

NDCS response to Ofsted consultation: A new approach to area SEND inspections

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?

Agree.

We agree that the focus should be on the lives of children and young people with SEND.

We are pleased that the inspections will still take into account how statutory responsibilities towards children with SEND are being met. We would like to see a more explicit focus throughout the inspection framework on Equality Act 2010 responsibilities towards disabled children, as well as those set out in the Children and Families Act 2014 towards children with special educational needs.

This might include, for example, looking at the steps taken by public bodies (particularly local authorities) in the local area to anticipate and remove disadvantages experiences by disabled children. It might also consider how strongly embedded the culture of making reasonable adjustments is across the local area and the extent to which the local area supports accessibility planning in schools.

We believe that there is no reason why deaf children cannot achieve the same range of outcomes as other children, providing there is proactive consideration of the steps that need to be taken to support deaf children to achieve good outcomes. We also believe that a local area that waits until children fall behind before providing this support is failing deaf and other disabled children.

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?

- 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 are valued, visible and included in their communities.

Strongly agree to all.

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

Strongly agree.

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.

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.

We would like the responsibility to update and publish a strategic plan for SEND to be a 'must', rather than a 'should' and would support any measures to strengthen the statutory framework to enable this.

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.

Whilst we strongly support this proposal, we are concerned that tracking potentially just six children and young people may not provide a broad enough perspective on the wide range of different needs. We would support any proposals to go up to at least ten children and young people, with at least one child being from each of the four main areas of SEND.

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?

[no response]

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

Agree.

The inspection framework explains that Ofsted can use its discretion to carry out a monitoring inspection if any concerns about a local area emerge. We feel it would be helpful if Ofsted could set out if and how parents and other bodies can provide intelligence on any concerns to Ofsted where they feel that a monitoring inspection may be needed.

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

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

All surveys should be available in British Sign Language (BSL) for deaf children and young people who use BSL as their first language. Links to surveys in BSL should be available whenever any of the surveys are being sent out. We would be happy to put Ofsted in touch with agencies who can work with Ofsted to do this. Ofsted should also consider mechanisms by which deaf young people can respond to the survey in BSL.

Separately, we would also suggest different versions of the survey for different age groups within the 11 to 25 spectrum – for example, one for 11 to 16 year olds and another for 17 to 25 year olds.

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?

We strongly support the continuation of these inspections and the changes to the framework. We campaigned for the introduction of these inspections following the passing of the Children and Families Act in 2014 and believe it has helped to strengthen the wider SEND accountability framework.

There are two areas where we feel the inspection framework could be further strengthened:

1) Low incidence needs

One area where we would like Ofsted to go further is to introduce a more explicit and consistent focus in the inspection framework on low incidence needs, such as deafness. In particular, we would like the work of local authority specialist services for children with sensory impairment to be more closely scrutinised. We believe these services are instrumental to ensuring that deaf children's needs are identified earlier and that they receive the right help to achieve good outcomes. In a Teacher Tapp poll in 2021 of over 5,300 teachers, 96% reported that it was important they received ongoing advice and support from Teachers of the Deaf if they had a deaf child in the classroom.

We believe this focus on low incidence needs could be justified on the basis that local areas are more likely to overlook the needs of children with low incidence needs or to understand what good support to this group of children looks like.

If this is not possible, we would very strongly welcome a regular (at least annually) focus on low incidence needs in Ofsted's SEND thematic reports.

2) Resource bases

We note that in the inspection framework, Ofsted will ask the local area partnerships for information about commissioning and oversight of placements in residential special schools and out-of-area placements. We believe it would be helpful for Ofsted to also ask for information about commissioning and oversight of placements in resource bases within the local area.

We have growing concerns about how effective the relationship between a local authority and mainstream schools with resource bases is in many areas, particularly where the school has delegated responsibility for the resource base. We have come across instances where the local authority cannot tell us about outcomes achieved by deaf children that they have placed in resource provisions or even how many qualified Teachers of the Deaf are working in that setting. As such, we would welcome closer oversight by Ofsted around how well the local area is working in terms of its oversight of resource bases.

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

We believe there is a risk that deaf children who use British Sign Language (BSL) will be disadvantaged unless Ofsted takes specific steps to ensure they are able to give their views independently to the inspection team. These steps should include ensuring that all surveys are available in BSL and that mechanism are in place to ensure deaf children and young people can provide their response in BSL.

It should also include steps to ensure that where inspectors are meeting directly with children and young people, a BSL interpreter accompanies the inspection team where it is likely that any of the children being visited may use BSL as their first language. We believe it is unacceptable to rely on education settings to provide a BSL interpreter, not least because it may inhibit the deaf child from giving their full and honest views about the local area. Although not ideal, BSL interpretation can now be provided remotely via a laptop or tablet if timescales are an issue.