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Analysis by John Freeman Consulting



# The framework for the inspection of local authority arrangements for supporting school improvement

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The framework for inspecting local authority arrangements for supporting school improvement responsible for schools and for the wider education of children and young people in England under section 135 and section 136(1)(b) of the Education and Inspections Act 2006.

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## Preface

This framework constitutes the basis for the inspections of local authority arrangements for supporting school improvement in schools, and the education of children and young people, from May 2013. These arrangements have not been inspected by Ofsted and other inspectorates since 2004/05, when the former local education authority (LEA) inspections by Ofsted were replaced by joint area reviews.

The reintroduction of inspection aims to assist local authorities in their duty to promote high standards and fulfilment of potential in schools and other education and training providers so that all children and young people benefit from at least a good education.

This new inspection framework will be implemented using Her Majesty's Chief Inspector's (HMCI's) powers to carry out an inspection of the performance of a particular local authority function as set out in section 136(1)(b) of the Education and Inspections Act 2006. Specifically, HMCI can use this power to inspect how well the local authority is fulfilling its general duty to promote high standards and fulfilment by every child of their educational potential as set out in section 13A of the Education Act 1996.

Reports of the findings of an Ofsted inspection under section 136 may be of assistance to the Secretary of State in the use of powers under part 4 of the Education and Inspections Act 2006, which enables the Secretary of State to effect swift improvement in the local authority's exercise of its functions and to the improvement of educational performance in the area.

HMCI's Annual Report 2011/12 drew national attention to the marked inequality of access by children and young people to a good education across England. This inequality can limit the life chances of children and young people. This framework acknowledges that the role of local authorities has changed in relation to schools and for those 14-19-year-olds attending a college where these sit outside of local authority control. However, local authorities still have an important statutory duty to promote high standards and fulfilment of potential.

From January 2013, Ofsted has a more focused regional presence. This enables closer scrutiny of local education arrangements and provides greater support for schools and other education providers. This inspection framework will act as a powerful lever for improvement in helping to challenge inconsistencies and will enable Ofsted to report more rigorously on the contribution of local authorities to improving education in England.

Inspection will not be universal. We will inspect only where concerns about performance are apparent or where requested to do so by the Secretary of State. Where inspections are undertaken they will report on the effectiveness, or otherwise, of the local authority functions for promoting improvement in relation to education. We believe this will help local authorities to improve their own performance in

supporting and challenging schools, and other providers as relevant, in order to raise standards for all children and young people.

We will introduce these new inspection arrangements from 1 June 2013.

**Sir Michael Wilshaw**

Her Majesty's Chief Inspector of Education, Children's Services and Skills

## Introduction

### What is the purpose of inspection?

1. The inspection of a local authority provides an independent external evaluation of how well it carries out its statutory duties in relation to promoting high standards in schools and among other providers so that children and young people achieve well and fulfil their potential as defined by section 13A of the Education Act 1996. This includes support for schools causing concern as set out in Part 4 of the Education and Inspections Act 2006.
2. Ofsted inspections of local authorities perform four essential functions and lead to a published report of findings that:
  - provides parents<sup>1</sup>, elected council members, schools and other providers and those who lead and manage the local authority with an assessment of how well the local authority is performing in supporting and challenging **its schools and other providers to improve**
  - provides information for the Secretary of State for Education about how well the local authority is performing its role in promoting high standards, ensuring equality of access to opportunity, fulfilling children's potential and providing support to schools causing concern<sup>2</sup>
  - promotes improvement in the local authority, its schools, **children and young people** and the education system more widely
  - requires the local authority to consider the actions that it should take in the light of the report and prepare a written statement setting out those actions and the timetable for them.

### How does inspection promote improvement?

3. Inspection acts in the interests of children, young people, their parents and employers. It encourages high-quality provision and outcomes that meet diverse needs and foster equal opportunities. Ofsted is required to carry out its functions in ways that encourage those it inspects and regulates to improve, be user-focused and be efficient and effective in the use of resources.<sup>3</sup> By inspecting and reporting, Ofsted will ensure that the local authority is able to consider the steps that need to be taken to effect improvement and set out formally the actions it intends to take to achieve this.

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<sup>1</sup> The term 'parents' refers to mothers, fathers and/or carers.

<sup>2</sup> Under section 118 of the Education and Inspections Act 2006.

<sup>3</sup> Under sections 117(1) and 119(1) of the Education and Inspections Act 2006.

4. Inspection supports improvement by:
- raising expectations about the standards of performance and effectiveness expected of local authorities in supporting and challenging educational provision in a local authority area
  - identifying good or better practice so that it can be shared more widely
  - providing a sharp challenge and the impetus to act where improvement is needed
  - recommending specific priorities for improvement and, when appropriate, checking on subsequent progress
  - promoting rigour in the way that local authorities evaluate their own performance, enhancing their capacity to improve their functions.

Local authority inspections will:

- support and promote improvement by:
  - reporting on whether or not local authority strategies, support and challenge for schools and other providers are effective in raising standards
  - identifying the weakest local authorities, providing challenge and support to elected members, senior leaders, school and other provision improvement staff as relevant, and those responsible for supporting governance in schools
  - explaining and discussing inspection findings with those whose work has been inspected
  - identifying precise actions to underpin recommendations
  - adjusting the focus of inspection to have the greatest impact
- be proportionate by:
  - inspecting where concerns are raised through inspection outcomes for individual schools and other providers, or groups of schools and other providers, or through other means
  - adjusting the frequency of inspection, having regard to any previous inspection outcomes and risk assessment
  - deploying resources where improvement is needed, or where inspection can add value
- focus on the needs of children and young people by:
  - drawing on the views of those that lead and manage the schools and other providers, to inform inspectors' judgements and the outcomes of inspection
  - taking account of relevant views expressed by users

- evaluating the extent to which local authorities foster an inclusive and aspirational environment, ensuring fair access to opportunity for education and training in schools and other providers that meets the needs of all pupils
- focus on the needs of local authorities by:
  - making use, as far as possible, of the existing data, documentation and systems of a local authority area and avoiding placing unnecessary burdens on them
  - taking account of any self-evaluation by the local authority
- be transparent and consistent by:
  - making clear and transparent judgements based on sound evidence
  - inspecting and reporting with integrity
  - having clear, brief evaluation criteria, procedures and guidance that are well understood by local authorities and other users and that are readily available
- be accountable by:
  - reporting the findings of inspection without fear or favour
  - publishing clear, accurate, timely letters that report independently on the effectiveness of the education functions of the local authority
  - gathering the views of schools and other stakeholders, and those who have a significant interest in the local authority, to inform inspection
- demonstrate value for money by:
  - targeting inspection resources and deploying them effectively and efficiently
  - evaluating the outcomes and processes of inspection and making improvements where necessary.

## Inspection policy and principles

### What is the statutory basis for the inspection?

5. The Education and Inspections Act 2006 makes provision for the Chief Inspector to inspect the overall performance by any local authority of particular functions that are within the Chief Inspector's remit.
6. This framework applies to all local authorities responsible for schools and other education providers in England who have a legal duty to promote high standards and fulfilment of potential in relation to their relevant education functions under section 136 of the Education and Inspections Act 2006.



The general duty for local authorities to promote high standards of education is set out under section 13A of the Education Act 1996, as follows:

'Duty to promote high standards and fulfilment of potential

(1) A [Local Authority] in England must ensure that their relevant education functions and their relevant training functions are (so far as they are capable of being so exercised) exercised by the authority with a view to—

- (a) promoting high standards,
- (b) ensuring fair access to opportunity for education and training, and
- (c) promoting the fulfilment of learning potential by every person to whom this subsection applies.

(2) Subsection (1) applies to the following—

- (a) persons under the age of 20;
- (b) persons aged 20 or over but under 25 who are subject to learning difficulty assessment.

(5) In this section—

"education" and "training" have the same meanings as in section 15ZA;

"relevant education function", in relation to a [Local Authority] in England, means a function relating to the provision of education for—

- (a) persons of compulsory school age (whether at school or otherwise);
- (b) persons (whether at school or otherwise) who are over compulsory school age and to whom subsection (1) applies;
- (c) persons who are under compulsory school age and are registered as pupils at schools maintained by the authority;

"relevant training function" means a function relating to the provision of training.'

7. HMCI may inspect a local authority's education function at any time under section 136(1)(b) of the Education and Inspections Act 2006. This may happen, for example, where concerns are identified through the performance of individual schools and other providers or if Ofsted becomes aware of concerns about the standards of education of children and young people.
8. The reported findings of Ofsted's inspection may be of assistance to the Secretary of State in relation to his powers to effect swift improvement in the

local authority's exercise of its functions. The Secretary of State has powers to require HMCI to carry out an inspection of a local authority's education functions under s136(3).

### **What determines the timing of an inspection?**

9. Ofsted does not intend to inspect all local authorities to a regular cycle or interval. Where inspections of schools or other providers, under either section 5 or section 8 of the Education Act 2005, raise concerns about the effectiveness of a local authority's education functions or where Ofsted becomes aware of other concerns, an inspection may be carried out.
10. In practice, this means that some local authorities may not be inspected at all, while others may be inspected more than once over a particular period.
11. HMCI may cause a local authority to be inspected, in relation to its support and challenge for schools and other providers, so that they improve, including where one or more of the following apply:
  - where the proportion of children who attend a good or better school, pupil referral unit and/or alternative provision is lower than that found nationally
  - where there is a higher than average number of schools in an Ofsted formal category of concern and/or there are indicators that progress of such schools is not securing rapid improvement
  - where there is a higher than average proportion of schools that have not been judged to be good by Ofsted
  - where attainment levels across the local authority are lower than that found nationally and/or where the trend of improvement is weak
  - where rates of progress, relative to starting points, are lower than that found nationally and/or where the trend of improvement is weak
  - where the volume of qualifying complaints to Ofsted about schools in a local authority area is a matter of concern
  - where the Secretary of State requires an inspection of local authority school improvement functions.
12. Notice of up to five days will normally be given and the purpose of the inspection, the powers under which it is carried out and the arrangements for reporting on the inspection will be sent in writing to the relevant local authority.

### **Who carries out the inspection?**

13. All inspections will be led by Her Majesty's Inspectors (HMI), employed directly by Ofsted, with at least one other inspector. HMI may be accompanied by other HMI (including Senior HMI) or Additional Inspectors.

14. All inspectors undertake regular training to ensure that they are familiar with changes in inspection frameworks, inspection methodology and developments in educational practice.
15. An inspection team will normally comprise of two HMI irrespective of the size of the local authority. However, where circumstances dictate, the team may be larger although Ofsted will not use any more inspectors than is required and will always seek to minimise disruption to the local authority and stakeholders during inspection.
16. Ofsted will also quality assure inspections by visiting a sample of local authority inspections during fieldwork and reviewing a sample of letters reporting inspection findings.

### **What will be inspected?**

17. Ofsted will inspect the effectiveness of local authority education functions in promoting improvement, high standards and the fulfilment of educational potential of children and young people in schools. Ofsted recognises that the configuration of school improvement functions will be diverse and relevant to local circumstances. Ofsted has no fixed view on the configuration of such functions, but will focus on their impact and effectiveness. In particular, Ofsted will evaluate:
  - the effectiveness of corporate and strategic leadership of school improvement
  - the clarity and transparency of policy and strategy for supporting schools' and other providers' improvement, and how clearly the local authority has defined its monitoring, challenge, support and intervention roles
  - the extent to which the local authority knows schools and other providers, their performance and the standards they achieve and how effectively support is focused on areas of greatest need
  - the effectiveness of the local authority's identification of, and intervention in, underperforming schools, including, where applicable, the use of formal powers available to the local authority
  - the impact of local authority support and challenge over time and the rate at which schools and other providers are improving
  - the extent to which the local authority brokers support for schools and other providers
  - the effectiveness of strategies to support highly effective leadership and management in schools and other providers
  - support and challenge for school governance, where applicable
  - the way the local authority uses any available funding to effect improvement, including how it is focused on areas of greatest need.

## **What grading will inspectors use when making judgements?**

18. Inspections are not universal and are likely to be carried out only where a concern has been identified or where HMCI has received a request to inspect from the Secretary of State. Ofsted will not use the overall effectiveness grade descriptors of outstanding, good, requires improvement or inadequate to evaluate and report the effectiveness of the local authority support and challenge for schools and other providers.
19. In judging the local authority's effectiveness, inspectors will evaluate the effectiveness of arrangements to support school improvement and identify the strengths and weaknesses of support and challenge for schools and other providers. The evaluation will take account of a local authority's statutory duties set out in section 13A of the Education Act 1996 and the key areas of focus as set out in paragraph 17 above, in so far as they are capable of being exercised.
20. In doing this, they consider all the evidence gathered to support the overarching judgement they will make on their effectiveness. Inspectors will consider and report on whether the arrangements are being exercised effectively or not. If it does not meet an acceptable standard, inspectors will consider whether or not the local authority requires re-inspection.

## **What happens during the inspection?**

### **How many days do inspectors spend in the local authority?**

21. Inspections do not normally last longer than five days, which in most cases will be consecutive. In some instances, inspections may be shorter, as concerns leading to the inspection and its circumstances will vary. In other instances, inspections may be extended in order to gather additional evidence.

### **How do inspectors use their time during the inspection?**

22. Inspectors will spend their time gathering robust, first-hand evidence to inform their judgements. This will involve meeting with key leaders and other stakeholders, and scrutinising relevant written documentation and analysis of numerical and other data.

### **How is evidence recorded?**

23. During the inspection, inspectors will gather, analyse and record evidence in an evidence notebook (EN) and note their judgements in a summary notebook (SN). Both notebooks are part of the evidence base for the inspection. The lead inspector is responsible for compiling and assuring the quality of the evidence base.

### **How are judgements secured?**

24. The lead inspector has responsibility for ensuring that judgements about the local authority are collectively agreed by the inspection team and based on the guidance contained in the inspection handbook and that they are supported convincingly by recorded evidence. Inspectors will identify the strengths and weaknesses of the local authority school improvement functions and what it must do to improve. Emerging findings will be discussed with the nominee/ senior officers at regular intervals and, where appropriate, other senior staff. The local authority will be given the opportunity to provide evidence, where it is relevant.
25. Final judgements will be made only when all evidence has been collected and considered. These judgements represent the corporate view of the inspection team. They will be subject to quality assurance before the report is published.

### **How do senior officers and senior staff engage in the inspection?**

26. Inspection has the strongest impact on improvement when those inspected understand the evidence and findings that have led to the judgements and what it needs to do to improve. The lead inspector, therefore, will ensure that the senior officers and senior staff:
  - are kept up to date about the inspection
  - understand how the inspection team reaches its judgements
  - have opportunities to clarify how evidence is used to reach judgements
  - are given the opportunity to present evidence.
27. Senior officers will be invited to:
  - support the planning of the inspection
  - attend the formal inspection team meetings during the inspection
  - receive regular updates from the lead inspectorand, unless there are compelling reasons not to do so,
  - comment on the inspectors' recommendations to ensure that these are understood.
28. Participation in inspection activities, such as attendance at team meetings, will not be mandatory and senior officers/nominee may choose whether or not to accept.
29. The absence of the Director of Children's Services, or their equivalent, will not normally be grounds for the deferral of an inspection.

### **What is the code of conduct for inspectors?**

30. Inspectors are required to uphold the highest professional standards in their work and to ensure that everyone they encounter during inspections is treated fairly and with respect. These standards are assured through a code of conduct, which is set out below.

Inspectors should:

- evaluate objectively, be impartial and inspect without fear or favour
- evaluate provision in line with frameworks, national standards or regulatory requirements
- base all evaluations on clear and robust evidence
- have no connection with the local authority that could undermine their objectivity
- report honestly and clearly, ensuring that judgements are fair and reliable
- carry out their work with integrity, treating all those they meet with courtesy, respect and sensitivity
- endeavour to minimise the stress on those involved in the inspection
- act in the best interests and well-being of service users
- maintain purposeful and productive dialogue with those being inspected, and communicate judgements clearly and frankly
- respect the confidentiality of information, particularly about individuals and their work
- respond appropriately to reasonable requests
- take prompt and appropriate action on any safeguarding or health and safety issues.

31. When inspectors meet senior officers, elected members, school-based staff and governors or other stakeholders, every endeavour will be made to ensure that individuals and individual comments are not identified in the further exploration of issues or in the inspection report. However, there may be circumstances where it will not be possible to guarantee the anonymity of the interviewee, for example where a safeguarding issue is disclosed. Inspectors have a duty to pass on disclosures that raise child protection or safeguarding issues and/or where serious misconduct or potential criminal activity is involved.

### **How should local authority staff engage with inspectors?**

32. To ensure that inspection is productive and beneficial, it is important that inspectors and local authorities establish and maintain an appropriate working relationship based on courtesy and professional behaviour. Ofsted expects senior officers, elected members or other stakeholders to:

- apply their own codes of conduct in their dealings with inspectors
- enable inspectors to conduct their visit in an open and honest way
- enable inspectors to evaluate the local authority objectively against the inspection framework
- provide evidence that will enable the inspectors to report honestly, fairly and reliably about their provision
- work with inspectors to minimise disruption, stress and bureaucracy
- ensure that the health and safety of inspectors is not prejudiced while they are on local authority premises
- maintain a purposeful dialogue with the inspectors
- draw any concerns about the inspection to the attention of inspectors promptly and in a suitable manner
- understand the need for inspectors to secure evidence and talk to staff and stakeholders without the presence of a senior officer.

### **What feedback do inspectors give to local authority staff during the inspection?**

33. Inspectors will offer oral feedback on emerging inspection findings to senior officers and elected members in order to promote improvement. Constructive dialogue is essential between inspectors and local authority staff and particularly between the lead inspector and the Chief Executive or Director of Children’s Services and/or her/his representatives.

### **How is the quality of inspection assured?**

34. Ofsted monitors the quality of inspections through a range of formal processes. Some local authorities may be visited by an HMI to check the quality of the inspection. Their assessments are confidential to the inspectors. As part of quality assurance, a sample of inspection evidence bases will be evaluated.
35. In the rare event that an inspection and/or inspection letter report are judged by Ofsted to be seriously flawed, the local authority will be notified that the inspection is incomplete and that a further visit may be necessary, to make sure that enough evidence is gathered to make the inspection judgements secure.

### **What feedback is provided to the local authority?**

36. Before leaving the inspection, the lead inspector must ensure that the local authority is clear:
- about the relative strengths and weaknesses of functions for supporting and challenging schools and other providers
  - that the main points provided orally in the feedback will be referred to in the text of the report letter subject to quality assurance

- about the procedures leading to the publication of the report letter
  - where relevant, about the implications of the local authority being deemed to require re-inspection
  - about what to do if there are complaints.
37. After the inspection team has reached its conclusions, the draft judgements will be presented and briefly explained to senior representatives of the local authority. In some instances, inspectors may need to return to the local authority to provide oral feedback if there remains a need to consider evidence further. While any oral feedback should be consistent with the inspection findings, all final judgements will be subject to moderation and quality assurance by senior Ofsted staff.

## **What happens after the inspection?**

### **The written reporting arrangements**

38. Ofsted will publish the inspection findings in letter form, setting out briefly the context of the inspection, the evidence gathered, any strengths and weaknesses and areas recommended for improvement. Letters will constitute an inspection report under section 137 of the Education and Inspections Act 2006.
39. Ofsted will offer local authorities the opportunity to make factual accuracy comments on the report in line with other inspection remit reports.
40. Local authorities will be required to respond with a written statement setting out what action it proposes to take in light of the report of inspectors' findings and setting out a timetable for those actions. The local authority must publish the letter report and action plan.
41. Where there is evidence that the local authority is not exercising its functions effectively, or does not have adequate capacity to support schools and other providers to improve, the inspection findings will report this to the Secretary of State and Ofsted may arrange for a further inspection.

### **When is the report letter issued?**

42. The report is normally sent to a local authority within 20 working days of the end of the inspection, and published on Ofsted's website within 25 working days of the end of the inspection.



43. A copy of the report is sent to:<sup>4</sup>
- the Chief Executive of the local authority
  - the Director of Children’s Services in the local authority (or their equivalent) and the lead elected member for Children’s Services in the local authority
  - the Secretary of State
  - other prescribed persons.

**How do local authorities complain about their inspection or inspection report letter?**

44. Any concerns that the local authority has about the inspection should be raised and, where possible, resolved with the lead inspector (and/or visiting inspector who is carrying out a quality assurance visit) during or as soon as possible after the inspection.
45. If it has not been possible to resolve concerns directly, then individuals or local authorities are able to lodge a formal complaint. The complaints procedures are available on Ofsted’s website.<sup>5</sup>

**Review and evaluation**

46. This framework, the accompanying handbook for inspection and other inspection instruments will be evaluated and reviewed at the end of 2013 as set out in Ofsted’s consultation report. The instruments will also be reviewed to ensure that the inspection process and methodology are aligned to any wider accountability systems.

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<sup>4</sup> Under sections 14(1) and 14(2) of the Education Act 2005 (as amended).

<sup>5</sup> Complaints procedure: raising concerns and making complaints about Ofsted (130128), Ofsted, 2013; [www.ofsted.gov.uk/resources/130128](http://www.ofsted.gov.uk/resources/130128).