

# Disability and special educational needs: local area responsibilities under the Children and Families Act, 2014



**Charlie Henry HMI**

**National lead for disability and special  
educational needs**

**POET conference**

**3 March 2015**



# Local areas' preparation for the disability and special educational needs reforms



The purposes of Ofsted/CQC's survey were to:

- establish a snapshot from which progress in implementing the reforms could be considered
- provide guidance to local authorities about developing effective practice and advice about aspects requiring further development
- consider how, if required, effective accountability could take place.

- 30 local authorities were requested to complete a self-evaluation questionnaire about their readiness to implement the reforms.
- The local authorities were selected from across England and included shire counties, unitary authorities and London boroughs and included ten Pathfinder authorities.
- Inspectors also visited these local authorities to discuss preparation for the reforms with disabled children and young people and those who have special educational needs, parents and carers, school and college leaders, and senior staff within the local authorities.

- 32 special schools, 27 GFE and specialist colleges were visited.
- The responses to the questionnaire and the discussions took place four to six months before the reforms were due to be implemented and before some aspects of the proposed changes had not been finalised. The timing of the survey was also soon after a period of substantial reorganisation for many health partners.

## Main findings

- A good start had been on preparation for the reforms.
- Preparations for publication of the local offer and the transition to education, health and care plans were well advanced.
- Most had worked with healthcare partners to jointly commission services.
- Local areas were involving parents and carers in discussions about developments, although communication about these developments had not always been as effective as it could be.

## Main findings

- Local areas recognised that the effective implementation of the reforms will take time. Many, but not all, set out a process of ongoing review and improvement based on rigorous and regular evaluation, the identification of the most effective practice and feedback about things that had been less successful.

## Main findings

Some important aspects of the reforms were, at the time of the survey, insufficiently, or only partly, developed:

- the participation of children and young people and their parents and carers in decision making about local provision
- the effectiveness of communication with partners about the reforms
- identifying and meeting social care and health needs
- monitoring the identification of special educational needs
- consistency of agreements with education providers about their contribution to the local offer
- monitoring of the impact of early intervention

## Main findings

- a lack of shared understanding of what constituted 'good progress' for the lowest attaining children and young people and for personal and social skills development
- a lack of focus on achieving good outcomes in health and social care
- the development of personal budgets
- transition to adult social care and health services and where young people receive services from different local areas
- joint commissioning arrangements.

## Next steps

Given these findings, the survey recommended the introduction of accountability measures to monitor the impact of the reforms and that these should include the inspection of the effectiveness of local areas in fulfilling their responsibilities.

Any such inspection should be:

- proportionate and risk-based
- developed with young people, parents and carers, providers and services, local authorities and healthcare services
- focused on identifying need and improving outcomes in education, health and social care.

*'Edward Timpson has today also invited Ofsted to formally inspect local areas on their effectiveness in fulfilling their new duties. They will do this along with the Care Quality Commission and a local authority officer. It is hoped that robust and rigorous inspections will ensure that parents and young people receive as much information as possible about what is being offered.'*

17 December 2014

# Successful implementation of the reforms

The reforms include many structural changes, including

- special educational needs (SEN) support
- a requirement for local authorities and their health partners to jointly plan and commission education, health and care services
- education, health and care needs assessments and plans personal budget
- responsibility for young adults up to 25 years old where they remain in further education or training
- the publication of a local offer in each area.

# Successful implementation of the reforms

Effective implementation for the reforms requires more than these changes. The Act requires:

- children and young people who have special educational needs are identified accurately and in a timely way
- outcomes for them improve
- they, and their parents and carers, are satisfied with the quality of the support they receive and the outcomes they achieve.

# Successful implementation of the reforms

- In order to achieve these local areas must work in partnership with these children and young people, and their parents and carers to understand their needs so that outcomes can improve.
- Early years providers, schools and colleges must also work in partnership with the local authority and social care and health services to identify and meet these needs effectively.
- Education, health and social care services must work closely together to jointly commission the support and services their children and young people require, including where these are not located in the same area.

# Successful implementation of the reforms

- Focusing on the needs of children and young people who have an education, health and care plan cannot be at the expense of providing for those others who require support but who do not need a plan.
- Early intervention and timely support can prevent some children and young people from needing an education, health and care plan at a later stage.
- Each local authority must set out the support it expects to be available in its local offer and ensure that this information is accessible. The local offer needs to be well communicated to relevant parties and properly understood.

# Successful implementation of the reforms

- Above all, local areas must know whether their provision is improving outcomes for children young people or not. They must agree aspirational yet realistic targets for young people and monitor their progress towards achieving them. The setting of goals or targets must involve children and young people and their parents and carers.

# Successful implementation of the reforms

- The reforms present particular challenges for social care services. These services must implement the reforms, including the statutory responsibility to meet the requirements of an education, health and care plan, at the same time as continuing to meet their statutory responsibilities for child protection, looked after children and children in need. This requires the coordinated involvement of specialist teams, including those for disabled children, child protection, looked after children, early support, troubled families, youth offending and adult services.

# Successful implementation of the reforms

- Healthcare services similarly face significant changes to current practice. The challenge for health professionals is to shift understanding and culture from solely meeting clinical needs, for example providing care and treatment to support a young person's physical or medical condition, to include a focus on expectations of how educational outcomes will improve.

# Outlines of future inspection: current discussion



## **Evaluations to include:**

- Effective identification of need
- Effectiveness in meeting needs
- Local arrangements to achieve better identification and outcomes
- The overall effectiveness of the area in meeting its responsibilities

# Outlines of future inspection: current discussion



## **Inspection arrangements**

- All local areas will be inspected, with an inspection interval of up to five years.
- Inspection teams will include a HMI, a CQC inspector and a local authority inspector.
- There will be monitoring inspection visits for areas found not to be good and re-inspection for inadequate areas.
- Inspectors will review available national data as part of their preparation, including within area inspection outcomes from CQC and Ofsted.

# Outlines of future inspection: current discussion



- The field work will include discussions with elected members, key local area officers from health, education and social care, meetings with leaders of early year settings, schools and colleges.
- A strong emphasis will be placed on gathering the views of young people, and parents and carers.
- Visits will be made to a range of providers. These visits will not inspect the provision but focus on the effectiveness of the area's arrangements.
- As appropriate the findings of the area inspection will contribute to other CQC and Ofsted inspection activity.

# Outlines of future inspection: current discussion



## **Views are also sought on:**

- Engaging with children and young people, and parents and carers during inspection
- The nature of judgements to be published
- Follow up inspection activity