

Procedure for External Inspection Reports

Report by Kenneth Lawrie, Chief Executive

1. Purpose of the Report

The purpose of this report is to seek approval for a proposed approach to be applied to all published external inspection reports for services which Midlothian Council has direct responsibility for and which are subject to inspection from the following agencies:

- Care Inspectorate
- Education Scotland
- Healthcare Improvement Scotland
- Mental Welfare Commission
- Scottish Housing Regulator

2. Background

2.1 Special Performance Review and Scrutiny

The minute from the Special Performance Review and Scrutiny Committee meeting on the 19 January 2016 noted that –

“....the Committee agreed to receive a report from Council Officers to be considered at a future meeting of the Performance, Review and Scrutiny Committee in relation to the reporting arrangements for inspection reports produced by external scrutiny bodies.”

The information in this report and supporting appendices was produced in response to the Special Performance Review and Scrutiny Committee's request. It considered and approved the proposed procedure for External Inspection reports on 8 June 2016. In view of the fact that the procedure relates to both Cabinet and PRS Committees, it is important that the Cabinet should also consider the report.

2.2 External Scrutiny

The findings of the 2007 Crerar Review of external scrutiny called for improved coordination and an overall reduction in the external scrutiny of Scottish local government. Part of the response to these findings has been the development of the National Scrutiny Plan for Local Government. The plan takes a more coordinated approach to setting out the work that Scotland's external scrutiny agencies will carry out with councils and aims to reflect a more proportionate and risk-based approach to scrutiny activity.

The National Scrutiny Plan for Local Government is supported by Local Scrutiny Plans (LSP) for each of the 32 Scottish local authorities. Each LSP is the product of an annual Shared Risk Assessment (SRA) undertaken collectively by the Local Area Network (LAN) comprising of representatives from all the relevant scrutiny agencies for the local authority.

These local plans set out the reasons behind and a time table for the planned scrutiny activity for each council. A copy of the latest Midlothian Council Local Scrutiny Plan can be found on the Audit Scotland website and on the Council's website. Further information about the LAN agencies, along with copies of the Council's previous inspection reports are available on the relevant websites as follows:

- **Care Inspectorate** <http://www.careinspectorate.com>

The Care Inspectorate is a non-departmental public body (NDPB). The Care Inspectorate's purpose is to provide assurance and protection for people who use care, social work and children's services.

- **Education Scotland** <http://www.educationscotland.gov.uk/inspectionandreview>

Education Scotland is an executive agency. It is the Scottish Government's national development and improvement agency for education. It is charged with providing support and challenge to the education system, from early years to adult learning, in line with the government's policy objectives.

- **Healthcare Improvement Scotland** <http://www.healthcareimprovementscotland.org>

Healthcare Improvement Scotland (HIS) is a health body. The function of HIS is to improve the quality of the care and experience of every person in Scotland every time they access healthcare by supporting healthcare providers.

- **Mental Welfare Commission** <http://www.mwcscot.org.uk>

The Mental Welfare Commission aims to ensure that care, treatment and support are lawful and respect the rights and promote the welfare of individuals with mental illness, learning disability and related conditions.

- **Scottish Housing Regulator** <https://www.scottishhousingregulator.gov.uk>

The Scottish Housing Regulator (SHR) is a non-ministerial department. The statutory objective of the SHR is to safeguard and promote the interests of people who are or may become homeless, tenants of social landlords, or recipients of housing services provided by social landlords.

In addition to the annual scrutiny plans identified in the Local Scrutiny Plan a number of services such as Adult Social Care, Children's Services and Education are subject to an additional ongoing inspection regime by the relevant agencies which can be a planned or unannounced visit and which results in the publication of an inspection report. It is these reports that are the subject of the proposed procedure in Appendix 1 to ensure that a consistent approach is applied to all external inspections reports published for those services which Midlothian Council has direct responsibility for.

As safeguarding is everybody's business, it is important that the inspectorates examine the contribution that all public agencies make to keep children and young people in a given area safe; this is achieved via a multi-agency inspection approach. Through formal and informal challenge and scrutiny these services, and ultimately outcomes, can be improved and therefore thematic multi-agency inspections are carried out which incorporate a number of the agencies previously mentioned, and others.

A further example of a multi-agency approach is the Care Inspectorates joint inspection of children's services with education, health, police and voluntary agencies. Some of Midlothian's services, such as Hawthorn, have been subject to a joint inspection by both Education Scotland and the Care Inspectorate covering both the nursery element and child care and welfare. In addition to joint inspections an integrated framework for inspection is used to review children's services within local areas and is very much a wider inspection of how well the community improve services for children.

The Care Inspectorate with Healthcare Improvement Scotland, carry out joint inspections of health and social work services for older people. Joint inspections for services for older people scrutinises Health and Social Care Partnerships' progress with health and social care integration. All partnerships will be inspected in due course to see how well they work in partnership with services provided through local NHS boards and hospitals and how this impacts on the lives of older people. The inspections will also look at the role of independent and voluntary organisations in the community. It is planned that the scope of these joint inspections will be expanded to include health and social work services for other adults.

The GIRFEC (Getting it right for every child) integrated framework identifies quality indicators which support self-evaluation and leads to improvement across services for children, young people and families. It places the child at the centre and is applicable to the full range of services which contribute to the wellbeing of all children, young people and their families, further details of this framework are included in section 2.3.

2.3 Internal Scrutiny

In addition to external scrutiny we also carry out our own internal reviews of progress and performance. Our approach to self-assessment is through the Midlothian Excellence Framework (MEF) which is based on the Public Service Improvement Framework (PSIF). The framework is a self-assessment tool which helps us to evaluate performance and identify examples of best practice and areas for improvement. The framework incorporates the legislative duties of Best Value with direct linkages to other quality models and standards and is a key component of the Councils continuous improvement framework Delivering Excellence.

2.4 External Scrutiny Committees

Cabinet, Audit and Performance Review and Scrutiny Committee have powers to scrutinise Council performance in their respective areas of responsibility and their link to external scrutiny and inspection activities are as follows:

- **External inspection reports** e.g. School Inspections, are submitted to Cabinet and the Performance Review and Scrutiny Committee throughout the year. These reports are covered in the proposed procedure in Appendix 1.
- **National reports**, published by Audit Scotland, are submitted to the Audit Committee throughout the year and are subject to a different procedure overseen by Internal Audit.

2.5 External Inspection Process

A recent external inspection of Newbyres Care Home (September 2015) highlighted an existing discrepancy in the internal scrutiny approach applied to external inspection reports across the various services subject to inspections. As a result the Performance Review and Scrutiny Committee asked officers to review the approach across council and return with a proposal which offered both visibility and consistency of the external inspections undertaken across Midlothian Council services.

As noted above a number of services such as Adult Social Care, Children's Services and Education are subject to an additional ongoing inspection regime by the relevant agencies and this can be a planned or unannounced visit with the output being a published inspection report with assessment against the relevant inspection framework. The following paragraphs provide an overview of the frameworks and the grading system used.

The **Care Inspectorate** inspect and grade elements of the service against 'quality themes' listed below. Under each quality theme are 'quality statements' which describe what a service should be doing well for that theme. The grade reflects the assessment of how the service performs against the quality themes and statements.

- Quality of care and support
- Quality of environment
- Quality of staffing
- Quality of management and leadership

The framework applied by **Education Scotland** for schools is How Good is Our Schools which consists of a set of 15 quality indicators (QIs) (See Appendix 2) designed to respond to three questions linked to important aspects of the work and life of our schools. The quality indicators are therefore divided into the following three categories:

- Leadership and Management: How good is our leadership and approach to improvement?
- Learning Provision: How good is the quality of care and education we offer?
- Successes and Achievements: How good are we at ensuring the best possible outcomes for all our learners?

The framework applied by **Education Scotland** for Early Years is the Child at the Centre which consists of six simple but powerful questions as shown below and which are set out in nine key areas as shown in Appendix 3.

- What outcomes have we achieved?
- How well do we meet the needs of our centre community?
- How good is the education we provide?
- How good is our management?
- How good is our leadership?
- What is our capacity for improvement?

The **GIRFEC** integrated framework used to carry out a **joint inspection** of children's services within a local area consists of the following six key questions and is set out across ten key areas as shown in Appendix 4:

- What key outcomes have we achieved?
- How well do we meet the needs of our stakeholders?
- How good is our delivery of services?
- How good is our management?
- How good is our leadership?
- What is our capacity for improvement?

The following **Six Point grading levels** apply across the inspection frameworks noted above:

- **6** – Excellent (Outstanding or Sector Leading)
- **5** – Very Good (Major strengths)
- **4** – Good (Important strengths with areas for improvement)
- **3** – Satisfactory/Adequate (Strengths just outweigh weaknesses)
- **2** – Weak (Important weaknesses)
- **1** – Unsatisfactory (Major weaknesses)

A proposed procedure for ensuring that members are notified of all external inspection reports published for Midlothian Council services and that appropriate governance is in place for Cabinet and Performance Review and Scrutiny for those council services which have been subject to an external inspection report is set out in Appendix 1.

The committee should note that the procedure focuses on those services which Midlothian Council is directly responsible for and not for those services provided by an external party such as the numerous non-council care homes which exist across the county. Whilst the inspection regime applies equally to the non-council establishments, the inspectors deal directly with providers and therefore it is not a matter of course that the council would be aware of these inspections. The procedure does however incorporate an additional step to ensure that notification of inspection reports published for non-council establishments with existing links such as partnerships and/or commissioned services is captured in the quarterly performance reporting process by the appropriate Head of Service.

3. Report Implications

3.1 Resource

There are no direct resource implications in this report.

3.2 Risk

There is a current risk that self-assessments against recommendations and plans for improvement contained within inspection reports are not undertaken by Midlothian Council or are undertaken but not communicated effectively to Elected Members. The proposed procedure would reduce this risk.

3.3 Single Midlothian Plan

Themes addressed in this report:

- ☐ **Community safety**
- ☒ **Adult health, care and housing**
- ☒ **Getting it right for every Midlothian child**
- ☒ **Improving opportunities in Midlothian**
- ☐ **Sustainable growth**
- ☐ **Business transformation and Best Value**
- ☐ **None of the above**

3.4 Key Priorities within the Single Midlothian Plan

This report does not relate directly to the key priorities within the Single Midlothian Plan however the proposed procedure supports the ongoing improvement agenda across a number of the thematic areas.

3.5 Impact on Performance and Outcomes

Adoption of this procedure should ensure that, where relevant, external inspection reports presented to Cabinet and Performance Review and Scrutiny include a self-assessment against recommendations and plans for improvement.

3.6 Adopting a Preventative Approach

Adoption of this procedure should ensure that the Council is proactively responding to improvement opportunities noted as part of the inspection process.

3.7 Involving Communities and Other Stakeholders

The procedure has been referred to the Corporate Management Team for discussion.

3.8 Ensuring Equalities

There are no equalities issues with regard to this report.

3.9 Supporting Sustainable Development

There are no sustainability issues with regard to this report.

3.10 IT Issues

There are no IT issues with regard to this report.

4. Recommendations

Members are asked to review and approve the procedure for External Inspection Reports

Date: 30 March 2016
Report Contact: Myra Forsyth, Quality & Scrutiny Manager
Tel No: 0131 271 3445
E-Mail: Myra.forsyth@midlothian.gov.uk

Appendices

Appendix 1 - Procedure for External Inspection Reports
Appendix 2 – How Good is Our School – The Quality Indicators
Appendix 3 – The Child at the Centre – Early Years Quality Framework
Appendix 4 – GIRFEC – Joint Inspection Framework

Procedure for External Inspection Reports

1. The Head of Service or Service Lead emails the Quality & Scrutiny Manager to advise that an external inspection report has been published.
2. The Quality & Scrutiny Manager records all reports advised on a central report tracker detailing the published report, who it has been allocated to in order to produce any required reports for Cabinet for information and then the Performance Review and Scrutiny Committee for review, and when these will be presented.
3. On publication of the inspection report the Lead Officer should share the initial feedback and high light any areas of concern to their Head of Service and Director to ensure that the information is shared with the Executive Team and the Quality & Scrutiny Manager at the earliest opportunity.
4. The relevant Head of Service should ensure that any areas of serious concern noted are shared with portfolio and shadow portfolio holders and the leader of both the Administration and Opposition during and/or following the inspection as appropriate.
5. The Quality & Scrutiny Manager monitors the report tracker and advises Democratic Services that a note should be added to the agenda of the next available Cabinet and then to the Performance Review and Scrutiny Committee detailing:

‘the following External Inspection Reports have been published.....

Where appropriate, reports responding to published inspection reports will be submitted to Cabinet for information and Performance Review and Scrutiny Committee, detailing the impact of the report and an assessment against the recommendations and plans for improvement where applicable.’

6. The Quality & Scrutiny Manager whilst monitoring the Report Tracker will remind the Lead Officer of any outstanding reports.
7. Once available, the report (including an assessment against the recommendations and plans for improvement) will be presented to the Cabinet for information and Performance Review & Scrutiny Committee for review. The full inspection report will also be presented if necessary (this will be decided on a case by case basis).
8. Any relevant recommendations and plans for improvement will be updated to Covalent by the Service presenting the report.
9. As part of the quarterly review of performance process reporting to Cabinet/Performance Review and Scrutiny, Heads of Service should ensure that there is reference within their front page narratives of all external inspections completed or Midlothian Council Services in the previous quarter, this should also include a summary for any inspection reports published for services not delivered directly by Midlothian Council but which have formal links to the council such as partnerships and/or commissioned services.

Appendix 2 - How Good is Our School - The quality indicators

What is our capacity for improvement?		
Leadership and management	Learning provision	Successes and achievements
How good is our leadership and approach to improvement?	How good is the quality of the care and education we offer?	How good are we at ensuring the best possible outcomes for all our learners?
Self-evaluation for self-improvement Leadership of learning Leadership of change Leadership and management of staff Management of resources to promote equity	Safeguarding and child protection Curriculum Learning, teaching and assessment Personalised support Family learning Transitions Partnerships	Improving wellbeing, equality and inclusion Raising attainment and achievement Increasing creativity and employability

Appendix 3 - The Child at the Centre – Early Years (Quality Framework)

WORK AND LIFE OF THE CENTRE		SUCSESSES AND ACHIEVEMENTS		VISION AND LEADERSHIP
WHAT OUTCOMES HAVE WE ACHIEVED?	HOW WELL DO WE MEET THE NEEDS OF OUR EARLY EDUCATION CENTRE?	HOW GOOD IS THE EDUCATION WE PROVIDE?	HOW GOOD IS OUR MANAGEMENT?	HOW GOOD IS OUR LEADERSHIP?
1 KEY PERFORMANCE OUTCOMES	2 IMPACT ON LEARNERS, PARENTS, CARERS AND FAMILIES	5 PROVISION OF EARLY EDUCATION	6 POLICY DEVELOPMENT AND PLANNING	9 LEADERSHIP
1.1 Improvements in performance 1.2 Fulfilment of statutory duties	2.1 Children's experiences 2.2 The centre's successes in involving parents, carers and families	5.1 The curriculum 5.2 Teaching for effective learning 5.3 Meeting learning needs 5.4 Assessment for learning 5.5 Expectations and promoting achievement 5.6 Equality and fairness 5.7 Partnerships with children and parents 5.8 Care, welfare and development 5.9 Improvement through self-evaluation	6.1 Policy review and development 6.2 Participation in policy and planning 6.3 Planning for improvement	9.1 Vision, values, aims 9.2 Leadership and direction 9.3 Developing people and partnerships 9.4 Leadership of improvement and change
	3 IMPACT ON STAFF		7 MANAGEMENT AND SUPPORT OF STAFF	
	3.1 The engagement of staff in the life and work of the centre		7.1 Staff sufficiency, recruitment and retention 7.2 Staff deployment and teamwork	

			7.3 Staff development and review	
	4 IMPACT ON THE COMMUNITY		8 RESOURCES	
	4.1 The centre's successes in engaging with the local community 4.2 The centre's successes in engaging with the wider community		8.1 Partnership with the community, educational establishments and agencies 8.2 Management of finance for learning 8.3 Management and use of resources and space for learning 8.4 Managing information	
WHAT IS OUR CAPACITY FOR IMPROVEMENT?				

Appendix 4 - GIRFEC – Joint Inspection (Quality Framework)

WORK AND LIFE OF THE CENTRE		SUCCESSES AND ACHIEVEMENTS		VISION AND LEADERSHIP
WHAT KEY OUTCOMES HAVE WE ACHIEVED?	HOW WELL DO WE MEET THE NEEDS OF OUR STAKEHOLDERS?	HOW GOOD IS OUR DELIVERY OF SERVICES FOR CHILDREN YOUNG PEOPLE, AND FAMILIES?	HOW GOOD IS OUR OPERATIONAL MANAGEMENT?	HOW GOOD IS OUR LEADERSHIP?
1 KEY PERFORMANCE OUTCOMES	2 IMPACT ON CHILDREN, YOUNG PEOPLE AND FAMILIES	5 DELIVERY OF KEY PROCESSES	6 POLICY, SERVICE AND DEVELOPMENT AND PLANNING	9 LEADERSHIP AND DIRECTION
1.1 Improvements in the wellbeing of children and young people.	2.1 Impact on children and young people 2.2 Impact on families	5.1 Providing help and support at an early stage 5.2 Assessing and responding to risks and needs 5.3 Planning for individual children 5.4 Involving individual children, young people and families	6.1 Policies, procedures and legal measures 6.2 Planning and improving services 6.3 Participation of children, young people, families and other stakeholders. 6.4 Performance management and quality assurance	9.1 Visions, values and aims 9.2 Leadership of strategy and direction 9.3 Leadership of people 9.4 Leadership of improvement and change.
	3 IMPACT ON STAFF		7 MANAGEMENT AND SUPPORT OF STAFF	
	3.1 Impact on staff		7.1 Recruitment, deployment and joint working 7.2 Staff training, development and support	
	4 IMPACT ON THE COMMUNITY		8 PARTNERSHIP AND RESOURCES	
	4.1 Impact on community		8.1 Management of resources 8.2 Commissioning arrangements 8.3 Securing improvement through self-evaluation	
10. WHAT IS OUR CAPACITY FOR IMPROVEMENT? <i>Global judgement based on an evaluation of the framework of quality indicators</i>				