

# Natspec's response to Ofsted's and CQC's consultation on a new approach to SEND local area inspections

<b>To what extent do you agree or disagree that our inspections should focus more on the impact that the local area partnership is having on the lives of children and young people with SEND?</b>	
Agree	<p>We are very supportive of the intention to focus inspections on the impact on the lives of children and young people. Indeed, a narrow focus on operational factors alone has the potential to reward efficiency over effectiveness.</p> <p>However, we would urge Ofsted and CQC to ensure that it also maintains – and in fact – increases its focus on meeting statutory duties in parallel. Currently SEND area inspections provide the only opportunity to assess and report on the extent to which local areas are meeting statutory requirements. We do not see anything in the SEND and AP Green Paper proposals which will address the current lack of accountability in the system and it therefore remains vital that Ofsted calls out lack of compliance with statutory responsibilities. A shift away from statutory requirements would be merited if local areas were generally compliant and now needed to move beyond this to achieving excellence, but sadly that is not yet case.</p>
<b>To what extent do you agree or disagree that the criteria below are right for judging impact of local partnerships arrangements on lives of CYP?</b>	
	<ul style="list-style-type: none"> <li>• Needs are identified accurately and in timely fashion</li> <li>• CYP participate in decision making</li> <li>• Right help at right time</li> <li>• Well prepared for next steps and achieve strong outcomes</li> <li>• CYP are valued, visible and included in communities</li> </ul>
Strongly agree	'Timely' will need to be defined in terms of meeting statutory deadlines/timescales as a minimum.
Strongly agree	There should also be evidence that the views and wishes of children and young people have informed the decisions made.
Strongly agree	'Right time' will need to be defined in terms of meeting statutory deadlines/timescales as a minimum.
Strongly agree	Judgements about strong outcomes should be extended to an assessment of how well young people have been enabled to lead adult lives in which they are reaching their full potential. This will mean looking at sustained outcomes after young people leave 'the SEND system' and speaking to young people and families in this position.

Agree	This criterion should be strengthened to include 'actively contributing' to their own communities, going beyond mere presence.
<b>To what extent do you agree or disagree with our proposed approach to introducing three distinct inspection outcomes?</b>	
Disagree	<p>We support the introduction of distinct inspection outcomes and suggest they are clearly labelled as numbered grades to enable stakeholders to easily understand at a high level how well their local area is performing in relation to SEND. (This is likely to happen in practice in any case, regardless of Ofsted's own terminology.)</p> <p>We also suggest Ofsted considers whether four outcomes might work more effectively. In a system with just three outcomes, there is a risk that a disproportionate number of local areas may end up with the second judgement. If the vast majority of local areas receive the middle outcome, they may not be as readily incentivised to improve, and some more successful areas may be de-motivated by being classified alongside other areas with much poorer practice. It will also be less easy for stakeholders to get a sense of how well their local area is performing in comparison to other local areas.</p> <p>We do recognise that a four-outcome approach would probably mean splitting the proposed outcome 2 and careful thought would need to go into distinguishing between outcomes 2 and 3.</p> <p>If Ofsted is keen to retain the three-outcome approach, we recommend it puts in measures to ensure that inspectors use the full range of outcomes, including through training inspectors about awarding grades in borderline cases.</p> <p>We would recommend that there is clarification that the timescales reflect maximum intervals between inspections which may be adjusted where an earlier inspection is deemed necessary but never extended beyond the stated interval.</p> <p>We appreciate that it is important that local areas have time not just to implement improvement actions but also to evaluate and evidence their impact before monitoring visits or full re-inspection takes place. However, we would recommend that Ofsted makes it clear that it may re-inspect local areas receiving the lowest inspection outcome within two rather than three years and conduct monitoring visits within 12 rather than 18 months to help incentivise urgent action where that is needed. Ofsted might also consider what other measures and consequences are required to address the inertia in some local areas where written statements of action have resulted in little on-the-ground improvement.</p>
<b>Do you agree or disagree that inspection reports should include clear recommendations on which weaknesses or systemic issues the local area partnership needs to address?</b>	
Strongly agree	Clear deadlines need to be set for the publication of priority action plans. Requirements should be set for the timescales by which

	actions need to have been taken. Local areas should be required to indicate which agency will take a lead on each of the improvement actions. Actions needed to address failures to meet statutory duties or timescales should be specifically flagged as such.
<b>To what extent do you agree or disagree that, following inspection, each local area partnership should update and publish its strategic plan for SEND?</b>	
Strongly agree	We support the expectation that all inspections should trigger a review and updating of the local area strategic plan. There should be synergy here with the local inclusion plans proposed in the SEND and AP Green Paper. Deadlines for updating a strategic plan post-inspection should be set. In addition, we recommend that alongside its own published inspection report, Ofsted provides links to the local area's strategic plan and (priority) action plan. This would support greater accountability and greater transparency, enabling stakeholders to more easily access and understand the local area's intended response – and hold them to account if insufficient progress is being made.
<b>To what extent do you agree or disagree with our proposal to gather more evidence directly from children and young people with SEND and their families?</b>	
Strongly agree	<p>We recommend the use of advocacy services to help gather views from children and young people with a range of different communication needs and methods, including alternative and augmentative communication (AAC) devices. While the numbers of children and young people needing a bespoke approach are small, they are likely to include some of the most vulnerable in the local area and it is therefore essential that they are not excluded from the process. When setting timeframes for gathering evidence from children and young people, Ofsted/CQC must take into account the more extended time likely to be needed for people with the most complex communication difficulties to respond.</p> <p>A portal that would allow children, young people and their families to easily upload information in different formats (e.g. video or sound files) at any point and not just immediately prior to inspection may also be helpful in enabling more voices to be heard.</p>
<b>To what extent do you agree or disagree that area SEND inspections should include a focus on how local authorities use, commission and oversee alternative provision?</b>	
Agree	There is currently a marked lack of regulation of alternative provision and an over-representation of children and young people with SEND within it, so this proposal is welcome. It is also in line with the government's proposals in the SEND and AP Green Paper. However, we would like reassurance that Ofsted and CQC have been adequately resourced to take on this expanded remit and

	that it will not detract from their inspection of arrangements for those with SEND.
<b>Do you agree or disagree with our proposed approach to monitoring inspections?</b>	
Disagree	<p>We welcome the introduction of monitoring visits as a means of ensuring local areas take prompt action in response to inspection findings. However, we would recommend that Ofsted makes it clear that it may conduct monitoring visits within 12 rather than 18 months to incentivise urgent action where that is needed.</p> <p>We also suggest that there may be some circumstances in which local areas with a grade 2 would benefit from a highly focused monitoring visit, if, for example, urgent action is required in relation to a particularly vulnerable group.</p> <p>Ofsted might also consider what other measures could help address the inertia in some local areas where written statements of action have resulted in little on-the-ground improvement.</p>
<b>Do you agree or disagree that we should invite each local area partnership to engagement meetings between inspections to discuss the local SEND arrangements?</b>	
Strongly agree	<p>We support this regular contact. We would like it made explicit that there is an expectation that health, social care and education all engage in these meetings. The inspectorates should use these meetings as an opportunity to identify any areas where early re-inspection, outside of the usual cycle, may be needed.</p>
<b>Any other ways we can make surveys more accessible?</b>	
<p>Videos (including signing) in which the questions are posed could be made available. Online surveys should be put through comprehensive accessibility checks, in particular to ensure that they are compatible with software and devices used to support accessibility. The survey should be written in plain English. There should be space for some open responses as well as the standard closed questions. We recommend Ofsted/CQC test out draft surveys with a sample of people with differing needs to check accessibility before versions are finalised. Ofsted/CQC should also be able to receive survey responses in different formats including paper-based, email, video and sound files as well as directly through the online survey. The window of opportunity for submitting responses must be wide enough to allow for further adaptation/breakdown by those supporting children and young people with the most complex needs to enable them to share their views.</p>	
<b>Do you have any additional comments about our proposed new framework for the inspection of local area partnership's arrangements for children and young people with SEND?</b>	
<p>We would welcome some reassurance that Ofsted/CQC are sufficiently resourced to fulfil these ambitious plans effectively.</p> <p>We understand that it is beyond the remit of the inspectorates to set out consequences for local areas beyond further monitoring/inspection activity. However, we would like to take this opportunity to stress the importance of ensuring that there are consequences for local areas who fail to meet their statutory duties or fail to deliver high quality support for</p>	

children and young people with SEND. We would like government to identify penalties for local areas who fail to turn around provision in a timely fashion following a poor inspection outcome. Otherwise, local areas are free to continue to offer poor services with impunity (e.g. Devon, [where on a revisit inspectors found](#), “the area has not made sufficient progress in addressing any of the significant weaknesses identified at the initial inspection.” but had no further powers to exercise to ensure children and young people in the area receive the provision to which they have a right.)

We would encourage Ofsted/CQC to review the framework to ensure they have taken every opportunity to encourage joint commissioning and regional planning, both of which are largely under-developed at present and could have significant positive impact on children and young people with SEND. The proposed framework should set high expectations of local areas in terms of their knowledge of provision in their area and their ability to draw on different services and providers to develop coherent packages of provision built around the needs of the children or young people.

Ofsted’s [current complaints procedure](#) does not offer advice on how to complain about a local area in relation to its SEND provision. We recommend that this information is added to the webpage and publicised to stakeholders. The nature and level of complaints received could then become one of the risk factors Ofsted uses to determine whether a local area needs an inspection outside of the usual cycle.