

Briefing Note to the Children's Partnership Board

Title:	Joint OfSTED / CQC inspection of local area special educational needs and disability (SEND) services
Date of meeting:	30/3/16
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Summary (including background, proposals and benefits to customers/service users):	
<p>This report provides;</p> <ul style="list-style-type: none"> • The background and overarching themes of the SEND reforms. • A definition of the inspection's focus on 'local area' responsibility. • A summary of what is currently known about the OfSTED and Care Quality Commission (CQC) joint local area inspection process scheduled to begin May 2016. 	
Recommendations:	
1	Note the inspection's focus on local accountability for education, health and social care services to meet the requirements of the SEND reforms (Section 2).
2	Note the local area inspection process (Section 3).
3	Partners to note expectations around their role in the inspection. (Section 3.11).

REPORT

1. BACKGROUND

- 1.1 The SEND reforms (Part 3, Children and Families Act 2014) came into force on 1 Sept 2014 and outlined the biggest transformation to special educational needs and disabilities support for 30 years. They included the following local area expectations and responsibilities in developing SEND services:
- New legislation covering all those **0-25 years of age** with SEND;
 - **Co-production** with children, young people and their families / carers;
 - **Integration and joint commissioning** of services between the local authority and Clinical Commissioning Groups;

- The offer of a **personal budget across education, health and / or social care** (for those that meet the criteria);
- Clear improvements to the individual's life and education based on **outcomes**;
- Replacement of Statements of SEN and Learning Difficulty Assessments with **Education, Health and Care (EHC) plans**;
- **Over 16's having the right to make decisions** about their support (unless they lack the capacity to do so);
- The publishing of a '**local offer**' (information about all SEND support within the area);
- **SEN Support classification** replacing School Action and School Action Plus.

2. LOCAL ACCOUNTABILITY

2.1 The DfE have made it clear that the responsibility for ensuring the SEND reforms are implemented does not solely lie with the local authority but that the local area is accountable across education, health and social care services.

2.2 The following extract from the attached **DfE SEND reforms Accountability Framework document** (March 2015) states that:

The majority of statutory duties in relation to SEND rest at a local area level, predominantly with local authorities but now also with Clinical Commissioning Groups (CCGs). It will be the performance of local partners and settings which will underpin the successful delivery of the reforms set out in Part 3 of The Children and Families Act 2014. The Act strengthens local authorities' key duties in respect of children and young people with SEND across the 0-25 age range, regardless of where they are educated. It places duties on health and education settings to use their best endeavours to meet the needs of children and young people with SEND, and requires local authorities and other listed bodies to have regard to the statutory guidance set out in the SEND Code of Practice: 0-25 years.

3.0 LOCAL AREA SEND REFORMS INSPECTION

3.1 From May 2016, OfSTED and the CQC will inspect and assess how effectively local areas fulfil their responsibilities towards children and young people aged 0-25 who have special educational needs and disabilities.

3.2 Inspectors will assess how SEND services are being delivered through the wide range of partners in the local area, including nurseries, schools, further education colleges, and through health and care services.

3.3 The final process is yet to be announced but it has been suggested from DfE publications and recent regional meetings and events that the inspection will focus on:

- How effectively the local area identifies children and young people who are disabled and/or have special educational needs;
- How effectively the local area meet the needs and improve the outcomes of children and young people who are disabled and/or have special educational needs;
- The involvement of CYP, their families and support groups (including feedback mechanisms to include their voice not only in decisions about their support, but also in strategic decision making to improve services and delivery);

- The performance of the local area since the implementation of the reforms in September 2014 (although case files will be viewed from the when the child or young person had a SEND need identified);
- The local areas' offer for the full age range from birth to age 25, as outlined in the Code of Practice;
- How local areas' commissioning arrangements have developed, and their effectiveness;
- Demand and needs gap analysis processes and data on cohort (JSNA etc.);
- How local areas identify issues / trends and learn from each other;
- Visiting select groups of parents/carers;
- Meet with 10-12 schools, colleges and other education providers as well as health and social care providers, including Child Development Centres, CAMHS, Allied Health professionals, Early Years settings and placements out of area (drawn from pre-inspection analysis and information provided by local areas);
- Communication across education, health and social care practitioners (the sharing of information on the needs of children and young people);
- Early intervention support;
- National and local area self-assessment data and intelligence measuring progress and success.

3.4 Most importantly, local areas must:

- Know whether their provision is improving outcomes for children young people or not;
- Agree aspirational yet realistic targets for young people and monitor their progress towards achieving them;
- Must involve children and young people and their parents and carers when setting and reviewing goals or targets.

3.5 The inspection will also:

- Have an inspection team made up of;
 - 1 x OfSTED inspector
 - 1 x CQC inspector
 - 1 x Local Authority representative
- Take place over five days during term time only and include daily 'continuous professional discussions' based on findings;
- Provide five days notice prior to the inspection team's arrival;
- Key lines of enquiry will be identified prior to the inspection taking place;
- Have a five year interval between inspections with first inspections anticipated to begin May 2016;
- Complete eight local areas inspections by the end of the Summer Term 2016 (no indication has been given about what this first tranche of local areas sites will be).

3.6 The final inspection handbook will be published in mid-April although further information can be found in the attached DfE SEND reforms Accountability Framework guide (March 2015) or by following the link below:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416347/Accountability_Publication.pdf

Additional information can also be found in the joint OfSTED / CQC summary report of SEND reforms inspection consultation that was published w/c 14/3/16:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506530/LA_SEND_consultation_report_FINAL.pdf

- 3.7 Mechanisms for measuring success currently suggested within the Accountability Framework include:
- SEN appeals and outcomes;
 - Education, Health and Care Plans (EHCPs) completed on time;
 - Local authority and parent survey data;
 - Children and young people's Personal Outcomes Evaluation Tool (POET) pilot;
 - Feedback from Independent Supporters;
 - Progress and attainment data;
 - Outcomes for looked after children;
 - Destinations after Key Stage 4 & Key Stage 5;
 - School absence and exclusion rates;
 - Employment status for adults with learning difficulties and disabilities (LDD);
 - Accommodation status for adults with LDD.
- 3.8 Inspection Preparation meetings involving education, health and social care colleagues have been taking place monthly since Autumn 2015. The first draft of our Self Evaluation Form (SEF) is almost complete and will be shared with wider stakeholders for comment.
- 3.9 The SEF is based around a number of chapters following the key themes of the reforms, supported by an evidence library and case studies. An inspection plan, suggested schedule of activity for the inspectors to consider and an inspection support team will be finalised within the next few weeks.
- 3.10 A range of briefings will also be circulated to stakeholders and partners prior to the inspection.
- 3.11 We would request that partners ensure their preparations for this inspections are on track by; reviewing how data is captured and shared with the local authority, reviewing how outcomes are monitored and considering how associated services can report on the impact of the reforms and outcomes linked to this cohort. As a local area we will need to be able to demonstrate this for inspection purposes.

For further information, please contact;

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18/3/16