



Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru
Her Majesty's Inspectorate for Education and Training in Wales

Local Government Education Services: Post-inspection Improvement Conference Guidance

September 2019

The purpose of Estyn is to inspect quality and standards in education and training in Wales. Estyn is responsible for inspecting:

- ▲ nursery schools and settings that are maintained by, or receive funding from, local authorities
- ▲ primary schools
- ▲ secondary schools
- ▲ all-age schools
- ▲ special schools
- ▲ pupil referral units
- ▲ independent schools
- ▲ further education
- ▲ independent specialist colleges
- ▲ adult community learning
- ▲ local authority education services for children and young people
- ▲ teacher education and training
- ▲ Welsh for adults
- ▲ work-based learning
- ▲ learning in the justice sector

Estyn also:

- ▲ provides advice on quality and standards in education and training in Wales to the National Assembly for Wales and others
- ▲ makes public good practice based on inspection evidence

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Introduction

This guidance relates to our post-inspection improvement conferences with local authorities causing significant concern.

Purpose

The purpose of our post-inspection improvement conferences approach is to support a local authority to improve its education services.

We will engage with local authorities in this process where a local authority has been identified through inspection as causing significant concern.

Where this is the case, the local authority will engage in two improvement conferences. The first will be around three months after the publication of the LGES inspection report in order to support the local authority's development of its plans to address the issues identified in the inspection report. The second conference, which we are calling a 'progress conference', will be convened in around 12-18 months after the initial improvement conference when the actions in the local authority's plans have begun to have an impact on the quality of management, provision and outcomes.

Focus

An inspection of a local authority considers the full range of education services for children and young people. The post-inspection improvement conference will focus on the recommendations arising from the report.

The conference aims

During the conference, inspectors will consider whether the local authority:

- has clearly identified and understands the issues highlighted
- has coherent plans to address these issues
- has sufficient resources to implement its plans
- has rigorous processes in place to monitor the implementation of its plans and evaluate the impact

The conference will consider any barriers to progress and explore possible resolutions to these barriers, as well as any risks associated with plans.

Conference outcomes

- Improved focus of the local authority's plans, its success measures, and realistic timescales
- Improved or additional support, where relevant, from partners and external stakeholders

Conference participants

A post-inspection improvement conference will bring together senior leaders and managers from a local authority and their partners, such as their regional consortium. Each conference will be tailored to the context of the authority involved, but is likely to involve the following participants:

Officers:

- chief executive officer
- director of education (or equivalent)
- assistant director(s) / service manager(s) (where relevant)
- director of social services (where relevant safeguarding short comings have been identified)

Elected members:

- leader
- cabinet member for education (or equivalent)
- chair of scrutiny for education (or equivalent)

Regional consortium:

- lead chief executive, lead director, managing director, lead officer for local authority or hub (one or more as relevant)

This is not an exhaustive list. The participants will vary according to the particular issues being discussed at the conference.

Welsh Government, Wales Audit Office, WLGA and CIW

We will invite the Welsh Government, the Wales Audit Office and WLGA to send a representative to participate in the conference. If relevant to the focus of the recommendations under discussion, we will also invite CIW to send a representative.

These external stakeholders may contribute to the discussion. They may also wish to offer additional support to the authority and use the information from the post-inspection improvement conference in their own work with the authority.

Estyn's role

The conference will be chaired by a lead inspector from Estyn, in its capacity as an independent body. This inspector will not be a link inspector to the authority involved in the conference.

The lead inspector will be supported by two other inspectors. At least one will be a link inspector and will carry out a support role to the chair during the conference as they will have a lot of information to hand about the authority. The other inspector will primarily focus on keeping a record of the conference.

It is not Estyn's role to advise an authority what to do. Inspectors may challenge decisions and actions discussed during the conference to test them out. For example, inspectors may question who will lead an action; whether or not the authority has the resources to implement the action; what the intended impact of action is; and how progress will be monitored.

Notification

Once we have identified a local authority as causing significant concern, we will share our judgement with the senior officers and elected members at the feedback session at the end of the inspection. At that point, we will also inform them of our plan to convene a conference with a local authority.

As soon as possible after the inspection, the link inspector will suggest a date for the conference to check that it is suitable. We will take account of the availability of senior leaders and managers, the work of other inspectorates or the Welsh Government, and any planned local events relating to the issues that the conference will focus on. We will agree the date and confirm the formal notification, which will come from an inspection co-ordinator four working weeks before the conference.

The inspection co-ordinator will liaise with the authority to cover the practical arrangements for the conference and collect useful information for the lead inspector.

Preparing for a conference

We will identify a lead inspector to chair the conference, who will usually be the lead inspector for the inspection. They will be supported by two other inspectors, at least one being a link inspector to the authority.

The lead inspector will usually visit the authority in advance of the conference, accompanied by one of the authority's link inspectors. During this visit they will meet key senior leaders and managers who will be involved in the conference. The lead inspector will agree with the authority who will participate in the conference as their representatives. These arrangements can be relatively fluid as we aim to develop and maintain an open and productive working relationship with the authority post-inspection.

The lead inspector will agree contingency arrangements. This will cover who can acceptably deputise for conference participants, if necessary, and the minimum level of participation for the conference to go ahead.

The visit will be used to clarify the focus of the conference and ensure that participants understand their role in the conference. It will support the lead inspector to prepare appropriately for the conference.

During the visit, senior leaders and managers will have the opportunity to ask questions about the conference process. They should use the opportunity to discuss with the lead inspector any sensitive matters that would not be appropriate to discuss in detail during the conference.

If a visit is not possible, or it is not possible to meet all the key senior leaders and managers on the visit, then the lead inspector may arrange a telephone conversation with the individuals concerned.

The local authority and its partners may wish to circulate a few brief background papers to all participants in advance of the conference. These papers may provide contextual information or support the introductory comments for each issue on the

agenda. These papers must be circulated to all participants no later than one week before the conference so that participants have time to digest them. Participants should not normally table new information at the conference, the exception being where this information is less than a week old.

Conference briefing

The lead inspector will prepare a briefing for all participants involved in the conference. This will usually be provided one week before the conference.

Alongside practicalities, the briefing will confirm:

- the focus for the conference (including background information)
- the agenda for the conference (including times and participants required for different parts of the conference if necessary)
- our expectations of a participant's engagement in the process

The conference setting

The conference will be held in a room large enough to accommodate all participants around a large table or circle of tables. All participants should be able to see each other. Simple refreshments should be available.

The Estyn team will require power sockets at the table in the conference room. A projector and screen will not normally be used during the conference.

The Estyn team will also require a lockable base room nearby where they can hold team meetings prior to, and following, the conference, and in between agenda items if appropriate.

Conference process

The lead inspector chairing the conference will provide a brief feedback to the conference delegates regarding the outcome of the LGES inspection. This will include the key issues that inform each of the recommendations identified by the report, and which should be addressed by the local authority's improvement plans. Recommendations that touch upon similar themes could be discussed at the same time.

The chair will invite a representative from the authority to set out the authority's evaluation and understanding of the issue. This will be followed by a summary of the key features in its improvement plans to address the recommendation. This should take no more than 20 minutes. Paper handouts may be given out during this introduction where helpful (e.g. data tables and charts or organisational diagrams), but no PowerPoint presentation.

Following the initial discussion, the chair will invite other participants to contribute their views (e.g. analysis, reflection, constructive criticism) or question any aspect of the evaluation or plan. The chair will also offer views and ask questions.

We expect the authority to demonstrate that it understands what are, or have been, the barriers to improvement. Additionally, we expect the authority to show that it has

either already addressed these barriers, or is currently dealing with them effectively or has well-evidenced plans to address them.

If the authority is confident that a recommendation or issues within the recommendation are already beginning to be addressed well, Estyn will constructively challenge the evidence base.

The conference will explore each recommendation following the same process.

A key focus for the conference is to identify and agree what success will look like in relation to each of the recommendations. The conference will need to agree what progress the authority should be reasonably be expected to make during each stage of its improvement journey. This will provide clear milestones for evaluating progress in the ensuing progress conference/s.

Engaging in the conference process

By attending the conference, we expect that participants agree to engage constructively in the process and respect the other participants. This means that participants agree to:

- speak in turn, through the chair
- listen attentively while another participant is speaking
- refrain from 'side conversations'
- keep to time limits set by the chair
- avoid personal judgements
- respect confidentiality

Out of courtesy for the person speaking, participants should refrain from using mobile phones, tablets, laptops or other devices during the conference unless it is to access information relevant to the conference.

To help encourage an open and honest discussion, the conference will be held under Chatham House Rule, with the exception of the official record (explained below). This means that participants should not make an audio or video record of the conference or ask a colleague to take full written notes during the conference.

Conference record

During the conference, one inspector will keep a record of any decisions made or actions agreed by the authority, its partners or any of the other stakeholders present. The record will also capture the names and positions of those present. This record will help the chair in concluding agenda items. There will be an opportunity for participants to check the factual accuracy of the record after the conference before it is confirmed.

Conference outcome

Following the conference, we will write to the chief executive of the authority to confirm the outcome of the conference. A copy of the letter will be sent to the council leader, the Welsh Government, the Wales Audit Office, WLGA and, where relevant, CIW. The record of the conference will be appended to this letter. This letter will usually be sent within two weeks of the conference.

We will not publish this letter or the record of the conference on our website. However, we would release them to any member of the public on request under the Freedom of Information Act 2000.

Post-conference activity

We do not expect the authority to create a separate action plan prior to the conference and officers should update its existing plan(s) to reflect decisions and actions agreed at the conference. The authority may also make further decisions or agree further actions following the conference that may also feature in its updated plan(s). The authority could usefully highlight in some way the changes or additions to existing plans so that they are easy to reference. The authority should share its updated plan(s) with us no later than four working weeks from receipt of the conference outcome letter.

The lead inspector along with the link inspectors for the authority will review the updated plan(s) and offer constructive comment where necessary. However, there is no need for us to approve the updated plan(s) formally.

Thereafter, we will continue our usual work with the local authority through the link inspectors, which will include monitoring the implementation of the plan(s).

The record of the conference will capture any improved or additional support for the authority, where relevant, from partners and external stakeholders. These partners and stakeholders are expected to work closely with the authority to ensure that their support is targeted effectively.

Around a year after the conference, we will reconvene the conference to review progress formally. As far as possible, we will involve at least two of the original team and will ideally retain the same lead inspector to chair the conference. If we are content with the progress being made by the authority, then there will be no further improvement conference activity.

Progress conference (PC)

Around a year after the post-inspection improvement conference, we will facilitate the progress conference. The PC will involve the same set of senior leaders as the post-inspection improvement conference. The purpose of the PC is to review the extent to which the local authority has progressed its plans in addressing the recommendations identified by the inspection. The PC's operational arrangements will follow the same general approach as for the post-inspection improvement conference, with the local authority link inspector (LALI) making the initial contact and agreeing the dates and practical arrangements.

The inspection co-ordinator will liaise with the authority to confirm the arrangements and collect the relevant information for the lead inspector.

Following the PC, we will send a letter to the chief executive of the local authority. This letter will confirm the degree of assurance inspectors receive during the conference that the local authority's actions since the inspection have led to the desired impact on areas for improvement. In the letter, we may include

recommendations to the authority to support further improvement in its plans to address the concern. This letter will be copied to the Minister for Education.

We will invite the Welsh Government, the WAO and WLGA to participate and also the CIW where appropriate.

In light of our view of the progress made by the local authority at this stage and its plans for further improvement, we will consider how likely it is the authority could be removed from follow-up in a year's time. If we think that it is likely that the authority will be able to demonstrate enough progress to be removed from follow-up, we will plan a monitoring visit. However, if we think that the authority will require more time, we will facilitate a second progress conference in a year's time.

The LALIs will continue to meet regularly with local authority officers, elected members and stakeholders following the conference to monitor improvement work in between improvement conferences and the monitoring visit.

Monitoring visit

We will carry out a monitoring visit around a year after the last progress conference.

During the monitoring visit, inspectors will consider how well the local authority has addressed each of the recommendations and how much progress has been made overall. If the local authority is no longer causing significant concern, then inspectors will recommend to HMCI that the authority is removed from follow-up.

The size of the team and design of the visit will be tailored to the specific context of the local authority and the nature of the recommendations. We may invite the WAO or CIW to contribute to the visit if appropriate.

We will publish a report of the monitoring visit. The report will include an evaluation of progress for each recommendation, a summative commentary on progress and an overall judgement on progress, which will confirm whether or not the local authority has made sufficient progress to be removed from follow-up.

If we are not satisfied with progress, we will return in around a year's time for a further monitoring visit.

Appendix 1: Virtual inspection room

We will use our virtual inspection room (VIR) system to enable the authority and us to share relevant documents. Within the 'Provider Area' of the authority's ongoing VIR, we will create a folder called 'Improvement conference'. Within the 'Link Inspectors' area of the VIR, there will be a similarly titled folder for the team's internal use.

The authority should not over-populate its improvement conference folder. It should focus on sharing the most important documents that are relevant to the issue(s) in focus. Documents that should always be shared include:

- its current plan(s) for improvement
- organisation structure
- significant reports produced internally or commissioned by the authority
- relevant council papers

If the regional consortium or another partner has evidence relevant to the conference, they should forward this to the authority so that it can be uploaded to the VIR.

Appendix 2: The legal basis

Inspections of local education authorities are carried out under Section 38 of the Education Act 1997, which provides that Her Majesty's Chief Inspector of Education and Training in Wales (HMCI) 'may, and, if requested to do so by the Secretary of State, shall, arrange for any local authority to be inspected'. Such an inspection 'shall consist of a review of the way in which the authority are 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'.

Other aspects of local authority provision are subject to inspection under a range of legislation, including the functions conferred on them under sections 25 and 26 of the Learning and Skills Act 2000 relating to education, training or youth support services (YSS, within the meaning of section 123 of the Learning and Skills Act 2000).

The Children Act 2004 introduces a duty on local authorities and their partners to co-operate to improve the wellbeing of children. As far as local authorities are concerned, the inspectorate is given the powers to review the local authority's functions relating to Section 51 of the Act, namely in co-operating to improve wellbeing and producing children and young people's plans where these functions relate to education, training or youth support services.

Section 51 of The Children Act 2004 changes the Education Act 1997 so that 'An inspection of a local education authority in Wales under this section shall consist of a review of the way in which the authority are performing:

- any function conferred on them in their capacity as a local education authority
- the functions conferred on them under sections 25 and 26 of the Learning and Skills Act 2000 relating to education, training or youth support services'

An improvement conference will focus on selected statutory education functions of the local authority.

Improvement conferences will be conducted by Her Majesty's Inspectors of Education and Training (HMI) in Wales. In response to the Children Act 2004 requiring inspectorates to work more closely together, HMI may be joined by inspectors from Care Inspectorate Wales (CIW) and Health Inspectorate Wales (HIW). HMI may also be joined on case conferences by additional inspectors (AI) authorised under paragraph 2 of Schedule 1 of the School Inspections Act 1996. HMCI may, under Section 41 of the Education Act 1997, as amended by the Public Audit (Wales) Act 2004 and the Public Audit (Wales) Act 2013, request the Auditor General for Wales to assist with any inspection under Section 38. Under the memorandum of understanding between HMCI and the Auditor General relating to assistance with the last cycle of local authority inspections it was agreed that:

- i. the Auditor General will contribute to those inspections of local authorities in which the expertise of WAO staff will add to the rigour and effectiveness of the inspection;
- ii. the Auditor General will contribute to the regular collection and analysis of local authority performance data; and

- iii. as partners in the inspection of local authorities, the Auditor General and the inspectorate may use local authority inspection reports to produce other reports, surveys and studies.

The Local Government (Wales) Measure 2009 reinforces the duty on local authorities to secure continuous improvement and account for it. The Measure requires authorities to report achievement against its improvement objectives and compare performance with other authorities. The Measure requires HMCI and the Auditor General to have regard to the need for co-ordination in the exercise of regulatory functions. It also places an emphasis on sharing good practice.