

ADCS response to the consultation on *integrated inspections of services for children in need of help and protection, children looked after and care leavers and the joint reviews of LSCBs*

The Association of Directors of Children's Services Ltd (ADCS) values the opportunity to respond to the consultation on integrated inspections of services for children in need of help and protection, children looked after and care leavers and joint inspection of the Local Safeguarding Children Board. ADCS is the professional association for directors of children's services 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 children's social care. The DCS provides a clear and unambiguous line of professional accountability for children's services, including social care and as such, has a particular interest in the inspection of local authority services.

1.0 Introduction

1.1 ADCS enjoys a constructive relationship with Ofsted, which is characterised by robust dialogue and challenge. We welcome the fact that Ofsted has listened to feedback from LAs about the current SIF and specifically about the requirements of Annex A. We trust that the comments that follow will be taken in the spirit of that relationship.

1.2 The child protection system has to deal with complexity, uncertainty, ambiguity and paradox and our inspection methods need to be able to reflect this. Inspections of these systems is in itself a high risk endeavor. Those risks seem exponential to the number of inspectorates.

1.3 Moreover, it will be necessary for local authorities and Ofsted to learn together as to the best way of assessing the effectiveness of help and quality of practice as LAs shift more towards commissioners rather than providers of services.

1.4 It is the view of ADCS that inspection has three core functions:

- a) A vehicle through which agencies are publicly held to account for the public money they spend
- b) To ascertain whether services are provided to minimum required standards and that risk is being managed appropriately; and
- c) To facilitate a learning culture that in turn enables services to develop in order to improve outcomes for children.

1.5 Mixed quality/calibre of inspectors across all inspectorates and inconsistent judgments characterise the current inspection framework and it would seem that the proposed integrated inspections will exacerbate this problem. We accept that variable calibre exists in any large workforce, but it is particularly important to ensure the consistency of high quality inspectors when examining complex systems like child protection, otherwise there is the very real possibility that the bigger the scope of inspection, the bigger the team, the more variability and the more risk of inconsistent judgements leading to inconclusive, conflicting or contested outcomes. Indeed, we have seen this is a small number of cases with LA SIFs.

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1.6 If the integrated inspections are to go ahead as planned, we seek assurances that there will be a single inspection handbook across each of the relevant inspectorates and that the training of inspectors from each of the relevant inspectorates is designed in such a way as to promote an integrated approach.

2.0 Areas of apparent uncertainty within the consultation documentation

2.1 It is not entirely clear to us that CQC intends to look at safeguarding and information sharing issues in respect of adult substance misuse and adult mental health or that HMIC will look at domestic abuse arrangements within the integrated inspections framework. These are critical areas in terms of LA Children's Services' ability to respond to and protect children from risk of harm/significant harm. If there is to be a true evaluation of how agencies work together to protect children, these matters would be central.

2.2 It appears that CQC will review children's health services that are commissioned by LAs (school nursing, public health nursing, health visiting, contraception and sexual health services and substance misuse services for children), despite S.48 powers (Section 48 of the Health and Social Care Act 2008, which gives CQC powers to conduct a special review) NOT including such provision. As the consultation documentation says, "...the integrity of the inspection of health services in relation to safeguarding is compromised if CQC does not include them..." and it does make sense to include such services in the scope of CQC's contribution to integrated inspections in order to get a proper view of the health economy in relation to safeguarding, however, there is plainly a gap in statutory provision under which inspection activity takes place. Ofsted, rightly, makes the point of being clear about the statutory provisions under which its inspection activities can and do take place (hence the review of the LSCB is a review, not an inspection). This raises the question as to who DOES have responsibility (and powers) to inspect these health services and to make recommendations for their improvement. CQC will be able to draw matters to the attention of the commissioning local authority, but it will not be able to make recommendations for action and improvement.

3.0 Graded judgements

3.1 ADCS's fundamental objection to the use of single word graded judgments is well known. A judgment of 'inadequate' usually makes things worse before they get better as a result of staffing instability and a diminution in inter-agency confidence. This judgement should only be used where children are not safe and radical action through intervention is necessary, if turnaround is not achieved very quickly (thereby fulfilling Inspection core function number 2 – see paragraph 1.4 of this response). The bigger the scope of the inspection, the more likely it will be that local authorities which simply need to make improvements will be labelled inadequate.

3.2 ADCS has called on several occasions for a shift to a narrative judgment, like that used in the coroners' courts. Whilst we welcome the enlightened use of narrative judgments by HMI Prisons (where applicable) and HMI Probation as part of the integrated inspections - indeed we urge Ofsted and other inspectorates to consider this approach for whatever inspection framework is in play from November 2016 - we think that this mixed use of graded and narrative judgments will be confusing for members of the public.

4.0 Reviewing the effectiveness of LSCBs

4.1 With respect to the inspectorates' joint evaluation of the effectiveness and influence of the LSCB – it is proposed that there will be a shared judgment and a jointly produced single report. We feel strongly that there should be a pause in reviewing LSCBs in order to provide space in which the purpose of LSCBs is clarified.

5.0 Proportionality and sustainability

5.1 ADCS members who have experienced the current Ofsted-only SIF have said that the process is rigorous and although the grade descriptor 'good' is extremely challenging to achieve, that for those LAs which have had an outcome of 'good' in the SIF, they felt that the SIF model describes 'good' well.

5.2 ADCS members have however also raised concerns about the proportionality of the process and its burdensome nature, on both the LA and the inspectors. Indeed Prof. Munro's contribution to the Ofsted review of the first 11 SIFs said as much. Moreover, Ofsted inspectors themselves who have been involved in the SIFs so far have not yet had the opportunity to share their views with Ofsted as to how they the inspectors are finding the SIF requirements. We believe that the current burden of the SIF upon LAs and inspectors is unsustainable and unaffordable let alone adding the requirements of the concurrent inspections by other inspectorates.

6.0 An alternative proposal

6.1 Safeguarding children is everybody's business. It is on the basis of this principle that ADCS supported, indeed at one time called for, the concept of multi-agency inspections because a local child protection system has a complex ecology in which the interactions between agencies and the impact of actions by those agencies on individual children and families are highly interdependent.

6.2 But, the complexity of judging multi-agency child protection work and the incomparability of the resulting grades/outcomes, and the lack of proportionality has led us to conclude that the goal is not currently attainable. We know from experience that in the short (and sometimes medium) term a judgment of 'inadequate' can make things worse before they get better for children because managers are sacked, staff leave, inter-agency confidence falls, referrals shoot up; the service is tested to breaking point all of which can make 'front doors' less safe

6.3 Therefore, ADCS would like to propose that the universal SIF, which forms the spine of the proposed integrated inspections, be stood down in favour more thematic inspections (with the themes agreed with the relevant agencies, including perhaps the use of data derived from Ofsted's social care annual report and where practicable, sector-led improvement priorities) plus a re-introduction of the unannounced inspection of the 'front door' (contact, referral and assessment). These inspections of the 'front door' would however need to be modified so that they looked at multi-agency 'front door' arrangements (without imposing, or inferring the desirability of, a single model for multi-agency arrangements) and made an assessment of each of the relevant agencies contribution.

6.4 ADCS Safeguarding Pressures Phase 4 research is, at time of writing, ongoing and research results are due for publication in early November 2014. There are a series of questions in the research that should elicit a good, up to date picture of the impact of safeguarding pressures on LA and multi-agency 'front door' arrangements.

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6.5 ADCS believes that thematic inspections generally allow for more granularity in analysis and actually do the work of improvement by setting out exemplars of what good looks like and in principle have excellent potential for the benchmarking of services and good practice. The current framework for thematic inspections does not provide for any level of detailed written feedback to the LA being inspected nor is a written report published on a local area level; this would need to be modified so that there was a process of producing some level of detailed feedback and codified improvement requirements as appropriate which is then published sooner than the existing 6 months' timescale. Furthermore, we would like to propose that LAs subject to these 'new style thematic inspections' are brought together to identify and share learning, again, in a timely fashion.

6.6 The former short unannounced inspection of the LA's 'front door' quickly identified where there were deep failings in practice or systemic failure. In our proposed alternative, if an unannounced inspection of the front door found inadequacies, then that would trigger a full inspection which in turn would result in a narrative judgment which clearly identified areas for improvement and any aspects of good practice.

7.0 Conclusion

7.1 We need effective inspection arrangements that will stand the test of time. Of course, agencies 'get good' at passing inspections over time, but so what? Inspection is not about catching agencies out, it is, as we have said at the beginning of this response, about public accountability, ascertaining whether services are provided to meet minimum required standards and enabling services to develop and improve outcomes for children.

7.2 ADCS believes that inspection has a role to play in improvement. Inspectorates are not the arbiters of improvement, but they have an essential contribution to make, alongside the sector, communities and service-users themselves. We seek assurances that the methodologies and controls that we trust are in place across and between the inspectorates are robust and will enable improvement.