

# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

## DECISION TO BE TAKEN BY:

**Cabinet Member for Education and Skills**

## DECISION NO:

24/00026

**For publication** [Do not include information which is exempt from publication under schedule 12a of the Local Government Act 1972]

### Key decision: YES

*Key decision criteria. The decision will:*

- a) *result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000); or*
- b) *be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions – which will include those decisions that involve:*
  - *the adoption or significant amendment of major strategies or frameworks;*
  - *significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality.*

### Subject Matter / Title of Decision

**The Locality Model for Special Educational Needs Inclusion**

### Decision:

As Cabinet Member for Education and Skills, I agree to the to adoption the Locality Model for Special Educational Needs Inclusion in Kent.

### Reason(s) for decision:

#### Background

- In May 2023, at KCC’s Children Young People and Education (CYPE) Cabinet Committee, the CATIE was set out as KCC’s strategy for 2023-28. The CATIE established KCC’s collective ambitions for children, young people, and their families in Kent. Professionals working together in a collaborative, sustainable system to ensure equity of education, meaning children feel they belong, are respected, and valued as individuals, and are fully supported to achieve their best.
- The CATIE, signposted within the DfE’s Safety Valve Agreement with Kent, states it will “develop a school/area-led approach to [...] SEN support services (Locality Based Resources), to better respond to the needs of children and young people with Special Educational Needs and Disability (SEND)”.
- CATIE’s Priority Two aims to develop community working and implement structures that support children and young people with SEND in Kent to have their needs met within their own locality, wherever possible.
- As part of KCC’s work towards delivering on CATIE priorities a Locality Model has been developed, with the aim of improving the outcomes for children and young people with SEND in Kent. This proposal went out to public consultation between November 2023 and January 2024.

#### Financial Implications

- Kent currently spends approximately £45m on specific high needs allocations to schools per annum. Approximately 40% of this are for SEN support services for individual children and the remainder to children with an EHCP. This is funded from the High Needs Block of the Dedicated Schools Grant (DSG), a specific ring-fenced education grant from the Department of Education. The council is one of a number of local authorities which are part of the DfE Safety Valve Programme to support those councils with the highest overspends on SEN services to achieve a financially sustainable longer term position. The Kent's Safety Valve agreement with the DfE states:

"The authority agrees to implement the DSG management plan that it has set out. This includes action to:

3.1. Implement a countywide approach to 'Inclusion Education', to further build capacity in mainstream schools to support children and young people with Special Educational Needs and Disabilities (SEND), thus increasing the proportion of children successfully supported in mainstream education and reducing dependence on specialist provision.

3.7. Ensure there is sufficient and consistent capacity across the county to support children with severe and complex needs in their local area where possible.

3.8. Develop a school/area-led approach to commissioning of SEN support services (Locality Based Resources), to better respond to the needs of children and young people with SEND"  
(page 2 and 3 DfE DSG 'Safety Valve' Agreement: Kent)

- Kent must implement a sustainable approach to HNF to meet the DfE Safety Valve agreement and to ensure financial sustainability in this area moving forwards; the Locality Model will build the robust governance and monitoring processes required to implement the necessary new approach.

#### Legal implications

- Under the Children and Families Act 2014 KCC has a duty to 'to support the child and his or her parent, or the young person, in order to facilitate the development of the child or young person and to help him or her achieve the best possible educational and other outcomes' and by doing this we are delivering on our obligation in accordance with this legislation.

- Local authorities must follow government guidance on distribution of their HNF Block and work under the SEND Code of Practice 2015, these guidance documents were used in the development of the Locality Model proposed. Links are provided below in the 'Supporting Documents' section.

#### Equalities implications

- An equality impact assessment (EqIA) was provided within the public consultation and has been updated following 160 items of feedback. The updated EqIA is linked in the 'Supporting Documents' section. The Locality Model EqIA will regularly be reviewed if the model is adopted and will be kept under review as implementation progresses.

#### Other Alternatives Considered and risks if decision isn't taken.

The Locality Model structure is designed to add greater transparency to the High Needs Block and allow more creative use of current resources, its implementation supports KCC's Safety Valve Agreement with the DfE and other local initiatives which is a risk if not undertaken.

#### **Cabinet Committee recommendations and other consultation:**

**The Children's and Young People Cabinet Committee consider the decision on 16 May 2024**

**Any alternatives considered and rejected:**

Three main options were considered:

- to maintain the current system
- to implement a Tariff system
- to implement a Locality Model

Option one was discounted as an impracticable solution; it is not currently performing well in Kent, there is current inconsistency in mainstream SEN inclusion and provision, along with a lack of effective monitoring systems and accountability. Ofsted have stated, poor standards are achieved, and progress made, by too many pupils with SEN under the current system.

Option two could have been viable but was discounted due to its identified limitations. A tariff system for mainstream would provide clear and transparent arrangements with a prescriptive allocation of resources but tends to be used in conjunction with individual funding allocations for children with EHCPs, rather than for wider operations and funding of SEN Support Services. The elements of inflexibility it would bring were also considered too restrictive for SEN support services, and unsupportive of innovative use of resources for mainstream if used on its own.

Option three was viewed as the best path for KCC to explore and define and develop further with partners. The Locality Model is designed to improve the quality of the mainstream education offer in Kent, through early and accurate identification of need, high quality teaching of a knowledge-rich curriculum, and timely access to specialist health and care support, as well as alternative provision placements where they are needed.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

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signed

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date