

# HMCI commentary: consulting on Ofsted's new area SEND framework

Today Ofsted and the CQC are launching a consultation on proposals for our new joint area special educational needs and/or disabilities (SEND) inspection framework, which we aim to introduce in early 2023. Our aim in developing a new approach to area SEND inspection has been to put the experiences and outcomes of children and young people with SEND at the centre of the inspection framework, strengthen the accountability of local area partnerships and place more focus on alternative provision.

We know from [our previous area SEND inspections that the SEND system has significant weaknesses](#). There are inconsistencies in the identification of needs, weaknesses in joint working across education, health and care partners, and a lack of clarity on local agencies' accountability within the system. This frequently leads to negative experiences and outcomes for children, young people, and their families.

[These issues have intensified during the COVID-19 pandemic](#), as have their effects on children and young people with SEND. There is a clear and urgent need for reform. In this context, it is the right time to refine our approach to area SEND inspections, so that they are a force for improvement in the sector to the greatest extent possible.

We have sought to align our new area SEND inspection framework with the direction set out in the [Department for Education's \(DfE\) SEND and alternative provision green paper](#) to help prepare areas for future reforms. However, it would not be right to wait until reforms are implemented to introduce our new inspection framework. We hope that our proposals will promote improvement at pace within the existing system, while helping areas to prepare for future reform.

## **SEND review: the right time for reform**

Given the need for systemic reform, I am very pleased that the DfE has set out its vision for the SEND system in the SEND and alternative provision green paper.

I welcome the DfE's efforts to address the inconsistent and often frustrating experiences that children, young people and their families face when trying to access the help and support that they need and are entitled to.

I am pleased that the green paper devotes significant attention to the role of alternative provision, given that around 80% of children who attend alternative provision have some form of SEND. Too often, we see alternative provision used inappropriately to supplement a failing SEND system, rather than placements and interventions that are in children and young people's best interests.

The green paper provides an opportunity to rethink our approach to SEND provision and I welcome the DfE's recognition that effective mainstream provision is an integral part of an effective SEND system. I want to see a system that recognises the fundamental importance of a high-quality curriculum and teaching in preventing children and young people's needs from developing or worsening. And we must acknowledge the crucial role that early education plays in this system, to give children [the best possible start in life](#). While there will always be some children who have severe, profound or multiple needs identified early in their lives, many others are identified as having SEND during key stage 2 or 3. This can often be traced back to a poor curriculum and poor teaching in the early years and key stage 1.

And parents, carers, families, children and young people should not need a diagnosis to access the support they are entitled to. Settings should put support in place as a matter of course where they identify a need, rather than waiting for a formal diagnosis. Of course, some children and young people have complex or profound needs that require quick diagnoses and access to specialist support. But at times, being too quick to move to diagnosis can risk stigmatising children and lowering adults' expectations of them.

Finally, the DfE needs to devote significant attention both to the detail of the proposed reforms – especially the proposed national standards – and to how they will be implemented. The 2014 SEND reforms had the right aspirations, but did not have the intended impact because insufficient attention was given to their implementation. It is encouraging that the SEND review acknowledges this, and I hope that the DfE will maintain this focus on implementation so as to deliver on its good intentions.

## **Area SEND: a new inspection framework to raise standards**

Our proposed area SEND inspection framework aligns with the direction set out in the SEND review, and will support local area partnerships to focus their attention on the government's future priorities. However, although our new inspection framework has been designed with future reforms in mind, the local systems in which we conduct our inspections have not yet changed. We will update our inspection frameworks and handbooks to reflect any future changes in arrangements.

In 2016, Ofsted and the CQC were commissioned to carry out a one-off cycle of inspections of local area SEND services, to evaluate how well local areas had implemented the 2014 SEND reforms.

Our new joint inspection framework aims to promote further improvement in the lives of children and young people with SEND, by broadening the focus of inspections and strengthening accountability. Our inspections will complement other Ofsted inspections that involve local area partners.

We want to broaden the focus of inspections to look at both the implementation of the 2014 reforms, and the impact that local areas' arrangements have on the experiences and outcomes of children and young

people with SEND. To achieve this, we want to gather more evidence directly from children and young people, so that we can fully understand and report on what it is like to be a child or young person with SEND in any given local area in England. We will also consider how local leaders assess the impact of SEND arrangements for children and young people through their own evaluations, so that they can continually improve the ways in which they work and the services they offer.

We plan to strengthen accountability through introducing a continuous cycle of inspections. Previously, we have seen some examples of short-term approaches that do not meet the needs of children and young people. We believe that a continuous inspection cycle will encourage better long-term strategic planning.

We are also introducing 3 distinct inspection outcomes, and reporting that makes it clear where responsibility for improvement lies. In our reports, we will focus on the impact that local arrangements are having on the experiences and outcomes of children and young people. We will set out clear priorities for the local area partnership and identify who is responsible for delivering these. We will also give clear information about subsequent inspection activity. We believe this approach will promote improvement by enabling earlier reinspection and monitoring. It will also help other partners, such as the DfE, NHS England and the Department of Health and Social Care, understand where improvement is needed and tailor any interventions accordingly.

And we are increasing our focus on alternative provision. Around 80% of children in alternative provision are identified as having SEND, and we are concerned that alternative provision is sometimes inappropriately used to supplement the SEND system. By increasing our focus on alternative provision, we will be better able to identify and report on these practices. Inspectors will evaluate a local authority's strategy and commissioning arrangements for all children in alternative provision.

We want to play our part in promoting urgent improvement in the SEND system, with the help of everyone who has a stake in that system. We want to hear your views on our proposals. Our consultation is open until September 11, and there are many ways to learn more and get involved.

Your help and involvement will help us to deliver inspections that have a tangible impact on the lives of children and young people with SEND. I look forward to hearing from you.