



Direct Dial/Ext: 03000 417387  
e-mail: james.clapson@kent.gov.uk  
Ask for: James Clapson  
Date: 13/1/2025

Dear Member

**CHILDREN'S, YOUNG PEOPLE AND EDUCATION CABINET COMMITTEE - THURSDAY, 16 JANUARY 2025**

I am now able to enclose, for consideration at next Thursday, 16 January 2025 meeting of the Children's, Young People and Education Cabinet Committee, the following report(s) that were unavailable when the agenda was printed.

**Agenda Item No**

11 **24/00120 - SEN Funding System January 2025** (Pages 1 - 70)

12 **24/00121 - SEND Strategy 2025-28** (Pages 71 - 116)

Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Watts', is written over a faint, illegible printed name.

Benjamin Watts  
General Counsel

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**From: Rory Love, Cabinet Member for Education and Skills, and Sarah Hammond, Corporate Director of Children, Young People and Education**

**To: Children, Young People and Education Cabinet Committee**

**Subject: Special Educational Needs Funding System**

Decision no: *24/00120*

**Key Decision:**

- It affects more than 2 Electoral Divisions
- It involves expenditure or savings of maximum £1m

**Classification:** Unrestricted

**Past Pathway of report:** None

**Future Pathway of report:** None

**Electoral Division:** All Divisions

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**Is the decision eligible for call-in?** Yes

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**Summary:** This report details the findings of (and proposed way forward after) a school consultation into how Special Educational Needs (SEN) funding paid by the Council to state-funded schools should be delivered in Kent. This activity is closely linked to the implementation of other Special Educational Needs transformation projects including, a locality model for school inclusion, the Specialist Teaching and Learning Service review, the special school and Specialist Resourced Provision reviews.

**Recommendation(s):**

The Children's, Young People and Education Cabinet Committee is asked to **CONSIDER** and **ENDORSE** or **MAKE RECOMMENDATIONS** to the Cabinet Member for Education and Skills on the proposals as set out in the Proposed Record of Decision (PROD).

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**1. Introduction**

- 1.1. Special Educational Needs and/or Disabilities (SEND) can affect a child or young person's ability to learn. They can affect their behaviour or ability to socialise, their reading and writing, their ability to understand things, their physical ability and their concentration levels. Children may be eligible for SEN Support (support given in school, such as speech therapy) or have an Education, Health and Care Plan (EHCP) (a plan of care for pupils who have

more complex needs). A child or young person of compulsory school age has SEN if he or she has (a) a significantly greater difficulty in learning than the majority of others of the same age, or (b) a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools.

- 1.2. Kent County Council (KCC) is responsible for the distribution of Special Educational Needs (SEN) funding to schools and colleges to enable a pupil with high needs to participate in education or training (referred to as Element 3 top-up funding in this report<sup>1</sup>). This funding is intended to contribute towards the delivery of support to children where the level of additional support required to access education exceeds £6k. Where a funding contribution is agreed this is expected to be fully funded from the High Needs Block (HNB) of the Dedicated Schools Grant (DSG), provided by the Department for Education (DFE).
- 1.3. The method for allocating SEN funding by the Local Authority (LA) to support pupils in either a mainstream school, Specialist Resource Provision (SRP) or special school has not been fundamentally reviewed for a number of years, with the last significant funding review of special schools and SRPs taking place in 2010, and mainstream school funding reviewed in 2018. The combined spending on SEN top-up funding in mainstream schools and the total costs of places in SRPs and special schools equates to approximately 57% of the total High Needs Grant Income in 23-24. Therefore, it was important to review the current system for allocating funding and whether it was still aligned to, and supported the aims of, the wider SEN Transformation programme in Kent (including actions identified in both the Accelerated Action Plan, Safety Valve and Countywide Approach To Inclusive Education (CATIE) strategy).

## **2. Key Considerations**

- 2.1. This report sets out the proposals for the ongoing development of a new single overarching SEN funding model for the payment of Element 3 top-up funding for state-funded school high needs support in mainstream, SRP, and special schools. The proposals set out the principles of implementing a model whereby funding allocations for individual (or groups of) children with SEN are more closely aligned to the level of adaptation to the curriculum required. With funding allocations agreed either by the LA using a tariff, graduated according to level of adaption required, or by schools through the Community of schools (locality model) for mainstream children on SEN Support or with lower-level support needs. See Appendix 4.
- 2.2. The review of the current funding arrangements for state-funded schools is closely linked and informed by the implementation of other SEN transformation projects including, the locality model for school inclusion, the Specialist Teaching and Learning Service (STLS) review, the special school and SRP reviews. The future funding model for the payment of Element 3 top-

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<sup>1</sup> Schools can also refer to this as High Needs Funding or Element 3

up funding to state-funded schools has been aligned with the underpinning principles of these associated projects.

- 2.3. This review and proposals are also set in the context of wider SEN transformation in response to previous SEN OFSTED outcomes along with implementing actions in-line with Kent's Safety Valve agreement to address the overspend in the HNB of the DSG. With current annual overspending expected to be brought under control by utilising a more collaborative, transparent system, which will work together to create stability and ensure future financial sustainability. Whilst the historic deficit is expected to be paid off through additional contributions from both KCC and the DfE, which have already helped to reduce the accumulated deficit from £147m in 22-23 to £96m by March 2025, with further reductions expected in future years.
- 2.4. With payments to state-funded schools to support children with SEN accounting for 57% of the spend on HNB of the DSG in 2023-24, with spending increasing by 76% (c£103m) in the past 5 years, the future funding model for these payments must be sustainable over the longer term. Changes to the funding model are not intended to cost more but to redistribute funding to schools more equitably based on the level of adaption required to meet the needs of children and young people with SEN, and to place closer control by KCC around the HN budget available to support SEN in state-funded schools.
- 2.5. Whilst this paper focuses on Element 3 top-up funding contributions made by the LA to state-funded schools to support children with SEN, this is in the context that all mainstream primary and secondary schools receive funding to support SEN provision in their school, using their overall school budget (Element 1 and Element 2 funding). The DfE define this element of the school budget as the SEN Notional Budget. Kent schools have benefitted from an increase in their SEN Notional Budgets from £80.3m in 2017-2018 to £190.3m in 2024-2025. While this funding is not 'ring fenced', KCC has drafted further guidance to assist schools to use this funding more effectively.

### **3. Background**

- 3.1. Following the publication of the SEN review in March 2023, the direction of travel of the national government elected in July 2024 is to build on the recommendations from the Green Paper and take a community-wide approach, improving inclusivity and expertise in mainstream schools, as well as ensuring special schools cater to those with the most complex needs.
- 3.2. As part of KCC's work to address relevant areas of weakness of the two most recent Ofsted SEN inspection's, an independent review of funding for children and young people with SEN in Kent mainstream schools was undertaken in 2022. The review formed part of KCC's work to improve the lived experience for children and young people with SEN, and that of their parents, carers, and families.
- 3.3. The review found KCC had the highest HNB of all the shire counties (£734 per resident, compared to an average of £614), with spend exceeding annual budget allocations. As a result, KCC built up the significant overspend (see 1.2) which is unsustainable. Despite this higher-than-average allocation, KCC

had seen little impact on improved school experience and outcomes, or parental satisfaction. Even with the increased amount of funding spent on supporting pupils with high needs, demand for specialist provision and places continued to grow. This suggested the current system was not working as well as it could to get the best outcomes for pupils.

- 3.4. A suite of reports on the county's SEN Transformation were presented at the Children's, Young People and Education Cabinet Committee on 16 May 2024, one of which related to the structures that would support increased local collaboration, ([Report Pack - Item 8a, p53-80](#)). After public consultation the **decision** was taken in August 2024 by the Cabinet Member for Education and Skills to proceed with the locality model implementation ([Locality Model for Special Educational Needs Inclusion | Let's talk Kent](#)).
- 3.5. Part of adopting a locality model in Kent for SEN Inclusion, now called the Communities of schools, was to establish how the HNB of the DSG would be delivered in Kent to meet the agreements made in the [Safety Valve](#) with the DfE.
- 3.6. Implementing structures like the Communities of schools within a new locality model and embedding updated thresholds within a Continuum of Need and Provision will strengthen and empower the system to make collaborative decisions, utilise resources more easily and swiftly, in a more consistent way.
- 3.7. The national direction of travel indicates that the majority of children with SEN can have their needs fully met by their mainstream school and be funded through a school's normal annual budget allocation, which includes the presumption the school will allocate funding to support children with SEN. Whilst each school will make its own local choices as to how much of its budget is spent on supporting SEN, the LA is required to estimate the proportion of a school's annual budget that could notionally be attributed to support SEN (defined as the SEN Notional Budget). For a small proportion of children in the county, where the additional costs of supporting a child exceeds £6k, the LA currently operates four different funding systems in Kent to determine the contribution towards these additional costs in state-funded schools:
  - Mainstream school High Needs top-up funding rate: a claims-based system, where schools can apply for additional funding where costs of additional support is greater than £6k. These applications can be made for children with an Education, Health, and Care Plan (EHCP) or those on SEN Support.
  - SRP top-up funding rate: there is a unique average rate for each provision based on the primary need type of children supported and the size of the setting. The first £6k of cost is paid to the provision as core funding with the remainder paid as top-up funding (in line with DfE requirements)
  - Special school top-up funding rate: each special school has a unique set of average funding rates for each different primary need of child supported, based on the size and other school related factors. The first £10k of the place funding is paid to the setting as core funding, with the remainder paid as top-up funding (in line with DfE requirements)

- Exceptional Pupil Need (EPN) funding rate: a claim-based system used by SRPs and special schools to apply for additional funding where the average top-up rates are not sufficient. Whilst a proportionately smaller area of spending, EPN claims have increased significantly in the past 2 years.

3.8. The proposal is to implement a single overarching model for Element 3 top-up funding for allocating funding to state-funded schools (see Appendix 4), that aims to: provide equity within the SEN system, offer sustainability for the future, and support improved outcomes for Kent's children and young people who have SEN. Aligning with the development of the Continuum of Need and Provision, the funding model will ensure the HNB supports the whole system, offering reduced bureaucracy, increased flexibility and transparency, and swifter delivery. Using the principles of the locality model to build peer-to-peer moderation, along with continued LA oversight, will support the greater sharing of innovative approaches for more cost-effective support for children with SEN. Setting standard tariffs and defined community budgets will allow greater budget control over the contributions made to state-funded schools to meet the outcomes of children with SEN.

3.9. KCC launched a funding consultation after completing the following activities:

- Gaining the key decision in August 2024 to proceed with the locality model for mainstream schools
- Reviewing SRP provision countywide
- Reviewing special schools across the county (which included consultation with parents and young people)
- Considering other LA funding models, the SEN Code of Practice 2015, other DfE guidance (High Needs Funding 2025-26 operational guidance) and national reviews (High Needs Budgets: effective management in local authorities, Research report, June 2022) (*both reports linked in Section 13*)
- Undertaking a series of workshops with a range of headteachers

The consultation was needed because:

- There is a need to move to a financially sustainable model to ensure that KCC can continue to provide a good quality education that meets the needs of all children with SEN
- There is a need to move from four different models of Element 3 top-up funding to one model which encompasses the whole system for state funded mainstream schools, state funded mainstream schools with SRPs, and state funded special schools (see section 3.7 for a summary)
- There is a need to give schools time to understand the model and the implications for their current provision and for future provision
- There is a need to bring equity to how KCC funds schools and to move away from the current individual 'claims based' system which is dependent on 'need type', diagnosis, and relies on individual officer decisions

3.10. The consultation was designed to seek views from schools on proposed changes specifically in relation to Element 3 top-up funding

arrangements for children with SEN in all schools and academies in Kent. The changes are designed to promote inclusive practice and incentivise a culture of local collective responsibility whereby children with SEN can be provided for and welcomed locally.

- 3.11. KCC went out to schools between the 19 November and 6 December 2024 to consult on the following points:
- The **principles** of a single funding system for the future (see Appendix 4)
  - The **formula** for how KCC will calculate the funding for the Communities of schools to implement the Localities model for mainstream schools
  - How funding is used to meet the needs of children who have significant needs in special schools, SRPs and mainstream schools
  - How to support schools to **transition** from one model to another
- 3.12. 221 individual responses were received, 1 collective response from Diocese of Canterbury and 1 collective response received from Kent Association of Leaders in Education (KALE).
- 3.13. A full analysis, and KCC's response to the findings, can be found at Appendices 1 and 2.
- 3.14. The key findings and proposed recommendations are outlined below. For ease, these have been split between special schools and SRPs, and Mainstream schools, reflecting the difference in how this overarching model for funding is intended to be implemented in the different settings.
- 3.15. Overall, the reoccurring theme from schools was how they felt they could not agree with proposals as they could not model the impact of the proposals for their individual school, and so did not feel they could support them.
- 3.16. Where financial information was provided (for example: indicative Community budgets based on the proposed formula vs current funding allocations), this was not considered sufficient. As set out above, the intention of the consultation was to seek views on the **principles** of how Kent's HNB should be distributed in future, in a fair and equitable way, to state-funded schools to contribute towards the support arrangements for children with SEN, within the funding envelope we have available. Final rates cannot be determined until pupils have been assessed and mapped against the Continuum of Need and Provision. Funding descriptors aligned to the relevant part of the Continuum of Need and Provision can then have a funding amount assigned, based on the number of pupils mapped at each tariff. We explicitly did not include specific rates now, on the advice and experiences of other LAs, to avoid the risk of misleading schools by supplying notional rates that may be determined to be unaffordable once the distribution of children against the tariff was fully understood.
- 3.17. Instead, it is expected the calculation of the specific funding allocation rates would be completed as part of further stages of work, which will be informed by the outcome of the consultation and finalising the funding descriptors to be applied by KCC, in-line with the financial envelope. This work is planned to take place during 2025, ready to set the rates for



publication at their usual time of release to schools. This will be undertaken with full engagement with schools and other relevant stakeholders. These rates and budgets would then be reviewed each year, in-line with the affordability within the HNB, and subject to an annual key decision (in-line with the rest of school budget cycle).

3.18. Following analysis of the feedback from the consultation, KCC has prepared a series of responses to address where further action is needed, and where refinements are required for full implementation. See Appendix 2.

3.19. **The proposed recommendations for special schools and SRPs:**

- To proceed with the next stage of implementing a tariff model for funding SRPs and special schools, including finalising the proposed descriptors which will apply
- To plan to implement the funding model from September 2026
- Implementation will focus on developing the tariff funding rate model during 2025 which will be subject to further key decision (in-line with normal school budget setting processes). In response to the consultation, further consideration will also be given as to whether different tariff rates should apply to mainstream, SRP, or special schools and whether size/other factors should be considered
- Implementation will also consider the financial impact of the change in the funding model to individual schools. A maximum gains and losses approach will be developed to support transition (in response to the consultation) and will be subject to further key decision.

3.20. **The proposed recommendations for mainstream schools:**

- To proceed with the next stage of implementing a tariff model for determining the funding pathway of children with an EHCP in mainstream schools
- To plan to implement the tariff model from September 2026 rather than the April 2026 in-line with SRPs and special schools (in response to the consultation)
- The next stage of work will focus on developing the tariff funding rates structure and descriptors for children with higher levels of support during 2025 (with the same considerations as SRPs and special schools). These will be subject to further key decision in-line with normal budget setting processes)
- Each Community of schools will have a budget, managed and administered by KCC, where schools will make recommendations to allocate funding to individual or groups of schools (or to KCC commissioned services) focused on services to support children on SEN Support and for children with an EHCP with lower-level support needs (where additional costs of support exceed £6k)
- Schools will still be expected to fund the first £6k of additional support in-line with DfE guidance (except where a school may be eligible for SEN notional top-up, not subject to this consultation or key decision)

- The methodology for calculating each Community budget will be based on 50% population and 50% deprivation factors of which IDACI<sup>2</sup>, number of Looked After Children and low prior attainment will be included as part of the basket of indicators. The inclusion of low prior attainment factor is in response to the consultation feedback. The use of historic allocations to support transition to the new formula budget will be phased out over 2 years
- Further consideration will be given to a future option which could recognise and amend Community budgets based on number of children supported locally rather than at SRP or special school (either state-funded or independent)
- Transition model for implementation of Community budgets will be implemented from April 2025 and will be in place until the new funding model is fully implemented
- The current claim system for mainstream Element 3 top-up funding will cease from April 2025, with existing claims for individual children continuing to be paid directly to schools until August 2025 (with the no requirement to renew)
- Existing rates for children with EHCPs (above £6k) will continue to be paid directly to schools until August 2026 (until the new funding model is fully implemented)
- The Community budgets will be implemented from September 2025; to support all children on SEN Support and for children with an EHCP with lower-level support needs (for the transition period this is defined as a child with an EHCP whose existing Element 3 top-up allocation is less than £6k). The Community budget will also consider new EHCPs issued during the transition period. A level of protection to existing claims will be offered until August 2026 to support transition to new model (see 3.21)

3.21. In response to the consultation where greater elements of protection have been requested, four options have been developed for the implementation of the Community budgets:

**4 solutions for Community Budgets (introduce protection):**

- A. Proceed as per the consultation – **no further protection** - SEN Support cases and low support EHCP cases (under £6k) access funding via Community of school referrals from September 2025.
- B. Change in response to consultation – continue with Community budgets for all SEN Support cases and low support EHCP cases but **apply a level of protection to all existing claims** (the exact level will be determined based on affordability but is expected to be around 50% to 75%) until August 2026.
  - Communities can opt out to remove this protection and start with the full model from September 2025 (or April 2025 if they want to be early adopters if all processes are in place).

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<sup>2</sup> Income Deprivation Affecting Children Index

- For Communities who opt to implement the protection, it means schools will work together to consider funding requests for a much smaller budget aimed at new applications or further contributions to support existing cohorts of children, where that may be requested.
- C. Change in response to consultation – continue with Community budgets for all SEN Support cases and low support EHCP cases but **apply protection to all SEN Support cases greater than £6k** until August 2026 (in the same way as EHCPs).
- Therefore, Communities focus on referrals with current HNF of less than £6k in first year – plus all new cases.
- D. Change in response to consultation – **implement a 3-month delay to decision-making for existing cases** through the Community of schools starting from January 2025 to enable further time for school resource planning and establishment of groups.

3.22. The preferred solution is B above, which allows Communities who are ready to make the changes start work within their Communities sooner. This will allow targeted work to be done with those Communities who may still need more time for implementation. This option also allows protection for SEN Support in schools.

#### 4. Options considered and dismissed, and associated risk

4.1. Three other funding model options were considered:

- Option 1 - to maintain the current funding systems
- Option 2 - to solely implement a Tariff funding system
- Option 3 - to solely implement a Locality Model funding system

4.2. Option one was discounted as unsustainable for Kent. Existing systems for allocating the funding from the HNB of the DSG are not currently performing well in Kent. There are currently four different systems for allocating Element 3 top-up funding to support children with high needs attending either special schools, SRPs or mainstream schools. Leading to lack of transparency and equity as to how funding is allocated to settings for children with comparable requirements for support or specific provisions. This is also being reflected in the increase in exceptional claims for individual children in SRP and special schools, where their average funding rates are no longer sufficient. The current system is also heavily dependent on the use of the “primary need” type of a child to determine the funding rate which is being impacted by waiting times for diagnosis and does not reflect the level of support required. During the time these systems have been in operation, the level of overspend on high needs has continued to increase, with higher numbers of EHCPs being requested and demand for more specialist provision continuing to increase, whilst previous OFSTEDs have identified SEN outcomes were not being achieved. This further indicates how our current methods for distributing SEN funding to schools is not sufficiently aligned to meet the required levels of support.

- 4.3. Option two was discounted as a viable 'one single' model for Kent due to tariff systems<sup>3</sup> tending to be used in conjunction with individual funding allocations for children (those with EHCPs) rather than for wider operations and funding of SEN Support in mainstream. The inflexibility this system would bring were considered too restrictive for SEN Support services in the county and would be unsupportive of innovative use of resources (for mainstream) if used on its own. Merits were noted however in the stability a tariff model could offer smaller cohorts of pupils with higher levels of need.
- 4.4. Option three was discounted as a viable 'one single' model for Kent because the flexibility was considered too much for the whole system at the current time; the county needs higher levels of financial oversight and accountability due to the sustained levels of overspend in the HNB. Merits were noted however in the innovative and adaptive way it could serve mainstream schools for pupils with wider support needs.
- 4.5. Options considering Community of school implementation are outlined under section 3.21.
- 4.6. In addition, consideration was also given at an early stage whether Element 3 top-up funding was limited to children with an EHCP only, and contributions towards individual children on SEN Support or other discretionary services in mainstream schools was ceased altogether. This was discarded on the basis that whilst the historic practice of contributing towards SEN Support services in Kent had not reduced the demand for EHCPs (as had been the original intention), the underlying principle should still be retained, and that an investment in SEN Support should continue but there needed to be greater visibility on the extent of expenditure, its impact, and for spend to be more closely aligned to the budget available. Primary and secondary schools are currently investing 1.2% of their school budget to support services for greater inclusion in mainstream education, this is avoiding more excessive cuts to discretionary services such as SEN Support. This should be the starting point when determining the budget that can be afforded for these related services (see section 5.5).

## **5. Financial Implications**

### **5.1. Financial Implications - KCC**

Total spending on mainstream top-up, SRP and special school places is forecast to be approximately £225m in 2024-25. Top-up funding for mainstream schools is forecast to be approximately £50m and includes funding for SEN Support services for individual children (equating to approximately 40% or £20m) along with funding for children and young people with an EHCP. Total funding for SRPs and special school places is approximately £175m of which £80m (46%) relates specifically to Element 3, top-up funding, whilst the remainder relates to core placement funding (not in scope of this proposal). This is funded from the HNB of the DSG which is a specific ring-fenced education grant from the DfE. This spending forms part of the School Budget Key Service Line within the KCC Budget.

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<sup>3</sup> Tariff system: a set of rules and funding levels

5.2. KCC is one of a number of LAs which have a DfE Safety Valve Agreement to support with the highest overspends on SEN services to achieve a financially sustainable longer-term position. Kent's annual overspend on the HNB had progressively grown to over £50m by 2022-23, resulting in an accumulated deficit of nearly £150m. The agreement meant the DfE would make additional contributions of £140m, alongside an £82m contribution from KCC itself, to pay off the estimated accumulated deficit and help to balance the high needs budget by 2027-28. In return for this, KCC must implement actions intended to resolve the in-year overspend and achieve future financial sustainability. The Safety Valve agreement has avoided the need for KCC to otherwise impose up to £222m of spending reductions on SEN services over the equivalent period.

5.3. The Kent Safety Valve agreement 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 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)

5.4. 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 proposed SEN funding model in conjunction with the wider locality model is expected to build the robust governance and monitoring processes required to implement the necessary new approaches outlined in the agreement through the use of one overarching funding model across mainstream, SRP and special schools. The model will allow the Council greater control over the total contributions to schools to support children on SEN Support and children with an EHCP by setting standard tariff rates for contributions for individual children, and to set the budgets available for the Communities of schools. The tariff model will help to ensure resources within the HNB are more proportionately allocated to state-funded schools based on the level of curriculum adaption required to meet the needs of children and young people with SEN. It is noted the descriptors to be applied and the rates for the tariff model are yet to be determined and will be the subject of a further key decision. To reduce the financial risk associated with unaffordable tariff rates, these tariffs will be proposed after the distribution of children across the tariff is better understood.

5.5. Investment in services for SEN Support, funded from the HNB, needs to be considered in the context of the total budget available. Budget setting for

2025-26, includes the proposals to transfer 1.2% of the primary and secondary schools to invest in services to support inclusion in mainstream schools including Element 3 top-up funding for children on SEN Support along with other related services. This equates to approximately c£16.5m for 25-26. This transfer is expected to continue each year the Council remains in deficit on its HNB and avoids the requirement for cuts to discretionary services.

5.6. The final Community budgets for Sept 25 to Aug 26 will be confirmed in April 2025 to schools, along with confirmation of the contributions to be paid directly to schools for children with an EHCP with allocations greater than £6k up until August 2026. This will need to be aligned with the end of the current process and based on final affordability. Draft budgets will be issued as part of the school budget setting process (to be published by end of Feb 2026).

#### **5.7. Financial Implications – Schools**

**Special schools:** The council is required to set out the basis of the special school budgets (including the methodology for allocating Element 3 top-up funding) in accordance with the budget setting process for primary and secondary schools (publication by 28<sup>th</sup> February of the preceding financial year) and in accordance with the DfE High Needs Operational Guidance, which includes a requirement to implement a “minimum funding guarantee”, which protects excessive reductions to the per pupil rate, the protection is set each year by the DfE and any changes to this protection level would require Secretary of State approval. Further consideration to reasonable levels of protections through the maximum gains and losses approach will be made as part of the implementation phase and subject to a future key decision.

5.8. **Mainstream schools with SRPs:** A similar maximum gains and losses approach will be used to transition to the new funding model for SRP places, in the same way as special schools, although there is no requirement by the DfE for the Council to do this. Further proposals will be provided as part of a future key decision.

5.9. **Mainstream schools:** In a similar way as SRPs, there is no requirement by the DfE for the Council to provide a level of protection to pre-existing contributions towards the support for SEN in schools, however, a level of protection has been offered as part of the transition period in 3 ways, whereby:

- Schools will continue to receive a direct contribution for existing children with an EHCP with higher levels of support (greater than £6k Element 3 top-up)
- The distribution of the Community budgets will be based on 75% historic allocations for HNF top-up and 25% formula (in the first year). With the formula introduced in full in the third year. Operating guidance has been prepared to ensure that Communities stay within allocations
- Communities will have the option to maintain their current proportionate levels of spending within their financial envelope, so that a portion of the

value of historic allocations (equating to approximately 50%-75%) to individual schools can continue to be made for the first year if they choose (Sept 25 to Aug 26)

5.10. The first and third bullet points above will allow mainstreams schools to budget for the minimal amount of funding they will receive in-line with the normal budget process for schools. Community of schools' meetings are intending to start from April 2025 to support decision-making for the remainder of the budget for implementation from September 2025.

5.11. Within the consultation response, and wider feedback, schools have repeatedly raised concerns over the financial impact the new model may have, leading to greater numbers of redundancies with higher levels of uncertainty. Other schools have already been implementing plans (in some cases over several years) to review their approaches to SEN and implementing alternative strategies to reduce the potential financial impact of these changes.

5.12. In terms of the financial risk to the Council, the LA is not responsible for the payment of redundancies, or associated pension costs, for academies or free schools. The LA is responsible for the payment of redundancies and associated pension costs for maintained schools in-line with the prevailing scheme of financing schools (where the restructure is required to avoid a deficit) but a recent [key decision](#) is intending for these costs to be fully met by maintained schools in the future – implementation is progressing. Schools Financial Services (administered by The Education People) will continue to work with schools to offer support to avoid deficits and reduce the impact of funding changes.

## 6. Legal implications

6.1. LAs 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 funding model proposed. Links are provided below in the 'Supporting Documents' section. The Code of Practice states that:

“Schools are not expected to meet the full costs of more expensive special educational provision from their core funding [...] the responsible local authority, usually the authority where the child or young person lives, should provide additional top-up funding where the cost of the special educational provision required to meet the needs of an individual pupil exceeds the nationally prescribed threshold.”

6.2. In addition to the Code of Practice, the DfE has also published operational guidance for the administration of LAs HNF budgets (the “Guidance”). The Guidance states that LAs should plan for HNF budget, gives advice on what can be provided, and information on which costs LAs are not expected to contribute to as part of any HNF allocation.

6.3. In particular, the guidance provides that:

- local approaches to the use of HNF budgets should be planned as far as possible in the context of strategic agreement with schools and the commissioning local authority
- local authorities must treat children with high needs on a fair and equivalent basis when making arrangements for their funding, regardless of the school placement setting
- local authorities are responsible for decisions regarding the level of top up funding, since they have the statutory responsibility to secure the SEN provision specified in an EHCP
- decisions made by local authorities should be evidence-based, having regard to the actual costs of schools offering provision for pupils with high needs, and should reflect those relevant costs (including the provision required by individual pupils as well as the costs of overall provision for children with SEN, such as the costs of buildings)
- local authorities may calculate funding for a cohort of pupils, and apply banding, which can provide certainty for schools
- local authorities must ensure that they are satisfied that the final allocation of funding is sufficient overall to secure suitable SEN provision and keep the funding under review accordingly.

6.4. The DfE guidance confirms that a clearly understood and consistently applied local ‘banding’ framework for element 3 top up funding is important, and that even where provision is specified in an EHCP, there is no statutory requirement that a local authority must pay top-up funding at a particular rate requested by a school or college.

6.5. When implementing a system for the distribution of element 3 top up funding, KCC must apply the following principles:

- the funding system operated must be sufficient to secure a child’s overall SEN provision (in Section F of the EHCP) in practice
- the funding system itself must be based on evidence, and not lead to the insufficient funding of SEN provision in Kent
- schools have a degree of flexibility in the way that SEN provision is delivered within their school budgets and
- flexibility is to be built into KCC’s policies including, the funding allocations being reviewed annually, to consider whether additional funding may be required to secure the provision required for particular children.

6.6. KCC is subject to statutory sufficiency duties under the Education Act 1996 (the “1996 Act”), including to secure that efficient primary education and secondary education are available to meet the needs of the population in its area. This includes ensuring that sufficient school placements, in number, character and equipment are available in Kent to provide all pupils the opportunity of appropriate education.

6.7. KCC is also subject to duties under the Children and Families Act 2014 (the “2014 Act”), to keep under review the educational provision for children and young people with special educational needs or disability and consider the extent to which its provision is sufficient to meet the educational needs of its population. If an Education, Health, and Care Needs Assessment identifies a need for SEN provision to be made, an EHCP must specify the SEN provision



required and KCC will be under a duty to secure that provision. A parent or young person has the right to request the authority to secure that a particular school or other institution is named in the EHCP.

6.8. KCC also has a duty under the 2014 Act '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'.

6.9. Ongoing advice will be sought from Legal Services as required during the implementation phase of the decision.

## **7. Equalities implications**

7.1. An equality impact assessment (EqIA) was provided as an appendix to the school consultation and linked as Appendix 3 to this report.

7.2. The changes to SEN Element 3 top-up funding for state-funded schools will not affect funding for early years pupils and Post-16 pupils, along with other post 16 establishments (pupils educated those outside of sixth form in state funded schools) or pupils in the Independent and Non-Maintained special schools at present. Funding processes for these age groups will remain unchanged whilst the new 5-16-year-old age group process is implemented.

7.3. The funding model EqIA will regularly be reviewed as the model is adopted and will be kept under review as implementation progresses.

## **8. Data Protection Implications**

8.1. The project has completed the DPIA screening tool and a DPIA assessment is required. This is underway and advice will be sought from the Directorate Information Governance Lead as it progresses.

8.2. Data protection implications will be considered at all stages of the project.

## **9. Other corporate implications**

9.1. Undertaking this work will support Framing Kent's Future through:

- Priority 1: Levelling Up Kent and our commitment to maintain KCC's strategic role in supporting schools in Kent to deliver accessible, high quality education provision for all families, specifically: Maintain improvement support services for all Kent schools, including maintained schools and academies, to maintain Kent's high-quality education system. to maintain the current funding systems
- Priority 4: New Models of Care and Support and our commitment is to support the most vulnerable children and families in our county, specifically: Respond to national policy changes on SEND provision, work with SEND families to rapidly improve the service provided to SEND children and work with mainstream schools so more can accept and meet the needs of children with SEND, increasing choice and proximity of school places.

9.2. Undertaking this work will support Securing Kent's Future by:

- Supporting Objective 1 in bringing the budget back into balance through cost avoidance achieved by supporting more children in mainstream schools from the outset of their statutory education and avoiding the use of non-maintained independent special school placements.
- Objective 3 looking at policy choices and the scope of the Council's ambitions maintaining discretionary services that add value and support outcomes the council is seeking to achieve, where we must be more rigorous in assessing the value of those services, and where necessary re-scope the council's ambition and interventions to something that is proportionate and affordable.
- Further transforming the operating model of the Council (Objective 4) through a greater focus on understanding and demonstrating impact will enable more effective decision making about how and where to focus the use of resources.

9.3. A decision on the SEN Element 3 Funding Model will impact (and be impacted by) the implementation of other SEN transformation projects including, the locality model for school inclusion, the STLS review, and the SRP reviews.

## 10. Governance

10.1. This consultation has been around designing and implementing a funding model which allows transparency and accountability for all parts of the system.

10.2. The proposals regarding how SEN is funded in schools have been designed on the principles of equity of access to provision, so that SEN needs can be met in the right place and the right time, whilst still ensuring KCC can meet its statutory duty to fund provision outlined in EHCPs.

10.3. The proposed decision will delegate authority to the Corporate Director for Children, Young People and Education, to implement the funding arrangements for the Communities of schools process building on the locality model [Key Decision - 24/00026 - The Locality Model for Special Educational Needs Inclusion](#) and progress the transition arrangements of the Special Educational Needs (SEN) funding system for state funded schools between April 2025 and September 2026.

10.4. Following consultation with schools the council will work towards the establishment of one overarching SEN funding policy and system to ensure financial sustainability of the High Needs expenditure.

10.5. A further decision will be taken in due course on the long-term SEN funding system.

10.6. Accountability for statutory functions in relation to Safety Valve sits with Corporate Director for Children, Young People and Education. Responsibility sits with the Director for Education and Special Education Needs.

## 11. Conclusions

- 11.1. As part of the ongoing transformation of SEN in Kent, a public consultation has been undertaken on the principles of a new way for the local area to work together to improve the provision and outcomes for children with SEN in Kent. This [key decision](#) was taken in August 2024.
- 11.2. In order to resource this new way of working, a further consultation was undertaken to seek views on a formula for the distribution of funding to Communities of schools and on the establishment of a tariff system which would clarify how schools can access funding to provide for children who have the most complex needs. The consultation also sought views on how those needs could be defined. The outcomes were clear that there was broad agreement on the principles of the model and schools gave clarity on where more work was needed for the system to function easily.
- 11.3. The proposed SEN funding model in conjunction with the wider locality model is expected to build the robust governance and monitoring processes required to implement the necessary new approaches outlined in the agreement through the use of one overarching funding model across mainstream, SRP and special schools. The model will allow the Council greater control over the total contributions to schools to support children on SEN Support and children with an EHCP by setting standard tariff rates for contributions for individual children, and to set the budgets available for the Communities of schools. The rates for the tariff model are yet to be determined and will be the subject of a further key decision.

## **12. Recommendation(s):**

- 12.1. The Children, Young People and Education Cabinet Committee is asked to CONSIDER and ENDORSE or MAKE RECOMMENDATIONS to the Cabinet Member for Education and Skills on the proposals as set out in the Proposed Record of Decision (PROD):
- APPROVE the funding arrangements for the Communities of schools process as per [Key Decision](#) and as set out in this report.
  - APPROVE the transition arrangements of the Special Educational Needs (SEN) funding system for state funded schools between April 2025 and September 2026
  - NOTE that the development and establishment of the long-term plan to adopt an overarching SEN funding policy and system, will be subject to further governance and decision making in consultation with schools.
  - DELEGATE authority to the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for Education and Skills to implement the funding arrangements for the Communities of schools process as per [Key Decision - 24/00026 - The Locality Model for Special Educational Needs Inclusion](#)
  - DELEGATE authority to the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for Education and

Skills to proceed with transition arrangements, between April 2025 and September 2026

- DELEGATE authority to the Corporate Director of Children, Young People and Education to take other necessary actions, including but not limited to entering into contracts or other legal agreements, as required to implement the decision.

### 13. Background Papers

- [Code of Practice 2015](#)
- [High Needs Funding 2025-26 operational guidance](#)
- [DFE HN Budget case study report.pdf](#)

### 14. Appendices

- Appendix 1: PRoD
- Appendix 2: SEN Funding System Consultation Analysis
- Appendix 3: SEN Funding System Consultation KCC Response
- Appendix 4: SEN Funding System Equality Impact Assessment
- Appendix 5: SEN Funding System Visual Proposed Model

### 15. Contact details

<b>Report Author:</b> Siobhan Price <b>Job title:</b> Assistant Director, School Inclusion <b>Email address:</b> Siobhan.Price2@kent.gov.uk	<b>Director:</b> Christine McInnes <b>Job title:</b> Director of Education and SEN <b>Telephone number:</b> 03000 418913 <b>Email address:</b> Christine.McInnes@kent.gov.uk
<b>Report Author:</b> Karen Stone <b>Job title:</b> Revenue Finance Manager (0-25 services) <b>Email address:</b> Karen.Stone02@kent.gov.uk	

# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

## DECISION TO BE TAKEN BY:

Cabinet Member for Education and Skills

## DECISION NUMBER:

24/00120

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

## Key decision: YES / NO

*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

Special Educational Needs (SEN) Funding System

## Decision:

As Cabinet Member for Education and Skills, I agree to:

- APPROVE the funding arrangements for the Communities of schools' process as per [Key Decision](#) and as set out in this report.
- APPROVE the transition arrangements of the Special Educational Needs (SEN) funding system for state funded schools between April 2025 and September 2026.
- NOTE that the development and establishment of the long-term plan to adopt an overarching SEN funding policy and system, will be subject to further governance and decision making in consultation with schools.
- DELEGATE authority to the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for Education and Skills to implement the funding arrangements for the Communities of schools process as per [Key Decision - 24/00026 - The Locality Model for Special Educational Needs Inclusion](#)
- DELEGATE authority to the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for Education and Skills to proceed with transition arrangements, between April 2025 and September 2026.
- DELEGATE authority to the Corporate Director of Children, Young People and Education to take other necessary actions, including but not limited to entering into contracts or other legal agreements, as required to implement the decision.

## Reason(s) for decision:

### Background

As part of Kent County Council's (KCC) work to address relevant areas of weakness of the two most recent Ofsted SEN inspection's, an independent review of funding for children and young people

with SEN in Kent mainstream schools was undertaken in 2022. The review formed part of KCC's work to improve the lived experience for children and young people with SEN, and that of their parents, carers, and families.

The national direction of travel indicates that the majority of children with SEN can have their needs fully met by their mainstream school and be funded through a school's normal annual budget allocation, which includes the presumption the school will allocate funding to support children with SEN. Whilst each school will make its own local choices as to how much of its budget is spent on supporting SEN, the Local Authority (LA) is required to estimate the proportion of a school's annual budget that could notionally be attributed to support SEN (defined as the SEN Notional Budget). For a small proportion of children in the county, where the additional costs of supporting a child exceeds £6k, the LA currently operates four different funding systems in Kent to determine the contribution towards these additional costs in state-funded schools:

- Mainstream school High Needs top-up funding rate: a claims-based system, where schools can apply for additional funding where costs of additional support is greater than £6k. These applications can be made for children with an Education, Health and Care Plan (EHCP) or those on SEN Support.
- Specialist Resource Provision (SRP) top-up funding rate: there is a unique average rate for each provision based on the primary need type of children supported and the size of the setting. The first £6k of cost is paid to the provision as core funding with the remainder paid as top-up funding (in line with DfE requirements)
- Special school top-up funding rate: each special school has a unique set of average funding rates for each different primary need of child supported, based on the size and other school related factors. The first £10k of the place funding is paid to the setting as core funding, with the remainder paid as top-up funding (in line with DfE requirements)
- Exceptional Pupil Need (EPN) funding rate: a claim-based system used by SRPs and special schools to apply for additional funding where the average top-up rates are not sufficient. Whilst a proportionately smaller area of spending, EPN claims have increased significantly in the past 2 years.

### **What is being proposed?**

The proposal is to continue to develop a single overarching model for Element 3 top-up funding for allocating funding to state-funded schools, that aims to: provide equity within the SEN system, offer sustainability for the future, and support improved outcomes for Kent's children and young people who have SEN. Aligning with the development of the Continuum of Need and Provision, the funding model will ensure the HNB supports the whole system, offering reduced bureaucracy, increased flexibility and transparency, and swifter delivery. Using the principles of the locality model to build peer-to-peer moderation, along with continued LA oversight, will support the greater sharing of innovative approaches for more cost-effective support for children with SEN. Setting standard tariffs and defined Community budgets will allow greater budget control over the contributions made to state-funded schools to meet the outcomes of children with SEN.

### **Financial Implications - KCC**

Total spending on mainstream top-up, SRP and special school places is forecast to be approximately £225m in 2024-25. Top-up funding for mainstream schools is forecast to be approximately £50m and includes funding for SEN Support services for individual children (equating to approximately 40% or £20m) along with funding for children and young people with an EHCP. Total funding for SRPs and special school places is approximately £175m of which £80m (46%) relates specifically to Element 3, top-up funding, whilst the remainder relates to core placement funding (not in scope of this proposal). This is funded from the HNB of the DSG which is a specific ring-fenced education grant from the DfE. This spending forms part of the School Budget Key Service Line within the KCC Budget.

KCC is one of a number of LAs which have a DfE Safety Valve Agreement to support with the highest overspends on SEN services to achieve a financially sustainable longer-term position. Kent's

annual overspend on the HNB had progressively grown to over £50m by 2022-23, resulting in an accumulated deficit of nearly £150m. The agreement meant the DfE would make additional contributions of £140m, alongside an £82m contribution from KCC itself, to pay off the estimated accumulated deficit and help to balance the high needs budget by 2027-28. In return for this, KCC must implement actions intended to resolve the in-year overspend and achieve future financial sustainability. The Safety Valve agreement has avoided the need for KCC to otherwise impose up to £222m of spending reductions on SEN services over the equivalent period.

The Kent Safety Valve agreement 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 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)

### **Financial Implications – Schools**

**Special schools:** The council is required to set out the basis of the special school budgets (including the methodology for allocating Element 3 top-up funding) in accordance with the budget setting process for primary and secondary schools (publication by 28th February of the preceding financial year) and in accordance with the DfE High Needs Operational Guidance, which includes a requirement to implement a “minimum funding guarantee”, which protects excessive reductions to the per pupil rate, the protection is set each year by the DfE and any changes to this protection level would require Secretary of State approval. Further consideration to reasonable levels of protections through the maximum gains and losses approach will be made as part of the implementation phase and subject to a future key decision.

**Mainstream schools with SRPs:** A similar maximum gains and losses approach will be used to transition to the new funding model for SRP places, in the same way as special schools, although there is no requirement by the DfE for the Council to do this. Further proposals will be provided as part of a future key decision.

**Mainstream schools:** In a similar way as SRPs, there is no requirement by the DfE for the Council to provide a level of protection to pre-existing contributions towards the support for SEN in schools, however, a level of protection has been offered as part of the transition period in 3 ways, whereby:

- Schools will continue to receive a direct contribution for existing children with an EHCP with higher levels of support (greater than £6k Element 3 top-up)
- The distribution of the Community budgets will be based on 75% historic allocations for HNF top-up and 25% formula (in the first year). With the formula introduced in full in the third year
- Schools will have the option to ring fence their Community budgets so that approximately 50% to 75% of the value of historic allocations to individual schools will continue to be made for the first year (Sept 25 to Aug 26)

### **Legal implications**

LAs 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 funding model proposed. Links are provided below in the ‘Supporting Documents’ section. The Code of Practice states that:

- “Schools are not expected to meet the full costs of more expensive special educational provision from their core funding [...] the responsible local authority, usually the authority

where the child or young person lives, should provide additional top-up funding where the cost of the special educational provision required to meet the needs of an individual pupil exceeds the nationally prescribed threshold.”

In addition to the Code of Practice, the DfE has also published operational guidance for the administration of LAs HNF budgets (the “Guidance”). The Guidance states that LAs should plan for HNF budget, gives advice on what can be provided, and information on which costs LAs are not expected to contribute to as part of any HNF allocation.

In particular, the guidance provides that:

- local approaches to the use of HNF budgets should be planned as far as possible in the context of strategic agreement with schools and the commissioning local authority
- local authorities must treat children with high needs on a fair and equivalent basis when making arrangements for their funding, regardless of the school placement setting
- local authorities are responsible for decisions regarding the level of top up funding, since they have the statutory responsibility to secure the SEN provision specified in an EHCP
- decisions made by local authorities should be evidence-based, having regard to the actual costs of schools offering provision for pupils with high needs, and should reflect those relevant costs (including the provision required by individual pupils as well as the costs of overall provision for children with SEN, such as the costs of buildings)
- local authorities may calculate funding for a cohort of pupils, and apply banding, which can provide certainty for schools
- local authorities must ensure that they are satisfied that the final allocation of funding is sufficient overall to secure suitable SEN provision and keep the funding under review accordingly.

The DfE guidance confirms that a clearly understood and consistently applied local ‘banding’ framework for element 3 top up funding is important, and that even where provision is specified in an EHCP, there is no statutory requirement that a local authority must pay top-up funding at a particular rate requested by a school or college.

When implementing a system for the distribution of element 3 top up funding, KCC must apply the following principles:

- the funding system operated must be sufficient to secure a child’s overall SEN provision (in Section F of the EHCP) in practice
- the funding system itself must be based on evidence, and not lead to the insufficient funding of SEN provision in Kent
- schools have a degree of flexibility in the way that SEN provision is delivered within their school budgets and
- flexibility is to be built into KCC’s policies including, the funding allocations being reviewed annually, to consider whether additional funding may be required to secure the provision required for particular children.

KCC is subject to statutory sufficiency duties under the Education Act 1996 (the “1996 Act”), including to secure that efficient primary education and secondary education are available to meet the needs of the population in its area. This includes ensuring that sufficient school placements, in number, character and equipment are available in Kent to provide all pupils the opportunity of appropriate education.

KCC is also subject to duties under the Children and Families Act 2014 (the “2014 Act”), to keep under review the educational provision for children and young people with special educational needs or disability and consider the extent to which its provision is sufficient to meet the educational needs of its population. If an Education, Health, and Care Needs Assessment identifies a need for SEN provision to be made, an EHCP must specify the SEN provision required and KCC will be under a duty to secure that provision. A parent or young person has the right to request the authority to



secure that a particular school or other institution is named in the EHCP.

KCC also has a duty under the 2014 Act ‘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’.

Ongoing advice will be sought from Legal Services as required during the implementation phase of the decision.

### **Equalities implications**

An equality impact assessment (EqIA) was provided as an appendix to the school consultation and the Executive Decision report.

The changes to SEN Element 3 top-up funding for state-funded schools will not affect funding for early years pupils and Post-16 pupils, along with other post 16 establishments (pupils educated those outside of sixth form in state funded schools) or pupils in the Independent and Non-Maintained special schools at present. Funding processes for these age groups will remain unchanged whilst the new 5-16-year-old age group process is implemented.

The funding model EqIA will regularly be reviewed as the model is adopted and will be kept under review as implementation progresses.

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

- The Children’s and Young People Cabinet Committee consider the decision on 16 January 2025
- Kent School consultation 19 November to 6 December 2024
- School Funding Forum 2 December 2024 and 10 January 2025

### **Any alternatives considered and rejected:**

Three other funding model options were considered:

- Option 1 - to maintain the current funding systems
- Option 2 - to solely implement a Tariff funding system
- Option 3 - to solely implement a Locality Model funding system

Option one was discounted as unsustainable for Kent. Existing systems for allocating the funding from the HNB of the DSG are not currently performing well in Kent. There are currently four different systems for allocating SEN top-up funding to support children with high needs attending either special schools, SRPs or mainstream schools. Leading to lack of transparency and equity as to how funding is allocated to settings for children with comparable requirements for support or specific provisions. This is also being reflected in the increase in exceptional claims for individual children in SRP and special schools, where their average funding rates are no longer sufficient. The current system is also heavily dependent on the use of the “primary need” type of a child to determine the funding rate which is being impacted by waiting times for diagnosis and does not reflect the level of support required. During the time these systems have been in operation, the level of overspend on high needs has continued to increase, with higher numbers of EHCPs being requested and demand for more specialist provision continuing to increase, whilst previous OFSTEDs have identified SEN outcomes were not being achieved. This further indicates how our current methods for distributing SEN funding to schools is not sufficiently aligned to meet the required levels of support.

Option two was discounted as a viable ‘one single’ model for Kent due to tariff systems<sup>1</sup> tending to be used in conjunction with individual funding allocations for children (those with EHCPs) rather than

<sup>1</sup> Tariff system: a set of rules and funding levels

for wider operations and funding of SEN Support in mainstream. The inflexibility this system would bring were considered too restrictive for SEN Support services in the county and would be unsupportive of innovative use of resources (for mainstream) if used on its own. Merits were noted however in the stability a tariff model could offer smaller cohorts of pupils with higher levels of need.

Option three was discounted as a viable 'one single' model for Kent because the flexibility was considered too much for the whole system at the current time; the county needs higher levels of financial oversight and accountability due to the sustained levels of overspend in the HNB. Merits were noted however in the innovative and adaptive way it could serve mainstream schools for pupils with wider support needs.

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

.....  
signed

.....  
date

# SEN Funding System

## CONSULTATION ANALYSIS



## Introduction

The consultation was designed to seek views from schools on changes to funding arrangements for children with Special Educational Needs (SEN) in all schools and academies in Kent. The changes proposed were designed to promote inclusive practice and incentivise a culture of local collective responsibility whereby children with SEN can be provided for and welcomed locally. Following a key decision in August 2024 to proceed with the Localities Model for mainstream schools, a review of Specialist Resource Provision (SRP) countywide and a review of special schools across the county, Kent County Council (KCC) launched the consultation for the following reasons:

- There is a need to move to a financially sustainable model to ensure that KCC can continue to provide a good quality education for all children with SEN
- There is a need to move from four different funding models to one model which encompasses the whole system for state funded mainstream schools, state funded mainstream schools with SRPs, and state funded special schools
- There is a need to give schools time to understand the model and the implications for their current provision and for future provision
- There is a need to bring equity to how KCC funds schools and to move away from the current individual 'claims based' system which is dependent on 'need type', diagnosis and relies on individual officer decisions

The consultation period ran from 19<sup>th</sup> November 2024 to 6<sup>th</sup> December 2024 and included a series of face to face, as well as virtual meetings.

The consultation was designed to seek the views of schools on the following points:

- The **principles** of a single funding system for the future
- The **formula** for how KCC will calculate the funding for the Communities of schools to implement the localities model for mainstream schools
- How funding is used to meet the needs of children who have significant needs in special schools, SRPs and mainstream schools
- How to support schools to **transition** from one model to another.

To support schools to make an informed response, the following documents were available as appendices:

- FAQ document which was collected during the Communities of schools' socialisation events in September 2024. Appendix 1.
- A PDF document which models the proposed funding for each Community of schools over the next three years. Appendix 2.
- A draft of specific allocation funding descriptors which KCC is proposing to use to assess the funding for schools to provide for needs of children with significant needs. Appendix 3.
- A document which outlines the most recent consultations which have taken place across the education sector, and which provide an evidence base for the proposals. Appendix 4.

All documentation can be found here: [SEN Element 3 Funding Consultation](#).

## Contextual Analysis

The consultation period ran from 19<sup>th</sup> November 2024 to 6<sup>th</sup> December 2024 and included a series of face to face, as well as virtual meetings.

221 individual responses were received.

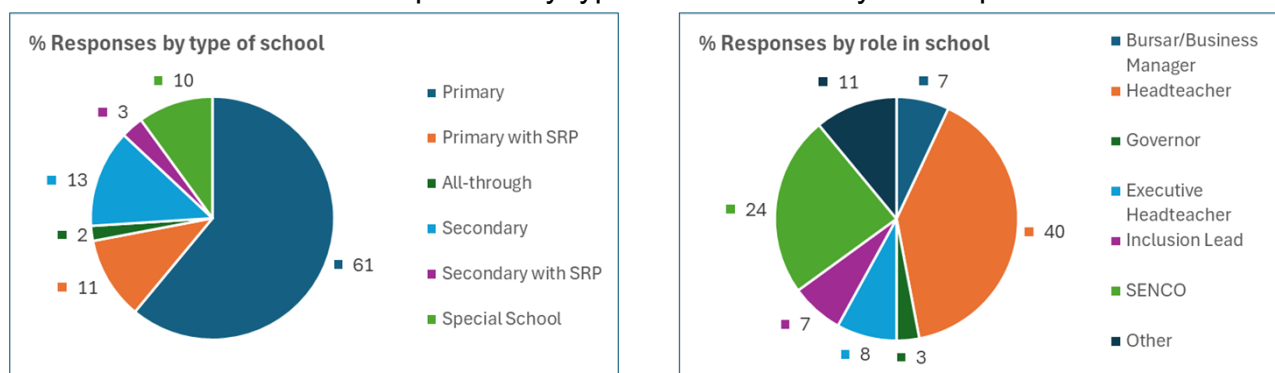
1 collective response from Diocese of Canterbury.

1 collective response received from Kent Association of Leaders in Education (KALE).

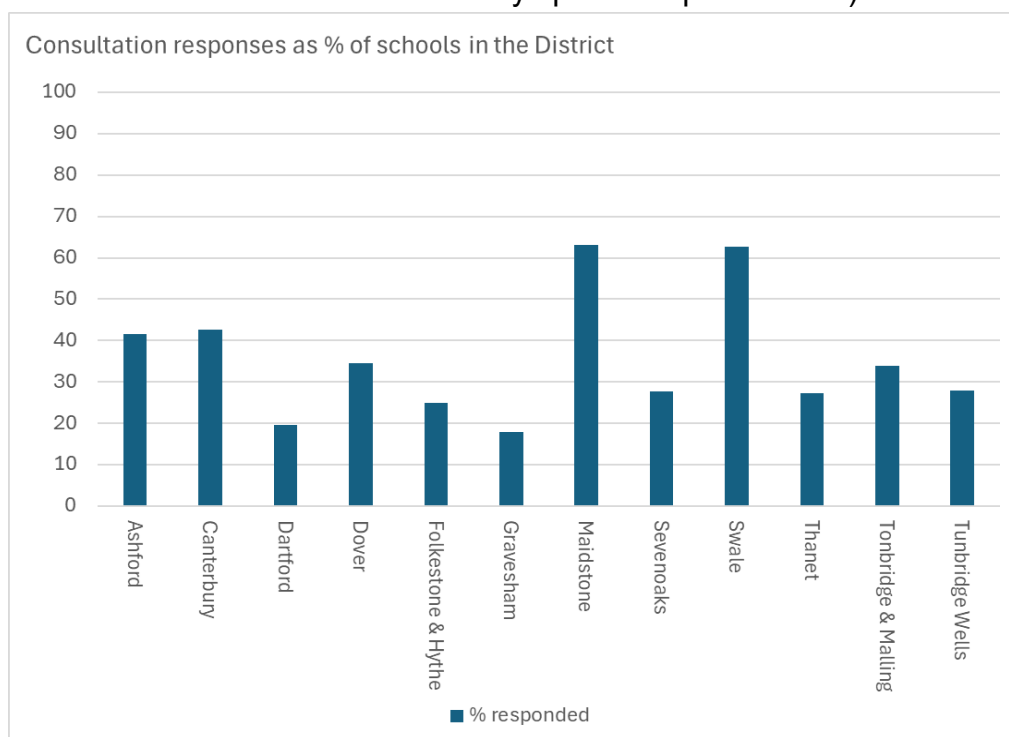
18 of the individual returns were responding on behalf of an Academy Trust (18 responses representing 57 schools in total), therefore the views received represent 260 individual settings in Kent.

This equates to a 44% response rate (260 settings out of a possible 593 settings<sup>1</sup>)

The charts below show % responses by type of school and by the respondent's role in school.



The following graph shows the percentage of schools responding from each District in Kent, by consultation response numbers (this is based on the District selected by the respondent and will not include Trust schools where they span multiple Districts).



<sup>1</sup> [Facts-and-Figures-2024](#)

## Qualitative Analysis

Category / Question	Consultation comments / questions / concerns
<b>Special school E3 Funding allocated by Specific Allocation</b>	Agree in principle but want to see more about financial implications and the rates being proposed
	Queries as to the cost of large infrastructure items e.g. hydro pools
	Special school review did not specifically refer to funding so why is it being included in this?
	Special schools have greater economies of scale compared to other schools so would not need as much E3 funding. SRPs typically have less than 30 children so it is difficult to make a comparison
<b>SRP E3 funding allocated by Specific Allocation</b>	Concerns that this might be a greater administrative burden for schools
	If funding rates are too restrictive, is there a risk that it would discourage innovation and collaboration
	Funding rates need to ensure that parents have confidence in the system and not request special school or INMSS <sup>2</sup> where it is not necessary
	SRPs should be funded on the number of places they provide. Funding would need to reflect the amount of staff training required
<b>Specific Allocation Funding rates to be the same for mainstream, SRP, and special schools</b>	Quality of EHCPs <sup>3</sup> needs to be addressed, especially around what is written in Section F
	SEN allowances for staff would be different in different settings
	Mainstream schools should have more money because SRP and special schools will have greater economies of scale and have better infrastructure and environment
	This could be an administrative burden
	This could encourage children being placed higher than necessary to attract more funding
	More special school and SRP places are required
	Proposal that schools should be allocated a proportion of the funding to provide accordingly
	Request that schools need to be able to make meaningful changes to Section F
	Funding rates need to be based on staffing costs rather than provision required
	Funding rates need to be based on the provision required
<b>Funding descriptors</b>	Too subjective and open to interpretation
	Proposed that the document should not reflect need types
	Should reflect age-appropriate development
	The statements are not funding descriptors as there is no funding attached
	Agreement in principle with the idea but concerned about how consistently the descriptors would be applied. Request that moderation is included
	Query about how the Communities of schools would determine the rate
<b>Notional Budget guidance</b>	Guidance is essential
	Needs to be transparency in calculation
	The guidance should not be treated as a shopping list for schools

<sup>2</sup> Independent Non-Maintained Special School (INMSS)

<sup>3</sup> Education, Health and Care Plan (EHCP)

	Schools should not feel penalised if they cannot offer outreach
<b>Proxy indicators for the Communities of schools' budget</b>	General agreement with the idea of a formula to ensure consistency
	The suggested indicators oversimplify the issue
	Needs to include mobility, low prior attainment, and access to other services
	Should be needs led and should reflect no and % of SEN support and EHCPs
	The budget should be based on individual need in individual schools
	Budget should include a review of SEN registers, Mainstream Core Standards, and the SEN Information report
<b>Use of historic allocation for the first 2 years of the model in the Communities of schools' budget</b>	General comments that this could lead to underfunding so the length of time that historic allocation is used should be longer than two years
	Suggestion that the current notional budget formula should be used
<b>Mainstream E3 funding for children with the most complex needs should be paid directly to the school</b>	General agreement
	Concern raised that this could lead to a rise in EHCP numbers to attract funding
<b>Cost of the Chair and administrator to be paid from the Communities budget</b>	<b>Disagreement with this proposal was qualified by the following:</b>
	Schools should not have to bear the cost
	Need assurance on the quality assurance mechanism
	Should be a centralised team in KCC
	Diverts money away from schools
	Chairs may not have interest in or experience in SEN
	Not sure where else the money would come from
	Needs central moderation
	<b>Agreement with the proposal was qualified by the following:</b>
	The cost is relatively low for the importance of the role
	Cost could be borne from savings from INMSS over time
	A code of conduct, conflict of interest policy and a transparent complaints procedure needs to be in place
	LIFT <sup>4</sup> Executive demonstrates how collaborative working can be successful and the key principles should remain
	<b>E3 mainstream SEN support to go into the Communities pot</b>
Comments that targeted support could become diluted	
Drop in the birth rate is already causing problems for schools	
Comments that adult support in infant schools could be affected	
Flexibility could be reduced	
Possible staffing decisions would have to be made and a degree of protection for 2025-2026 was requested	
Suggestions of 75% protection were proposed £6k should be paid directly to schools	
<b>E3 SEN support greater than £6k to have a greater degree of moderation</b>	General agreement with the proposals but queries as to who was conducting the moderation
	Different opinions as to whether any moderation should be carried out by KCC officers or schools
	If KCC is assured that schools can make decisions, why is

<sup>4</sup> Local Inclusion Forum Team (LIFT)

	further moderation required?
	Would the moderation and subsequent extra scrutiny lead to a delay in allocations?
	Comments about the quality of EHCPs and the statutory duty to fund Section F.
	Questions as to what the moderation would look like.
<b>E3 mainstream EHCP funding less than £6k to be included in the Communities pot</b>	General agreement in principle
	Wanted more clarity beyond March 2026
	Request that the timelines for mainstream should be the same as that proposed for SRP and Special schools
	Quality of EHCPs is important to be secure in the decision making
<b>New EHCPs agreed since Sept 2024 will go into the Communities pot</b>	This should be for EHCPs issued after Sept 2025 in line with other proposals
	Agreement that there needed to be timelines for implementation, but date needed to change
	This model would not fit the individualised needs in a small mainstream school
	There is a risk that children new into the system could be disadvantaged
	Children should be given a specific allocation regardless of when the EHCP is written
	Risk that the statutory requirements in Section F might not be funded so this should be centrally funded
	All new EHCPs in the system should be mapped onto the tariffs immediately
	This could lead to a rise in unnecessary EHCP requests
<b>Mainstream Specific Allocations and Communities budgets to be completely in operation by April 2026</b>	Transition timeline should be the same as for SRPs and special schools which would give schools longer to prepare budgets and provision accordingly
	KCC's universal offer and professional support would need to be improved
	Must ensure that the timing of the rollout does not hinder the quality of provision in schools
	More information required regarding financial situation for individual schools
	Needs to be regular evaluation of systems and Value for Money as the model develops
	Request that the system changes completely from Sept 2025
	Careful planning, evaluation and implementation is required with milestones in place
	Risk of financial strain on schools and some disruption to the services provided
	Unintended consequences are unknown
<b>SRP E3 funding to be in place for Sept 2026</b>	Agreement that SRP and special schools should have the same timescales
	The funding needs to reflect the financial challenges for each school
	Agreement with the proposals but want to see the financial implications
	Rates should be confirmed by Sept 2025
	Not enough time for SRPs to manage the change.
	Other LAs are moving away from this model
<b>Special School E3 funding to be</b>	Quality of Annual reviews need to be considered within this

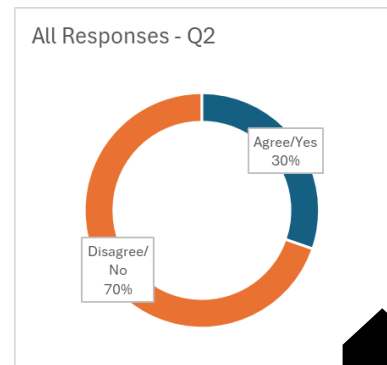
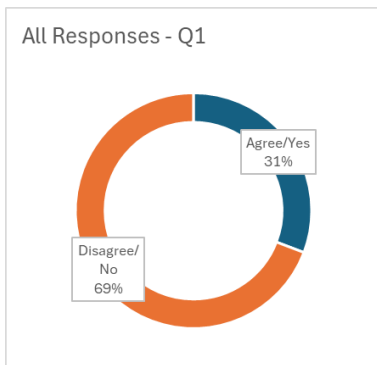


<b>in place for Sept 2026</b>	Should be a phased approach
	Need rates confirmed by Sept 2025
	Who would fund any potential redundancies?
	Further engagement with stakeholders is necessary
	How would the average funding rate be calculated
	Could this lead to an increase in bureaucracy?
	An alternative proposal included funding rates to be agreed by Sept 2025, a 12-month transition period and financial support for redundancies

## Quantitative Analysis

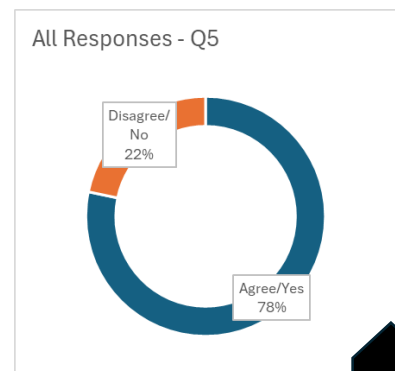
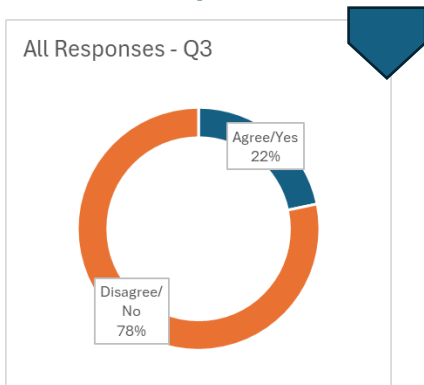
1. Do you agree / disagree with the proposal that special school E3 funding is allocated via Specific Allocation Funding?





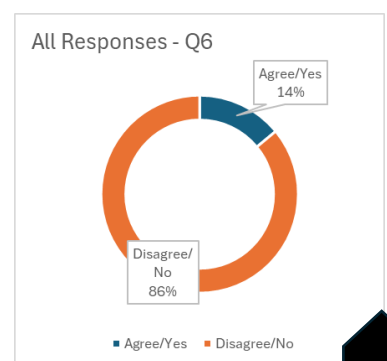
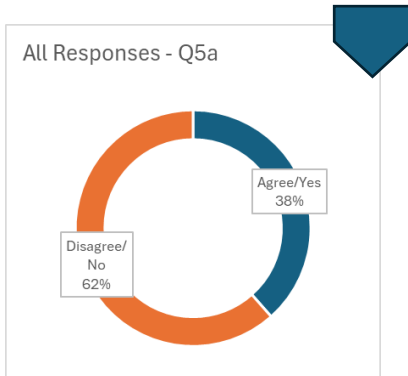
**2. Do you agree / disagree with the proposal that SRP E3 funding is allocated via Specific Allocation Funding?**

**3. Do you agree / disagree with the proposal that Specific Allocation Funding rates are consistent, irrespective of where a pupil may be educated, whether in a mainstream, SRP, or special school?**



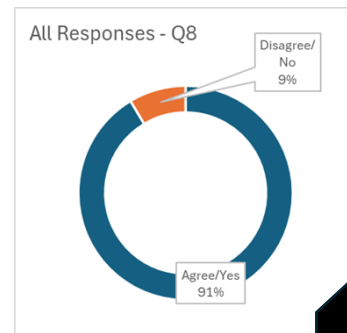
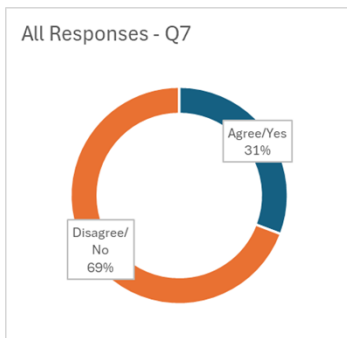
**5. Do you know about the ESFA's guidance on SEN Notional Budgets for mainstream schools?**

**5a. Is there further guidance you feel is necessary on Notional Budgets for mainstream schools in Kent?**



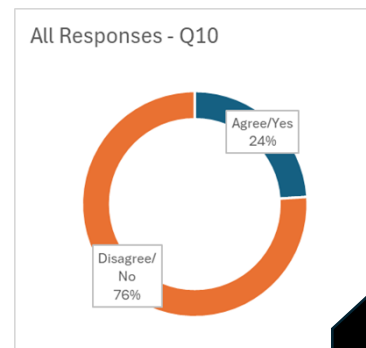
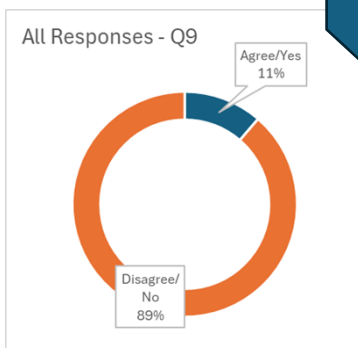
**6. Do you agree / disagree with the proposal to use the proxy indicators of pupil numbers, IDACI and LAC to determine Community Budgets?**

**7. Do you agree / disagree with the proposal for the calculation of the Community Budget to recognise historic top-up allocation patterns in the first 2 years of implementing the model?**



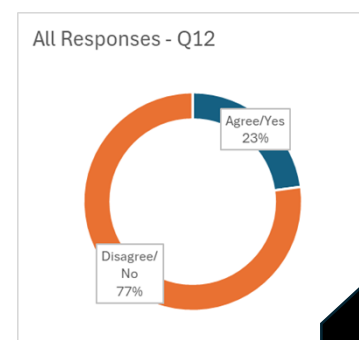
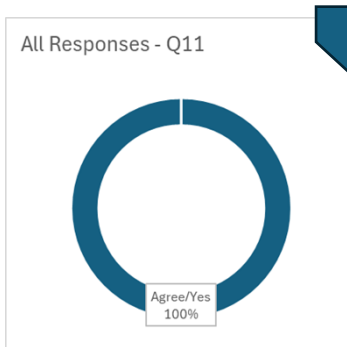
**8. Do you agree / disagree with the proposal that mainstream schools E3 funding for children with significant needs is allocated directly to schools via Specific Allocation Funding rather than through the Community Budget?**

**9. Do you agree / disagree that the cost of the Chair and the Administrator should be top sliced from the Community Budget?**



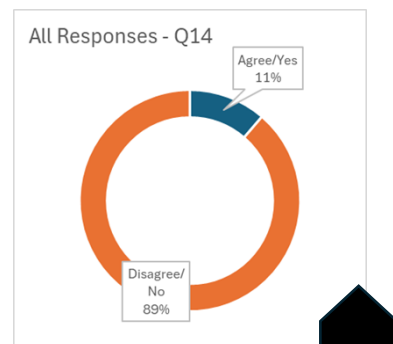
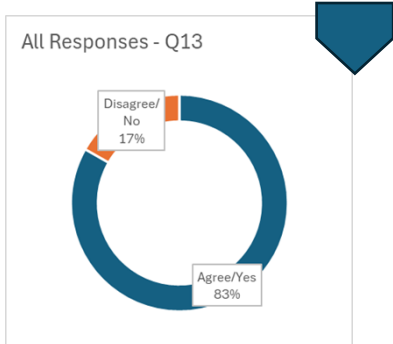
**10. Do you agree / disagree that as part of the transition arrangements all E3 funding for mainstream pupils currently categorised SEN Support will form part of the Community Budget from September 2025?**

**11. Do you agree / disagree that as part of the transition arrangements all agreed allocations made by the Community of schools where either an individual child, or the average funding per child exceeds £6k should be open to further moderation by the Communities and KCC Officers?**



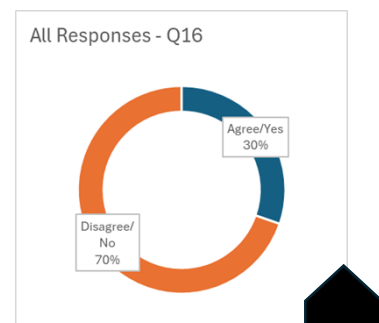
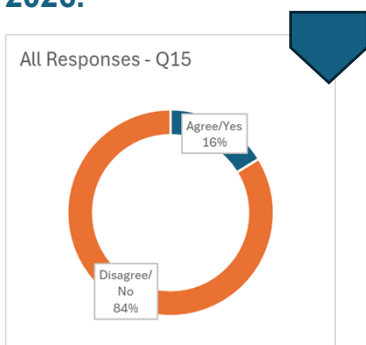
**12. Do you agree / disagree, as part of the transition arrangements, all E3 funding for mainstream pupils, whose EHCP funding rate (as of August 24) is less than £6k (not including £6k notional spend) will form part of the**

**13. Do you agree / disagree, as part of the transition arrangements, all E3 funding for mainstream pupils, whose EHCP funding rate (as of August 24) is above £6k (not including £6k notional spend) will continue to receive their agreed funding rate until March 2026 (with the expectation that from April 2026 they will be funded in accordance with their identified tariff funding stream)?**



**14. Do you agree / disagree, as part of the transition, all E3 funding for new mainstream EHCPs issued from September 2024 will form part of the Community Budget?**

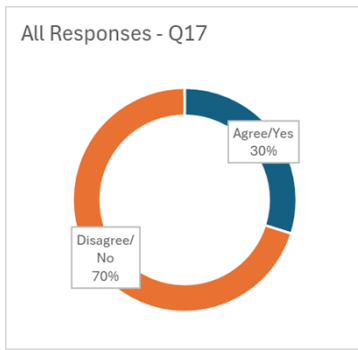
**15. Do you agree / disagree: We aim to implement the proposed new funding model for mainstream pupils (Community Budgets and Specific Allocation Funding rates) from April 2026.**



**16. Do you agree / disagree with the proposal that there is no transition period for SRPs between the current and proposed new funding model for E3 funding (using tariff funding descriptors to determine standard funding rates), with the expectation the new model will go live from September 2026?**

**17. Do you agree / disagree with the proposal that there is no transition period for Special schools between the current and proposed new funding model for E3 funding (using the**

tariff funding descriptors and standard funding rates to determine an average funding rate), with the expectation the new model will go live from September 2026?



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# SEN Funding System

## CONSULTATION – KCC RESPONSE



This consultation was designed to seek the views of schools on the following points:

- The **principles** of a single SEN funding system for the future
- The **formula** for how Kent County Council (KCC) will calculate the funding for the Communities of schools to implement the Localities model for mainstream schools
- How funding is used to meet the needs of children who have significant needs in special schools, SRPs and mainstream schools
- How to support schools to **transition** from one model to another.

The consultation was only on **Element 3** top-up funding (not Elements 1 and 2).

The consultation period ran from 19<sup>th</sup> November 2024 to 6<sup>th</sup> December 2024 and included a series of face to face, as well as virtual meetings.

221 individual responses were received.

1 collective response from Diocese of Canterbury.

1 collective response received from Kent Association of Leaders in Education (KALE).

18 of the individual returns were responding on behalf of an Academy Trust (18 responses representing 57 schools in total), therefore the views received represent 260 individual settings in Kent.

This equates to a 44% response rate (260 settings out of a possible 593 settings<sup>1</sup>)

In the following response table, three main approaches have been taken to the majority of issues raised:

1. Where concerns or comments have been based on misconceptions or misunderstanding, these can be directly addressed and responded to, or where there are already plans in place to address these concerns.
2. Where we have taken on board feedback and need to accelerate planned work to provide further information to consultees.
3. Where we have taken on board the comments and how the model has changed or may change as a result.

Category / Question	Consultation comments / questions / concerns	KCC Response	Action Area 1 to 3
<b>Special school E3 Funding allocated by Specific Allocation</b>	Agree in principle but want to see more about financial implications and the rates being proposed	Advice from other LAs <sup>2</sup> that have introduced this type of model (payment made based on a tariff structure) is that mapping of pupils should take place before confirming the rates for each tariff. The purpose of the consultation was to agree a direction of travel for the new funding model so work on finalising the tariff values could be completed by later 2025, in-line with the budget setting	<b>2</b>

<sup>1</sup> [Facts-and-Figures-2024](#)

<sup>2</sup> Local Authority (LA)



		process	
	Queries as to the cost of large infrastructure items e.g. hydro pools	The current funding model for special school budgets, including some specific school-led factors where these support in delivering an adapted curriculum to the child this would be part of consideration in setting the tariffs for the E3 <sup>3</sup> allocation. It shows the necessity of the mapping exercise for all children in special schools as part of the implementation process	<b>2</b>
	Special school review did not specifically refer to funding so why is it being included in this?	This consultation is around proposals for E3 which applies across the continuum. Other elements specific to special schools are not included in this consultation	<b>1</b>
	Special schools have greater economies of scale compared to other schools so would not need as much E3 funding. SRPs <sup>4</sup> typically have less than 30 children so it is difficult to make a comparison	This shows the necessity of a mapping exercise for all children in special schools as part of the implementation process. This exercise will inform what consideration should be given to factors such as size or physical environment	<b>2</b>
<b>SRP E3 funding allocated by Specific Allocation</b>	Concerns that this might be a greater administrative burden for schools	The initial mapping exercise will need to involve schools alongside KCC staff, but the workload will be managed through the prioritisation of the work. Suggested prioritisation at this stage is: children and young people at phase transfer; new EHCPs <sup>5</sup> ; where change of placement has been requested and at annual review. Following the initial mapping the administrative burden should not be more than currently and ought to be less given the removal of the current High Needs funding application process for mainstream schools	<b>1</b>
<sup>3</sup> Element 3 top-up <sup>4</sup> Specialist Resource Provisions (SRPs) <sup>5</sup> Education, Health, and Care Plans (EHCPs)	If funding rates are too restrictive, is there a risk that it would discourage innovation	The E3 top-up funding exists to provide what the child needs and reflect the level of	<b>1</b>

	and collaboration	adaptation required for them to be able to access the curriculum and achieve their potential, this should not restrict innovation and collaboration. For mainstream schools where they have children whose needs are at SEN <sup>6</sup> support or wider support and strategies, the funding provided to the Communities of schools can have a particular focus on collaboration and innovation. Where children attend an SRP, all settings can be creative and innovative with a clear intent to improve outcomes for children	
	Funding rates need to ensure that parents have confidence in the system and not request special school or INMSS where it is not necessary	The proposal to link E3 top-up funding rates to a tariff no matter where a child attends, should demonstrate that funding is following the child and not the provision but work to build confidence in the system with parents will be an ongoing requirement	<b>2</b>
	SRPs should be funded on the number of places they provide. Funding would need to reflect the amount of staff training required	Places will be commissioned on an annual basis as they are currently. Elements 1 and 2 funding will remain as now	<b>1</b>
<b>Specific Allocation Funding rates to be the same for mainstream, SRP, and Special schools</b>	Quality of EHCPs needs to be addressed, especially around what is written in Section F	This is already an area of work that is underway. Where EHCPs come up for review, particularly in readiness for Phase Transfer, this is being addressed. The Quality Assurance team will also engage in the mapping exercise to ensure that any learning will feedback into the system	<b>2</b>
	SEN allowances for staff would be different in different settings	The Professional Resource Groups are undertaking work around staffing and training. Staffing requirements should relate to the provision required rather than the type of education establishment. The tariff model should be able to take this into account	<b>2</b>
	Mainstream schools should have more money because SRP and special schools will	It is proposed that E3 top-up funding relates to the level of adaptation required for children	<b>1 &amp; 2</b>

<sup>6</sup> Special Educational Needs (SEN)

have greater economies of scale and have better infrastructure and environment	to access the curriculum. Similar to the response above, this shows the necessity of a mapping exercise for all children before tariff rates are set, to consider the impact of size and setting type. Elements 1 and 2 funding rates cannot change as they are fixed by DfE	
This could be an administrative burden	Following the initial mapping the administrative burden should not be more than currently and ought to be less given the removal of the current High Needs funding application process for mainstream schools	<b>1</b>
This could encourage children being placed higher than necessary to attract more funding	This is why (1) mapping will take place before funding rates are set, and (2) there will be moderation in place	<b>2</b>
More special school and SRP places are required	Kent already has a higher proportion of children and young people in special schools and SRPs than other comparable LAs. Work has been undertaken to identify primary to secondary pathway gaps that need to be addressed and geographical areas where there is no SRP provision or where capacity needs to be grown so that children can attend provision locally. This work will be underpinned by forecast data to reflect changes in the school population over the next 5 to 10 years	<b>1</b>
Proposal that schools should be allocated a proportion of the funding to provide accordingly	E3 top-up funding will be linked to the provision/level of adaptation required, whether that child attends a mainstream school, mainstream with an SRP or a special school	<b>1</b>
Request that schools need to be able to make meaningful changes to Section F	The LA is legally responsible for ensuring delivery of provision set out in Section F. A school can speak to the parents/carers and parents can request a review if required	<b>1</b>
Funding rates need to be based on staffing costs rather than provision required	This would lead to a greater variety of funding models bespoke to each school/provision. It is more	<b>1</b>

		equitable to base funding on the level of adaptation required for children to access education	
	Funding rates need to be based on the provision required	This is the intention of what is being proposed. The level of adaptation should drive the provision	<b>2</b>
<b>Funding descriptors</b>	Too subjective and open to interpretation	This is why mapping will be carried out by KCC officers with schools and moderation based on the same principles used for exam moderation will be put in place	<b>1</b>
	Proposed that the document should not reflect need types	This would only be where particular adaptations were specific to a particularly complex or low incidence need type	<b>2</b>
	Should reflect age-appropriate development	Reflect what is being worked on in the continuum of need and provision	<b>2</b>
	The statements are not funding descriptors as there is no funding attached	Funding will be attached once the mapping against the tariffs has been completed	<b>2</b>
	Agreement in principle with the idea but concerned about how consistently the descriptors would be applied. Request that moderation is included	Moderation will be included	<b>2</b>
	Query about how the Communities of schools would determine the rate	It is not intended that the Communities of schools would determine the rate, but they would have flexibility to utilise the funding more innovatively to deliver improved outcomes at potentially lower cost	<b>1</b>
<b>Notional budget guidance</b>	Guidance is essential	Acknowledged	<b>2</b>
	Needs to be transparency in calculation	Acknowledged	<b>2</b>
	The guidance should not be treated as a shopping list for schools	Acknowledged	<b>2</b>
	Schools should not feel penalised if they cannot offer outreach	Acknowledged, schools will be at different stages at different times when it comes to capacity to offer outreach	<b>2</b>
<b>Proxy indicators for the Communities of schools Budget</b>	General agreement with the idea of a formula to ensure consistency	Acknowledged	<b>3</b>
	The suggested indicators oversimplify the issue	Whilst this is acknowledged, there is need to determine an equitable way to allocate	<b>2</b>

		individual Community of school budgets across geographical areas, whilst avoiding potential perverse incentives	
	Needs to include mobility, low prior attainment, and access to other services	Extra modelling will take place to include Low Prior Attainment in response to comments. Nationally it has been acknowledged that due to the subjective nature of SEN and practices, the national formula for allocating high needs funding is not set using SEN rates	<b>3</b>
	Should be needs led and should reflect no and % of SEN support and EHCPs	Linked to the response above. Nationally, the allocation of funding is not based on the identified number of children on SEN support or with an EHCP as the DfE <sup>7</sup> recognise these are subject to difference in local practices. The proposed formula is based around the principles used in the NFF <sup>8</sup> for the allocation of High Needs funding where 50% of the allocation is based on pupil numbers and 50% is based on deprivation type indicators. The IDACI <sup>9</sup> indicator is also used in the NFF for determine school budgets and used in the calculation for the SEN Notional Budgets in primary and secondary schools	<b>1 &amp; 2</b>
	The budget should be based on individual need in individual schools	Linked to the response above, SEN practices will differ in each school therefore this would lead to a greater variety of funding allocations not necessarily related to the individual child's need. It is more equitable for the Community budget to be based on a set of impartial indicators. Where the Community can then reflect on allocating funding according to the need, practices, and challenges within and between individual schools	<b>1 &amp; 2</b>
	Budget should include a review of SEN registers, Mainstream Core Standards, and the SEN information	Linked to responses above. Variability in the approaches to mainstream core standards, and the completion of SEN registers,	<b>1 &amp; 2</b>

<sup>7</sup> Department for Education

<sup>8</sup> National Funding Formula

<sup>9</sup> Income Deprivation Affecting Children Index (IDACI)

	report	and SEN information report means that at this time, the use of this information would be too subjective and could lead to perverse incentives	
<b>Use of Historic Allocation for the first 2 years of the model in the Communities of schools' budget</b>	General comments that this could lead to underfunding so the length of time that historic allocation is used should be longer than two years	It is likely that the longer the transitional period, the less likely that some schools will seek to change their practices and Communities of schools will have less time to develop and deliver more innovative approaches towards improved outcomes locally. Monitoring will take place across any transition period to identify challenges that need to be dealt with. However, it is possible to accelerate this if Communities are feeling more comfortable with the process	<b>3</b>
	Suggestion that the current notional budget formula should be used	Acknowledged	<b>2</b>
<b>Mainstream E3 funding for children with the most complex needs should be paid directly to the school</b>	General agreement	Noted	<b>2</b>
	Concern raised that this could lead to a rise in EHCP numbers to attract funding	EHCPs in themselves will not attract the additional funding, it would depend on where the mapping process would place the level of adaptation required to ensure a child's access to the curriculum	<b>2</b>
<b>Cost of the chair and administrator to be paid from the Communities Budget</b>	<b>Disagreement with this proposal was qualified by the following:</b>		
	Schools should not have to bear the cost	Thoughts behind this proposal related to ensuring that Community Chairs came from a school background and understand SEN. Also, that the funding would be used to reimburse the schools where the Chairs would otherwise be working, keeping the money in the school system rather than funding central costs	<b>2</b>
	Need assurance on the quality assurance mechanism		
	Should be a centralised team in KCC		
	Diverts money away from schools		
	Chairs may not have interest in or experience in SEN		
	Not sure where else the money would come from		
	Needs central moderation	There are proposals for AMBs <sup>10</sup>	<b>2</b>
<b>Agreement with the proposal was qualified by the following:</b>			
The cost is relatively low for the importance of the role	The costs relate to a part reimbursement to the school supporting their staff member to be a Chair, rather than a payment to the Chair	<b>2</b>	
<sup>10</sup> Area Moderation Board (AMB)	Cost could be borne from savings from INMISS over time	Savings from INMISS are required to bring the SEN	<b>2</b>

		budget within the amounts allocated but within that, savings could also provide more funding to Communities of schools over an extended period of time	
	A code of conduct, conflict of interest policy and a transparent complaints procedure needs to be in place	Acknowledged	<b>2 &amp; 3</b>
	LIFT <sup>11</sup> Executive demonstrates how collaborative working can be successful and the key principles should remain	Acknowledged that where this has worked well, KCC can learn from this	<b>2</b>
<b>E3 mainstream</b>	General agreement if the money can be allocated quickly and easily and does not affect the support currently in place	Noted	<b>2</b>
	Comments that targeted support could become diluted	This should not happen, but moderation, monitoring, and review will need to be undertaken	<b>2</b>
	Drop in the birth rate is already causing problems for schools	Understood, but E3 top-up funding is not intended to underpin base budget issues	<b>1</b>
	Comments that adult support in infant schools could be affected	Close monitoring of any impact of decisions on Infant schools disproportionately to all schools will be required as part of any moderation	<b>1</b>
	Flexibility could be reduced	The aim is to increase flexibility at a Community of schools' level as the Communities become established. Impact will have to be reviewed as the Communities establish themselves	<b>2</b>
	Possible staffing decisions would have to be made and a degree of protection for 2025-2026 was requested	Protections have been included for children where the provision in Section F is outlined and is more than £6k. Modelling for individual schools could be provided, but schools will already have that information themselves. It is also possible that mainstream schools could have the same timeframes for SRPs and special schools to support this	<b>3</b>
<sup>11</sup> Local Inclusion Forum	Teams (LIFT) Suggestions of 75% protection	The principle of adding a further	<b>2 &amp; 3</b>

<b>SEN support to go into the Communities pot</b>	were proposed £6k should be paid directly to schools	protection level to historic allocations for SEN support cases and EHCPs has been acknowledged to support smoother transition to the new model. This is a decision that could be made by the communities of schools as soon as they are operational. This could be implemented quickly in line with the principles of the model	
<b>E3 SEN support greater than £6k to have a greater degree of moderation</b>	General agreement with the proposals but queries as to who was conducting the moderation	Cross-Community moderation would be required to ensure equity	<b>2</b>
	Different opinions as to whether any moderation should be carried out by KCC officers or schools	This is a new model and ultimate responsibility for SEN rests with the LA. Moderation, particularly in the early stages of development of the Communities of schools will be vital to support their development and to iron out early issues	<b>1</b>
	If KCC is assured that schools can make decisions, why is further moderation required?	Moderation will not be designed to delay decisions. Moderation will take place of decisions already made to inform future decision making if necessary. Information from other LAs state that moderation across communities is crucial for the success of the model	<b>1 &amp; 3</b>
	Would the moderation and subsequent extra scrutiny lead to a delay in allocations?	Noted. Moderation will not be designed to delay decisions	<b>2</b>
	Comments about the quality of EHCPs and the statutory duty to fund Section F.	Information on AMBs to be provided	<b>2</b>
	Questions as to what the moderation would look like.	Information on AMBs to be provided	<b>2</b>
<b>E3 mainstream EHCP funding less than £6k to be included in the Communities pot</b>	General agreement in principle	Noted	<b>2</b>
	Wanted more clarity beyond March 2026	Noted. It is intended that further clarity can be given in time for the first set of meetings of the Community of schools in April	<b>2</b>
	Request that the timelines for mainstream should be the same as that proposed for SRP and Special schools	Phasing the implementation of the Community of schools' budgets, ahead of the implementation of the tariff model allows the staggering of	<b>2</b>



		changes	
	Quality of EHCPs is important to be secure in the decision making	Agreed. Work is ongoing to improve the quality of EHCPs	<b>2</b>
<b>New EHCPs agreed since Sept 2024 will go into the Communities pot</b>	This should be for EHCPs issued after Sept 2025 in line with other proposals	Noted. The modelling was based on the information available at the time of the consultation publication. To provide Communities with certainty of these budgets, the date would need to be set ahead of September 2025, particularly as children may already be in receipt of high needs funding whilst considered SEN Support. Further modelling can take place to understand the impact of this	<b>2</b>
	Agreement that there needed to be timelines for implementation, but date needed to change	Noted. It is possible that mainstream implementation of the tariffs could mirror the timeline for SRPs and special schools. It is also possible that some Communities of schools could operate earlier if they are more confident with the model whilst for others, a level of protection could be offered to existing allocations to support of planning	<b>2 &amp; 3</b>
	This model would not fit the individualised needs in a small mainstream school	The intention is the needs of these schools will need to be taken account of within the Community of schools they are part of	<b>1</b>
	There is a risk that children new into the system could be disadvantaged	It is expected new children may require additional support to access the curriculum would be referred to the Community of schools in the first instance. The Community of schools would be expected to consider holding a contingency to recognise new cases that may enter the system during the year. Once the proposed new system is fully implemented, children on SEN support would still be considered as part of the Communities of schools budget whilst children with an EHCP would be mapped across to the new tariff model and still have	<b>1</b>

		legal entitlement to the provision set out with Section F of their EHCP, with funding allocated either through the tariff or considered through Community of schools budget (dependent on severity of adaption required)	
	Children should be given a specific allocation regardless of when the EHCP is written	As above. Children with an EHCP would be mapped across to the new tariff model and still have legal entitlement to the provision set out with Section F of their EHCP, with funding allocated either through the tariff or considered through Community of schools' budget (dependent on severity of adaption required)	<b>1</b>
	Risk that the statutory requirements in Section F might not be funded so this should be centrally funded	High Needs Guidance from DfE states that Top-up funding is intended to contribute to the costs of special educational provision for children and young people with high needs. Top-up funding should therefore take account of other elements of funding that also contribute to meeting such costs, such as mainstream schools' and colleges' formula funding to meet the cost of additional support up to £6,000 per pupil, or special schools' and colleges' place funding. Moderation will take place to pick up any concerns	<b>1</b>
	All new EHCPs in the system should be mapped onto the tariffs immediately	Phase transfer and new EHCPs will be prioritised for mapping across onto the new tariffs once it is implemented.	<b>2</b>
	This could lead to a rise in unnecessary EHCP requests	Schools will need to have the proposed system clarified so that they understand that there will be nothing gained by a child having an EHCP who is level of adaptation is map onto a tariff at either SEN Support or Wider Support and Strategies	<b>1</b>
<b>Mainstream Specific Allocations and Communities budgets to be</b>	Transition timeline should be the same as for SRPs and Special schools which would give schools longer to prepare budgets and provision	Phasing the implementation of the Community of schools' budgets, ahead of the implementation of the tariff model allows the staggering of	<b>2 &amp; 3</b>

<b>completely in operation by April 2026</b>	accordingly	changes. However, it is acknowledged the phasing of the introduction of the tariff model could be aligned to the timescales for SRPs and special schools	
	KCC's universal offer and professional support would need to be improved	It is planned to map support against Communities of schools. Communities of schools will have some ability to purchase additional resources or interventions and support from elsewhere in addition to any available from the LA	<b>2</b>
	Must ensure that the timing of the rollout does not hinder the quality of provision in schools	Noted	<b>2</b>
	More information required regarding financial situation for individual schools	Noted. This could be provided through the Communities	<b>2 &amp; 3</b>
	Needs to be regular evaluation of systems and Value for Money as the model develops	Noted	<b>2</b>
	Request that the system changes completely from Sept 2025	The number and complexity of schools and provisions across Kent means that implementation will have to be phased	<b>2</b>
	Careful planning, evaluation and implementation is required with milestones in place	Noted. The timeline for implementation and to work with Chairs is being developed	<b>2</b>
	Risk of financial strain on schools and some disruption to the services provided	Close monitoring and regular review will need to be undertaken. Staged implementation will help to identify those most at risk	<b>2</b>
	Unintended consequences are unknown	As above	<b>2</b>
<b>SRP E3 funding to be in place for Sept 2026</b>	Agreement that SRP and Special schools should have the same timescales	Noted	<b>2</b>
	The funding needs to reflect the financial challenges for each school	Place funding, set by Government, will still be in place. Close monitoring of risks and impact will be undertaken. The funding model cannot be individualised to each school's situation. Acknowledgement in responses above have indicated that when setting tariffs consideration will be given to whether these should be varied to reflect setting type or size	<b>1</b>

	Agreement with the proposals but want to see the financial implications	More modelling will be undertaken during 2025 and shared with schools	<b>2</b>
	Rates should be confirmed by Sept 2025	Tariff rates will be confirmed in line with the budget setting process for 2026-27 in line with the DfE requirements	<b>2</b>
	Not enough time for SRPs to manage the change.	Additional modelling during 2025, in response to developing the tariff rates, will help support work with schools with SRPs to manage the change. Consideration will also be given to whether a maximum “gains and losses” approach should be applied to support transition, once tariffs have been finalised	<b>2 &amp; 3</b>
	Other LAs are moving away from this model	This is misinformation. Other LAs have agreed to support KCC with the implementation	<b>2</b>
<b>Special school E3 funding to be in place for Sept 2026</b>	Quality of Annual reviews need to be considered within this	Noted	<b>2</b>
	Should be a phased approach	Noted	<b>2</b>
	Need rates confirmed by Sept 2025	In-line with the response above, tariff rates will be confirmed in-line with the school’s budget setting process for 2026-27 as set out by the DfE. Consideration will also be given to whether a maximum “gains and losses” approach should be applied to support transition, whilst tariffs are being finalised	<b>2 &amp; 3</b>
	Who would fund any potential redundancies?	Schools would need to evaluate their own provision to determine what the current offer is. Schools are responsible for their own strategic decision making	<b>1</b>
	Further engagement with stakeholders is necessary	Stakeholder engagement will continue to be part of the implementation and regular review	<b>2</b>
	How would the average funding rate be calculated	The proposal was to base the average rate on the existing cohort of children attending the school. However, this would be developed further as part of the final proposed tariff model	<b>2</b>
	Could this lead to an increase in bureaucracy?	Once established this should reduce bureaucracy and enable more decision making to take place at a local level with	<b>2</b>

		schools. Evaluation is necessary throughout the implementation phase to ensure this does not happen	
	An alternative proposal included funding rates to be agreed by Sept 2025, a 12-month transition period and financial support for redundancies	Noted. Actions which have been rated '3' will be used to review the implementation of this including the possibility of implementing a "maximum gains and losses" approach to support transition	<b>2 &amp; 3</b>

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#### EQIA Submission Draft Working Template

If required, this template is for use prior to completing your EQIA Submission in the EQIA App. You can use it to understand what information is needed beforehand to complete an EQIA submission online, and also as a way to collaborate with others who may be involved with the EQIA. Note: You can upload this into the App when complete if it contains more detailed information than the App asks for and you wish to retain this detail.

#### Section A

##### 1. Name of Activity (EQIA Title):

The Special Educational Needs (SEN) Funding System

##### 2. Directorate

Children Young People and Education (CYPE)

##### 3. Responsible Service/Division

Education and SEN

#### Accountability and Responsibility

##### 4. Officer completing EQIA

Note: This should be the name of the officer who will be submitting the EQIA onto the App.

Rachel Baker – Inclusion Project Manager, CYPE

##### 5. Head of Service

Note: This should be the Head of Service who will be approving your submitted EQIA.

Siobhan Price – Assistant Director School Inclusion, CYPE

##### 6. Director of Service

Note: This should be the name of your responsible director.

Christine McInnes – Director of Education and SEN, CYPE

#### The type of Activity you are undertaking

##### 7. What type of activity are you undertaking?

**Service Change** – *operational changes in the way we deliver the service to people. Answer Yes/No*

Yes

**Service Redesign** – *restructure, new operating model, or changes to ways of working. Answer Yes/No*

Yes/No

Yes

**Project/Programme** – *includes limited delivery of change activity, including partnership projects, external funding projects and capital projects. Answer Yes/No*

Yes

**Commissioning/Procurement** – *means commissioning activity which requires commercial judgement. Answer Yes/No*

No

<b>Strategy /Policy – includes review, refresh or creating a new document. Answer Yes/No</b>
Yes
<b>Other – Please add details of any other activity type here.</b>
None
<b>8. Aims and Objectives and Equality Recommendations – Note: You will be asked to give a brief description of the aims and objectives of your activity in this section of the App, along with the Equality recommendations. You may use this section to also add any context you feel may be required.</b>
<p>Two Ofsted and Care Quality Commission Local Area Special Educational Needs and Disabilities (SEND) Inspections in 2019 and 2022 identified significant weaknesses, with minimal progress noted during the revisit in 2022. These weaknesses were found to adversely affect parent and carer confidence in the Local Authority's capabilities leading to frustration, distrust and dissatisfaction with the support provided by Kent. Concurrently, there has been a substantial increase in spend of the High Needs Block (HNB) over the past five years, resulting in a projected cumulative deficit of £660 million by the financial year 2027/2028 if not addressed. In response to the outcome of the Ofsted Local Area SEND Inspection 2019 (and 2022 re-visit), and the need to address identified weaknesses in SEND provision, Kent County Council (KCC) has planned a whole system transformation for SEND.</p> <p>In March 2023 KCC signed a 'Safety Valve' Agreement with the Department for Education (DfE) to reach a positive in-year balance on its Dedicated Schools Grant (DSG) by the end of 2027-28 and in each subsequent year. Actions set out within this agreement include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• building capacity in mainstream schools to support children and young people (cyp) with SEND, thus increasing the proportion of cyp successfully supported in mainstream education and reducing dependence of specialist provision,</li> <li>• ensure there is sufficient and consistent capacity across the county to support children with severe and complex needs in their local area where possible,</li> <li>• reviewing the specialist continuum to ensure only the most severe and complex needs are supported in special schools,</li> <li>• develop a school/area-led approach to commissioning SEN support services (Locality Based Resources), to better respond to the needs of cyp with SEND.</li> </ul> <p>KCC continues to work to make mainstream schools more inclusive, and better able to meet the needs of children with SEND as part of the locality model now known as Communities of schools. The proposed changes and development of a school-to-school support model will also assist in this objective by fostering shared expertise, resources, and inclusive practices. This proposed collaboration aims to enable mainstream schools to better support diverse learning needs. It is proposed special schools contribute their specialised knowledge and strategies, which mainstream can then adapt to benefit their cohort of students creating a more inclusive environment across Kent.</p> <p>KCC are looking to adopt and implement a sustainable, single funding model for SEN High Needs Funding (HNF), for mainstream schools, Specialist Resource Provisions (SRPs) and special schools that will replace the current funding processes.</p> <p>The proposed SEN funding model in conjunction with the wider locality model is expected to build the robust governance and monitoring processes required to implement the necessary new approaches outlined in the agreement through the use of one overarching funding model across</p>



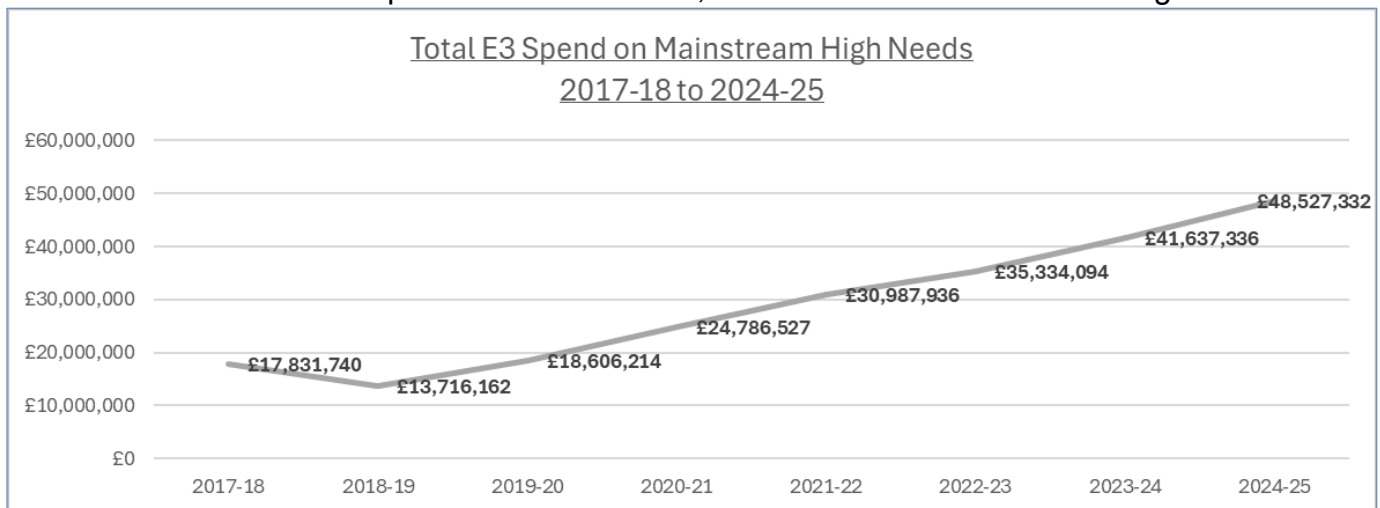
mainstream, SRP and special schools. The model will allow the Council greater control over the total contributions to schools to support children on SEN Support and children with an Education, Health, and Care Plan (EHCP) by setting standard tariff rates for contributions for individual children, and to set the budgets available for the Communities of schools.

In 2023-24 £371.3m from the DSG was spent on SEN non statutory services and school/education placements. The 2023-24 HNB from the DSG was £316.9m (with an additional £12m from primary and secondary school budgets). Meaning in 2023-24 there was a £42.3m shortfall between spend and budget allocation.

Based on information from the school census (state-funded schools), school level annual school census (independent schools) and general hospital school census on pupils with special educational needs (SEN) from 2023/24 Academic Year, the SEN population is depicted below.

% pupils	England		Kent	
	SEN Support	EHCP	SEN Support	EHCP
Independent school	16.7	5.7	22.3	8.7
Non-maintained special school	1.3	98.5	0.0	100.0
State-funded AP school	58.1	24.2	83.3	16.7
State-funded nursery	17.2	2.3	16.3	0.0
State-funded primary	14.1	3.0	13.0	2.8
State-funded secondary	12.9	2.7	11.1	2.6
State-funded special school	0.7	99.2	1.3	98.7
<b>Total</b>	<b>13.6</b>	<b>4.8</b>	<b>12.6</b>	<b>5.4</b>

Mainstream high needs funding has risen for the last 6 years and based on evidence of rising numbers of EHCPs and requests for assessment, would continue to do so if changes are not made.



KCC engaged with stakeholders on developing the plans for a new financial model and has undertaken a consultation with all Kent schools on the principles of the proposed new funding model for HNF, the formula for calculating mainstream Communities of schools' budget and a transition process.

The purpose of this Equality Impact Assessment is to help KCC assess the potential impact on persons with different protected characteristics. In undertaking this assessment, KCC has had

regard to the need to: (i) eliminate discrimination; (ii) advance the equality of opportunity; and (iii) foster good relations between persons who share a relevant protected characteristic and those who do not, in the exercise of our public functions.

KCC has considered the proposed changes alongside each of the three equality needs as outlined below.

**The need to eliminate discrimination:**

All children and young people will continue to have their special educational needs met, and KCC will continue to comply with Part 3 of the Children and Families Act 2014. No child will be treated less favourably because of their disability or SEN, or for a reason related to their disability or SEN.

By the proposals, KCC will have greater control over the total contributions made to schools to support children on SEN Support, and children with an EHCP, by setting the budgets available for the Communities of schools and setting specific tariff rates for contributions for individual children.

If the changes proposed would place some children at a particular disadvantage compared to others, KCC considers:

- (i) Proposals are proportionate – KCC ensured the proposals align with its duties under the Education Act 1996 (to secure that efficient primary education and secondary education are available to meet the needs of the population in its area), the SEND Code of Practice 2015 (Local Authorities should be transparent about how they will make decisions about high needs funding and education placements), and the Children and Families Act 2014 (to keep under review the educational provision for children and young people with special educational needs or disability and consider the extent to which its provision is sufficient to meet the educational needs of its population and ‘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’)
- (ii) There are no less intrusive measures – to continue with current practice will lead to ever increasing financial deficit.

KCC must take reasonable steps to avoid disadvantage. Work has been underway for several years preceding these funding proposals, including reviews into special schools, SRPs and mainstream provision to strengthen SEND inclusion systemically in Kent. The aim is to create the structures and processes that work together for the children, young people, and their families in Kent, with a funding mechanism that aligns with, and supports the whole system.

**The need to advance equality of opportunity:**

The proposals will promote equality of opportunity by strategically drawing together the current disparate funding systems into one system that serves the whole SEN community for their Element 3 top-up funding.

The protected characteristics impacted are Age, Disability, Race, Religion and Sex, with this EqIA also addressing impacts on Parents and Carers.

**Age** – The changes proposed relate to the age group 5- to -16-year-old age group which is the majority of the pupil population, as KCC are focussing where change will have the most impact. The latest data, shown below, is from the school census (state-funded schools), school level annual school census (independent schools) and general hospital school census on pupils with special educational needs (SEN) from 2023/24 Academic Year.

% pupils	England		Kent	
	SEN Support	EHCP	SEN Support	EHCP
Age 5-16	91.1	91.2	92.5	91.5
Other ages	8.9	8.8	7.5	8.5

The 5- to 16-year-old age group will be subject to the proposals and as such the way they are funded for their Element 3 top-up funding will be different. This does not automatically mean they are negatively impacted. KCC has due regard to the scale of pupils impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all children and young people with SEND.

By focussing on 5- to 16-year-olds does not automatically mean all other ages will be negatively impacted. These age groups are served by alternative funding systems that currently function sufficiently, and they will be reviewed and subject to equality assessments under alternative processes.

**Disability** – (Data taken from House of Commons Library Research Briefing, UK Disability statistics: Prevalence and life experiences October 2024 shows) An estimated 16.1 million people in the UK had a disability in 2022/23. This represents 24% of the total population. The prevalence of disability rises with age: around 11% of children were disabled, compared with 23% of working age adults and 45% of adults over State Pension age. Not all children and young people with SEN have a learning disability. The changes proposed will impact pupils who have a disability, no child will be treated less favourably because of their disability, or for reason related to their disability. All children and young people will continue to have their special educational needs met, and KCC will continue to comply with Part 3 of the Children and Families Act 2014.

**Race** – Pupils in Kent with an EHCP are predominantly White British and so KCC would expect this to be the ethnic group most impacted. KCC has due regard to the scale of pupils impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all children and young people with SEND. KCC does not believe the change will be detrimental to White British pupils, or particularly disadvantage pupils from any other group. All children and young people will continue to have their special educational needs met, and KCC will continue to comply with Part 3 of the Children and Families Act 2014.

% pupils	England	Kent
	EHCP	EHCP
Asian/Asian British	8.3	1.8
Black/African/Caribbean/Black British	5.7	2.0
Mixed/Multiple ethnic groups	6.1	4.2
Other ethnic group	1.6	0.6
Unknown	9.4	19.9
White	68.9	71.5

The latest data for children and young people who have an EHCP is shown above, this is presented for the 2023 calendar year based on data collected in the national SEN2 data collection.

**Religion** – (Data is currently unavailable for this characteristic nationally and in Kent). All children and young people, irrespective of their religion, will continue to have their special educational needs met, and KCC will continue to comply with Part 3 of the Children and Families Act 2014

**Sex** – Pupils in Kent with SEN Support and an EHCP are approximately 2/3 male and 1/3 female (following the national pattern) and therefore KCC anticipates boys will be most impacted by the proposed changes. The way all pupils are funded for their Element 3 top-up funding will be different KCC has due regard to the scale of male pupils impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all children and young people with SEND. All children and young people will continue to have their special educational needs met, and KCC will continue to comply with Part 3 of the Children and Families Act 2014.

The latest data, shown below, is from the school census (state-funded schools), school level annual school census (independent schools) and general hospital school census on pupils with special educational needs (SEN) from 2023/24 Academic Year.

% pupils	England		Kent	
	SEN Support	EHCP	SEN Support	EHCP
Male	62.0	72.0	61.3	71.7
Female	38.0	28.0	38.7	28.3

**Parent and Carers** - (Data is currently unavailable for this characteristic nationally and in Kent), however, we know that there are the following statistics regarding number of pupils with SEN, for which there will be a responsible adult/s (data based on information from the school census (state-funded schools), school level annual school census (independent schools) and general hospital school census on pupils with special educational needs (SEN) from 2023/24 Academic Year).

number of pupils	England		Kent	
	SEN Support	EHCP	SEN Support	EHCP
Total	1,238,851	434,354	34,112	14,579

Weaknesses from the Ofsted and Care Quality Commission (CQC) Local Area SEND Inspections in 2019 and (re-visit in) 2022 were found to adversely affect parent and carer confidence in the Local Authority's capabilities leading to frustration, distrust and dissatisfaction with the support provided by Kent. The changes proposed will impact Parents and Carers, KCC will ensure all children and young people will continue to have their special educational needs met, and KCC will continue to comply with Part 3 of the Children and Families Act 2014.

**The need to foster good relations:**

The proposals will:

- foster good relations between SEN children and those who are disabled, and those who do not have SEN and are not disabled as more SEN and disabled children will be educated in mainstream schools (if suitable SEN provision can be suitably provided there).
- support the intention to keep more children in maintained schools if suitable SEN provision can be provided. This advances objectives (ii) and (iii) as it avoids disparate or different services being provided for children with protected characteristics and those without. It also promotes the integration of children with different characteristics.
- foster better relations between the LA and schools due to greater transparency of information, and strengthened governance and financial monitoring processes
- foster good relations between groups of schools as they work together in Communities to make best use of resources

KCC acknowledges that there may be a fear that the proposed changes would not advance equality of opportunity if there were concerns that children's needs would not be met in their school. As part of our ongoing work, KCC is working with mainstream, special schools, and SRPs to develop a shared understanding of a Continuum of needs of children and young people with special educational needs and the expectations of provision for them. These efforts are focused on strengthening local provision and ensuring that mainstream schools work in partnership to meet a wide range of needs. The equality impacts of any proposed changes will continue to be considered and kept under review while a final decision is taken.

## Section B – Evidence

*Note: For questions 9, 10 & 11 at least one of these must be a 'Yes'. You can continue working on the EQIA in the App, but you will not be able to submit it for approval without this information.*

### 9. Do you have data related to the protected groups of the people impacted by this activity?

*Answer: Yes/No*

Yes some data can be accessed via the links below

[Data catalogue - GOV.UK - EHCPs 2024](#) This publication provides data on children and young people with an education, health, and care plan in England and, historically, for those with a statement of SEN. The publication is based on data collected in the SEN2 data collection. From the reporting year 2023.

[Data catalogue - GOV.UK - SEN 23/24](#) This publication combines information from the school census (state-funded schools), school level annual school census (independent schools) and general hospital school census on pupils with SEN.

### 10. Is it possible to get the data in a timely and cost-effective way? *Answer: Yes/No*

Yes

### 11. Is there national evidence/data that you can use? *Answer: Yes/No*

Yes

[Data catalogue - GOV.UK - EHCPs 2024](#) This publication provides data on children and young people with an education, health, and care plan in England and, historically, for those with a statement of SEN. The publication is based on data collected in the SEN2 data collection. From the reporting year 2023.

[Data catalogue - GOV.UK - SEN 23/24](#) This publication combines information from the school census (state-funded schools), school level annual school census (independent schools) and general hospital school census on pupils with SEN.

[DfE and Kent Safety Valve Agreement](#): This publication outlines the agreement between Department for Education and Kent County Council and covers the financial years from 2022-23 to 2027-28.

[SEND Ofsted and CQC inspection information](#): This page details Ofsted and the Care Quality Commission (CQC) joint inspection of KCC to judge the effectiveness of local areas in implementing the disability and special educational needs reforms as set out in the Children's and Families Act 2014.

### 12. Have you consulted with Stakeholders? *Answer: Yes/No*

*Stakeholders are those who have a stake or interest in your project which could be residents,*



<i>service users, staff, members, statutory and other organisations, VCSE partners etc.</i>
Yes
<b>13. Who have you involved, consulted, and engaged with?</b> <i>Please give details in the box provided. This may be details of those you have already involved, consulted, and engaged with or who you intend to do so with in the future. If the answer to question 12 is 'No', please explain why.</i>
KCC has engaged with stakeholders to support in creating the proposals, including school leaders, KCC staff, School Funding Forum, and the HNF sub-group. A list of school leaders and KCC Officers engaging with the development of the proposals is available as an appendix on the consultation document which can be found on Kelsi.
<b>14. Has there been a previous equality analysis (EQIA) in the last 3 years? Answer: Yes/No</b>
Yes. (This work sits within the remit of the Countywide Approach to Inclusive Education (CATIE) Strategy, which has an EqIA. There was an EqIA undertaken for the proposed Locality Model consultation, which was revised for implementation following key decision in August 2024. An EqIA was also undertaken for the Special School Review. All aforementioned projects impact, and are impacted by, this proposal)
<b>15. Do you have evidence/data that can help you understand the potential impact of your activity? Answer: Yes/No</b>
Yes We have historic Element 3 top-up funding data, numbers of pupils at SEN Support and EHCP, and we will have data relating to pupils mapped to the Continuum of Need and Provision when the work progresses further.
<b>Uploading Evidence/Data/related information into the App</b> <i>Note: At this point, you will be asked to upload the evidence/ data and related information that you feel should sit alongside the EQIA that can help understand the potential impact of your activity. Please ensure that you have this information to upload as the Equality analysis cannot be sent for approval without this.</i>
Data included within the consultation documents linked on Kelsi ( <a href="#">SEN School Funding Consultation - KELS!</a> )
<b>Section C – Impact</b>
<b>16. Who may be impacted by the activity? Select all that apply.</b>
Service users/clients - <i>Answer: Yes/No</i>
Yes Schools who request Element 3 top-up funding and the children and young people they support with top-up funding.
Residents/Communities/Citizens - <i>Answer: Yes/No</i>
No
Staff/Volunteers - <i>Answer: Yes/No</i>
Yes Staff in schools who requested funding via KCC previously will use a different process and access funding via Communities of Schools. KCC staff who processed the requests for funding will have different functions to perform as a result of the new funding system.
<b>17. Are there any positive impacts for all or any of the protected groups as a result of the activity that you are doing? Answer: Yes/No</b>

Yes

**18. Please give details of Positive Impacts**

Implementing one Element 3 top-up funding model for all schools will:

- Update existing funding processes that no longer adequately respond to requirements supporting the fostering of good relations
- Simplify the funding process, eliminating discrimination and advancing equality of opportunity
- Provide equity, consistency, clarity, and transparency, advancing equality of opportunity
- Improve access to and timely delivery of the funding, eliminating discrimination
- Embed improved governance, control, and monitoring processes, advancing equality of opportunity
- Provide flexible local resource, in the form of financial and practical support, eliminating discrimination
- Reduce bureaucracy, fostering of good relations
- Provide sustainability for the future eliminating discrimination, fostering good relations, and advancing equality of opportunity

**Negative Impacts and Mitigating Actions**

The questions in this section help to think through positive and negative impacts for people affected by your activity. Please use the Evidence you have referred to in Section B and explain the data as part of your answer.

**19. Negative Impacts and Mitigating actions for Age**

**a) Are there negative impacts for Age?** Answer: Yes/No  
(If yes, please also complete sections b, c, and d).

Yes

**b) Details of Negative Impacts for Age**

These proposals do not make changes to the Special Educational Needs Inclusion Fund (SENIF) for Early Years (0 to 4 years), or to Post-16 funding (16 years and upwards). The changes impact the 5- to 16-year-old age group. The system for how schools access funding for this age group will change. Moving from schools making individual pupil funding applications to KCC Officers, to a system with collaborative peer-to-peer agreement on allocation of a budget allotted to Communities of schools. As the approval processes for this allocation of funding will change, the funding for some individual or groups of pupils may subsequently change. This does not automatically mean they are negatively impacted. KCC has due regard to the scale of pupils impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all children and young people with SEND.

By focussing on 5- to 16-year-olds does not automatically mean all other ages will be negatively impacted. These age groups are served by alternative funding systems that currently function sufficiently, and they will be reviewed and subject to equality assessments under alternative processes.

**c) Mitigating Actions for Age**

Early years and post-16 funding (for those pupils not attending a sixth form in state funded schools') will continue to be delivered in the same way, as existing processes for allocating resource to both age groups function adequately. KCC want to take a measured approach and assess the impact of changes to the funding for the 5–16-year-old age group before looking to adopt the system for all age ranges. The rationale for focusing on a funding Model for 5-16-year-olds first, rather than all age

groups at once, was to change the system where it will have the most direct positive impact for children, young people, families, KCC, and its partners. The remaining age groups will be reviewed and subject to equality assessments under alternative processes.

Governance surrounding financial moderation processes in the proposed system are being strengthened with Area Moderation Boards set up to assess impact of funding and outcomes for children.

Schools will have access to Community budgets, which will give more options for shared ventures and collaborative use of resources.

KCC are creating stronger internal networks within Professional Resource Groups for schools to utilise in more accessible ways, with less reliance on diagnoses before support can be accessed. During the transition period measures will be in place to protect some level of funding currently in place, for example any child with an EHCP in receipt of funding over £6k would have protection and receive their current level of funding during the transition period.

A tariff system will be introduced for EHCP pupils with additional and/or more complex needs.

#### **d) Responsible Officer for Mitigating Actions – Age**

Siobhan Price – Assistant Director School Inclusion, CYPE

### **20. Negative Impacts and Mitigating actions for Disability**

**a) Are there negative impacts for Disability? Answer: Yes/No**  
(If yes, please also complete sections b, c, and d).

No Yes

#### **b) Details of Negative Impacts for Disability**

Not all children and young people with SEN have a learning disability but in practice many disabled children have SEN and many children with SEN will be considered disabled under the Equality Act. Therefore, pupils in the 5- to 16-year-old age group who have a disability will be impacted by the changes.

The system for how schools access funding for the 5- to 16-year-olds in this group will change. Moving from schools making individual pupil funding applications to KCC Officers, to a system with collaborative peer-to-peer agreement on allocation of a budget allotted to Communities of schools. As the approval processes for this allocation of funding will change, the funding for some individual or groups of pupils may subsequently change. This does not automatically mean they are negatively impacted. KCC has due regard to the scale of pupils impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all children and young people with SEND.

#### **c) Mitigating Actions for Disability**

The changes proposed will impact pupils in the 5- to 16-year-old age group who have a disability, no child will be treated less favourably because of their disability, or for reason related to their disability. All children and young people will continue to have their special educational needs met, and KCC will continue to comply with Part 3 of the Children and Families Act 2014.

Governance surrounding financial moderation processes in the proposed system are being strengthened with Area Moderation Boards set up to assess impact of funding and outcomes for children.

Schools will have access to Community budgets, which will give more options for shared ventures and collaborative use of resources.



KCC are creating stronger internal networks within Professional Resource Groups for schools to utilise in more accessible ways, with less reliance on diagnoses before support can be accessed. During the transition period measures will be in place to protect some level of funding currently in place, for example any child with an EHCP in receipt of funding over £6k would have protection and receive their current level of funding during the transition period. A tariff system will be introduced for EHCP pupils with additional and/or more complex needs.

**d) Responsible Officer for Mitigating Actions – Disability**

Siobhan Price – Assistant Director School Inclusion, CYPE

**21. Negative Impacts and Mitigating actions for Sex**

**a) Are there negative impacts for Sex? Answer: Yes/No**  
*(If yes, please also complete sections b, c, and d).*

Yes

**b) Details of Negative Impacts for Sex**

The system for how schools access funding for the 5- to 16-year-olds in this group will change. Moving from schools making individual pupil funding applications to KCC Officers, to a system with collaborative peer-to-peer agreement on allocation of a budget allotted to Communities of schools. As the approval processes for this allocation of funding will change, the funding for some individual or groups of pupils may subsequently change. This does not automatically mean they are negatively impacted. KCC has due regard to the scale of pupils impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all children and young people with SEND.

**c) Mitigating Actions for Sex**

Pupils in Kent with SEN Support and an EHCP are approximately 2/3 male and 1/3 female (following the national pattern) and therefore KCC anticipates boys will be most impacted by the proposed changes. The way all pupils are funded for their Element 3 top-up funding will be different, KCC has due regard to the scale of pupils impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all children and young people with SEND. All children and young people will continue to have their special educational needs met, and KCC will continue to comply with Part 3 of the Children and Families Act 2014.

Governance surrounding financial moderation processes in the proposed system are being strengthened with Area Moderation Boards set up to assess impact of funding and outcomes for children.

Schools will have access to Community budgets, which will give more options for shared ventures and collaborative use of resources.

KCC are creating stronger internal networks within Professional Resource Groups for schools to utilise in more accessible ways, with less reliance on diagnoses before support can be accessed. During the transition period measures will be in place to protect some level of funding currently in place, for example any child with an EHCP in receipt of funding over £6k would have protection and receive their current level of funding during the transition period.

A tariff system will be introduced for EHCP pupils with additional and/or more complex needs.

**d) Responsible Officer for Mitigating Actions – Sex**

Siobhan Price – Assistant Director School Inclusion, CYPE

## 22. Negative Impacts and Mitigating actions for Gender identity/transgender

**a) Are there negative impacts for Gender identity/transgender? Answer: Yes/No**  
(If yes, please also complete sections b, c, and d).

Yes

### b) Details of Negative Impacts for Gender identity/transgender

The system for how schools access funding for the 5- to 16-year-olds in this group will change. Moving from schools making individual pupil funding applications to KCC Officers, to a system with collaborative peer-to-peer agreement on allocation of a budget allotted to Communities of schools. As the approval processes for this allocation of funding will change, the funding for some individual or groups of pupils may subsequently change. This does not automatically mean they are negatively impacted. KCC has due regard to the scale of pupils impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all children and young people with SEND.

### c) Mitigating actions for Gender identity/transgender

The way all pupils are funded for their Element 3 top-up funding will be different, KCC has due regard to the scale of pupils impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all children and young people with SEND. All children and young people will continue to have their special educational needs met, and KCC will continue to comply with Part 3 of the Children and Families Act 2014.

Governance surrounding financial moderation processes in the proposed system are being strengthened with Area Moderation Boards set up to assess impact of funding and outcomes for children.

Schools will have access to Community budgets, which will give more options for shared ventures and collaborative use of resources.

KCC are creating stronger internal networks within Professional Resource Groups for schools to utilise in more accessible ways, with less reliance on diagnoses before support can be accessed.

During the transition period measures will be in place to protect some level of funding currently in place, for example any child with an EHCP in receipt of funding over £6k would have protection and receive their current level of funding during the transition period.

A tariff system will be introduced for EHCP pupils with additional and/or more complex needs.

### d) Responsible Officer for Mitigating Actions - Gender identity/transgender

Siobhan Price – Assistant Director School Inclusion, CYPE

## 23. Negative Impacts and Mitigating actions for Race

**a) Are there negative impacts for Race? Answer: Yes/No**  
(If yes, please also complete sections b, c, and d).

Yes

### b) Details of Negative Impacts for Race

The system for how schools access funding for the 5- to 16-year-olds in this group will change. Moving from schools making individual pupil funding applications to KCC Officers, to a system with collaborative peer-to-peer agreement on allocation of a budget allotted to Communities of schools. As the approval processes for this allocation of funding will change, the funding for some individual or groups of pupils may subsequently change. This does not automatically mean they are negatively impacted. KCC has due regard to the scale of pupils impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all

children and young people with SEND.

### **c) Mitigating Actions for Race**

Pupils in Kent with an EHCP are predominantly White British and so KCC would expect this to be the ethnic group most impacted. KCC has due regard to the scale of pupils impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all children and young people with SEND. KCC does not believe the change will be detrimental to White British pupils, or particularly disadvantage pupils from any other group. All children and young people will continue to have their special educational needs met, and KCC will continue to comply with Part 3 of the Children and Families Act 2014.

Governance surrounding financial moderation processes in the proposed system are being strengthened with Area Moderation Boards set up to assess impact of funding and outcomes for children.

Schools will have access to Community budgets, which will give more options for shared ventures and collaborative use of resources.

KCC are creating stronger internal networks within Professional Resource Groups for schools to utilise in more accessible ways, with less reliance on diagnoses before support can be accessed.

During the transition period measures will be in place to protect some level of funding currently in place, for example any child with an EHCP in receipt of funding over £6k would have protection and receive their current level of funding during the transition period.

A tariff system will be introduced for EHCP pupils with additional and/or more complex needs.

### **d) Responsible Officer for Mitigating Actions – Race**

Siobhan Price – Assistant Director School Inclusion, CYPE

## **24. Negative Impacts and Mitigating actions for Religion and belief**

### **a) Are there negative impacts for Religion and Belief? Answer: Yes/No**

*(If yes, please also complete sections b, c, and d).*

Yes

### **b) Details of Negative Impacts for Religion and belief**

The system for how schools access funding for the 5- to 16-year-olds in this group will change. Moving from schools making individual pupil funding applications to KCC Officers, to a system with collaborative peer-to-peer agreement on allocation of a budget allotted to Communities of schools. As the approval processes for this allocation of funding will change, the funding for some individual or groups of pupils may subsequently change. This does not automatically mean they are negatively impacted. KCC has due regard to the scale of pupils impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all children and young people with SEND.

### **c) Mitigating Actions for Religion and belief**

The way all pupils are funded for their Element 3 top-up funding will be different, KCC has due regard to the scale of pupils impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all children and young people with SEND. All children and young people will continue to have their special educational needs met, and KCC will continue to comply with Part 3 of the Children and Families Act 2014.

Governance surrounding financial moderation processes in the proposed system are being strengthened with Area Moderation Boards set up to assess impact of funding and outcomes for

children.

Schools will have access to Community budgets, which will give more options for shared ventures and collaborative use of resources.

KCC are creating stronger internal networks within Professional Resource Groups for schools to utilise in more accessible ways, with less reliance on diagnoses before support can be accessed. During the transition period measures will be in place to protect some level of funding currently in place, for example any child with an EHCP in receipt of funding over £6k would have protection and receive their current level of funding during the transition period.

A tariff system will be introduced for EHCP pupils with additional and/or more complex needs.

#### **d) Responsible Officer for Mitigating Actions - Religion and belief**

Siobhan Price – Assistant Director School Inclusion, CYPE

### **25. Negative Impacts and Mitigating actions for Sexual Orientation**

#### **a) Are there negative impacts for sexual orientation. Answer:**

*Yes/No (If yes, please also complete sections b, c, and d).*

Yes

#### **b) Details of Negative Impacts for Sexual Orientation**

The system for how schools access funding for the 5- to 16-year-olds in this group will change. Moving from schools making individual pupil funding applications to KCC Officers, to a system with collaborative peer-to-peer agreement on allocation of a budget allotted to Communities of schools. As the approval processes for this allocation of funding will change, the funding for some individual or groups of pupils may subsequently change. This does not automatically mean they are negatively impacted. KCC has due regard to the scale of pupils impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all children and young people with SEND.

#### **c) Mitigating Actions for Sexual Orientation**

The way all pupils are funded for their Element 3 top-up funding will be different, KCC has due regard to the scale of pupils impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all children and young people with SEND. All children and young people will continue to have their special educational needs met, and KCC will continue to comply with Part 3 of the Children and Families Act 2014.

Governance surrounding financial moderation processes in the proposed system are being strengthened with Area Moderation Boards set up to assess impact of funding and outcomes for children.

Schools will have access to Community budgets, which will give more options for shared ventures and collaborative use of resources.

KCC are creating stronger internal networks within Professional Resource Groups for schools to utilise in more accessible ways, with less reliance on diagnoses before support can be accessed. During the transition period measures will be in place to protect some level of funding currently in place, for example any child with an EHCP in receipt of funding over £6k would have protection and receive their current level of funding during the transition period.

A tariff system will be introduced for EHCP pupils with additional and/or more complex needs.

#### **d) Responsible Officer for Mitigating Actions - Sexual Orientation**

Siobhan Price – Assistant Director School Inclusion, CYPE

**26. Negative Impacts and Mitigating actions for Pregnancy and Maternity**

**a) Are there negative impacts for Pregnancy and Maternity? Answer: Yes/No**  
*(If yes, please also complete sections b, c, and d).*

No

**b) Details of Negative Impacts for Pregnancy and Maternity****c) Mitigating Actions for Pregnancy and Maternity****d) Responsible Officer for Mitigating Actions - Pregnancy and Maternity****27. Negative Impacts and Mitigating actions for marriage and civil partnerships**

**a) Are there negative impacts for Marriage and Civil Partnerships? Answer: Yes/No**  
*(If yes, please also complete sections b, c, and d).*

No

**b) Details of Negative Impacts for Marriage and Civil Partnerships****c) Mitigating Actions for Marriage and Civil Partnerships****d) Responsible Officer for Mitigating Actions - Marriage and Civil Partnerships****28. Negative Impacts and Mitigating actions for Carer's responsibilities**

**a) Are there negative impacts for Carer's responsibilities? Answer: Yes/No**  
*(If yes, please also complete sections b, c, and d).*

Yes

**b) Details of Negative Impacts for Carer's Responsibilities**

The system for how schools access funding for the 5- to 16-year-olds impacting this group will change. Moving from schools making individual pupil funding applications to KCC Officers, to a system with collaborative peer-to-peer agreement on allocation of a budget allotted to Communities of schools. As the approval processes for this allocation of funding will change, the funding for some individual or groups of pupils may subsequently change. This does not automatically mean they or their parents/carers are negatively impacted. KCC has due regard to the scale of pupils and their parents/carers impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all children and young people with SEND.

**c) Mitigating Actions for Carer's responsibilities**

The way all pupils are funded for their Element 3 top-up funding will be different, KCC has due regard to the scale of pupils impacted and will take reasonable steps to ensure they are not disadvantaged by the change and there will be appropriate provision for all children and young people with SEND. All children and young people will continue to have their special educational needs met, and KCC will continue to comply with Part 3 of the Children and Families Act 2014.

Governance surrounding financial moderation processes in the proposed system are being strengthened with Area Moderation Boards set up to assess impact of funding and outcomes for children.

Schools will have access to Community budgets, which will give more options for shared ventures and collaborative use of resources.

KCC are creating stronger internal networks within Professional Resource Groups for schools to utilise in more accessible ways, with less reliance on diagnoses before support can be accessed.

During the transition period measures will be in place to protect some level of funding currently in place, for example any child with an EHCP in receipt of funding over £6k would have protection and receive their current level of funding during the transition period.

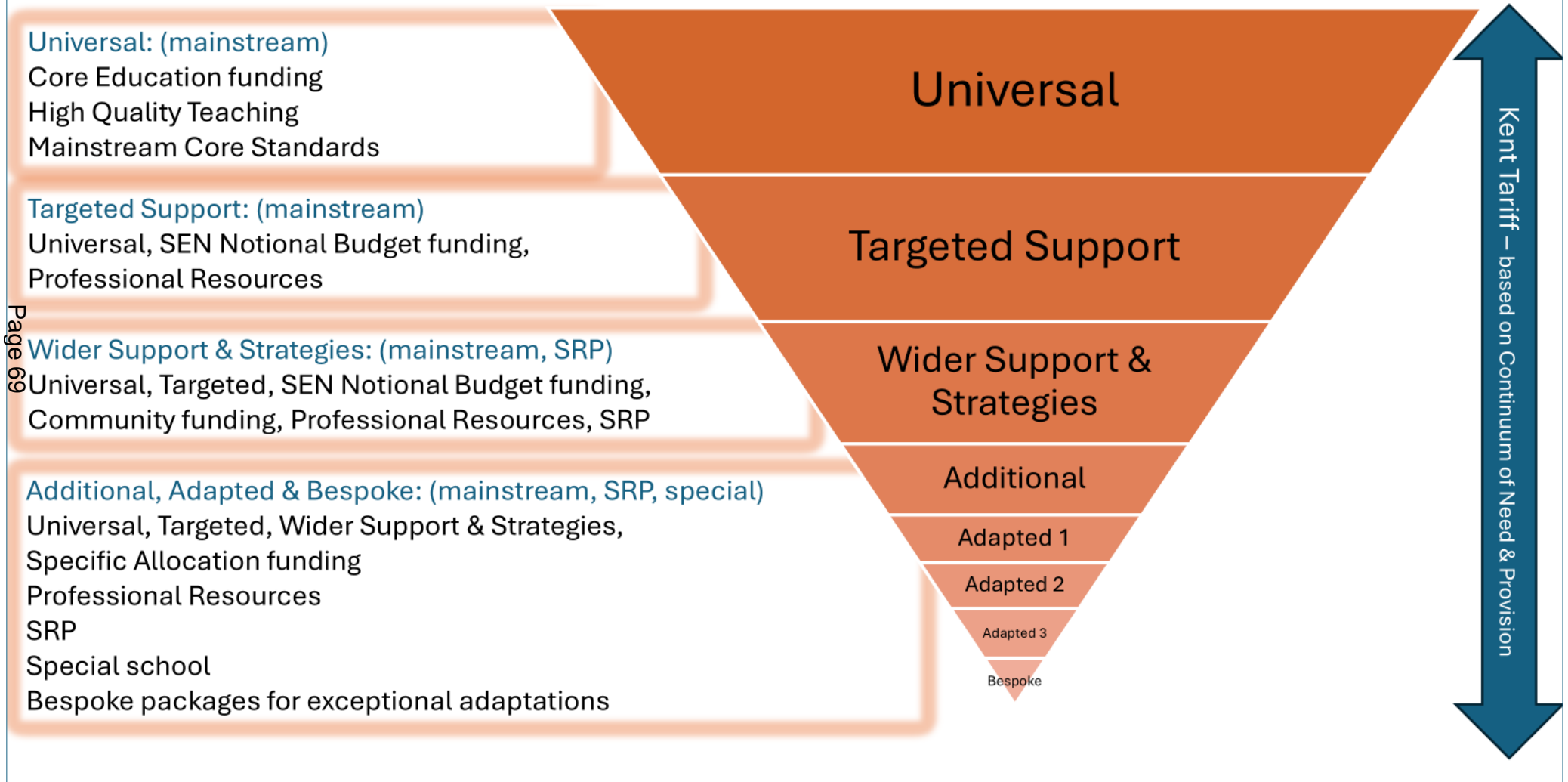
A tariff system will be introduced for EHCP pupils with additional and/or more complex needs.

**d) Responsible Officer for Mitigating Actions - Carer's Responsibilities**

Siobhan Price – Assistant Director School Inclusion, CYPE



## Proposed alignment with Kent's Continuum of Need and Provision



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**EXECUTIVE DECISION**

**From: Rory Love, Cabinet Member for Education and Skills**

**Sarah Hammond, Corporate Director of Children, Young People and Education**

**To: Children's and Young People's Cabinet Committee – 16 January 2025**

**Subject: 24/00121 SEND strategy 2025-2028**

**Key/non-key decision – affects more than 2 Electoral Divisions**

**Classification:** Unrestricted

**Past Pathway of report:** N/A

**Future Pathway of report:** Cabinet Member Decision

**Electoral Division:** All divisions

**Summary:** This report introduces the SEND Strategy 2025-2028 for Kent County Council, and the KENT SEND system, which comprises a comprehensive plan to enhance the provision of services for children and young people with Special Educational Needs and Disabilities (SEND).

The strategy reflects the outcomes of extensive engagement with stakeholders, including parents, carers, educators, health and social care professionals, and young people themselves.

The strategy supports "Framing Kent's Future 2022-2026" by promoting social inclusion, enhancing educational outcomes, building a skilled workforce, strengthening community health, and ensuring sustainable development.

The strategy aligns with key legislation, including the Children and Families Act 2014, SEND Code of Practice 2015, and Equality Act 2010, ensuring compliance with statutory duties.

The SEND Strategy 2025-2028 is an ambitious plan designed to improve the lives of children and young people with SEND in Kent. It emphasises inclusivity, collaboration, and sustainable development, aiming to create a supportive environment where all individuals can thrive. By adopting this strategy, Kent County Council commits to significant improvements in SEND services, aligning with broader strategic goals and securing a brighter future for the SEND community.

**Recommendation(s):** The Children's, Young People and Education Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Education and Skills on the proposed decision as detailed in the Proposed Record of Decision.

## 1. Introduction

1.1 This report introduces the new Special Educational Needs and Disabilities (SEND) Strategy for Kent, covering the period from 2025 to 2028. This strategy has been developed to support the local area in responding to the growing and diverse needs of children and young people with SEND across the county. It outlines a comprehensive framework designed to enhance the provision, inclusivity, and outcomes of SEND services addressing five ambitions

1. Child-Centred Approach
2. Collaborative Service Provision
3. Countywide Inclusion
4. Family Engagement and Participation
5. Independence Pathways

1.2 Implementation of this strategy will:

- Affirm the commitment of Kent County Council to improving outcomes for children and young people with SEND.
- Ensure work in Kent aligns with national legislative frameworks and addresses local needs assessments.
- Support the provision of a clear and actionable roadmap for the development and implementation of SEND services over the next three years.
- Facilitate the allocation of necessary resources and support for the effective execution of the strategy.
- Enable ongoing monitoring and evaluation to ensure continuous improvement and accountability in delivering SEND services.

## **2. Development of the Strategy**

2.1 Kent County Council is committed to providing high-quality, inclusive educational and support services for children and young people with Special Educational Needs and Disabilities (SEND) reflecting government policy and best practice. The development of the SEND Strategy 2025-2028 builds upon previous work and addresses both longstanding and emerging challenges within the SEND landscape.

2.2 In recent years, the Kent SEND system has faced significant challenges in meeting statutory duties and delivering SEND services, as highlighted by past inspections from OFSTED and the Care Quality Commission (CQC). The 2019 inspection resulted in a written statement of action, and a subsequent 2022 revisit noted insufficient progress in all areas. These findings underscored the need for a robust, comprehensive strategy to support a co-ordinated approach by the system to addressing gaps and improving outcomes for children and young people with SEND.

2.3 The shared vision that we work together to "Support children and young people to achieve; through living healthy, safe lives in which they feel seen and included." was informed by consultation with children and young people and has been agreed by all the key stakeholders. This vision has informed the SEND strategy, the draft Education Strategy and the draft Accessibility Strategy and supporting guidance, which were all drafted and consulted on at a similar time. This co-ordinated approach to strategy and policy development ensures

alignment and better supports the achievement of the overall vision for all children and young people.

2.4 Key elements guiding the strategy's development include:

- **Legislative Frameworks:** Alignment with the SEND Code of Practice (0-25 years) 2015, Children and Families Act 2014, Equality Act 2010, and other relevant laws and regulations.
- **Stakeholder Engagement:** Regular feedback sessions and focus groups with parents, carers, children, young people, and professionals to gather insights and ensure the strategy reflects their needs and aspirations.
- **Evidence-Based Approaches:** Analysis of current data, best practices, and innovative approaches to SEND service delivery.

2.5 The new SEND Strategy incorporates the Children and Young People's Outcomes Framework, which was developed with the input of young people to include the additional dimension of 'My Independence', see diagram below.



2.6 Building on the effective elements of the previous strategy, this SEND Strategy 2025-2028 was developed through extensive engagement and collaboration with various stakeholders, including health and social care professionals, educators, parents, carers, and young people with SEND. As a result of our extensive engagement and evidence-based analysis, five ambitions were identified as the cornerstone of this strategy. These ambitions reflect the collective priorities of stakeholders, including parents, carers, educators, and young people themselves and more detail can be seen below.

1. Child-Centred Approach:

Objective: Empower children and young people with SEND to actively participate in decisions about their education, support, and future.

Actions: Develop self-advocacy skills, create participation opportunities, and foster a culture of inclusion.

2. Collaborative Service Provision:

Objective: Enhance partnerships between education, health, and social care services to provide seamless support.

Actions: Establish multi-agency teams, promote efficient information sharing, and coordinate assessments and interventions.

### 3. Countywide Inclusion:

Objective: Promote inclusive practices across all schools and community services.

Actions: Conduct comprehensive needs assessments, develop inclusive policies, and provide ongoing professional development for educators and service providers.

### 4. Family Engagement and Participation:

Objective: Strengthen engagement with parents and carers by providing accessible information and support.

Actions: Establish parent support groups, implement regular consultations, and ensure transparent communication with families.

### 5. Independence Pathways:

Objective: Establish a continuum of support from early years through post-16 education to facilitate independence.

Actions: Develop strategic plans for transitions, build capacity for better support, and focus on promoting independence and future success.

2.7 Examples of performance indicators and data that will be used to monitor and evaluate the successful implementation are included in the strategy document. There are ambitious plans to also evaluate the SEND strategy through the use of the Outcomes Framework for Children and Young People at a pupil level. A five point scale is being developed for each dimension to allow for individual pupil input to be recorded on each dimension and for changes to be monitored over time. Officers are currently considering the most effective way of collecting, collating and analysing the data and pathfinder activity will commence in mid-2025.

## **3. Alternative Options Considered**

### 3.1 Options considered include:

#### Option 1: Extending the current SEND strategy

Description: Continue with the current SEND strategy without significant changes.

Risks: The current strategy had significant shortcomings identified by Ofsted and CQC and does not reflect the current work of the SEND services. This option risks perpetuating existing challenges, such as insufficient progress in key areas, lack of coordinated services, and inadequate support for families and children with SEND. It may also fail to meet the expectations set by previous inspections and stakeholder feedback. It was therefore discarded.

#### Option 2: Incremental Improvements

Description: Implement gradual changes and improvements to the existing SEND strategy.

Risks: While this option could address some issues, the pace of change may be too slow to achieve the desired outcomes. Incremental improvements may not be sufficient to address the systemic issues identified in inspections and feedback from stakeholders. It was therefore discarded.

### 3.2 Risk Management

Implementing the SEND Strategy requires significant resources to be allocated differently, along with coordination and continuous monitoring. There is a risk of resistance to change from some stakeholders and potential challenges in aligning various agencies and services. However, implementing a new SEND Strategy offers the best opportunity to achieve meaningful and sustainable improvements in SEND provision.

3.3 To mitigate the risks associated with its implementation, the following measures will be applied:

- Stakeholder Engagement: Maintain ongoing communication and collaboration with all stakeholders to foster buy-in and address concerns promptly.
- Monitoring and Evaluation: Establish robust mechanisms for monitoring progress and evaluating the impact of the strategy, allowing for adjustments as needed.
- Capacity Building: Provide training and support to educators, healthcare providers, and other professionals involved in SEND services to build capacity and enhance service delivery.
- Governance: To use the agreed new governance structure, building on the work of the previous SEND Improvement and Assurance Board, to oversee the strategy's implementation and ensure accountability.

3.4 The SEND Strategy 2025-2028 represents a comprehensive and ambitious plan to improve the provision and outcomes of SEND services in Kent. By adopting this strategy, the Council will demonstrate its commitment to creating an inclusive, supportive, and high-quality SEND framework that meets the needs of children, young people, and their families. Approval of this strategy will pave the way for meaningful and sustainable improvements, ensuring that every child and young person with SEND in Kent can achieve their full potential.

## **4. How the proposed decision supports Framing Kent's Future 2022-2026**

4.1 The proposed SEND Strategy 2025-2028 is closely aligned with the strategic priorities outlined in "Framing Kent's Future 2022-2026." This overarching plan aims to create a county that is prosperous, healthy, and inclusive. The SEND Strategy supports these ambitions through several key initiatives:

Priority 1: Levelling Up Kent

Objective: To ensure that all communities in Kent have access to opportunities and resources that enable them to thrive.

Support from SEND Strategy:

Inclusive Education: By promoting inclusive practices across all schools and services, the SEND Strategy ensures that children and young people with SEND have equitable access to high-quality education and support, thus contributing to the levelling up of educational opportunities across the county.

Local Access to Services: The strategy emphasizes improving local service provision, reducing the need for children and young people with SEND to travel long distances to access necessary support. This aligns with the aim to provide equal access to services across all communities in Kent.

Priority 2: Infrastructure for Communities

Objective: To develop infrastructure that supports the well-being and development of Kent's communities.

Support from SEND Strategy:

Service Integration: The strategy promotes enhanced partnerships and multi-agency collaboration between education, health, and social care services. This integrated approach ensures that infrastructure and services are better coordinated and more effective in meeting the needs of the SEND community.

Capacity Building: By providing ongoing professional development for educators and service providers, the strategy builds capacity within the local infrastructure to deliver high-quality, inclusive support for SEND, thereby strengthening the community's overall resilience and well-being.

Priority 3: Environmental Step Change

Objective: To ensure Kent's environment as a core asset that is valued, strengthened and protected.

Support from SEND Strategy:

Holistic Support: The SEND Strategy's provides an opportunity to focus on the Outcomes Framework, to address the community and make improvements through the voice of children and young people. The holistic approach will ensure that all communities through Kent have access to outdoor areas.

Family Engagement: By strengthening family engagement and providing accessible information and support, the strategy helps families to have access to more areas in their communities, with the opportunity to improve open spaces to better support the health and well-being of their children, fostering a healthier and more supportive home environment.

Priority 4: New Models of Care and Support

Objective: To ensure collaborative working through the Kent and Medway Integrated Care System

Support from SEND Strategy:

The strategy includes elements from SEND, Health, Joint Commissioning and Early years, highlighting the collaborative efforts from the services within KCC. Early engagement opportunities facilitated by the ICB with the community to

design and update the Outcomes Framework and the Vision statement, ensuring the reflection of children and young people.

4.2 The proposed SEND Strategy 2025-2028 is designed to support and enhance the strategic priorities set out in "Framing Kent's Future 2022-2026." By addressing the specific needs of children and young people with SEND through inclusive education, integrated services, and pathways to independence, the strategy contributes to the broader goals of creating a prosperous, healthy, and inclusive Kent. This alignment ensures that the initiatives within the SEND Strategy not only meet the immediate needs of the SEND community but also support the long-term vision for the county's future.

## 5. Financial Implications

5.1 The Local Authority funds services to support special educational needs through a combination of both General Fund and a ring-fenced grant from the Department of Education (known as the High Needs Block (HNB) of Dedicated Schools Grant (DSG)). The HNB is expected to contribute towards the cost of provision & additional resources for pupils & students with SEN to participate in education & learning; whilst the General Fund is expected to cover the cost of delivering the local authority's statutory duties in relation to assessment, annual reviews and strategic planning of SEN, along with home to school/post 16 transport policies. Spend is reported against the following key service lines within the [Cabinet Financial Monitoring Report](#), along with further detail on spend funded from the HNB in section 3g:

- Special Educational Needs & Psychology Services, total net forecast £17.7m
- Home to School & College Transport, SEN total net forecast £75m
- Schools Budget: High Needs Block (DSG), total net forecast £391m
- In addition to the High Needs Capital Budget estimated to be £72m (covering commitments between 24-25 to 26-27)

5.2 Spend on SEN services has been increasing in recent years, due to a combination of rising demand and cost. This has been reflected in £11m increase in the General Fund budget requirement for SEN assessments & planning services and £44m increase in budget for SEN related Home to School transport costs, over the past 5 years. At the same time, the costs of education services funded from the HNB has grown faster than increases in the grant resulting in a current overspend approximately 13% (+£53m). The increasing overspend on the HNB resulted in the Council entering the Safety Valve agreement at the beginning of 2023, whereby the Department of Education will give £140m towards the forecast accumulated deficit of £222m by March 2028, in return for the Council working towards eliminating the in-year overspend and operating within the grant provided. The Council also committed £82m of Council tax monies to help pay off the remaining residual accumulated deficit. The additional contributions from the DfE and the Council have avoided the requirement for significant cuts to the SEN services. The strategy sets the overarching approach to improving the SEND system and how impact will be monitored and evaluated. These approaches align to actions set out in the safety valve [agreement](#). It supports the work of KCC to develop a financially sustainable SEND system and fulfil the statutory duty to deliver within budget

(as summarised in section 5). The strategy is expected to ensure robust and targeted resource allocation for successful implementation.

5.3 Following recent investments in the SEN assessment service, re-prioritisation of existing resources, initially used to support the clearance of backlog in assessments and annual review, will be redirected to support the continual and future delivery of staffing resources, joint commissioning, participation opportunities for children, parents & other professionals, monitoring & guidance/personalised plan materials set out in the strategy. No additional funding requirement is expected from the General Fund at this time. Actions to support the delivery of inclusive education and preparation for adulthood will be expected to be funded through the prioritisation of HNB within the resources available from Department of Education.

## **6. Legal implications**

6.1 The strategy aligns with key legislation, including the Children and Families Act 2014, SEND Code of Practice 2015, and Equality Act 2010, ensuring compliance with statutory duties.

## **7. Equalities implications**

7.1 While this strategy sets the high-level vision and approach, equality impacts for specific initiatives will be addressed within the relevant project-level Equality Impact Assessments. This ensures that equality considerations are effectively integrated throughout implementation.

### **7.2 Consultation Feedback**

The development of this strategy was shaped by insights from an 8-week public consultation process.

Key themes included:

- Simplifying language and reducing jargon for accessibility.
- Addressing concerns about the strategy's readability and structure by adopting a more visual and concise approach.
- Emphasising measurable actions to support the ambitions outlined.

Respondents appreciated the renewed focus on collaboration and inclusivity but highlighted the need for actionable, measurable goals. These insights have directly informed the refinements to the strategy, ensuring it is both ambitious and practical.

## **8. Governance**

8.1 The Director of Education and SEND will inherit the main delegations via the Officer Scheme of Delegation.

## **9. Conclusion**



9.1 The SEND Strategy 2025-2028 is a comprehensive and ambitious plan that lays the groundwork for a more inclusive, supportive, and high-quality SEND framework in Kent. Its successful implementation will require the collective effort of all stakeholders, continuous monitoring, and a commitment to ongoing improvement.

The approval of the SEND Strategy 2025-2028 is a critical step in advancing the Council's vision for an inclusive, supportive, and high-quality SEND provision across Kent. The strategy is designed to address current challenges, leverage opportunities, and enhance the lives of children and young people with SEND and their families.

By endorsing this strategy, the Council takes a significant step towards securing a brighter future for all children and young people with SEND in Kent.

#### **10. Recommendation(s):**

The Children's, Young People and Education Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Education and Skills on the proposed decision as detailed in the Proposed Record of Decision.

#### **11. Background Documents**

CATIE Link: [A Countywide Approach to Inclusive Education](#)

Kent Transition charter Link: [Kent Transition Charter](#)

Co- Production Charter Link: [Send Co-production Charter](#)

#### **12. Appendices**

- SEND Strategy 2025-28
- Proposed Record of Decision
- Equality Impact Assessment

#### **13. Contact Details**

Report Author: Sophie Dann Interim Assistant Director of Quality Assurance Telephone number: 03000418669. Email address <a href="mailto:Sophie.dann@kent.gov.uk">Sophie.dann@kent.gov.uk</a>	Relevant Director: Christine McInnes Director of Education Telephone number: 03000 418913.  Email address <a href="mailto:Christine.mcinnnes@kent.gov.uk">Christine.mcinnnes@kent.gov.uk</a>
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# **Kent SEND Strategy 2025-2028**

**As part of Kent County Council's commitment to improving our services to children and young people with special educational needs and/or disabilities**

(SEND), we have reviewed our SEND Strategy 2021-2024 and now present our new draft strategy 2025-2028 for your feedback.

We've developed the strategy by listening to families, carers, young people, schools and professionals, and now we need your feedback to ensure it truly meets people's needs.

Please read our draft strategy and tell us your views by completing the questionnaire at [www.kent.gov.uk/sendstrategy](http://www.kent.gov.uk/sendstrategy). The questionnaire can also be completed in paper form and sent to:

SEND Strategy Team, Kroner House, Eurogate Business Park, Ashford, Kent TN24 8UX.

We will also be engaging with young people directly to understand their views.

If you have any queries about the consultation, please contact:

[send.strategy2528@kent.gov.uk](mailto:send.strategy2528@kent.gov.uk).

The consultation is open from 23 September to 10 November 2024.

All feedback will be reviewed and considered, and a consultation report will be produced. It is expected that the draft SEND Strategy for 2025-2028 will be discussed at the Children and Young People's Cabinet Committee in January 2025, following which, a decision will be made on the future of the strategy.

Alternative formats: If you require any of the consultation material in an alternative format or language, please email: [alternativeformats@kent.gov.uk](mailto:alternativeformats@kent.gov.uk) or call: 03000 42 15 53 (text relay service number: 18001 03000 42 15 53). This number goes to an answering machine, which is monitored during office hours.

**Welcome Message**

Welcome to the Kent SEND Strategy 2025-2028.

We believe every child and young person deserves the best education and care, and we are committed to making this a reality in Kent.

Our new strategy has been developed with input from many people, including health and social care professionals, educators, parents, carers, and the young people themselves. We have listened to your experiences and ideas, and they have shaped our plan.

We know that there are areas where we need to improve. Past challenges, including inspections and financial difficulties, have highlighted the need for better services.

We are determined to address these issues and provide the support your children deserve.

Our vision is clear: to support children and young people to live healthy, safe lives where they feel seen and included. This strategy outlines our goals and the steps we will take to achieve them over the next three years. We aim to create an inclusive community where every child can thrive.

We are particularly excited about the new opportunities for children with SEND to access (where possible) education locally, alongside their peers. Our goal is to make all schools in Kent welcoming and supportive for all children with diverse needs.

We welcome your continued partnership and support as we move forward.

Thank you for being a part of this journey with us.

Warm regards,

Christine McInnes

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# 1.Introduction

All children and young people are entitled to a good quality education. This entitlement is supported through a variety of routes by the Local Authority and other stakeholders, KCC's approach is outlined in the forthcoming KCC Education Strategy. Some children and young people need additional support to access educational opportunities and this Kent SEND Strategy 2025-2028 outlines the approach of the local area in promoting an inclusive education system. The Strategy explains how we will deliver statutory requirements for those with additional and special educational needs and how we will measure our success. It builds on the previous SEND Strategy 2020-2023.

The Kent local area is on an improvement journey following the SEND inspection in 2019 and revisit in 2022. The Improvement Notice issued in March 2022 was removed by the Minister for Children and Families in August 2023 in response to the significant and sustained improvement that has been made. We are ambitious to create an outstanding SEND system and so the pace of change is continuing. External and internal scrutiny is welcomed as it has helped to refine priorities, as has our engagement with parents, carers and young people, which continues to strengthen.

This strategy reflects our vision of an inclusive, supportive, and ambitious education system for all. It has been created with input from partners in health, social care, and education, as well as from parents, carers, and the children and young people themselves.

We believe that with high aspirations, equitable access to educational opportunities, and the right support, many children and young people with SEND can achieve successful long-term outcomes. Our aim is to remove barriers to learning and participation in mainstream education, allowing children to learn and grow in their local communities, when this is the best option for the child and to ensure the best use of specialist school places for those with the most complex needs

Our strategy is informed by laws and regulations, including the Equalities Act 2010, the Children and Families Act 2014 and the SEND Code of Practice 2014. These laws help ensure that we meet our responsibilities and provide the best support possible. We are committed to collaborating with parents, carers, and all our partners to create a brighter future for children and young people with SEND in Kent

## Why This Strategy Matters

Our new Special Educational Needs and Disabilities (SEN) Strategy is designed to support all children and young people with SEND in Kent, ensuring they receive the best possible education, care, and opportunities to thrive.

## **Our Commitment**

We are committed to working closely with parents, carers, and professionals to create an inclusive and supportive environment for your children. This strategy outlines our plans for the next three years and how we aim to achieve our goals.

## **Our Aspirations**

Kent remains deeply committed to the aspirations of its children and young people with SEND. Building on our previous strategy, we continue to recognise that children and young people with SEND are not defined by their needs—they are unique individuals with their own strengths and potential. Their goal is to become independent, successful, and empowered to shape their own futures. As a community, we are bold and aspirational for every child, sparking curiosity and encouraging them to achieve all they can while striving towards their full potential. Children and young people thrive with the support of their families. Parents and carers, who play a vital role in guiding the care and support needed. We are committed to ensuring that our system is fair, accessible, and responsive, providing families with additional help when needed.

This strategy is built on the principles of inclusion, partnership, and participation. Every child has the right to access opportunities without discrimination. They deserve the right support in their local communities, surrounded by friends and family. Where appropriate they should be able to attend their local school, setting or education environment, and receive the appropriate support to access meaningful learning experiences. They also have the right to specialised and tailored support from professionals in their area, helping them to achieve their full potential.

# **2. Our Vision**

## **Our Vision Statement**

"Support children and young people to achieve; through living healthy, safe lives in which they feel seen and included."

Our vision is inspired by a deep understanding of the diverse needs and experiences of children and young people with SEND. We want to create an environment where every child feels supported, valued, and included.

A better working relationship with Kent PACT has meant that considerable engagement with families has been possible to inform the SEND strategy to complement the work undertaken by the KCC Participation Service and Health participation workers with adults, young people and children. The feedback below is helping us to improve further.



## 3. What you have told us

### Parents and Carers:

- **Communication Issues:** It's often hard to find someone who can help you.
- **Inconsistent Messages:** Information from the SEND team is not always clear or consistent.
- **Trust Concerns:** While you believe in our good intentions, it's hard to fully trust the system.
- **Feedback Opportunities:** You want more chances to give feedback and engage with us.
- **Regular Updates:** You need more frequent communication to stay informed about updates and changes.

### Children and Young People:

- **Complex Documents:** Information is often too wordy and difficult to understand.
- **Desire for Engagement:** You want to be more involved in discussions and decisions.
- **Practical Examples:** You need more examples of how our work will benefit you.
- **Action Updates:** You appreciate "you said, we did" updates showing how your feedback leads to action.

We have used this feedback to shape our SEND Strategy, ensuring it addresses these concerns and meets your needs. Our aim is to improve communication, build trust, and create more opportunities for you to be involved in shaping the services that affect you and your children.

### How We Developed This Vision

We consulted widely with stakeholders, including:

- Children and young people with SEND
- Parents and carers
- Educators and healthcare professionals

Through these consultations, we gained valuable insights into the challenges and aspirations of the SEND community. Our vision reflects a collective commitment to ensuring that children with SEND can thrive physically, emotionally, socially and academically.

## 4. Context

Kent is the largest non-metropolitan local authority in England, with a population of about 1.58 million people. Our county is diverse, with both wealthy and less affluent areas, which means we have a wide range of needs to address. Kent faces unique challenges due to its size and diverse population. Our strategy aims to ensure that all children with SEND, regardless of where they live, have access to high-quality education and support from Early Years Post 16.

We have put new systems in place to improve our services, in particular better staff reporting, governance communication and consistency. Our goal is to enhance the experience and outcomes for children, young people, and their families.

In Kent 2024, there are approximately 269,791 school-aged children. Of these, 44,921 children have identified additional needs, and 14,143 have an Education, Health, and Care Plan (EHCP). Approximately 35% of pupils with an EHCP in Kent attend a mainstream school compared with 48% nationally.

A great deal of work has taken place to improve statutory decision-making and services. Consequently completion of EHCPs within the statutory 20-week deadline has continued to increase and is currently at 51.6% (August 2024) in comparison with the national average of 50.3% with clear evidence showing improvements in the content.

Kent continues to be an outlier in several national key performance indicators and over time we are expecting the impact of our quality assurance and strengthened decision making will bring Kent data closer to the national average.

Significant actual and projected overspends on the High Needs Funding Block resulted in Kent County Council entering a Safety Valve agreement with the DfE in 2022 which is bringing an additional £140 million into the Kent SEND system in return for KCC meeting its statutory financial duties over a period of five years. Following inspection, Kent was issued with an Improvement Notice in March 2023 which required an Accelerated Progress Plan comprising 116 projects to be put in place with a robust governance process. Reflecting the evidence of progress made and impact of the work, the Improvement Notice was removed in August 2024.

There are 592 state funded schools in Kent, of which 24 are special schools. KCC has been working on developing a more sustainable school system for several years through

- Providing training and consultant support for mainstream schools to develop their SEND inclusive practice in line with national policy expectations through implementing the Countywide Approach to Inclusive Education and the SEN Core Standards
- Reviewing Specialist Resource Provision (SRPs - units in mainstream schools) and implementing a consistent Service Level Agreement providing clarity and increasing consistency across the county regarding what level of support can be expected when a child attends an SRP

- Developing a Quality Assurance Framework for Alternative Provision (AP) including Pupil Referral Units.

Now that KCC has developed a SEND sufficiency strategy, current work includes reviewing the special school offer to ensure it is appropriate to meet the needs of the most complex pupils, updating school designations and making better use of the expertise in special schools through embedding outreach work.

The SEND Code of Practice 2014 identifies 4 categories of special needs –

- Communication and interaction
- Cognition and learning
- Social, emotional and mental health
- Sensory and/or physical needs,

though Kent currently uses five designations for schools –

- Profound, severe, complex needs (PSCN)
- Social, emotional mental health (SEMH)
- Physical Disabilities and/or Complex Medical Needs
- Communication and interaction (C&I)
- Communication and interaction (C&I) and learning.

It is proposed that Kent Special Schools have one of three designations with the supporting admission guidance, these being:

**i. Complex Learning Needs – Profound, Complex, Severe Needs Admission guidance:** Learners have a range of needs including Profound, Multiple Learning Difficulties, Severe Learning Difficulties, all schools in Kent including special schools designated for children with Complex Learning Needs can expect to admit children with Autism, Communication Disorders and children who may have Social, Emotional Mental Health associated with their special educational needs.

**ii. Social, Emotional, Mental Health needs Admission guidance:** These pupils have social, emotional, and mental health difficulties with associated challenging behaviour, many have had adverse childhood experiences and/or have additional needs, including autistic spectrum condition, speech, language and communication difficulties, ADHD.

**iii. Neurodivergent with Learning Difficulties Admission guidance:** These pupils have complex special educational needs, they are neurodiverse and may have a diagnosis of autism, ADHD, or other conditions. Pupils have severe social communication difficulties, learning difficulties and may have social, emotional mental health needs associated with neurodiversity, including severe social anxiety.

A significant system change which is underway is the development of more localised working through communities (or groups) of schools with a greater level of decision-making and autonomy over allocation of resources by school leaders, a model which will be fully operational by September 2025. Decision making is supported by school data available through the District Dashboard and by the Continuum of SEND need and provision which is currently under development.

KCC is also consulting on an Accessibility Strategy which will assist in making more strategic decisions about capital investment in the education estate.

## **5. Legislative Context**

Our strategy is guided by several important laws and regulations. These help ensure that we provide the best support for children and young people with SEND. Here are the key pieces of legislation that shape our work:

**1 SEND Code of Practice (0-25 years) 2015:** This is the main guide for how we should support children and young people with SEND from birth to 25 years old. It outlines our duties and best practices.

**2 Special Educational Needs and Disability Regulations 2014:** These regulations detail how we should identify, assess, and meet the needs of children with SEND.

**3 Equality Act 2010:** This law ensures that children with disabilities are not discriminated against and have the same opportunities as others.

**4 Children and Families Act 2014:** This act extends SEND support from birth to 25 years old, giving families more control and ensuring that children's needs are properly met.

**5 Education Acts (1996, 2002, 2006):** These acts set out our responsibilities in providing education for all children, including those with SEND.

**6 Children Acts (1989, 2004):** These laws focus on safeguarding and promoting the welfare of all children.

**7 Care Act 2014:** This act ensures that young people with SEND receive proper care and support as they transition to adulthood.

**8 Mental Health Act 2010:** This act ensures that the mental health needs of children and young people with SEND are addressed.

We also follow guidance from several important reports and frameworks:

• **SEND and Alternative Provision Improvement Plan (2023):** This plan outlines reforms to improve SEND and alternative provision systems.

- **Countywide Approach to Inclusive Education (CATIE) 2023-28:** This strategy promotes inclusion in education across Kent.

## 6. Joint Commissioning – for inclusion in SEND Strategy

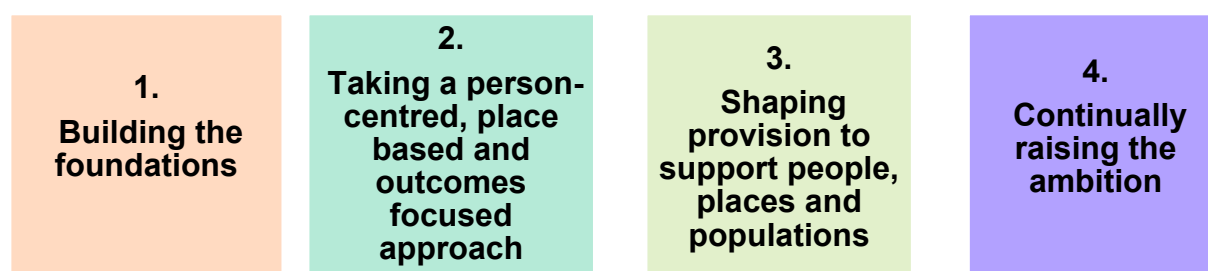
### What is joint commissioning

Joint commissioning means that different services, like health, education, and the local council, work together to plan and provide the right support for children and young people with special educational needs and disabilities (SEND). By working as a team, they can make sure that all the services your child needs are well-coordinated and focused on what’s best for them. This helps make sure there are no gaps in support, so your child gets the care they need to thrive, and families feel more supported.

### Kent context

Joint Commissioning in Kent is far more cohesive than it has ever been, with an agreed Joint Activity and Priority Log together along with a Joint Delivery Plan. The Delivery Plan focuses on activity required to September 2025 with three significant service areas being transformed: the Neurodevelopmental Pathway, the Children and Young People Mental Health Service and Therapies (including Speech and Language, Occupational Therapy and Physiotherapy)

Kent’s approach to Joint Commissioning has been informed by the Integrated Commissioning for Better Outcomes Framework, jointly commissioned by the LGA and NHS Clinical Commissioners (NHSCC). This is built around four domains:



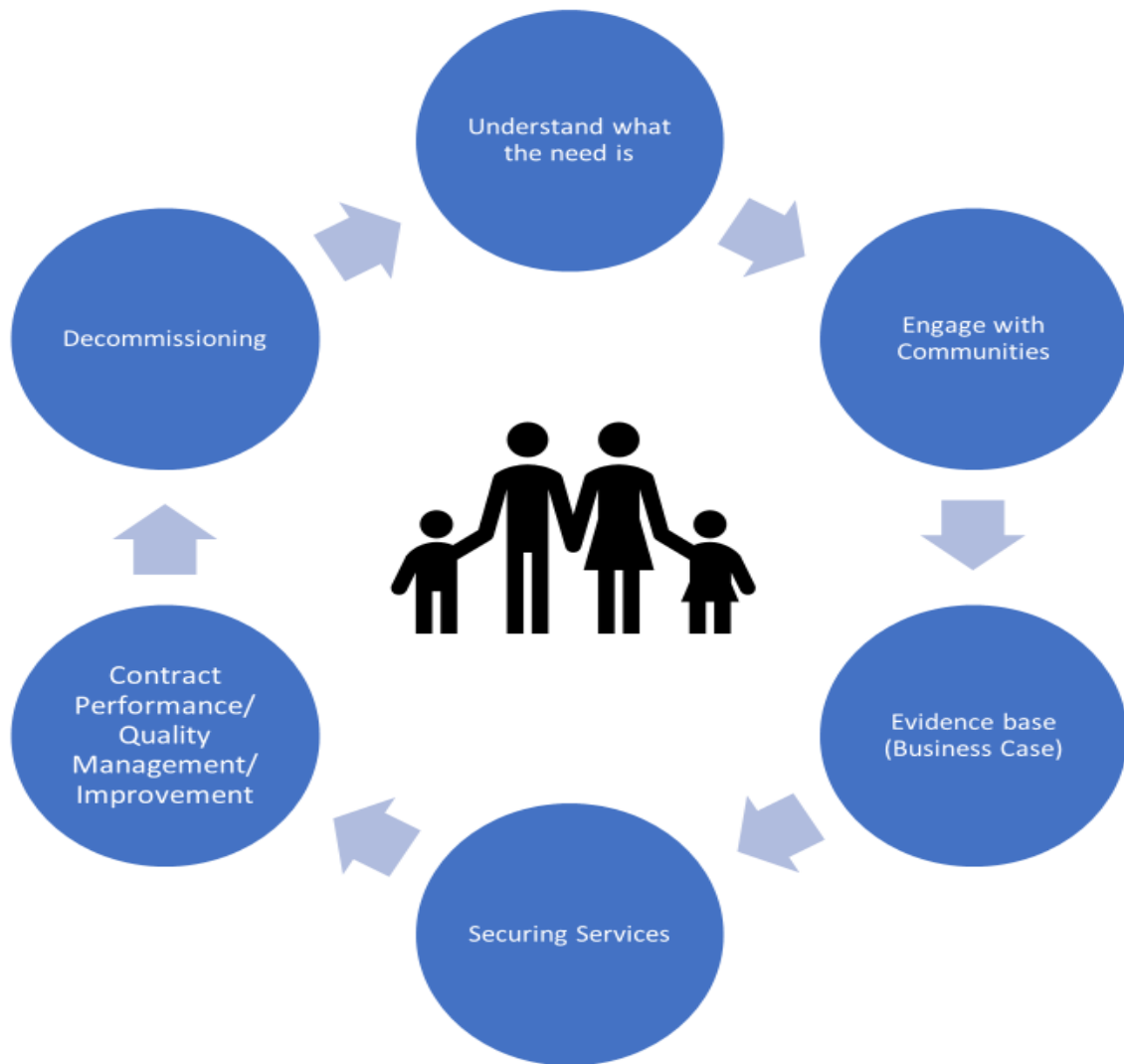
Underpinning the four domains are a set of jointly agreed and owned principles. It is essential that agencies follow these to facilitate better outcomes for children and young people:

- **Coproduction and engagement** – By involving parents, carers, children, and young people in the commissioning process we will be able to ensure that services truly work for those for which they are intended.
- **Innovation** – We must recognise one of the most pressing challenges facing the public sector, which is the pressure on available financial resources. Therefore, innovative ways of delivering services will be encouraged.

- **Joint understanding** – With multiple agencies working across the area for our children and young people, there is a need to jointly understand the local area. We will operate from a single shared understanding of the local area, through the Joint Strategic Needs Assessments to set our commissioning priorities.
- **Outcomes based** – The local area needs to be at the forefront of developing services that meet the needs of children, young people, and their families, through coordinated delivery across multiple providers. This needs to include the more intelligent use of data, to predict demand and improve services. Moreover, we must also be open-minded and not lose sight of the experiences that children, young people and their families have and use these to improve our services.
- **Capacity building** – Delivering change will be limited unless there is the capacity within the wider system to be able to do this. Therefore, we must support the market wherever possible to enhance our children and young people's outcomes, while promoting efficiency.
- **Joint ownership** – Joint ownership promotes joint decisions, allowing for more joining up of services. We do this while recognising we have different statutory responsibilities and that all these principles must be embedded into business-as-usual activities.

### **The Principles of Joint Commissioning:**

Below details the agreed position of Joint Commissioning across the Children's System in Kent and Medway. This expands on the traditional Commissioning Cycle of Analyse, Plan, Do, Review, recognising that children, young people, and their families are at the centre of all activity. Engaging and involving the views and experiences of children, young people and their families across the traditional commissioning cycle can be seen as follows:



**Analyse** – focus groups with children and young people through existing forums Kent County Council Youth council, Youth voice and/or with parents and carers using Kent PACT, Parent Carer Voice, or other parent/carer forums.

**Plan** – engage interested children, young people and/or parents and carers in developing the specification(s), using the Outcomes Framework and sense checking with the groups they are the right outcomes. Identify interested children, young people and/or parents and carers to include either directly in the evaluation of tenders or seek a question from them that can be asked of those providers tendering.

**Do** – children, young people and/or parents and carers or representative forums (including lived experience workers) to be included in provider presentations, scoring, and evaluating tender submissions.

**Review** – through formal and informal contract management using stakeholder and user feedback, reviewing the Complaints, Compliments and Comments logs, and seeking feedback from those using the service at attended sessions.

## Commissioning Enablers:

With Joint Commissioning for children and young people with SEND established across the Kent System, several key models and frameworks underpin all activity across the Commissioning Cycle including:

- The Lived Experience, Engagement and Employment Framework
- The ICS Digital Strategy
- The VCS Competency Framework
- The SEND Co-production Charter

Children and young people rightly have expectations of what we do as commissioners, therefore, there has been a co-produced charter of expectations. Commissioners will take these into account during their commissioning activities and be able to evidence where they are taking these considerations into account – moreover, there must be clear evidence of coproduction and engagement with those that would be affected by the service and/or provision.

1. Respect us and be kind
2. Include and accept us
3. Listen, understand, and act upon what we say
4. Be honest and trust each other
5. Support us to grow and learn from our experiences
6. Let us lead and make decisions

## When Joint Commissioning does not work

Where there are organisational competing priorities and resolution to local activity cannot be achieved, the Kent and Medway Children and Young People Programme Board will hear the positions of both organisations and seek resolution. Failure to do so will be escalated within each organisation.

## 7. Progress Since the Last Strategy

Since the launch of our previous SEND Strategy (2021-2024), Here are some key areas where we can demonstrate progress:

### **1. Improve the way we work with parents, carers children and young people**

- **Partnership with Parents and Carers:** We have strengthened our partnership with Kent PACT, improving collaboration and communication.



- **SEND Information Hub:** Launched a new online hub that has been well-received by families, providing easy access to information.
- **Youth Participation:** recruited a SEND youth participation officer to enhance engagement with young people.

## **2.Ensure families have positive experiences at each stage of their journey including a well-planned and smooth transition to adulthood**

- **Transition Charter:** The Kent Transition Charter for SEND ensures smooth transitions for children with special needs as they move through education stages. It has improved annual reviews and phase transfers by promoting better planning, communication, and support for families.
- **Staff Training:** Focused on training our staff to better serve families and implement a positive service culture.
- **Future Planning Tool:** Developed a tool to forecast the needs of young people transitioning to adulthood, ensuring they have the right information and support.

## **3.Identify assess children and young people’s needs earlier**

- **Health Professional Training:** Over 90% of health professionals feel more confident in signposting to the Local Offer after receiving training.
- **Improved Pathways:** Co-designed new support pathways for Speech, Language and Communication Needs (SLCN) and Neurodiversity (ND) with families, leading to better access to local support.

## **4.Improve education, care and health outcomes for children and young people with SEND**

- **Strong Partnerships:** Fostered strong partnerships with all education provision from Early Years through to Post 16, healthcare providers, and social services to provide holistic support.
- **Early Intervention:** Continued to invest in support services to address needs early, minimising barriers to learning and development.

## **5.Ensure children and young people with SEND are included in their local communities**

- **Countywide Approach to Inclusive Education:** Kent’s county-wide approach to inclusive education ensures all children can access quality education in mainstream settings through collaboration between settings, schools and services.
- **Localities Model:** The localities model focuses on providing tailored, community-based support for children with SEND by utilising local partnerships and resources.
- **Inclusive Practices:** Worked closely with education providers to promote inclusive practices, ensuring children with SEND can learn alongside their peers.
- **Family Hubs:** Implemented family hubs to provide more accessible information,

advice, and guidance to parents.

## 8. Outcomes Framework

The **Kent Children and Young People's Outcomes Framework** is an essential part of our approach to supporting children and young people with Special Educational Needs and Disabilities (SEND). This framework builds on our previous strategy and has been further developed with input from young people themselves. Here's how it came to be, why it's important, and what it means for your family.

The Outcomes Framework is rooted in our earlier SEND strategy, which focused on ensuring that children and young people with SEND received the support they needed to thrive. We realise the importance of having clear, measurable outcomes to track progress and make sure that our efforts were making a real difference. To make the framework even more effective, we worked closely with young people to understand what matters most to them. Their voices helped shape the framework, ensuring that it reflects their aspirations, needs, and experiences. The young people requested there be a new independent outcome added and that this should be at the top. This collaboration has allowed us to incorporate their insights into our new SEND Strategy, making it more relevant and impactful.



*‘These outcomes are embedded in our commissioning activity so we can monitor the impact of all services, not just those you receive from KCC or schools’.*

The framework helps us see if the services and support we’re providing are really helping children and young people with SEND. By setting clear goals, we can monitor whether we’re making a positive impact on their lives. It ensures that our efforts are aligned with the things that are most important to families—like your child’s health, education, and overall quality of life. The framework helps us prioritise the areas that will make the biggest difference. The framework plays a key role in shaping our new SEND Strategy. By building on the insights from the previous strategy and the feedback from young people, we’ve created a more focused and effective plan that’s designed to achieve these important outcomes.

## How the Outcomes Framework Connects with the New SEND Strategy

The new SEND Strategy is designed around the Outcomes Framework, ensuring that everything we do is focused on helping children and young people with SEND achieve these outcomes. By incorporating the framework into our strategy, we can better track our progress and make sure we’re providing the right support to meet the needs of children and families.

## 9.Ambitions

To ensure alignment between the SEND Strategy and the Outcomes Framework, we have created 5 ambitions;

### 1. Improving the Lived Experience of Children and Families

#### **Ambition**

Kent aims to empower children and young people with Special Educational Needs and Disabilities (SEND) to actively participate in decisions about their education, support, and future. This ensures their voices shape the services they receive, making them contributors rather than just recipients.

#### **Why It’s Important**

Involving children with SEND in decision-making fosters autonomy, ownership, and self-esteem. When services are aligned with their actual needs, they are more effective, leading to better outcomes and personal growth.

#### **How We’ll Achieve It**

- **Develop Self-Advocacy Skills:** Implement programmes to help children communicate their needs, understand their rights, and make informed choices.

- **Create Participation Opportunities:** Increase involvement in school councils, peer support groups, and other forums where their voices can be heard.
- **Foster Inclusion:** Promote inclusive practices in settings, schools, post 16 and communities, ensuring every child feels welcomed and supported.

### Impact

- **Empowerment:** Children will gain the skills to advocate for themselves, resulting in more personalised support.
- **Community Inclusion:** Greater participation will lead to stronger community ties and improved well-being.
- **Educational Success:** Tailored learning experiences will boost engagement, attendance, and performance.

### How We'll Monitor Progress

- **Increased Participation:** Measure the number of children engaging in decision-making forums.
- **Improved Satisfaction:** Track satisfaction levels of children and families with services.
- **Better Educational Outcomes:** Monitor improvements in engagement, attendance, and performance.

### Continuous Improvement

- Work with settings, schools, post 16 providers, communities, and families to create participation opportunities.
- Provide ongoing training for children and staff.
- Establish regular feedback to adjust and refine our approach.

## 2. Access to the Right Support at the Right Time in the Right Place

### Ambition

We aim to ensure children, young people, and families can access the support they need, when and where they need it. By enhancing partnerships between education, health, and social care, we will create a seamless, integrated support system for children and young people with SEND.

### Why It's Important

Timely, coordinated support is essential for the well-being and development of

children with SEND. Delays or fragmented services can harm their education, health, and social outcomes. Streamlining services will reduce barriers for families and create a system responsive to each child's needs.

### How We'll Achieve It

- **Strengthen Partnerships:** Foster collaboration between education, health, and social care through regular meetings, joint training, and shared information systems.
- **Single Point of Access:** Create a central access point for families, simplifying the process of getting support.
- **Develop Integrated Care Pathways:** Establish clear, coordinated care plans to ensure seamless support across services.

### Impact

- **Better Health and Well-Being:** Timely access to services will improve both physical and mental health, allowing children to engage more fully in education and their community.
- **Enhanced Family Support:** A streamlined system will reduce the burden on families, helping them access the right services more easily and focus on their children's development.

### How We'll Monitor Progress

- **Reduced Waiting Times:** We will track and aim to reduce the time it takes for children to access services.
- **Improved Satisfaction:** Regularly measure family satisfaction with services, aiming for higher satisfaction through better access and coordination.
- **Better Health and Education Outcomes:** Monitor improvements in health, education, and community involvement as services become more integrated.

### Continuous Improvement

- Focus on a **family-centred approach**, involving families in service design and regularly seeking their feedback.
- Implement **continuous improvement** practices to refine processes based on feedback and evolving needs.

## 3. Achieving the Best Outcomes Through Inclusion and Participation

### Ambition

We aim to promote inclusive practices in all education provisions, ensuring that

children with Special Educational Needs and Disabilities (SEND) can access a broad and balanced curriculum. Our goal is to fully integrate children with SEND into education, enabling them to learn alongside their peers, participate in all aspects of school life, and receive the necessary support to succeed.

### **Why It's Important**

Inclusive childcare and education is key to ensuring all children have equal opportunities for success. When children with SEND are included in mainstream provisions, they benefit from academic, social, and emotional growth. Inclusion fosters a sense of belonging, boosts self-esteem, and helps all students develop empathy and respect for diversity.

### **How We'll Achieve It**

- **Inclusive Teaching Practices:** Train teachers, early years workforce and staff in strategies such as differentiated instruction and adaptive learning tools to support all learners.
- **Whole-Setting Inclusion Policies:** Develop comprehensive inclusion policies to ensure children with SEND are fully integrated into every aspect of school life.
- **Enhanced Access to Support Services:** Provide schools with access to specialist support, such as educational psychologists and SEND inclusion advisors, to address individual needs.

### **Impact**

- **Improved Educational Achievement:** Inclusive practices will provide children with SEND the support needed to succeed academically, leading to better educational outcomes.
- **Greater Social Integration:** Inclusion promotes social interaction and relationship-building, fostering friendships and a sense of belonging for children with SEND.
- **Increased Self-Esteem and Confidence:** When children with SEND are included and supported, they gain confidence and are more willing to take on challenges, resulting in better long-term outcomes.

### **How We'll Monitor Progress**

- **Increased Inclusion Rates:** Track the number of children with SEND educated in mainstream settings and aim to increase these rates.
- **Improved Academic Performance:** Monitor academic progress in areas like literacy and numeracy, targeting improvements for children with SEND.
- **Enhanced Social Outcomes:** Measure improvements in social participation, peer relationships, self-esteem, and confidence.

## Continuous Improvement

- **Ongoing Training:** Provide continuous professional development to ensure the workforce at every stage of the education journey are equipped with practical strategies for inclusive education.
- **Collaboration with Schools:** Work with schools to develop and adjust inclusion policies to ensure they remain effective and sustainable.
- **Resource Allocation:** Ensure schools and settings have access to necessary resources like assistive technologies and specialist staff to support inclusive practices.

## 4. Working Together with Children and Young People with SEND and Their Families

### Ambition

Our ambition is to enhance engagement with parents, carers, and families by providing clear, accessible information and meaningful opportunities for involvement in decision-making processes. Recognising that parents and carers are essential partners in the education and development of children with Special Educational Needs and Disabilities (SEND), we aim to empower families to actively participate in shaping the services and support their children receive.

### Why It's Important

Effective family engagement is crucial for successful support systems for children with SEND. Parents and carers possess deep knowledge of their children's unique needs, and their insights ensure that support is personalised and effective. Strengthening these partnerships improves trust and ensures that services are more responsive, transparent, and aligned with the needs of families.

### How We'll Achieve It

- **Provide Accessible Information and Resources:** Develop clear guides and resources that explain services, support options, and decision-making processes in user-friendly formats, including workshops and multi-language materials.
- **Create Opportunities for Parental Involvement:** Establish parent forums, focus groups, and advisory panels to give families a platform to share experiences and contribute to decision-making.

## Impact

- **Enhanced Decision-Making:** Parents and carers who are well-informed can actively shape the support their children receive, leading to better, more tailored outcomes.
- **Stronger Family Support Networks:** Engaged families can build stronger connections with other families, schools, and service providers, reducing isolation and enhancing resilience.
- **Improved Trust and Collaboration:** Stronger engagement builds trust between families and service providers, leading to more effective, coordinated support for children.

## How We'll Monitor Progress

- **Increased Parental Involvement:** Track the number of parents participating in decision-making forums and aim to increase their participation.
- **Improved Family Satisfaction:** Monitor family satisfaction with information and support services, targeting higher satisfaction levels.
- **Stronger Community Networks:** Measure increased family participation in community activities and support services.

## Continuous Improvement

- **Clear Communication Channels:** Ensure open and consistent communication between families and service providers, allowing for easy access to information and support.
- **Family-Centred Approach:** Regularly consult with families to gather feedback and adjust services to meet their unique needs.
- **Ongoing Support and Training:** Provide continuous training for families and service providers on advocacy, communication, and navigating the SEND system.

## 5. Preparing for a Successful Future at the Earliest Opportunity

### Ambition

Our ambition is to build a continuous support system that begins in the early years and extends through post-16 education, ensuring that children and young people with Special Educational Needs and Disabilities (SEND) are prepared for independence. By focusing on skills development, future education, employment,



and independent living, we aim to create clear, effective pathways for young people to transition confidently into adulthood.

### **Why It's Important**

Preparation for adulthood must start early for children with SEND, with sustained support throughout their education. Early intervention is crucial for skill development and helps reduce gaps in services during critical transitions, such as from early years to primary to secondary school or from education to employment. A seamless continuum of support helps young people with SEND build the confidence and abilities needed for independence, employment, and community involvement.

### **How We'll Achieve It**

- **Early Years Interventions:** Implement targeted programs that focus on developing key skills such as communication, self-care, and social interaction. These early interventions are tailored to meet the developmental needs of each child.
- **Transition Pathways:** Create structured pathways that guide children through each stage of education, ensuring smooth transitions from early years to post-16 education.
- **Strengthen Post-16 Support:** Enhance the guidance and support provided to young people as they approach adulthood, including vocational training, career advice, and life skills programs.

### **Impact**

- **Enhanced Readiness for Adulthood:** By preparing early, young people with SEND will be better equipped for the challenges of adulthood, leading to higher independence and better educational and employment outcomes.
- **Smooth Transitions:** Well-planned transition pathways reduce disruption, anxiety, and disengagement, helping young people remain on track for success.
- **Improved Long-Term Outcomes:** A clear, continuous pathway ensures that young people with SEND reach their potential, whether that be in education, employment, or independent living.

### **How We'll Monitor Progress**

- **Increased Early Intervention Participation:** Track the number of children accessing early years programs and aim to increase participation.

- **Improved Transition Success Rates:** Measure the success of transitions between key stages, aiming for smoother, more supported transitions.
- **Higher Post-16 Engagement:** Monitor engagement in post-16 education, training, and employment, with a focus on increasing participation.

### **Continuous Improvement**

- **Collaborative Planning:** Develop personalised plans for each child in collaboration with families, settings, schools, and service providers to ensure individual needs are met.
- **Ongoing Monitoring and Adjustment:** Continuously review the effectiveness of interventions and transition pathways, making necessary adjustments based on feedback from families and service providers.
- **Resource Allocation:** Ensure that schools and service providers have the resources and training they need to deliver high-quality early interventions and transition support.

### **How You Can Help**

Your feedback is crucial to our success. By sharing your experiences and insights, you help us understand what is working and where we need to improve. Here is how you can get involved:

- **Surveys and Feedback Forms:** Participate in regular surveys to share your views.
- **Parent Support Groups:** Join support groups to connect with other parents and provide feedback.
- **Consultation Meetings:** Attend meetings to discuss your child's needs and our services.

## **10. Conclusion**

Our commitment to ensuring that every child and young person with Special Educational Needs and Disabilities (SEND) in Kent receives the support they need to thrive is unwavering. This strategy outlines our vision for a more inclusive, supportive, and empowering environment for all children and young people with SEND and their families. The ambitions listed in our strategy are designed to ensure that your children receive the best possible, sustainable education and support, tailored to their individual needs. We are dedicated to collaborating closely with you to make this vision a reality. Your feedback, participation, and engagement are vital to the success of this strategy.

We acknowledge the challenges we have faced in the past and are committed to

making continuous improvements. By working together, we can create a brighter future for all children and young people with SEND in Kent.

## **11.Key Documents**

### **1. Countywide Approach to Inclusive Education:**

This document is the strategy for promoting inclusive education. It focuses on ensuring that all students, regardless of their abilities or backgrounds, have equal access to high-quality education and are fully included in all aspects of school life. The approach emphasises removing barriers to learning and providing appropriate support so that every child can succeed.

### **2. Accessibility Strategy:**

The Accessibility Strategy details the plans and measures in place to ensure that educational environments, materials, and activities are accessible to all students, including those with disabilities. It covers physical access to buildings, accessible communication methods, and the provision of appropriate resources and support to meet diverse needs within the school community.

### **3. Services to Schools:**

This document lists and explains the various services that the local authority offers to schools. These services may include educational support, health services, training for staff, and other resources that help schools operate effectively and support their students. It serves as a guide for schools to understand and access the support available to them.

### **4. Section 19 Framework:**

The Section 19 Framework provides guidelines for how the local authority fulfils its duty to ensure that children who cannot attend school, due to reasons such as illness or exclusion, still receive a suitable education. It outlines the processes and provisions in place to support these children, ensuring they continue to learn and progress even when not attending mainstream school.

### **5. Co-Production Charter:**

The Co-Production Charter is a commitment to working collaboratively with parents, children, young people, and other stakeholders in designing and delivering educational services. It sets out the principles for shared decision-making, ensuring that the perspectives and needs of those who use the services are central to how they are developed and implemented.

## 6. Transition Charter:

The Kent Transition Charter for SEND is a commitment by local services to work together, ensuring smooth transitions for children and young people with special educational needs as they move between different stages of education or into adulthood.

## KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

### DECISION TO BE TAKEN BY:

Rory Love, Cabinet Member for Education and Skills

### DECISION NUMBER:

24/00121

### For publication

### 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

SEND strategy 2025-2028

### Decision:

That the Cabinet Member for Education and Skills agrees to:

- Adopt the SEND Strategy 2025-2028 on behalf of Kent County Council.
- DELEGATE authority to the Corporate Director of Children, Young People and Education in consultation with the Cabinet Member for Education and Skills to refresh and/or make non-substantial revisions to the Strategy as appropriate during the lifetime of the strategy.
- To delegate authority to the Corporate Director of Children, Young People and Education to take relevant actions, including but not limited to finalising the terms of, and entering into required contract or other legal agreements, as necessary to implement the decision.

### Reason(s) for decision:

The new Special Educational Needs and Disabilities (SEND) Strategy for Kent, covering the period from 2025 to 2028 has been developed to support the local area in responding to the growing and diverse needs of children and young people with SEND across the county. It outlines a comprehensive framework designed to enhance the provision, inclusivity, and outcomes of SEND services addressing five ambitions

1. Child-Centred Approach
2. Collaborative Service Provision
3. Countywide Inclusion
4. Family Engagement and Participation
5. Independence Pathways

Implementation of this strategy will:

- Affirm the commitment of Kent County Council to improving outcomes for children and young people with SEND.
- Ensure work in Kent aligns with national legislative frameworks and addresses local needs assessments.
- Support the provision of a clear and actionable roadmap for the development and implementation of SEND services over the next three years.
- Facilitate the allocation of necessary resources and support for the effective execution of the strategy.
- Enable ongoing monitoring and evaluation to ensure continuous improvement and accountability in delivering SEND services.

The shared vision that we work together to "Support children and young people to achieve; through living healthy, safe lives in which they feel seen and included." was informed by consultation with children and young people and has been agreed by all the key stakeholders. This vision has informed the SEND strategy, the draft Education Strategy and the draft Accessibility Strategy and supporting guidance, which were all drafted and consulted on at a similar time. This co-ordinated approach to strategy and policy development ensures alignment and better supports the achievement of the overall vision for all children and young people.

Key elements guiding the strategy's development include:

- Legislative Frameworks: Alignment with the SEND Code of Practice (0-25 years) 2015, Children and Families Act 2014, Equality Act 2010, and other relevant laws and regulations.
- Stakeholder Engagement: Regular feedback sessions and focus groups with parents, carers, children, young people, and professionals to gather insights and ensure the strategy reflects their needs and aspirations.
- Evidence-Based Approaches: Analysis of current data, best practices, and innovative approaches to SEND service delivery.

The new SEND Strategy incorporates the Children and Young People's Outcomes Framework, which was developed with the input of young people to include the additional dimension of 'My Independence'.

## **Financial Implications**

The Local Authority funds services to support special educational needs through a combination of both General Fund and a ring-fenced grant from the Department of Education (known as the High Needs Block (HNB) of Dedicated Schools Grant (DSG)). The HNB is expected to contribute towards the cost of provision & additional resources for pupils & students with SEN to participate in education & learning; whilst the General Fund is expected to cover the cost of delivering the local authority's statutory duties in relation to assessment, annual reviews and strategic planning of SEN, along with home to school/post 16 transport policies. Spend is reported against the following key service lines within the [Cabinet Financial Monitoring Report](#), along with further detail on spend funded from the HNB in section 3g:

- Special Educational Needs & Psychology Services, total net forecast £17.7m
- Home to School & College Transport, SEN total net forecast £75m
- Schools Budget: High Needs Block (DSG), total net forecast £391m
- In addition to the High Needs Capital Budget estimated to be £72m (covering commitments between 24-25 to 26-27)

Spend on SEN services has been increasing in recent years, due to a combination of rising demand

and cost. This has been reflected in £11m increase in the General Fund budget requirement for SEN assessments & planning services and £44m increase in budget for SEN related Home to School transport costs, over the past 5 years. At the same time, the costs of education services funded from the HNB has grown faster than increases in the grant resulting in a current overspend approximately 13% (+£53m). The increasing overspend on the HNB resulted in the Council entering the Safety Valve agreement at the beginning of 2023, whereby the Department of Education will give £140m towards the forecast accumulated deficit of £222m by March 2028, in return for the Council working towards eliminating the in-year overspend and operating within the grant provided. The Council also committed £82m of Council tax monies to help pay off the remaining residual accumulated deficit. The additional contributions from the DfE and the Council have avoided the requirement for significant cuts to the SEN services. The strategy sets the overarching approach to improving the SEND system and how impact will be monitored and evaluated. These approaches align to actions set out in the safety valve [agreement](#). It supports the work of KCC to develop a financially sustainable SEND system and fulfil the statutory duty to deliver within budget (as summarised in section 5). The strategy is expected to ensure robust and targeted resource allocation for successful implementation.

Following recent investments in the SEN assessment service, re-prioritisation of existing resources, initially used to support the clearance of backlog in assessments and annual review, will be redirected to support the continual and future delivery of staffing resources, joint commissioning, participation opportunities for children, parents & other professionals, monitoring & guidance/personalised plan materials set out in the strategy. No additional funding requirement is expected from the General Fund at this time. Actions to support the delivery of inclusive education and preparation for adulthood will be expected to be funded through the prioritisation of HNB within the resources available from Department of Education.

#### **Legal Implications:**

The strategy aligns with key legislation, including the Children and Families Act 2014, SEND Code of Practice 2015, and Equality Act 2010, ensuring compliance with statutory duties.

#### **Equalities implications**

While this strategy sets the high-level vision and approach, equality impacts for specific initiatives will be addressed within the relevant project-level Equality Impact Assessments. This ensures that equality considerations are effectively integrated throughout implementation.

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

#### **Any alternatives considered and rejected:**

Options considered include:

Option 1: Extending the current SEND strategy

Description: Continue with the current SEND strategy without significant changes.

Risks: The current strategy had significant shortcomings identified by Ofsted and CQC and does not reflect the current work of the SEND services. This option risks perpetuating existing challenges, such as insufficient progress in key areas, lack of coordinated services, and inadequate support for families and children with SEND. It may also fail to meet the expectations set by previous inspections and stakeholder feedback. It was therefore discarded.

Option 2: Incremental Improvements

Description: Implement gradual changes and improvements to the existing SEND strategy.  
Risks: While this option could address some issues, the pace of change may be too slow to achieve the desired outcomes. Incremental improvements may not be sufficient to address the systemic issues identified in inspections and feedback from stakeholders. It was therefore discarded.

**Risk Management**

Implementing the SEND Strategy requires significant resources to be allocated differently, along with coordination and continuous monitoring. There is a risk of resistance to change from some stakeholders and potential challenges in aligning various agencies and services. However, implementing a new SEND Strategy offers the best opportunity to achieve meaningful and sustainable improvements in SEND provision.

To mitigate the risks associated with its implementation, the following measures will be applied:

- Stakeholder Engagement: Maintain ongoing communication and collaboration with all stakeholders to foster buy-in and address concerns promptly.
- Monitoring and Evaluation: Establish robust mechanisms for monitoring progress and evaluating the impact of the strategy, allowing for adjustments as needed.
- Capacity Building: Provide training and support to educators, healthcare providers, and other professionals involved in SEND services to build capacity and enhance service delivery.
- Governance: To use the agreed new governance structure, building on the work of the previous SEND Improvement and Assurance Board, to oversee the strategy's implementation and ensure accountability.

The SEND Strategy 2025-2028 represents a comprehensive and ambitious plan to improve the provision and outcomes of SEND services in Kent. By adopting this strategy, the Council will demonstrate its commitment to creating an inclusive, supportive, and high-quality SEND framework that meets the needs of children, young people, and their families. Approval of this strategy will pave the way for meaningful and sustainable improvements, ensuring that every child and young person with SEND in Kent can achieve their full potential.

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

.....  
signed

.....  
date



## EQIA Submission – ID Number

### Section A

**EQIA Title**

SEND Strategy Refresh

**Responsible Officer**

Sophie Dann - CY EPA

**Approved by (Note: approval of this EqIA must be completed within the EqIA App)**

Alice Gleave - CY EPA

### Type of Activity

**Service Change**

No

**Service Redesign**

No

**Project/Programme**

No

**Commissioning/Procurement**

No

**Strategy/Policy**

Strategy/Policy

**Details of other Service Activity**

No

### Accountability and Responsibility

**Directorate**

Children Young People and Education

**Responsible Service**

SEND

**Responsible Head of Service**

Alice Gleave - CY EPA

**Responsible Director**

Christine McInnes - CY EPA

### Aims and Objectives

This strategy refresh builds on the work of the previous strategy, published in 2021, and has been jointly developed by Kent County Council and the NHS in conjunction with children and young people, parents and carers, Kent PACT and other key stakeholders.

This strategy has been developed alongside the delivery of the Written Statement of Action and forms part of Kent's response to the inspection. Progress has been made to address the issues highlighted by the inspection,

however, the document goes beyond the inspection and sets out how we will continue to improve the outcomes for children and young people into the future.

Our vision statement:

'Support children and young people to achieve; through living healthy, safe lives in which they feel seen and included'

The strategy refresh includes our priorities below:

Priority One: Improve the way we work with children and young people, parents and carers.

Priority Two: Ensure children, young people and their families' have positive experiences at each stage of their journey including a well-planned and smooth transition to adulthood.

Priority Three: Identify and assess the needs of children and young people earlier and more effectively.

Priority Four: Improve education, care and health outcomes for children and young people with SEND.

Priority Five: Ensure children and young people with SEND are included in their local community.

This Equality Impact Assessment finds that there is a low adverse equality impact rating.

It is a high-level strategic document that is intended to be ambitious and positive about improving the outcomes and quality of life for children and young people with SEND within the county. Therefore, it has county-wide application and will have county-wide impacts. At this stage after early engagement with stakeholders and before formal consultation, there appear to be no negative/adverse impacts on protected groups.

## Section B – Evidence

**Do you have data related to the protected groups of the people impacted by this activity?**

Yes

**It is possible to get the data in a timely and cost effective way?**

Yes

**Is there national evidence/data that you can use?**

Yes

**Have you consulted with stakeholders?**

Yes

**Who have you involved, consulted and engaged with?**

Parents/Carer's

Children and Young people

Council for Disabled Children

Kent PACT

Educational Professionals

**Has there been a previous Equality Analysis (EQIA) in the last 3 years?**

No

**Do you have evidence that can help you understand the potential impact of your activity?**

Yes

## Section C – Impact

**Who may be impacted by the activity?**

**Service Users/clients**

Service users/clients

**Staff**

Staff/Volunteers

**Residents/Communities/Citizens**

Residents/communities/citizens

**Are there any positive impacts for all or any of the protected groups as a result of the activity that you are doing?**

Yes

**Details of Positive Impacts**

There is potential for the strategy to set out outcomes and objectives that promote equality for children and young people with all protected characteristics, and to promote relations between groups. A number of equality considerations that could improve quality of life for people with protected characteristics have been identified and have been fed into the drafting of the refreshed strategy.

Positive impact also continues in the area of creating more feedback and engagement opportunities with the Kent Community. The refreshed strategy will Page 102 involve more parents, caers, families, children and young

people to express their opinion and give greater chances to continue improve the document to ensure that we are continuing work to improve their quality of life.

### **Negative impacts and Mitigating Actions**

#### **19. Negative Impacts and Mitigating actions for Age**

##### **Are there negative impacts for age?**

No. Note: If Question 19a is "No", Questions 19b,c,d will state "Not Applicable" when submission goes for approval

##### **Details of negative impacts for Age**

Not Completed

##### **Mitigating Actions for Age**

Not Completed

##### **Responsible Officer for Mitigating Actions – Age**

Not Completed

#### **20. Negative impacts and Mitigating actions for Disability**

##### **Are there negative impacts for Disability?**

No. Note: If Question 20a is "No", Questions 20b,c,d will state "Not Applicable" when submission goes for approval

##### **Details of Negative Impacts for Disability**

Not Completed

##### **Mitigating actions for Disability**

Not Completed

##### **Responsible Officer for Disability**

Not Completed

#### **21. Negative Impacts and Mitigating actions for Sex**

##### **Are there negative impacts for Sex**

No. Note: If Question 21a is "No", Questions 21b,c,d will state "Not Applicable" when submission goes for approval

##### **Details of negative impacts for Sex**

Not Completed

##### **Mitigating actions for Sex**

Not Completed

##### **Responsible Officer for Sex**

Not Completed

#### **22. Negative Impacts and Mitigating actions for Gender identity/transgender**

##### **Are there negative impacts for Gender identity/transgender**

No. Note: If Question 22a is "No", Questions 22b,c,d will state "Not Applicable" when submission goes for approval

##### **Negative impacts for Gender identity/transgender**

Not Completed

##### **Mitigating actions for Gender identity/transgender**

Not Completed

##### **Responsible Officer for mitigating actions for Gender identity/transgender**

Not Completed

#### **23. Negative impacts and Mitigating actions for Race**

##### **Are there negative impacts for Race**

No. Note: If Question 23a is "No", Questions 23b,c,d will state "Not Applicable" when submission goes for approval

##### **Negative impacts for Race**

Not Completed

##### **Mitigating actions for Race**

Not Completed
<b>Responsible Officer for mitigating actions for Race</b>
Not Completed
<b>24. Negative impacts and Mitigating actions for Religion and belief</b>
<b>Are there negative impacts for Religion and belief</b>
No. Note: If Question 24a is "No", Questions 24b,c,d will state "Not Applicable" when submission goes for approval
<b>Negative impacts for Religion and belief</b>
Not Completed
<b>Mitigating actions for Religion and belief</b>
Not Completed
<b>Responsible Officer for mitigating actions for Religion and Belief</b>
Not Completed
<b>25. Negative impacts and Mitigating actions for Sexual Orientation</b>
<b>Are there negative impacts for Sexual Orientation</b>
No. Note: If Question 25a is "No", Questions 25b,c,d will state "Not Applicable" when submission goes for approval
<b>Negative impacts for Sexual Orientation</b>
Not Completed
<b>Mitigating actions for Sexual Orientation</b>
Not Completed
<b>Responsible Officer for mitigating actions for Sexual Orientation</b>
Not Completed
<b>26. Negative impacts and Mitigating actions for Pregnancy and Maternity</b>
<b>Are there negative impacts for Pregnancy and Maternity</b>
No. Note: If Question 26a is "No", Questions 26b,c,d will state "Not Applicable" when submission goes for approval
<b>Negative impacts for Pregnancy and Maternity</b>
Not Completed
<b>Mitigating actions for Pregnancy and Maternity</b>
Not Completed
<b>Responsible Officer for mitigating actions for Pregnancy and Maternity</b>
Not Completed
<b>27. Negative impacts and Mitigating actions for Marriage and Civil Partnerships</b>
<b>Are there negative impacts for Marriage and Civil Partnerships</b>
No. Note: If Question 27a is "No", Questions 27b,c,d will state "Not Applicable" when submission goes for approval
<b>Negative impacts for Marriage and Civil Partnerships</b>
Not Completed
<b>Mitigating actions for Marriage and Civil Partnerships</b>
Not Completed
<b>Responsible Officer for Marriage and Civil Partnerships</b>
Not Completed
<b>28. Negative impacts and Mitigating actions for Carer's responsibilities</b>
<b>Are there negative impacts for Carer's responsibilities</b>
No. Note: If Question 28a is "No", Questions 28b,c,d will state "Not Applicable" when submission goes for approval
<b>Negative impacts for Carer's responsibilities</b>
Not Completed
<b>Mitigating actions for Carer's responsibilities</b>

Not Completed
<b>Responsible Officer for Carer's responsibilities</b>
Not Completed

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