Committee: Lead Member for Learning and School Effectiveness

Date: 14 March 2013

Title of Report: A good education for all – Ofsted consultation on inspection of

**Local Authority services** 

By: Director of Children's Services

To request the Lead Member to endorse the draft response to

Purpose of Report: the consultation launched by Ofsted on the proposals for

inspections of LA school improvement services.

#### **Recommendation:**

The Lead Member is recommended to endorse the response so that it can be returned to Ofsted by the consultation closing date of 19 March

#### 1. Financial Appraisal

1.1 There are no direct financial implications arising from this paper.

#### 2. Supporting Information

- 2.1 On 5 February Ofsted published it's consultation document on the framework for inspecting local authorities responsible for maintained schools and the wider education of children and young people, A good education for all: inspection of local authority services. The closing date for the consultation is Tuesday 19 March and the new framework will be introduced in May 2013.
- 2.2 The new inspection framework will evaluate the effectiveness and impact of education and training functions provided by local authorities where schools and other providers are not yet good or where they are not improving quickly enough. This is in terms of:
  - Number of schools in Ofsted category
  - A higher proportion of schools not judged by Ofsted to be good
  - Attainment levels lower than the national average
  - Rates of progress lower than found nationally
  - Volume of complaints to Ofsted at a level of concern
  - If the Secretary of State expresses concern about the effectiveness of the LA
- 2.3 The inspection will have a 5 working days notice period with inspectors on site for normally no longer than 5 days. The inspection will include meetings with key leaders/other stakeholders and scrutinising relevant written documentation and analysis of numerical and other data and will look at:
  - The effectiveness of corporate and strategic leadership of school improvement
  - Policy and strategy for supporting improvement in standards for schools and other providers
  - Extent to which the LA knows its schools and other providers, their performances/how support is focused on areas of greatest need
  - LA's identification and appropriate intervention in underperforming schools and other providers (and use of formal powers)
  - Impact of LA support and challenge over time / rate of improvement
  - The extent the LA brokers support for schools and other providers

- Strategies to support highly effective leadership and management in schools and other providers
- Support and challenge for school governance

Use of funding to effect improvement and how is it focused on areas of greatest need.

- 2.4 Inspection will be focused where it is needed most. Ofsted does not intend to inspect all local authority education functions to either a prescribed and/or regular interval.
- 2.5 Inspectors will report against a published evaluation schedule, which will specify quality criteria and will report and publish the findings in a letter
- 2.6 For those local authorities deemed not to be exercising their duties effectively, inspectors will consider whether the local authority will require re-inspection after a suitable interval.
- 2.7 Subject to the outcome of the consultation, Ofsted intends to begin inspections in the first local authorities from 1 May 2013.

#### 3. Conclusion and Reason for Recommendations

- 3.1 The 2010 Schools White Paper made it clear that the DfE expect local authorities to continue to have a strong strategic role in relation to education. However, the very rapid development of the academy programme has raised the question of how that role should be fulfilled and how far market forces and private providers will, in future, carry a responsibility for school improvement. Different authorities have responded in different ways. While East Sussex has a clear policy of retaining a school improvement function, other authorities, such as West Sussex and Medway, have significantly reduced their capacity. What is clear is that the relationship between local authorities and schools is changing and this is a transition period. It may not be helpful at this stage, therefore, to introduce inspection of Local Authority functions that could influence the decisions made by local authorities on this changing relationship and the balance of responsibility for school improvement. Ofsted has said that it will be undertaking a good practice survey to share and showcase some of the best examples of local authority support and challenge for schools across the country and it may be better to wait for this so that authorities understand better the expectations of Ofsted in relation to school improvement.
- 3.2 The draft response from Children's Services at Appendix 1 sets out some of these concerns alongside responses to the more practical questions set out by Ofsted. You are recommended to endorse the response so that it can be returned to Ofsted by the consultation closing date of 19 March.

#### MATT DUNKLEY

Director of Children's Services

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Local Members: All

**Background Documents:** 

- o 2010 Schools White Paper "The Importance of Teaching"
- o Education Act 2011
- Ofsted Consultation Document "A good education for all: inspection of local authority services"



# A good education for all: inspection of local authority services

Consultation document

This is a consultation document on Ofsted's proposals to introduce a new framework for the inspection of local authority services for supporting improvement in schools and other providers.

Ofsted seeks the widest possible range of views from those who have an interest in, or expertise relating to, local authority support services to ensure that the framework takes proper account of the needs and circumstances of all interested parties.

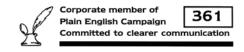
Above all, the new inspection framework must assure the quality of services provided by local authorities to schools and other providers, including schools causing concern, so that all children and young people have access to a good quality education irrespective of where they live or their personal circumstances.

The closing date for the consultation is 19 March 2013.

If you would like a version of this document in a different format, such as large print or Braille, please telephone 0300 123 1231 or email enquiries@ofsted.gov.uk.

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# **Contents**

About Ofsted	3
Purpose and background to the consultation	3
Proposals for the inspection of local authority school improvement services	4
Inspection criteria	4
Inspection notice	6
Inspection judgements	6
Inspection reports	7
The consultation process	8
Sending back your questionnaire	8
Questionnaire for the inspection of local authority services	9
Additional questions about you	15



#### **About Ofsted**

1. 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.

# Purpose and background to the consultation

- 2. This consultation seeks your views on proposals to introduce a new framework for the inspection of those specific local authority functions that promote high standards and the fulfilment of potential. Ofsted has the power to inspect particular functions of the local authority (including the education function) under section 136 of the Education and Inspection Act 2006. This inspection framework will evaluate how well the local authority is carrying out its statutory duty. Your views will help to refine and develop the framework.
- 3. HMCI's Annual Report 2011/12 drew national attention to the marked inequality of access by children and young people to a good school across the country and to the wide variation between areas. This can adversely affect the life chances of young people. The Annual Report states that the role of local authorities has reduced in terms of the direct control they have over schools and the support they can provide for schools and other providers, particularly where secondary schools are no longer a local authority maintained school. However, local authorities have statutory responsibility, as set out in section 13A of the Education Act 1996, and a range of powers they may use to drive school improvement.
- 4. Ofsted has powers to inspect particular functions that are carried out by a local authority under section 136 of the Education and Inspections Act 2006. This includes inspection of the local authority's performance of its duties in relation to education and training. The Secretary of State may also require the Chief Inspector to carry out such an inspection.
- 5. We intend to introduce a sharply focused and bespoke inspection framework that will evaluate the effectiveness and impact of education and training functions provided by the local authority where schools and other providers are not yet good or where they are not improving quickly enough. We are proposing the following.
  - Ofsted will carry out individual inspections of the education and training function of local authorities where information about schools and other providers in that area tells us that standards and effectiveness are either too variable or not yet good.
  - Inspection will be focused only on where it is needed most; Ofsted will develop an inspection framework for those local authorities that are identified for inspection. Ofsted does not intend to inspect all local authority education functions to either a prescribed and/or regular interval.



- Ofsted will not use a four-point scale to judge effectiveness (that is, outstanding, good, requires improvement or inadequate), but instead will evaluate the strengths and weaknesses of such functions and consider whether the functions are being exercised effectively or not.
- Inspectors will report against a published evaluation schedule, which will specify quality criteria. Consultation events and the outcomes of a good practice survey will influence the development of this.
- Ofsted will report and publish the findings in a letter rather than in a lengthy report.
- For those local authorities deemed not to be exercising their duties effectively, inspectors will consider whether the local authority will require re-inspection after a suitable interval.
- 6. Subject to the outcome of this consultation we intend to begin inspections in the first local authorities from 1 May 2013. Prior to this, a good practice survey of a small number of local authorities is being undertaken in the spring term 2013 to inform the development of the framework. In addition, we are asking additional questions about the impact of local authority support for schools during some inspections in early 2013. A separate telephone survey of schools to inform development work will also be undertaken in early 2013.
- 7. In developing the framework, we will carefully consider the responses to this consultation and the information gathered from the activities set out in the paragraph above, and from a number of key consultations, including: SOLACE; the Association of Directors of Children's Services; the Local Government Association (LGA); headteacher reference groups; and other stakeholders.
- 8. Consultation events will include:
  - an online consultation
  - an online survey with Ofsted's Parents' Panel, and Ofsted's Children and Young People's Panel
  - roundtable events with representatives from local authorities and other stakeholders to develop inspection proposals and evaluation criteria.
- 9. We will evaluate all the responses received from the consultation alongside the feedback gathered from the consultation events. At the end of the consultation period, we will publish the main findings from the consultation on our website.

# Proposals for the inspection of local authority school improvement functions

# **Inspection criteria**

10. We propose to introduce an inspection framework that will assess the effectiveness of the local authority in carrying out their education and training



functions for schools and other providers where data or other indicators of performance show that maintained schools and other providers are not performing as well as they should be. Ofsted proposes to use the following indicators to determine whether an inspection is required where one or more of the following apply:

- the proportion of children who attend a good or better maintained school, pupil referral unit and/or alternative provision is lower than that found nationally
- there is a higher than average number of schools in an Ofsted category of concern and/or there are indicators that progress of such schools is not securing rapid enough improvement
- there is a higher than average proportion of schools that have not been judged to be good by Ofsted
- attainment levels across the local authority are lower than that found nationally and/or where the trend of improvement is weak
- rates of progress, relative to starting points, are lower than that found nationally and/or where the trend of improvement is weak
- the volume of qualifying complaints to Ofsted about schools in a local authority area is a matter of concern
- the Secretary of State has concerns about the effectiveness of local authority school improvement functions.
- 11. Ofsted will inspect the effectiveness of local authority education and training functions in promoting improvement, high standards and the fulfilment of educational potential of children and young people in schools. Ofsted recognises that the configuration of school improvement functions will be diverse and relevant to local circumstances. Ofsted has no fixed view on the configuration of such functions, but will focus on their impact and effectiveness. In particular, Ofsted will evaluate:
  - the effectiveness of corporate and strategic leadership of school improvement
  - the clarity and transparency of policy and strategy for supporting improvement in standards for schools and other providers, including how the local authority complies with its statutory obligations in relation to school improvement work and how well the local authority has defined its monitoring, challenge, support and intervention roles
  - the extent to which the local authority knows its schools and other providers, their performance and the standards they achieve and how effectively support is focused on areas of greatest need
  - the effectiveness of the local authority's identification of, and appropriate intervention in, underperforming schools and other providers, including the use of formal powers available to the local authority



- the impact of local authority support and challenge over time and the rate at which schools and other providers are improving
- the extent to which the local authority brokers support for schools and other providers
- the effectiveness of strategies to support highly effective leadership and management in schools and other providers
- support and challenge for school governance
- the use of funding to effect improvement, including how it is focused on areas of greatest need.
- Q1. To what extent do you agree or disagree that targeted inspections of local authorities, rather than universal inspections, is the right approach?
- Q2. To what extent do you agree or disagree that the indicators that might be used to determine an inspection (paragraph 10) are appropriate?
- Q3. To what extent do you agree or disagree that the inspection proposals in paragraphs 10 to 11 cover the right areas?

Do you have any general comments or suggestions on this proposal?

# Inspection notice

- 12. Notice of up to five days will normally be given and the purpose of the inspection, the powers under which it is carried out and the arrangements for reporting on the inspection will be sent in writing to the relevant local authority. We believe that the proposed notice period strikes the right balance between the time needed for local authorities to prepare documentation and arrange meetings against the needs to see how things really are.
  - Q4. To what extent do you agree or disagree with our proposed inspection notice period?

Do you have any comments or suggestions?

# Inspection judgements

13. We do not propose to use the grade descriptors of outstanding, good, requires improvement or inadequate to report inspection findings, because it is not a universal inspection programme. We will, however, assess the strengths and weaknesses, and the impact, of education and training functions and arrive at a conclusion of whether such functions are being exercised effectively or not. If not, we propose that inspectors will consider whether the local authority will require re-inspection after a suitable interval.



- 14. In arriving at a judgement for the inspection proposals set out above in paragraph 11, inspectors will draw on guidance set out in an inspection handbook in order to benchmark their findings. The guidance will draw on statutory requirements and evidence determined by a good practice survey of local authorities and bespoke consultation events outlined in paragraphs 5 and 8.
- 15. We will describe what we mean by 'the effective exercise of education and training functions' in the inspection handbook so that local authorities, schools, inspectors and other interested people such as service users know what has to be achieved.

We do not intend to use a four-point grading scale for judging the effectiveness of local authority school improvement functions. We propose to evaluate strengths and weaknesses and arrive at a summary judgement of how effectively the functions are being exercised.

Q5. To what extent do you agree or disagree that this is the right approach?

Do you have any comments or suggestions on this proposal?

### **Inspection reports**

- 16. After each inspection, Ofsted will publish the inspection findings in letter form and on the Ofsted website. The letter will usually be sent to the local authority no later than 15 working days after the end of the inspection and will be published on Ofsted's website within 20 working days of the end of the inspection. Following this, the local authority must prepare a written statement setting out the actions it proposes to take in the light of the report and the timetable for doing so. The local authority must publish the report and the written statement.
- 17. Where inspectors inspect a local authority, the report will cover the evidence considered, the strengths and weaknesses of school improvement functions and areas for improvement for that local authority.
- 18. Each report will include a summary judgement about whether the quality and impact of such services are being delivered effectively or not. Where not, a recommendation will also be made about whether the local authority requires further monitoring visits.
  - Q6. To what extent do you agree or disagree that we should publish the inspection report findings in a letter format?

Do you have any comments or suggestions on this proposal?



# The consultation process

We welcome your responses to this consultation paper. The consultation opens on 5 February and closes on 19 March 2013.

The information you provide us with will inform the development of the final framework and methodology for the inspection of the effectiveness of the local authority education and training function in promoting high standards and the fulfilment of educational potential in schools and other providers.

We will publish a response to the consultation in due course and plan to implement inspections from May 2013.

#### Sending back your questionnaire

There are three ways of completing and submitting the questionnaire in the next section and/or sending us comments:

#### Online electronic questionnaire

Visit our website to complete and submit an electronic version of the questionnaire: www.surveymonkey.com/s/ofsted-gefa-la.

#### Print and post

Visit our website to print a Word or PDF version of the questionnaire that can be filled in by hand: www.ofsted.gov.uk/resources/good-education-for-all-inspection-oflocal-authority-services. When you have completed the questionnaire, please post it to:

Claire Scanlan Ofsted Piccadilly Gate Store Street Manchester M1 2WD

#### Download and email

Visit our website to download a Word version of the questionnaire that you can complete on your computer: www.ofsted.gov.uk/resources/good-education-for-allinspection-of-local-authority-services. When you have completed the questionnaire, please email it to consultations@ofsted.gov.uk with the consultation name in the subject line.



# Questionnaire for the inspection of local authority services

### Confidentiality

The information you provide will be held by us. It will only be used for the purposes of consultation and research to help us to become more effective, shape policies and inform inspection and regulatory practice.

We will treat your identity in confidence, if you disclose it to us. However, we may publish an organisation's views.

Are you responding on behalf of an organisation?								
Yes   please complete Section	please complete Section 1							
No	n 2							
Section 1								
		behalf of an organisation and would like ganisation, please indicate this below.	us					
Organisation: East Sussex County Co	ouncil_							
Section 2								
Which of the below best describes y	ou? Ple	ease tick one option.						
I am:								
a headteacher		a local authority employee						
a teacher		a senior officer in a local authority						
a parent		an Elected Member						
a member of Ofsted's Parents' Panel		a young person						
a school governor or board member prefer not to say								
other (please tell us)								



Q1. To	what	extent	do y	ou a	agree	or	disagree	that	targeted	inspections,	rather	than
univers	sal insp	pection	s of	all lo	ocal a	uth	orities, i	s the	right app	roach?		

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know		
Comments:							
We recognise	that Ofsted ha	as limited resou	urces but inspe	ections of only	those local		

authorities which are deemed the poorest performing risks giving a distorted picture nationally of the effectiveness of local authority education services. It also risks missing areas where schools are doing well despite weaknesses in services from the local authority - in this case a risk would exist if there was a change of circumstances in those schools.

Q2. To what extent do you agree or disagree that the indicators that might be used to determine an inspection (paragraph 10) are appropriate?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
		$\boxtimes$			

#### Comments:

Please note: Comments on separate attachment.



Q3.	To what extent do you	agree or disagree	that the	inspection	proposals in
	paragraphs 10 to 11 co	over the right area	s?		

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

#### Comments:

It would be helpful to understand how the performance of Academies will be part of these judgements, given the statutory duty of the DCS and Lead Member to promote the educational achievement of all pupils.

It will be difficult for Ofsted to evaluate the impact of LA support and challenge over time given the changing funding and accountability context in which LA's have been working since 2010. Any judgements would need to reflect the reduction in the funding envelope; changes to LA powers and influence; reduction in LA staff to fulfil their duties and the decisions made by LA's in response to these factors. It is a matter of concern that the judgements made at this point are likely to be skewed by these changes, presenting an unbalanced picture of LA support.

Q4. To what extent do you agree or disagree with our proposed inspection notice period?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

#### Comments:

It will be challenging for LA's, especially those that cover a large geographical area, to develop a robust plan for meeting arrangements within five days. Ten working days would give LA's the time they need to make sound arrangements and minimise waste of time during the inspection period. It also needs to be clear that notice of inspection must be working days within school term times.



We do not intend to use a four-point grading scale for judging the effectiveness of local authority school improvement services. We propose to evaluate strengths and weaknesses and arrive at a summary judgement of how effectively the functions are being exercised.

Q5.	To what	extent	do vou	agree or	disagree	that this	is the riaht	approach?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
	$\boxtimes$				

#### Comments:

Paragraph 14 refers to the judgements made by inspectors being informed by guidance based in part on a good practice survey of LA's and consultation events. It will be very important to ensure that the guidance document recognises the increasingly diverse range of models for school improvement developing across the country. Given this diversity and the timescale for consultation, it will be very challenging for Ofsted to create guidance which will provide inspectors with sufficiently robust benchmarking information they will require to enable reliable judgements to be made. This could undermine the validity of the judgements

Q6. To what extent do you agree or disagree that we should publish the inspection report findings in a letter format?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
	$\boxtimes$				

#### Comments:

There is no reference in the consultation document to verbal feedback being provided at the end of the inspection or to the opportunity to appeal against judgements.



#### Q7. Do you have any further comments? Please leave them here.

Government Policy, set out in "The importance of teaching" White Paper and enacted in the Education Act 2012, makes it clear that there is a reduced role for Local Authorities in school improvement. These policies set out that schools have responsibility for improvement and the White Paper stated "We will end the approach of trying to control improvement from the centre and make it easier for schools to learn from one another ... making sure that every school has access to the support it needs through National and Local Leaders of Education, Teaching Schools and leading teachers, or by working in partnership with a strong school".

It further set out that local authorities are now free to define how they will support school improvement, an offer which "could" include continuing to provide support and challenge to schools "that want it". Many local authorities have already responded to this changing landscape by significantly reducing their school improvement capacity and it is still not clear how, within the context of a more autonomous school system, local authorities can most effectively discharge their remaining statutory responsibility to champion the achievement of all children when they might not have the direct means to hold all schools to account for their progress.

It seems, therefore, almost contradictory that Ofsted are choosing this time of uncertainty and transition to launch an inspection process of local authority education improvement functions.



Don't know

# What did you think of this consultation?

One of the commitments in our strategic plan is to monitor whether our consultations are accessible to those wishing to take part.

Neither

Disagree

Please tell us what you thought of this consultation by answering the questions below.

**Agree** 

		agree or disagree				
I found the consultation information clear and easy to understand.						
I found the consultation easy to find on the Ofsted website.	$\boxtimes$					
I had enough information about the consultation topic.						
I would take part in a future Ofsted consultation.	$\boxtimes$					
How did you hear about th	is consultati	on?				
Ofsted website						
☐ Ofsted News						
Ofsted conference						
Another organisation (please	se specify, if k	nown)				
Other (please specify)						
Is there anything you would like us to improve on or do differently for future consultations? If so, please tell us below.						
The boxes need to expand - i terms of space.	t is difficult to	respond prope	erly when you	are limited in		

Thank you for taking part in our consultation.



## Additional questions about you

Your answers to the following questions will help us to evaluate how successfully we are communicating messages from inspection to all sections of society. **We would like to assure you that all responses are confidential and you do not have to answer every question.** 

Please tick the appropriate box.														
1. Gender														
Female Male Male														
2. Age														
Under 14	14–18	19-24	25–34		35–44	45–54	55–64	65+						
3. Ethnic origin														
a) How would you describe your national group?														
British or mixed British					English									
Irish					Northern Irish									
Scottish					Welsh									
Other (specify if you wish)														
How would you describe your ethnic group?														
Asian				Mi	Mixed ethnic origin									
Bangladeshi				As	Asian and White									
Indian				Bla	Black African and White									
Pakistani [				Bla	Black Caribbean and White									
Any other Asian background					Any other mixed ethnic background									
(specify if you wish)				(sp	(specify if you wish)									



Black				WI	nite					
African				An	Any White background (specify if you wish)					
Caribbean				An	Any other ethnic background					
Any other Black background (specify if you wish)				An	y other background (spe	ecify if you wish)				
Chinese										
Any Chinese background (specify if you wish)										
4. Sexual	orientati	ion	1							
Heterosexual		Lesbian			Gay □	Bisexual				
6. Religio	n/Belief									
Buddhist		Muslim								
Christian		Any other, please state:								
Hindu		None								
Jewish										
7. Disability										
Do you consider yourself to have a disability? Yes \( \scale \) No \( \scale \)										

#### Comments:

The first six points are appropriate indicators to make judgements. However, as has been stated in this document, the role of the local authority has reduced in terms of the direct control they have over schools, particularly where schools are no longer local authority maintained. That role reduces significantly from the point that a school governing body considering academy status - for many schools this process began in 2010 when the Secretary of State made clear that responsibility for school improvement rested with schools and it was for the LA to determine in what form they would provide school improvement services. It is therefore, difficult to monitor and intervene to support schools before they reach the point when statutory intervention becomes necessary.

It is unclear what other factors the Secretary of State might reasonably take into account and so would question the need for point 7. We would have thought that concerns held by the Secretary of State would relate to the performance indicators covered in point 1-6 rather than how LA functions are discharged.

A good education for all additional comments