

# Lamb Inquiry

Special educational needs and parental confidence

## **Inspection, accountability and school improvement**

**Report of the Lamb Inquiry to the  
Secretary of State**

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August 3rd 2009**

[www.dcsf.gov.uk/lambinquiry/](http://www.dcsf.gov.uk/lambinquiry/)

# Inspection, accountability and school improvement

## 1. Introduction

1. The Lamb Inquiry was established to investigate a range of ways in which parental confidence in the SEN system of assessment and provision might be improved. One of the key sources of evidence for the Inquiry is the work of the eight innovative projects which are exploring a range of ways in which parental confidence might be improved. The evaluations of the projects will be available in early August. More background information about the Inquiry can be found on the website: [www.dcsf.gov.uk/lambinquiry/](http://www.dcsf.gov.uk/lambinquiry/)

## 2. The current commission

2. Last December I wrote to the Secretary of State presenting initial evidence from early meetings of the Inquiry with parents. These meetings highlighted failures to comply with a number of SEN and disability requirements. These failures created gaps in information for parents and had a significant impact on parental confidence. In his reply, the Secretary of State asked me to carry out a review of SEN and disability information requirements and to report to him in April 2009. The April report is on the Lamb Inquiry website.

3. The review of SEN and disability information requirements, took the Inquiry into issues of accountability. The April report makes recommendations on school improvement partners, on some aspects of school self-evaluation and Ofsted inspections and in the covering letter accompanying the April report, I raised further concerns about whether SEN and disability issues have sufficient priority within the inspection provisions and the accountability framework as a whole.

4. In his reply to the April report, the Secretary of State said:

*I note your concern about whether the Ofsted inspection provisions, and the wider changes to the school improvement and accountability framework, give sufficient priority to SEN and disability. While I accept your recommendations in this area, I would welcome your advice by July on whether any changes to the framework and its implementation are necessary, including through legislation.*

5. This report is in response to this commission.

6. To support the Inquiry in its work the DCSF commissioned an analysis of the evidence on inspection and other forms of accountability. This analysis was carried out by the Institute of Education, University of London. The Inquiry received a number of submissions that address issues of accountability and, in particular, detailed evidence from the National Deaf Children's Society (NDCS). Accountability was also the subject of discussion at our meetings with parents and with other groups, most recently at three stakeholder events held in London and Leeds. I want to acknowledge the contribution of all of those mentioned above and of the Lamb Inquiry Reference Group, the networks they represent and my group of Advisers. They have all contributed to the findings and the recommendations in this report.

### **3. Background to the current review**

7. For disabled children and children with SEN, the success of systems of accountability depends on two key factors:

- the extent to which that form of accountability includes information on children with SEN;
- the extent to which those operating the system, including those and receiving and using information, have skills in and knowledge and understanding of SEN and disability.

8. On the first count, two key systems of accountability omit significant numbers of disabled children and children with SEN:

- key stage threshold measures;
- Reporting and Analysis for Improvement through School Self-Evaluation (RAISEonline).

9. Key Stage Threshold measures: many disabled children and children with SEN are not visible in the key stage threshold measures because they are working below these levels.

10. RAISEonline does not currently include teacher assessment data on children with SEN who are working below the level of the test at each key stage. I welcome the guidance recently published by the National Strategies and the DCSF<sup>1</sup> to support schools, local authorities and others in judging the progress made by pupils. I also welcome plans to develop data on pupils with SEN within RAISEonline. However, in the mean time this form of accountability is not fully operational for children with SEN.

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<sup>1</sup> DCSF and National Strategies (2009) *Progression Guidance 2009–10: Improving data to raise attainment and maximise the progress of learners with special educational needs, learning difficulties and disabilities*

11. This leaves a hole in wider systems of accountability as both school improvement partners and Ofsted inspectors use data in RAISEonline to inform their discussions with, and their inspection of schools. This leaves greater reliance on the skills, knowledge and understanding of those operating the systems of accountability. It also means that there is greater reliance on other forms of accountability.

12. In terms of the skills, knowledge and understanding of those operating systems of accountability, the April report from the Inquiry recommended training for all school improvement partners. It also made recommendations on some aspects of school self-evaluation and Ofsted inspections. The main focus of this report is on school and local authority inspection. The Inquiry will return to other forms of accountability in the September report.

13. This report draws significantly on the analysis carried out for the Inquiry by the Institute of Education, University of London.<sup>2</sup> This in turn drew on:

- an examination of the evidence of reports on inspections carried out under the revised 2005 inspection framework;
- evidence from those inspected: head teachers and SENCOs, and their local authority advisers and managers;
- a survey of SENCOs carried out by the Special Educational Needs Joint Initiative for Training (SENJIT) in 2007/8;
- submissions to the Inquiry from voluntary bodies, particularly the detailed reports provided by the NDCS.

14. The Inquiry also took into account of the evidence, the briefings and the debates on John Bercow's Private Members Bill, the Special Educational Needs and Disability (Support) Bill, which was supported by the National Autistic Society and other voluntary organisations.

15. In addition, the Inquiry received a number of submissions that address issues of accountability and, in particular, detailed evidence from the National Deaf Children's Society (NDCS) that was forwarded to and included in the Institute of Education analysis. Accountability was also the subject of discussion at our meetings with parents, with groups of professionals and with the Reference Group and the Advisers to the Inquiry.

16. The report from the Institute of Education indicates some key ways in which the judgments made under the 2005 framework are currently compromised:

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<sup>2</sup> Institute of Education (2009) Report for the Lamb Inquiry on SEN and disability in school inspection and accountability

17. *No comment*: references to SEN and disability may simply be absent. In a random sample of 35 inspection reports, the majority of reports, 29, contained no SEN or disability related references.

18. *Thin evidence base*: the evidence base for judgments made by inspectors is sometimes thin:

- for one school, the inspection report draws solely on a quote from a parent to justify the statement that the provision in a unit is excellent;
- in a number of inspections, SENCOs reported that they had no discussions with inspectors and were not asked to provide information about pupils:

*I felt SEN was not even given a cursory glance. I was surprised I was not interviewed, records were not looked at.*

19. *Conflicting evidence*: the detailed work carried out by the NDCS draws attention to a number of reports where there is evidence that conflicts with the judgments in Ofsted reports. For a unit for pupils with a hearing impairment in one school, there was evidence from specialist support services to the Tribunal indicating poor leadership, lack of focus on outcomes and poor acoustic environment. The Ofsted report gave a broadly positive view of the unit.

20. *Lack of focus on attainment*: a number of reports demonstrate a lack of focus on attainment and outcomes:

- reports where there is a description of the support provided but no consideration of the impact of the support or outcomes for pupils with SEN:

*...low attainers and those with learning difficulties benefit from the wide range of support they receive.*

- another report places the judgment on the quality of the provision for pupils in a unit in the section of the report on Care, support and guidance, not the section on attainment;
- in the random sample of 35 inspection reports, only one made reference to outcomes for pupils with SEN and disabilities.

21. In comparisons between reports of the short inspections of schools carried out under the revised 2005 framework and earlier inspection reports, the Institute of Education identifies poverty of or lack of both evidence and judgments on SEN and disability. This comparison was particularly stark when they examined evidence and judgments of resourced provision and units. I welcome the fact that with the introduction of the new framework from

September, the short inspections will cease.

22. What is the impact of these shortfalls in accounting for the progress of disabled pupils and pupils with SEN?

23. Our meetings with professionals indicate that schools welcome secure judgments of their performance: they want to be properly evaluated and see it as an opportunity to consider how they can do better. Judgments that they know were ill-informed because of a lack of an evidence base or judgments that are insecure because of the lack of knowledge on the part of an inspector undermine schools' confidence in and respect for the inspection system.

24. Less rigorous standards of accountability for this group of children convey a message to parents, schools, local authorities and others that outcomes for this group of children have a lower priority than for other children.

25. Parents reported to the Inquiry that they are left 'policing the system.' It is difficult for them to find reliable information on the quality of school provision for disabled children and children with SEN. Even more damaging to parental confidence is the discovery that concerns about the provisions at their child's school are overlooked, or dismissed in a positive judgment in the inspection report on the school.

26. Judgments that are not secure on SEN and disability can undermine local work on school improvement. Through their survey, the Institute of Education identified a number of local authorities where advisers were concerned about provision for pupils with SEN in a school or unit. Advisers were working with the school to improve provision and outcomes, but a good or outstanding judgment from Ofsted undermined their work and meant, in one case, that the work came to an abrupt halt, the school thinking that they no longer needed support.

27. In the new framework, Ofsted<sup>3</sup> sets out the three essential functions of inspections of schools. Inspections:

- *provide parents with information; this informs their choices and preferences about the effectiveness of the schools their children attend or may attend in the future*
- *keep the Secretary of State (and parliament) informed about the work of schools. This provides assurance that minimum standards are being met;*

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<sup>3</sup> Ofsted (2009) The framework for school inspection: The framework for school inspection in England under section 5 of the Education Act 2005, from September 2009

*provides confidence in the use of public money; and assists accountability*

- *promote the improvement of individual schools, and the education system as a whole.*

28. Any doubt about the security of the judgments made at the level of individual institutions casts doubt on how well these three functions are currently fulfilled in respect of disabled children and children with SEN.

#### **4. Recommendations**

29. Twenty percent of the children in our schools are identified with special educational needs and the SEN Code of Practice states clearly that *All teachers are teachers of pupils with special educational needs*. Yet systems for inspection, accountability and school improvement have historic and structural weaknesses on SEN and disability and we cannot currently be confident that those who are charged with making a judgment about the quality of the education provided for pupils with SEN can do so on the basis of a good understanding of what good progress is or how best to secure it.

30. I have already recommended, in my April report, that all school improvement partners should receive training on SEN and disability. I will want to say more about governor training and other forms of accountability in September. The focus in this report is on the inspection of schools and local authorities.

31. I welcome the introduction of the new Ofsted inspection framework from September 2009. It will give a new priority to the quality of education offered to vulnerable pupils including disabled pupils and pupils with SEN. I welcome the commitments and the changes made following my report earlier this year:

- the commitment to ensure that the parent questionnaire provides inspectors with detail on the views of parents of disabled children and children with SEN;
- changes to make compliance with the statutory requirements on SEN and disability an explicit part of the school self-evaluation form; and
- changes to include outcomes for pupils with SEN as a consideration in making a limiting judgement on school effectiveness.

32. In addition, I understand that under the new framework parents will continue to be able to complain to Ofsted where they have concerns about provision for disabled children and children with SEN and that such complaints may trigger an inspection at their child's school.

33. I believe that all these are important steps in securing improved accountability for disabled pupils and pupils with SEN. However, I am not persuaded that these measures on their own will lead to more secure judgments in respect of SEN and disability. I believe these new arrangements need to be underpinned by a clear duty on Ofsted in respect of disabled pupils and pupils with SEN, to ensure that both the current and any future inspection frameworks deliver improved accountability for this group of pupils.

**(1) I recommend that you place a specific duty on Ofsted to report on the quality of the provision for disabled pupils and pupils with SEN in schools.**

34. Given the importance of high quality provision in the early years in both identifying and addressing SEN early and in preventing difficulties later, you should consider extending this duty to cover the inspection of early years provision.

35. To ensure that judgements made during inspections are secure:

**(2) I recommend that all inspectors receive training on SEN and disability, both HMI and inspectors working for the inspection providers.**

36. The new framework demands higher levels of knowledge, skills and understanding. All inspectors need to demonstrate that they have met the standard of necessary to inspect provision for disabled pupils and pupils with SEN and to make secure judgments in schools about the quality of the education offered. There needs to be a continuing programme of training with a strong focus on judging schools' expectations of and outcomes for pupils. HMI with SEN and disability expertise should assure themselves that inspectors meet the necessary standards.

37. In addition, where there is resourced provision or special school provision for a particular group of pupils, it must be the expectation that inspectors have the skills to inspect the provision effectively. Inspection providers need to ensure that they can provide inspectors with the necessary specialist skills. This may mean recruiting inspectors with the relevant professional background, for example, to ensure secure judgements in schools with provision for pupils with a hearing impairment, inspection providers might consider recruiting and training teachers of the deaf.

**(3) I recommend that additional inspectors with skills in particular areas of SEN and disability have enhanced training to work with the inspection providers.**



38. Expertise in a particular area of SEN does not necessarily equip someone with the skills to inspect schools and services. Recruits with SEN expertise would need training and preparation to an enhanced level that would enable them to act as a resource to the inspection team. Again, HMI with SEN and disability expertise should assure themselves that inspectors have met the necessary standards.

39. Schools should also be pro-active in ascertaining before the inspection that the inspection team will include the necessary expertise to form a secure judgment on the quality of the provision made by the school and alert the inspection provider where this is not the case.

#### **At a local authority level**

40. The variation in the operation of the system is one of the most notable factors that we have identified to date. The variation has its impact, both positive and negative, on the progress of children and on parental confidence: the Inquiry has met some of the happiest parents in the land and some of the angriest parents in the land. My concern is how this variation for disabled children and children with SEN is identified, celebrated where it is working well and challenged where practice is poor or where there are breaches of statutory duties.

41. I believe that much of the information is already available within the system. The DCSF already gathers a significant amount of information about how different parts of the system are working. It holds a wide range of data, including the National Indicators, which show attainment, absence and exclusions for children with SEN (and, from 2011 for disabled children). Much of this the information will be brought together in the SEN Information Act publication. The DCSF also receives a number of letters and complaints each year.

42. In addition, I believe the DCSF should regularly bring together information on the effectiveness of provision and parental satisfaction from a wider range of sources including: the First-tier Tribunal (SEN and Disability); complaints to the Local Government Ombudsman; the National Strategies; and evidence from voluntary organisations, particularly those who can provide such evidence as the pattern of calls to help lines.

43. As Secretary of State you should use the information that has been gathered together to decide whether there is evidence of a failure on the part of any local authority to fulfil its statutory duties or whether any local authority has acted unreasonably. Following thorough investigation:

**(4) I recommend that where you find that a local authority has failed to fulfil its statutory duties towards disabled children or children with SEN or**

**where a local authority has acted unreasonably, as Secretary of State you should use your powers under the Education Acts to issue a direction to that local authority to address the failure.**

44. The information gathered by the DCSF should also be provided to Ofsted to inform the joint inspectorate Comprehensive Area Assessment (CAA) process. The CAA process involves a consideration of a range of outcome measures, including measures for children and young people against relevant Every Child Matters indicators from the National Indicator Set and progress against targets in local area agreements. The annual performance rating for the council also draws on the outcomes of Ofsted's inspection of local services, including schools.

45. Under the arrangements the only planned programmes of inspection will be on safeguarding, looked after children and a separate programme of Inspecting Youth Offending, led by Her Majesty's Inspectorate of Probation. Other inspections can be triggered where there are concerns about outcomes, performance or improvement levels.

**(5) In determining where an inspection should be triggered I recommend that inspectors have available a range of information that can inform them about outcomes for disabled children and children with SEN and about parental satisfaction.**

46. This evidence needs to be gathered and analysed by HMI with SEN and disability expertise and used to inform:

- the need to trigger an area inspection;
- the inspection questions that need to be asked;
- any training needs for inspectors;
- any focus for thematic review by specialist SEN and disability HMI.

47. Any triggered inspections in local authorities based on issues for disabled children and young people or those with SEN should be carried out by specialist inspectors to mirror practice when inspecting schools.

48. The information available to specialist HMI for this analysis should include evidence from within and beyond the CAA process:

- the number of schools in the area for whom limiting judgments have been given in respect of outcomes for disabled pupils and pupils with SEN;
- where the information is available, indicators that contribute to the rating of local authorities need to be disaggregated to show outcomes for children with SEN and further disaggregated to show outcomes for children with different impairments;
- parental surveys should also be disaggregated to show any differences

- in levels of satisfaction for parents of pupils with different types of needs; the information that I have recommended is brought together by the DCSF.

49. A protocol needs to be agreed with Ofsted about the evidence that the DCSF will provide on a regular basis. I would ask you to set in train discussion of this at the earliest opportunity. Along with my advisers, I would like to have the opportunity to comment on the protocol as it develops.

50. Given the significant responsibilities that local authorities retain for disabled children and children with SEN, and given the concerns we have heard through the Inquiry, I would anticipate that a number of local authorities would have a triggered inspection for SEN and disability. If this does not transpire, I believe that, at the next opportunity, the inspection of services for disabled children and children with SEN should become part of the planned programme of inspections along with safeguarding and looked after children.

## **5. In conclusion**

51. The report on SEN and disability information from the Inquiry in April has already made recommendations on training for all school improvement partners. The Inquiry may want to return to other forms of accountability in the September report. I want to emphasise again that I do not believe that any one of the recommendations on its own will lead to the improvements that we need in the system. The impact of will only be realised through the overall approach I want to recommend in September.

## **Appendix 1: Recommendations**

1. I recommend that you place a specific duty on Ofsted to report on the quality of the provision for disabled pupils and pupils with SEN in schools.
2. I recommend that all inspectors receive training on SEN and disability, both HMI and inspectors working for the inspection providers.
3. I recommend that additional inspectors with skills in particular areas of SEN and disability have enhanced training to work with the inspection providers.
4. I recommend that where you find that a local authority has failed to fulfil its statutory duties towards disabled children or children with SEN or where a local authority has acted unreasonably, as Secretary of State you should use your powers under the Education Acts to issue a direction to that local authority to address the failure.
5. In determining where an inspection should be triggered I recommend that inspectors have available a range of information that can inform them about outcomes for disabled children and children with SEN and about parental satisfaction.