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Guidance

Area SEND inspections: support and challenge following inspection

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Applies to England

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Our ambition for children and young people with special educational needs and disabilities (SEND) is that they will thrive, fulfil their potential, and lead happy, healthy and productive adult lives. This means making sure they have access to the right support, in the right place and at the right time. Inspections help to improve local area SEND service delivery to make sure this happens.

‘Local areas’ or ‘local area partnership’ refers to those in education, health and care who are responsible for the strategic planning, commissioning, management, delivery and evaluation of arrangements for children and young people with SEND who live in a local area. A local area is the geographic footprint of a local authority.

The Department for Education (DfE) and NHS England (National and Regional) have been supporting local areas to improve their SEND service delivery for a number of years. This includes a monitoring, support and challenge relationship following an inspection by Ofsted and the Care Quality Commission (CQC). This guidance explains what happens depending on the outcome of the inspection.

In designing the support and challenge approach, DfE worked closely with NHS England (National and Regional) to come up with a set of high-level principles to guide our teams. These are:

- taking a proportionate and evidence-based approach to improvement work
- taking a holistic view of the context of, and challenges in, a local area
- increasing the intensity of the support and challenge response across the 3 outcomes, pitching support and challenge at the correct, accountable partners
- celebrating and sharing effective practice

DfE and NHS England (National and Regional) support and

challenge approach

As set out in the Children and Families Act 2014, the responsible commissioner for SEND in health is the integrated care board. (There may be occasions where NHS England is the responsible commissioner for specialised services, in line with the [roadmap for integrating specialised services within integrated care systems](#).)

NHS England holds integrated care boards to account for the delivery of their statutory duties. This relationship is set out in the [NHS England operating framework](#).

NHS England will work with integrated care boards to make sure that the outcomes from each inspection are considered as part of the routine oversight approach described in the [NHS England oversight framework 2022/23](#).

Outcome: SEND arrangements typically lead to positive experiences

The local area partnership's SEND arrangements typically lead to positive experiences and outcomes for children and young people with SEND. The local area partnership is taking action where improvements are needed.

After the report has been published, the Minister for Children, Families and Wellbeing will write to local area leaders to acknowledge the outcome and its findings. This will set out effective practice and positive outcomes.

'Local area leaders' refers to, among others, local area leaders from the local authority and integrated care board.

Meetings

DfE officials and NHS England Region will invite local area officials to an informal, optional meeting to discuss the findings of the report in more detail. This may involve:

- exploring the local area partnership's effective practice
- how the local area's strengths may support DfE's role in national improvement
- an offer of support to area officials to update their strategic plan

DfE and NHS England Region will offer local area officials annual strategic conversations to talk about the current landscape across the local area partnership.

Continued support

Until the local area's next full inspection, DfE officials will stay in regular contact with local area SEND officials to:

- discuss the local area's strategic direction
- offer DfE support where needed
- continue to disseminate identified effective practice

DfE offers a variety of programmes that offer improvement support to local areas. While a local area that has received a positive outcome is unlikely to need this support, this will be assessed on a case by case basis. DfE will take action and offer support where necessary.

Outcome: SEND arrangements lead to inconsistent experiences

The local area partnership's arrangements lead to inconsistent experiences and outcomes for children and young people with SEND. The local area partnership must work jointly to make improvements.

After the report has been published, the Minister for Children, Families and Wellbeing will write to local area leaders to acknowledge the outcome and its findings. This will set out identified effective practice and positive outcomes. The minister will ask the local area to focus on any areas that have been identified for improvement.

DfE officials and NHS England Region will find out if the local area has a SEND improvement board

and, if appropriate, will ask to attend board meetings. If there is no board, officials will discuss whether one needs to be set up.

Meetings

DfE and NHS England Region will send out a formal invitation to local area officials to attend a meeting of senior officials. The invitation will ask the local area to:

- provide a copy of its current strategic improvement plan
- send a summary of how the partnership will address the areas for improvement identified by the inspection

The meeting will focus on:

- the local area's plans to deliver improvements
- the capacity and capability of the local area partnership
- the approach to updating the strategic plan

Outside the meeting, DfE and NHS England Region will offer challenge and support to update the strategic plan to a standard that they can monitor. Officials may also offer ongoing support to the local area.

Continued support

DfE and NHS England Region will meet with local areas every 6 months to discuss progress and offer support. The meetings will start from 6 months after the updated strategic plan is published, and will be held every 6 months until the next full inspection.

These formal meetings will review the local area partnership's progress against their strategic plan and recommendations from the inspection report.

DfE officials and NHS England Region will ask the local area for evidence of progress before each meeting.

Between these formal meetings and until the local area's next full inspection, DfE officials will keep in regular contact with local area SEND officials to discuss the local area's strategic direction and to offer DfE support where needed.

DfE will prioritise local areas that receive this outcome for support packages.

Outcome: there are widespread and/or systemic failings

There are widespread and/or systemic failings leading to significant concerns about the experiences and outcomes of children and young people with SEND, which the local area partnership must address urgently.

If a local area receives this outcome, the Minister for Children, Families and Wellbeing may be minded to issue an improvement notice to the local authority with the view that the local area make improvements quickly and effectively.

After the report has been published, the minister will write to local area leaders to acknowledge the outcome and its findings. It will ask the local area to make the required improvements quickly.

DfE officials and NHS England Region will find out if the local area has a SEND improvement board with an independent chair. If there is one, they'll attend board meetings. If there is no board, they'll ask the local area to set one up with an independent chair, and they'll attend board meetings.

Meetings

DfE and NHS England Region will send out a formal invitation to local area officials to attend a senior officials meeting. The invitation will ask the local area to send a summary of how the partnership will address:

- areas for priority action (APA)
- areas for improvement identified by the inspection

The meeting will focus on:

- the local area's plans to deliver improvements at pace
- the capacity and capability of the local area partnership
- the approach to writing the priority action plan and strategic plan update

Outside the meeting, DfE and NHS England Region will offer challenge and support to:

- produce the priority action plan
- update the strategic plan to a standard that they can monitor

Officials may also offer ongoing support to the local area.

If the minister is minded to issue an improvement notice, officials will discuss this with local authority leaders.

DfE and NHS England Region will meet with senior representatives of the local area every 6 months to review progress against the priority action plan and strategic plan at a strategic level.

They will:

- identify any concerns about the approach
- decide next steps
- offer DfE support where needed

Between these stocktake meetings, DfE and NHS England Region will meet with the local area to discuss progress against each APA in detail, in a deep dive meeting. They'll thoroughly review the available evidence and explore progress against each APA to work out the next steps.

Between formal stocktakes and APA deep dives, and until the local area's Ofsted and CQC monitoring visit, DfE officials and NHS England Region will keep regular close contact with local area officials to engage with and support the local area's improvement process.

Continuing support

It's likely that all local areas that receive this outcome will need and receive some form of support from DfE and its delivery partners. The intensity and length of this support will depend on the need in each local area.

Local areas that receive a widespread and/or systematic failings outcome will be DfE's highest priority for support packages.

Interaction with local area inclusion plans

The SEND and alternative provision improvement plan committed to all local areas developing a

local area inclusion plan by the end of 2024.

Once these plans are in place, they will be a key document for local areas to review and update following a SEND inspection by Ofsted and CQC.

DfE and NHS England Region will also use them to hold areas to account for actions being taken to improve services.

Improvement notices following an inspection

When an inspection report identifies a local area that has widespread and/or systemic failings, the minister will consider issuing an improvement notice to the local authority, unless there is compelling and strong evidence not to. This is to make sure that they improve their services quickly and effectively.

NHS England (National and Regional) will work with integrated care boards to make sure that the outcomes from each inspection are considered as part of the routine oversight approach described in the [NHS England oversight framework 2022/23](#).

Process for issuing an improvement notice

After the final inspection report has been published, a senior DfE official will contact the local authority giving notice that the minister is minded to issue an improvement notice.

DfE will discuss the improvement notice at the senior officials meeting with the local authority and explain the process.

Following this meeting, the minister will write to the local authority giving formal written notice that they're minded to issue an improvement notice. Local area officials will have 10 working days to respond to any factual inaccuracies in the minded to issue documentation.

Following the local authority's response, the minister will write to senior local area leaders issuing the final improvement notice letter. The letter will contain, among other detail:

- the reason for issuing the improvement notice
- the requirement to set up a SEND improvement board with an independent chair
- the next steps and actions for the local authority

DfE will then [publish the improvement notice on GOV.UK](#).

If there is persistent or whole service failure, DfE has a range of further interventions to bring about fast improvement. These include issuing a statutory direction and appointing SEND commissioners.

Written statements of action

Some local areas will still be implementing actions from a written statement of action as a result of an inspection under the previous framework. In this instance, DfE and NHS England Region will continue to monitor, challenge and support these local areas as they did before.

Reducing or ceasing written statement of action monitoring

Written statements of action are linked to Ofsted and CQC in regulation. Neither DfE nor NHS England can cease a written statement of action.

However, if DfE and NHS England (National and Regional) jointly decide that the local area has made progress against actions in the written statement of action, the formal monitoring cycle associated with the written statement of action may be either reduced or ceased.

Written statement of action monitoring where concerns are escalating or progress is not sufficient

If DfE and NHS England (National and Regional) decide that the local area is not making enough progress against its written statement of action, they may increase the frequency and intensity of monitoring. DfE might also offer further support programmes.

In the most concerning cases, DfE may consider issuing an improvement notice or a statutory direction.

Accelerated progress plans

Some local areas will still have an accelerated progress plan following a revisit by Ofsted and CQC under the previous framework. In this instance, DfE and NHS England Region will continue to monitor, challenge and support these local areas as they did before.

This activity will continue until either:

- the local area is inspected under the current framework, or
- DfE and NHS England (National and Regional) decide that the local area has made enough progress to cease the accelerated progress plan

Ceasing an accelerated progress plan for a local area

DfE can cease an accelerated progress plan if both:

- DfE and NHS England decide that the local area has made enough progress against its accelerated progress plan and it's no longer needed
- the local area has not yet been inspected under the current framework

This should not be seen as confirmation that the local area has effective services overall – only that it's made enough progress against the weaknesses in the accelerated progress plan.

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