

New SEND Inspection Framework

Education Scrutiny Committee – 28th March 2023



Walsall Council



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Background

- In May 2016, the two inspectorates, Ofsted and the Care Quality Commission (CQC), started a new type of joint inspection. The aim is to hold local areas to account and champion the rights of children and young people.
- Under the Local area special educational needs and disabilities inspection framework, inspectors review how local areas meet their responsibilities to children and young people (from birth to age 25) who have special educational needs or disabilities (or both).
- On 13 June 2022, Ofsted and the Care Quality Commission (CQC) opened a consultation on proposed changes to the way they jointly inspect local area partnerships, including a children and young people's version of the consultation. Alongside this, they published a draft inspection framework and handbook.
- On 29th November, the results of the consultation were published along with the final version of the framework: <https://www.gov.uk/government/consultations/a-new-approach-to-area-send-inspections/outcome/a-new-approach-to-area-send-inspections-a-report-on-the-response-to-the-consultation>
- Inspections under the new framework have now begun.

About the new framework

The evaluation within the new framework is split into two distinct categories:

The impact of the local area partnership's SEND arrangements on the experiences and outcomes of children and young people with SEND, including the extent to which:

- children and young people's needs are identified accurately and assessed in a timely and effective way
- children, young people and their families participate in decision-making about their individual plans and support
- children and young people receive the right help at the right time
- children and young people are well prepared for their next steps, and achieve strong outcomes
- children and young people are valued, visible and included in their communities

How the local area partners work together to plan, evaluate and develop the SEND system, including the extent to which:

- leaders are ambitious for children and young people with SEND
- leaders actively engage and work with children, young people and families
- leaders have an accurate, shared understanding of the needs of children and young people in their local area
- leaders commission services and provision to meet the needs and aspirations of children and young people, including commissioning arrangements for children and young people in alternative provision
- leaders evaluate services and make improvements
- leaders create an environment in which effective practice and multi-agency working can flourish



About the new framework

Under the new framework there are three possible inspection outcomes:

<p>The local area partnership's arrangements typically lead to positive experiences and outcomes for children and young people with SEND. The local area partnership is taking action where improvements are needed.</p> <p>The next full area SEND inspection will be within 5 years.</p> <p>Ofsted and the CQC ask the local area partnership to update and publish its strategic plan based on the recommendations set out in this report.</p>	<p>Inspectors will typically make this judgement if:</p> <ul style="list-style-type: none">• children and young people are typically achieving strong outcomes, and• children and young people's experiences of their education, health and care are typically positive, and• the local area partnership has identified any areas for improvement and is taking effective action to address them, and• there are no areas for priority action
<p>The local area partnership's arrangements lead to inconsistent experiences and outcomes for children and young people with SEND. The local area partnership must work jointly to make improvements.</p> <p>The next full area SEND inspection will take place within approximately 3 years.</p> <p>Ofsted and the CQC ask that the local area partnership updates and publishes its strategic plan based on the recommendations set out in this report.</p>	<p>Inspectors will make this judgement if:</p> <ul style="list-style-type: none">• Either the two points about the experiences and outcomes of children and young people are not met (e.g. children and young people are not typically achieving strong outcomes and / or children and young people's experiences of their education, health and care are not typically positive), and• there are no areas for priority action
<p>There are widespread and/or systemic failings leading to significant concerns about the experiences and outcomes of children and young people with SEND, which the local area partnership must address urgently.</p> <p>A monitoring inspection will be carried out within approximately 18 months. The next full area SEND inspection will take place within approximately 3 years.</p> <p>HMCI requires the local area partnership to prepare and submit a priority action plan (area SEND) to address the identified areas for priority action.</p>	<p>Inspectors will typically make this judgement if:</p> <ul style="list-style-type: none">• they have identified one or more areas for priority action; this will happen when there are significant concerns about the experiences and outcomes of children and young people, because of particular systemic or widespread failings that have a significant negative impact on the experiences and outcomes of children and young people.



How inspections will work

All Local Areas will have a full inspection at least once within a 5-year period. Inspections will usually take place during term time.

The inspection team will be led by one of His Majesty's Inspectors (HMI) from Ofsted, and will include Children's Services Inspectors from the CQC, and education and social care inspectors from Ofsted.

Activities in week 1

- Inspectors notify the local leaders of the inspection 10 working days before the fieldwork begins. This will usually be on a Monday, but may be in the previous week if there is a bank holiday in week 1 or 2 of the inspection.
- Inspectors request information to support the inspection Inspectors and local leaders hold a set-up discussion (this is carried out virtually).
- The local area partnership distributes surveys for children and young people with SEND, parents and carers, and practitioners
- The local area partnership shares information to support the inspection.
- Inspectors select individual children and young people, and ask the local area partnership to set up tracking meetings.
- Inspectors carry out planning and pre-inspection analysis.

Activities in week 2

- Inspectors work with the local area partnership to agree an inspection timetable.
- Inspectors hold tracking meetings.
- Inspectors carry out pre-inspection analysis and review the information set out in Annex A.
- Inspectors may meet virtually with local leaders, staff, representative groups and stakeholders.

Activities in week 3

- On-site evidence gathering.
- Inspection findings fed back to the local area partnership.



Evaluation Criteria - The impact of the local area partnership's SEND arrangements on the experiences and outcomes of children and young people with SEND

Children and young people's needs are identified accurately and assessed in a timely and effective way

- children and young people are accurately identified as having special educational needs and/or disabilities
- children and young people's needs are identified in a timely way, so as to prevent needs from escalating
- practitioners assess the strengths and determine the aspirations of the child or young person alongside their individual needs
- the criteria for carrying out assessments of need and for accessing services and support are understood, and the application of these criteria improves outcomes
- timely referrals are made to other services and agencies, where necessary

Children, young people and their families participate in decision-making about their individual plans and support

- children and young people access impartial information, advice and support that enable them to make informed choices about their future
- children, young people and families are supported to understand their rights, make choices and contribute to decision-making about their plans and support
- children and young people understand their plans and support, including intended outcomes, and why some changes are not possible



Evaluation Criteria - The impact of the local area partnership's SEND arrangements on the experiences and outcomes of children and young people with SEND

Children and young people receive the right help and support at the right time

- plans are developed and support is provided in a timely way, and meets children and young people's needs
- children and young people receive support based on their identified needs when they are awaiting assessment
- plans and support are coordinated within and, where necessary, across providers and services, and are based on a shared understanding of the child or young person.
- plans and support are regularly reviewed and updated to reflect changes in children and young people's skills, independence, understanding and other factors in their lives, including reduced support in line with reduced need where appropriate
- the wider needs of the child or young person's family are considered, and barriers to learning and participation are addressed

Children and young people are well prepared for their next steps and achieve strong outcomes

- the outcomes that are the most important to children, young people and their parents and carers are understood and planned for
- support and plans reflect children and young people's ambitions, and extend beyond required levels of support (such as the number of hours of support from a particular service) to focus on the planned outcome
- children and young people are supported before and during any point of transition, including when they will no longer be eligible for a service
- from an early age, children and young people develop the knowledge, skills and behaviours necessary to prepare for greater independence and adulthood, including in the areas of further and higher education, employment, more independent living, good health, positive relationships and participation in society



Evaluation Criteria - The impact of the local area partnership's SEND arrangements on the experiences and outcomes of children and young people with SEND

Children and young people with SEND are valued, visible and included in their communities

- children and young people and parents and carers understand what community activities are available
- children and young people are supported to participate, where appropriate, in activities, and to make friends and develop positive relationships
- children and young people are supported to develop their confidence, resilience and knowledge, so that they can participate in universal and specialist activities as appropriate



Evaluation Criteria - How the local area partners work together to plan, evaluate and develop the SEND system

Leaders are ambitious for children and young people with SEND

- leaders have an ambitious strategy that defines the shared outcomes they will work collectively to achieve for all children and young people with SEND, and they embed an aspirational culture of high expectations and quality across services and provision.
- leaders understand their responsibilities and accountabilities, including their statutory duties and their individual responsibilities in the wider area strategy
- responsibilities are delegated in line with leaders' legal duties and there is strong oversight of these resulting activities
- processes for making decisions are structured so that the leaders responsible can swiftly agree to the changes that are required to improve services
- leaders challenge themselves and each other to improve experiences and outcomes for children and young people with SEND

Leaders actively engage and work with children, young people and families

- leaders consider the specific needs of groups of children and young people with SEND, and how best to engage them in co-production
- leaders ensure that decisions relating to services are appropriately shaped by children and young people's needs, experiences, ambitions and outcomes
- leaders give feedback to children, young people and parents on changes they have made to their area's services, and explain where change is not possible and why



Evaluation Criteria - How the local area partners work together to plan, evaluate and develop the SEND system

Leaders have an accurate, shared understanding of the needs of children and young people in their local area

- leaders gather accurate, timely information about children and young people with SEND in their local area and monitor the changing needs of the population, including using the perspectives of children, young people and families
- leaders understand the experiences and outcomes of children and young people with SEND in their area; their backgrounds and identities, including any barriers to them accessing support; and their needs and strengths
- leaders share information across education, care and health services so they can learn from different perspectives and approaches

Leaders commission services and provision to meet the needs and aspirations of children and young people

- services and systems have been designed around the needs of children and young people, and are informed by evidence of what works in achieving good outcomes
- joint commissioning arrangements enable partners to make best use of all the resources available to improve outcomes for children and young people in the most efficient, effective, equitable and sustainable way
- joint commissioning arrangements meet the local area's statutory responsibilities for identifying, assessing and meeting needs
- leaders understand that children and young people with SEND may be more vulnerable to abuse, and ensure that this is carefully considered when commissioning and evaluating services
- the local authority identifies children and young people's needs accurately and arranges suitable full-time educational provision to meet the needs of children or young people who require alternative provision as early as possible, for example, ensuring that full-time education for children and young people who have been excluded begins no later than the sixth day of the exclusion
- the local authority ensures that there are intervention plans for each child and young person in alternative provision, including clear objectives and plans for their next steps, such as returning to mainstream education



Evaluation Criteria - How the local area partners work together to plan, evaluate and develop the SEND system

Leaders evaluate services and make improvements

- leaders jointly evaluate whether their services and provision are improving outcomes for children and young people with SEND, not only whether children and young people have received the services
- leaders monitor whether there are sufficient services and provision to meet the needs and aspirations of the children and young people in their area and take appropriate action as a result
- leaders use information from a range of sources in their evaluation, including feedback from representative groups, children and young people using services and data relating to outcomes to improve their services and provision
- leaders have established clear processes to enable services and providers to evaluate and improve their provision regularly
- the local authority evaluates how well the alternative provision it commissions is improving outcomes for children and young people, and takes action if needed
- the local authority maintains strong oversight arrangements for alternative provision it commissions, including oversight of each alternative provision's safety and suitability, and in particular of alternative providers that are not registered as school

Leaders create an environment for effective practice and multi-agency working to flourish

- processes and systems are set up to support practitioners to work together and share appropriate information in a timely manner, including strong systems for identifying and responding to risks to children and young people with SEND
- leaders ensure that practitioners are clear on their individual roles and how they can best work together to improve outcomes for children and young people
- leaders ensure that practitioners have the appropriate skills to understand children and young people's needs and aspirations, and to create an inclusive environment
- leaders encourage practitioners working together to focus on the child or young person, identifying alternative solutions when existing options do not meet needs and aspirations effectively
- leaders ensure that practitioners working with children and young people with SEND have the right knowledge and skills to reduce the risk of harm, and understand that children and young people with SEND may be more vulnerable to abuse, neglect and exploitation



Evaluation Criteria – Alternative Provision and other areas of focus

Inspectors will also evaluate the local authority's commissioning and oversight of alternative provision for children and young people in placements directly commissioned by the LA. When evaluating the local authority's commissioning and oversight of alternative provision, inspectors will:

- meet local authority leaders to understand their strategy for alternative provision commissioning and oversight
- review information provided to Ofsted by the authority about its alternative provision arrangements
- have discussions with senior leaders and special educational needs coordinators to understand the authority's processes and decision-making
- review the fair access protocols
- carry out sampling in one or more alternative provision settings

Inspectors may also gather evidence in relation to:

- Children and young people with SEND who are not attending school or who are in alternative provision, including those who are not on a school roll or are home educated.
- The Local Area Partnership's approach to improving attendance for children with SEND.
- Oversight and commissioning for children and young people who are placed in residential special schools including how the children are being safeguarded, having positive experiences and achieving strong outcomes.



How Walsall will prepare for the new framework

Following the development of the APP senior leads within the Local Area are currently working together to develop a wider SEND improvement plan which will identify the priorities and actions for improvement over the next two years.

To ensure that this work is in line with the new framework, the improvement plan will be developed against the evaluation criteria within the framework.

This will be done in co-production with parents, carers, children and young people and professionals across the Local Area.

The priorities identified within the improvement plan will then inform the LAIB agenda.

