Ofsted and CQC consultation: inspection of local area SEND arrangements

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Summary
Ofsted and the Care Quality Commission are consulting (until 4 January 2016) on proposals for joint inspections, from May 2016, of the effectiveness with which local areas are fulfilling their new duties under the Children and Families Act 2014 to identify and meet the needs of disabled children and young people and those who have special educational needs (SEND) aged 0 to 25.

Overview
The Children and Families Act 2014 (part 3) contains new duties regarding disability and special educational needs – explained in The Code of Practice, statutory guidance issued by the DfE and Department of Health (see ‘Related briefings’). These came into force in September 2014 and place responsibility on the local area, which includes the local authority and health commissioners and providers, together with all of the area’s early years settings, schools and post-16 further education sector, to identify and meet the needs of disabled children and young people and those who have special educational needs aged 0 to 25.

The DfE has requested that Ofsted and the Care Quality Commission (CQC) inspect local areas on their effectiveness in fulfilling these duties. These will be a new form of inspection (under section 20 of the Children Act 2004), and the present consultation seeks views on proposals for how they will be conducted – which have been shaped by discussions over recent months held by Ofsted and CQC with young people, their parents and carers, disability and special educational need support groups, local authorities (LAs) and health groups about the most important responsibilities that should be inspected. The common themes to emerge from all groups were that inspection should evaluate whether disabled children and young people and those who have special educational needs are identified properly and whether their needs are met and their outcomes improve.

The consultation – which includes a young person’s questionnaire – closes on 4 January 2016; the outcomes will be published in early 2016, and the inspection programme will be launched in May 2016.

This briefing will be of interest to all elected and officers, and others, who are involved in local arrangements for the support of disabled children and young people and those with special educational needs. All such individuals are encouraged to respond to the consultation.
Proposed inspection arrangements

All local areas will be inspected over a five-year period, from May 2016. Areas for inspection in a given year will be selected to ensure a spread across the country and will, where possible, take account of the timing of any other Ofsted or CQC inspection activity. There will be a risk assessment element to the selection where Ofsted or CQC have significant concerns about an area’s ability to fulfil its responsibilities, for example weaknesses found in the area’s education inspections.

Inspection teams will usually consist of one of Her Majesty’s Inspectors (HMI) from Ofsted, a Children’s Services Inspector from CQC, and a trained inspector from a local authority (not from the area being inspected), who will have specialist knowledge of disability and special educational needs and have a health, social care or education background. It will be expected that the local area has a good understanding of how effective it is, including of any aspects that require development, and it is not expected that specific preparations for inspection will be required. Inspectors will report where evidence supports the area’s own evaluation, and where it does not; they will also report on where an area does not have a good enough understanding of its effectiveness in identifying and meeting needs and improving outcomes.

Inspection will evaluate how effectively the local area meets its responsibilities for disabled children and young people and those who have special educational needs, including children and young people both with and without education, health and care plans. While the LA has the key leadership role within its area, it cannot implement the reforms on its own; success requires full involvement of the local area. The inspection will therefore evaluate the effectiveness of the local area as a whole – including the local authority, clinical commissioning groups (CCGs) and NHS England (for specialist services), early years settings, schools and the further education sector – in working together to identify children and young people early and appropriately, and in meeting these needs and improving outcomes. Inspectors will look at a wide range of groups of children and young people in different settings, including those in youth justice provision and not attending school. The evaluation of social care and health responsibilities will focus on how these services contribute to meeting the needs of children and young people who are being assessed for, or are subject to, education, health and care plans; the evaluation does not extend to a broad inspection of these services’ responsibilities for all children and young with disabilities and special educational needs.

The inspection will last five days, and the Director of Children’s Services (DCS) and the Chief Executive for the clinical commissioning groups (CCGs) will be notified two working days before it starts. Ofsted and CQC will publish an inspection report in the form of an outcome letter that will be sent to the LA, with a request to circulate it to early years and education settings and other services involved in meeting the needs of the area’s children/young people with disabilities and/or special educational needs; a copy of the letter will also be sent to the Chief Executive of the CCG, with a request that it be circulated to healthcare services and settings as appropriate. The report will outline what inspectors looked at, with a summary of their findings including key strengths and areas requiring further development; there will be no overall graded judgement, but there will be recommendations, including any priority areas for action.
Ofsted will determine, under revised Children Act 2004 (Joint Area Reviews) Regulations 2015 (SI 1792, no. 2015, coming into force on 9 November 2015), whether a written statement of proposed action should be made and, if so, by whom; if it is so decided, Ofsted and CQC will pay particular attention to how the local area (not just the LA) intends to respond to the inspection’s findings. Any further action by Ofsted and CQC – from requesting further detail on steps to be taken through to further inspection – will be determined by the inspection findings and the statement of proposed action.

The proposals for inspections

Proposal 1

Inspectors will evaluate how effectively the local area identifies disabled children and young people and those who have special educational needs. The evaluation will consider how children and young people’s needs are identified and assessed, and also how well the needs of the whole area, which form the basis of the provision described in the area’s published local offer, are identified. It is proposed to take account of the following aspects for children and young people who may require additional support and those who may require an education, health and care plan:

- how timely was the identification and assessment from when concerns were raised
- how useful was the information provided from the assessment in helping to understand the child or young person’s needs, identify targets for their progress and plan the help and support required
- how well was (i) the child/young person and (ii) their parents and carers involved in the assessment
- did the child/young person’s education setting and other professionals work well together during the assessment
- how effectively do arrangements provide evidence of how children/young people’s needs have been identified?

Proposal 2

Inspectors will evaluate how effectively the local area meets the needs and improves the outcomes of disabled children/young people and those with special educational needs. This evaluation includes children and young people’s progress towards their next stage of education or employment, independent living, participating in society and being as healthy as possible; inspectors will look at children and young people’s individual needs and their different starting points. The evaluation will take into account how effectively individual children and young people’s needs are met and their outcomes improved and how satisfied they and their parents and carers are. It will also consider how effectively the needs of the area as a whole are met and outcomes improved. It is proposed to take account of the following:

- how satisfied is the child or young person that their needs are being met and in the progress they have made, and how satisfied are their parents and carers
- how well have children/young people’s needs been met and their outcomes improved
- how effectively do the arrangements in place provide evidence that children/young people’s needs have been met and that their outcomes have improved?
The range of ways by which the area is meeting children/young people’s needs will be considered, including the effectiveness of early intervention, personal budgets, short break care, the use of specialist support, therapeutic and health professionals and the published local offer.

Proposal 3
A wide range of information will be used to evaluate the effectiveness of local area arrangements to identify disabled children and young people and those who have special educational needs; and to meet their needs and improve their outcomes. Inspectors will:

- gather the views of children/young people and of parents and carers
- meet with key managers from the area’s education, health and social care services
- visit a sample of early years and education settings and providers to discuss their contribution to meeting the area’s responsibilities (this will include looking at students’ files and information on progress, but not include observation of teaching and learning activity)
- visit health settings, and discuss with managers and practitioners how the area fulfils its responsibilities and how they contribute to this (this will include reviewing health files and information about how practitioners contribute to assessments and education, health and care plans)
- take into account the findings of recent inspections by Ofsted and CQC, and any complaints made to them relating to special educational needs and disability
- take account of other available information, including the outcomes for children/young people in national assessments and their destinations after leaving school; local and national data and evaluation; the published local offer; performance of the area towards meeting timescales, including for statutory assessment; information about appeals to the First-tier Tribunal (Special Educational Needs and Disability); and local area’s self-evaluation of its effectiveness.

Proposal 4
A wide range of ways will be used during the inspection to obtain the views of disabled children and young people and those who have special educational needs, and their parents and carers. Ofsted and CQC want to make sure that their evaluations are informed by the views of children/young people with disabilities and/or special educational needs, and their parents and carers. These will be established through a wide range of means, including:

- meeting with children/young people and their parents and carers during visits to nurseries, schools and colleges at the time of the inspection
- meeting with established groups of children and young people and their parents and carers in the area
- online questionnaires and social media during the inspection
- looking at information already gathered by the local area, such as through local consultations and surveys.

Comment
Having introduced, in a very short period, new arrangements for the provision of support to disabled children and young people and those who have special educational needs, the Government has asked Ofsted and CQC to inspect how effectively local areas are fulfilling their
new responsibilities. Following a period of discussion with interested parties, this consultation seeks views on the proposals which emerged about how the inspections should be undertaken; it includes a questionnaire for children and young people, in line with the intention that their views will be a significant aspect of the inspections themselves. Comments on the proposal are required by 4 January 2016.

**External links**

Ofsted and CQC [Local area SEND consultation website](#)

Government consultation response [Joint targeted reviews of services to protect children](#) on proposed amendments to the provisions of the Joint Area Review Regulations

**Related briefings**

[SEN and Disability transitional arrangements – draft DfE guidance](#) (June 2014)

For further information, please visit [www.lgiu.org.uk](http://www.lgiu.org.uk) or email [john.fowler@lgiu.org.uk](mailto:john.fowler@lgiu.org.uk)