

**Meeting date:** 8<sup>th</sup> November 2022

**Report to:** Health and Wellbeing Board

**Report title:** Proposed SEND Local Area Inspection Framework 2023

**Report from:** Tim Browne, Assistant Director - Education

**Report author/lead contact officer:** Charlotte Jones, Head of SEND

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**Wards affected:**

- All Wards |  Bickenhill |  Blythe |  Castle Bromwich |  Chelmsley Wood |  
 Dorridge/Hockley Heath |  Elmdon |  Kingshurst/Fordbridge |  Knowle |  
 Lyndon |  Meriden |  Olton |  Shirley East |  Shirley South |  
 Shirley West |  Silhill |  Smith's Wood |  St Alphege
- 

**Public/private report:**

Public

**Exempt by virtue of paragraph:**

(If 'Private', select relevant paragraph and delete the rest. If 'Public', delete all options)

1 of Schedule 12A of the Local Government Act - Information relating to any individual.

2 of Schedule 12A of the Local Government Act - Information which is likely to reveal the identity of an individual.

3 of Schedule 12A of the Local Government Act - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

4 of Schedule 12A of the Local Government Act - Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

5 of Schedule 12A of the Local Government Act - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6 of Schedule 12A of the Local Government Act - Information which reveals that the authority proposes:-  
(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

7 of Schedule 12A of the Local Government Act - Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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**1. Executive Summary**

- 1.1 The purpose of this report is to update members on the proposed changes to the way Ofsted and the Care Quality Commission (CQC) jointly inspect local area partnerships to assess how they work together to improve the experiences and outcomes of children and young people who have special educational needs and/or disabilities (SEND).

**2. Decision(s) Recommended**

- 2.1 No decision required – for information only.

## **Report Title: Proposed SEND Local Area Inspection Framework 2023**

### **1. Background**

- 1.1 In May 2016, Ofsted and CQC introduced a one-off programme of inspections to assess how well local areas were implementing the SEND reforms introduced by the Children and Families Act, and the extent to which they were meeting their responsibilities towards children and young people with SEND.
- 1.2 The programme of full inspections under that framework was completed in April 2022. There were no published judgements from this inspection programme - but only 42% of local areas have not been required to submit a written statement of action in response to the findings.
- 1.3 Ofsted and CQC have now been commissioned develop a new area SEND inspection framework to operate from early 2023 and this will put more focus on the impact that a local area partnership is having on the lives of children and young people with SEND.
- 1.4 Solihull did not receive a written statement of action from its inspection in 2017 so does not receive the same level of monitoring or revisits many other areas do. It is therefore anticipated inspection under the new framework will happen early in the inspection cycle.

### **2. SEND Proposed Framework Priorities**

- 2.1 This framework is being introduced against the backdrop of wider system reform, which will take time to develop, implement and embed. However, it is the government's view that given the widespread recognition that the SEND system is too often failing to deliver for children and young people, it would not be right to wait until those reforms are fully embedded to introduce a new framework. Its aim is therefore to promote improvement at a faster pace in the current system, while also helping the sector prepare for future reform.
- 2.2 Ofsted and CQC have sought to align the new framework with the direction set out in the green paper (including, for example, a focus on the impact local areas are having on improving experiences and outcomes for those with SEND and those in alternative provision) but have advised that the framework and handbook will need to be updated over time to reflect the landscape changes as reforms are implemented and integrated care systems are inspected.
- 2.3 Ofsted and CQC intend to promote further improvement in the SEND system by strengthening accountability and focusing on the features where local area arrangements are most effective in improving the lives of children and young people with SEND. This is so that they are well prepared for education, employment, independent living and participation in society, and to enable them to have as healthy a life as possible. They propose to do this by:
  - focusing not just on whether statutory obligations have been met but on the impact that a local area partnership's SEND arrangements has on the experiences and outcomes of children and young people

- strengthening accountability and driving continuous improvement by introducing:
  - an ongoing cycle of inspections, which includes full inspections, monitoring visits and annual engagement meetings
  - 3 inspection outcomes, which provide clearer information about how an area is performing, what needs to improve and who is accountable
  - an expectation that all areas produce and publish a strategic plan for SEND, which is updated following inspection
- gathering more evidence directly from children and young people and their families, ensuring that their views and experiences are central to our inspections.
- looking more closely at arrangements for children and young people in alternative provision.
- including social care inspectors in our inspection teams, so that we can gain a more holistic view of the impact of SEND services in an area.

### 3. Proposals of the new framework

There are nine proposals arising from the framework:

- 3.1 Focusing more on impact – Inspections will continue to take into account how statutory responsibilities are being met, but it will not be enough to simply meet these. There will be more emphasis on how effective the local area partnership’s SEND arrangements are in improving the experiences and outcomes of children and young people with SEND, and the evidence of this impact.
- 3.2 Criteria for evaluating impact – Inspections will 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. These will be explored through scrutinising evidence provided by the local area partnership, talking directly to children and young people with SEND and their parents and carers, visiting settings that provide services for children and young people, carrying out case tracking and sampling exercises, and talking to professionals. The criteria is proposed to evaluate the extent to which:
- 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 outcomes
  - children and young people with SEND are valued, visible and included in their communities
- 3.3 Inspection outcomes – it is proposed to make reports clearer by introducing 3 distinct inspection outcomes, alongside the current written feedback. The aim is to bring greater transparency by being clear about how a local area partnership is performing, what needs to improve and, through providing more precise recommendations in the reports, who is responsible for making the necessary improvements. The inspection

outcome will also set out what this means in terms of the next priorities for the local area and its future inspection activity. A high-level view of the proposed levels covers:

- i. The local area partnership's SEND arrangements typically lead to positive experiences and outcomes for children and young people (next inspection due within 5 years)
- ii. The local area partnership's SEND arrangements lead to inconsistent experiences and outcomes for children and young people; the local area partners must work jointly to make improvements (next inspection due within 3 years)
- iii. There are widespread and/or systemic failings leading to significant concerns about the experiences and outcomes of children and young people with SEND, which the local area partnership must address urgently (monitoring inspection due within 18 months)

- 3.4 Making recommendations in reports – Up until now, inspection reports have highlighted inspectors' main findings and aspects of the SEND system that worked well and those that could be improved. It is proposed to introduce clear and succinct recommendations on which weaknesses or systemic issues the local area partnership needs to address to improve the lives and experiences of children and young people with SEND and their families – including indicating which services, or parts of services, will be primarily responsible for taking forward specific recommendations.
- 3.5 Updating and publishing strategic plans following an inspection - all local area partnerships will be expected to 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 to help parents, carers and other stakeholders to understand the local area partnership's plans for developing the SEND system. Where an inspection outcome is at 'level 3' there will also be a requirement for the local area to also submit a priority action plan (area SEND) to Ofsted and the CQC.
- 3.6 Gathering more evidence directly from children and young people and their families - the views and experiences of children and young people with SEND will be the starting point of inspections under the new framework. As part of the inspection, before the on-site evidence-gathering activities, inspectors will have in-depth discussions with children and young people, and parents and carers, about their experiences and outcomes. They will also gather evidence about children and young people's experiences through tracking meetings, surveys and sampling visits. The direct evidence about children and young people's experiences will be triangulated with evidence gathered through a range of on-site inspection activities. This will enable inspectors to evaluate what aspects of the local area partnership's arrangements have led to specific experiences and outcomes for children and young people.
- 3.7 Including alternative provision – As more than 80% of children and young people who attend alternative provision are identified as having SEND, it is proposed to place greater emphasis on the experiences of children and young people who attend alternative provision. This will increase scrutiny of how local authorities use, commission and oversee alternative provision - including children and young people

with SEND who attend alternative provision as part of the tracking and sampling and other evidence-gathering activities that they carry out during inspection and gathering evidence on the local authority's strategy for alternative provision, including commissioning arrangements.

3.8 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, a monitoring inspection to assess progress will be carried out at around 18 months. The purpose of the monitoring inspection will be to assess the extent to which the local area has taken effective action, since the last inspection, to address the areas for priority action set out in the required plan and is intended to provide independent external evaluation of progress.

3.9 Introducing engagement meetings – Annual conversations with the local area partnership through engagement meetings which will focus on the continual improvement of the local SEND system to support improvement and keep a spotlight on SEND between inspections.

#### 4. Implications and Considerations

4.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>People and Communities:</p> <ol style="list-style-type: none"> <li>1. Improving outcomes for children and young people in Solihull.</li> <li>2. Good quality, responsive, and dignified care and support for Adults in Solihull when they need it.</li> <li>3. Take action to improve life chances and health outcomes in our most disadvantaged communities.</li> <li>4. Enable communities to thrive.</li> </ol>	<p>Proposals in the inspection framework will add national weight to achieving the aspirations of our Additional Needs Strategy to ensure better outcomes for children and young people.</p>
<p>Economy:</p> <ol style="list-style-type: none"> <li>5. Develop and promote the borough's economy, with a focus on revitalising our town and local centres.</li> <li>6. Maximising the opportunities of UK Central and HS2.</li> <li>7. Increase the supply of affordable and social housing that is environmentally sustainable.</li> </ol>	<p>Enter text.</p>
<p>Environment:</p>	<p>Enter text.</p>

Priority:	Contribution:
8. Enhance our natural environment, improve air quality and reduce net carbon emissions.	
9. Promote employee wellbeing	Enter text.

#### 4.2 Consultation and Scrutiny:

4.2.1 The consultation on the proposed framework ended on 13<sup>th</sup> September 2022. Current indications are that a new framework will come into place from January 2023.

#### 4.3 Risk implications, including Risk Appetite:

4.3.1 Solihull's previous SEND local area inspection took place in 2017, which was early in the last programme, so it is anticipated the local area may receive an inspection during 2023. To assist with preparation for this, discussions are taking place with the West Midlands Peer Review Group to arrange a peer review early in 2023 with a focus on the new inspection framework.

4.3.2 The SEND improvement programme has initially focused upon statutory compliance and quality of service and Education, Health and Care plans. As such, the level of evidenced high quality impact on children and young people with SEND is not sufficiently developed and the local partnerships Additional Needs Strategy is in its early days of delivery. The timing of the local area inspection in Solihull will therefore be critical to the outcome.

#### 4.4 Linkages to our work with the West Midlands Combined Authority (WMCA), Local Enterprise Partnership or the Birmingham & Solihull Integrated Care System (ICS):

4.4.1 The local area SEND inspection framework evaluates the work of the council and the integrated care board on its arrangements for children and young people with additional needs.

### 5. Background papers used to compile this report

5.1 Proposed Inspection Framework - [A new approach to area SEND inspections - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

5.2 SEND Green Paper - [SEND Review - right support, right place, right time \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)