

Inspection of local authority school improvement functions - Ofsted consultation

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Summary

Ofsted is consulting, until 19 March, on proposals to introduce a new framework for the inspection of local authority services for supporting improvement in schools and other providers. This follows HMCI's Annual Report 2011/12, which drew attention to the marked inequality of access by children and young people to a good school across the country and wide variation between areas, and HMCI's speech to the North of England Education Conference in January in which Sir Michael Wilshaw announced the new measures planned by Ofsted.

Overview

Ofsted is consulting, until 19 March, on proposals to introduce a new framework for the inspection of local authority (LA) services for supporting improvement in schools and other providers; the draft framework is published alongside the consultation paper. This follows HMCI's Annual Report 2011/12, which drew attention to the marked inequality of access by children and young people to a good school across the country and wide variation between areas, and was accompanied by a spreadsheet showing the percentage of pupils attending good or better primary and secondary schools in each LA. Ofsted is planning consultation events and to publish a good practice survey in the Spring.

In his speech to the North of England Education Conference (NEEC) in January, HMCI Sir Michael Wilshaw announced new measures planned by Ofsted 'to tackle local area under-performance'. These included a series of targeted school inspections during the Spring term (which started as he was speaking) in areas where the proportion of children attending a good or better school is currently well below the national average; a new framework for inspection of LA school improvement services 'provided by under-performing local authorities'; and a good practice survey (already underway) to share and showcase some of the best examples of LA support and challenge for schools, which will be used to inform the development of the framework. The combination of the LA 'league table' and the targeted inspections attracted widespread media coverage, highlighting LA performance on school improvement. These functions have not been inspected since 2004/05, when the former LEA inspections were replaced by Joint Area Reviews.

Subject to the outcome of the consultation, the first inspections under the new framework are due to begin from 1 May 2013. Consultation activities will include discussions with SOLACE, the ADCS and the LGA.

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Briefing in full

The consultation document

This outlines the proposals for the inspection of LA school inspection functions – described in more detail in the accompanying draft framework – and includes a questionnaire with six specific questions on the proposals, and space for comments. The consultation closes on 19 March.

The draft framework

This includes a Preface by HMCI, and covers the purpose of inspection and how inspection promotes improvement; the statutory basis for the inspection; the timing of an inspection; what will be inspected; who the inspectors will be; the grading to be used; and what will happen during and after an inspection. An inspection handbook, to be developed by the consultation and the good practice survey, will set out the basis of inspection judgements.

In his Preface, Sir Michael notes that ‘the reintroduction of inspection aims to assist Local Authorities in their duty to promote high standards and fulfilment of potential in maintained schools and other education and training providers so that all children and young people benefit from a good education’. He also points out that the framework acknowledges that the role of LAs has changed in relation to some schools and for those 14-19-year-olds attending a college where these sit outside of LA control, and observes that since January 2013 Ofsted has a more focused regional presence, enabling closer scrutiny of local education arrangements and providing greater support for schools and other education providers. Inspection will not be universal; Ofsted will inspect only where concerns about performance are apparent or where requested to do so by the Secretary of State.

The statutory basis for inspection, and timing of inspections

LAs have a general duty to promote high standards and fulfilment of potential – set out in section 13A of the Education Act 1996; the statutory basis for inspection is section 136 of the Education and Inspections Act 2006.

Ofsted does not intend to inspect all LAs to a regular cycle or interval; an inspection will take place where section 5 or section 8 inspections of schools or other providers raise concerns, or where Ofsted becomes aware of other concerns – for example, where:

- the proportion of children who attend a good or better maintained school, pupil referral unit (PRU) and/or alternative provision is lower than that found nationally
- there is a higher than average number of schools in an Ofsted formal category of concern and/or there are indicators that progress of such schools is not securing rapid improvement
- there is a higher than average proportion of schools that have not been judged good by Ofsted
- attainment levels across the LA, or 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 complaints to Ofsted about schools is a matter of concern
- the Secretary of State requires an inspection of LA school improvement functions.

Notice of up to five days will normally be given.

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Who carries out the inspection, and what will be inspected?

Inspections will be led by an HMI employed directly by Ofsted, with at least one other inspector, who may be an HMI or an Additional Inspector from Ofsted or an inspection service provider.

They will inspect the effectiveness of LA education 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'. Inspectors will evaluate:

- the effectiveness of corporate and strategic leadership of school improvement
- the clarity and transparency of policy and strategy for supporting schools' and other providers' improvement, including how the LA complies with its statutory obligations and powers in relation to school improvement work and how clearly the local authority has defined its monitoring, challenge, support and intervention roles
- the extent to which the LA knows 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 LA's identification of, and intervention in, underperforming school, including the use of formal powers available to the LA
- the impact of LA support and challenge over time and the rate at which schools and other providers are improving
- the extent to which the LA 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 way the LA uses funding to effect improvement, including how it is focused on areas of greatest need.

Gradings, and what will happen during and after an inspection

Inspectors will evaluate the effectiveness of functions to support school improvement and identify the strengths and weaknesses of support and challenge for schools and other providers; the grade descriptors of outstanding, good, requires improvement or inadequate will not be used. The evaluation will take account of an LA's statutory duties set out in section 13A of the Education Act 1996 and the key areas of focus as set out above. Judgements will be based on guidance in the inspection handbook being developed in parallel to this consultation; emerging findings will be discussed with senior officers at regular intervals, and oral feedback will also be offered to elected members.

After the inspection team has reached its conclusions, the draft judgements will be presented and briefly explained to senior representatives of the LA. While the oral feedback should be consistent with the inspection findings, all judgements will be subject to moderation and HMCI's final approval.

Ofsted will publish the inspection findings in letter form, setting out the context of the inspection, the evidence gathered, any strengths and weaknesses and areas recommended for improvement. Letters will constitute an inspection report under section 137 of the Education and Inspections Act 2006. The LA will be required to respond with a written statement setting out what action it proposes to take in light of the findings and a timetable for those actions. The LA must publish the

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letter report and action plan. Where there is evidence that the LA is not exercising its functions effectively, or does not have adequate capacity to support schools and other providers to improve, the Secretary of State will be informed and Ofsted may arrange for a further inspection.

The report will normally be sent to the LA within 20 working days of the end of the inspection, and published on Ofsted's website within 25 working days. A copy will be sent to the LA's Chief Executive, DCS and Lead Member for children's services; the Secretary of State and other prescribed persons.

Comment

The reintroduction of inspection of LA school improvement services is a key part of HMCI Michael Wilshaw's strategy for raising the quality of schools and for improving pupils' progress and attainment. Ofsted gives no indication of the number of LAs likely to be inspected, but the LA 'league table' published alongside HMCI's Annual Report in November offers some clues: there are nearly 50 authorities in which the proportion of primary school pupils in a good or better school is more than five per cent points lower than the national average (estimated at 70%), and a similar number in which this applies to secondary pupils; there are 20 LAs in which the proportion of both primary *and* secondary pupils in a good or better school is more than five per cent points lower than the national average – and in eight of these, the proportion is more than ten per cent points below the national average in both sectors.

In his speech to the January 2013 North of England Education Conference, and elsewhere, HMCI Sir Michael Wilshaw has contrasted the actions and performance of LAs, and the disparity of outcomes between them; he has particularly emphasised the low use made by some LAs of their statutory powers (issuing warning notices, appointing additional governors or replacing governing bodies with IEBs) – which has been an issue of contention with previous HMCIs.

This renewed focus on LAs' role in school improvement has attracted widespread media interest, increasing the political significance of the issue during a period in which the future of LAs' role in education is anyway under review, largely as a consequence of the increasing number (in most areas) of academies. The response from some local government quarters has suggested that LAs no longer have the powers to intervene effectively in 'failing' schools. This is deeply unhelpful. It is likely to play into the hands of those who wish to see local government's school improvement role removed entirely; it also fails to explain why some authorities are apparently far more effective than others in similar circumstances – as Ofsted's forthcoming good practice survey is likely to describe. HMI have recently visited a number of local authorities for this survey.

It is certainly true that the last few years have seen major changes in the education landscape, to which it has not been easy for LAs to adapt. But the so-called 'middle tier debate' over the past year has highlighted a continuing role for local government in providing much-needed coherent local strategic leadership in education, with a clear focus on achieving the best arrangements and outcomes for all children and young people (especially the more disadvantaged) regardless of which type of school they attend – and many LAs are demonstrating it. What is required now is for the LGA and SOLACE (in particular) to engage positively in securing that role, and in putting in place arrangements to help ensure that all LAs are able to exercise it effectively.

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While not wishing to detract from the central message for all local authorities of the consultation (and this briefing), that HMCI wishes to bring about an improvement in schools, and local government has a part to play if it wants one, there are the usual errors and ambiguities in Ofsted documents. For example, the use of 'maintained school' to include academies, and the lack of clarity about what happens after a second inspection if there has been no improvement. There is a Secretary of State role which is mentioned in HMCI's preface to the Framework document, but the reader is left wondering whether HMCI means Part 4 of the Education Act 2002 (which can be found in ss. 497A to 497B of the Education Act 1996) rather than Part 4 of the Education and Inspections Act 2006. It would have also been helpful if Section 13A of the Education Act 1996 had been unpacked. The reference to "relevant education function" will obviously apply to Section 14. But, are there any other functions which HMCI has in mind? Occasionally, reference is made to schools and "other providers". This could include FE and training, although the references to schools elsewhere leads one to think that inspections will cover only school related improvement. There is also an issue about how far Ofsted is becoming a school improvement agency and not as the 2006 Act states that HMCI must carry out functions for the general purpose of encouraging improvement.

LGiU/CSN work

LGiU/CSN has made developing the local authority middle-tier role in education a priority. We have published [Should we shed the middle tier?](#) (September 2012). We are now developing with [Frontline Consulting](#) a training and development programme to help elected members and senior officers think through this developing local authority role. Current plans include a package for individual authorities with high numbers of schools with Ofsted findings of inadequate and satisfactory/required to improve, regional seminars looking the LA school improvement role, and national briefings and workshops. Further details will be available shortly.

External links

Ofsted: [A good education for all: inspection of local authority services – consultation and draft framework](#) (5 February 2013)

Ofsted Press release: [The importance of leadership - The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2011/12 \(27 November 2012\)](#). The worksheet of local authority performance can be from the press release.

Related briefings

[Unleashing Greatness RSA-Pearson Academies Commission Report](#) (January 2013)

[Report of her Majesty's Chief Inspector of Education, Children's Services and Skills 2011-12](#) (December 2012)

[Outcomes of Ofsted school inspections](#) (November 2012)

[Competition Meets Collaboration: Policy Exchange Report](#) (November 2012)

[The Missing Middle: The Case for School Commissioners](#) – RSA Report (August 2012)

[Local authority role in education](#) – ISOS final report for Ministerial Advisory Group (July 2012)

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[The Future Role of Local Authorities in School Improvement](#) – ADCS Report (April 2012)

[The Growth of Academy Chains](#) – National College for School Leadership Report (March 2012)

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