

# **HMCI commentary: the future of area special educational needs and disabilities inspections**

## **The pandemic's impact on children and young people with special educational needs and/or disabilities and their families**

There is no doubt that children and people with special educational needs and/or disabilities (SEND) have been affected significantly by the COVID-19 (coronavirus) pandemic.

A recent report '[Left in lockdown](#)', published by the Disabled Children's Partnership, indicated that children and young people's friendships, learning, and mental and physical health have been negatively impacted. It highlighted concerns that disruption to essential education, health and care services, combined with increasing financial pressures, has left many families feeling exhausted and anxious – some even saying that they feel 'abandoned by society'. It showed that three quarters of families were no longer able to access the vital care and support that they rely on during the pandemic. Half of parents whose children receive therapies or extra support have seen this stop and many families have seen delays in statutory processes, such as annual reviews of education, health and care (EHC) plans.

The number of children and young people with EHC plans attending their school has increased steadily in recent weeks with about a quarter attending at the end of June. However, many parents have chosen not to take up the offer of a school place, due to concerns about their children's health or because they are not confident that the right provision is available at school. Understandably, parents want the return of all education, health and care services to be well planned and carefully managed, including their children's return to school.

We must thank the hard-working professionals who have helped and supported children and young people with SEND during the pandemic – many organisations and individuals have responded admirably to a vast challenge. And yet, we cannot lose sight of the significant and wide-ranging disruption to essential support and services many families still face.

## **The SEND system was struggling before the pandemic hit**

It is also clear that, despite the expertise and commitment of those working in SEND in England, many of the problems we now see in the SEND system precede the COVID-19 pandemic.

Before lockdown, Ofsted and Care Quality Commission (CQC) area SEND inspections identified a number of recurring weaknesses across local areas in England. These included:

- flaws, inconsistencies and delays in the identification of children and young people's needs
- not enough of a system-wide focus on providing high-quality universal education, health and care services
- a lack of clarity about who is responsible for what between organisations, resulting in fractures in the way professionals in these services work together

Area arrangements for identifying, assessing and meeting children and young people's education, health and care needs were frequently slow. They felt like a 'battle' for families as their concerns escalated. Too often, families were left feeling dissatisfied with their experience of area SEND arrangements because the quality of services and support failed to live up to what was envisaged in their children's EHC plans.

## **Helping to strengthen the SEND system before we re-start inspections**

We know that area SEND inspections are important to children, young people and families because they provide valuable insights into how the SEND system is working for them.

However, we are not doing these inspections at the moment. The current levels of disruption to education, health and care services, as well as changing expectations of local areas during the pandemic, would make it impossible for us and CQC to make fair, valid and consistent inspection judgements.

We therefore think it is right that we do not return to area SEND inspections in the autumn, but instead focus on other ways we can help and support local areas to strengthen the SEND system in future.

## **Understanding the impact of the pandemic and supporting local areas to respond effectively**

So, in the interim period before area SEND inspections restart, Ofsted and CQC will work collaboratively with local areas through a series of visits to:

- understand children and young people's experience and learn from what has worked well for them in this time
- support local areas to prioritise and meet the needs of children and young people with SEND in the context of the pandemic
- enable learning for all local areas, government and stakeholders on how best to strengthen the SEND system in future through a series of national reports

The visits will give us an insight into how well the system is working and allow us to see the point at which local areas will be ready for us to re-

start full inspections. We will use the expertise of our inspectors to help local areas get to that point in a strategic, supportive and evidence-based way.

These visits are not inspections, nor will they replace the current area SEND inspection cycle. They will start in the autumn term, while the inspection cycle remains suspended. We will not give a formal judgement or publish reports on individual local areas.

We will publish insights from these visits, alongside good practice and case studies, in national reports. This will help to strengthen the whole SEND system in a positive way.

## **Returning to area SEND inspection at the right time**

Ofsted and CQC began inspecting area SEND arrangements in May 2016, and we have inspected 117 local areas to date. We plan to return to full area SEND inspections to complete the current cycle as soon as it is right to do so.

The inspections so far have been valuable, as our recent [evaluation of the programme](#) has shown.

### **Positive aspects of area SEND inspections from our evaluation**

Area leaders and frontline professionals told us that the inspections have raised the profile of SEND in their local areas. They said that SEND was given a higher priority following inspection, which had helped with strategic decision-making and planning. They considered themselves to be more accountable for SEND provision across health, education, care and social care services than they had felt previously.

Frontline professionals said that the quality and coordination of EHC plans had improved because of the increased focus on SEND. Area professionals described having clearer direction from leaders and an improved structure for enabling change.

Area leaders and frontline staff also thought that receiving a joint inspection from both Ofsted and CQC reinforced their collective responsibilities. We heard that inspections have had a pronounced impact, especially in areas in which the partnership between education, health and social care had previously not been strong.

Inspection has also been a catalyst for access to some support and funding from external agencies, including the Department for Education and NHS England.

### **Limitations of current area SEND inspections from our evaluation**

Our evaluation also showed some limitations of the current area SEND approach.

The one-off nature of the inspection cycle can encourage providers and areas

to go for a short-term approach to improvement that fails to address the underlying issues in enough depth.

We have focused too much on the implementation of the government's 2014 SEND reforms and too little on the quality and impact of provision on children and young people's lives.

Area leaders and inspectors commented on the lack of focus on children's social care during area SEND inspections. Area leaders pointed out that this meant that one of the main partners in an area was neither able to articulate their contribution nor be held to account.

## **Developing a new ongoing area SEND inspection programme and framework**

I am pleased to say that the Parliamentary Under-Secretary of State for Children and Families has commissioned Ofsted and CQC to develop a new area SEND inspection framework, to launch after the existing cycle has been completed. In doing so, we will work with the Department for Education and Department of Health and Social Care, alongside the many other partners involved, to develop the future framework.

We have agreed that the new framework will improve the current arrangements by:

- introducing a continuous cycle of inspections
- focusing inspection more sharply on the experience of children and young people with SEND and their families
- featuring more prominently in inspection the quality, integration and commissioning of education, health and care services for children and young people with SEND.

### **What we will focus on**

We are using our knowledge of what has and has not worked well to help us to think about how we will inspect area SEND arrangements. We are thinking of looking at:

- whether all leaders in an area have an ambitious, realistic and shared vision for children and young people with SEND
- how well leaders and practitioners, children, young people and families work together to co-produce decisions about planning and commissioning or delivering services and support
- the quality of universal and targeted education, health, care and social care services, including preventative services and the effectiveness of the graduated approach
- whether education, health and social care leaders in an area collaborate effectively to commission and plan high-quality, child-centred services that provide 'the right help at the right time'
- how well children and young people with SEND are prepared for their adult lives

We are also looking carefully at the things we have learned from our different inspection remits, as well as the joint area SEND inspections. We are considering:

- what children and young people with SEND and their families have told us about what is working and what could be better for them
- what other stakeholders, including those we inspect and regulate, have told us about how the SEND system is working
- the things we have learned from our inspection and regulation work in social care, early years, schools, and further education and skills, as well our work with CQC and other inspectorates in area SEND inspections and joint targeted area inspections (JTAIs), and how we can better align our approaches and connect everything we know about an area

## **Putting children and families at the heart of our plans**

We want all our visits and inspection activities to improve the lives of children and young people with SEND, so that they are well prepared for education, employment, independent living and participation in society and well prepared to have as healthy a life as possible.

We will take time to listen to all our stakeholders to ensure that we understand children, young people and families' experiences and that we focus on the things that will make the biggest difference to them.