
Ymateb i Ymgynghoriad / Consultation Response

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Background information about Estyn

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, Estyn is independent of the Welsh Government.

Estyn's principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000 and the Education Act 2005. In exercising its functions, Estyn must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Estyn's remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and teacher education and training.

Estyn may give advice to the Assembly on any matter connected to education and training in Wales. To achieve excellence for learners, Estyn has set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

Response

Introduction

Estyn welcomes this guidance.

Through our inspections, we have often highlighted concerns about the quality of self-evaluation in relation to local government education services and how well it is used to support improvement. One of the most common recommendations following a local government education services inspection is for the local authority to improve the quality and effectiveness of its self-evaluation.

We will need to work closely with other inspectorates, regulators and auditors as well as the Welsh Government to ensure that our combined work with local authorities is complementary, supportive and efficient in relation to the duties covered by this guidance.

We broadly agree with the guidance. We have highlighted a few points where we feel the guidance could be strengthened. In particular it would be helpful to:

- Strengthen the focus on improving outcomes for local people under the responsibilities of the Principal Council
- Make it explicit that children and young people should be involved in any consultation with local people
- Ensure that inspectorates, auditors and regulators are notified in advance of the date of a panel assessment

Consultation questions

Q1. Does the draft guidance make it clear what is expected of principal councils as set out in the provisions of Part 6 of the Local Government and Elections (Wales) Bill in a way that can be understood by principal councils?

If not, why not?

Yes

Q2. Does Chapter 2 of the guidance set out the performance requirements and the duty to keep performance under review sufficiently clearly?

If not, what would you add or change?

Yes. It makes sense not to repeat the detail in this guidance.

Q3. Does Chapter 2 of the guidance explain how a council could meet the requirement to undertake self-assessment in order to fulfil its duties?

If not, what would you add or change?

Yes.

The principles underpinning councils' approaches to self-assessment are helpful (2.10-2.13). This could be strengthened by explicitly emphasising the 'cultures' and 'behaviours' that support effective self-assessment, and possibly highlighting unhelpful approaches.

The guidance on the requirement to produce an annual self-assessment report is also helpful and this is particularly important to avoid the report being the driver for the self-assessment activities. It is important that the requirements do not encourage an industry of writing biased or unhelpful reports as has been the case when some schools prepare their annual evaluations for external audiences.

Within paragraph 2.15 (sources to support self-assessment), it may help to give greater prominence to internal self-evaluations, for example at service level. It is vital to encourage a culture of self-evaluation that all staff contribute to, and understand. It is vital that managers at all levels value internal self-evaluation rather than relying on others externally to provide reports that guide their self-assessment. Before listing the various examples of useful external sources, paragraph 2.15 could be strengthened by stressing the importance and value of internal self-evaluation as a primary source of evidence to support self-improvement at all levels.

More generally within chapter 2, there is only one small reference to regional working (paragraph 2.39 on who should be involved). It would be helpful to strengthen references to regional working to ensure that the local authority gives regional services and internal services equal attention and be explicit about how the work of any Corporate Joint Committees should be considered in the self-assessment.

Paragraph 2.18 could be strengthened so that it is clear that 'local people' includes children. It would be useful to reference Article 12 of the UNCRC, which requires the views of children to be taken into account in decisions that affect them.

Q4. Does Chapter 3 of the guidance make the minimum requirements for principal councils to arrange and respond to a panel performance assessment clear, as well as provide sufficient flexibility for each council to determine its own approach?

If not, what would you add or change?

In the main, yes.

It would be helpful if councils were required to notify inspectorates, auditors and regulators of the date it chooses for its panel assessment at least 6 months in advance. This will enable us to take this in to account when scheduling inspections of local government education services.

In addition to the statutory consultees, it would be helpful for the panel to seek the views of inspectorates, auditors and regulators as well as ombudsmen and commissioners where it is relevant for them to do so.

The challenge of pitching the panel's approach at the right level will be considerable. There is a real risk that the process could become a high stakes exercise, driving unhelpful behaviours. The guidance emphasises the supportive nature of the approach

and this is helpful. It might also be helpful to highlight effective behaviours of peer review panels in other contexts.

Q5. Chapter 4 outlines the Auditor General for Wales' powers to carry out a special inspection, and the duties of principal councils and Welsh Ministers to respond to any recommendations.

Chapter 5 describes the powers and duties for both Welsh Ministers and councils in relation to supporting and assisting with improving performance; and powers for intervention by Welsh Ministers.

Do Chapters 4 and 5 sufficiently describe and explain these powers?

If not, what would you add or change?

Chapters 4 and 5 sufficiently describe and explain these powers. There is a risk that the punitive nature of the special inspections could raise the stakes of the panel performance assessments and drive unhelpful behaviours. It would be helpful to emphasise that the special inspections would help identify the barriers to progress and the additional resources that could be made available to support these local authorities in the short term.

Q6. We would like to know your views on the effects that the guidance would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

The guidance should support the promotion of Welsh and its equal status with English, as the local authority's performance in this area should feature in its own self-evaluation and could be a matter of interest to a panel assessment.

Q7. Please also explain how you believe the guidance could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language, and on treating the Welsh language no less favourably than the English language, and ensure there are no adverse effects on opportunities for people to use the Welsh language.

No suggested changes.

Q8. We have asked a number of specific questions on the draft guidance. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.

It may be helpful to consider how the guidance can be strengthened to ensure that local authorities focus on improving outcomes for local people rather than just performance requirements. For example, it would be helpful under the Principal Council responsibilities on pages 10 and 11 to reword the first bullet to read: *“Conducting robust self-assessments and reporting on the extent to which the council is meeting the performance requirements in order to improve the social, economic, environmental and cultural well-being of its local communities”*

We work closely with Audit Wales and Care Inspectorate Wales to co-ordinate our approaches to inspection work in individual local authorities and share intelligence about performance. This is collective effort and should be a shared responsibility, rather than Audit Wales co-ordinating our work as is suggested under their responsibilities on page 11.