

Item 2

Recent Ofsted developments

Purpose of report

To provide background information for the session with Sir Michael Wilshaw, Her Majesty's Chief Inspector of Education and Children's Services in England.

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 support for school improvement, which comes against the backdrop of the announcement of a future 20% cut to the Education Services Grant, which funds council action in this area. There will also be revised inspection arrangements and an enhanced Ofsted improvement role 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.

Contact officers: Ian Keating / Cassandra Harrison
Position: Senior Advisers, Children and Young People
Phone no: 0207 664 3032 / 020 7665 3878
E-mail: ian.keating@local.gov.uk / Cassandra.Harrison@local.gov.uk

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 focused school inspections in Coventry, Portsmouth, Derby, Norfolk and the East Riding of Yorkshire, with a specific focus on the support and challenge provided by the council. These were done under Ofsted's existing powers. Ofsted has now introduced, from 1 June, a new framework to give it powers for direct inspections of council support for school improvement.
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:

Item 2

- 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 joint LGA and 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 schools to improve.
7. However, the mixed messages from DfE appear to be continuing, with the announcement in the recent Spending Review of a 20% cut to the Education Support Grant for 2015/16. This is the grant which supports the council role in supporting school improvement, including the statutory functions it continues to carry out for academies. There will be a consultation on how the cut is to be achieved in the autumn. One of the points that the LGA is likely to make in response is the need for Ofsted to align its expectations of councils with the DfE funding that is being made available to them to support school improvement.
8. The framework which establishes the new Ofsted regime for ‘the inspection of local authority arrangements for supporting school improvement’ was 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. They can also be triggered if the Secretary of State “requires” an inspection.
9. 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:
 - 9.1 the effectiveness of corporate and strategic leadership of school improvement;
 - 9.2 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;
 - 9.3 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;
 - 9.4 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;
 - 9.5 the impact of local authority support and challenge over time and the rate at which schools and other providers are improving;
 - 9.6 the extent to which the local authority brokers support for schools and other providers;
 - 9.7 the effectiveness of strategies to support highly effective leadership and management in schools and other providers;
 - 9.8 support and challenge for school governance, where applicable; and,

Item 2

- 9.9 the way the local authority uses any available funding to effect improvement, including how it is focused on areas of greatest need.
10. Two councils have so far been inspected under the new framework – Norfolk and the Isle of Wight. Both were judged ‘ineffective’ in their support for school improvement.
11. 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

12. 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.
13. 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’. It has since been announced that it is intended that this will be introduced in 2015.
14. Over the summer Ofsted issued a 4 week consultation on the new framework for inspections of services for children in need of help and protection, looked after children and care leavers. The LGA and SOLACE submitted a joint response which:
- 14.1 Highlighted concerns about previous, current and pilot inspections and stated that the framework and Ofsted inspection workforce both need further development before the new regime is implemented. This must draw on learning from the pilots.

Item 2

- 14.2 Stated that Ofsted must use the opportunity to reduce the excessive burdens that inspections have placed on local authorities.
- 14.3 Called on Ofsted to take a more fundamental cultural shift which focuses on outcomes and experiences for children and families.
- 14.4 Questioned whether a single judgement can actually be meaningful, given the complexity of the system and disagreed with the principle of 'limiting judgements' which can provide a distorted picture of performance.
- 14.5 Agreed that only good is good enough, but questioned the new terminology of judgements and highlighted the high performance of local authority child protection services in international terms.
- 14.6 Generally welcomed inspections of Local Safeguarding Children Boards, but highlighted that this falls short of multi-inspectorate arrangements which would provide greater ability for councils to hold partners to account. It also raised concerns that the framework as proposed is broader than current LSCB remit, which would drive costs.
- 14.7 Highlighted the effectiveness and importance of a sector-led improvement approach.
15. Under the current framework for child protection inspections, 25 per cent of 79 councils inspected were judged to be inadequate. 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.
16. Ofsted is continuing to move into the realm of improvement of councils' safeguarding and care, with a 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. The extent and detail of Ofsted's improvement support proposals are unclear.

Proposed changes to the inspection of early years providers

17. Ofsted recently carried out a consultation on raising expectations of quality and driving improvement in early years education and childcare by:
- 17.1 More frequent re-inspection and monitoring of childcare and early years providers in settings which are not yet rated 'good';
- 17.2 Replacing the "satisfactory" judgement with "requires improvement";
- 17.3 Limiting the timeframe for settings which are not yet good to improve sufficiently or face tougher sanctions such as de-registration; and

Item 2

17.4 Working directly with providers in a quality improvement role.

18. 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, it was proposed that councils' statutory duty to provide information, advice and support to providers would be repealed.
19. 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.
20. The Government has listened to some of our concerns and since amended their plans in their recent "More affordable childcare" document which sets out their vision for the early years sector. Councils will retain a quality improvement role and keep their duty to provide advice, support and information to providers judged by Ofsted to be 'requiring improvement', as a condition of providers receiving public funding. Councils can also provide support to 'good' or 'outstanding' settings if both parties wish.
21. Although we are pleased that councils will retain a quality improvement role, we do not think that there should be such a heavy reliance on Ofsted ratings for funding decisions as they only offer a snapshot in time. Local authority officers have detailed local knowledge built up from an on-going dialogue with the provider and local parents. We are also concerned a potential conflict of interest with Ofsted having its own improvement role as they will be working with groups of providers that are 'not yet good', to help them improve.

Financial Implications

22. 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.