

Local area SEND consultation:

The inspection of local areas' effectiveness in identifying and meeting the needs of disabled children and young people and those who have special educational needs

Consultation document

This is a consultation on Ofsted and the Care Quality Commission's proposals for inspecting, under section 20 of the Children Act 2004, how effectively local areas fulfil their responsibilities towards disabled children and young people and those who have special educational needs. It sets out the principles under which the two inspectorates propose to undertake these joint inspections. We are seeking the widest possible range of views from those who have an interest in, or expertise relating to, disability and special educational needs. We particularly want to hear from disabled young people and those who have special educational needs and their parents and carers. A further version of this consultation that is suitable for completion by young people is available through the following link:
www.surveymonkey.com/r/YPViews.

The closing date for the consultation is 4 January 2016.

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About Ofsted and the CQC

1. The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people, and in education and skills for learners of all ages.
2. The Care Quality Commission (CQC) is the independent regulator of health and adult social care in England.

Purpose and background to the consultation

Purpose

3. The purpose of this consultation is to gather views on how Ofsted and the CQC can inspect and evaluate how effectively local areas meet their responsibilities towards disabled children and young people and those who have special educational needs.
4. The consultation is of particular relevance to disabled children and young people and those who have special educational needs, their parents and carers, early years settings, schools, the further education sector, and other educational, social care and health services who provide services to these children and young people.
5. This document sets out our proposals for the key evaluations inspectors will make when inspecting local areas and how we will ensure that the views of disabled children and young people and those who have special educational needs, and their parents and carers are taken into account.
6. A young person's version of this consultation is also available. However, they can choose to complete this version instead, if they want. Responses will inform what inspectors will evaluate and how they will inspect the local areas. Your contribution will help us to refine and develop the framework for inspection.
7. The consultation closes on 4 January 2016 and we expect to publish the results in early 2016.

Background

8. New duties regarding disability and special educational needs are contained in the Children and Families Act 2014. These are explained in The Code of Practice¹, which is statutory guidance published by the Department for Education (DfE) and the Department of Health, on the duties, policies and

¹ 'Special educational needs and disability code of practice: 0 to 25 years: a statutory guidance for organisations that work with and support children and young people who have special educational needs or disabilities'; Department for Education and Department for Health, May 2015; www.gov.uk/government/publications/send-code-of-practice-0-to-25.

procedures relating to part 3 of the Children and Families Act 2014. These duties 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.

9. The Department for Education (DfE) has requested that Ofsted and the CQC inspect local areas on their effectiveness in fulfilling their new duties. The inspections will be resourced by additional funding provided specifically for the purpose and will be part of the DfE's broader national accountability framework.²
10. This will be a new form of inspection under section 20 of the Children Act 2004.³ There are no inspections taking place at this time that evaluate these local area responsibilities.
11. Over the last few months Ofsted and CQC have held discussions with young people, their parents and carers, disability and special educational need support groups, local authorities and health groups about the most important responsibilities that should be inspected. These discussions have been instrumental in shaping our proposals.
12. 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. We now wish to consult more widely on these proposed areas for inspection.

Proposed inspection arrangements

Introduction

13. We will inspect all local areas over a five-year period. The first inspections will commence in May 2016. When selecting local areas for inspection in a given year, we will ensure that there is a spread across the country and will, wherever 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

² 'Special educational needs and disability: supporting local and national accountability', Department for Education, March 2015; www.gov.uk/government/publications/send-supporting-local-and-national-accountability

³ The purpose of a review under section 20 is to evaluate the extent to which, taken together, the children's services being reviewed improve the well-being of children and relevant young persons and, in particular, to evaluate how those services work together to improve their well-being; www.legislation.gov.uk/ukpga/2004/31/section/20

its responsibilities, for example weaknesses found in the area's education inspections.

14. The 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 local area being inspected). The local authority inspector will have specialist knowledge of disability and special educational needs and have a health, social care or education background.
15. Inspectors will start the inspection expecting that the local area has a good understanding of how effective it is, including of any aspects of its responsibilities that require further development. We do not expect that the local area will have to make additional efforts to prepare specifically for inspection. Inspectors will test out the evidence that the local area uses in its self-evaluation of how effectively it meets its responsibilities. Inspectors will report where evidence collected during the inspection supports the area's own evaluation, and where this is not the case. They will also report on where the local area does not have a good enough understanding of its effectiveness in identifying needs, and in meeting these needs and improving outcomes.
16. This inspection will evaluate how effectively the **local area** meets its responsibilities for disabled children and young people and those who have special educational needs. **This includes children and young people both with and without education, health and care plans.** While the local authority has the key leadership role within its area, the inspection will not simply evaluate the effectiveness of the local authority. The local authority cannot on its own implement successfully the reforms. Success requires full involvement of the local area. The inspection will, therefore, evaluate the effectiveness of the local area as a whole, which includes 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.
17. Inspectors will look at a wide range of groups of children and young people, including those with different disabilities and special educational needs, those of different ages and those attending different settings, for example those in youth justice provision and those not attending school.
18. The evaluation of **social care and health responsibilities will focus on** how these services have contributed to meeting the needs of children and young people who are being assessed for, or are subject to, **education, health and care plans.** **This evaluation does not extend to a broad inspection of these services' responsibilities for all children and young people who have disabilities and special educational needs.**
19. The inspection will last five days. The Director of Children's Services, or equivalent, of the local authority and the Chief Executive for the clinical

commissioning groups (CCG) will be notified two working days before the start of the inspection.

20. The inspection team will:

- meet key managers and leaders from the area's education, health and social care services.
- visit a number of early years settings, schools and further education providers.⁴ When visiting these providers inspectors will discuss with senior leaders and governors how the local area fulfils its responsibilities and how they contribute to these. They will look at a sample of students' files and information about their progress to contribute to their evaluation of the area's effectiveness. Inspectors will not undertake observation of teaching and learning activity since this is a focus of institutional inspections of these individual providers.
- visit health settings, where inspectors will discuss with managers and practitioners how the local area fulfils its responsibilities and how they contribute to this. They will review health files and information about how health practitioners contribute to assessments and education, health and care plans.
- meet children and young people, and parents and carers to get their views of how effectively the area fulfils its responsibilities.

21. Inspectors will take into account recent inspection outcomes for the local area carried out by Ofsted and CQC. Inspectors will also take account of other available information including, but not exhaustively:

- the outcomes for children and young people in national assessments and their destinations after leaving school;
- performance towards meeting expected timescales for statutory assessment;
- any information about the use of disagreement resolution services, mediation and appeals to the First-tier Tribunal (Special Educational Needs and Disability);
- data about the delivery of the healthy child programme and other commissioned health services, such as national screening programmes;
- complaints made to Ofsted or CQC relating to special educational needs and/or disability.

⁴ It is important to note that these settings will not be under inspection and, therefore, inspectors will not judge the effectiveness of these settings; the purpose of the visits is for inspectors to gain a thorough understanding of how all those providers, taken together, work collaboratively, including with the local authority and health services, to meet the needs of children and young people.

22. Ofsted and CQC will publish an inspection report in the form of an outcome letter that will be sent to the local authority in its lead role for the local area. A request will be made for the report to be circulated to early years, schools and further education settings, and to other services involved in meeting the needs of the area's disabled children and young people, and those who have special educational needs. A copy of the report will be sent to the Chief Executive of the CCG, with a request that it be circulated to healthcare services and settings, as appropriate.
23. The report will outline what inspectors looked at, the summary of their findings including key strengths and areas requiring further development. Given the breadth and complexity of the aspects of the area's accountability there will not be an overall graded judgement. The report will include recommendations, including any priority areas for action.
24. Regulation 4 of the Children Act 2004 (Joint Area Reviews) Regulations 2005⁵ currently requires the local authority to draft a statement of action following the inspection report. DfE has recently consulted⁶ on changes to these Regulations which will mean that Ofsted will determine whether it would be appropriate for a written statement of proposed action to be made and, if so, the person or body who should make that statement. If it is decided that a written statement of proposed action is appropriate, Ofsted and CQC will pay particular attention to how the local area, and not just the local authority, intends to respond to the inspection's findings. Any further action by Ofsted and CQC will be determined by the findings of the inspection and the statement of proposed action. Such further action may range from Ofsted and CQC requesting more detailed information from the local area on the steps that are to be taken to address the inspection findings, to arranging further meetings or discussions with local area representatives and or further inspection.
25. The inspection aims to establish how effectively the local area is **working together** to meet its responsibilities and improve the well-being of disabled children and young people or those who have special educational needs. Our proposals for this are:
 - Inspectors will evaluate how effectively the local area identifies disabled children and young people, and those who have special educational needs.
 - Inspectors will evaluate how effectively the local area meets the needs and improves the outcomes of disabled children and young people, and those who have special educational needs.

⁵ The Children Act 2004 (Joint Area Reviews) Regulations 2005; www.legislation.gov.uk/ukxi/2005/1973/contents/made.

⁶ Child protection services: joint agency reviews; www.gov.uk/government/consultations/child-protection-services-joint-agency-reviews.

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

Key dates towards the start of inspection

Consultation ends: 4 January 2016

Consultation outcomes published: early 2016

Dissemination workshops for local areas by Ofsted and CQC: autumn 2015 – spring 2016

Launch of inspection programme: May 2016

Proposal 1

Inspectors will evaluate how effectively the local area identifies disabled children and young people and those who have special educational needs.

26. This evaluation will consider how children and young people's needs are identified and assessed. It will also consider how well the needs of the whole area, upon which the provision described in the area's published local offer is based, are identified.
27. We propose 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 about a child or young person's development and progress?
 - 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 they required?
 - How well was the child or young person involved in their assessment?
 - How well were parents and carers involved in the assessment?
 - Did the child or young person's nursery, school or college and other professionals work well together during their assessments?
 - How effectively do arrangements that are in place provide evidence of how children and 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 and young people and those who have special educational needs.

28. 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. The Code of Practice identifies that, with high aspirations and the right support, the vast majority of children and young people can go on to achieve successful long-term outcomes in adult life. If children and young people's needs are being met then their outcomes will improve. In making this evaluation inspectors will look at children and young people's individual needs and their different starting points.
29. 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.
30. We propose 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 satisfied is the child** or young person that their needs are being met and in the progress they have made?
 - **How satisfied are the parents** and carers that their son/daughter's needs are being met and in the progress that has been made?
 - **How well** have children and young people's needs been met and their outcomes improved?
 - How effectively do the arrangements that are in place **provide evidence** that children and young people's needs have been met and that their outcomes have improved?
31. The range of ways by which the area is meeting children and 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.

32. Inspectors will:

- gather the views of children and young people, and parents and carers and visit a number of early years settings, schools and further education providers. How inspectors will gather this information is covered in a separate proposal;
- meet with key managers and leaders from the area's education, health and social care service;
- visit a sample of early years settings, schools and further education providers to discuss the contribution of these providers to meeting the local area's responsibilities. These visits will include looking at students' files and information about their progress. These visits will not include the observations of teaching and learning activity since this is a focus of institutional inspections of these providers;
- visit health settings, where inspectors will discuss with managers and practitioners about how the local area fulfils its responsibilities and how they contribute to this. They will review health files and information about how health practitioners contribute to assessments and education, health and care plans;
- take into account the findings of recent inspections carried out by Ofsted and CQC, including of early years providers, schools and the further education colleges sector; and any complaints made to Ofsted or CQC relating to special educational needs and disability;
- take account of other available information, including the outcomes for children and 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 expected timescales including for statutory assessment (including transition reviews and annual reviews); information about appeals to the First-tier Tribunal (Special Educational Needs and Disability); and the 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.

33. Ofsted and CQC want to make sure that their evaluations are informed effectively by the views of disabled children and young people and those who have special educational needs, and their parents and carers.
34. We propose to use a wide range of means to establish these views, including:
- meeting with children and 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.

The consultation process and submitting your views

35. We welcome your responses to this consultation paper. The information you provide will inform what inspectors will evaluate and how they will carry out their inspections of local areas.
36. The consultation opens on 12 October and closes on 4 January 2016.
37. We expect to publish a response to the consultation in early 2016.

Sending back your response

38. There are three ways of completing and submitting your response.

Online electronic questionnaire

39. Main questionnaire: visit www.surveymonkey.com/r/OfstedSEND to complete and submit an electronic version of the response form.
40. Young person's questionnaire: young people can visit www.surveymonkey.com/r/YPViews to complete and submit their responses. Hard copies of the young person's version are available for download from www.gov.uk/government/consultations/local-area-send-consultation or on request from Schools.PolicyTeam@ofsted.gov.uk.
41. Visit www.gov.uk/government/consultations/local-area-send-consultation to download a Word version of this document and complete the questions on your computer. When you have completed the form, please email it to Schools.PolicyTeam@ofsted.gov.uk with the consultation name in the subject line (Local area SEND consultation).

Print and post

42. Visit www.gov.uk/government/consultations/local-area-send-consultation to print a Word or PDF version of the response form that can be filled in by hand. When you have completed it please post it to:

Schools Policy Team
Ofsted
Aviation House
125 Kingsway
London WC2B 6SE

Questionnaire for the inspection of local areas' effectiveness in identifying and meeting the needs of disabled children and young people and those who have special educational needs

Confidentiality

The information you provide will be held by us. It will only be used for the purposes of consultation and to help us plan and develop our statistical outputs.

We will treat your identity in confidence, if you disclose it to us.

Are you responding on behalf of an organisation?

Yes please complete Section 1 and the following questions
 No please complete Section 2 and the following questions

Section 1

If you would like us to consider publishing the views of your organisation, please indicate this below.

Which organisation are you responding on behalf of? British Association for Community Child Health (BACCH) _____

Are you happy for us to consider publishing the views of your organisation?

Yes
 No

Section 2

Which of the below best describes you? Please tick one option.

I am:

A child or young person who has disabilities and/or special educational needs	<input type="checkbox"/>	A parent or carer of a child or young person who has disabilities and/or special educational needs	<input type="checkbox"/>
A local authority officer	<input type="checkbox"/>	A local health service officer	<input type="checkbox"/>
An early years leader or manager	<input type="checkbox"/>	An early years governor	<input type="checkbox"/>
A school leader or manager	<input type="checkbox"/>	A further education leader or manager	<input type="checkbox"/>
A school governor	<input type="checkbox"/>	A further education governor	<input type="checkbox"/>
A teacher	<input type="checkbox"/>	A specialist therapist	<input type="checkbox"/>
A special educational needs	<input type="checkbox"/>	None of these	<input type="checkbox"/>

coordinator (SENCo)		
Prefer not to say	<input type="checkbox"/>	
Other (please tell us)		

Please help us make the right decisions for how we inspect local areas' responsibilities towards disabled children and young people and those who have special educational needs.

Proposal 1

Inspectors will evaluate how effectively the local area meets the needs and improves the outcomes of disabled children and young people and those who have special educational needs (please refer to paragraphs 26 to 27).

Q1. Do you agree with this?

Yes	No	Don't know
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do you have any comments on this?

It would be useful to differentiate the effectiveness of identifying children with SEND between those under 5 years of age and those over 5 years of age. Under 5's often present to health services initially, whereas over 5's usually present to education services.

Proposal 2

Inspectors will evaluate how effectively the local area meets the needs and improves the outcomes of disabled children and young people and those who have special educational needs (please refer to paragraphs 28 to 31).

Q2. Do you agree with this?

Yes	No	Don't know
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do you have any comments on this?

It would be helpful to have more specific examples of how such 'effectiveness' are to be measured. For example, are the outcomes specified in EHC Plans SMART? Are the outcomes achieved? etc.

Proposal 3

A wide range of information will be used to evaluate how effectively the local area fulfils their responsibilities to identify disabled children and young people and those who have special educational needs; and to meet their needs and improve their outcomes (please refer to paragraph 32).

Q3. Do you agree with this?

Yes	No	Don't know
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Are there any further sources of information that inspectors should take into account?

For health services, it would be helpful to make it clear that both commissioners and service providers are to be inspected. It would also be helpful to specify individual health services that are to be included in the inspections. Certain elements of adult services e.g. Learning Disability Services, Community Nursing and Rehabilitation services should be included in addition to Paediatric Services.

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 (please refer to paragraph 33 to 34).

Q4. Do you agree with this?

Yes	No	Don't know
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Are there any other ways by which we could ensure that the views of children and young people, parents and carers are taken into account during these inspections?

Involving local parent and care forum will be helpful.

Q5. Please tell us about anything in particular that you think is important for Ofsted and CQC to consider in their inspections of local areas that has not been included in the above proposals.

Effectiveness of joint commissioning should be evaluated.

Q6. Do you have anything else you would like to add to this consultation?

We have no additional comments.

What did you think of this consultation?

One of the commitments in our strategic plan is to monitor whether our consultations are accessible to those wishing to take part.

Please tell us what you thought of this consultation by answering the questions below.

How did you hear about this consultation?

- Ofsted website
- *Ofsted News*, Ofsted's monthly newsletter
- Ofstedconference
- CQC website
- CQC conference
- Twitter (@ofstednews)
- Another organisation (please specify, if known)
- Other (please specify) _____

	Agree	Neither agree nor disagree	Disagree	Don't know
I found the consultation information clear and easy to understand.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I found the consultation easy to find on the Ofsted website.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I had enough information about the consultation topic.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would take part in a future Ofsted consultation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Is there anything you would like us to improve or do differently for future consultations? If so, please tell us below.



Additional questions about you

Your answers to the following questions will help us to evaluate how successfully we are communicating messages from inspection to all sections of society. We would like to assure you that completion of this section is optional; you do not have to answer any of the questions. All responses are confidential.

Please tick the appropriate box.

1. Gender

Female <input type="checkbox"/>	Male <input type="checkbox"/>
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2. Age

Under 14 <input type="checkbox"/>	14–18 <input type="checkbox"/>	19–24 <input type="checkbox"/>	25–34 <input type="checkbox"/>	35–44 <input type="checkbox"/>	45–54 <input type="checkbox"/>	55–64 <input type="checkbox"/>	65+ <input type="checkbox"/>
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3. Ethnic origin

(a) How would you describe your national group?

- British or mixed British
- English
- Irish
- Northern Irish
- Scottish
- Welsh
- Other (specify if you wish)

(b) How would you describe your ethnic group?

Asian		Mixed ethnic origin	
Bangladeshi	<input type="checkbox"/>	Asian and White	<input type="checkbox"/>
Indian	<input type="checkbox"/>	Black African and White	<input type="checkbox"/>
Pakistani	<input type="checkbox"/>	Black Caribbean and White	<input type="checkbox"/>
Any other Asian background (specify if you wish)	<input type="checkbox"/>	Any other mixed ethnic background (specify if you wish)	<input type="checkbox"/>
Black		White	
African	<input type="checkbox"/>	Any White background (specify if you wish)	<input type="checkbox"/>
Caribbean	<input type="checkbox"/>	Any other ethnic background	
Any other Black background (specify if you wish)	<input type="checkbox"/>	Any other background (specify if you wish)	<input type="checkbox"/>
Chinese			
Any Chinese background (specify if you wish)	<input type="checkbox"/>		

4. Sexual orientation

Heterosexual <input type="checkbox"/>	Lesbian <input type="checkbox"/>	Gay <input type="checkbox"/>	Bisexual <input type="checkbox"/>
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5. Religion/belief

Buddhist	<input type="checkbox"/>	Muslim	<input type="checkbox"/>
Christian	<input type="checkbox"/>	Sikh	<input type="checkbox"/>
Hindu	<input type="checkbox"/>	Any other, please state:	<input type="checkbox"/>
Jewish	<input type="checkbox"/>	None	<input type="checkbox"/>

6. Disability

Do you consider yourself to have a disability?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Thank you for taking part in our consultation.