0207 510 0180

Reference no: HMI xxx

## INTRODUCTION

### THE STATUTORY BASIS FOR INSPECTION

1. Inspections of local education authorities (LEAs) take place under sections 38-41 of the Education Act 1997. Section 38 provides that Her Majesty's Chief Inspector of Schools (HMCI) 'may, and, if requested to do so by the Secretary of State, shall, arrange for any LEA to be inspected'. Such inspections will 'consist of a review of the way in which the authority is performing any function...which relates to the provision of education for (a) persons of compulsory school age (whether at school or otherwise) or (b) for persons of any age above or below that age who are registered as pupils at schools maintained by the authority'. This Framework - which represents non-statutory guidance on the inspection of LEAs – does not place any limitation on the way in which the Secretary of State and HMCI may exercise their powers under section 38.

2. Inspections are conducted by Her Majesty's Inspectors of Schools (HMI) in England. Section 41 of the Education Act 1997 provides HMCI with a power to request the Audit Commission to assist with any inspection under section 38 (appendix 3 to this Framework details the role that may be played by the Audit Commission in the inspection process). HMI and Audit Commission inspectors may be joined by additional inspectors authorised under paragraph 2 of schedule 1 of the School Inspections Act 1996. For the purposes of this Framework, the term 'HMI' includes additional inspectors. Members of other national inspectorates, such as the Social Services Inspectorate, may also join HMI on LEA inspections, at Ofsted's invitation.

3. The nature and form of inspection are described elsewhere in this Framework. Briefly, inspections fall into two main groups:

- inspections of individual LEAs as organisations ("organisational inspections"); and
- inspections across a number of LEAs, looking at a particular LEA function, such as support for the recruitment and retention of teachers ("thematic inspections").

Reports of the findings of inspections are published under section 39 of the Education Act 1997 by HMCI, and sent to the LEA and to the Secretary of State for Education and Skills prior to publication. They are also displayed on the Ofsted website (<http://www.ofsted.gov.uk>).

4. From time to time, HMI and Audit Commission inspectors may also be engaged, along with other inspectorates, in inspections of best value reviews that go beyond service and organisational boundaries. Inspectorates, through the Local Services Inspectorate Forum, have developed a protocol to ensure that a common approach is adopted towards such inspections. In addition, all inspectorates are working to try to ensure that there is no duplication of their work on such inspections, and on other types of inspection. This may involve such matters as sharing information and data, in order to make inspection more proportionate and effective.

#### THE SCOPE AND PURPOSE OF INSPECTION

5. The underlying aim of an organisational inspection of an LEA is to review and report on the way in which an LEA performs its functions and, in particular, to determine the contribution the LEA makes to school improvement and to high standards of educational achievement.

6. While the underlying aim of an organisational inspection remains the same as in 1996, the nature and form of these inspections have developed, and this Framework outlines further changes. Inspections from January 2004 onwards will continue the move to differentiated inspection. They will ensure a minimum of bureaucracy. They will involve increased use of an LEA's self-evaluation. These developments are driven, firstly, by the fact that LEAs have, overall, improved since the first cycle of inspections began, and therefore fewer resources are required to inspect what is now, generally, more effective performance. The second factor is the government's commitment to proportionate and co-ordinated inspection of local authorities. The latter approach is founded upon the December 2001 White Paper "Strong Local Leadership; Quality Public Services", which committed regulators and inspectorates to developing a joint programme to support improvement in local government. This has, in turn, led to categorisation of the performance of local authorities through

Comprehensive Performance Assessment (CPA). The CPA process grades each local authority as “excellent”, “good”, “fair”, “weak” or “poor”, and aims to develop an inspection strategy that is risk-based, proportionate and co-ordinated. Judgements arising from organisational inspections of LEAs contribute to the CPA score for a local authority’s education service.

7. Each LEA has been required to prepare an Education Development Plan (EDP), under section 6 of the School Standards and Framework Act 1998, setting out how it intends to exercise its functions with the view to raising standards in education. In 2002, LEAs produced new EDPs or Local Education Strategies (LES) to cover the period 2002-2007. The Government now intends to rationalise planning requirements significantly, lifting current requirements on LEAs and moving to a Single Education Plan (SEP) by April 2006. The EDP, LES or SEP forms an important starting point for organisational inspections, along with other underlying (or operational) plans the LEA has produced. Inspections will continue to take account of the LEA’s particular circumstances, its vision for education, its priorities and relationships with its schools, as set out in its EDP, LES or SEP, and other plans.

8. Inspections also examine the performance of functions that an LEA has contracted out to another organisation. Inspection of the LEA and its involvement with services that it has contracted out will include: the effectiveness of the outsourcing process (in particular, achievement of value for money); and the arrangements for managing the contract, including the elected members’ and officers’ involvement in the monitoring of the contract. The inspection will also examine the effectiveness of the relationship between the contractor, stakeholders and client groups, and progress on achieving objectives. Where appropriate, the contractor may be interviewed by inspectors.

9. The number of days allocated for inspection fieldwork in an LEA will be determined by a formula based on the CPA education scores and the overall grade for effectiveness given in the previous inspection of the LEA. Inspections will be tailored to the performance of the LEA, and resources allocated accordingly. Those LEAs with the highest CPA scores and a good overall inspection grade will attract



substantially less time for inspection fieldwork than those with poorer scores, and/or low inspection grades.

10. Organisational inspections will address the following questions:

(1) Does the LEA comply with its statutory obligations, and, in its work, does it have regard to the statutory Code of Practice on LEA/School Relations?

(2) Does the LEA work effectively with partners and stakeholders to ensure that its work meets the local community's aims for education?

(3) Does the LEA exercise its functions effectively and in such a way as to promote high standards and secure social inclusion by ensuring proper access to education for all children and young people and by improving the quality of education in its schools and the achievement of all its pupils?

(4) Does the LEA exercise its functions effectively so as to ensure that the pupils in its schools are not harmed and, in particular, that action is taken to prevent and address racism and to assist other statutory bodies charged with the protection of children?

(5) Does the LEA manage its functions in such a way as to secure continuous improvement and best value?

(6) What are the factors that make the LEA effective, or not, in the delivery of its functions?

11. An LEA is also subject to the Race Relations (Amendment) Act 2000 which places a general duty on it to promote race equality. In order to help LEAs meet the general duty they must comply with specific duties. These include a requirement for each LEA to set out and publish, as part of a race equality scheme, how it plans to meet its statutory duties and the functions and policies relevant to the performance of the duty, including those it has contracted out. An LEA also has a duty under the Disability Discrimination Act 1995 to plan to increase progressively and over time,

the accessibility of schools to disabled pupils. LEAs are required to prepare and implement an accessibility strategy. Inspections of LEAs will include the assessment of compliance with both sets of legislation. Advice on relevant functions is given in the guidance papers on inspection judgements.

12. Guidance papers and criteria used in organisational inspections of all relevant functions of the LEA can be found on the Ofsted website.

13. The second type of inspection focuses on examining particular themes across a number of LEAs (“thematic inspections”). Thematic inspections concentrate on particular functions and tasks undertaken by some LEAs, in order to report on, principally:

- what approaches are being adopted by LEAs to tackle particular issues;
- how effective has that work been, and what are the outcomes; and
- what represents good practice.

Generally, thematic inspections will lead to reports which, in most cases, will make recommendations. In addition, organisational and thematic inspections will, when the need arises, subsume inspections of Best Value Reviews within the organisational or thematic inspection.

### THE SELECTION OF LEAs FOR ORGANISATIONAL INSPECTION

14. The process of selecting LEAs for organisational inspections that will take place from January 2004 onwards will be as follows. Ofsted intends to inspect LEAs over a four-year period. Local education authorities will be inspected broadly in the chronological order in which they were initially inspected, but taking account of: the grade for overall effectiveness in the last inspection report; the LEA’s overall CPA grade for education; and the inspection plans of other inspectorates. However, the selection process will also be informed by a number of performance indicators that would enable HMCI or the Secretary of State for Education and Skills to require an inspection of an LEA earlier than expected in the inspection cycle from January 2004. These indicators will include: evidence from school inspections; GCSE and other national test results; and the Audit Commission’s annual survey of schools.

New indicators may be generated as the inspection methodology develops further. The selection process will also seek to ensure that balance is retained in the type and scale of inspections carried out in any given year, to use Ofsted's resources to best effect.

15. It is intended to notify LEAs of their inspection up to two terms in advance of the fieldwork. LEAs will be given six weeks to complete their self-evaluation statement. Upon receipt of the LEA's self-evaluation, inspectors will analyse that self-evaluation, and relevant performance indicators, in order to identify which areas of the LEA's work will not be subject to inspection fieldwork. Based on the LEA's self-evaluation and the performance indicators, judgements about the functions not requiring fieldwork will be made at that stage. Inspectors will then draw up a detailed inspection plan for the functions that will be subject to fieldwork. This plan will allocate time to the inspection of each of those functions, and will identify the interviews, focus groups and documentation that might be needed. Prior to being presented to the LEA, the plan will be subjected to moderation and challenge within Ofsted to confirm the focus of inspection activity and the proportionate allocation of resources to fieldwork. The lead inspector will discuss the inspection plan with senior LEA officers when setting up the inspection, and may amend the plan as a result of that discussion.

16. Inspections will be tailored to the performance of the LEA, and resources will be allocated accordingly. Inspectors will take account of corporate assessment activity conducted by the Audit Commission. Those LEAs with the highest CPA scores and a good overall inspection grade will attract substantially less time for inspection fieldwork than those with poorer scores and/or low inspection grades. Fieldwork (that is, inspection work on site and inspectors' writing time) could, therefore, range from 20-30 days for the highest performing LEAs (around 25 per cent of LEAs), to 45 days or more for around ten per cent of weaker LEAs. The remaining LEAs would receive inspections of 30-45 days of fieldwork. This compares with, on average, around 90 days per inspection in 2000-01 and 51 days in 2002.

17. To minimise the demands made on LEAs, it is intended that thematic inspections will not normally involve local authorities that are not in the annual

programme for organisational inspection. It is also intended that, whenever possible, the inspection of themes will be attached to the organisational inspection. In addition, in order to further reduce demands on local authorities, joint working with other inspectorates may be undertaken during the course of the organisational inspection.

This may fall into three possible categories:

- jointly conducted inspection - when inspection occurs at the same time, including where education and other children's services are integrated;
- co-ordinated inspection – in those circumstances when inspection occurs at different times, but a joint approach is taken to common issues; and
- attached inspection - when inspectors are attached to each other's teams to enable a stronger focus on areas of mutual interest or joint concern.

18. Ofsted does not intend to inspect, during the course of their 'inspection holidays'<sup>1</sup>, those local authorities graded as "excellent" under CPA which are also top performers on the education element of CPA. It is our intention that those LEAs should be inspected in the final year of the four-year inspection cycle. We would depart from that rule only if a range of education performance indicators demonstrated significant deterioration from the beginning of the 'inspection holiday'.

19. Wherever possible, Ofsted's inspections of other related functions, such as area inspections of 14-19 provision, will be co-ordinated with the organisational inspection of the LEA. Ofsted intends to ensure that evidence secured from such inspections (which will be of relevance to local Learning and Skills Councils) will be used in relevant organisational inspections, to avoid unnecessary duplication of resources.

20. Notwithstanding the above, HMCI has the power to cause an inspection to be made at any time, and the Secretary of State for Education and Skills has the power to request HMCI to arrange the inspection of any LEA, covering any function.

## THE KEY FUNCTIONS OF AN LEA

---

<sup>1</sup> paragraph 30 of the paper on 'Freedoms and Flexibilities for Local Government', which can be found at <http://www.local-regions.odpm.gov.uk/freelflex/index.htm>

21. For the purposes of organisational inspection from January 2004 onwards, the functions of an LEA are grouped under five main areas:

- corporate strategy and leadership of the education of children and young people;
- strategy for school improvement and its implementation;
- support to improve education in schools;
- strategy for special educational needs; and
- strategy for social inclusion.

22. Inspection teams will establish how effective an LEA has been in the discharge of the activities within, and across, these areas. Each main area contains a key function that is pivotal to that aspect of the LEA's work. These will be pursued in all inspections and will therefore provide five key judgements. The effective discharge of these key functions can be exemplified through a range of other, related functions. This is set out below.

23. Corporate strategy and leadership of the education of children and young people

In this area, key judgements will be made on the following functions:

- the effectiveness of corporate planning for the education of children and young people; and
- the implementation of corporate planning for education.

The other, related, functions that could be examined in this area are:

- the effectiveness of LEA decision-making;
- the extent to which the LEA targets resources on priorities;
- the extent to which the LEA has in place strategies to promote continuous improvement, including best value;
- the leadership provided by elected members (including the quality of advice received);
- the quality of leadership provided by senior officers;
- the effectiveness of partnerships and collaboration between agencies in support of priorities;
- support for early years education;

- 14-19 education; and
- the effectiveness of the LEA in discharging asset management planning.

24. The LEA's strategy for school improvement and its implementation

In this area, key judgements will be made on the following functions:

- the LEA's strategy for school improvement; and
- the progress on implementing the LEA's strategy for school improvement.

The other, related, functions that could be examined in this area are:

- the extent to which the LEA has defined monitoring, challenge and intervention;
- the effectiveness of the LEA's work in monitoring schools and challenging them to improve, including the use made of performance data;
- the extent to which the LEA's support to schools is focused on areas of greatest need;
- the effectiveness of the LEA's identification of, and intervention in, under-performing schools; and
- the extent to which the LEA is successful in assuring the supply and quality of teachers;
- the effectiveness of the LEA in relation to the provision of school places; and
- the effectiveness of the LEA in relation to admissions to schools.

25. The LEA's support to improve education in schools

In this area, a key judgement will be made on the following function:

- the LEA's support for school leadership and management, including support for schools' efforts to achieve continuous improvement.

The other, related, functions that could be examined in this area are:

- the extent to which the LEA is successfully implementing national strategies to raise pupils' achievement, including in:
  - information and communication technology (ICT); and
  - Key Stage 3;

- support for raising the achievement of minority ethnic and Traveller children, including the effective deployment of grants such as the minority ethnic and Vulnerable Children Grant;
- support to schools in the provision they make for gifted and talented pupils;
- support to school governors;
- the planning, provision, effectiveness and value for money of services supporting school management, particularly (a) financial, (b) human resources, (c) property, and (d) information management services;
- the effectiveness and value for money of services supporting school management; and
- the planning, provision, effectiveness and value for money of services supporting school improvement, particularly inspection and advisory and/or school effectiveness services.

#### 26. The Strategy for Special Educational Needs

In this area, a key judgement will be made on the following function:

- the effectiveness of the LEA's strategy for the inclusion of pupils with SEN.

The other, related, functions that could be examined in this area are:

- the effectiveness of the LEA in meeting its statutory obligations in respect of SEN;
- the effectiveness of the LEA in exercising its SEN functions to support school improvement; and
- the extent to which the LEA exercises its SEN functions to secure value for money.

#### 27. The Strategy for Social Inclusion

In this area, a key judgement will be made on the following function:

- the overall effectiveness of the LEA's strategy in promoting social inclusion.

The other, related, functions that could be examined in this area are the extent to which the LEA meets its statutory requirements in relation to:

- provision for pupils who have no school place;

- support for school attendance;
- support for behaviour in schools;
- support for health and safety, welfare and child protection;
- provision for looked after children; and
- the effectiveness of the LEA in combating racism.

28. The inspection will judge the overall effectiveness of the LEA. It will also provide a judgement on whether the LEA has made progress since its last inspection, and its capacity for further improvement and for addressing the recommendations that may arise from the inspection.

29. Inspectors will use the 'Criteria for Inspection Judgements' (developed by Ofsted and the Audit Commission) available on the Ofsted website, when making their judgements. Guidance papers on inspecting individual functions that might be examined during the course of organisational inspections can also be found on that website.

## THE STAGES OF INSPECTION

30. This section of the Framework describes successive stages of each of the two types of inspection.

### Organisational Inspections

31. All inspections will continue to be based upon the principles that were introduced under the 2002 *Framework for the Inspection of LEAs*. This involved differentiation in the extent of inspection fieldwork, in order to take account of the LEA's proven performance and capacity. It also introduced the opportunity for the LEA to evaluate and assess its own performance. The revised inspection process takes these principles further. It significantly reduces the fieldwork element undertaken by the inspection team, particularly in the inspection of higher performing LEAs, and makes further reductions in the preparation required from LEAs. It also



substantially increases the extent to which the LEA's self-evaluation informs the focus and process of inspection.

32. The amount of documentary evidence required will be reduced considerably, in order to reduce the inspection's demands on LEAs. Inspectors will make more use of LEAs' websites and intranets.

33. The grouping of LEA functions has been re-organised to help LEAs evaluate their performance against Ofsted's criteria and to marshal the supporting evidence for scrutiny during inspection. Key functions are identified more clearly, as is the relationship between functions. The intended effect of the various functions has been made clearer. This, in turn, defines a clearer trail of evidence which will enable the LEA to evaluate and identify its own performance and enable Ofsted to inspect and verify both the LEA's self-evaluation and its actual performance.

34. The planning of the inspection will be based on the allocation of resources outlined in the previous section of this Framework and on detailed scrutiny of the LEA's self-evaluation statement. In its statement, the LEA will evaluate and allocate a grade to each function using Ofsted's criteria and relevant performance indicators. It will also evaluate whether it has made progress since the last inspection (including actions to address recommendations from the previous inspection report), its overall effectiveness, and its capacity to improve further. The LEA will also explain in its self-evaluation how its work has contributed to the achievement of corporate priorities.

35. The LEA should substantiate its self-evaluation by identifying a trail of evidence for the discharge of the key functions, and on performance against key indicators. This, together with evidence of current performance in any functions that were previously judged to be unsatisfactory or worse, may be all that is needed from high performing LEAs. The range of evidence sought from other LEAs will vary, depending, for example, on the number of functions previously judged to be performed less than satisfactorily.

36. *'The framework for LEA self-evaluation'* [website address to be inserted] sets out in more detail how LEAs can support the inspection with self-evaluation. The document *'Evidence required for the inspection of LEA functions'* [website address to be inserted] details the nature of the evidence that LEAs will need to provide to substantiate their evaluation of performance in particular functions.

37. The LEA will need to ensure that its own analysis and evaluation are clearly articulated and well substantiated by the evidence. Inspectors will have significantly less time than hitherto for following a detailed chain of evidence in order to verify all aspects of the LEA's submission. Where, in order to test the LEA's self-evaluation of a key function, a particular related function is inspected and the LEA's evaluation is not borne out, the overall trail of evidence could be judged to be insufficiently reliable and the LEA's judgement on its performance of the key function might not be substantiated. In this case, inspectors might judge that the existing grade stands. If inspectors judge that there has been a decline in performance which has not been identified by the LEA's own evaluation, this could result in a reduction in the grade.

38. Evidence to be collected to provide the basis for the team's judgements may include:

- interviews with the chief executive, the chief education officer and other LEA officers, the leader of the council, and council members with responsibility for education;
- discussions with representatives of partners and stakeholders such as parents, headteachers, teachers, governors, diocesan officers, the Standing Advisory Council on Religious Education, the Excellence in Cities project director, representatives of the health service, community and race equality organisations, and the police;
- analysis of case files on pupils requiring special support;
- an examination of evidence of the quality and efficiency of services subject to Best Value Reviews (BVRs); and
- discussions with users of services subject to a BVR.

39. School visits, if undertaken, will normally last about half a day and will be undertaken only where there is insufficient evidence from other sources. They will focus on the issues identified by the inspectors as having the most influence on standards in the particular LEA. The purpose of the visits will be to collect evidence of the effectiveness of LEA support, and the extent to which the LEA achieves best value. They will take account of evidence provided by the LEA itself. Visits will provide an opportunity for inspectors to hold discussions with the headteacher and staff responsible for particular initiatives, and the chair of governors, or their representative. Classroom observation will not generally be undertaken.

40. At the end of the fieldwork element of the inspection, the lead inspector will offer the chief education officer some informal feedback on the headline issues arising from the inspection. That feedback session will be given on the condition that those provisional findings are still subject to further consideration by the inspection team. A note of the feedback will be passed on to the Department for Education and Skills (DfES), to enable the DfES to assess possible advice and support to that LEA.

41. Where the inspection finds significant evidence of inaccurate self-evaluation by an LEA, insufficient progress, or unsatisfactory performance of functions, that cannot be adequately investigated in the time initially allocated to the inspection, Ofsted will programme that LEA for an extended inspection at the earliest opportunity. In this case, Ofsted's decision, and subsequent course of action, will be reflected in the published report.

42. The report will include:

- an executive summary which outlines salient socio-economic factors; schools' overall performance; and any particular features of the LEA, including any changes since the last inspection, which may affect its performance as an organisation. The commentary will give a clear judgement of the LEA's overall effectiveness and the progress it has made since the previous inspection. A judgement will also be made on the LEA's capacity to make progress, and, in particular, to take action on the recommendations made in the report.

- main findings of the inspection, identifying the strengths and weaknesses of the work of the LEA;
- recommendations which the LEA should consider in producing an action plan to improve the effectiveness with which it discharges its functions;
- the findings of the inspection of: corporate strategy and leadership of educational support for children and young people; the LEA's strategy for education and its implementation; its support to improve education in schools; its support for special educational needs; and its success in promoting social inclusion;
- annexes that provide information and data on the inspection grades, the context of the LEA, the financial situation in the LEA and the performance of the LEA and schools; and
- a statement of the statutory basis for the inspection and the range of evidence gathered during the inspection.

In addition, the first three sections of the report (executive summary, main findings, and recommendations) will act as a summary report for the LEA to circulate to a wider audience.

43. The lead inspector will give the chief education officer a pre-publication draft of the report to enable a check to be made of its factual accuracy. At the same time, a copy will be dispatched to the DfES. Not less than seven working days later, the lead inspector will provide oral feedback based on the report to the chief education officer, with an invitation to key members of staff and key elected members to attend the meeting. Subject to discussions between the lead inspector and the chief education officer, the feedback may take place in two stages. The first feedback session would offer the opportunity for the LEA to draw the inspection team's attention to any apparent factual inaccuracies in the draft of that report. A member of the DfES may attend the meeting, so that the DfES is apprised of the LEA's response to the draft reports, which, in turn, may assist the DfES in the provision of

advice to the LEA. If agreed, a further feedback meeting may be held involving senior elected members, with the focus on key findings and recommendations.

44. In accordance with section 39(4) of the Education Act 1997, HMCI has decided that reports of organisational inspections will be published by Ofsted, in conjunction with the Audit Commission where appropriate, and copies placed on the Ofsted website with links to the Audit Commission website. It is Ofsted's intention to publish reports within 30 working days of the oral feedback referred to above. There may be occasions, such as local government elections, when, in line with central government conventions on the publication of government information during an election campaign, publication may be delayed. It is also Ofsted's intention to advise the LEA and the DfES of the publication date of the report at least five working days before the report is published. The LEA will be sent a copy of the report, by post and email, to arrive at least 48 hours before it is published. Copies of the report will be sent to the Secretary of State for Education and Skills. The LEA has a duty to make copies locally available within 30 working days of receiving the final report. Oral feedback about the final report may also be given to the council, after publication of the report.

45. Under section 39(2) of the Education Act 1997, the LEA is required, at present, to prepare a written statement of the action which it proposes to take in the light of the report and the period within which the LEA proposes to take it. The Regulations (SI 1998/No. 880) made under section 39(3) require this statement (the 'action plan') to be published within 70 working days of the LEA's receipt of the report. The action plan should be sent to the Secretary of State for Education and Skills, and copied to HMCI and to the Audit Commission. Copies should be made available to members of the public on demand at a charge not exceeding the cost of supply.

46. Where the Secretary of State for Education and Skills has particular concerns about the performance of an LEA in the light of the findings of an inspection, he may request a second inspection before a full year has elapsed. The Secretary of State for Education and Skills possesses powers under section 497A of the Education Act 1996 to intervene to secure the proper performance of LEA functions, possibly through the use of external organisations. Intervention powers in respect of best

value matters are available to the Secretary of State under the terms of the Local Government Act 1999.

### Thematic Inspections

47. HMCI selects the topics for thematic inspection. In general, a thematic inspection will normally take place over one or two terms, with preparatory work taking place in the term before the inspection fieldwork takes place.

48. Planning and setting up the inspection may include:

- the production of an inspection brief;
- devising an appropriate inspection method;
- the selection of LEAs;
- initial approaches to LEAs to secure data and documentation, and to determine possible interview dates with LEA officers and stakeholders; and
- the deployment of the inspection team.

Ofsted intends to advise LEAs of their involvement in thematic inspections at least one term before fieldwork begins.

49. The inspection may include:

- analysis of data and documentation submitted by selected LEAs (the list of documents sought from LEAs will be posted on the LEA Inspection Division page of the Ofsted website);
- research into recent and relevant inspection evidence produced by other Ofsted Divisions;
- consideration, if relevant, of any completed BVRs;
- interviews with relevant LEA officers, and members;
- interviews with stakeholders, such as governors or diocesan representatives; and
- visits, where appropriate, to schools.

50. Inspectors will then collate the evidence, and produce a draft report, which will include:

- a commentary, judging the effectiveness of the approaches adopted by LEAs on the theme;
- a judgement on illustrations of good practice;
- recommendations;
- a record of various features of the selected LEAs' work, taking account of factors such as funding and socio-economic context;
- a judgement of the influence of the LEAs' work in the theme.

51. The draft report will be shared with contributing LEAs to establish its factual accuracy. This might involve the inspection team meeting the LEAs as a group, to discuss the judgements and recommendations of the report. The draft report will be provided to the LEAs involved at least ten working days before publication. Given that the work may have national interest, and may indicate pathways to success, Ofsted and LEAs involved in the inspection could, for example, sponsor a seminar to disseminate the outcomes of that inspection more widely. HMCI has decided that all reports of thematic inspections of LEAs will be published by Ofsted, in conjunction with the Audit Commission where appropriate, and copies will be placed on the Ofsted website, with links to the Audit Commission's website. It is Ofsted's intention to publish reports within 30 working days of any group feedback. The LEAs involved, and the DfES, will be informed of the publication date of the report at least five working days before the report is published. The relevant LEAs will be sent copies of the report, by post and email, to arrive at least 48 hours before it is published by Ofsted. Copies of the report will be sent to the Secretary of State for Education and Skills. Local education authorities involved have the duty to make copies locally available within 30 working days of receiving the final report, and to produce action plans, if appropriate.

## **APPENDIX ONE**

### **THE PRINCIPLES OF INSPECTION**

The following principles apply to all inspection activities carried out by or on behalf of Ofsted. They are intended to ensure that:

- the findings of inspection contribute to improvement;
- the process of inspection promotes inclusion;
- inspection is carried out openly with those being inspected; and
- the findings of inspection are valid, reliable and consistent.

#### **The principles**

- Inspection acts in the interests of children, young people and adult learners and, where relevant, their parents, to encourage high quality provision that meets diverse needs and promotes equality.
- Inspection is evaluative and diagnostic, assessing quality and compliance and providing a clear basis for improvement.
- The purpose of inspection and the procedures to be used are communicated clearly to those involved.
- Inspection invites and takes account of any self-evaluation by those inspected.
- Inspection informs those responsible for taking decisions and provision.
- Inspection is carried out by those who have sufficient and relevant professional expertise and training.
- Evidence is recorded, and is of sufficient range and quality to secure and justify judgements.



- Judgements are based on systematic evaluation requirements and criteria, are reached corporately where more than one inspector is involved, and reflect a common understanding in Ofsted about quality.
- Effectiveness is central to judging the quality of provision and processes.
- Inspection includes clear and helpful oral feedback and leads to written reporting that evaluates performance and quality and identifies strengths and areas for improvement.
- The work of all inspectors reflects Ofsted's stated Values and Code of Conduct.
- Quality assurance is built into all inspection activities to ensure that these principles are met and inspection is improved.

## **APPENDIX TWO**

### **THE CODE OF CONDUCT**

Ofsted, the Audit Commission, and any other or additional inspectors appointed under paragraph 2 of schedule 1 of the School Inspections Act 1996 assisting with the inspection of LEAs, will:

**Conduct themselves in a courteous and professional manner.** Ofsted and Audit Commission or other inspectors will conduct themselves in a considerate and courteous manner and perform their tasks with integrity and impartiality. Any potential issues involving inspectors' previous or current connections with the LEA should be discussed and resolved with the LEA prior to the inspection. Due sensitivity will be shown to the fact that LEA and school personnel are subject to demands other than inspection.

**Evaluate evidence objectively and impartially.** Ofsted and Audit Commission or other inspectors will carry out their work in accordance with this Framework. Judgements will be secured by the consistent use of the criteria for inspection and by evidence checked for accuracy and interpreted objectively.

**Report honestly and fairly and communicate clearly and frankly.** The inspection team will report as it finds. Judgements will be clear and unambiguous.

**Respect the confidentiality of information.** The inspection team will respect and secure the confidentiality of personal information. This will include local authority personnel (including those contracted to work on behalf of the LEA), school staff and governors, and school pupils and their parents. Personal information will not be passed to any other body or published in any way unless it is in an aggregated form which would make it impossible to identify an individual.

The powers of inspectors to obtain information for the purposes of their functions are wide, and extend to obtaining information from contractors and other third parties which may be commercially sensitive. Inspectors will respect the confidentiality of

that information where possible, and are, in the case of Audit Commission inspectors, prohibited by Section 49 of the Audit Commission Act 1998 from disclosing that information except for the purposes of either their, or the Commission's auditors', functions.

The inspection team will not normally comment on any named school to the LEA. However, if any serious concerns emerge about financial regulation and probity at a school, Audit Commission inspectors have a duty to refer these to the appointed auditor of the authority. If HMI have serious concerns about the standards or quality of education, the management of a school or its pupils' welfare, they will discuss these with the headteacher, notify the LEA where appropriate, and refer the matter to Ofsted's School Improvement Division for further consideration. Ofsted and Audit Commission or other inspectors will notify the headteacher immediately of any matters they become aware of which seriously affect the health and safety of pupils, staff or visitors and will, where appropriate, inform relevant authorities.

**Queries, concerns and complaints.** Any concerns or queries should be discussed with the lead inspector as soon as they arise so that they can be properly considered and, if possible, resolved while the inspection is in progress. If the matter cannot be resolved after discussion with the lead inspector, a written complaint, containing all relevant details, may be registered with the head of the LEA Inspection Division at Ofsted.

A copy of the Ofsted complaints procedure is available from the Corporate Management Division, Ofsted, Alexandra House, 33 Kingsway, London WC2B 6SE. (The telephone number is 0207 421 6567.)

## **APPENDIX 3**

### **ROLES OF THE AUDIT COMMISSION AND THE SOCIAL SERVICES INSPECTORATE IN LEA INSPECTIONS**

Ofsted is committed to developing greater cross-inspectorate working. This is in response to:

- the government's commitment to proportionate and co-ordinated inspection of local authorities; and
- the widening context within which councils are managing education and social services, and the ways in which education services are delivered to improve standards of attainment and effectively safeguard children and young people.

Ofsted will work with other inspectorates as and when appropriate. Currently, joint working is principally conducted with the Audit Commission and the Social Services Inspectorate. Joint working will be effected through a range of approaches:

- jointly conducted inspection - when inspection occurs at the same time, there will be a joint focus on how effectively the council is dealing with children known to both services. This approach will normally be adopted in councils where education and children's services are integrated;
- co-ordinated inspection – in those circumstances when inspection occurs at different times, but a joint approach is taken to common issues; and
- attached inspection - when inspectors are attached to each other's teams to enable a stronger focus on areas of mutual interest or joint concern.

Below sets out, in some more detail, how that work would be undertaken with each of those organisations.

#### **Part A - ROLE OF THE AUDIT COMMISSION IN LEA INSPECTIONS**

LEA inspection teams may include inspectors from the Audit Commission. Under this Framework, the particular distribution of work between members of inspection teams will depend upon the issues chosen for detailed investigation. However, subject to

this caveat, where there is an Audit Commission inspector they may investigate the following areas, subject to the decision of the lead inspector.

### Corporate strategy and leadership of educational support for children and young people

- resource-related aspects of work with other agencies;
- asset management and the management of capital schemes;
- the operation of policy development and strategic management processes;
- operational planning and quality management processes.

### Strategy for education and its implementation

- the allocation and management of resources;
- admissions policy and arrangements;
- the effectiveness of the LEA in relation to the provision of school places;
- management processes;
- appropriateness and effectiveness of best value arrangements, and of BVRs.

### Support to improve education in schools

Management support services to schools:

- where these are provided by the LEA, their quality, flexibility and cost effectiveness; and
- where they are not provided by the LEA, the LEA's effectiveness in ensuring that schools have access to appropriate, high quality cost effective services to allow them to secure high educational standards, unimpeded by problems over support services.

Support in developing schools' clienting and procurement skills, in the context of best value.

The management and comparative costs of retained aspects of school buildings' maintenance and other facilities management services in this category.

The management of resources within school improvement and curriculum support services.

LEA-retained responsibilities in the employment of staff, information and communication technology, school maintenance and other support services.

Services funded by specific grant:

- the allocation and management of resources.

#### Strategy for Special Educational Needs

- the allocation and management of resources;
- operational management and quality management processes.

#### The Strategy for Social Inclusion

- the management and cost effectiveness of the education welfare service and other centrally retained services included within this category;
- the management and cost effectiveness of services to support pupils educated other than at school.

## **Part B - ROLE OF THE SOCIAL SERVICES INSPECTORATE IN LEA INSPECTIONS**

In some organisational inspections of LEAs, joint working may be undertaken between Ofsted and the Social Services Inspectorate. Joint work on LEAs and local authority children's services will help to establish how well councils are focusing on children's needs across their services. It will also fulfil the requirement for reducing bureaucracy and the amount of inspection on local authorities to avoid duplication of inspectorate activity.

The following functions are of mutual interest, and may be examined through joint working:

- corporate planning (including the sharing of management information and the compatibility of management information systems)
- the effectiveness of the council's co-ordinated actions to implement corporate priorities for children (including cross-service strategic and operational working, and policies and strategies to ensure equal opportunities, in particular in combating racism and promoting social cohesion)
- funding (including the allocation of resources, value for money, joint commissioning, and pooled budgets for integrated provision)
- promoting social inclusion and fair access (including co-ordinated working through a framework for common assessment of need)
- looked after children (education; corporate parenting; attendance)
- child protection
- pupils with special educational needs, including children with a disability and child and adolescent mental health services (and out-of-authority placements)
- behaviour support
- pupils who have no school place (excluded pupils; pupils educated at home; pupils off roll)
- early years.

## **APPENDIX 4**

### **DISTRIBUTION ARRANGEMENTS FOR LEA INSPECTION REPORTS, THEMATIC INSPECTION REPORTS, AND ACTION PLANS**

Under the provisions of the Education (Publication of Local Education Authority Inspection Reports) Regulations 1998 (SI 1998/No. 880), LEAs are required to send a copy of the inspection reports and, when available, the resultant action plans to:

- the governing body of every school maintained by them;
- the appropriate diocesan authority;
- every local Learning Skills Council that provides assistance to persons who reside within the area;
- the principal of every institution within the further education sector in the area;
- the Audit Commission;
- at least one newspaper circulating in the area;
- at least one radio station serving the area;
- every careers service organisation which provides services to persons who reside in the area;
- every health authority whose area lies within the area served by the LEA;
- the director of the authority's social services; and
- every public library in the area.

In addition, where appropriate, a copy of the action plan must be sent to the Secretary of State for Education and Skills.

As thematic inspections (see paragraphs 13 and 47-51 above) are undertaken under the terms of section 38 of the Education Act 1997, reports of thematic inspections, and action plans, should be distributed by the relevant LEAs in accordance with the above Regulations.

The definition of 'functions' covers all the duties and powers which may be exercised by the LEA.