

Portfolio Holder Decision

Response to Consultation on New Approach for Ofsted/CQC Area SEND Inspections

Lead Member	Portfolio Holder for Education
Date of decision	1 September 2022
	Signed 

1. Decision

That the Portfolio Holder for Education agrees to the submission to Department for Education of the consultation response from the local authority attached in **Appendix A**.

2. Reasons for decision

In line with the Council's Constitution, responses to consultations that "have policy implications and/or are of wider interest and/or are not substantially technical or operational in nature" require approval by the relevant Portfolio Holder.

The subject matter of this consultation is considered to be one of wider interest, and the results of the consultation may also affect future policy.

The consultation opened on 13 June 2022 and the deadline for submission of a response is 11 September 2022.

3. Background information

This report seeks approval to submit the proposed response from Warwickshire County Council to the public consultation on the new approach to Ofsted and Care Quality Commission (CQC) area Special Educational Needs and Disabilities (SEND) inspections.

On 13 June 2022, the Government opened the consultation on the proposed new approach to Ofsted/CQC area SEND inspections in England. Alongside the consultation, the Government has published a [draft SEND framework and handbook](#) so that respondents can see the full details of what inspections under the new framework are likely to entail.

Ofsted and the CQC have already tested aspects of the draft new framework through a series of joint pilot inspections, including a pilot in Warwickshire in June 2022. The outcomes of the pilot inspections and responses to this consultation will help Ofsted and CQC further develop, refine and finalise the new framework. They will also consider discussions with local area leaders and engagement with groups representing children and young people with SEND, their parents and carers, and the sector. The new framework will be introduced early in 2023.

The attached Appendix sets out the Council's proposed response to the proposals. Overall, we support the proposals outlined, whilst identifying certain areas where we believe further steps can be taken to improve the proposals.

4. Financial implications and Key Risks

There are no financial implications of responding to the consultation.

There may be financial implications (both positive and negative) as the new approach, together with the proposals to the SEND system as outlined in the Green Paper, are formalised into legislation and statutory guidance is provided. There will be a requirement to carry out careful planning to implement the new approach across all authorities and Government has stated that draft regulations will be released this financial year. Those implications will be carefully considered at the appropriate times.

5. Environmental implications

There are no environmental implications of responding to the consultation.

6. Timescales Associated with the Decision and Next Steps

If agreed, the consultation response will be submitted to DfE ahead of the consultation response deadline of 11 September 2022.

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Assistant Director	Chris Baird
Strategic Director	Nigel Minns
Portfolio Holder	Councillor Kam Kaur

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers
Background on the new approach to area SEND inspections: https://www.gov.uk/government/consultations/a-new-approach-to-area-send-inspections SEND Green Paper: https://www.gov.uk/government/consultations/send-review-right-support-right-place-right-time

Members and officers consulted and informed
Portfolio Holder – Councillor Kam Kaur Corporate Board – Nigel Minns Legal – Nic Vine, Sarah Duxbury Finance – Virginia Rennie Equality – Keira Rounsley Democratic Services – Isabelle Moorhouse, Deb Moseley Chair of Children and Young People OSC - Councillor Dahmash Group Leaders - For information

APPENDIX

Warwickshire Response to the [Government Consultation](#) on the new area SEND inspection framework (closes 11th September 2022)

Proposal 1: focusing more on impact

We propose that the focus of the new framework will be on whether the local area partnerships' SEND arrangements are improving the experiences and outcomes of children and young people with SEND. For more details please refer to consultation text about [proposal 1](#).

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? **Strongly Agree**

Comments: We strongly agree with this proposal. Eight years on from the reforms in 2014, the local area partnership should now be more focused on how SEND arrangements are helping to improve the experiences and outcomes of children and young people with SEND. It is recommended that the new framework should take a more holistic approach, taking into consideration the aspirations of the child or young person, working towards the Preparation for Adulthood agenda and ensuring that the local area continues to develop on previous outcomes. It should also consider a more personalised approach for the young person, and that outcomes are transferable into their next stage in life and the world they will live in.

Proposal 2: criteria for evaluating impact

We propose to evaluate the impact of the local area partnership's SEND arrangements on children and young people's lives, based on a set of core criteria. For more details please refer to consultation text about [proposal 2](#).

To what extent do you agree or disagree that the criteria set out below are the right ones for judging the impact of the local area partnership's SEND arrangements on the lives of children and young people? **Strongly Agree**

- 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.
- Children and young people are valued, visible and included in their communities.

Comments: We strongly agree on the proposed criteria for evaluating impact. This approach aligns with the SEND and Alternative Provision (AP) Green Paper: *Right Support, Right Time, Right Place* and also with the Preparation for Adulthood outcomes, the key elements around transitions and pathways into adulthood. However, we recommend that greater clarification is provided on the measure for 'Children and young people are valued, visible and included in their communities' to ensure a robust evidence base can be provided as part of the inspection.

Proposal 3: inspection outcomes

We propose to make inspection reports clearer by introducing 3 distinct inspection outcomes. For more details, please refer to the consultation text about [proposal 3](#).

To what extent do you agree or disagree with our proposed approach to introducing 3 distinct inspection outcomes? **Agree**

Comments: We agree with the proposed outcomes and the proportionate approach to inspection, by enabling earlier reinspection and/or monitoring meetings depending on the initial inspection outcome. However, we would recommend that the narrative is changed as the commentary appears negative in places; for example 'inconsistent experiences and outcomes' could be replaced with 'variable experiences and outcomes'.

Proposal 4: making recommendations in reports

We propose that, when reporting on an area SEND inspection, we will make clear recommendations on which weaknesses or systemic issues the local area partnership needs to address. For more details, please refer to the consultation text about [proposal 4](#).

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? **Strongly Agree**

Comments: We strongly agree with the proposal to include clear and succinct recommendations in the inspection report to improve the lives and experiences of children and young people with SEND and their families. Highlighting which services or part of services will be primarily responsible for taking forward specific recommendations will help clarify roles, responsibilities and accountability across the local area partnership.

Proposal 5: updating and publishing strategic plans following an inspection

We propose that all local area partnerships should update and publish their strategic plan for SEND following an inspection. Updates should set out how the local area partnership will make any improvements identified in the inspection report. For more details, please refer to the consultation text about [proposal 5](#).

To what extent do you agree or disagree that, following inspection, each local area partnership should update and publish its strategic plan for SEND? **Strongly Agree**

Comments: We strongly agree with this proposal, and this aligns with current practice, i.e., the Written Statement of Action. This will help clarify roles, responsibilities and accountability across the local area partnership, and strengthen transparency and the understanding of families and other stakeholders of the local area partnership's plans for developing the SEND system.

Proposal 6: gathering more evidence directly from children and young people, and their families

To ensure that the views and experiences of children and young people have a central role in our inspection practice we propose to gather more evidence directly from them and their families. For more details, please refer to the consultation text about [proposal 6](#).

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? **Strongly Agree**

Comments: We strongly agree with this proposal. However, we recommend that clear criteria are provided to guide the selection of the children and young people, so that the sampling covers a wide range of SEND needs and age range across the local area. It would also be helpful to provide explanatory documents and videos on what to expect for children and families to help support them through the inspection process, and easy read and non-digital versions of surveys. During the inspection, every effort should be made to try to arrange meetings with children, young people and parent carers at times to suit them; this may require evening sessions.

Proposal 7: including alternative provision

Under the new area SEND framework, we propose to place greater emphasis on the experiences of children and young people with SEND in alternative provision, and to evaluate how local authorities use, commission, and oversee alternative provision for all children and young people. For more details, please refer to the consultation text about [proposal 7](#).

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? **Strongly Agree**

Comments: We strongly agree with the proposal that inspections should include a focus on how local authorities use, commission and oversee alternative provision. However, the proposals do not take into consideration the impact and outcomes for learners accessing alternative provision and this should be part of the framework.

Proposal 8: introducing monitoring inspections

When an inspection finds widespread and/or systemic failings and the local area partnership is required to submit a plan to address the areas for priority action. We propose to carry out a monitoring inspection of the local area to assess progress at around 18 months. For more details, please refer to the consultation text about [proposal 8](#).

Do you agree or disagree with our proposed approach to monitoring inspections? **Agree**

Comments: We agree with the proposal, but further clarity is required on how the monitoring inspections of the local area would link to the wider inspection framework cycle.

Proposal 9: introducing engagement meetings

We propose inviting each local area partnership to engagement meetings, which will focus on the continual improvement of the local SEND system. For more details, please refer to the consultation text about [proposal 9](#) (opens in new window).

Do you agree or disagree that we should invite each local area partnership to engagement meetings between inspections to discuss the local SEND arrangements? **Strongly Agree**

Comments: We strongly agree with this proposal to invite the local area partnership to engagement meetings, but further clarification is needed on how this links to existing meetings including the Ofsted annual conversation.

Request for views: making surveys for children and young people accessible

We want to improve the ways in which children and young people with SEND can contribute their views to the inspection process and we would value your views. We plan to provide:

- an online easy-read version
- voice recordings of the questions
- an easy-read Word version to be disseminated through the local area partnership before the on-site inspection week

For more details, please refer to the [consultation text about our request for your views](#) on making surveys for children and young people accessible.

Are there other ways in which you think we can make our surveys of children and young people with SEND more accessible?

Comments: We strongly agree with the proposal to improve the ways in which children and young people with SEND and their families can contribute their views to the inspection process. However, sufficient time would need to be provided for children and young people to respond effectively to surveys, and consideration must be made to reach families who fall into digital poverty. Videos would be helpful to explain to families about the inspection and how to feedback their views. The local area may have existing engagement mechanisms that could be utilised. For example, in Warwickshire we have a Forum for Young People with SEND and groups for children and young people with SEND in local schools. We are developing other ways to embed the voice of young people in everything we do, for example as part of the Education Health and Care (EHC) needs assessment, the EHC Plan process and annual review process. Information from this engagement could be shared with the inspectors.

Any feedback request needs to capture the interest of the young people and feel worthwhile. For example, by using images to represent each answer and using tools like Padlet to encourage more responses as it enables young people to see what other people are writing. Tools like Padlet would allow young people to upload a voice recording or a drawing, making it more accessible. There is an option to have comments moderated to maintain safeguarding.

Additional comments

Any additional comments about our proposed new framework for the inspection of local area partnership's arrangements for children and young people with SEND?
No.

Public Sector Equality Duty (Equality Act 2010)

For more details, please refer to the [equalities impact statement](#) (opens in new window)

Please provide any representations/evidence of the impact of our proposals for the purposes of the Public Sector Equality Duty (Equality Act 2010).

Feedback about the consultation

How did you find the consultation?

I found the consultation information clear and easy to understand. Agree

I found the consultation easy to find. Agree

I had enough information about the consultation topic. Agree

I would take part in a future Ofsted or CQC consultation. Agree

Is there anything you would like us to improve on or do differently for future consultations? No