

13 March 2015

ADCS response to LGA consultation *Taking stock: Where next with sector-led improvement?*

The Association of Directors of Children's Services Ltd (ADCS) values the opportunity to respond to the consultation on the current and future approaches to sector-led improvement. ADCS is the professional association for directors of children's services and their senior management teams. ADCS is committed to whole system improvement in children's services.

Our response does not address all 21 questions posed in the consultation document; rather, we have largely restricted our comments to the aspects of the consultation of most relevance to children's services.

Response to consultation questions

Q1 The principles on which sector-led improvement is based – councils responsible for their own performance and improvement; councils are primarily accountable to local communities; councils have a collective responsibility for the performance of the sector as a whole; and, the role of the LGA is to maintain an overview of the performance of the sector in order to identify potential performance challenges and opportunities – remain, largely, the right ones.

Q3 Children's services work with other parts of the public sector, police, health, probation, etc in a place-based (local area) approach to safeguarding and protecting children. Sector-led improvement in children's services should therefore reflect this approach, drawing in and on current or very recent practice leaders' experience.

Q10 Since the introduction of the Ofsted Single Inspection Framework (SIF) in November 2013, Ofsted has dusted off the legislative requirement that has laid long in abeyance, for a local authority service to produce an action plan no later than 70 days after receiving an inspection report. Whatever reservations there may be currently in the sector about the role of inspection in improvement, it remains the case that effective inspection can contribute positively to the improvement of services, but it cannot do so alone, it can only do so in conjunction with sector-led improvement. That said, the framework for sector-led improvement should not duplicate inspection nor contribute to increased pressures on councils. Whilst one might urge and encourage a council subject to a peer review to codify its response to if or how it intends to address the findings of a peer challenge, it would seem burdensome to 'expect' the production of an action plan following a peer challenge.

Q11 The government's appetite for inspection of children's services seems insatiable. It seems likely that there will be even further increases in the burden of inspection in children's services, or aspects thereof. Some government departments seems to be of the view that inspection is the only tool by which to measure not only performance and compliance, but how well government reforms are being implemented. The current development of an inspection arrangement to evaluate the effectiveness of local area implementation of the SEND reforms is a case in point. There's a danger that in children's services, we will end up with an inspection regime for every conceivable vulnerability or risk that a child or young person might experience. The current inspection methodology that predominates in Ofsted is flawed; the instruments designed as a result of the flawed methodology are, *de facto*, also flawed. The government could save a significant amount of money if instead of always relying on an inspection regime delivered by an inspectorate, it were to put specific pieces of work out to tender to universities and others – why rely on a regulator, riven with competing priorities, to do this in all circumstances? One means by which we might limit government's appetite for inspection in children's services, is to develop further the ideas around comprehensive self-evaluation (which could in principle include external inspectors/verifiers) which takes a combination of performance and process data, perceptions and experiences of service users and stakeholders and a focus on improving long term outcomes in a sustainable way, with a local panel comprising all the relevant local players – judiciary, police, health, social care, schools, children/families in need, to decide what the priorities for improvement should be and how we will know

if improvement has been made. ADCS acknowledges that such a paradigm shift would take time and courage on the part of all concerned - central and local government, police, health and the judiciary.

Q12 The LGA's improvement offer in children's services is an important facet of sector-led improvement. In addition to the LGA's offer, local authorities in their regions provide a whole range of sector-led improvement activities, from peer challenge (1-2-1 or team-team, or thematically e.g. CSE), masterclasses on 'what works' in improving outcomes for children and young people in either specific aspects of the business or holistically. This important regional work is delivered sometimes in conjunction with the LGA's more 'formal' offer and sometimes not. It is largely commissioned by regional DCS groups and is, naturally, tailored to the particular needs on the region. This is important because different geographic areas of the country experience different levels of deprivation, have different demographics and have different challenges and opportunities. In addition to regional sector-led improvement activities, there is also a programme of leadership development in children's services, currently delivered by the Virtual Staff College (VSC) and co-constructed with the sector.

Q13 Yes, there is a continued need for the inspection of services that protect and care for children and young people – whatever the problems of the current construct and implementation of inspection.

Q14 There is an increasing level of dis-satisfaction with significant aspects of Ofsted's current inspection regime. ADCS's objections to the single word judgment in the SIF, the validity of inspection methodology, the unreliability of inspection judgments, the calibration of grade boundaries and so on, are well known. However, ADCS members feel strongly that it is important for a single inspectorate to have a remit for the inspection of education and children's services. This is important because it reflects the holistic approach that local areas take to improving children's outcomes. Imperfect Ofsted maybe, but there is no evidence to suggest that another existing inspectorate, or indeed an inspectorate that might be newly created, would be any better.

Q15 & Q16 ADCS believes that there is a continued need for the inspection of councils' school improvement services. As with all inspection, the inspection of councils' school improvement services must be fit for purpose and sufficiently nimble to be adapted to the context in which the local authority operates. For example, a local authority area where the overwhelming majority, if not all, of its secondary schools are academies, necessarily has different challenges and opportunities to improve school standards, than a local authority area where a large proportion of its schools are maintained. In addition to inspecting a councils' school improvement services, there should be a comparable inspection of academy chains' school improvement services. As noted in the paragraph above, it is important for a single inspectorate to have a remit for the inspection of education and children's services; it need not be the sole deliverer of some forms of inspection. What is clear is the need for a more sophisticated system that enables greater use of local knowledge and specialist knowledge.

Q17 ADCS members are wholeheartedly in favour of a truly multi-agency inspection of local area services for the protection, safeguarding and care of children and young people. Such a multi-agency inspection must be designed to evaluate not simply how well agencies work together, but also evaluate the effectiveness of the contribution that each local agency makes to the protection, safeguarding and care of children and young people. This will require effective cross-inspectorate collaboration, which has signally failed to date, and a much smarter use of existing performance data. The imperative to do so has never been stronger; valuable opportunities to progress understanding and practices are being lost as a result of the failure at national level of the inspectorates to work together instead of patrolling the boundaries of their inspectoral remits.

Q18 The question as to which of the existing inspectorates should take the lead on the delivery of a truly multi-agency inspection is a difficult one to answer because multi-agency inspection cannot *de facto* be institutionally focussed. The creation of a brand new inspectorate seems appealing on the face of it, given the levels of dissatisfaction with Ofsted and CQC currently. However, on balance, ADCS members do not believe that the creation of a brand new body would address the serious failings to date. To establish such a body would be time-consuming, expensive, to staff it would inevitably mean the TUPE-ing or transfer of existing inspectors, thereby perpetuating existing problems. Whether a new inspectorate is created, or one of the existing inspectorates is given the lead, what is absolutely clear is that the legislative position must be clarified. Whichever inspectorate leads on multi-agency inspection it must have the legal authority to judge the effectiveness of all relevant local agencies. This is likely to be a complex legislative matter, and the government must address it.

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Q19 Bespoke models of peer review and challenge whatever the theme are important. Regional groups develop their peer improvement work in response to identified needs and challenges, whether those challenges are faced by all authorities nationally, or whether those challenges are more contained. Investment in strengthening peer improvement work at local and regional level would be welcome; this could be a nimble and responsive arrangement offered to complement the LGA's national sector-led improvement offer.

Q21 It is important that improvement work is valued in its own right and is lead and owned by the sector; but, it must move towards a more place-based approach, extending its reach beyond the purview of local government, particularly when it comes to protecting and safeguarding vulnerable children and young people. Improvement work must take an equal role in a tripartite approach which includes regulation and inspection. No single approach can guarantee that failure can be spotted and averted, but together, sector-led improvement, inspection and regulation can become more anticipatory, better able to identify early the antecedents of decline and service failure, and act in concert in a way that facilitates a learning culture that supports local authorities to develop their services in order to drive improvements in outcomes for children and young people.

Any queries regarding this response should, in the first instance, be directed to Sarah Caton, Head of Operations for ADCS.