

Re-inspection of inadequate local authorities

Consultation outcome report

This report presents the response to our consultation on a more proportionate approach to re-inspecting inadequate local authorities. It outlines our conclusions to this response and our review of the improvement offer to local authorities.

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Corporate member of
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Committed to clearer communication

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Background

1. In February 2016, we consulted on changes to our arrangements for re-inspecting local authorities judged inadequate for overall effectiveness in their inspection of services for children in need of help and protection, children looked after and care leavers.¹ The consultation sought views on:²
 - whether re-inspection should have a more proportionate focus on weaknesses identified at the previous inspection
 - the timing of a re-inspection
 - aspects of the single inspection arrangements that we could be more flexible about on a re-inspection
 - how we should report our findings.
2. At the same time, Senior Her Majesty's Inspectors (SHMI) from Ofsted contacted local authorities that had accepted our improvement offer to review their experiences and determine which aspects of that work could best support the proposed re-inspection arrangements.
3. We received 86 responses to our consultation. The largest respondent group was local authorities and local safeguarding children boards (LSCBs), some of whom provided a joint response. We also received responses from the Association of Directors of Children's Services (ADCS), the Local Government Association (LGA) and the Society of Local Authority Chief Executives.
4. The full breakdown of responses is in Annex A of this report. Overall, the response we received to our proposals was supportive, with most questions showing around 70% or more of respondents in agreement. However, the written comments showed that, while many respondents agreed to the principles, there was considerable variation in their reasons for agreement and differing views on how these principles should be applied in practice.

Response to the proposals

5. In this section, we set out the responses we received and our next steps. This consultation has not been straightforward because it took place during a relatively turbulent period of policy change. It came at a time when the Prime Minister made very clear announcements about the government's response to persistently weak and failing authorities. Our 'Next Steps' section sets out our plans in the light of our own consultation, our review of the improvement offer and the government's priorities.

¹ 'Inspecting local authority children's services: framework'; Ofsted, 2015; www.gov.uk/government/publications/inspecting-local-authority-childrens-services-framework

² 'Consultation: re-inspection of inadequate local authorities'; Ofsted, 2016; www.gov.uk/government/consultations/re-inspection-of-inadequate-local-authorities

Focus on weaknesses

6. We proposed to make re-inspections more proportionate, focusing on the weaknesses identified at the previous inspection. For local authorities found inadequate in all judgement areas, we will conduct a full inspection under the single inspection framework.
7. There was very strong support for a more proportionate approach informed by risk assessment. However, respondents requested greater clarity on how this would align with our improvement offer. Some respondents suggested that this would be a more appropriate activity on which to target our resource as more regular engagement with local authorities would promote continuous improvement and provide a safeguard against decline.
8. A higher proportion (though still a minority – 21%) disagreed that the re-inspection should be a full single inspection where all the judgement areas were inadequate. Of these respondents, nearly half did not provide a reason for their response. Of those that did, the comments were split between those who felt that all inspections (not just re-inspections) should be proportionate and those who felt that we should continue to look at judgement areas that were not inadequate in all local authorities to monitor any possible decline in performance.

The timing of the re-inspection

9. We proposed to keep the maximum time limit for re-inspection at 24 months. However, this timescale would now be measured from the point when the local authority is required to submit an action plan after the inspection. We also proposed to bring forward re-inspection where a local authority had improved quickly and therefore provide them with the opportunity to demonstrate that they were better than inadequate at the earliest time. We asked whether respondents agreed that the local authority itself and the Department for Education (DfE) should be able to influence the timing of the re-inspection.
10. About 73% agreed with our proposals for the re-inspection timescale. Comments varied between those who wanted re-inspection as soon as possible to remove the inadequate judgements, and others who felt local authorities should have plenty of time to secure improvement before being re-inspected. There was a general consensus that the timing of any re-inspection should take account of which judgement areas are inadequate and the reasons for the inadequacy as this will affect the amount of time in which a local authority can reasonably have been expected to improve.
11. A similar proportion felt that the views of the local authority itself should influence the timing, though a slightly smaller proportion (68%) felt the DfE should influence the timing. The concerns that respondents expressed around these proposals tended to be around Ofsted maintaining its independence.

Inspection methodology

12. We proposed to retain the overall structure of the single inspection for weeks one to three and gather information in the same way as we would on a full single inspection. However, we proposed to modify the arrangements to reflect the specific scope of the more focused re-inspection. For example, the total number of inspectors and weeks onsite and the amount of information we ask the local authority to provide.
13. Again, around 70 to 80% of respondents agreed to our proposed changes and the things we proposed to keep the same. Many of the written comments about how we could be more flexible echoed the proposals we outlined in our consultation document. Two notable exceptions were the low level of agreement to inspectors not being onsite in week two (45%) where respondents commented that this added to the length of the overall inspection, and the high-level of support (83%) that local authorities should continue to audit some cases for the inspection, an activity that usually happens while inspectors are offsite in week two.

Making judgements and reporting

14. Instead of the Ofsted standard four-point scale, we proposed to make a statement about whether the local authority continued to be inadequate or had improved and was no longer inadequate in those specific areas of weakness. This was because each inspection would have a different scope and so it would be misleading to provide judgements on a scale that implied they were comparable with a full single inspection. We proposed to identify strengths, progress and areas for improvement in a letter to the local authority.
15. Some 68% agreed with the judgement we proposed to give. However, the written comments showed considerably more diverse opinions. Some felt that all reports should provide narrative judgements only; others felt that we should use the standard Ofsted four-point scale so that we reported in a consistent and familiar way. For a number of respondents, their main concern was that we would not provide new judgements on those areas that were not inadequate at the previous inspection – these parts of the local authority could have deteriorated or improved and this should be recognised.
16. There was very strong support (90%) for reporting the outcome of the inspection through a letter. However, most comments suggest that the main reason for their response was agreement that inspectors should provide written feedback to the local authority rather than any strong feeling about the specific format of the written feedback.

Next steps

17. Given the varied responses received, particularly in the comments, we have considered carefully how Ofsted could respond to these while remaining consistent in our engagement with local authorities. We still plan to introduce an option for re-inspection that is proportionate to the inadequacies found at the original inspection. The timing of this re-inspection will take account of how long it will take the local authority to address the specific concerns and their rate of progress.
18. To enable this to happen in a way that responds to a local authority's needs, we will also introduce a series of monitoring visits to inadequate local authorities.
 - Quarterly monitoring visits will enable us to gather information to help determine the timing and arrangements for re-inspection rather than relying solely on the local authority's and the DfE's assessments.
 - We will expect that the local authority continues to regularly audit cases between monitoring visits so that we can test the rigour of the local authority's quality-assurance processes. This will help us to make the re-inspection shorter overall, where appropriate, as it will remove the need for the second week of the inspection where this auditing would usually take place. This approach balances the concerns from consultation respondents about the overall length of an inspection, while retaining the core and valuable methodology of case auditing.
 - With the exception of the first visit, after each quarterly visit we will publish a report in letter format. Each report will provide a narrative about progress made and may comment on other concerns if inspectors identify them during a monitoring visit. We will not publish the first report to avoid unrealistic expectations of progress, but we will publish all subsequent quarterly reports.
 - The information gathered will inform the timing of the re-inspection. This will usually be within 24 months of the local authority submitting its action plan, but we will adjust this on a case-by-case basis to reflect each authority's progress. We anticipate that all inadequate local authorities will receive a minimum of four monitoring visits before being re-inspected.
 - If a local authority has been judged inadequate across all key judgement areas,³ Ofsted will carry out a further full single inspection. Ofsted will also conduct a full single inspection if we are concerned about the rate of progress or a possible decline.

³ The three key judgement areas in the single inspection are: the experiences and progress of children in need of help and protection; the experiences and progress of children looked after and achieving permanence; and leadership management and governance.

- If the local authority is inadequate in only some areas of its service, Ofsted may undertake a post-monitoring single inspection. Certain activities that were tested through monitoring visits may not feature in the re-inspection. These inspections will likely take place over two weeks and will provide the full range of judgements from the single inspection. This will enable us to be proportionate in our methodology where we can while still providing assurance that the broader effectiveness of the local authority has been maintained, or even improved.
19. The full details of arrangements for the monitoring visits are in the published guidance.⁴ We will publish the detailed guidance on arrangements for a post-monitoring single inspection in autumn 2016. Senior HMI will contact local authorities that are currently inadequate (and who may have accepted our earlier improvement offer) to establish a smooth transition to the new arrangements.
 20. These new arrangements for quarterly monitoring visits and the option to undertake a more proportionate post-monitoring single inspection will be in place until the end of the single inspection programme in December 2017. We anticipate that these activities will remain as elements of the model of inspection of local authority children services from 2018. We will be setting out our proposals for the principles that underpin the future model during the summer of 2016.

⁴ 'Monitoring local authority children's services judged inadequate: guidance for inspectors'; Ofsted, 2016; www.gov.uk/government/publications/monitoring-local-authority-childrens-services-judged-inadequate-guidance-for-inspectors

Annex A. response data

We received 86 responses to this consultation. However, not all respondents answered all questions. The figures below are based on the number of responses to each specific question. Percentages are rounded to the nearest whole number.

Proposal one: focus on weaknesses

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

	Yes	No	Don't know
be more proportionate and risk-based?	68 (88%)	3 (4%)	6 (8%)
focus on the areas of weakness identified at the previous inspection?	67 (88%)	7 (9%)	2 (3%)
be the same as the full inspection, where all judgement areas were found to be inadequate?	61 (78%)	16 (21%)	1 (1%)

Proposal two: timing of the re-inspection

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

	Yes	No	Don't know
the Department for Education?	55 (69%)	19 (24%)	6 (8%)
the local authority?	56 (75%)	14 (19%)	5 (7%)

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

Yes	No	Don't know
59 (74%)	17 (21%)	4 (5%)

Proposal three: inspection methodology

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

	Yes	No	Don't know
we will always undertake some activity in weeks one to three	60 (76%)	12 (16%)	7 (9%)
week one will occur with the same short notice period	54 (69%)	17 (22%)	7 (9%)
inspectors will not be on site in week two	36 (46%)	21 (27%)	21 (27%)
we will ask the local authority to audit some cases	65 (83%)	10 (13%)	3 (4%)

	Yes	No	Don't know
the timescales for the local authority to submit information to support the inspection (Annex A in the framework)	54 (70%)	12 (16%)	11 (14%)

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

	Yes	No	Don't know
we will consider whether inspectors need to be on site in week four	63 (79%)	13 (16%)	4 (5%)
we will only ask for items in Annex A of the framework that are relevant to the specific scope of the re-inspection	58 (73%)	17 (22%)	4 (5%)
the number of cases we ask the local authority to audit	61 (76%)	13 (16%)	6 (8%)
the number of inspectors on site in week one and the number of days they are on site	58 (73%)	13 (16%)	8 (10%)
the number of inspectors on site in week three and the number of days they are on site	55 (71%)	13 (17%)	10 (13%)

Proposal four: making judgements and reporting

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

Yes	No	Don't know
55 (69%)	19 (24%)	6 (8%)

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

Yes	No	Don't know
73 (90%)	4 (5%)	4 (5%)

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