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OFFICE FOR STANDARDS  
IN EDUCATION

# Framework for the inspection of Local Education Authorities

Effective from January 2002

HMI 345

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Office for Standards in Education  
Alexandra House  
33 Kingsway  
London  
WC2B 6SE

Telephone: 020 7421 6800

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## Preface

This revised Framework for the inspection of local education authorities (LEAs) constitutes the basis for continued LEA inspections by the Office for Standards in Education (OFSTED) and the Audit Commission from January 2002. All LEAs have been inspected at least once, and this Framework, and the inspection regime it governs, draw upon lessons learnt since the start of LEA inspections in 1996.

Four principles underpin the new inspection regime. Firstly, we are developing a continuum of inspection that meets the requirements of both the Education Act 1997 and the Local Government Act 1999. That continuum includes the inspection of the LEA as an organisation, the inspection of themes, and the inspection of best value reviews of individual education functions and services. These three areas of work will give us a wider perception of the activities of LEAs, and point to best practice models. Secondly, in order to support improved management in LEAs, we want to continue to improve our inspection methodology by incorporating LEA self-evaluation material into the inspection process. Thirdly, we want to reduce bureaucracy and the burden on LEAs, with a particular emphasis on the use of electronic media. For example, the forms for inspections will, from now on, only be available in electronic format from our website. Finally, the resourcing of our inspections of LEAs as organisations will be differentiated, to reflect LEAs' positions on the improvement spectrum.

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Our return inspections to LEAs demonstrated that, in a significant number of cases, there had been real improvement. From spring 2002 onwards, we will be testing to see whether, more widely, LEAs have moved on in their vital role of supporting schools in raising standards for all children and supporting social inclusion.



Mike Tomlinson  
Her Majesty's Chief Inspector of Schools





## Introduction

### Statutory Basis for Inspection

1. Inspections of 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 for Education and Skills 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 allows HMCI to request the Audit Commission to assist with any inspection under section 38 ('Annex B' to this Framework details the role played by the Audit Commission in the inspection process). HMCI and the Controller of the Audit Commission have agreed that the Audit Commission will contribute to all inspections of LEAs, and have also agreed the procedures for the conduct of inspections. HMI and Audit Commission inspectors may be joined, from time to time, 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. Also, inspections of best value reviews (BVRs) may be conducted by the Office for Standards in Education (OFSTED) and the Audit Commission under the terms of the Local Government Act 1999.

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

- inspections of individual LEAs as organisations ('organisational inspections');
- thematic inspections across a number of LEAs, looking at a particular LEA function, such as support for special educational needs ('thematic inspections');
- inspections of BVRs of education services ('BVR inspections').

Reports of the findings of inspections are published under section 39 of the Education Act 1997 by HMCI, and section 13 of the Local Government Act 1999, 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 ([www.ofsted.gov.uk](http://www.ofsted.gov.uk)).

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4. From time to time, HMI and Audit Commission inspectors will also be engaged, along with other inspectorates, in inspections of BVRs that cross service and organisational boundaries. Inspectorates, through the Best Value Inspectorate Forum, have developed a protocol to ensure that a common approach is adopted towards such inspections. That protocol can be found on the best value website, at: [www.local-regions.detr.gov.uk/bestvalue/inspection/inspectionindex.htm](http://www.local-regions.detr.gov.uk/bestvalue/inspection/inspectionindex.htm). The Best Value Inspection Service will be taking the lead in agreeing the form and nature of cross-cutting inspections with local authorities. 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.

### Scope and Purpose of Inspection

4 5. The first pilot inspection of an LEA took place in summer 1996. All LEAs have now been inspected at least once. Although from January 2002 the nature and form of inspection will change, the underlying aim will remain. That aim is to review and report on the way in which LEAs perform their functions and, in particular, to determine the contribution of LEA support, (including support to individual pupils), to school improvement and to high standards of educational achievement. A further aim, under the terms of the Local Government Act 1999, is to report on the quality of all educational functions reviewed by a local authority. Inspections will 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 how value for money has been achieved; and the arrangements for managing the contract, including the 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. The contractor will be interviewed by inspectors, and if it is discharging at least one third of the LEA's main phase responsibilities, it will be permitted to comment on that section of the draft report dealing with the discharge of its contractual obligations.

6. Each LEA is 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. New EDPs are needed from 2002. The EDP forms an important starting-point for organisational inspections, along with other plans the LEA is required to produce. Inspections will 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 and other plans.

7. All LEAs will receive an organisational inspection at least once over the five years from January 2002. The scope of, and resources allocated to, each inspection will be determined by the nature of the issues emerging during the preparation for individual inspections (see paragraph 14).

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8. Organisational inspections will continue to address the following questions:

- a. does the LEA exercise its functions effectively and in such a way as to promote high standards and secure social inclusion by improving the quality of education in its schools and the achievement of all its pupils?
- b. 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?
- c. does the LEA comply with its legal obligations, including equal opportunities and disability discrimination legislation and, in its work, does it have regard to the statutory Code of Practice on LEA/School Relations?
- d. does the LEA manage its functions in such a way as to secure best value?

9. An LEA is also subject to the positive duty under the terms of the Race Relations (Amendment) Act 2000 to promote racial equality. LEAs are required to ensure that they fulfil the relevant positive general duty under that Act, and any specific duties as required by the home secretary in respect of the discharge of all relevant functions. Those duties extend to functions contracted out by LEAs. Inspections of LEAs will include the assessment of compliance with the legislation in relation to relevant functions. Relevant functions are named in the guidance on inspection judgements, which can be found on the LEA inspection division page of the OFSTED website ([www.ofsted.gov.uk](http://www.ofsted.gov.uk)).

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10. The second type of inspection will focus on particular themes across a number of LEAs ('thematic inspections'). Thematic inspections will focus 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;
- what are the impact and outcomes of those actions;
- what represents best practice.

11. The third type of inspection is the scrutiny of BVRs undertaken by LEAs. Where possible, such inspections will be subsumed within organisational and thematic inspections. When this cannot be done, a number of BVRs will be inspected as a group by HMI and Audit Commission inspectors; BVR inspections grouped in this way will be undertaken annually.

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## Selection of LEAs for Organisational Inspection

12. The process of selecting LEAs for organisational inspections from spring 2002 will be as follows:

- a. the first set of LEAs for inspection will include those LEAs subject to pilot inspections in 1997 and earlier
- b. that group will be followed by LEAs found, in inspections in autumn 2001 and earlier, to have shortcomings;
- c. after that, LEAs will be inspected broadly in the chronological order of the initial inspection round, taking account of the number and reporting date of BVRs.

The selection process will 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 anticipated in the inspection cycle from January 2002. These indicators will include: evidence from school inspections; GCSE and other test results; completed Form 4s; the Audit Commission's proposed annual survey of schools; and auditors' comments upon aspects of the Best Value Performance Plan relating to education. New indicators may be generated as the inspection methodology develops further.

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13. Once an LEA has been selected for an organisational inspection, consideration will be given to the inspection resources to be deployed. An inspection brief will be prepared, taking into account the LEA's evaluation of its work. The brief will match the number of inspection days, and the mix of HMI and Audit Commission inspectors in the team, to the identified strengths and weaknesses in the LEA's performance. The lead inspector will discuss the inspection brief with senior officers and elected members when planning and setting up the inspection, and may amend the brief as a result of that discussion.

14. The LEAs to be inspected within HMCI's programme will normally be informed at least one term before the proposed start of the inspection.

15. Those LEAs which are found to be carrying out a range of functions inadequately will be subject to a planned frequent monitoring programme to support improvement. The first inspection of an LEA which has been placed on the frequent monitoring programme will be undertaken about six months after its initial inspection in the new cycle. Once placed on the programme, the LEA would not be part of the selection process for organisational inspections until a monitoring inspection finds that its capacity to improve is secure. The form and nature of the activity undertaken by an inspector in respect of an LEA placed on the programme will vary, depending on the number and seriousness of the weaknesses identified in the organisational inspection report. Ordinarily, an inspector would undertake a monitoring visit to the LEA to

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assess progress on a report's recommendations. Prior to that visit, the inspector would review material from the LEA describing the pace and substance of progress. The inspector will subsequently provide the LEA and the Secretary of State for Education and Skills with a monitoring letter evaluating progress. The evidence secured by the inspector will assist HMCI in reaching a decision on when that LEA should be subject to a return organisational inspection. More detailed information on the form and nature of the frequent monitoring programme can be found on the OFSTED website.

16. To minimise the demands made on LEAs, it is intended that thematic inspections will normally involve LEAs that are not part of the annual programme for inspection, or will be conducted at the same time as an organisational inspection. Thematic inspections may also be used to inspect BVRs of common functions across a group of LEAs.

17. Organisational inspections will assess the LEA's performance of its duty to secure continuous improvement. This will entail examination of any BVRs completed by the time the inspection occurs, together with evaluation of the authority's best value processes, including the Best Value Performance Plan.

18. The broad principle to be adopted is that it is OFSTED's intention that no LEA should be inspected more than once in a financial year. Wherever possible, OFSTED inspections of other related functions, such as area-wide inspections of post-16 provision, will be co-ordinated with the organisational inspection of the LEA's school improvement functions.

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19. Notwithstanding the above, the Secretary of State for Education and Skills has the power to request HMCI to arrange the inspection of any LEA, covering any function.

### **Key Functions of an LEA**

20. For the purposes of organisational inspection, the key functions of an LEA are grouped under five headings:

- a. the LEA's strategy for school improvement;
  - b. school improvement;
  - c. special educational needs;
  - d. promoting social inclusion;
  - e. corporate issues.
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Inspection teams will establish how effective an LEA has been in the discharge of the activities grouped under those headings. In addition, the impact of non-main phase education functions supported by an LEA—early years, post-16 education, and life-long learning—will be examined in respect of their linkage with, and impact on, main phase education. The headings and functions are set out below.

#### *LEA's strategy for school improvement*

21. The LEA's work will be examined in context, and the performance of its schools will be analysed. In addition, inspectors will scrutinise: (a) the LEA's work on the production and implementation of its EDP, other statutory plans and local public service agreements; (b) how effectively it has targeted resources to priorities; and (c) the rigour of its performance management processes, including best value. The matters to be examined under this heading are as follows:

- the socio-economic context of the LEA;
- the performance of schools (from attainment in reception to the end of Key Stage 4);
- the council's structure and operation;
- funding, including the co-ordination of external funding;
- the LEA's strategy for school improvement, including the EDP;
- the progress on implementing the LEA's strategy for school improvement, including the EDP;
- the extent to which the LEA targets its resources to priorities;
- the extent to which the LEA has in place effective strategies to promote continuous improvement, including best value.

#### *School improvement*

22. The inspection will focus on the effects of the LEA's support to schools, through an examination of the LEA's monitoring, challenge, intervention and support in schools. The inspection will scrutinise the collection of performance data and the use made of it by the LEA; the LEA's management of initiatives to raise achievement; its work in respect of schools causing concern to the LEA; and its success in promoting autonomous, self-managed schools. The matters to be examined under this heading are as follows:

- the extent to which the LEA has defined monitoring, challenge and intervention, and shared those understandings with schools;
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- the extent to which the LEA's support to schools is focused on areas of greatest need;
- the effectiveness of the LEA's work in monitoring schools and challenging them to improve, including the use made of performance data;
- the effectiveness of the LEA's identification of, and intervention in, under-performing schools;
- the extent to which the LEA is successfully implementing national strategies to raise pupils' achievement, including in:
  - ◆ literacy
  - ◆ numeracy
  - ◆ information and communication technology (ICT)
  - ◆ Key Stage 3
  - ◆ schools facing challenging circumstances;
- the extent to which the LEA is supporting schools in raising standards of ethnic minority and Traveller children, including the effective deployment of grants such as the Ethnic Minority and Traveller Achievement Grants;
- the extent to which the LEA is supporting schools in the provision they make for gifted and talented pupils;
- the LEA's support for school leadership and management, including support for schools' efforts to achieve best value;
- the LEA's support to school governors
- the effectiveness of the LEA's services to support school management (including financial services, human resources, and services for ICT in school administration)
- the extent to which the LEA is successful in assuring the supply and quality of teachers.

Judgements will also be made in respect of the management of services to support school improvement, including:

- the effectiveness of the leadership of services
  - the effectiveness of the deployment of staff
  - the effectiveness of strategic planning
-

- the effectiveness of the performance management of services
- the standard of expertise of staff
- the effectiveness of services to support school improvement
- value for money of services.

### *Special educational needs*

23. This area of inspection will consider: the development and implementation of policies and strategies for special educational needs (SEN) in order to meet statutory requirements, analyse needs and audit current strengths and weaknesses, identify LEA-wide targets for improvement, and set out plans and programmes to achieve these that embody best value principles. The matters to be examined are as follows:

- the effectiveness of the LEA's strategy for SEN;
- 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;
- the extent to which the LEA has exercised its SEN functions to secure value for money.

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### *Promoting social inclusion*

24. This area of inspection will consider the extent to which statutory requirements, including best value, are met in the aspects of the LEA's work that relate to pupils' access to schools; the provision of sufficient and suitable school premises; and the extent to which the LEA is successfully promoting social inclusion and combating racism. The matters to be examined are as follows:

- the overall effectiveness of the LEA in promoting social inclusion;
  - the effectiveness of the LEA in relation to the provision of school places;
  - the effectiveness of the LEA in discharging asset management planning;
  - the effectiveness of the LEA in relation to admissions to schools;
  - the extent to which the LEA meets its statutory requirements and achieves value for money in relation to provision for pupils who have no school place;
  - the extent to which the LEA meets its statutory requirements and achieves
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value for money in relation to school attendance;

- the extent to which the LEA meets its statutory requirements and achieves value for money in relation to behaviour at school;

- the extent to which the LEA meets its statutory requirements and achieves value for money in relation to health and safety, welfare and child protection;

- the extent to which the LEA meets its statutory requirements and achieves value for money in relation to children in public care;

- the effectiveness of the LEA in combating racism.

### *Corporate issues*

25. The matters to be examined under this heading are as follows:

- the clarity, consistency, coherence and feasibility of corporate plans;

- the effectiveness of the procedures for implementing and evaluating corporate plans;

- the speed, transparency and effectiveness of decision-making (particularly financial decision-making);

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- the quality of the leadership provided by elected members;

- the quality of the leadership provided by senior officers;

- the quality of the advice given to elected members;

- the effectiveness of the co-ordination of actions in support of priorities involving collaboration between several agencies.

26. The inspection will also reach a judgement on the LEA's capacity for further improvement, and its ability to address the recommendations of the inspection. The inspection will also reach judgements on the overall effectiveness of the LEA; and the progress made overall by the LEA. The inspection will take into account any other plans the LEA may have, such as SEN development plans. The inspection will also cover the extent to which the LEA promotes the capacity of schools to choose, buy and evaluate services independently and effectively—particularly in relation to the curriculum, governors, finance, personnel, ICT and property.

27. Inspectors will use the 'Criteria for Inspection Judgements', available on the OFSTED website to make judgements about the effectiveness of the LEA and its capacity to secure continuous improvement. The guidance mapping out the inspection process in reaching individual judgements can also be found on that web page.

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## Stages of Inspection

28. This section of the Framework describes the individual steps involved in each inspection type.

### *Organisational inspections*

29. Once an LEA has been selected for inspection in line with the process described at paragraph 12, an inspection brief will be developed that sets out the parameters of the inspection (taking into account any public service agreements entered into by the local authority), and determining the resources to be deployed. In preparing the brief, inspectors will take account of a range of evidence, including an evaluation prepared by the LEA, on OFSTED's invitation, and any other self-evaluation exercises undertaken by the LEA. That detailed evaluation will cover the full range of the functions that would be subject to inspection, using OFSTED's criteria. That evaluation will be used, at the brief-writing stage, along with a range of other evidence, to indicate whether any of the LEA's functions require fieldwork to be undertaken in order to evaluate those functions adequately, and at what intensity. In the case of LEAs found, at the brief-writing stage, to have few issues of concern, and an apparently high number of services delivered particularly well, the emphasis of the inspection may focus on those services as examples of best practice. Individual LEAs will be informed of the date of the inspection not less than eight weeks prior to planning and setting up the inspection.

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30. Planning and setting up the inspection with the LEA will normally take place in the half-term prior to the inspection, and this phase will consist of:

- meeting and briefing the senior officers of the LEA, the chief executive, and senior elected members with responsibility for education, in order to outline the inspection process;
  - discussing the inspection timetable and the requirements of the inspection with senior LEA officers, the chief executive, and senior elected members, including the request for information. The list of documents sought from LEAs will be posted on the LEA inspection division page of the OFSTED website;
  - deciding what fieldwork will be undertaken, including any school visits deemed necessary;
  - arrangements to gather feedback from schools;
  - arrangements for the distribution of the school survey;
  - deployment of the inspection team.
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31. The **inspection** will identify the issues related to school improvement and the attainment of pupils. The inspection team will:

- analyse the statistical profile of the LEA in the light of the LEA's own audit included in the EDP;
- consider the match of the audit to the LEA's priorities as defined in its plans, and whether the LEA has applied best value criteria to the discharge of functions in support of those priorities;
- analyse the information provided by the LEA (all the OFSTED forms for completion by the LEA will be available in an electronic format; and the LEA will only be required to supply hard copies of material not available on its website);
- analyse the school survey;
- consider the documentation of any completed BVRs within the educational functions of the local authority;
- undertake a scrutiny of any BVR that is to be included in the inspection.

32. Evidence will be collected to provide the basis of the team's judgements to assess how far the LEA's work meets the inspection criteria. The evidence may include:

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

33. School visits, if undertaken, will normally last about half a day. They will focus on the issues identified in the particular LEA as having the most impact on standards. 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. Visits to schools will only be undertaken where there is insufficient evidence from other sources. The visits will

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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 his or her representative. Classroom observation will not generally be undertaken.

34. 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.

35. Each inspection will lead to a **report** that will include:

a. a commentary which outlines salient socio-economic factors; schools' overall performance; any particular features of the LEA, including any changes since the last inspection, which may affect its performance as an organisation; and a summary of the first inspection's findings. The commentary will also include a clear judgement of the LEA's overall effectiveness, including a judgement of the LEA's capacity to secure best value. The commentary will set out a list of functions graded at good or above, or unsatisfactory or below. The commentary will also outline the key features in the leadership, management, resource allocation, planning or service delivery that have led to the overall judgement in the report. 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.

b. summaries of the findings of the inspection of: the LEA's strategy for school improvement; its school improvement functions; special educational needs; promoting social inclusion; and corporate issues

c. recommendations which the LEA should consider in producing an action plan to improve the effectiveness with which it discharges its functions.

36. A pre-publication draft of the report will be given to the chief education officer by the lead inspector 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, oral feedback based on this report will be given to the chief education officer, with an invitation from the lead inspector to key members of staff and key elected members to attend the meeting. The feedback meeting will offer the opportunity for the LEA to draw the inspection team's attention to any apparent inaccuracies in the draft. A member of the DfES may attend the meeting. This is so that the DfES is apprised of the LEA's response to the draft report, which, in turn, may assist the DfES in the provision of advice to the LEA.

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37. In accordance with section 39(4) of the Education Act 1997, HMCI has decided that all reports of organisational inspections will be published by OFSTED, in conjunction with the Audit Commission, and copies placed on the OFSTED website. The Audit Commission website will provide links to inspection reports on LEAs. It is OFSTED's intention to publish reports within 30 working days of the oral feedback to the chief education officer. 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 e-mail, 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 of the final report may also be given to the council, after publication of the report.

38. Under section 39(2) of the Education Act 1997, the LEA is required 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 receiving 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.

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39. If the findings of the inspection reveal that:

- the LEA has significant weaknesses in the extent to which it exercises its functions to raise standards and/or to protect children;
- or
- the LEA is failing to secure the cost effective use of resources;
- or
- the LEA's relations with schools do not have due regard for the statutory Code of Practice on School-LEA Relations

the LEA will be subject to a frequent monitoring programme of inspection to support improvement (see paragraph 15). Where the Secretary of State for Education and Skills has particular concerns about the findings of an inspection, she 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 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 for Education and Skills under the terms of the Local Government Act 1999.

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### *Thematic inspections*

40. The selection of thematic inspection topics will be made by HMCI. In general, a thematic inspection will take place over one term, with preparatory work taking place in the term before the inspection fieldwork takes place.

41. Planning and setting up the inspection may include:

- the production of an inspection brief;
- devising an appropriate inspection methodology;
- the selection of LEAs (this may involve a general request to LEAs to volunteer for inspection);
- initial approaches to LEAs to secure data and documentation, and to settle possible interview dates with LEA officers and stakeholders;
- the deployment of the inspection team.

It is intended to advise LEAs of their involvement in thematic inspections at least one term before fieldwork begins.

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42. **The inspection** may take place over one or two terms and 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);
- consideration, if relevant, of any completed BVRs;
- interviews with relevant LEA officers, and members;
- interviews or focus groups with stakeholders, such as governors or diocesan representatives;
- visits, where appropriate, to schools.

Inspectors will then pool evidence and produce a draft report that will include:

- a. a commentary, that reaches a judgement on the range of the effectiveness of the approaches adopted by LEAs on the theme; a judgement on what might represent best practice; and recommendations
  - b. the nature and form of approaches adopted by the LEAs, taking account of such factors as funding; socio-economic context; views of stakeholders; and the impact of an LEA's work in that area, and outcomes of that work.
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43. **Reporting the findings** will involve the sharing of the draft report with contributing LEAs to establish the factual accuracy of the report; this might involve the LEAs meeting as a group with the inspection team to discuss the judgements and recommendations of the report. As a number of LEAs will be involved, provision of the draft report will be made at least 10 working days before publication. Given that the work may have national impact, and may indicate pathways to success, OFSTED, the Audit Commission and LEAs party to 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, and, where appropriate, with the Audit Commission, and copies placed on the OFSTED website, with links from 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 e-mail, 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 will still retain the duty to make copies locally available within 30 working days of receiving the final report, and to produce, if appropriate, action plans.

#### *Inspection of best value reviews*

44. It is expected that the inspection of most BVRs will be subsumed, as far as possible, within organisational inspections. In the circumstances when a BVR cannot be inspected as part of an organisational inspection, a number of BVRs will be grouped together for inspection by OFSTED and the Audit Commission. The duty of best value requires local authorities to make arrangements to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency, and effectiveness. Under the terms of the Local Government Act 1999, local authorities are required to conduct BVRs of all their services by March 2005. Inspection of BVRs of education services will be undertaken by HMI and Audit Commission inspectors. Local education authorities have been asked to submit individual education-related BVRs to OFSTED when those BVRs are completed. When an LEA is not programmed for an organisational inspection within a particular academic year, and the LEA has completed BVRs, OFSTED would advise the LEA of the term in which those BVRs would be inspected. The inspection will include an evaluation of the authority's best value processes.

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45. During the inspection process described below, inspectors will be seeking to establish whether an authority, in conducting a BVR, had:

- challenged why, how and by whom a service is provided;
  - compared that service's performance with others, across a range of relevant indicators, taking account of the views of service users and potential suppliers;
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- consulted appropriately with local taxpayers, service users, partners and the wider business community in the setting of new performance targets
- used fair and open competition to secure, where practicable, efficient and effective services;
- achieved real improvement for service users and citizens.

46. **Planning and setting up the inspection** will involve a desk evaluation of those BVRs by inspectors, to establish whether the principles of best value have been appropriately applied to the BVR. If fieldwork is warranted, the lead inspector will make contact with the relevant LEA, to discuss a timetable for the inspection.

47. The **inspection** will consist of fieldwork to evaluate the quality of the service, the authority's best value processes, the rigour of the BVR, and progress in making improvements; the report will be drafted by the inspectors and the draft shared with the LEA. **Reporting the findings** will involve the sharing of the draft report with the LEA to assure the factual accuracy of the report. The report will use the star rating system to signal whether or not the service reviewed is a good one, and whether or not it can improve as a result of the review. The report will subsequently be published on the OFSTED and Audit Commission websites.

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48 The inspection of cross-cutting BVRs will also be undertaken by OFSTED and the Audit Commission, working, as appropriate, with other inspectorates. A protocol on the inspection of such BVRs can be found on the best value website located at: [www.local-regions.detr.gov.uk/bestvalue/inspection/inspectionindex.htm](http://www.local-regions.detr.gov.uk/bestvalue/inspection/inspectionindex.htm). Joint work with other inspectorates will be developed when undertaking organisational inspections of LEAs where a local authority has a directorate that has combined social services and education.



## Annexes

### Annex A: Code of Conduct

OFSTED, the Audit Commission and any 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 inspectors will conduct themselves in a considerate and courteous manner and perform their tasks with integrity and impartiality. Any potential connectivity issues involving inspectors 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 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

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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 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 (telephone 020 7421 6567).

## Annex B: Role of the Audit Commission in LEA inspections

Under this Framework, the exact distribution of work between members of inspection teams will depend upon the issues chosen for detailed investigation. However, subject to this caveat, the Audit Commission inspector will normally investigate the following areas, and may also—subject to the decision of the lead inspector—investigate the areas in *italics*.

### *The LEA's strategy for school improvement:*

- allocation and management of resources;
- *management processes;*
- *appropriateness and effectiveness of best value arrangements, and of BVRs.*

### *School improvement*

Services funded by specific grant:

- *the allocation and management of resources.*

Management support services to schools:

- where these are provided by the LEA, their quality, flexibility and cost-effectiveness;
- 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 of resources within school improvement and curriculum support services.*

### *Special educational needs:*

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

*Promoting social inclusion:*

- the planning and management of school organisation and the provision of school places;
- admissions policy and arrangements;
- *the management and cost effectiveness of the education welfare service and other centrally retained services included within this category;*
- *management and cost effectiveness of services to support pupils educated other than at school.*

*Corporate issues:*

- LEA-retained responsibilities in the employment of staff, ICT, school maintenance and other support services;
- resource-related aspects of work with other agencies;
- *the operation of policy development and strategic management processes;*
- *operational planning and quality management processes;*
- the management of capital schemes;
- the management and comparative costs of retained aspects of school buildings' maintenance and other facilities management services in this category.

## Annex C: Distribution arrangements for reports and action plans

(LEA inspection reports, thematic inspection reports, Best Value review 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 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 social services;
- every public library in the area.

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In addition, a copy of the action plan must be sent to:

- Her Majesty's Chief Inspector of Schools;
- the Secretary of State for Education and Skills.

As thematic inspections (see paragraphs 10, 40-43) 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.

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Best value review inspections undertaken by OFSTED represent inspections conducted under the terms of section 38 of the Education Act 1997, and should accordingly 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.



