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By email: socialcare@ofsted.gov.uk

Ofsted consultation on the future of social care inspection: response from ADCS

1. Introduction

1.1 The Association of Directors of Children's Services Ltd (ADCS) is the professional association for directors of children's services (DCS) and their senior management teams. Under the provisions of the Children Act (2004), the DCS is the chief officer responsible for the discharge of local authority functions with regard to education and children's social care and champion for children across wider children's services.

1.2 ADCS welcome the opportunity to make a submission to Ofsted on proposals for the future of social care inspection. In March 2015, ADCS, the LGA and Solace put forward an alternative inspection model¹ which suggested that future inspection frameworks should be less burdensome than the single inspection framework (SIF), more flexible and seek to capitalise on all existing and available data to monitor the quality of services being provided for children, young people and their families.

1.3 The high-level information provided in the Ofsted consultation document on the future of social care inspection, suggests that an outcomes-focused framework, applied differentially in proportion to risk, is being progressed. This is welcome. The burden of inspection in children's services has not been reduced by the introduction of the SIF, which 'replaced' several separate inspection frameworks. In fact, the overall quantum of inspection has increased significantly in recent months with the introduction of the multi-agency Joint Targeted Area Inspection (JTAI), a single agency JTAI and the inspection of the effectiveness of local arrangements for children and young people with special educational needs and/or disabilities (SEND). These new inspections come on top of existing regulatory activity in other areas of children's services e.g. school improvement services, children's homes, adoption & fostering and youth offending teams.

2. Judgement inspection

2.1. Under the proposals outlined in this consultation each local authority will receive a different programme of inspection depending on the outcome of earlier inspections and assessments of all available intelligence and data. This move away from a 'one size fits all' model is welcome. However, we believe that the frequency of inspection should be the key differential rather than the duration. For example:

- A two-week judgement inspection would only be triggered in an outstanding local authority if concerns arose via a modular inspection, a JTAI, the self-evaluation or other available performance information
- In a good authority, a two-week judgement inspection would be delivered on a five-year cycle unless triggered by concerns raised via a modular inspection, a JTAI, the most recent self-evaluation or other available performance information
- An authority that requires improvement to be good should expect to receive a two-week judgement inspection on a three-year cycle (or longer) if positive outcomes are evidenced during a modular inspection or JTAI

¹ http://adcs.org.uk/assets/documentation/ADCS_LGA_Solace_Inspection_position_paper.pdf

- A two-week judgement inspection could be triggered at an appropriate point in the monitoring regime for inadequate authorities.

2.2. ADCS notes that duplication exists between the proposed judgement inspection and the JTAI, particularly in relation to 'front door' operations and the leadership of safeguarding services.

3. Notification periods

3.1. It is preferable that a short notification period is utilised in the next universal inspection framework - the unannounced nature of the SIF adds additional and unnecessary pressure on staff at all levels. We do not believe a poorly performing authority could hope to disguise systemic issues or serious failings in a short space of time. We believe that there should be more consistency of notification periods across the suite of children's social care inspections. As noted above, notification for the SIF is in effect one working day; for JTAI it is nine days; for SEND it is five days; and for the inspection of IFAs, it is ten days.

3.2. One of the core principles that underpins these proposals is that the inspectorate will seek to focus more on what matters to children and young people. The use of a notification period would allow arrangements to be made for them to participate more fully in the inspection process.

3.3. Providing notice of inspection may also ease some of the ongoing data burdens, which are currently excessive – those authorities that have not yet had their SIF have been regularly updating Annex A and other necessary data sets with each new iteration of the inspection handbook for the last three years.

4. Judgements

4.1. Delivering inspection on a differential basis adds a further level of complexity to the allocation of judgements and plans set out in the consultation document suggest that inspectors will continue to rate the overall effectiveness of local services with a single worded judgement supported by a narrative. The four point grading scale favoured by the inspectorate offers the public no certainty that two local authorities awarded the same judgement are providing exactly the same services, managing risks in the same way or achieving the same outcomes for children and young people. A single word cannot convey the inherent complexities of the child protection system or be used to identify precisely what is, and is not, working effectively.

4.2. Our preference for a wholly narrative judgement is well known. The negative rhetoric that surrounds the inspectorate's 'requires improvement' judgement illustrates the dangers and pitfalls of over simplifying a complex set of issues. The truth is 20 of the 29 performance indicators in children's services have improved since 2007² and the UK is widely regarded as one of the safest places for children to grow up yet 75% of councils inspected under the SIF have been judged to be 'less than good.' The nuancing surrounding the original 'requires improvement to be good' judgment has been lost from view despite guidance stating: "*In a local authority that requires improvement there are no widespread or serious failures that create or leave children being harmed or at risk of harm. The welfare of looked after children is safeguarded and promoted...*"

4.3. While we recognise that it is unlikely that inspectorate and national politicians would support such a bold move, ADCS believes the use of a narrative judgement would give the public, and local partners, the assurances they seek in our systems, and we'd see attention focused more clearly on improvement rather than blame.

² <http://www.local.gov.uk/documents/10180/11981/Companion+Report+G+-+Data+Analysis+Final.pdf/055a999d-2fd0-48bd-b83a-4d6f75692b54>

5. Modular inspections

- 5.1. ADCS is concerned that the inspectorate's focus on authorities that are less than good could further fuel the continuous dialogue of negativity inherent in the current inspection framework. While efforts to reduce the overall burden of inspection are being made, we need to see how the whole system operates before we can determine whether this aim has been achieved. We are concerned that authorities judged as requiring improvement might actually bear a greater burden if they are to be subjected to annual modular inspections in addition to a full judgement inspection and all of the other regulatory activity across all of children's services. The frequency presents the greatest concern as inspection diverts focus and resources from the day job.
- 5.2. Modular inspections have the potential to be a positive development if targeted at specific local challenges based on the results of previous inspection outcomes. It is vital that there is scope to look at sub-sets of the broad areas – including children in need of help and protection and care leavers - set out in the consultation. We understand the inspectorate will look to co-ordinate modular inspections with the programme of JTAs, this is welcome.
- 5.3. However, ADCS believes that it is important that inspection takes a broader view of local child protection arrangements. A growing number of local authorities employ integrated models of decision making e.g. a MASH, which is why we advocate an inspection regime that looks across the child protection system as a whole. Pressing issues, such as the sexual exploitation of children and young people or radicalisation, cannot be solved by the local authority alone nor can the effectiveness of local arrangements be judged by an inspection framework that looks at children's social care in isolation. It is our belief that the limit of 10-12 multi-agency JTAs each year needs revisiting. If this is not possible then the effectiveness of partnership arrangements could potentially be a topic of a modular inspection if the focus was at an operational rather than a strategic level.
- 5.4. ADCS would be interested in exploring whether there is scope to incorporate the programme of JTAs and the SEND inspections into this new framework as additional multi-agency modules in recognition of the collegiate ways of working that underpin the design and delivery of public services. We are concerned that the SEND inspection process is education-led despite legislative changes encouraging a more holistic approach. This move would certainly reduce the burden of inspection.

6. Self-evaluation and use of data

- 6.1. We are pleased that our proposals for an annual self-assessment or a DCS 'stocktake' have been included in the consultation. We believe this information could be used to triangulate performance data with the results of field work to get a clearer picture of the authority's capacity to improve and whether services offer value for money.
- 6.2. A self-evaluation would allow the local context to be clearly articulated e.g. the scale and scope of commissioning arrangements and other localised pressures - the demands on children's social care sector are stark and the inspectorate can no longer be blind to growing levels of need coupled with the impact of six years of austerity when assessing performance. According to recent government data³, over 635,000 referrals were made to children's social care in 2015; over 550,000 assessments were completed; over 160,000 child protection enquiries were carried out (a record high); and over 62,000 children were placed on child protection plans during the year (another a record high).
- 6.3. It is vital however, that self-evaluation does not become an industry in itself – the process should be succinct and draw upon intelligence and metrics that are already available to the local authority. Many of the regional ADCS sector-led arrangements include peer challenge functions which are underpinned by self-assessments. We would welcome the opportunity to discuss this

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/469737/SFR41-2015_Text.pdf

further, including the potential for Ofsted to 'endorse' existing sector-led self-assessment arrangements already in place, in order to minimise unnecessary duplication.

6.4. As children's social care data are recorded by financial year, the submission of the proposed self-assessment in the summer months seems the best fit. This aligns with the government's timetable for the statutory 903 data return on children in care and the employment of a notification period, say 10 working days in advance of inspectors arriving on site, would enable an update to the self-assessment to be made.

7. Secondments

7.1. Secondments offer positive development opportunities for local authority staff, we support the inclusion of current practitioners in inspection teams however, few local authorities, particularly smaller ones, can afford to have a senior manager out of the office for a significant period of time. ADCS would be happy to discuss with Ofsted the impact austerity is having on local authority staffing levels and the practicalities of this proposal - significant training requirements have historically presented a barrier to greater engagement, for example.

8. New common inspection framework for social care settings

8.1. The concept of a common inspection framework for social care settings is sound. This move will ensure greater equity across the range of service providers and reduce the inherent complexities in the current arrangements. This will be particularly important as new partnerships form and alternative delivery models begin to emerge. As noted in section 3 above, consistency of approach across different settings will also be important. For example, the consultation document proposes reducing the notification period IFAs receive. Rather than reducing the notification period IFAs receive, from 10 days to one, it should be retained and that timescale applied across other inspections for the sake of consistency

8.2. When determining judgements ADCS believes it is important that the inspectorate gives proper consideration to the financial context in which providers operate. The impact of austerity cannot be ignored - constraints on local authority commissioners inevitably has an effect on provider's capacity to deliver against the expectations we would all share for children and young people.

9. Concluding remarks

9.1. The plans set out in this consultation are somewhat at odds with the government's position set out in *Putting Children First*⁴. Ofsted proposes quarterly monitoring visits for inadequate authorities until they cease to be inadequate under the SIF. The government proposes it will monitor the progress of inadequate authorities every six months and appoint a commissioner to assess whether services should be removed from local authority control if it is felt insufficient progress is being made. In extremis the government will transfer services to an independent trust. Further clarity is needed on how these two approaches will work in practice – which takes precedence and will local authorities have reasonable opportunity to improve under Ofsted monitoring before government imposes a Commissioner with a presumption that the services will be placed outside of the local authority's control? ADCS would welcome discussion with representative from the DfE and Ofsted on this matter. In particular, we wish to discuss the interface between Ofsted's monitoring visits to 'inadequate' local authorities, and the government's determination as to whether a local authority has the "...capacity or capability to improve children's social care services..."⁵ before government transfers those services to a different organisation (usually a Trust).

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/535732/Putting_Children_First_-_delivering_our_vision_for_excellent_children_s_social_care.pdf

⁵ *ibid*

- 9.2. It is also not clear how the impact of alternative arrangements that may emerge as a result of the *Children and Social Work Bill* or shared services stemming from future devolution plans, will be dealt with under this draft framework? Nearly a dozen trusts or alternative delivery models are in operation or development, including the joint arrangements in Tri-Borough and Richmond and Kingston's social enterprise company. The consultation is similarly silent on how significant developments, including the launch of regional adoption agencies and the introduction of staying close in residential care, might be dealt with under this new inspection framework.
- 9.3. ADCS would be pleased to discuss any of the points raised here with Ofsted representatives at a future meeting of the Association's Standards, Performance & Inspection Policy Committee in London. For further information, please contact Katy Block, ADCS Policy Officer, katy.block@adcs.org.uk

The Association of Directors of Children's Services Ltd

Piccadilly House, 49 Piccadilly, Manchester, M1 2AP
Tel: 0161 826 9484 Email: info@adcs.org.uk Website: www.adcs.org.uk