Guidance

Guidance for carrying out re-visits to local areas required to produce a written statement of action

Updated 19 March 2021

Contents
Introduction
Our phased return
Purpose and focus of re-visits
Decision to re-visit a local area
Notice period
The re-visit inspection team
Sampling
Requests for deferral
Before the re-visit
Provisioning evidence
Timeline
Feedback to leaders
Inspection activity
After the re-visit
Inspection quality assurance
The inspection evidence base
Complaints

Print this page

Introduction

On 19 March 2020, all routine Ofsted inspections were suspended due to the COVID-19 pandemic. As a result, we suspended your last special educational needs and disabilities (SENDIASS) inspection and re-visits to local areas that had been required to produce a written statement of action (WSOA).

Local area leaders and practitioners have continued to provide services to children and young people with SEND and their families through the pandemic.

Ofsted and the Care Quality Commission (CQC) carried out a series of interim area SEND visits to enter to:

- support individual local areas to understand the impact of the pandemic on children and young people with SEND and their families
- find out what has worked well for them during this time, what the challenges have been and any lessons learned
- support local areas to identify opportunities for improvement that address the remaining challenges found by inspectors at their last inspection
- highlight positive case studies and share insights nationally to provide whole system learning

During these re-visits, inspectors will want to explore:

- area leaders' understanding of the impact of the pandemic on children and young people with SEND and their families, including any disproportionate impacts
- how leaders have used their understanding to adapt their plans to address the areas of significant weakness identified in the SEND

The legal context

Duties on local areas regarding provision of support for children and young people with SEND are contained in the Children and Families Act 2014, and regulations made under the Act. The local area includes the local authority, clinical commissioning groups (CCGs), schools, early years providers, post-16 providers, youth justice services, schools and further education providers. The duties are equivalent in all the statutory guidance documents for children and young people's services (Ofsted's remit). These duties come into force in September 2014.

At the request of the Minister of State for Children and Families, Ofsted and the CQC inspect, under section 20 of the Children Act 2004, the effectiveness of local areas in fulfilling their duties.

The Children Act 2004 Care Quality Commission (Inspection of Local Authorities and Primary Care Trusts) Regulations 2009 requires the Regulatory Inspectorate, as appropriate, also the principal authority responsible for drawing up the WSOA will be.

Modifications due to COVID-19

Some of the duties placed on local areas in sections 42 and 43 of the Children and Families Act 2014 have been modified by the Coronavirus (Children and Families) (Miscellaneous Modifications) (England) Regulations 2020. The regulations made by the Secretary of State under the Coronavirus Act 2020. The regulations were Pts and 3 p. 420. They were reminded Italy from 1 August 2020.

Also, the Special Educational Needs and Disability (Coronavirus Amendment) Regulations 2020 modified the requirements in relation to the Education and Health Care Plan (EHCP) process, including the 20 week statutory timeline for EHCP needs assessment. These modifications replaced the prescribed timeline with a requirement to complete the assessment as soon as 'reasonably practicable'. They expired on 25 September 2020.

Guidance from NHS England for mental health services for children and young people from July 2020 sets out the importance of children, young people and families receiving the support they need to address the impact of the pandemic on the mental health of children and young people with SEND (including therapy services) should be prioritised in the NHS's response to COVID-19.

Purpose and focus of re-visits

Ofsted and the CQC will carry out routine monitoring inspections of local areas.

The purpose of the re-visit is to determine whether the local area has made sufficient progress in addressing the areas of significant weakness detailed in the WSOA.

If inspectors identify any new significant weaknesses during the re-visit, we will reference these in the re-visit letter. We may also use this information to determine the focus of a subsequent re-inspection. Inspectors will use the SEND inspection framework. Any new significant weaknesses identified at the re-visit will not trigger a requirement for a new WSOA. This is because the re-visit is not a new inspection.

Given that these re-visits will be taking place during a period of disruption caused by the pandemic, local area leaders should be prepared to discuss with inspectors how they have:

- understood the experiences and needs of children and young people with SEND and their families, during the pandemic
- involved children and young people with SEND and their families in co-producing services during the pandemic
- worked collaboratively to prioritise, adapt and provide the services and support that children and young people with SEND and their families need

Inspectors will use this information to understand the challenges the local area may have found in addressing the weaknesses in the WSOA during this difficult period.

Decision to re-visit a local area

Ofsted and the CQC usually will re-visit areas within 18 months of the WSOA being declared fit for purpose. As we resume re-visits from April 2021, we will take account of the length of time that has elapsed since a local area was required to produce a WSOA.

Safeguarding

Inspectors will always have regard to how well children and young people are helped and protected so that they are safeguarded. Inspectors will not provide a separate judgement of this aspect of a local area's work.

Inspectors will always follow our safeguarding policy if, during the re-visit, they receive information that raises concern about the safeguarding of children or young people. Inspectors will follow our inspection of safeguarding in local areas framework, alongside the framework and this operational note. It sets out the principles we should take to inspecting safeguarding.

It is also essential that inspectors, local areas and providers are in contact with each other to the statutory guidance in relation to safeguarding:

- keeping children safe in education: statutory guidance for schools and colleges
- Working together to safeguard children 2018

The re-visit inspection team

The re-visit inspection team will have experience of area SEND inspections. The team will include a lead inspector (LI) who will be a Ofsted Her Majesty's Inspector or a CQC inspector (if possible. Ofsted will be the same inspectors who carried out the inspection.

Senior HMI from Ofsted and nominated inspectors from the CQC will quality assure the re-visits. The respective inspectorates will agree how these re-visits will be quality assured.

Notice period

The HMI will notify the director of children's services (DCS), as the representative of the local area, 10 working days before the start of the re-visit. The DCS will inform leaders at the relevant CCG(s). Inspectors will make a follow-up call that day to discuss the logistics of the re-visit and to request the local area's self-evaluation. We will ask as key point contact for the re-visit team, so that they can inform other leaders and other arrangements. During the call, inspectors will discuss how they will carry out the re-visit, including the use of virtual meetings and how they will meet with local government guidance on COVID-19 restrictions. Inspectors and local area leaders will carry out evidence gathering activities remotely if required.

The lead inspector will ask the DCS or an appointee for inspectors to speak to a representative of the local area's children in care council, care leavers' forum and the LAAC(s) or groups for parents and carers to give their consent for their children to attend remotely. The inspector will share the questions that they will ask the children and young people at the focus or discussion sessions the re-visit.

The local area is responsible for informing all stakeholders of the dates of the re-visit.

Requests for deferral

Ofsted and the CQC do not anticipate that a re-visit to a local area will be deferred other than in exceptional circumstances, such as an extreme weather event or other major incident. The DCS should contact the lead HMI or the CQC lead inspector as soon as normally be a reason for deferring an inspection.

If local areas have concerns about the timing of a re-visit, they may submit a deferral request to the lead inspector at least 10 working days before the start of the re-visit inspection. The lead HMI must notify Ofsted through the special educational needs inspection mailbox.

Ofsted and the CQC will both consider requests and will make decisions on deferral jointly. We will consider each individual request on its merits and in line with Ofsted's deferral policy.

Before the re-visit

The re-visit team will have 2 planning days before the on-site visit. The lead inspector will notify the local area and the CQC lead will notify CCG leaders. Ofsted will also do so the notification to the local area. The lead inspector will also notify the parent carer forum (PCF) or other parents' group mentioned in the WSOA. Ofsted.

During this discussion, the lead inspector will inform the PCF (or similar group) of what will be the focus of the inspection and what will happen during the re-visit. The PCF will be invited to email or call the lead HMI. The lead HMI will discuss how best to engage with parents and carers.

Throughout the re-visit, inspectors will collaborate closely with the local PCF (or similar group) to gain an accurate understanding of their experiences.

Inspectors will also discuss questions for parents and carers to answer through an online survey. Inspectors will also discuss questions for the PCF (or similar group) to ensure that they are appropriately phrased. The survey will go live on the fifth day before the re-visit at midday.

Timeframe

Day	Lead	Activity
-10	Thursday	Local area notified of the re-visit (Ofsted). HPI requests information from the local area and PCF (or similar group). CQC notified (inspectors).
-9	Friday	Inspectors contact PCF (or similar group) and ask for suitable candidates to take part in focus group.
-8 to -5	Friday to Wednesday	HPI and CQC inspectors review updated evidence and identify activities (morning).
-5	Friday	Telephone conversation HPI, CQC inspectors, and LA lead leaders (approximately 1 hour). Inspectors discuss initial lines of enquiry. Telephone conversation between HPI, CQC inspector, and parent forum PCF (or SEND and SEN if appropriate).
-4	Monday	Online focus for parents (focus of meeting).
-3	Tuesday	Online focus for parents (focus of meeting).
-2	Thursday	Online focus for parents (focus of meeting).
-1	Thursday	Inspectors contact Ofsted. Ofsted may also have some parent responsibility for SEND. Inspectors will discuss with Ofsted. Inspectors will discuss with Ofsted. Inspectors will contact parents and ask for their preferences. Inspectors will discuss with Ofsted. Inspectors will contact parents and ask for their preferences. Inspectors will discuss with Ofsted. Inspectors will contact parents and ask for their preferences.
0 (HPI Tuesday	Tuesday	Inspectors attend the 'Tuesday' meeting (Ofsted) and discuss the information and the decision of the inspection. Inspectors will discuss with Ofsted. Inspectors will discuss with Ofsted. Inspectors will discuss with Ofsted.
0 to 4	Monday	Provisional judgement meeting. Confirm judgements. Feedback (afternoon).

Note that the above timeline is illustrative. In practice, inspectors and local areas will discuss and agree the precise timing of activities.

Feedback to leaders

The HPI and CQC inspectors will have one-to-one or much meeting each day if the re-visit is longer than 2 days. Feedback on the local area's progress in addressing the areas of significant weakness detailed in the WSOA.

The attendees at this feedback meeting will be agreed between the lead HPI, the CQC inspector and the LAD. However, those likely to attend include:

- the DCS
- the director of children's services and elected members responsible for SEND
- senior managers of the local authority who are responsible for the implementation of the Children and Families Act 2014 reforms, including the strategic development and commissioning of services for children and young people with SEND and their parents
- the chief executive(s) of the CCG(s) or their representative(s)
- senior health service managers responsible for the implementation of the Children and Families Act 2014 reforms, including the strategic development and operational delivery of services for children and young people with SEND
- the local NHS England and NHS Improvement (NHSE/I) lead
- representatives of the local area's education, health and social care providers and services

The re-visit letter

The lead HPI is responsible for writing the re-visit letter and submitting the evidence to Ofsted shortly after the re-visit ends. The CQC inspector will provide the lead HPI with details of finalising the re-visit letter. It is the inspection team that reaches the judgements.

The letter will include:

- the decision about whether the local area has made sufficient progress in relation to each of the various weaknesses identified at the initial inspection
- a clear and brief summary of the effectiveness of leaders' actions against each weakness identified at the initial inspection
- where relevant, information about how the pandemic has impacted the children and young people with SEND in the area, their families and the local SEND system, and how the local area has responded to this impact
- reference to any other services, providers, along with evidence, as identified by the LAD, and clarification that these will be communicated to the DfE and NHS England and NHS Improvement (NHSE/I) (where the inspection has found a concern about the SEND framework)

As far as possible, and subject to the outcome of the quality assurance process, the findings in the letter will be consistent with the feedback given to the local area at the end of the inspection.

Quality assurance process

Re-visit letters will be quality assured by Ofsted and the CQC before we send the draft letter to the local authority and the CCG.

The draft letter is restricted and confidential to the DCS and the chief executive(s) of the CCG(s). The local authority and CCG are responsible for ensuring that the letter is shared more widely in partnership.

The local authority and CCG(s) will have 10 working days to comment on the draft letter. Ofsted will then publish the letter on its website. The local authority and CCG(s) are expected to enable multi-agency consideration. The HPI will review whether the letter is factual and other comments, and amend the letter as necessary. The HPI will liaise with CQC inspectors and Ofsted's quality assurance team. The HPI will then send the letter and the CCG(s) of the lead HPI's response to the local area's comments to Ofsted.

The local authority and CCG(s) will receive an electronic version of the final letter, usually within 28 working days of the end of the inspection.

In exceptional circumstances, Ofsted and the CQC may decide that a report should be subject to further quality assurance checks. This may result in a delay in publication in these circumstances. If this is the case, we will inform the local authority and CCG(s) promptly about any impact to the publication timeline for the report.

Publication

Ofsted will publish the re-visit letter on the local authority SEND section of Ofsted's search website, normally within 30 working days of the end of the inspection. The CQC will publish the letter on its website alongside reports arising from other local area inspections and other inspections of services.

As required by The Children Act 2004 Care Quality Commission (Inspection of Local Authorities and Primary Care Trusts) Regulations 2009, a copy of the final letter will be sent to:

- the Secretary of State for Education
- the Secretary of State for Health and Social Care
- the chief executive of NHS England
- the principal authority in the local area (Ofsted will inform the principal authority in different areas local authority)
- any other people or organisations that Ofsted considers appropriate for the review of the inspection

Ofsted will also publish the report on the Ofsted's SEND section of Ofsted's search website.

After the re-visit

If a local area has made sufficient progress in addressing all of the areas of significant weakness, the CQC and NHS England will stop making their formal quarterly monitoring and challenge visits.

If a local area is making insufficient progress in addressing any of the areas of significant weakness, the CQC and NHS England will determine the nature of the further action to include the Secretary of State using their powers of intervention. Ofsted and the CQC will not carry out any further re-visits unless directed to do so by the Secretary of State.

Inspection quality assurance

Ofsted and CQC jointly ensure the quality of inspections through a range of formal processes. HPI and Senior HPI may join a local area SEND inspection to quality assure the inspection. Ofsted and the CQC will also use a sample of local area SEND inspections to provide off-the-quality assurance of SEND inspection activity. Ofsted and CQC may also evaluate the quality of an inspection evidence base. The lead HPI will be responsible for feedback to the inspection team. Ofsted and the CQC will also conduct their own.

The quality assurance of a re-visit aims to ensure that:

- there is consistent and evidence application of the re-visit guidance and methodology
- emerging concerns or gaps in the inspection evidence are quickly addressed
- the LI which is confident that the re-visit is being carried out in line with the evidence
- any concerns raised by the local area about the re-visit are resolved
- the LI and the inspection team are kept informed of emerging concerns raised by the local area at the end of the re-visit

All inspectors are responsible for the quality of their work. The lead HPI must ensure that they carry out re-visits in accordance with the principles of inspection and the code of conduct.

Complaints

If concerns arise during an inspection, these should be raised with the lead HPI as soon as possible. The lead HPI will attempt to resolve the matter before the inspection is completed.

If it has not been possible to resolve concerns, a formal complaint can be raised under Ofsted's complaints procedure. Ofsted will process and coordinate the investigation of the complaint on behalf of both inspectorates.

The inspection evidence base

Ofsted and the CQC will retain the evidence base for the inspection in accordance with the relevant information sharing agreement. Inspectors will provide a copy of the evidence requested by Ofsted or the CQC. Inspection evidence must be kept for longer than 6 months when, for example:

- safeguarding concerns have been identified
- there is a potential or current litigation claim against Ofsted or CQC, such as a judicial review
- a complaint has been made
- inspectors are of a sensitive nature or are likely to be of national or regional importance due to high levels of political or press interest