

Inspecting local authority
children's services:
Ofsted and the role of
children's services scrutiny



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Introduction

This paper aims to support the work of non-Executive Councillors who are involved in the business of local authority Children's Scrutiny. It is written to be applied to all Councils regardless of their Ofsted judgement and to provoke further thought and discussion on how Scrutiny can best support and provide critical friend challenge to upper tier authorities to ensure that all Children who come under the help, protection and care of local authorities receive the best possible experience. The chapters in this paper can be used as stand-alone guidance, depending upon the local situation.

This paper was informed by a roundtable discussion held with almost forty Scrutiny practitioners discussing the role and approach of Scrutiny when working with the ILACS framework and hearing from Ofsted about the best ways of working. The roundtable was held on the 24th March 2023. There was a good spread of representatives from across authorities and from those working with a range of Ofsted grades (21% outstanding, 36% good, 21% requires improvement and 21% inadequate, with one authority being inspected at the time of the roundtable).

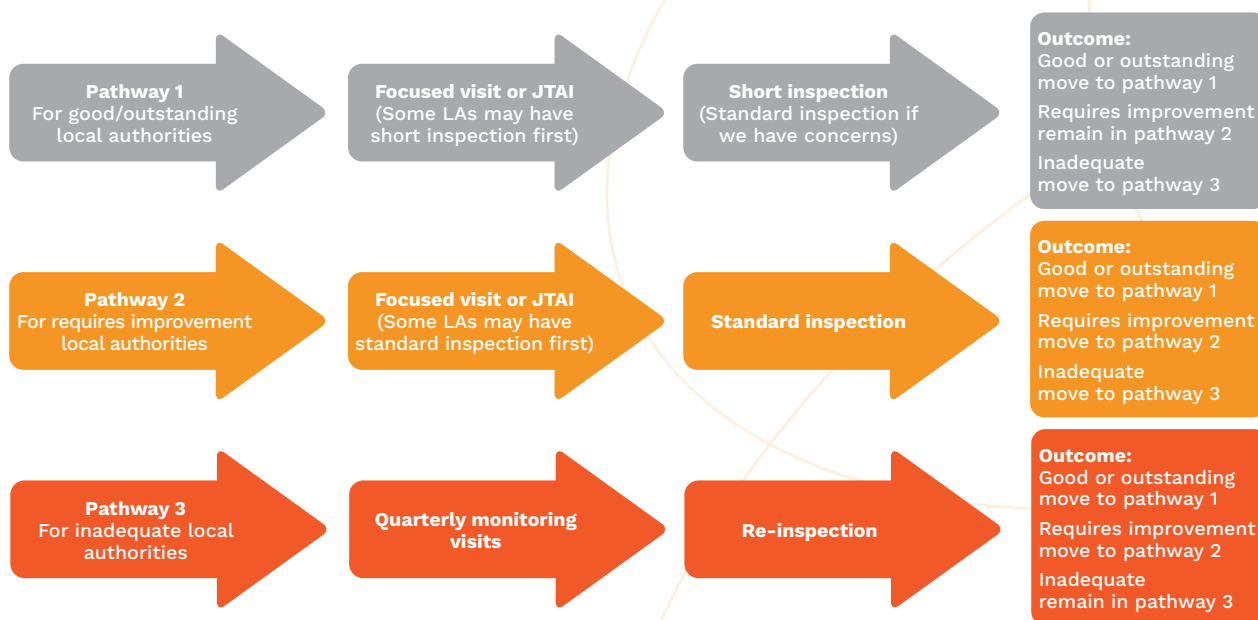
What is the ILACS framework?

In 2018, Ofsted adopted a new framework for inspecting local authority services for children in need of help and protection, children in care and care leavers. This marked a significant shift in the approach to inspection with some key features of difference.

The framework, Inspection of Local Authority Children's Services (ILACS), is available in full on the Ofsted website.

The inspection works to a three-year cycle with all Councils having been inspected despite a hiatus during some parts of the pandemic. The standard inspection lasts two weeks, with those councils judged as good or outstanding having only a week long short inspection, providing there are no significant concerns. A key difference with the new inspection regime is the contact between inspections with an annual self-evaluation and an annual engagement meeting. This is designed to provide support and resolution to concerns, as well as developing an improvement relationship.

The possible pathways are represented on the diagram below taken from the ILACS framework.



(ILACS Guidance 2022)

The framework focuses on the effectiveness of local authority services and arrangements for:

- the help and protection of children
- the experiences and progress of children in care
- the arrangements for permanence for children who are looked after, including adoption
- the experiences and progress of care leavers
- There is also attention on assessing the effectiveness of leadership and management and the impact this has on the lives of children and the quality of practice.

Under previous regimes there was a 2% achievement of outstanding amongst Councils, this has now raised to 16% under the ILACS framework¹.

'Ofsted aims to improve lives by raising standards in education and children's social care. We inspect and regulate thousands of organisations and individuals providing education, training and care – from childminders to training providers, schools to local authorities – and we share what we find.'

Ofsted strategy 2022–27 (publishing.service.gov.uk)

¹ As at 24 March 2023

What will Ofsted be looking for?

It is helpful for Scrutiny Members and Officers to understand the parameters which Ofsted inspections will be looking for. These are broadly detailed below.

Strategic Leadership

- The leadership of the council, including the chief executive, lead member (and other members) and the DCS recognise and prioritise the needs of children and this is reflected in corporate decision-making, action and active attendance at key committees and boards.
- The chief executive and lead member are well informed and hold the DCS and their leadership team to account for the quality of practice and the challenges in the local area. This is exemplified through accurate assessments of practice that drive improvement.
- The local authority is an active, strong and committed corporate parent – in line with the corporate parenting principles...There is a corporate sense of responsibility for children in care and care leavers and the chief executive leads a local authority that recognises and prioritises the needs of children in all aspects, such as housing, career opportunities, education and learning. To support this development the LGA offer an [e-learning course on corporate parenting](#)

Performance Management

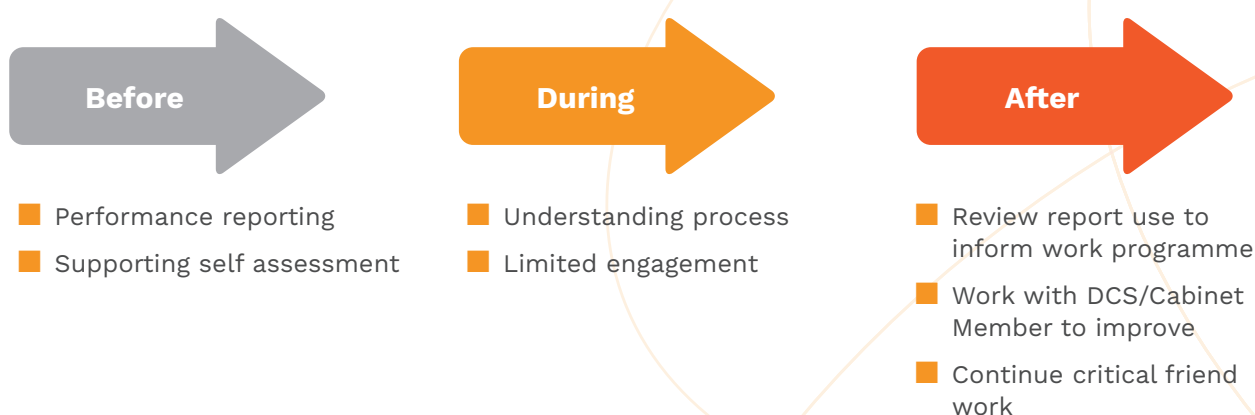
- The local authority, through performance management and monitoring, has an accurate and systematically updated understanding of its effectiveness and uses this to drive improvement.
- Management oversight of practice, including practice Scrutiny by senior managers, is established, systematic and used clearly to improve the quality of decisions and the provision of help to children and young people

How can Scrutiny understand and add value to children's services and the inspection regime?

Children's Scrutiny has a specific challenge when working with Ofsted, specifically working to understand, monitor and add value to the inspection regime without adding an unhelpful burden to the professional staff. There is also the danger that Scrutiny repeats parts of the process and re-reviews evidence and information which ultimately adds no value to the decision-making process. Also to be avoided is the situation where Scrutiny does not look beyond the findings of Ofsted.

Findings from Ofsted should be used as a guide, areas for improvement may well need to feature in Scrutiny's future work programme. However good Scrutiny will always look to reach beyond the inspection and support Council-wide improvement with additional evidence.

There are three distinct stages at which different approaches and considerations will be necessary: before an inspection, during it and after the judgement. This is summarised on the diagram below:



Before an Ofsted inspection

This phase can be considered as business as usual. The onus of Scrutiny work is usually not on Ofsted, but on how the committee sets a work programme and identifies issues of concern to review. Of particular importance is how Scrutiny Councillors are making the best use of their time to achieve impact. This is likely to include investigative work to make evidence-based recommendations to Cabinet. Guidance on how Scrutiny should undertake work programming is available here.

Signatures of risk:

Signatures of risk were identified by the National Children's Board and the LGA through support with Councils that were inspected as inadequate or self-assessed as at risk of inspection failure. In inspections they are likely to be red flag issues which prompt further investigation.

Scrutiny can use these risks outside the inspection regime as lines of enquiry and as a start a useful sense check to assess the overall position of the authority beyond specific performance metrics. Areas of concern should form the basis of a dialogue between the Cabinet/Executive Portfolio holder and Scrutiny Members. It is also useful to review the work programme against the signatures of risk and giving more attention to the areas of weakness as well as seeking to go beyond verbal assurances undertaken that the service is performing well.

- turnover and change in senior leadership
- service reorganisations combined with challenging budget reductions
- lack of political focus on safeguarding and care
- assuming performance standards are secure in an environment of service maintenance rather than development
- limited self-awareness and no external challenge
- inconsistent observation of practice
- professional weakness in supervision and audit
- lack of a learning organisational culture
- weak commitment from partners
- lack of focus on the child's journey or voice of the child
- poor workforce development and/or capacity
- failing to listen to or accept front line feedback
- not developing a culture of anticipation and early warning of issues.

Scrutiny good practice approaches

It can be helpful to think about Children's Scrutiny activities and the Lead Member as working together to improve the experiences and services for children in the area. As a quick sense check the table below has been produced to check that the alignment of activities has been considered. The headings of data, experience and added value are somewhat arbitrary, but they are designed to reinforce thinking about a proactive approach and a positive working relationship between the lead members and the Scrutiny function. Scrutineers should review the questions under each heading and ensure that regular practice includes these elements.

	Data	Experience	Triangulation/added value
Scrutiny Committee	Is the Committee receiving regular performance and risk monitoring reports?	<p>How is the Committee hearing the voice of the child?</p> <p>Is the Committee undertaking visits/ listening to front line staff?</p> <p>Are task groups (or equivalent) seeking a wide variety of witnesses?</p>	<p>Is the Committee triangulating evidence and making clear recommendations to Cabinet on areas of concern?</p> <p>Can the Committee demonstrate impact in its work? Are recommendations followed up?</p> <p>How is the Committee learning from best practice and other local authorities?</p>
Cabinet Member	Is there a strong working relationship between the Cabinet Member and Scrutiny?	How can the Cabinet Member be sure of the work that is going on across their portfolio?	<p>How is the Corporate Parenting Board engaged to actively support improvement?</p> <p>How is the Cabinet Member listening to Scrutiny?</p>

Annual self-evaluation.

The annual discussion with Ofsted does not involve Scrutiny, however, the activities undertaken and the information to support the discussion would be useful for Scrutiny to have sight of. Best practice would be to programme Scrutiny input and consideration into the usual process, but depending upon local circumstances this could include sharing the self evaluation after it has been prepared for Ofsted. In the roundtable discussion Scrutiny being cited on the annual self-evaluation was not typical in many authorities.

The central tenement of the self-assessment are three questions that Scrutiny can also usefully apply to critically challenge decision makers:

- **What do you know about the quality and impact of social work practice with children and families in your authority?**
- **How do you know it?**
- **What plans do you have over the next 12 months to maintain or improve practice?**

The self-evaluation guidance from Ofsted suggests that the following should be covered:

- should answer the [*3 questions outlined above*](#)
- should set out the main themes and learning
- should make sense as a standalone document (appendices can be included, but should be kept to a minimum)
- may be an existing document or combination of documents
- should be succinct, focused and evaluative; overly long self-evaluations are unlikely to be helpful to the local authority or inspectors

Scrutiny having sight of the self-evaluation pack can support ongoing critical friend challenge and overall accountability. However, as has already been discussed Scrutiny should be wary of being too led by the materials that are provided to support the ILACS process and Ofsted's judgement.

During the Ofsted visit

There are two hundred statutory duties in Children's Services, meeting these duties is the responsibility of the Director of Children's Services as well as the Lead Member for Children's Services. There is clearly a role for Scrutiny and particularly the Cabinet Member in helping to ensure a positive inspection result. However, Scrutiny alone cannot make this happen. During the inspection Ofsted will be focussing upon:

The effectiveness of local authority services and arrangements:

- to help and protect children
- the experiences and progress of children in care wherever they live, including those children who return home
- the arrangements for permanence for children who are looked after, including adoption
- the experiences and progress of care leavers

We also evaluate:

- the effectiveness of leaders and managers
- the impact they have on the lives of children and young people
- the quality of professional practice

For Scrutiny Councillors there is likely to be limited or no contact with the Ofsted inspectors in the visit. However, it is helpful for non- executive Councillors to be familiar with the process and be aware of what happens next.

At the roundtable discussion Councils heard and discussed how inspectors usually have key lines of enquiry which may vary between inspections depending upon the concerns that have been raised as part of the self-assessment and inspectors initial view of the evidence.

After the Ofsted visit

If the overall inspection result is negative, then sharing the judgement and communicating with partners as well as maintain staff morale can be difficult. The inspection result is likely to be embargoed until the publication of the final report by Ofsted. Consistent and clear communications are very important, and Scrutiny should be calling for clarity if this is not immediately apparent. For those with a negative result, this is likely to be the start of a different process, and Scrutiny need to have regard to not putting additional pressure upon the senior leaders and frontline staff.

The most significant risk for those authorities that achieve a positive result is complacency. This is potentially true for the approach of Scrutiny as well as the aspirations of the Cabinet member. Scrutiny Councillors should continue to act as a critical friend, even if the authority has achieved a very positive approach. It is useful to see the inspection as a check in a continuous process, rather than an end in itself.

This can include continuing to hear the voice of young people and having a plan of structured visits to see council services first hand.

Non-Executive Councillors should challenge themselves on the following questions to deepen their effectiveness and the function of children's Scrutiny:

■ Were you expecting the Ofsted outcome, and if not why not?

This is a particular self-searching question and is likely to lead to more in-depth work if the inspection result came as a surprise. This is most likely if the result is negative and this was unexpected. If this is the case it is necessary to identify which parts of the process are not accurately reflecting the situation and performance as it is. This could be that performance data is incomplete, or the wrong data is being collected. Once it has been established where the blockages are, steps should be taken to ensure that Scrutiny has candid, up to date information being reported. Scrutiny should be taking steps independently to triangulate the information that is reported.

■ Is Scrutiny asking the right questions and does the function need a re-fresh?

If Scrutiny was completely unaware of the failings identified by Ofsted there may need to be questions asked about how effectively the function is working. It may also be that Non-executive Councillors, governance or Scrutiny was mentioned unfavourably during the inspection. This does not happen with every Ofsted as inspectors tend to focus on outliers, areas of good practice that are noteworthy, as well as those needing improvement. Feeling that Scrutiny could do better might prompt a review of the service to look at the impact that it is having and how it is contributing to good governance.

Case Study: Devon County Council

In the event of an unfavourable result Members may well need to work to improve how Scrutiny itself operates. A case study of how to approach this was conducted in Devon County Council. Full details are available [here](#): following a negative comment about the effectiveness of Scrutiny the Council created a 'Children's Scrutiny Action Plan' to review and sharpen the Scrutiny function. Actions included more prioritisation of the agenda to focus on the key concerns, introducing a performance report to ensure oversight of the service, upskilling Members on good questioning and active engagement and reducing the number of meetings to focus on tangible outcomes and improvements. A key feature of difference was providing inspectors with a one-page summary of Scrutiny activity and impact. The most recent inspection praised Scrutiny highly for taking this approach.

■ How can Scrutiny work with the improvement journey?

In the event of an authority being judged 'inadequate' overall the council will go into a process of intervention. A key feature of this process is the establishment of an improvement board and an improvement plan. In some authorities Scrutiny chairs are invited to sit on, or sit in, improvement board meetings. If this is not the case Scrutiny members will need to ensure that they are well cited on how the improvement journey is progressing.

The improvement plan is an articulation of the steps that the Local Authority and wider partners plan to take to address the weaknesses identified by the inspection. The plan is written and owned by the local authority and agreed with Ofsted. It is likely to include key performance indicators, timescales for improvement and clear lines of accountability. Inspectors will offer to have a conversation with the DCS (or their nominee) to discuss the action plan in the spirit of 'critical friend'. Ofsted are clear though that it is for the local authority to satisfy itself that the action plan is fit for purpose. There is also an expectation that Scrutiny will have input into the improvement plan during its development.

Case Study: Stoke on Trent – 13 step process.

In 2019 Stoke on Trent was judged to have declined in children's services as a result of 'poor leadership, management oversight and an absence of clearly evaluated performance information'. As a result, the Children's Scrutiny Chair mapped out a process to work alongside the improvement journey. The 13-step process was designed to ensure a clear vision, working on a strengths approach in tandem with the improvement board. More information and the complete case study are available [here](#).

■ How should Scrutiny work with a Department of Education Commissioner?

For some local authorities, the DfE may decide to intervene and appoint an Improvement Advisor or a Commissioner to work with the local authority to implement an improvement plan. When considering working with the DfE, communications, clear lines of enquiry and understanding on roles and responsibilities is important. Scrutiny Members will need to be open and honest about their concerns and can give some context or local history to some of the issues that the Commissioner may not be aware of.

There should also be open approach with the Commissioner on the work of Scrutiny. It will be useful to get their view on what is working, what is concerning them and where the issues are within the service. Their expertise should be utilised when planning the work programme or investigative pieces of work to get to the bottom of some long standing or pressing issues. Best practice from the statutory guidance would point to the opportunity to feed into an annual refresh of the work programme.

In practical terms this might be done by inviting the commissioner to Committee to speak at Committee, but it can also include regular meetings with the Chair and Vice Chair. The key question is about how the improvement board works with Scrutiny whilst avoiding duplication and also to update Scrutiny members on the improvement journey.

Conclusion

Scrutiny and Non-Executive Councillors have an important role in supporting the effective working of children's services working alongside the Ofsted inspection regime to drive improvement. It is important for all Councillors to understand how the inspection process works and their responsibilities as corporate parents. Managing expectations and looking at Scrutiny impact through the process can help to steer an appropriate response from Councillors.

Take Away Top Tips

At the roundtable discussion different authorities shared their experiences and reflections which are summarised below:

- Ask for the annual self evaluation from your Director of Children's Services.
- Ensure that you recognise the picture painted by the annual self-evaluation.
- How are you understanding lived experience and triangulating the data through a process of hearing the voice of the child?
- How are you seeking and understanding evidence of improvement and the quality of practice?
- Remember to read the whole report – Don't just rely on the overall grading. A positive inspection outcome will still highlight areas that need improvement, and a more critical inspection outcome will still highlight pockets of good practice.
- Scrutiny speaking to a special advisor can really help focus questioning and key lines of enquiry.

Further reference:

- ILACS Guidance 2022 [Inspecting local authority children's services - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/inspecting-local-authority-childrens-services)
- LGA Political leadership series: Lead member role and key relationships [must-knows-lead-member-ro-03d.pdf \(local.gov.uk\)](https://www.local.gov.uk/media/10000000/2022-03-03-lead-member-ro-03d.pdf)
- LGA 'What happens if your children's services are judged inadequate by Ofsted?' Published Feb 19
- LGA Corporate Parenting/ LGA Scrutiny e-learning [Councillor e-learning | Local Government Association](https://www.local.gov.uk/councillor-e-learning)
- Ofsted Strategy 2022-27 [Ofsted strategy 2022-27 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/10000000/2022-03-03-lead-member-ro-03d.pdf)



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