

Responses to Ofsted's consultation on the inspection of services for children in need of help and protection, children looked after and care leavers

A report on the responses to consultation

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Introduction

1. Between 14 June and 12 July 2013, Ofsted consulted on its proposed arrangements for the inspection of services for children in need of help and protection, children looked after and care leavers (the 'single inspection framework'). The consultation sought to gather responses from those with an interest in, or expertise relating to, child protection and provision for children looked after.
2. A total of 170 responses were received via our online consultation.¹ An additional small number of responses were received in hard copy. We met with children and young people and listened carefully to their experiences. We also took into account the previous consultation responses and experiences from the pilot inspections of the proposed multi-agency inspection and the proposed separate inspection of services for children looked after and care leavers.²
3. During the development of this framework, we have worked closely with and very much welcomed the direct input from the Association of Directors of Children's Services (ADCS), the Society of Local Authority Chief Executives (SOLACE) and the Local Government Association (LGA).
4. The framework is built around three key judgements and two graded judgements:
 - the experiences and progress of children who need help and protection
 - the experiences and progress of children looked after and achieving permanence
 - adoption performance (graded judgement)
 - the experiences and progress of care leavers (graded judgement)
 - leadership, management and governance.
5. In our first proposal, we set out the characteristics of a 'good' service for each of these judgements and sought views on these descriptors. In our second proposal, we set out how we would review the Local Safeguarding Children Board (LSCB) and make a graded judgement on its effectiveness. Thirdly, we proposed that a judgement of 'inadequate' in any of the three key judgement areas should limit the judgement of overall effectiveness to 'inadequate'.

¹ Not all respondents answered all our consultation questions. For a breakdown of response numbers for each question see Annex A of this document.

² Annex A of *Inspection of services for children in need of help and protection, children looked after and care leavers: consultation document*; www.ofsted.gov.uk/resources/130167

Overview of responses

General feedback

6. Many respondents raised methodological questions for us to consider. Our inspection methodology has changed as a consequence. For example, we have acknowledged the impact of the inspection on the local authority and we will now contact the Director of Children's Services the day before we arrive on site, to give the local authority time to bring together the child level data and performance information that the inspectors will want to see. We have also clarified that inspections are unlikely to take place during August and over the Christmas period. Full details of the inspection methodology can be found in the *Inspection handbook*.³
7. The consultation document only set out the descriptors for 'good' and many respondents wanted to see how we would define the other judgements. The final framework document clearly sets out how we will benchmark 'outstanding', 'requires improvement' and 'inadequate' judgements.⁴ We will review the framework after the first three inspection blocks to evaluate its effectiveness and the consistency of application.
8. Many respondents were concerned that the proposed inspection arrangements did not focus sufficiently on the multi-agency aspects of service delivery. We continue to work very closely with our colleague inspectorates to ensure that multi-agency inspection makes a significant contribution to sector improvement not only from April 2015 onwards, but also in the present. The proposed introduction of reviews of Local Safeguarding Children Boards (LSCBs) is also a very clear indication of our commitment to evaluating the effect of the multi-agency contribution for the protection and care of children and young people.
9. As Ofsted launches the new single inspection framework, the Care Quality Commission and the criminal justice inspectorates are each beginning their own scrutiny of the contribution of their respective services to the help, protection and care of children and young people. We remain in very close contact with each inspectorate to ensure that we share information about our inspection findings and to help inform the timing of inspections.
10. Some respondents also felt that insufficient focus on the contributions of partner agencies could lead to the local authority being held accountable for the performance of other agencies over which it has no control. We think it is right for us to evaluate how well a local authority as the corporate parent challenges

³ *Inspection handbook: inspections of services for children in need of help and protection, children looked after and care leavers*; www.ofsted.gov.uk/resources/120218

⁴ *Framework and evaluation schedule for the inspection of services for children in need of help and protection, children looked after and care leavers (single inspection framework)*; www.ofsted.gov.uk/resources/130216

other agencies to provide the best possible services for children and young people who are looked after or who have left care and also how well local authorities take into account the availability of good quality services when they make decisions about where young people will live. We will report clearly on the contribution of other professionals working with the young person as we track and sample cases.

11. ADCS, the LGA and SOLACE each commented that the current four-point judgement scale is not sufficient to reflect the complexity of the child protection and care systems, and they called publicly for a move away from graded judgements altogether. We have given careful thought to this feedback. We remain convinced that a clear and unequivocal judgement provides the public assurance that we have a responsibility to provide. We believe that the narrative they seek is provided within the body of the report with clear areas for development set out. The four-point judgement scale is key to our understanding of where local authorities need to improve. In addition, we will use these judgements to target our improvement resource.

Response to proposal (I): That the grade descriptors describe the characteristics of 'good' in each judgement area

12. We invited comments on our proposed grade descriptors for each of the five judgement areas.⁵

The experience and progress of children who need help and protection

13. Eighty two per cent of respondents agreed or strongly agreed with our description of 'good' help and protection for children and young people. We have made a number of amendments in relation to the detailed comments we received.
14. We have:
 - included, in the grade descriptors on assessment, criteria on evaluating assessment at the right time for each individual child and the range of information we expect to see
 - been clear that 16- and 17-year-olds in need of accommodation are within the scope of the inspection (to reinforce the law as set out in the Southwark judgement)⁶

⁵ Respondents who answered 'don't know' have been excluded from the percentages given in this report; percentages are calculated from those that answered a specific question.

⁶ *Judgment of the House of Lords in respect of R(G) versus the London Borough of Southwark (2009)*; <http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090520/appg-1.htm>

- emphasised the importance of stable and meaningful relationships between professionals and children, young people and their families
- clarified that we will consider how well children and young people's views are recorded and used
- amended the grade descriptor on information-sharing to ensure that it includes consideration of the need to obtain parental consent when enquiring into the welfare of a child or young person.⁷

The experience and progress of children looked after and achieving permanence

15. Eighty six per cent of respondents agreed or strongly agreed with our description of 'good' experience and progress for children looked after and achieving permanence. Again, we have made a number of amendments in relation to the detailed comments we received.
16. We have:
- placed a greater emphasis on the promotion of good health and on partnership with schools and education services
 - emphasised the timeliness of educational assessments and the urgency of the action to be taken where looked after children and young people are not achieving well or attending school
 - been much clearer about local authority responsibilities for looked after children and young people missing from where they live
 - added a specific reference to homophobic bullying
 - been clearer about the 'rights and entitlements' of children looked after
 - highlighted the role of the Children in Care Councils in improvement.

Adoption performance

17. Eighty two per cent of respondents agreed or strongly agreed with our description of a 'good' adoption service.
18. We have:
- made stronger links between achieving permanence for children in the key judgement in recognition that adoption is one of several options available for achieving permanence for children
 - included references to older children and those with complex needs in respect of adoption.

⁷ This takes account of the judgment of His Honour Judge Antony Thornton in respect of the Queen on the application of AB and CD versus the London Borough of Haringey (2013).

The experience and progress of care leavers

19. Eighty per cent of respondents agreed or strongly agreed with our descriptors of a 'good' service for care leavers. However, a number of responses, most particularly from care leavers themselves, caused us to reflect on whether we had fully captured the full range of services available to care leavers. As a result, we have reordered, refocused and substantially added to the grade descriptors in this section.
20. Some respondents queried why the judgement on care leavers was not a key judgement area for the inspection overall. Other respondents felt that care leavers were being given undue prominence over other aspects of the care system. The response from the Who Cares? Trust pointed out that at any given time there are 80,000 care leavers, whereas there are only 67,000 children being looked after. We are absolutely committed to raising the profile of services for care leavers and feel we have got the balance right by making services to care leavers a graded judgement. Although it is not directly a limiting judgement, inspectors are very clear that they will use their professional judgement to weigh up the influence this provision and support has in each local authority on the key judgement on the experience and progress of children looked after and achieving permanence.
21. We have:
 - added additional criteria on the opportunities for care leavers, particularly 16- and 17-year-olds to 'stay put' living where they are settled, or to move after they reach the age of post 18 to the permanent and affordable housing options that they prefer and that are in their best interests
 - given a much stronger focus to access to appropriate further or higher education and training to evaluate whether care leavers are enabled to achieve their full educational potential
 - been more specific about the support that care leavers are entitled to as young adults.

Leadership, management and governance

22. Eighty per cent of respondents agreed or strongly agreed with our description of 'good' leadership, management and governance.
23. We have:
 - given greater prominence to the responsibility of leaders to understand and influence the quality of professional practice
 - strengthened the criteria about the recruitment and retention of a stable and competent workforce, which enables an environment that supports good social work

- clarified the corporate accountability of the local authority for the effective functioning of partnerships, the LSCB in particular
- been much clearer about the responsibilities of the local authority as corporate parents and their duty to find high quality housing for the young people leaving their care.

Response to proposal (II): Undertaking a review of the Local Safeguarding Children Board

24. We invited comments on our proposed grade descriptors for the review of the LSCB. Seventy four per cent of respondents agreed that Ofsted should undertake a review of the LSCB and reach a judgement on its effectiveness against the four-point scale.
25. We have reviewed the grade descriptors so they are clearly aligned with LSCB statutory responsibilities as set out in the Children Act 2004 and the LSCB regulations 2006. We have removed references to responsibilities other than those conferred in statute and we have made revisions to accurately reflect the full scope of Board activity including: accountabilities, priority setting, funding contributions and operation of a learning and improvement framework.
26. Section 15A of the Children Act 2004 has commenced and the new regulations have been published.⁸ We launched a further consultation in October 2013 that took account of all the comments received through this consultation and gave interested parties a further opportunity to comment on the revised framework and methodology in full understanding of the new regulations. We will publish the outcome of this second consultation in November.

Response to proposal (III): That a judgement of 'inadequate' in any key judgement area limits the overall effectiveness judgement to inadequate

27. We invited comments on our intention to limit the overall effectiveness judgement to inadequate if any of the three key judgement areas were found to be inadequate.
28. Fifty two per cent of respondents supported the view that a judgement of 'inadequate' in any key judgement area should limit the overall effectiveness judgement to 'inadequate'.
29. There is concern that Ofsted is setting a high bar and high expectations. We think this is the right test and, given the small number of key judgements,

⁸ The Local Safeguarding Children Boards (Review) Regulations 2013:
www.legislation.gov.uk/ukxi/2013/2299/contents/made

where we find widespread or serious failings that either mean children are not protected or in the case of children looked after means their welfare is not safeguarded or promoted, we think it is right that we judge this authority as inadequate overall.

30. We do acknowledge that in some authorities, the quality of help, care or protection may be inadequate, but the senior leaders may know their weaknesses and may be taking demonstrable action to support improvement. Evidence may indicate the right direction of travel for children and young people. In these circumstances, we would want to acknowledge that destabilising the leadership team is not in the best interests of children and young people. In these circumstances, although the overall judgement may be inadequate, the judgement for leadership, management and governance may not be.

Annex A. number and percentage of agreement to the proposals in our consultation

We received 170 responses to our online consultation. Not all respondents provided a response to all our proposals.

Respondents who answered 'don't know' or did not answer a specific question are excluded from the calculations in the tables below. Percentages for each question are calculated using the number of respondents who answered that specific question.

Proposal (I): That our proposed grade descriptors described the characteristics of 'good' in each of the judgement areas in the table below

	Experiences and progress of children who need help and protection		Experiences and progress of children who are looked after and achieving permanence		Adoption service		Experiences and progress of care leavers		Leadership, management and governance arrangements	
	Number of responses	%	Number of responses	%	Number of responses	%	Number of responses	%	Number of responses	%
Strongly agree or agree	119	82%	126	86%	112	82%	115	80%	114	80%
Neither agree nor disagree	16	11%	13	9%	19	14%	17	12%	20	14%
Disagree or strongly disagree	10	7%	7	5%	6	4%	11	8%	9	6%
Total (excluding 'don't know')	145	100%	146	100%	137	100%	143	100%	143	100%

Proposal (II) Undertaking a review of the Local Safeguarding Children Board (LSCB) – that our proposed grade descriptors described the characteristics we should take into account when reviewing the effectiveness of the LSCB

	Number of responses	%
Strongly agree or agree	106	74%
Neither agree nor disagree	23	16%
Disagree or strongly disagree	14	10%
Total (excluding 'don't know')	143	100%

We consulted further on our descriptors for the effectiveness of the LSCB from 10 to 23 October.⁹ The response to this further consultation and the action we have taken will be included in this document when it is re-published in November 2013.

Proposal (III): That a judgement of 'inadequate' in any key judgement area limits the overall effectiveness judgement to inadequate

	Number of responses	%
Strongly agree or agree	74	52%
Neither agree nor disagree	18	13%
Disagree or strongly disagree	49	35%
Total (excluding 'don't know')	141	100%

⁹ Review of the Local Safeguarding Children Board: consultation document; www.ofsted.gov.uk/resources/130222