

# A New Approach to Area SEND Inspections: A Report on the Response to the Consultation

## Introduction and background

Between June and September 2022, Ofsted and the Care Quality Commission (CQC) ran a consultation on proposed changes to the way in which local area partnerships are inspected. A total of 1,094 responses were received. Of these, over half (554) were from parents and carers, 164 were from education professionals, and 96 were from local area professionals.

In the report below, Ofsted provides an overview of the responses to each of the 9 proposals put forward in the consultation and outlines the next steps which it will take. Responses to the consultation have informed a new area [SEND framework and handbook](#) and [an equalities impact assessment](#).

## Key points

### Proposal 1: Focusing more on impact

- Ofsted and the CQC proposed that, from early 2023, inspections will focus more on the impact that the local area partnership is having on the lives of children and young people with SEND.
- Sixty-two per cent of respondents agreed strongly and 28 per cent agreed with this proposal.
- However, some respondents, mainly parents and carers and some from the charity sector, thought that inspections should continue to check compliance with legal duties.
- Inspectors will continue to take account of compliance with legal duties and report accordingly. Changes have been made to the framework and handbook to clarify this. Inspectors will gather evidence about the role education providers are playing in the local area partnership, including any concerns about the inclusion of children and young people with SEND. They will carry out sampling visits to education providers and have access to relevant information from inspections of education providers.
- In view of the support for this proposal, Ofsted will proceed to implement it from early 2023.

- Some practitioners wanted to be certain that the criteria would be applied in a balanced way, to make sure that inspectors would consider the views of children and young people, and their families, as well as those of the professionals and practitioners who work with them.
- During area SEND inspections from early 2023 onwards, inspectors will use the core criteria set out in the final framework and handbook.

### Proposal 3: Inspection outcomes

- Ofsted and the CQC proposed making inspection reports clearer by introducing 3 distinct inspection outcomes. There was strong support for this proposal, with 33 per cent in strong agreement and 40 per cent in agreement.
- There were some concerns about the negative wording of the outcome judgements and the setting of the bar being too high.
- In response to this feedback, Ofsted has revised the outcome criteria in the framework and handbook so that the first outcome will now apply to the local area partnerships that may still have some improvements to make but are fully aware of them and are already taking action to address them.
- From early 2023, area SEND inspections will result in 1 of 3 distinct outcomes, as set out in the final framework and handbook. Reports will set out what the local area partnership is doing well and what it needs to improve.

### Proposal 2: Criteria for evaluating impact

- Ofsted and the CQC proposed evaluating the impact of the local area partnership's SEND arrangements on children and young people's lives, based on a set of 5 criteria. The criteria are: Children and young people's needs are identified accurately and assessed in a timely and effective way; children young people and families participate in decision making; 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.
- There was strong support for all core criteria. Some parents and carers thought that the criteria would capture the 'lived experience' of children and young people with SEND and improve accountability in local area partnerships.

### Proposal 4: Making recommendations in reports

- Ofsted and the CQC proposed making clear recommendations on which weaknesses or systemic issues a local area partnership needs to address. Sixty-eight per cent of respondents strongly agreed with this proposal and a further 24 per cent agreed.
- Some respondents had views on how recommendations could be made more helpful, for example by making them outcome- and time-focused, and specific about who in the partnership is responsible for taking them forward.



- Under the new area SEND framework, Ofsted will include clear recommendations in all inspection reports. These recommendations will be different to those included in the current WSoA (written statements of action) which were only required by His Majesty's Chief Inspector for those areas that had significant weaknesses. Ofsted will also ensure that inspection reports capture not only weaknesses but also areas of strong practice, so that this can be disseminated.
- Many of the comments highlighted the need for increased scrutiny in this area. Furthermore, some respondents felt that it was sensible to include consideration of alternative provision as proposed because this mirrored the direction of travel set out in the anticipated SEND review reforms.
- In response to the consultation, Ofsted and the CQC will include consideration of local authorities' commissioning and oversight of alternative provision. Changes have been made to the final area SEND framework and handbook accordingly.

#### **Proposal 5: Updating and publishing strategic plans following an inspection**

- Ofsted and the CQC proposed that, following inspection, each local area partnership should update and publish its strategic plan for SEND. Sixty-five per cent of respondents strongly agreed with this proposal and 27 per cent agreed. Respondents believed that this would make local area partnerships more transparent and accountable for the work they do.
- There were different views about the time frame for publishing a plan. Some thought it should be short. Others thought the local area partnership should have more time, so they could co-produce the update.
- In response to the consultation, from early 2023 onwards, Ofsted and the CQC will ask each local area partnership to update and publish their strategic plan in the light of the inspection findings within 30 working days of the publication of the inspection report.

#### **Proposal 6: Gathering more evidence directly from children and young people and their families**

- Ofsted and the CQC proposed gathering more evidence directly from children, young people, and families. Seventy-one per cent of respondents strongly agreed with this proposal and 22 per cent agreed.
- Many respondents stressed how important it was for children and young people with complex needs, such as those who are non-verbal, to be able to participate. They wanted us to offer different resources for and methods of participation, to make sure this was possible.
- Young people in the focus groups reported that they would like survey materials to be available in a range of formats, so that as many of their peers as possible could take part.
- Based on feedback, Ofsted and the CQC will introduce a survey of children and young people with SEND and a survey of parents and carers, alongside the survey of practitioners, in all area SEND inspections from early 2023 onwards. They will explore if it is possible to extend the 6-day time frame for carrying out surveys. They will also take steps to make the surveys more accessible, for example by tailoring the language used in the information videos and including text subtitles and a voice-over.

#### **Proposal 7: Including alternative provision**

- Ofsted and the CQC proposed placing greater emphasis on the experiences of children and young people with SEND in alternative provision (AP), and to evaluating how local authorities use, commission, and oversee AP for all children and young people.
- Sixty-two per cent of respondents strongly agreed with this proposal and 26 per cent agreed.

#### **Proposal 8: Introducing monitoring inspections**

- When an inspection finds widespread and/or systemic failings, the local area partnership is required to submit a plan to address the areas for priority action. Ofsted and the CQC proposed carrying out a monitoring inspection of the local area to assess progress at around 18 months.
- Forty-six per cent of respondents strongly agreed with this proposal and 35 per cent agreed. Many respondents, mainly parents and carers, while agreeing with having monitoring inspections, felt that they should take place sooner than 18 months after a full inspection. This attracted the most comments out of all the consultation proposals. Most commonly, 12 months was considered to be a more appropriate time frame.
- Ofsted and the CQC will introduce monitoring inspections of local area partnerships where the inspection finds significant weaknesses and/or systemic failings. These will usually take place within 18 months of the full inspection. Ofsted and the CQC also retain the right to carry out a monitoring inspection of any local area partnership at any time if the information they receive causes sufficient concern. Comments about shortening the time frame for monitoring inspections have been considered, but Ofsted and the CQC feel that systemic weaknesses cannot always be addressed quickly, as they may be the result of deep-rooted shortcomings.

#### **Proposal 9: Introducing engagement meetings**

- Ofsted and the CQC proposed inviting each local area partnership to engagement meetings, which will focus on the continual improvement of the local SEND system.
- Fifty-four per cent of respondents strongly agreed with this proposal and 33 per cent agreed. Many thought that this was a collaborative and helpful approach and would keep the local area partnerships' focus on SEND.
- Some local area partnership representatives asked for clarification about how these engagement meetings would link with those taking place in relation to education and social care, and those which local area partnerships already have with the DfE and NHS England. They urged that any potential duplication should be avoided.
- Following the introduction of the new area SEND framework taking effect in early 2023, each local area partnership will be invited to an engagement meeting. Ofsted regions will coordinate their work across area SEND, education and social care to make sure that duplication is avoided. The new framework and handbook will clarify the purpose and structure of the engagement meetings.

**The full documents can be downloaded from:**

<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>