

# Monitoring local authority children's services judged inadequate

Inspectors' handbook

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This guidance describes the main activities that social care Her Majesty's Inspectors (HMI) undertake when carrying out monitoring visits to local authorities where children's services have been judged inadequate.

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## Introduction

1. The Office for Standards in Education, Children's Services and Skills (Ofsted) believes that all children who use children's social care services are entitled to services that are good or better. Where local authority children's services are judged to be inadequate, Ofsted will carry out monitoring visits and report on the progress made by the local authority, to support them to improve further.
2. This guidance is for Ofsted inspectors. Local authorities and professionals working with children and young people and their families can use the guidance to see how the monitoring visits will be conducted.
3. Ofsted will re-inspect local authorities judged inadequate following the single inspection under section 136 of the Education and Inspections Act 2006 (the Act). Where local authority children's services are judged inadequate, Ofsted will carry out a programme of monitoring activities, including quarterly monitoring visits, to report on the progress made by local authorities. Where a local authority is not prepared to agree the programme of quarterly monitoring visits, we will refer the authority to the Secretary of State who is likely to intervene and direct Ofsted to undertake visits under section 118(2) of the Act.
4. All local authorities judged to be inadequate will receive an action planning visit, a programme of quarterly monitoring visits and a re-inspection.

## Notification of the inspection judgement and the future monitoring activity

5. If the local authority is judged to be inadequate at their single inspection, the lead inspector will:
  - inform the relevant regional director and senior HMI (SHMI) of the provisional judgement
  - alert the director of children's services (DCS) that, the local authority:
    - should arrange an action planning visit between 25 and 35 days after receiving their report and that an Ofsted inspector will attend
    - will receive quarterly monitoring visits from Ofsted to evaluate the progress made against the recommendations since the inspection and to check that there is no decline in other areas.
6. At the inspection feedback meeting, the lead inspector will remind the local authority that they must produce a written statement of proposed action (the

action plan) and submit this to the Secretary of State and HMCI within 70 working days of the receipt of the inspection report.<sup>1</sup>

7. The letter that accompanies the pre-publication copy of the inspection report will confirm the submission deadline for the action plan – within 70 working days of receiving that report. A copy of this letter will be sent to the lead inspector and the responsible regional SHMI.

## Action planning visit

8. Ofsted will visit the local authority to ensure the local authority has a sufficient understanding of the recommendations to plan appropriately following the inspection judgements. The purpose of the visit is to:
  - clarify the roles, responsibilities and activities of Ofsted and the DfE
  - give local authorities and their partners a comprehensive understanding of the inspection judgements to enable the local authority to fulfil its statutory responsibility to develop the post-inspection action plan
  - explain the purpose and significance of recommendations in the context of the three key judgements
  - set out the implications for statutory partners, including the Local Safeguarding Children Board
  - support the local authority to develop an action plan that links clearly with the recommendations from the inspection
  - consider the draft action plan (if available)
  - confirm the date of the first monitoring visit and establish the pattern of future monitoring activity
  - agree the specific focus of the first monitoring visit and (where possible) any subsequent monitoring visits.
9. Once the local authority has received their report, the regional director will write to the DCS confirming the action planning visit (see letter template at Annex A). This letter will be copied to the lead inspector from the single inspection, the inspector who will lead the monitoring visits (if already identified), the regional SHMI, the Ofsted national director (social care) and the DfE inspections and interventions team.
10. The visit should take place between 25 and 35 working days after the local authority has received its inspection report.
11. The visit is attended by:

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<sup>1</sup> This responsibility is set out in the Education and Inspections Act 2006 (Inspection of Local Authorities) Regulations 2007, Paragraph 3.

- the lead inspector of the local authority's single inspection (or another member of the inspection team if the lead inspector is unavailable)
  - a senior HMI based in the local authority's region
  - participants selected by the local authority.
12. It is for the DCS to determine who should attend the action planning visit, though the DCS may wish to discuss this with the lead inspector to ensure that attendees are appropriate to the recommendations in the report. The attendees will usually include senior managers of the local authority children's services and other key partners. As the visit is concerned with the work of children's services professionals, elected councillors would not normally attend.
  13. The lead inspector should ask scheduling colleagues to add one day for preparation and one day for the visit in their schedule. The lead inspector should also notify the inspection and management support team supervisor of the date of the visit.
  14. The SHMI and lead inspector will discuss the agenda for the action planning visit with the DCS before the event. This gives the DCS an opportunity to influence any specific areas that they want the visit to focus on. The lead inspector will circulate the final agenda five working days before the visit. An example agenda is at Annex B.
  15. If the local authority has an early draft of their action plan, the DCS should share this with the lead inspector before the action planning visit to assist planning. Early drafts of action plans are accepted as 'work in progress' and will not be formally reviewed by the inspector.
  16. It is for the SHMI to introduce the action planning visit setting out its purpose. The role of the lead inspector and the SHMI is to present the priorities and key recommendations of the inspection report in more detail and enter into formal discussion with the participants so that they can be fully aware of:
    - the evidence that supports the recommendations
    - the priorities for action
    - the detail that underpins any areas about which the local authority remains uncertain.
  17. The lead inspector's presentation should not replicate inspection feedback. It should be concise and target the key issues that need to be discussed. It should inform debate with and between participants so that the local authority can use the material to develop its action plan.

## Recording

18. The lead inspector should keep a record of the outcome of the discussions (Annex C), which will be retained by Ofsted on its internal systems. The SHMI

should also send it to the DCS, copied to the regional director and the Ofsted national director, social care.

## Action plan

19. Local authorities have a maximum of 70 working days from when they receive the inspection report to submit a 'written statement of action' to the Secretary of State and HMCI. This is required irrespective of the inspection judgement.
20. The lead inspector will review the action plan as soon as possible after receipt to check that it reflects the recommendations contained in the inspection report. Ofsted is not responsible for 'signing off' or endorsing the action plan – this is the responsibility of the DCS. Here, Ofsted's role is to advise the DCS about whether the action plan reflects the recommendations in the inspection report.
21. Ofsted's regional director will write to the DCS confirming whether the action plan reflects the inspection findings. If Ofsted considers that the action plan does not properly reflect or address the recommendations set out in the inspection report, the lead inspector and/or SHMI should discuss this with the DCS to ensure that the recommendations have been fully understood. Where this is not resolved, the regional director will write to the DCS setting out the area(s) of difference and the reasons. Annexes D and E provide templates for this correspondence. The lead inspector will keep the national director, social care informed.
22. The lead inspector will inform the interventions team at the DfE of the outcome of this process. If the differences are not resolved, the Secretary of State will be asked to consider what action (if any) the DfE wishes to take in response.

## Monitoring visits

23. At the action planning visit, the SHMI, HMI and DCS will agree arrangements for the quarterly monitoring visits. The first monitoring visit will usually be within four weeks of the submission deadline for the local authority's action plan (which is within 70 days of their receipt of the inspection report). The lead monitoring inspector will confirm the dates of the visits in advance.
24. Usually two HMI will undertake each visit. They may be accompanied by an additional seconded inspector. They will work closely with a senior children's service colleague nominated by the local authority to help coordinate the monitoring visits. Each visit will usually last for two days. Wherever possible, the same HMI will lead all these monitoring visits.
25. Monitoring activity should relate to the key weaknesses and recommendations in the inspection report. The role of the HMI conducting the quarterly visits is to monitor and report on the local authority's progress since the last inspection. The HMI will also check that performance in the other areas has not declined

since the inspection. Where new concerns have emerged since the last inspection, we are likely to look at these as part of monitoring.

## **Pre-visit preparation**

26. The lead monitoring inspector will confirm the arrangements for each monitoring visit in advance with the local authority. Once the date of a visit is confirmed, the lead inspector will ask the local authority to provide the latest available child-level data required to carry out the agreed monitoring work. This request will usually be two weeks before the monitoring visit. When providing the data, the local authority should indicate any cases that they have audited since the last monitoring visit.
27. The HMI may ask the local authority to audit cases but in most instances the HMI will request information about up to six cases that have already been audited by the local authority. The local authority will be asked to return the completed audits at least three working days before the monitoring visit.
28. The local authority should provide any information requested using secure processes. Inspectors will provide details for accessing a secure online site that local agencies can choose to use for this purpose. This site has been risk assessed by Ofsted against the Government's Cloud Security Principles<sup>2</sup> to handle sensitive personal data.
29. Ofsted will only request data that is necessary to inform the activity specific to that monitoring visit. Any requests will be based on an extract of the data that is currently required for the inspections of services for children in need of help and protection, children looked after and care leavers – the single inspection.
30. The HMI and/or SHMI may, with the agreement of the DCS, attend the local authority's improvement board meetings as an observer, or other related meetings, for example with DfE officials.

## **Monitoring visit activity**

31. The lead inspector and DCS will agree a timetable for the onsite activity.
32. Activity on any monitoring visit, including tracking and sampling children's cases, will follow the methodology in the handbook for the single inspection.
33. On-site activity will usually consist of tracking the experience of a maximum of six children and young people. The criteria used to select cases will be agreed with the local authority before each monitoring visit.

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<sup>2</sup> 'Summary of Cloud Security Principles', [CESG and Cabinet Office](http://www.gov.uk/government/publications/cloud-service-security-principles), August 2014;  
[www.gov.uk/government/publications/cloud-service-security-principles](http://www.gov.uk/government/publications/cloud-service-security-principles)

34. Inspections will track or sample the cases audited by the local authority to evaluate how effective the local authority's auditing systems are and this will inform their evaluation of its progress and performance.
35. The tracking of children's experiences will be complemented by some case sampling activity. Where sampling is a more appropriate method to gather evidence in the particular focus of the inspection, the number of cases selected for tracking may be reduced. Any sampling activity should be limited and usually not exceed 15 cases.
36. Where the HMI identifies a cause for concern about the help, protection or care provided to a child/children, these must be brought to the attention of the DCS.
37. HMI will record the evidence collected and conclusions drawn during each monitoring visit in the summary evidence analysis (SEA). Inspectors must record the case numbers of tracked and sampled cases so that this can be cross-referenced in future visits.
38. At the end of each visit, the lead inspector will summarise and feedback the inspection findings to the DCS, chief executive and commissioner (where one is appointed). The Ofsted regional director and/or quality assurance (QA) manager may be present for the feedback meeting. If the authority and inspectors disagree on the findings, this must be recorded.
39. The areas to consider at the next monitoring visit will be agreed with the local authority at the feedback. Where the date of the next monitoring visit is known, the lead inspector will confirm the milestones by when the local authority should provide information, including whether the local authority will be required to specifically audit any cases.

## **Reporting of monitoring visits**

40. The HMI will write a brief report about their findings and, in particular, their evaluation of the local authority's progress (Annex F). The local authority will be given an opportunity to review the factual accuracy of the report before it is finalised.
41. Ofsted will not publish the report relating to the first monitoring visit. Ofsted will usually publish the report of each subsequent monitoring visit.

## Timeline

42. A timeline showing the monitoring visit arrangements is shown below.

Working day	Activity
Two weeks before visit	Lead inspector requests child-level data. Local authority provides this data by the end of that week, indicating which cases they have audited.
Eight days before the visit	Lead inspector notifies local authority of audited cases to submit.
At least three days before the visit	Local authority submits audited case files (before the inspectors' preparation days).
Two days before onsite activity	Preparation by inspectors.
Day 1 and 2	Inspectors onsite
Day 3	Inspection team writes report
Day 4	Lead inspector and QA manager quality assure the report
Day 5 and Day 6 (am)	Director, Social Care (or Deputy director, Social Care) review the report
Day 6 (pm)	Lead inspector/QAM revises the report
Days 7–8	Regional director signs off report
Day 9	Lead inspector/QAM revises the report
Day 10	Inspection support team proof reads the report.
Day 11 (by midday)	Inspection support sends draft report to local authority for factual accuracy check.
Day 11 (pm) – Day 14 (9.30am)	Local authority checks factual accuracy of the report.
Day 14 (by 9.30am)	DCS provides factual accuracy comments on the report.
Day 14	Lead inspector and QA manager review factual accuracy comments and report.
Days 15–16	Regional director clears final report
Day 17	Lead inspector and inspection support prepare report for publication
Day 18	Inspection support sends pre-publication report sent to DCS
Day 20	Report published

## Quality assurance

43. All inspectors are responsible for the quality of the monitoring visit and are accountable for the quality of the report.

44. Each monitoring visit will have a QA manager, usually the regional SHMI. The QA manager will not usually be onsite during the visit.
45. The role of the QA manager is to have oversight of the evidence base to provide assurance that the findings and evaluation of progress are robust. They will provide support and guidance to the HMI and oversee the final report to publication.
46. All inspectors are expected to quality assure their own and other inspectors' work during visits. The lead inspector has overall responsibility for ensuring that all the evidence gathered is robust, reliable and secure.

## Complaints

47. Ofsted aims to carry out all of its work to a high standard but recognises that, occasionally, concerns may arise about its actions or the conduct of its staff. We expect that in the first instance, all concerns about our work will be raised, wherever possible, as soon as they arise and directly with the individual inspectors involved. If the complainant is dissatisfied with the inspector's response, they should be made aware of Ofsted's complaints procedure, available at: [www.gov.uk/government/organisations/ofsted/about/complaints-procedure](http://www.gov.uk/government/organisations/ofsted/about/complaints-procedure).

## **Annex A. Draft letter to DCS: action planning visit**

The regional director should send this letter to the DCS and copy it to the national director, social care as soon as the SIF inspection report is published.

Dear (director of children's services)

### **Inspection of (name of local authority): action planning visit**

As part of Ofsted's response to local authorities judged to be inadequate, we now deliver an action planning visit. This visit is to support you and your senior leaders in creating an action plan that reflects the findings of our inspection support. The improvement board chair and your link person from the Department for Education (DfE)'s inspections and intervention team, as well as relevant colleagues from partner agencies and the Local Safeguarding Children Board should attend.

We normally expect the visit to take place between 25 and 35 working days of you receiving the inspection report. In your case, this means between (enter dates). (If the lead HMI/SHMI has preferred dates, enter them here.) As this event aims to support your action planning, the attendance list is for you to agree with the lead inspector. Our experience suggests that it should be limited to those who will have a direct contribution to make to improvement in your area and who have the authority to do so.

The purpose of the visit is to enable the lead inspector and senior HMI to present the key priorities of the inspection report in more detail before entering into informed discussion with you and your delegates to:

- ensure that you are fully aware of the evidence that supports our recommendations
- clarify any areas about which you are still not certain.

We are confident that it will be helpful and directly relevant to the work that you are undertaking to finalise your action plan.

I would be grateful if you could confirm the options for dates that you can accommodate and your proposed list of attendees. I look forward to hearing from you at your earliest convenience.

Yours sincerely

(Name of regional director)

cc SHMI, HMI and national director, social care, DfE at SocialCare.INSPECTION-IMPROVEMENT@education.gsi.gov.uk

## **Annex B. Draft agenda for action planning visit**

Note. The programme detailed below is meant only as a suggested guide to indicate the topics that should be considered for the action planning visit's discussions. In liaison with the local authority concerned, the programme should be tailored to the particular circumstances as necessary.

*Welcome and introductions (SHMI and DCS)*

*Understanding the inspection findings and judgements*

- group discussion led by lead inspector from the single inspection

*What has happened since the inspection?*

- group discussion about the actions the local authority has taken so far

*Understanding the performance challenges*

- understand the inspection judgement and identify barriers to change
- begin to articulate the priorities for change and the capacity needed to make it happen.

*Identifying improvement priorities*

- identify evidence measures for change and leadership responsibilities
- agree initial timescales, improvement strategy (including relationship with Ofsted HMI/SHMI and the improvement board work).

*Summary of improvement planning and next steps*

- review the expectations in respect of next steps, the preparation of the written response to the inspection in the form of an action plan and timescales for submission.

## Annex C. Record of action planning visit

>Insert name of local authority<

<b>1. List of attendees:</b>

<b>2. Details of discussion:</b>
Should be compiled at the time by the SHMI. Any areas of continuing disagreement between the original inspection findings and recommendations should be noted.          

<b>3. Details of formal planning:</b>
Action planning visit discussions may lead to agreements about how recommendations are to be addressed in the action plan. However, Ofsted should not prescribe how this is to be done. It is important that any agreed variation from the report's recommendations are recorded together with the reasons.          

Agreed and signed by Ofsted HMI and SHMI:

Date of record:

## **Annex D. Letter to DCS following receipt of the post-inspection action plan**

(This letter will be sent by the regional director and copied to the national director, social care. The letter should also be copied to the link person in DfE's inspections and intervention team.)

Dear (name of DCS)

### **Inspection of (name of local authority): action plan**

Thank you for sending me a copy of your local authority's action plan dated (enter date). The plan satisfactorily reflects the recommendations of the inspection report and incorporates the outcome of discussions at the action planning visit that took place on (enter date).

As you know, Ofsted will track the progress of your action plan as we proceed through our monitoring visits and we shall discuss its impact on children and young people at key stages throughout the process.

Yours sincerely

(Name of regional director)

cc SHMI, HMI and the national director, social care and the link person in the DfE's inspections and intervention team

## **Annex E. Letter to DCS after receiving a post-inspection action plan that does not reflect the inspection findings**

(This letter will be sent by the regional director and copied to the national director, social care and to the DfE inspections and interventions team.)

Dear (name of DCS)

### **Inspection of (name of local authority): action plan**

Thank you for sending me a copy of your local authority's action plan dated (enter date). I write to advise you that the plan does not reflect the recommendations of the inspection report and fails to incorporate the outcome of discussions at the action planning visit that took place on (enter date).

(Draft paragraph to clearly but succinctly set out the areas of disagreement and the potential impact if they are not addressed)

I have asked the lead inspector (enter name) to have a further discussion with you as soon as possible to establish whether it is possible to resolve our different views. I shall look forward in due course to hearing about the outcome of this discussion. I will be grateful to receive a copy of the action plan if any amendment is made following this discussion. On receipt, I will write to you again.

Yours sincerely

(Name of regional director)

cc SHMI, HMI and the national director, social care and DfE inspections and interventions team.

## Annex F. Monitoring report (letter)

*THIS LETTER SHOULD BE NO MORE THAN TWO SIDES IN LENGTH*

Insert date

Name of DCS

Name of local authority

Road

Town

County

Postcode

Dear insert name of DCS

### Monitoring visit of insert name of local authority

This letter summarises the findings of the monitoring visit of insert name of local authority children's services on insert date(s) of visit. The visit was carried out under section 136 of the Education and Inspections Act 2006.

The visit was the first/second/third etc [delete as appropriate] monitoring visit since the local authority was judged inadequate in insert month/year of report publication.

### Areas covered by the visit

During the course of this visit, inspectors reviewed the progress made in the area(s) of *insert areas/topics evaluated based on the judgement areas in the SIF e.g. help and protection with a particular focus on children subject to a plan or contact, referral and assessment arrangements/ children looked after with a particular focus on planning for permanence (based on the recommendations and areas of inadequacy identified in the original single inspection and any follow-up from previous monitoring visits).*

*[Amend paragraph as appropriate]* The visit considered a range of evidence, including electronic case records, supervision files and notes, observation of social workers and senior practitioners undertaking referral and assessment duties and other information provided by staff and managers. In addition, we spoke to a range of staff including managers, social workers, other practitioners and administrative staff.

### Evaluation of progress

*[Adapt paragraph as necessary]* Based on the evidence gathered during the visit, we identified areas of strength, areas where improvement is occurring, and some areas

where we considered the progress has not met the expectations in the local authority's action plan.

*[Insert text] Summarise the progress made against the original inspection report's recommendations, taking into account the time elapsed since the original single inspection and any previous monitoring visits. Inspectors will need to make a professional judgement as to what improvement can reasonably be expected to have occurred in this time, given the local authority's particular circumstances. Inspectors should always remember that they are reporting on the quality of the services from the children's perspective. The summary of progress should be short and evaluative addressing the key points only. Our evaluation of progress is about evaluating the progress of the local authority out of inadequate and towards requires improvement or good.*

*[Insert text] Inspectors should avoid making new recommendations but make clear where improvements still need to be made, which will need following up at future monitoring visits. [Use up to five bullet points].*

I am copying this letter to the Department for Education. This letter will be published on the Ofsted website *[delete if this is the first monitoring visit].*

Yours sincerely

**Her Majesty's Inspector**

The letter is copied to the Department for Education [at SocialCare.INSPECTION-IMPROVEMENT@education.gsi.gov.uk]

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

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