

## **Recent Ofsted developments**

### **Purpose of report**

To provide background information for the session with Sir Michael Wilshaw, Her Majesty's Chief Inspector of Schools in England, who will address the board.

### **Summary**

In recent months Ofsted has proposed the expansion of its remit in a number of areas which impact on councils. This includes a new inspection regime for council school improvement services and revised inspection and improvement roles in children's social care and early years provision. In each of these areas, Ofsted is taking an increasing role in providing and brokering improvement support, as well as being the inspectorate.

### **Recommendation**

This report is for information.

### **Action**

Officers to take action arising out any discussion, as directed by members.

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## **Recent Ofsted developments**

### **Background**

1. Ofsted's structure has seen significant change in recent months, with the appointment of Regional Directors. This has been accompanied by a widening of Ofsted's remit to inspect council school improvement services and provide improvement support. Last November saw the publication of 'league tables' which purport to compare council performance in school improvement. New proposals will see Regional Directors take on a role in overseeing a revised inspection regime for children's services departments and an enhanced role in providing improvement support to councils. The Department for Education (DfE) is also consulting on proposals to strengthen inspection and give Ofsted a stronger role in driving improvement in Early Years provision.

### **The new Ofsted role in the inspection of council school improvement services**

2. There has been a debate about the council role in education since the General Election. The Schools White Paper published in November 2010 outlined a continuing 'strong strategic role' for councils in education, but in the context of increasing school autonomy and sharply increasing numbers of academies. The LGA has undertaken a programme of lobbying and support to councils to help them to adapt to this changing role, including action research with 10 councils, jointly funded with DfE. We have supported a greater role for school-to-school improvement in driving up standards, with councils playing a brokering and accountability role in an increasingly school-led improvement system.
3. The debate about the council role in school improvement was decisively changed by the intervention of the Chief Inspector of Schools, Sir Michael Wilshaw, in his first annual report in November last year. This included 'league tables' purporting to show 'council performance' with reference to the percentage of children in an area attending schools judged 'good' or better by Ofsted. The report included a strong message that such variation in the performance of schools across different areas was unacceptable. Councils were identified as the local bodies responsible for holding all local schools (including academies) to account for their performance and for making sure that they are improving effectively.
4. The report was followed by a series of targeted inspections of schools in Coventry, Portsmouth, Derby and Norfolk, with a specific focus on the support and challenge provided by the council. These were done under Ofsted's existing powers. Ofsted has

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now introduced, from 1 June, a new framework to give it powers for direct inspections of council improvement services.

5. The LGA, in partnership with SOLACE, has objected in strong terms to the mixed messages that DfE and Ofsted appear to be sending about the council role in school improvement. The Chairman of the LGA CYP Board, the LGA Chief Executive and SOLACE representatives met with Sir Michael Wilshaw on two occasions to discuss our concerns:
  - 5.1 They raised the lack of consultation with the local government sector in bringing forward proposals which introduce new inspection burdens on councils and cut across a sector-led approach to improvement.
  - 5.2 They highlighted the conflict of interest in Ofsted both inspecting schools and providing them with improvement support.
6. The LGA/SOLACE response to the consultation called for the proposed new inspection framework to be withdrawn and suggested that a sector-led approach would be the most effective way to help councils to support local schools to improve.
7. The framework which establishes the new Ofsted regime for ‘the inspection of local authority arrangements for supporting school improvement’ was nevertheless published on 15 May. Ofsted does not intend to inspect all local authorities to a regular cycle or interval. Inspections may be triggered where inspections of schools or other providers raise concerns about the effectiveness of a council’s education functions. Inspections can also be triggered if the Secretary of State “requires” one.
8. The inspection will focus on how well a council’s arrangements for supporting school improvement are working and whether they are having sufficient impact in improving standards, progress and the quality of provision in schools and other providers. The overall judgement will be either that the council’s arrangements are “effective” or “ineffective”. Nine areas will be inspected:
  - 8.1 The effectiveness of corporate and strategic leadership of school improvement.
  - 8.2 The clarity and transparency of policy and strategy for supporting schools’ and other providers’ improvement, and how clearly the local authority has defined its monitoring, challenge, support and intervention roles.
  - 8.3 The extent to which the local authority knows schools and other providers, their performance and the standards they achieve and how effectively support is focused on areas of greatest need.
  - 8.4 The effectiveness of the local authority’s identification of, and intervention in, underperforming schools, including the use of formal powers available to the local authority.

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8.5 The impact of local authority support and challenge over time and the rate at which schools and other providers are improving.

8.6 The extent to which the local authority brokers support for schools and other providers.

8.7 The effectiveness of strategies to support highly effective leadership and management in schools and other providers.

8.8 Support and challenge for school governance, where applicable.

8.9 The way the local authority uses any available funding to effect improvement, including how it is focused on areas of greatest need.

9. On the issue of the extent to which councils can be held to account for the performance of academies, the handbook for inspectors says:

“The form of relationship between academies and local authorities is largely for the academies to determine. There is no statutory requirement for them to establish such a relationship beyond that which is required for the delivery of local authority statutory duties, such as the making and reviewing of special educational needs statements, securing sufficient education in an area and provision of home-to-school transport for eligible children.

Despite this, local authorities retain a legal responsibility for performance in the area as a whole, under the 1996 Education Act. In addition, the Secretary of State has made clear the expectation for local authorities to act as strategic commissioners for all schools. Where the local authority has concerns about the performance of an academy, inspectors should explore whether the local authority has, within the confines of its responsibilities, taken reasonable steps to discuss this with the individual establishment, the executive leadership and governance of the chain, and/or the Department for Education, where appropriate.”

**Changes to the inspection regime for safeguarding and looked after children**

10. There have been a number of complex reconfigurations of the inspection regime for safeguarding and looked after children in recent years. In January 2012, Ofsted announced that the combined safeguarding and looked after children (SLAC) inspections, started in 2009, would end in July 2012. Overlapping with that regime, in May 2012 a new inspection for the protection of children was introduced, running for a 12 month period with a purportedly strengthened focus on frontline social work practice and outcomes for children.

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11. However, in April 2013, Sir Michael Wilshaw wrote to the Secretary of State for Education outlining his decision that the safeguarding and looked after children inspections would again be combined, looking at the whole system for vulnerable children. He also announced that proposals for multi-inspectorate arrangements, which the LGA had supported because they recognise the role of local partner agencies such as the police and health in safeguarding, would be 'deferred'.
12. The SLAC inspection regime was intended to establish OFSTED as the prime driver of improvement for safeguarding and children in care. Having completed the full cycle in the summer of 2012 there is no evidence from the subsequent 8 day unannounced inspections over nearly 12 months that such improvement has materialised. Of the last 38 inspections 13 are inadequate ie just over a third, with only 4 good and none outstanding.
13. This raises a question about whether or not judgements are meaningful in measuring quality, as opposed to compliance. It also appears to be somewhat out of kilter with research showing that child-abuse related deaths have never been lower in England and Wales and progress on this front has been greater than the majority of major developed countries.
14. Ofsted is continuing to move into the realm of improvement of councils' safeguarding and care, with the recent recruitment campaign for regional inspectors emphasising this element of their work. This has been done without any notable engagement with the local government sector about this issue and little or no consideration about how this fits with sector-led improvement.
15. However, OFSTED improvement proposals to date amount to evaluating a council's action plan through a round table process, some signposting of national best practice and some monitoring of progress. This is very far from sector led brokerage and support and there are signs that DFE is considering commissioning such support if CIB ceases to support intervention authorities.

**Proposed changes to the inspection of early years provider**

16. Ofsted is currently consulting on raising expectations of quality and driving improvement in early years education and childcare by:
  - 16.1 More frequent re-inspection and monitoring of childcare and early years providers in settings which are not yet rated 'good.'
  - 16.2 Replacing the "satisfactory" judgement with "requires improvement."
  - 16.3 Limiting the timeframe for settings which are not yet good to improve sufficiently or face tougher sanctions such as de-registration; and

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- 16.4 Working directly with providers in a quality improvement role.
17. These Ofsted proposals are made against the backdrop of DfE proposals to change the council role in early education and childcare. A recent consultation stated that councils retain around £160 million a year from Dedicated Schools Grant (DSG) for early years and suggested that some of this is spent duplicating Ofsted's work, instead of going to front-line provision. It suggests addressing this alleged duplication by limiting councils' flexibility to make agreements in the Early Years and Schools Forum on locally tailored funding arrangements and to spend DSG on quality improvement activities. As part of this, councils' statutory duty to provide information, advice and support to providers will be repealed.
18. The LGA response to the consultation clarified that councils do not carry out a quality inspection role. Rather they deliver invaluable quality improvement support which is critical in their role as 'champions' of children and in meeting their sufficiency duty to ensure high quality early years provision to meet local needs. We made clear that any savings from removing councils' quality improvement role would be small compared to the adverse impact on local children and providers. We expressed concerns about Ofsted's capacity and expertise to offer this tailored and often intensive support, which many smaller providers require.

**Financial Implications**

19. There are no financial implications for the LGA arising from this report, however the widening of Ofsted's remit in the areas identified is likely to have financial implications for councils.