



LGA/SOLACE joint response to Ofsted consultation on the inspection of services for children in need of help and protection, looked after children and care leavers

July 2013

On 12 July 2013, the LGA and SOLACE submitted a joint response to the Ofsted consultation on the [‘Inspection of services for children in need of help and protection, children looked after and care leavers’](#).

Below is the full text of the response submitted.

Q1. Key judgement 1 (pages 8–10): To what extent do you agree or disagree with the grade descriptors describing ‘good’ experiences and progress of children who need help and protection?

We Neither Agree Nor Disagree

1. We have no particular comments on the descriptors outlined here, but would urge Ofsted to work closely with the pilot areas to understand their effectiveness and helpfulness in aiding meaningful inspection. It is essential that the way in which inspectors use the framework truly leads to a focus on outcomes, including through the views of service users, as opposed to proxy indicators which in fact rely on compliance with process.

Q2. Key judgement 2 (pages 11–14): To what extent do you agree or disagree with the grade descriptors describing ‘good’ experiences and progress of children who are looked after and achieving permanence?

We Neither Agree Nor Disagree

2. We have no particular comments on the descriptors outlined here, but would urge Ofsted to work closely with the pilot areas to understand their effectiveness and helpfulness in aiding meaningful inspection. It is essential that the way in which inspectors use the framework truly leads to a focus on outcomes, including through the views of service users, as opposed to proxy indicators which in fact rely on compliance with process.

Q3. Graded judgement 2a (page 15): To what extent do you agree or disagree that the quality of an adoption service that is 'good' has the characteristics described?

We Neither Agree nor Disagree.

3. We have been encouraged by previous statements from Ofsted which recognise that achieving permanence for children is wider than adoption alone, which may not be suitable for all. It is therefore disappointing that a proposal for a separate sub-judgement for adoption has been retained. As we have noted previously, we do not believe this is justified and could in fact be detrimental. Ofsted should provide a balanced, overall judgement of how effectively a council's services secure permanence and stability for children which encompasses all relevant and appropriate options, including for example Special Guardianship

Q4. Graded judgement 2b (pages 16–17): To what extent do you agree or disagree that the experiences and progress of care leavers are 'good' when the service has the characteristics described?

Left Blank

Q5. Key judgement 3 (pages 18–19): To what extent do you agree or disagree that leadership, management and governance arrangements that are 'good' have the characteristics described?

We Neither Agree nor Disagree.

4. We have no particular comments on the descriptors outlined here, but would urge Ofsted to work closely with the pilot areas to understand their effectiveness and helpfulness in aiding meaningful inspection.
5. As well as learning from the pilots, we would also ask Ofsted to look again at these descriptors and the associated narrative to consider whether the role of Corporate and Political Leadership beyond Children's Services (namely, the Leader and Chief Executive) are sufficiently clear and embedded. We believe that to be a Council with a truly effective children's social care system corporate and political leadership must understand and have oversight of services. Whilst the role of the Chief Executive is mentioned in holding the LSCB Chair to account, these roles are not otherwise mentioned. We do not believe that an inspection which did not speak to the Chief Executive and Leader would be able to adequately assess leadership, management and governance issues.
6. We also note that a reference to learning from sector led improvement has been dropped in this version of the framework. As outlined below, we believe sector led improvement is the best route to sustained and sustainable improvement and would ask Ofsted to re-instate this reference.

Q6. Undertaking a review of the Local Safeguarding Children Board (pages 20–21): To what extent do you agree or disagree that the grade descriptors describe the characteristics we should take into account when reviewing the effectiveness of the LSCB?

We disagree.

7. In general, we welcome the inclusion of LSCB inspections as a way of assisting local authorities in holding the whole local safeguarding system to account. However, this falls significantly short of multi-inspectorate arrangements, which the authorities who piloted that approach found had an enormously beneficial legacy in terms of partnership involvement and commitment. . In addition, the proposed descriptors are broader than the current remit of LSCBs, for example they encompass early help. This would have cost implications and must be re-visited.

Q7. To what extent do you agree or disagree that a judgement of 'inadequate' in any of the three key judgement areas should limit the overall effectiveness judgement to inadequate (page 22)?

We Disagree

8. Both the LGA and SOLACE have previously indicated strong concerns about the 'limiting principle' whereby overall effectiveness will be limited to the weakest individual result over different areas of inspection. We retain considerable concerns that this principle will mitigate against a proportionate overview of the summary position and have the effect of producing unrepresentative judgements of authorities' performance, and would urge Ofsted to learn from the pilots on this issue.
9. More generally, we continue to oppose the introduction of a single overall judgement beyond a simple above/below the line threshold. We feel that greater granularity of judgement is only possible when considering particular aspects of the local system separately, and that a single, graded judgement is an overly simplistic assessment of a complex, multi-faceted set of services. We believe that judgements should comprise of a simple 'above the line / below the line' summary alongside a compelling narrative about strengths and areas for improvement.
10. If a single judgement is adopted then it is important that if it is found that any one of the partners have not made an adequate contribution then this is made clear that this is a specific issue regarding the direct contribution of this particular partner and not reflective of the local authority, or the wider partnership arrangements within a local area.

Q8. Do you have any further comments? Please write them here.

Introduction:

The Local Government Association (LGA) is the national voice of local government and our mission is to support, promote and improve councils. We work with councils to achieve our shared vision for local government by focusing our efforts where we can have real impact, being bold and ambitious, and supporting councils to make a difference, deliver and be trusted.

SOLACE is the representative body for over 1200 Chief Executives and senior strategic managers working in the public sector in the UK. We are committed to promoting public sector excellence. We provide our members with opportunities for personal and professional development, and seek to influence debate around the future of public services to ensure that policy and legislation are informed by the experience and expertise of our members.

Summary:

- Moving to a single inspection framework for safeguarding and care is potentially a positive development as it recognises the inter-dependencies of the whole system for the early help, protection and care of vulnerable children. However, previous single inspection frameworks (Joint Area Review and the Safeguarding and Looked After Children) have placed excessive burdens on councils by failing to be delivered differentially based on risk. At a time when local government is operating under enormous budgetary constraint and undertaking almost continuous service transformation, this single inspection framework must be flexible, focused and proportionate to ensure effectiveness and manageability in its deployment. It cannot be assumed that one inspection instead of two will automatically achieve this and Ofsted must ensure that this opportunity delivers a reduction in overall burdens, so that resources are not unnecessarily diverted from frontline services.
- We strongly urge Ofsted to make a broader, cultural shift toward a role of 'consumer champion', with inspections focusing much more closely on the experience and outcomes of children and their families.
- We retain significant concerns about the capacity and capability of Ofsted to deliver such an ambitious programme. We also question whether the framework alone can address concerns about previous inspection regimes: an over-focus on compliance with process not outcomes; looking at symptoms, instead of causes; a deficit-based approach; and, extent to which it can drive improvement. The experience and expertise of inspectors and any professional guidance which informs their approach are as crucial to these issues as the framework. Consistency and calibration of judgements are particularly important if inspection is to be meaningful and credible, not just for councils but the communities they serve. We seek clarification from Ofsted on how these issues will be addressed and we would request that HMCI puts out for consultation a companion set of proposals for the delivery of a fit-for-purpose inspection workforce.
- Ofsted should closely examine and publish the findings and learning from the pilot inspections, both in terms of broad approach and some of the detailed descriptors in the framework, and implement changes accordingly.

- We agree with Ofsted that only good is good enough and welcome this emphasis. However, the actual terminology proposed (“requires improvement to be good”) is both inappropriate and unhelpful. All children’s services will need to improve, not just those formerly classified as “adequate”. However, we expect that the threshold between ‘requires improvement to be good’ and ‘good’ will recognise the generally very high performance of local authority child protection services in international terms – as recently acknowledged at the ADCS Annual Conference by HMCI Sir Michael Wilshaw himself
- We remain unconvinced that a single, summary judgement can be any more granular than above/below the line in a meaningful way. We also strongly disagree with the principle of limiting judgements, which can lead to a distorted overall picture of performance in a complex system. Instead we advocate a clear ‘above the line / below the line’ judgement supplemented with a compelling narrative about strengths and areas for improvement
- The draft judgement report should be shared with the council and local partners, with all given an opportunity to include a short statement in the report on self-improvement activity to ensure local ownership of the report’s recommendations.
- If a single overarching judgement is adopted then inadequate contributions by particular partners must be clearly acknowledged in order to avoid the impression of issues within the wider partnership arrangements in an area.
- We generally welcome the inclusion of LSCB inspections as a helpful way of trying to look at the whole local safeguarding system. However, this falls significantly short of the multi-inspectorate arrangements which have been deferred and we are concerned that this inspection framework will not sufficiently help local authorities hold their partners to account. In addition, the proposed descriptors are broader than the current remit of LSCBs, encompassing for example, early help. This would cost implications and must be re-visited.

Sector-led improvement:

11. It is important for Ofsted to recognise that the context for inspection is changing, due to the significant efforts made by councils to develop sector led improvement. The LGA and SOLACE believe that self-awareness, willingness to be open to peer challenge and mutual support will lead to sustainable improvement. The inspection regime must both complement and leave space for sector led improvement.
12. The Children’s Improvement Board (CIB) is a partnership between the Local Government Association (LGA), Association of Directors of Children’s Services (ADCS) and Society of Local Authority Chief executives (SOLACE). It supports sector led improvement in children’s services, drawing on the expertise of political leaders and senior officers in councils.
13. Whilst we accept that for the foreseeable future there will be regulation of children’s services, though we disagree about the frameworks needed, we believe the investment needs of Councils must, first and foremost, be in further developing the system of Sector Led Improvement and mutual aid. It is recognised that peer to peer challenge and support is what is most effective in driving sustainable improvement and the Sector remains committed to this approach going forward, driving sustainable improvement whilst reducing the burden of central inspection regulation. .

A Single Inspection:

14. Councils have suffered a 33 per cent reduction in resources and are facing an additional 10 per cent cut in 2015/16. As they focus resources on front line services staff will have less flexibility to respond to external demands. The LGA and SOLACE have previously called for Ofsted to consider how it can manage its multiple inspections in order to minimise the burden on specific locations and not unnecessarily disrupt service provision.
15. Therefore we are generally supportive of a joint inspection approach to multi-agency working to protect children which must be used to deliver a significant reduction in the inspection burden hitherto placed upon councils. Integrating the previously myriad separate approaches to inspecting safeguarding, care planning and permanence arrangements should make inspection more manageable. It also shows an important understanding of the interconnectedness of the local system for protecting and caring for children and young people.

Changes in grade terminology:

16. Both SOLACE and the LGA have long advocated the view that only good is good enough, and that the achievement of excellence for all is the ultimate goal. Consequently, we are pleased that Ofsted is similarly minded.
17. However, this will need to pay attention to the threshold between the new category of "requires improvement" and "good" – particularly in the context of one of the best performing child protection systems in the world.

Proportionate, effective inspection:

18. We reiterate our earlier plea that inspections are proportionate, focussed and balance the needs of rigour and minimised impact on local resources. Feedback from the pilots will be critical in determining how to strike this balance.
19. Whilst we have no particular comments on individual statements within the 'Good' descriptors, we would note that they collectively represent quite an extensive set of requirements, further compounding our concerns over the proportionality of inspection.
20. We retain concerns about the capacity and capability of Ofsted to deliver what is an ambitious proposal for a rigorous programme. In particular, we would like to highlight that any inspection framework is only as good as its deployment by individual inspectors and inspectorate teams.
21. Some of the issues that inspections will investigate, set out on page 10 to 13 of the consultation document, are complex and it is therefore important that inspectors have sufficient expertise and experience in these services to make informed judgements. We are keen to ensure that inspections become more of an 'appreciative enquiry', focussing on the experience of children and families and the outcomes which are enabled. This contrasts to an approach (seen too often in the past) which is box ticking and process driven.

Holding the system to account:

22. It is well understood that children and young people are best protected and cared for when all local agencies are working well together. As such, we would want to ensure that any reports enable local authorities to hold local partners to account effectively.

Information used in inspection:

23. We support the inspection's focus on direct engagement of services through focusing on the effectiveness of help, quality of practice and hearing the voice of the children and young people, and their families. Whilst the Munro review highlighted that performance data are important in managing services, it should not be treated as unambiguous indicators of performance, due to the nuanced nature of information in child protection. It is therefore important that inspectors have sufficient expertise and experience in safeguarding to 'get behind' any national and local performance data used to inform inspection. The same concerns and safeguards apply when using information relating to the quality and effectiveness of liaison between the Crown Prosecution Service and local agencies around prosecutions which trigger inspection activity. The wider context of the local authority, for example financial, should also be reflected in the final report.