



**OFSTED**

**FRAMEWORK FOR THE  
INSPECTION OF LOCAL  
EDUCATION AUTHORITIES**

**DRAFT FOR CONSULTATION**

**Published 14 August 2001**

## **Response**

**Comments on this draft framework which will come into operation in January 2002 should be sent to OFSTED by 11 October 2001.**

Comments should be sent to:

Mr Mike Hoban

Head of LEA Division

OFSTED

Alexandra House

33 Kingsway

London WC2B 6SE

Email mhoban@ofsted.gov.uk

## **Contents**

Part I Paragraph

The statutory basis for inspection 1

The scope and purpose of inspection 6

Part II

The selection of LEAs for inspection 13

The key functions of an LEA 22

The focus of inspection 29

The stages of inspection 31

Appendices

1. The code of conduct
2. Role of the Audit Commission in LEA inspections
3. Distribution arrangements for LEA inspection reports and action plans

LEA support for school improvement

Framework for the inspection of Local Education Authorities

Effective from 1 January 2002

Office of Her Majesty's Chief Inspector of Schools in conjunction with the Audit Commission

© Crown Copyright 2001

This report may be reproduced in whole or in part for non-commercial educational purposes, provided that all extracts quoted are reproduced verbatim without adaptation and on condition that the source and date thereof are stated.

Office for Standards in Education

Alexandra House

33 Kingsway

London

WC2B 6SE

Telephone 0207 421 6800

Website: <http://www.ofsted.gov.uk>

Further copies can be obtained from:

OFSTED Publications Centre

PO Box 6927

London

E3 3NZ

Telephone: 0207 510 0180

Reference no: HMI 327

## INTRODUCTION

### THE STATUTORY BASIS FOR INSPECTION

1. Inspections of Local Education Authorities (LEAs) take place under section 38 of the Education Act 1997, which provides that Her Majesty's Chief Inspector of Schools (HMCI) 'may, and, if requested to do so by the Secretary of State, shall, arrange for any LEA to be inspected'. Such inspections will 'consist of a review of the way in which the authority is performing any function... which relates to the provision of education for (a) persons of compulsory school age (whether at school or otherwise) or (b) for persons of any age above or below that age who are registered as pupils at schools maintained by the authority'.

2. Inspections are conducted by Her Majesty's Inspectors of Schools (HMI) in England. Section 41 of the Education Act 1997 allows HMCI to request the Audit Commission to assist with any inspection under section 38 (appendix 2 to this Framework details the role played by the Audit Commission in the inspection process). HMCI and the Controller of the Audit Commission have agreed that the Audit Commission will contribute to all inspections of LEAs, and have also agreed the procedures for the conduct of inspections. HMI and Audit Commission inspectors may be joined, from time to time, by additional inspectors authorised under paragraph 2 of schedule 1 of the School Inspections Act 1996. (For the purposes of this Framework, the term 'HMI' includes additional inspectors.)

3. The nature and form of inspection are described elsewhere in this Framework. Briefly, inspections will fall into three main groups:

- inspections of individual LEAs as organisations ("organisational inspections");
- thematic inspections across a number of LEAs, looking at a particular LEA function, such as support for special educational needs; and
- inspections of best value reviews (BVRs) of education services.

Reports of the findings of inspections are published under section 39 of the Education Act 1997 by HMCI, and sent to the LEA and to the Secretary of State for Education and Skills prior to publication. They are also displayed on the OFSTED website (<http://www.ofsted.gov.uk>).

4. From time to time, HMI and Audit Commission inspectors will also be engaged, along with other inspectorates, in cross-cutting inspections of BVRs. Inspectorates, through the Best Value Forum, have developed a protocol to ensure that a common approach is adopted towards such inspections. That protocol can be found on the best value website. The website address is [www.local-regions.dtlr.gov.uk/bestvalue/bvindex.htm](http://www.local-regions.dtlr.gov.uk/bestvalue/bvindex.htm). The Best Value Inspection Service will be taking the lead in agreeing the form and nature of cross-cutting inspections with local authorities. In addition, all inspectorates are working to try to ensure that there is no duplication of their work on such inspections, and on other inspection types.

5. Some of the other functions of the LEA which do not relate wholly or partly to schools (see paragraph 1 above) may be evaluated in other ways. The Audit Commission and its appointed auditors will, under existing and separate powers, continue to undertake work across the range of LEA responsibilities, including best value audit. This includes duties introduced by the Local Government Act 1999 in relation to best value audit and inspection. The duty of best value requires local authorities to make arrangements to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency, and effectiveness. Under the terms of the Local Government Act 1999, local authorities are required to conduct BVRs of all their services by March 2005. Inspection of BVRs of education services will be undertaken by HMI and Audit Commission inspectors.

#### THE SCOPE AND PURPOSE OF INSPECTION

6. The first pilot inspection of an LEA took place in summer 1996. By the end of autumn 2001, all LEAs will have been inspected. From spring 2002, the nature and form of inspection will change, although the underlying aim will remain. That aim is to review and report on the way in which LEAs perform their functions and, in

particular, to determine the contribution of LEA support, (including support to individual pupils), to school improvement and to high standards of educational achievement. Inspections will also examine the performance of functions which an LEA has contracted out to another organisation.

7. Local education authorities are required to act on the basis of their statutory duties and powers, and in the context of national policy. In particular, LEAs are required to have regard to the Code of Practice on LEA/School Relations (as revised in February 2001) and, under Fair Funding, to delegate to schools all funds concerning LEAs' school-related activities, except those which may be retained within these categories:

- school improvement;
- expenditure supported by specific grants;
- strategic management;
- special educational provision; and
- access to education.

In addition, LEAs may provide or procure support services for schools to purchase from their delegated budgets.

8. Each LEA is required to prepare an Education Development Plan (EDP), under section 6 of the School Standards and Framework Act 1998, setting out how it intends to exercise its functions with the view to raising standards in education. New EDPs will be needed from 2002. The EDP, including the evaluation of the LEA's performance, forms an important starting point for inspections, along with other plans the LEA is required to produce. Inspections will take account of the LEA's particular circumstances, its vision for education, priorities and relationships with its schools, as set out in its EDP and other plans.

9. From spring 2002 onwards, the nature and form of the inspection process will be different to the procedures undertaken in the period 1996 to 2001. Firstly, while all LEAs will be inspected at least once over the five years from January 2002, the scope of, and resources allocated to, such inspections will be determined by the

nature of the issues found during the process for selecting LEAs for inspection (see paragraphs 13-14 below). Essentially, resources are likely to be allocated to organisational inspections in inverse proportion to an LEA's success. In general terms, the fewer issues that are found to require inspection, then the fewer resources would be deployed on that inspection.

10. Organisational inspections will continue to address the following questions:

(1) Does the LEA exercise its functions effectively and in such a way as to promote high standards and secure social inclusion by improving the quality of education in its schools and the achievement of all its pupils?

(2) Does the LEA exercise its functions effectively, so as to ensure that the pupils in its schools are not harmed and, in particular, that action is taken to prevent and address racism and to assist other statutory bodies charged with the protection of children?

(3) Does the LEA comply with its legal obligations, including equal opportunities and disability discrimination legislation and, in its work, does it have regard to the Code of Practice on LEA/School Relations?

(4) Does the LEA manage its functions in such a way as to secure best value?

11. The second type of inspection will focus on particular themes across a number of LEAs ("thematic inspections"). Thematic inspections will focus on particular functions and tasks undertaken by some LEAs, in order to establish, principally:

- what approaches are being adopted by LEAs to tackle particular issues;
- what are the impact and outcomes of those actions; and
- what represents best practice.

12. The third type of inspection is the scrutiny of BVRs undertaken by LEAs. Ordinarily, such inspections should be subsumed within organisational and, when

possible, thematic inspections. When this cannot be done, a number of BVRs will be inspected as a group by HMI and Audit Commission inspectors. BVR inspections grouped in this way will be undertaken annually.

### THE SELECTION OF LEAs FOR INSPECTION

13. The process of selecting LEAs for organisational inspections from spring 2002 will be as follows:

- (a) The first set of LEAs for inspection will include those LEAs subject to pilot inspections in 1997 and earlier;
- (b) that group will be followed by LEAs found, in inspections in autumn 2001 and earlier, to have shortcomings; and
- (c) after that, LEAs will be inspected broadly in the chronological order of the initial inspection round (taking account of the number of BVRs – see paragraph 19).

The selection process will be informed by a number of performance indicators that would enable HMCI or the Secretary of State for Education and Skills to require an inspection of an LEA earlier than anticipated in the inspection cycle from spring 2002. Those indicators include: evidence from school inspections; GCSE and other test results; completed Form 4s; and the Audit Commission's annual survey of schools.

14. Those LEAs which are found still to be carrying out a range of functions inadequately (as evidenced, among other things, by earlier OFSTED reports) will be subject to a planned programme of frequent inspection to support improvement. The first inspection undertaken after an LEA has been placed on the frequent inspection programme will be undertaken about six months after its initial inspection in the new cycle. Once identified as requiring a programme of this nature, the LEA would not be part of the selection process until an inspection finds that its capacity to improve is secure. Visits to such LEAs will focus on the main recommendations made to secure improvement, and may not cover the full range of LEA functions set out in this Framework.

15. Once an LEA has been selected for inspection under the terms of paragraph 13, consideration will be given to the inspection resources to be deployed in an



organisational inspection. This is a further application of the principle of differentiation outlined in paragraph 9. An inspection brief will be prepared. This will match the number of inspection days, and the mix of HMI and Audit Commission inspectors in the team, to the identified strengths and weaknesses in the LEA's performance. The lead inspector will discuss the inspection brief with senior officers and elected members when planning and setting up the inspection, and may amend the brief as a result of that discussion.

16. The LEAs to be inspected within HMCI's programme will normally be informed at least one term before the proposed start of the inspection.

17. To minimise the demands made on LEAs, it is intended that thematic inspections will involve LEAs that are not part of the annual programme for inspection, or will be conducted at the same time as an organisational inspection. Thematic inspections may also be used to inspect BVRs of common functions across a group of LEAs.

18. The statutory BVR inspections will, as far as possible, be discharged through organisational and thematic inspections. When this cannot be done, a number of best value reviews will be inspected as a group by HMI and Audit Commission inspectors.

19. When a group of BVRs covering major education functions or services is scheduled for completion by an LEA in the same year, the LEA will be included in the organisational inspection programme the following year, after the completion of the BVRs. This will enable the reviews to be inspected in the context of an organisational inspection.

20. The broad principle to be adopted is that it is OFSTED's intention that no LEA should be inspected more than once in a financial year. Wherever possible, OFSTED inspections of other related functions, such as area-wide inspections of post-16 provision, will be co-ordinated with the organisational inspection of the LEA's school improvement functions.

21. Notwithstanding the above, the Secretary of State for Education and Skills has the power to request HMCI to arrange the inspection of any LEA, covering any function.

### THE KEY FUNCTIONS OF AN LEA

22. For the purposes of inspection, the key functions of an LEA are brigaded under five headings:

- the LEA's strategy for school improvement;
- school improvement;
- special educational needs;
- promoting social inclusion; and
- corporate issues.

Inspection teams will establish how effective an LEA has been in the discharge of the activities grouped under those headings. The headings and functions are set out below.

#### The LEA's Strategy for School Improvement

23. The LEA's work will be examined in context, and the performance of its schools will be analysed. In addition, inspections will scrutinise: (a) the LEA's work on the production and implementation of its EDP, other statutory plans and local public service agreements; (b) how effectively it has targeted resources to priorities; and (c) the rigour of its performance management processes (including best value). The matters to be examined under this heading are as follows.

- The socio-economic context of the LEA;
- the performance of schools (from attainment in reception to the end of Key Stage 4);
- the council's structure and operation;
- funding, and co-ordination of external funding;

- the EDP – the articulation of the LEA’s priorities; how those priorities reflect national priorities; to what extent specific activities are rooted in a detailed audit, and reflect local circumstances;
- how much progress the LEA has made in implementing the EDP;
- the progress made in response to the recommendations of previous inspections;
- the extent to which the LEA targets its resources to priorities; and
- the extent to which the LEA and the council have established strategies to ensure continuous improvement, including best value, performance management and self evaluation.

### School Improvement

24. The inspection will focus on the effects of the LEA’s support to schools, through an examination of the LEA’s monitoring, challenge, intervention and support in schools. The inspection will scrutinise the collection of performance data and the use made of it by the LEA; along with an LEA’s management of initiatives to raise achievement; its work in respect of schools causing concern to the LEA; and its success in promoting school autonomy. The matters to be examined under this heading are as follows:

- the extent to which the LEA has defined monitoring, challenge and intervention, and shared those understandings with schools;
- the extent to which the LEA’s support to schools is focused on areas of greatest need;
- the effectiveness of the LEA’s work in monitoring schools and challenging them to improve, including the use of made of performance data;
- the effectiveness of the LEA’s identification of, and intervention in, under-performing schools;
- the extent to which the LEA is successfully implementing national strategies to raise pupils’ achievement, including in:
  - literacy;
  - numeracy;
  - information and communication technology (ICT); and

- Key Stage 3;
- the extent to which the LEA is successfully implementing national strategies by its deployment of grants such as the ethnic minority and Traveller achievement grant; and
- the extent to which the LEA is successfully implementing national strategies by its support for gifted and talented pupils.
- The extent to which the LEA is successful in promoting school autonomy through:
  - the effectiveness of its support for school leadership, management and governance;
  - the effectiveness of its services to support school management (including an evaluation of the extent to which the LEA is successfully promoting good purchasing/customer practices in schools); and
  - the extent to which the LEA is successful in assuring the supply and quality of teachers.

Judgements will also be made in respect of the management of services to support school improvement, including:

- the effectiveness of the leadership of services;
- the effectiveness of strategic planning;
- the effectiveness of the deployment of staff;
- the effectiveness of the performance management of services;
- the standard of expertise of staff;
- the effectiveness of services to school improvement; and
- whether services offer value for money.

### Special Educational Needs

24. This area of inspection will consider: the development and implementation of policies and strategies for special educational needs (SEN) in order to meet statutory requirements, analyse needs and audit current strengths and weaknesses, identify LEA-wide targets for improvement, and set out plans and programmes to achieve these that embody best value principles. The matters to be examined are as follows:

- the effectiveness of the LEA's strategy for SEN;
- the effectiveness of the LEA in taking steps to meet its statutory obligations in respect of SEN;
- the effectiveness of the LEA in exercising its SEN functions to support school improvement; and
- the extent to which the LEA has exercised its SEN functions to achieve value for money.

### Promoting Social Inclusion

26. This area of inspection will consider the extent to which statutory requirements, including best value, are met in the aspects of the LEA's work that relate to pupils' access to schools; the provision of sufficient and suitable school premises; and the extent to which the LEA is successfully promoting social inclusion and combating racism. The matters to be examined are as follows:

- the effectiveness of the LEA in relation to the provision of school places;
- the effectiveness of the LEA in discharging asset management planning;
- the effectiveness of the LEA in relation to admissions to schools;
- the effectiveness of the LEA in meeting its statutory requirements and achieves value for money in relation to:
  - provision for pupils who have no school place;
  - school attendance;
  - behaviour at school;
  - health and safety, welfare and child protection;
  - children in public care;
- the effectiveness of the LEA in combating racism; and
- the overall effectiveness of the LEA in combating social exclusion.

### Corporate Issues

27. The matters to be examined under this heading are as follows:

- the clarity, consistency, coherence and feasibility of corporate plans;
- the effectiveness of the procedures for implementing and evaluating corporate plans;
- the speed, transparency and effectiveness of decision-making (particularly financial decision-making);
- the quality of the leadership provided by elected members;
- the quality of the leadership provided by senior officers;
- the quality of the advice given to elected members; and
- the effectiveness of the co-ordination of actions in support of priorities involving collaboration between several agencies.

28. The inspection will also reach a judgement on the LEA's capacity to improve; and on how effective the LEA has been, overall, in raising educational standards in its schools. Progress made since the time of the last inspection will be reviewed. The inspection will take into account any other plans the LEA may have, such as SEN Development Plans. The inspection will also cover the extent to which the LEA informs the schools' choice of services to purchase, and the quality of service delivery – particularly in relation to the curriculum, governors, finance, personnel, ICT and property.

### THE FOCUS OF INSPECTION

29. Inspection will focus on the effectiveness of an LEA's strategies in bringing about improvement in educational attainment and access to the school curriculum for individual pupils. Organisational and thematic inspections, and inspections of BVRs, will evaluate the extent to which an LEA discharges its statutory powers and duties to impact on:

- raising standards of pupils' attainment;
- promoting school autonomy;
- meeting the special educational needs of pupils; and
- promoting social inclusion.

30. Inspectors will use the 'Criteria for Inspection Judgements', available on the OFSTED website ([www.ofsted.gov.uk](http://www.ofsted.gov.uk)), to make judgements about the effectiveness of the LEA and its capacity to secure continuous improvement.

## THE STAGES OF INSPECTION

31. This section of the Framework describes the individual steps involved in each inspection type.

### Organisational Inspections

32. Local education authorities will have been selected for inspection in line with the process described at paragraphs 13-14 above. An inspection brief will then be developed, which sets out the parameters of the inspection, (taking into account any public service agreements entered into by the local authority, and any self-evaluation exercises undertaken by the LEA), and determining the resources to be deployed. In the case of LEAs found, at the brief-writing stage, to have few issues of concern, and an apparently high number of services delivered particularly well, the emphasis of the inspection may focus on those services as examples of best practice. Individual LEAs will be informed of the date of the inspection not less than eight weeks prior to planning and setting up the inspection.

33. **Planning and setting up the inspection** with the LEA will normally take place in the half term prior to the inspection, and should include:

- meeting and briefing the senior officers of the LEA, the chief executive, and senior elected members with responsibility for education in order to introduce the process of the inspection;
- discussing the inspection timetable and the requirements of the inspection with senior LEA officers, the chief executive, and senior elected members, including the request for information (the list of documents sought from LEAs will be posted on the LEA inspection division page of the OFSTED website);

- deciding what fieldwork will be undertaken, including any school visits deemed necessary;
- arrangements to gather feedback from schools:
- arrangements for the distribution of the school survey; and
- deployment of the inspection team.

34. **The inspection** will identify the issues related to school improvement. The inspection team will:

- analyse the statistical profile of the LEA in the light of the LEA's own audit included in the EDP;
- consider the match of the audit to LEA priorities as defined in LEA plans, and whether the LEA has applied best value criteria to the discharge of functions in support of those priorities;
- analyse the information provided by the LEA (all the OFSTED forms for completion by the LEA will be available in an electronic format; and the LEA will only be required to supply hard copies of material not available on its website);
- analyse the school survey;
- consider the documentation of any completed BVRs within the scope of the inspection; and
- undertake a scrutiny of any BVR that is to be included in the inspection.

35. Evidence will be collected to provide the basis of the team's judgements to assess how far the LEA's work meets the inspection criteria. The evidence may include:

- interviews with the CEO, other LEA senior officers, the chief executive, and elected members with responsibility for education;
- discussions with representatives of partners and stakeholders such as headteachers, teachers, governors, diocesan officers, EAZ project directors, representatives of the health service, community race equality organisations, and the police;
- analysis of case files on pupils requiring special support;
- an examination of evidence of quality and efficiency of services subject to BVRs; and



- discussions with the users of services subject to a BVR.

36. School visits, if undertaken, will normally last about half a day. They will focus on the issues identified in the particular LEA as having the most impact on standards. The purpose of the visits will be to collect evidence of the effectiveness of LEA support, and the extent to which it achieves best value. Visits to schools will only be undertaken where there is insufficient evidence from other sources. The visits will take account of evidence provided by the LEA itself. Visits will provide an opportunity for inspectors to hold discussions with the headteacher and staff responsible for particular initiatives, and the chair of governors, or his or her representative. Classroom observation will not generally be undertaken.

37. At the end of the fieldwork element of the inspection, the lead inspector will be prepared to give the CEO some informal feedback on the headline issues arising from the inspection. That feedback session will be given on the proviso that those provisional findings are still subject to further consideration by the inspection team. A note of the feedback will be passed on to the DfES's Standards and Effectiveness Unit (SEU), to enable the SEU to assess possible advice and support to that LEA.

38. Each inspection will lead to **a report** that will include:

- a commentary which comes to an overall judgement of the effectiveness of the LEA on the five key areas and its support services, answering the questions raised in paragraph 10 above. The commentary will set out appropriate contextual features, and will summarise the LEA's strengths and weaknesses. The progress made in addressing the recommendations made in the last inspection report will be reported. The commentary will also contain:
  - a clear judgement about the LEA's capacity to improve, linked to its application of best value principles;
  - an evaluation of the LEA's strategy for school improvement and of the extent to which it is implemented effectively and achieves best value;

- summaries of the findings on the inspection of: the LEA's strategy for school improvement; its school improvement functions; special educational needs; promoting social inclusion; and corporate issues; and
- recommendations which the LEA should consider in producing an action plan to improve the effectiveness with which it discharges its functions.

39. A pre-publication draft of the report will be given to the CEO by the lead inspector to enable a check to be made on factual accuracy. At the same time, a copy will be dispatched to the DfES. Not less than three working days later, oral feedback based on this report will be given to the CEO, with an invitation from the lead inspector to key members of staff (and key elected members) to attend the meeting. The feedback meeting will offer the opportunity for the LEA to draw the inspection team's attention to any apparent inaccuracies in the draft. A member of the DfES's SEU may attend the meeting. This is so that the SEU is apprised of the LEA's response to the draft report, which, in turn, may assist the SEU in the provision of advice to the LEA.

40. In accordance with section 39(4) of the Education Act 1997, HMCI has decided that all reports of LEA inspections will be published by OFSTED, and copies placed on the OFSTED website. It is OFSTED's intention to publish reports within 30 working days of the oral feedback mentioned in the above paragraph. It is also OFSTED's intention to advise the LEA and the SEU of the publication date of the report at least five working days before the report is published. The LEA will be sent a copy of the report, by post and email, to arrive at least 24 hours before it is published. Copies of the report will be sent to the Secretary of State for Education and Skills, and to the Audit Commission. The LEA has a duty to make copies locally available within 30 working days of receiving the final report. Oral feedback of the final report may also be given to the council, after publication of the report.

41. Under section 39(2) of the Education Act 1997, the LEA is required to prepare a written statement of the action which it proposes to take in the light of the report and the period within which the LEA proposes to take it. The Regulations (SI 1998/No. 880) made under section 39(3) require this statement (the action plan) to

be published within 70 working days of the LEA receiving the report. The action plan should be sent to the Secretary of State and a copy to HMCI. Copies should be made available to members of the public on demand at a charge not exceeding the cost of supply.

42. If the findings reveal that:

- the LEA has significant weaknesses in the extent to which it exercises its functions to raise standards and/or to protect children; or
- the LEA is failing to secure the cost effective use of resources; or
- the LEA's relations with schools do not have due regard for the Code of Practice on School-LEA Relations;

then the LEA will be subject to a planned programme of inspection to support improvement (see paragraph 14 above). It should also be borne in mind that, where the Secretary of State for Education and Skills has particular concerns about the findings of an inspection, she may request a second inspection before a full year has elapsed. It should also be noted that the Secretary of State for Education and Skills possesses powers under section 497A of the Education Act 1996 to secure the proper performance of LEA functions, possibly through the use of external organisations. Intervention powers in respect of best value matters are available to the Secretary of State under the terms of the Local Government Act 1999.

### Thematic Inspections

43. The selection of thematic inspection topics will be made by HMCI.

44. **Planning and setting up the inspection** will include the production of an inspection brief; an appropriate inspection methodology; the selection of LEAs; initial approaches to LEAs to secure data and documentation, and to settle possible interview dates with LEA officers and stakeholders; and the deployment of the inspection team.

45. **The inspection** may take place over one or two terms and will include:

- analysis of data and documentation submitted by selected LEAs (the list of documents sought from LEAs will be posted on the LEA inspection division page of the OFSTED website);
- consideration, if relevant, of the any completed BVRs;
- interviews with relevant LEA officers, and members;
- interviews or focus groups with stakeholders, such as governors or diocesan representatives; and
- visits, where appropriate, to schools.

Inspectors will then pool evidence, and produce a draft report, which will include:

- a commentary, that reaches a judgement on the range of the effectiveness of the approaches adopted by LEAs on the theme; a judgement on what might represent best practice; and recommendations; and
- the report will also record the nature and form of approaches adopted by the LEAs, taking account of such factors as funding; socio-economic context; views of stakeholders; and the impact of an LEA's work in that area, and outcomes of that work.

46. **Reporting the findings** will involve the sharing of the draft report with contributing LEAs to establish the factual accuracy of the report; this might involve the LEAs involved meeting as a group with the inspection team, to cover that topic, and to discuss the judgements and recommendations of the report. HMCI has decided that all reports of thematic inspections of LEAs will be published by OFSTED, and copies placed on the OFSTED website. It is OFSTED's intention to publish reports within 30 working days of any group feedback mentioned above. It is our intention to advise the affected LEAs and the SEU of the publication date of the report at least five working days before the report is published. The relevant LEAs will be sent copies of the report, by post and email, to arrive at least 24 hours before it is published by OFSTED. Copies of the report will be sent to the Secretary of State for Education and Skills, and to the Audit Commission. LEAs will still retain the duty to make copies locally available within 30 working days of receiving the final report, and to produce, if appropriate, action plans. The report will subsequently be published on the OFSTED website.

## Inspection of Best Value Reviews

47. It is expected that the inspection of most BVRs will be subsumed, as far as possible, within organisational inspections. In the circumstances when a BVR cannot be inspected as part of an organisational inspection, a number of BVRs will be grouped together for inspection by OFSTED and the Audit Commission.

48. In essence, during the inspection process described below, inspectors will be seeking to establish whether an authority, in conducting a BVR had:

- challenged why, how and by whom a service is provided;
- compared that service's performance with others, across a range of relevant indicators, taking account of the views of service users and potential suppliers;
- consulted appropriately with local taxpayers, service users, partners and the wider business community in the setting of new performance targets; and
- used fair and open competition to secure, where practicable, efficient and effective services.

49. **Planning and setting up the inspection** will involve a desk evaluation of those BVRs by inspectors, to establish whether the principles of best value have been appropriately applied to the BVR. Inspections will be undertaken with regard to the inspection focus at paragraphs 29-30 above, when examining BVRs. If fieldwork is warranted, the lead inspector will make contact with the relevant LEA, to discuss a timetable for interviews.

50. The **inspection** will consist of fieldwork to evaluate the rigour of the BVR; the report will be drafted by the inspectors and the draft shared with the LEA; and the report will be published on the OFSTED website. **Reporting the findings** will involve the sharing of the draft report with the LEA to assure the factual accuracy of the report. The report will use the star rating system to signal whether or not the service reviewed is a good one, and whether or not it can improve. The report will subsequently be published on the OFSTED website.

## **APPENDICES**

### **APPENDIX ONE**

#### **THE CODE OF CONDUCT**

OFSTED, the Audit Commission and any additional inspectors appointed under paragraph 2 of schedule 1 of the School Inspections Act 1996 assisting with the inspection of LEAs will:

**Conduct themselves in a courteous and professional manner.** OFSTED and Audit Commission inspectors will conduct themselves in a considerate and courteous manner and perform their tasks with integrity and impartiality. Due sensitivity will be shown to the fact that LEA and school personnel are subject to demands other than inspection;

**Evaluate evidence objectively and impartially.** OFSTED and Audit Commission inspectors will carry out their work in accordance with this Framework. Judgements will be secured by the consistent use of the criteria for inspection and by evidence checked for accuracy and interpreted objectively;

**Report honestly and fairly and communicate clearly and frankly.** The inspection team will report as it finds. Judgements will be clear and unambiguous;

**Respect the confidentiality of information.** The inspection team will respect and secure the confidentiality of personal information. This will include local authority personnel (including those contracted to work on behalf of the LEA), school staff and governors, and school pupils and their parents. Personal information will not be passed to any other body or published in any way unless it is in an aggregated form which would make it impossible to identify an individual.

The confidentiality of commercially sensitive information which may come into the possession of OFSTED or Audit Commission inspectors will be respected. This applies whether the information relates to LEAs or schools or to services provided under contract to LEAs or schools.

The inspection team will not normally comment on any named school to the LEA. However, if any serious concerns emerge about financial regulation and probity at a school, Audit Commission inspectors have a duty to refer these to the Appointed Auditor of the authority. If HMI have serious concerns about the standards or quality of education, the management of a school or its pupils' welfare, they will discuss these with the headteacher, notify the LEA where appropriate, and refer the matter to OFSTED's School Improvement Division for further consideration. OFSTED and Audit Commission staff will notify the headteacher immediately of any matters they become aware of which seriously affect the health and safety of pupils, staff or visitors and will, where appropriate, inform relevant authorities;

**Queries, concerns and complaints.** Any concerns or queries should be discussed with the lead inspector as soon as they arise so that they can be properly considered and, if possible, resolved while the inspection is in progress. If the matter cannot be resolved after discussion with the lead inspector, a written complaint, containing all relevant details, may be registered with the head of the LEA Inspection Division at OFSTED.

A copy of the OFSTED complaints procedure is available from the Corporate Management Division, OFSTED, Alexandra House, 33 Kingsway, London WC2B 6SE. (The telephone number is 0207 421 6567.)

## **APPENDIX 2**

### **ROLE OF THE AUDIT COMMISSION IN LEA INSPECTIONS**

Under this Framework, the exact distribution of work between members of inspection teams will depend upon the issues chosen for detailed investigation. However, subject to this caveat, the Audit Commission inspector will normally investigate the following areas, and may also – subject to the decision of the lead inspector – investigate the areas in italics.

#### **The LEA's strategy for school improvement**

- The allocation and management of resources;
- *management processes; and*
- *appropriateness and effectiveness of best value arrangements, and to report on BVRs.*

#### **School improvement**

Services funded by specific grant:

- *the allocation and management of resources.*

Management support services to schools:

- where these are provided by the LEA, their quality, flexibility and cost effectiveness; and
- where they are not provided by the LEA, the LEA's effectiveness in ensuring that schools have access to appropriate, high quality services to allow them to secure high educational standards, unimpeded by problems over support services.

Support in developing schools' clienting and procurement skills in the context of best value.

*The management of resources within curriculum support services.*

#### **Special Educational Needs**

- the allocation and management of resources; and
- *operational management and quality management processes.*



### Promoting Social Inclusion

- The planning and management of school organisation and the provision of school places;
- admissions policy and arrangements;
- *the management and cost effectiveness of the education welfare service and other centrally retained services included within this category; and*
- *management and cost effectiveness of services to support excluded pupils.*

### Corporate Issues

- LEA-retained responsibilities in the employment of staff, ICT, school maintenance and other support services;
- resource-related aspects of work with other agencies;
- *the operation of policy development and strategic management processes;*
- *operational planning and quality management processes;*
- the management of capital schemes; and
- the management and comparative costs of retained aspects of school buildings' maintenance and other facilities management services in this category.

### **APPENDIX 3**

#### **DISTRIBUTION ARRANGEMENTS FOR LEA INSPECTION REPORTS, BEST VALUE REVIEW INSPECTION REPORTS, AND ACTION PLANS**

Under the provisions of the Education (Publication of Local Education Authority Inspection Reports) Regulations 1998 (SI 1998/No. 880), LEAs are required to send a copy of the inspection reports and, when available, the resultant action plans to:

- the governing body of every school maintained by them;
- the appropriate diocesan authority;
- every Learning Skills Council that provides assistance to persons who reside within the area;
- the principal of every institution within the further education sector in the area;
- the Audit Commission;
- at least one newspaper circulating in the area;
- at least one radio station serving the area;
- every careers service organisation which provides services to persons who reside in the area;
- every health authority whose area lies within the area served by the LEA;
- the director of social services; and
- every public library in the area.

In addition, a copy of the action plan must be sent to:

- Her Majesty's Chief Inspector of Schools; and
- the Secretary of State for Education and Skills.

As thematic inspections (see paragraphs 11, 43-46 above) are undertaken under the terms of section 38 of the Education Act 1997, reports of thematic inspections, and action plans, should be distributed by the relevant LEAs in accordance with the above Regulations.

Best value review inspections undertaken by OFSTED represent inspections conducted under the terms of section 38 of the Education Act 1997, and should

accordingly be distributed by the relevant LEAs in accordance with the above Regulations.

This Framework should not be regarded as placing any limitation on the way in which the Secretary of State and HMCI may exercise their powers under section 38 in future.

The definition of 'functions' covers all the duties and powers which may be exercised by the LEA.