

The expansion of Ofsted's remit

Purpose of report

For discussion and direction.

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

The Executive is asked for its views on the expansion of Ofsted's remit; its implications for councils and for sector-led improvement in Children's Services; and for a steer on the LGA's future engagement with Ofsted.

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

The expansion of Ofsted's remit

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 an announcement of targeted inspections of schools in areas that appeared at the bottom of the league tables, with a specific focus on the support and challenge provided by the council. Coventry, Portsmouth and Derby schools have so far been subject to these inspections. Ofsted has now introduced, from 1 May, 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 Children and Young People's Board (CYP), the LGA Chief Executive and SOLACE representatives met with Sir Michael Wilshaw on two occasions to discuss our concerns. 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. They highlighted the

conflict of interest in Ofsted both inspecting schools and providing them with improvement support. 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.

Changes to the inspection regime for safeguarding and looked after children

6. 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.
7. 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'.
8. 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 i.e. just over a third, with only 4 good and none outstanding.
9. 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.
10. 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. 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 Children's Improvement Board ceases to support intervention authorities.

Proposed changes to the inspection of early years providers

11. Ofsted is currently consulting on raising expectations of quality and driving improvement in early years education and childcare by:
 - 11.1. more frequent re-inspection and monitoring of childcare and early years providers in settings which are not yet rated 'good';
 - 11.2. replacing the "satisfactory" judgement with "requires improvement";
 - 11.3. limiting the timeframe for settings which are not yet good to improve sufficiently or face tougher sanctions such as de-registration; and
 - 11.4. working directly with providers in a quality improvement role.
12. 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.
13. 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.

The implications for councils and for sector-led improvement

14. As detailed above, the LGA has repeatedly raised concerns about:
 - 14.1. the expansion of Ofsted's remit;
 - 14.2. the consequent increase in the inspection burden on councils;
 - 14.3. the conflict of interest in an inspectorate also providing improvement support;
 - 14.4. the lack of consultation with the local government sector in the development of proposals that affect councils; and
 - 14.5. the effect these changes are having on the development of sector-led approach to improvement in Children's Services.

Item 4

15. The recent withdrawal of Government funding from the Children's Improvement Board will only add to the sense that sector-led improvement is being replaced by increasing top-down inspection and a culture of compliance.
16. Throughout this period we have sought to engage with Ofsted through meetings and involvement in consultations, workshops and pilots. The Chief Inspector is attending the meeting of the CYP Board on 29 May and a 'Meet the Inspectors' session at the LGA Annual Conference in July. The Executive is invited to give a steer to officers on the LGA's future engagement with Ofsted.

Financial Implications

17. 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 implications for councils.