

HEALTH AND WELLBEING BOARD



TO:	Health and Wellbeing Board
FROM:	Linda Clegg, Director of Children's Services
DATE:	8 th March 2016

SUBJECT: Ofsted inspection of local area responsibilities for disabled children and young people and those who have special educational needs

1. PURPOSE

To update Health & Wellbeing Board members on the new local area inspections related to children with special educational needs and disabilities (SEND) and the responsibilities of partners.

2. RECOMMENDATIONS FOR THE HEALTH & WELLBEING BOARD

Each Board Member to identify a strategic lead for the SEND agenda, this is to be someone within their agency who can:

- a) work across the partnership to develop a robust governance structure to ensure effective and timely engagement and implementation.
- b) join the 0-25 SEND Board for Blackburn with Darwen, to ensure that the local area can fully meet the needs of our children and young people with SEND as set out within the Code of Practice
- c) inform the development of a multi-agency commissioning plan

3. BACKGROUND

The Department for Education has asked Ofsted and CQC to undertake inspections of the effectiveness of local areas in fulfilling their responsibilities towards disabled children and young people and those who have special educational needs, as part of the new duties contained in Part 3 of the Children and Families Act 2014.

Unlike other inspection frameworks, this is clearly a local area inspection so as a minimum it will look at all partners but particularly the local authority, health and schools in meeting the needs of children and young people with special educational needs.

The intention is that all local authority areas will be inspected over a five year period. The first inspections will commence in May 2016 and the likelihood is that these will not be graded. Instead, the report will feature strengths and areas requiring further development. The report will include recommendations, including any priority areas for action.

The inspection teams will consist of an HMI from Ofsted, a CQC Inspector and a trained inspector from a local authority. The local authority inspector will have specialist knowledge of disability and special educational needs and have a health, social care or education background. Recruitment and training for the local authority inspector positions has not yet been released.

The inspection will last for 5 days, with 2 days' notice given to the local authority Director of Children's Services and the Chief Executive of the Clinical Commissioning Group. Pilot inspections have been completed at 5 authorities (Bromley, Calderdale, East Riding, Hampshire and Kent), and the learning from these inspections will inform the framework which has not yet been published. Learning from the pilot inspections is also being shared through regional networks for local authorities to use in their inspection preparations.

4. RATIONALE

The proposed inspection framework is not yet published. However, the need for the inspection is based on the SEND 0-25 Code of Practice, statutory guidance that was published jointly by the Department for Education and the Department of Health and sets out the duties, policies and procedures which came into force in September 2014.

5. KEY ISSUES

5.1 The inspection aims to establish how effectively the local area is working together to meet its responsibilities and improve the well-being of disabled children and young people as well as those who have special educational needs.

The two key areas that are being evaluated are:

1. How effectively the local area **identifies** disabled children and young people, and those who have special educational needs.
2. How effectively the local area **meets the needs and improves the outcomes** of disabled children and young people, and those who have special educational needs.

Inspectors will form this judgement through assessment of information and evidence provided as part of the inspection, and will be looking to obtain the views of disabled children and young people and those who have special educational needs, and their parents and carers through a variety of ways.

5.1.1 Identification of disabled children and young people, and those who have special educational needs

This focuses on the identification of children and young people individually, but also the understanding at a strategic level of the need across the Borough.

There are some well-established routes that enable us to readily identify and assess these children, for example there are Early Years Forums which operate from our local Children's Centres. Representation includes an Educational Psychologist, paediatrician and a local authority SEN representative. Another example is the monthly EHCP Assessment Panel where referrals are considered; referrals are made by local authority officers, parents/carers, early years settings and schools. While professionals can also refer to this panel, applications generally come from settings.

All requirements for applications to panel are published on Blackburn with Darwen's 0-25 Local Offer, which can be viewed online at www.bwd-localoffer.org.uk. It is important that all partners ensure any services for this group of children and young people and their families, are published on this website.

We are currently refining data, performance and quality assurance frameworks based on findings from pathfinder inspections. Based on this activity there are some clear gaps:

- As a local area, we must produce an overarching needs analysis which should inform our

commissioning arrangements, and the development of existing and new services to meet that need.

- We must produce a joint commissioning plan for SEND, as a requirement of Section 3 of the Code of Practice which places the responsibility with education, children's and adult social care and the CCG.

5.1.2 Meeting the needs and improving outcomes of disabled children and young people, and those who have special educational needs

This focuses on how we are improving the outcomes for children and young people, and how well we can evidence this.

In an initial assessment of our inspection readiness, we have already identified the absence of a Dedicated Medical Officer (DMO) as a likely issue. We do not yet have a nominated DMO within Blackburn with Darwen although it is under discussion with CCG colleagues. Inspectors see the DMO role as key to provide strategic ownership within Health - the identification of need and shaping of services across the local area, not only within their own organisations and services.

Through the pilot inspections, Ofsted identified that most of the successful areas had set out a process of ongoing review based on rigorous and regular evaluation, identifying the most effective practice and feeding back about things that had been less successful. Ofsted will expect local areas to know whether their provision is improving outcomes for children and young people, and this is currently only done at case review level. We have no understanding as a local area how effective we are strategically in terms of impact on outcomes for this group as a whole.

Participation of children, young people, their parents and carers in decision making about local provision is under-developed. While there are areas of good practice, and engagement with parents and carers regarding the local authority offer has taken place, the level of engagement across the local area is unknown. In an attempt to address this gap a joint working group has been established and a proposal to develop a Borough wide platform to engage with children and young people with SEND has been submitted. The overall objective of the proposal is to develop SEND forums, where the members are empowered to directly identify areas for consultation and decide how consultation and engagement activities should be delivered themselves. This proposal has been approved and a campaign to attract volunteers to be involved has started.

6. POLICY IMPLICATIONS

Partners may wish to review their policies in line with the SEND Code Of Practice and associated guidance, which set out the duties of partners.

7. FINANCIAL IMPLICATIONS

There are no additional financial implications arising from the inspection.

8. LEGAL IMPLICATIONS

There are no legal implications.

9. RESOURCE IMPLICATIONS

There may be an impact on resources and how they are deployed as each partner agency assesses how well they comply with the inspection framework when it is published.

10. EQUALITY AND HEALTH IMPLICATIONS

The inspection will assess the effectiveness of local areas in meeting their responsibilities for children and young people with special educational needs and disabilities and in doing so help local areas improve services for this cohort of children and young people.

11. CONSULTATIONS

This paper is also being shared with the Local Safeguarding Children's Board and the Children's Partnership Board.

VERSION:	0.4
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DATE:	8 th February 2016
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BACKGROUND PAPER:	
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