

# Re-inspection of inadequate local authorities

Consultation on revised re-inspection arrangements

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This consultation sets out proposals for a more proportionate approach to enable local authorities to demonstrate they are no longer delivering inadequate services to children.

The consultation seeks your views on:

- whether re-inspection should have a more proportionate focus on weaknesses identified at the previous inspection
- the timing of a re-inspection
- which aspects of the single inspection arrangements we could be more flexible about on a re-inspection
- how we should report our findings.

This consultation closes on the 8 March 2016.

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## Introduction

1. The current framework and evaluation schedule for the inspections of services for children in need of help and protection, children looked after and care leavers (the single inspection framework), states that Ofsted will re-inspect any inadequate local authority within 18 to 24 months.<sup>1</sup> For any local authority found to be inadequate, this has meant two inspections in three years looking at the full range of their services. We recognise that this may not always be the most proportionate response, particularly for those local authorities that have been judged inadequate in some aspects of their services but not others.
2. In March 2015, we introduced our improvement offer to those authorities judged to be either inadequate or to require improvement to be good. The final stage of the improvement offer for those judged inadequate is an inspection that reports on the progress made but does not supersede the earlier judgement of inadequate; currently this can only happen through a full re-inspection under the single inspection framework.
3. The current single inspection cycle will end in 2017 and so there may be some authorities that will need an opportunity to demonstrate improvement out of inadequate beyond the end of the single inspection cycle.
4. This document sets out our proposals to use the single inspection framework more proportionately for re-inspection.
5. In keeping with our standard practice, we are also going to review our improvement offer to ensure that it remains fit for purpose, adds value and is delivered in the most efficient way. We will take account of the response to this consultation when determining any revisions to the improvement offer in future and in particular how the improvement offer aligns with our re-inspection arrangements. We will contact local authorities and other key stakeholders directly for their views on the improvement offer at a later date.

## How do I respond to the consultation?

6. There are three ways of completing and submitting your response.

### Online electronic questionnaire

Visit [www.surveymonkey.co.uk/r/ReILAs](http://www.surveymonkey.co.uk/r/ReILAs) to complete and submit an electronic version of the response form.

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<sup>1</sup> Inspecting local authority children's services: framework;  
[www.gov.uk/government/publications/inspecting-local-authority-childrens-services-framework](http://www.gov.uk/government/publications/inspecting-local-authority-childrens-services-framework).

## Download and email

Visit [www.gov.uk/government/consultations/re-inspection-of-inadequate-local-authorities](http://www.gov.uk/government/consultations/re-inspection-of-inadequate-local-authorities) to download a Word version of this document and complete the questions on your computer. When you have completed the form, please email it to [socialcare@ofsted.gov.uk](mailto:socialcare@ofsted.gov.uk) with the consultation name in the subject line: **re-inspection of inadequate local authorities**.

## Print and post

Visit [www.gov.uk/government/consultations/re-inspection-of-inadequate-local-authorities](http://www.gov.uk/government/consultations/re-inspection-of-inadequate-local-authorities) to print a Word or PDF version of the response form that you can fill in by hand. When you have completed it, please post it to:

Social Care Policy Team  
Ofsted  
Aviation House  
125 Kingsway  
London  
WC2B 6SE

## About you

### Are you responding on behalf of an organisation or as an individual?

Individual response	<input type="checkbox"/>
On behalf of an organisation, please specify The Who Cares? Trust	

### I am a:

local authority Director of Children's Services	<input type="checkbox"/>	local authority Chief Executive	<input type="checkbox"/>
Local Safeguarding Children Board Chair	<input type="checkbox"/>	Other local authority director or assistant director	<input type="checkbox"/>
practitioner in education	<input type="checkbox"/>	senior manager in education	<input type="checkbox"/>
practitioner in social care	<input type="checkbox"/>	senior manager in social care	<input type="checkbox"/>
lawyer	<input type="checkbox"/>	elected representative	<input type="checkbox"/>
child or young person	<input type="checkbox"/>	parent/carer	<input type="checkbox"/>
prefer not to say	<input type="checkbox"/>		
Other (please tell us) Policy and Research Manager			

## Focus on weaknesses

7. We propose to focus re-inspections on the areas of weakness (the reasons for the inadequate judgement) identified at the original single inspection. This will ensure that each re-inspection focuses on the areas of practice most in need of improvement.
8. Where a local authority was found to be inadequate in all judgement areas, this will likely result in the re-inspection mirroring a full single inspection as we will want to be assured that sufficient progress has been made against the full scope of the original inspection. We will use the relevant grade criteria in the single inspection evaluation schedule as our benchmark to evaluate against.
9. This approach will ensure that all local authorities are evaluated against a consistent standard of practice, while ensuring that the grade criteria are applied in a manner specific to the areas for improvement in that local authority.
10. We recognise that there are risks inherent in this proportionate approach: aspects of practice that were previously strong may be allowed to deteriorate if a local authority focuses only on its weaknesses from the original inspection. If we have any information to suggest that practice has significantly deteriorated in specific areas, we will include these areas of practice in the scope of our re-inspection.

11. We also propose to mitigate this risk through the new inspection programme that we will implement after the single inspection cycle has finished. This will likely include a mixture of short universal and targeted inspections, giving us greater flexibility to focus on any specific issue or area of practice. This future regime will be subject to full public consultation later in the year.

**Do you agree that our re-inspection of local authorities previously found to be inadequate:**

- should be more proportionate and risk based?

Yes	No	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- should focus on the areas of weakness identified at the previous inspection?

Yes	No	Don't know
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- should be the same as a full inspection, where all judgement areas were found to be inadequate?

Yes	No	Don't know
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Please use the box below to provide any comments you have on our proposal to focus on weaknesses at a re-inspection:**

More proportionate and risk based re-inspection: we understand why Ofsted are considering changing the focus on weaknesses and moving towards a more proportionate and risk based re-inspection. However, we are concerned that a move to focus only on weaknesses could lead to missing any deterioration of practice in other areas. We see that this is noted in the consultation document and that if Ofsted have any information to suggest that practice has significantly deteriorated in specific areas, these areas will be included in the re-inspection.

However, we do not think that Ofsted have sufficient mechanisms in place to allow for information to be reported to them about deterioration in specific areas. We are not clear how this information will be reported to Ofsted or how Ofsted will ensure they do not miss areas of deterioration. In particular, we do not think that Ofsted

facilitates the ability of children and young people (who often are at the centre of deteriorated practice) to share their experiences between inspections. If young people do not know when Ofsted are returning following an inadequate inspection (or even that their local authority has been given an inadequate judgement), they are not able to report any concerns that arise. Ofsted will therefore be reliant on children and young people sharing their experiences during the re-inspection, although we have concerns about how this may be carried out (see our response to questions regarding the inspection methodology).

Should focus on the areas of weakness identified at the previous inspection: we agree that the focus should be on the areas of weakness, but it should not ONLY be on the areas of weakness. We suggest that Ofsted always inspects how children and young people are listened to and suggest that there is another degree of additionality to the inspection framework - for example inspecting another area at random.

## The timing of the re-inspection

12. Our experience of the re-inspections we have undertaken to date and our discussions with representative bodies – such as the Association of Directors of Children’s Services (ADCS) and the Local Government Association (LGA) – show that timing is important. We want to return at a time when an inspection positively supports the improvement journey the local authority is on. We propose that the timing of a re-inspection should be influenced by:
  - regular Ofsted monitoring visits (be that under the existing improvement offer or similar arrangements)
  - the views of the Department for Education (DfE)
  - the views of the local authority itself
  - any data, information or intelligence that suggest that the local authority has made sufficient improvement or is failing to act on its weaknesses.
13. We do not propose to give the local authority prior notice of the inspection, rather that they (and the DfE) are influential in agreeing when the most appropriate time for re-inspection will be. Ofsted will reserve the right to re-inspect at a time that it sees fit or re-inspect when directed by the Secretary of State.
14. We propose to keep the current maximum time limit for re-inspection set out in the single inspection framework, which is to re-inspect within 24 months. We

will measure this from the point when the local authority submits the statement of proposed action they are required to make in response to the report.

15. If we decide to re-inspect at any time in the period up to the 24-month time limit, this inspection will likely be a proportionate re-inspection as outlined in our first proposal. If the 24-month time limit is reached and there is insufficient evidence of improvement, we will likely undertake a full inspection. This is because an indication of insufficient improvement in the areas of weakness would give us cause for concern that the performance of other areas of service may have declined.

**Should the timing of the re-inspection be influenced by the views of:**

- the Department for Education:

Yes	No	Don't know
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- the local authority

Yes	No	Don't know
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**If you have answered 'No' to either part of the previous question, please tell us how you think the timing of a re-inspection should be determined:**

Young people consistently share concerns that if inspections are expected by local authorities, it allows local authorities to 'cover things up'. While we understand that the proposal isn't to give the local authority prior notice of the inspection, we do not think that local authorities should be able to influence when their inspection is. The principle of no-notification should not be compromised.

We would like to see Ofsted develop a mechanism for children and young people to share their views with Ofsted. This would enable Ofsted to use young people's thoughts as a tool for determining when a re-inspection should take place.

**Do you agree that we should keep a maximum time limit for re-inspection of 24 months after the local authority has made an action plan?**

Yes	No	Don't know
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Please use the box below to provide any other comments you have about the timing of a re-inspection:**

We do not think that the maximum time limit for reinspection should be reduced. We recognise that for many local authorities judged to be inadequate, systemic change will be required and this will take time. \*However, we would like to remind Ofsted that while a local authority is inadequate it is failing vulnerable children and young people, and we would not like to see the period between reinspections be longer than necessary.\*

## Inspection methodology

16. To provide a consistent experience to local authorities, we propose to use an adapted version of the methodology outlined in the single inspection framework. We propose to focus the re-inspection on the weaknesses identified at the original single inspection. Therefore, the scope of each re-inspection will differ. For example, weaknesses may only have been identified in the help and protection of children. The breadth of the inspection will determine how many inspectors we will deploy and over what period.
17. For re-inspections, we propose to retain the overall structure of the single inspection and to gather information in the same way. However, we will modify the arrangements to reflect the specific scope of the more focused re-inspection.
18. Things we will keep the same on a re-inspection:
  - we will always undertake some activity in weeks one to three
  - activity in week one will occur with the same short notice period
  - inspectors will not be on site in week two
  - we will ask the local authority to audit some cases
  - the timescales for the local authority to submit information to support the inspection (Annex A in the framework) will remain the same.
19. Things we may be more flexible about for each re-inspection:

- whether the core part of fieldwork can be contained within one week (week three)
- we will only ask for items in Annex A of the framework (case file lists and information to support the inspection) that are relevant to the specific scope of the re-inspection
- the number of cases we ask the local authority to audit
- the number of inspectors on site in week one and the number of days they are on site (in some cases this may be only the lead inspector for a very short period)
- the number of inspectors on site in week three and the number of days they are on site.

20. We anticipate that the **minimum** size a re-inspection is likely to be:

Week 1	Week 2	Week 3
The lead inspector gives notice and attends on site the following day	Inspectors off site; local authority provides case audits and Annex A information	A team of three inspectors on site for one week

21. We believe that by using the single inspection model more flexibly in this way, we can provide local authorities with a consistent experience for which they feel prepared, while minimising the burden of inspection through a more proportionate and tailored response to their circumstances.
22. We will share the exact arrangements for any re-inspection in writing in advance of the re-inspection taking place.

**Do you agree that on a re-inspection we should retain the following parts of the single inspection methodology:**

	Yes	No	Don't know
we will always undertake some activity in weeks one to three	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
week one will occur with the same short notice period	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
inspectors will not be on site in week two	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
we will ask the local authority to audit some cases	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
the timescales for the local authority to submit information to support the inspection (Annex A in the framework)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Do you agree that on a re-inspection we should be flexible in applying the following parts of the single inspection methodology to reflect the specific scope of the re-inspection:**

	Yes	No	Don't know
we will consider whether inspectors need to be on site in week four	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
we will only ask for items in Annex A of the framework that are relevant to the specific scope of the re-inspection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
the number of cases we ask the local authority to audit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
the number of inspectors on site in week one and the number of days they are on site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
the number of inspectors on site in week three and the number of days they are on site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Please use the box below to suggest any other aspects of the inspection arrangements we could be more flexible about on a re-inspection:**

We are concerned about any changes to the inspection methodology that may result in fewer children and young people being engaged with meaningfully.

Young people have, when discussing the single inspection framework, expressed concerns about the number of young people that Ofsted engages with during an inspection, and feel that Ofsted should engage with more young people, and in order to do that be more creative in their approach. We would urge Ofsted to ensure that during a reinspection, they engage with the same number of children and young people that they would in an ordinary inspection. We would like to see Ofsted introduce more creative ways of engaging with children and young people during an inspection, including exploring peer inspections, although we recognise that this may be more appropriate for the new inspection framework.

## Making judgements and reporting

23. We propose not to make a graded judgement on the traditional Ofsted four point scale. This is because the scope of each re-inspection will be unique to that local authority, and therefore the judgement we would make would not be

directly comparable with earlier inspection judgements. Instead, we propose to make one of the following judgements:

- the local authority services considered at this inspection continue to be inadequate
- the local authority services considered at this inspection have improved and are no longer inadequate.

24. We propose to provide our judgement in a published letter, setting out the progress made against the weaknesses identified at the last inspection. The letter will identify where any of the weaknesses considered are now strengths and any that still require improvement.
25. We will include the specific evaluation criteria considered at each inspection in an annex to the letter.

**Do you agree that the re-inspection should result in a judgement that the services either 'continue to be inadequate' or 'have improved and are no longer inadequate'?**

Yes	No	Don't know
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**If you answered no to the previous question, what judgement do you propose that we make?**

We do not think that it is possible to state that an authority is no longer inadequate unless there has been a full inspection to ensure that other areas of the authority continue to maintain above-inadequate standards across all areas.

**Do you agree that the outcome of the inspection should be reported through a letter setting out the progress made since the last inspection, strengths and areas for improvement?**

Yes	No	Don't know
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Please use the box below to provide any other comments you have about how we present our findings from a re-inspection:**

There should be an accessible version for children and young people, which should be disseminated to all looked after children and young people and care leavers.

**Thank you for providing your feedback on our consultation proposals.**