



## AGENDA

## CABINET

**Thursday, 27th January, 2022, at 10.00 am** Ask for: **Emily Kennedy**  
**Council Chamber, Sessions House,** Telephone: **Tel: 03000 419625**  
**County Hall, Maidstone** **emily.kennedy@kent.gov.uk**

### **UNRESTRICTED ITEMS**

*(During these items the meeting is likely to be open to the public)*

1. Apologies and Substitutes
2. Declaration of Interest
3. Minutes of the Meetings held on 9 December 2021 & 6 January 2022 (Pages 1 - 16)
4. Cabinet Member Updates
5. Capital Programme 2021-24 and Revenue Budget 2021-22 (Pages 17 - 18)
6. Special Educational Needs Strategy 2021-2024 - Update (Pages 19 - 34)

### **EXEMPT ITEMS**

*(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)*

Benjamin Watts  
General Counsel  
03000 416814

**Wednesday, 19 January 2022**

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**KENT COUNTY COUNCIL**

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**CABINET**

MINUTES of a meeting of the Cabinet held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 9 December 2021.

PRESENT: Mr R W Gough (Chairman), Mrs C Bell, Mr D L Brazier, Miss S J Carey, Mr P M Hill, OBE, Mr D Murphy, Mr P J Oakford and Mrs S Prendergast

**UNRESTRICTED ITEMS****23. Apologies and Substitutes**

*(Item 1)*

There were no apologies for absence.

**24. Minutes of the meetings held on 30 September 2021 and 28 October 2021**

*(Item 3)*

Resolved that the minutes of the meetings held on 30 September and 28 October 2021 were a correct record and that they be signed by the Chair

**25. Cabinet Member Updates**

*(Item 4)*

1) Mrs Bell said there had been a rise in Covid infection rates above the average for England but below the average for the south east. The age-groups that were most affected were children of ages 5 to 14 years old and there had been an increase in those 40 to 50 years old, believed to be due to transmission to the household contacts of school children. From 9 December, there were to be two mobile testing units in schools in Kent which would test young people and staff.

The numbers of cases in Ashford were of particular concern and this was being analysed to understand the reasons. No outbreaks had been identified in the area and it was suggested that the rise was due to cases in schools and the subsequent spread to households.

The Delta variant had remained predominant and a few cases of the Omicron variant had been confirmed in Kent. It would be a few weeks before it could be determined if the Omicron variant was more transmissible but there were early indications that it was more transmissible.

The vaccination programme had delivered outstanding results for the people of Kent and in line with national guidance, the booster programme was being extended. KCC's Public Health team had continued to deliver asymptomatic testing, the local Test and Trace Partnership and management of outbreaks and incidents. The government had issued new measures on Covid, including face masks in public settings and working from home. Residents were urged to follow the guidance and take regular lateral flow tests to reduce the spread of the virus.

The Department of Health and Social Care White Paper, People at the Heart of Care, had been published setting out a 10-year vision for adult social care and provided information on funded proposals to be implemented in the next 3 years. There were 3 core objectives in the White Paper: people having control, choice and support to live independent lives, people being able to access outstanding quality and people finding care fair and accessible. KCC's Making A Difference Everyday approach in the emerging adult social care strategy strongly aligned with the proposals in the white paper, such as a focus on choice and independence and digital technology to assist care and support.

The Carers' Strategy was to be informed by the White Paper and good progress was being made on the engagement programme for carers. Workshops had been held which gave residents the opportunity to tell KCC about their experiences of being a carer.

2) Mrs Chandler said on 7 December, directors of Children's Services across the UK received a letter from Isabelle Trowler, Chief Social Worker for Children and Families, and Lyn Romeo, Chief Social Worker for Adults, which contained words of support to all Social Workers following the tragic death of Arthur Labinjo-Hughes. Mrs Chandler thanked all KCC's Social Workers for their continued dedication, strength, resilience, and compassion which they give to all our children and young people. The letter was to be circulated to Members.

As many Cabinet Members would be aware, the Home Office had announced its intention to mandate the national Transfer Scheme (NTS) across the UK.

As the council at the forefront of migrant arrivals in the UK, KCC had worked closely with ministers and officials at the Home Office and Department for Education for some time to find a reasonable solution to the UASC crisis in Kent which had sadly seen our Children's Services become overwhelmed twice in the last 15 months. Since resuming services on 10 September 2021, services had consistently remained under extreme pressure and as offers of transfers had continuously not kept pace with new arrivals, government had had to rely on accommodation in hotels which had further compelled the decision to mandate the NTS.

The challenges to all Local Authorities in caring for and supporting UASC were recognised but it was felt the mandation of the NTS was the right decision for an effective, stable and fair system and it would ensure that all children would get safe, appropriate care without delay.

The Reconnect Programme was focused on reconnecting with family for Christmas 2021. To help make it special for everyone, the County's bus companies were providing free travel for low-income families, holiday activities and food providers were to take children on funded trips to the panto or other local Christmas events, community groups were putting on events, such as SNAPP's Winter Wonderland, with Reconnect funding additional activity to enable more children and young people to have a great time. Open access teams were to put on further local events. Reconnect had funded 3 additional performances of the open-air Hansel and Gretel pantomime, which was being delivered in KCC's Country Parks, to enable families working with Integrated Children's Services to attend.

The financial support for families in need was further enhanced by the decision to use some of the Household Support Grant to provide supermarket vouchers to families of children on free school meals for Christmas 2021, and during the next February and Easter breaks. The certainty of this, together with the Chancellor's announcement that HAF was funded for the next three years would help eligible families.

The second round of Reconnect Locality Grants had been approved, with over £1.1 million awarded to local organisations to enable them to provide a wide range of additional opportunities for children and young people. A grant round enabling organisations to seek funding to deliver activities and support at either a County or area level was to launch. A third round of Locality grants, focused on activity for summer 2022, was to open for applications in early January.

It was recognised that Christmas was a challenging time for some children and young people, and their families. Aside from the financial support mentioned, Reconnect was promoting the mental health and wellbeing support it had in place via its joint work with Headstart Kent.

After a very generous donation from colleagues in Infrastructure, the Care Leaver Christmas campaign was halfway to its overall target, with donations received totalling just over £10,000. There were two weeks to reach the overall target of £20,000, which would give each care leaver a £10 gift on Christmas Day. Thanks were given to those who had already donated and others were encouraged to donate to support the Corporate Parenting campaign.

3) Mr Brazier said that since the last meeting of Cabinet, Highways had submitted KCC's Bus Service Improvement Plan to the Department for Transport. KCC's bid was for £220 million for improvements to the bus services in Kent, to include better buses and services, to a wider range of destinations, for later in the day and weekends. Also included was the Kent Travel Saver and KCC's Supported Buses Scheme. Although government only gave KCC a short time to complete the application, it was unclear when a response could be expected to the application. It was understood that the sum available from the DfT over 3 years of £3 billion had been considerably oversubscribed so it was considered unlikely that KCC would receive all that had been asked for.

The new Ashford Truckstop had been opened on 3 December 2021. At capacity, the facility was to provide 650 spaces or overnight parking of HGVs and would go some way to relieving the shortage of secure, formal, lorry parking in Kent. Baroness Vere of Norbiton opened the Truckstop.

KCC had issued a response to Gatwick Airport's consultation on its proposal to use its emergency runway for 'business as usual' smaller aircraft, thereby adding capacity to its main runway and increasing over-flying over West Kent. Concerns had been raised about the effect of the proposals on residents.

Mr Brazier attended the opening of the refurbished railway stations at Swanley and Maidstone East. KCC had helped to secure Local Growth Funding from SELEP.

Mr Brazier attended the Live Labs Expo in Derby – a DfT sponsored trial of local authorities and private sector innovations. KCC was experimenting with the use of

drones to detect defects in the surface of a highway and map its deterioration, signalling when intervention was required.

4) Miss Carey said that same-day bookings were being trialled at 2 Household Waste and Recycling Centres at Folkestone and Tovil in Maidstone, 2 of the busiest sites in the county. The trial was reported to be going well for both residents and staff.

The BEGIN Project, a sustainable urban drainage system in Margate, had won the People's Choice Award at the EU Regiostars Awards 2021. Another project was forthcoming in Sittingbourne.

5) Mr Murphy said he had met with Damien Collins, MP for Folkestone and Hythe concerning the future of the Dungeness Power Station. There was to be a meeting in 2022 with the MP, KCC and Rolls Royce to consider usage of the site.

Discussions as part of the Infrastructure First Programme had indicated there was a big demand in the county for new industries such as data storage. Data storage required a lot of electricity so it was important that the infrastructure programme had sufficient electricity to power these various new industries. Car charging points were also to increase residential electricity consumption in Kent. Meetings were being held with UK Power Networks to move this forward in early 2022.

Mr Murphy attended a meeting with businesses organised by Locate in Kent about co-working and new ways of working. Entrepreneurs were seeking more co-working spaces.

Mr Murphy met with Logistics UK and other partners with regard to border controls.

Mr Murphy visited Aylesham District Community Trust who were keen to build 10 small workshops for small and medium enterprises. They had since submitted a business loan application and it was hoped there would be a stimulating effect on businesses in the area.

6) Mr Hill said the Libraries' public engagement exercise had been launched to help inform the next Library Strategy. Residents had been asked for their feedback on how they would like to see the service develop. The current strategy was to run until the end of 2022. As many people as possible were encouraged to take part in the engagement process.

The Libraries' new fleet of mobile libraries had resulted in a national award for the way they were produced and equipped. KCC had 5 modern vehicles to tour the county to service residents who would find it difficult to visit a conventional library building. The new fleet offered greater reliability, reduced maintenance costs and better economy.

7) Mr Sweetland said that KCC as an employer was pleased to be part of Kickstart, the government initiative which created new job placements for 16 to 24 year olds in receipt of Universal Credit and were at risk of long-term unemployment. Work was being undertaken to offer a wide range of jobs across the organisation and in schools based all over Kent. The placements would support young people to develop skills and experience needed to find work after completing the scheme. KCC became an approved Kickstart employer in December 2020 and an agreement for 150 placement

opportunities was in place. 80 of these were in KCC directorates and a further 70 were part of the Reconnect Programme coordinated in our Education department. It was hoped that KCC would have confirmation of a further 100 placements from the DWP. Each of the 'Kickstarters' had access to a bespoke development programme. Managers across the organisation strongly supported the programme and there were a wide range of roles, not just within office-based roles.

The first cohort of 'Kickstarters' had gone back into education, moved into permanent employment and taken up apprenticeship roles. The Reconnect Programme placements had been very successful. It was hoped that the Kickstart scheme would be extended further. Further information was available on KCC's website.

Guidance was being issued to staff on how to keep themselves safe and to follow the government's Plan B guidance. KCC services continued to be delivered to residents in Kent thanks to the dedication of frontline staff working in the community and with the support of those able to work from home.

A new issue of KCC's Residents' newsletter had come out – this issue included an advent calendar and encouragement for people to become involved with Domestic Abuse Awareness.

8) Mr Oakford said work had continued to develop the 2022-23 budget and KCC was preparing to launch the draft budget consultation. Since the announcement of the government's Plan B guidance, work was ongoing to understand what the announcement meant to KCC and to ensure KCC worked within the guidelines to ensure the safety of all Members and officers.

Increased social distancing was being introduced within all KCC buildings and work was being done to ensure Covid-compliance. Emergency kits of equipment were being delivered to ensure that KCC continued to operate within the published guidelines.

9) Mrs Prendergast said there were increasing infection rates across the county. Fair Access had sent updated guidance to schools regarding school transport. Providers had continued to be required to wear facemasks and undertake relevant COVID safeguards. Families were contacted directly to advise that face masks were again mandatory for secondary aged pupils (unless exempt), and to encourage all others to wear one where they can.

With regard to Elective Home Education, the Local Authorities and the Department for Education had been keenly awaiting the outcome of a Judicial Review which was brought against Portsmouth City Council in relation to the implementation of their Elective Home Education policy. The complainant brought four charges against the Council, alleging that it was exceeding its legal duties in ensuring their child was receiving a suitable education. All four charges were turned down, providing vital case law to support statutory guidance in this area. Members can be reassured that KCC's EHE Policy, which was reviewed in January 2020, had a firm legal footing and this ruling supported Kent's approach in this area.

It was announced that the Kingsnorth CE Primary School in Ashford had been selected to form the Kent Associate Research School and joined the Education Endowment Foundation's (EEF) network of 28 [Research Schools](#) and 10 Associate

Research Schools across England. Their main objective, as an Associate of Durrington Research School in West Sussex, was to establish new partnerships with local schools and provide effective guidance by promoting and exemplifying evidence-based practice.

The appointment of a new Associate Research School would support the [EEFfective Kent Project](#) - an ambitious partnership between EEF and Kent County Council (KCC) aiming to support all Kent schools, so that they were able to access training and support based on the best available evidence. They were to become part of the Research School Network, working to encourage other schools in the region to adopt approaches which had a proven history of improving outcomes for learners, focusing on those that had been successful in boosting the progress of children from disadvantaged backgrounds and to improve pupils' outcomes.

It was confirmed that the Community Learning Service had been able to meet its contractual targets for 2020-2021 despite the unprecedented challenges that Covid brought with it, meaning that many of its teaching and learning centres had to be closed for a vast period of time. This was mainly due to a vibrant and high-quality online learning programme, as well as the efforts of CLS staff making physical exams possible during pandemic restrictions. All teaching and learning centres were now fully reopened, with much of the online programme also continuing. A date (25 April 2022) had been set for the resumption of Adult and Community Learning at the new Amelia Centre in Tunbridge Wells.

Ofsted's annual report had shown Kent's schools had continued to perform well and 93% of Kent's primary schools were rated as Good or Outstanding, with the national average being 88%. Secondary schools were also rated above the national average of 77% with 87% ranked as Good or Outstanding.

## **26. Civil Society Strategy**

*(Item 5)*

*Lydia Jackson, Policy and Relationships Adviser and David Whittle, Director of Strategy, Policy, Relationships & Corporate Assurance, were in attendance for this item.*

1) Mr Hill introduced the report and said that the Civil Society Strategy was an excellent piece of work which would greatly help engagement with important partners. It was hoped that the strategy would be launched early in 2022.

2) Ms Jackson outlined the report. The Civil Society Strategy acknowledged informal groups and individuals in the community as well as formal and larger charities and social enterprises. The importance of these had been demonstrated over the course of the pandemic. Alongside the Strategy, there was also a budget commitment to support the sector and this was to provide the framework for the infrastructure offer. Support was already being put in place and was to be evaluated. Member engagement would be sought with regard to the support offer.

Despite the challenges of the pandemic, there had been positive developments in KCC's partnership working. The Strategy was to provide a framework to develop KCC's partnerships and collaborations as well as ensuring a strong, independent social sector and civil society in Kent.



3) Mrs Bell said that within Adult Social Care (ASC), there had been a focus for some time on networks of support within communities and the part this played in creating innovative ways of supporting people. This was being developed and strengthened as part of a new approach to supporting people via ASC Making a Difference Everyday programme.

3) RESOLVED to agree the recommendations as set out in the report.

## **27. Corporate Risk Register**

*(Item 6)*

*Mark Scrivener, Corporate Risk & Assurance Manager ; David Whittle, Director of Strategy, Policy, Relationships and Corporate Assurance; and Ben Watts, General Counsel were in attendance for this item.*

1) Mr Scrivener introduced the report and Members were reminded that the Register represented a 'snapshot' of any one moment in time. There had been developments since the report was published. Work was being undertaken to look at estimated timescales for risks to achieve their designated target levels with input being sought from responsible officers and cabinet members.

There were 3 new risks proposed to be added relating to capital programme affordability, impacts around climate change and supply chain and market factors.

2) It was noted that it had been difficult for KCC to plan with the uncertainty of the previous few years and while there was to be more certainty moving forward with a 3-year financial settlement, core spending power would need to keep up with spending and growth demands. There was still some uncertainty with regard to government grants that would need to be worked through.

3) Mr Whittle said that risk relating to Information Governance was prominent. During the pandemic there had been a huge increase in the number of cyber-attacks on both public and private organisations. Mr Whittle as Senior Information Risk Officer (SIRO) and Mr Watts as Data Protection Officer (DPO) were conscious of the marked increase in risk.

4) Mr Watts said there were pressures on the organisation to manage statutory duties relating to Information Governance alongside other important statutory duties.

3) RESOLVED to note the report

## **28. Revenue and Capital Budget Monitoring Report - September 2021-22**

*(Item 7)*

*Matt Dunkley, Corporate Director for Children, Young People and Education was in attendance for this item.*

1) Mr Oakford introduced the report which set out the overall forecast position as at the end of September 2021, which excluding Covid-19 and schools was a £18.7 million overspend. £13.9 million was from Adult Social Care and £6.8 million was from Children's, Young People and Education. Urgent action was required to break

even by the end of the financial year. If any overspend was to be funded from reserves, this would add to the pressures for 2022-23 and weaken KCC's financial resilience.

The Covid-19 position showed a forecast spend of £37.9 million. There were corporately held budgets of £16.1 million and the remainder of this spend was to be met from the Emergency Covid-19 reserve. This meant breaking even. Work was ongoing to look at which of the Covid-19 costs would continue.

KCC had set a saving target of £39.4 million but £30 million was forecast to be delivered. Earmarked general reserves were forecast a net draw down of £77.6 million and this reflected the use of the Emergency Covid-19 reserve and the impact on the forecast overspend, if it was not reduced by the end of the financial year.

The Capital forecast showed an underspend of £103.4 million, £125.3 million of this related to re-phasing. There was £21.9 million of real overspend.

The schools' delegated budget was reporting £52.8 million overspend, which reflected the impact of high demand, additional SEN support and high cost per child of high needs placements. The projected deficit on the high needs budget had increased by £48 million. The high needs deficit was the single most significant financial risk for KCC.

Monitoring of district council tax collection would become even more important. The impact of increased council tax reduction discounts and reduced collection rates would mean a reduction in the council tax base for the current year. The scale and pace of recovery would be a key factor in 2022-23 budget and medium-term financial strategy.

2) Further to comments and questions from Members, it was noted:

- There were pressures in Adult Social Care (ASC) nationally and many of the pressures were demand led and therefore, not within KCC's control. There was a duty under the Care Act to meet people's unmet care needs and this had become increasingly challenging. Supporting the independent care sector was vitally important as this was where the majority of KCC's ASC services were commissioned. Despite pressures it was expected that ASC would deliver £8.9million of savings in the current year. Making A Difference Everyday would help with the pressures on ASC and where this model had been used elsewhere, significant savings had been identified.
- Work was ongoing to understand the increase in requests for EHCPs and it was hoped that measures to address needs at an earlier stage would have a positive impact on spending.
- Home to school transport had been affected by increases in transport costs as well as numbers of children requiring this service. Work was being undertaken to promote the inclusion of children in their local schools.

3) RESOLVED to note and agree the recommendations as outlined in the report.

## **29. Quarterly Performance Report**

*(Item 8)*

*Rachel Kennard, Chief Analyst was in attendance for this item.*

1) Rachel Kennard outlined the report for Quarter 2, reporting results until the end of September 2021. Overall, the position was positive. 26 of the KPIs were 'RAG' rated as green, 4 rated as amber and 3 performing below target rated as red.

2) The 3 areas that had been 'RAG' rated as red were:

- Under Customer Services, percentage of calls to Contact Point which were answered. The service had been impacted by continued issues with staffing and recruitment. This was a problem that had been felt nationwide with the job market. The situation had stabilised for the Out of Hours service but attrition of staff remained high for the day time service.
- In Quarter 2, 75% of complaints had been responded to within timescale which was below the floor standard of 80%. The volume and complexity of complaints being received by some services, alongside day-to-day management was proving challenging. Work was being undertaken to clear the backlog.
- There had been an improvement for the KPI under Children, Young People and Education, 'ECHPs issued within 20 weeks'. The KPI was based on a 12 month rolling average to September. The indicator showed that 40% were issued within 20 weeks, an increase of 3 percentage points on the figure in the previous quarter. The service expected to clear the backlog by June.

3) Further positive points from the report were noted:

- 12 indicators showed a statistically significant improving trend which indicated sustained improvement over a period of 6 to 7 quarters. Only 2 had shown deterioration.

4) It was also noted during Members' discussion of the Quarterly Performance Monitoring Report:

- The trend with regard to CYPE indicators was positive and the indicator that was RAG-rated as red was also improving. Good performance in Community Services was noted.
- New processes and procedures were being put in place to address issues with keeping up with demand with regard to Freedom of Information requests and Information Governance.

5) Resolved that the Quarterly Performance Report – Quarter 2 be noted.

### **30. Border Readiness**

*(Item 9)*

*Simon Jones, Corporate Director for Growth, Environment and Transport was in attendance for this item.*

1) The Leader and Mr Murphy introduced the report.

2) Mr Brazier said that the Highways network was functioning but was perpetually on the edge of failure. There was limited resilience in the face of challenges, despite the efforts of KCC and government funding was required.

3) Mr Jones outlined the report which summarised what had been done to adapt and offered some reassurance of Kent's border readiness in the short term. It was recognised that there was inherent fragility of the system, it would be important to reinforce and maximise the effectiveness and the potential that existed in Kent. Support from local and national partners was sought to unlock Kent's potential.

4) Further to comments and questions from Members, it was noted:

- It was felt there was a good resumption of discussions with government around pro-active approaches to infrastructure. It was important that KCC's partners were engaged and the partners now had a long history of working together. This had been demonstrated in their quick responses with regard to Dover Traffic Assessment Project (TAP) which had been used 3 times a week or more. There was a willingness to present to government where specific issues had been seen. The report addressed how issues would be dealt with in the short, medium and long-term.
- Concerns were raised about the effect on residents of HGVs and examples of poor behaviour from HGV drivers. Also raised were welfare issues where problems occurred with traffic. A balanced approach was needed when working with communities and HGV drivers.
- Thanks were given to the Kent Resilience Forum and KCC officers for their work on border readiness.

4) RESOLVED to note and agree the recommendations in the report.

## KENT COUNTY COUNCIL

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### CABINET

MINUTES of a meeting of the Cabinet held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 6 January 2022.

PRESENT: Mr R W Gough (Chairman), Mrs C Bell, Mr D L Brazier, Mrs S Chandler, Mr P M Hill, OBE, Mr D Murphy, Mr P J Oakford and Mrs S Prendergast

IN ATTENDANCE: Mr N Abrahams (Area Education Officer – West Kent), Mrs A Beer (Corporate Director of People and Communications), Mr D Cockburn (Corporate Director Strategic & Corporate Services), Ms Z Cooke (Corporate Director of Finance), Mr M Dunkley CBE (Corporate Director of Children Young People and Education), Dr A Duggal (Deputy Director of Public Health), Mrs C McInnes, Mr D Shipton (Head of Finance Policy, Planning and Strategy), Mrs A Taylor (Scrutiny Research Officer) and Mr B Watts (General Counsel)

### UNRESTRICTED ITEMS

#### **1. Apologies and Substitutes**

*(Item 1)*

Formal apologies were received from Miss Carey but she would attend the meeting via virtual link.

#### **2. Cabinet Member Updates**

*(Item 3)*

*Mrs Chandler – Cabinet Member for Integrated Children’s Services*

(1) Mrs Chandler updated members on the improvements being made to the ways in which parental requests for Education, Health and Care (EHC) needs assessments for children and young people were managed. The changes had been made in response to feedback received from parents, schools and other partners about the current system. This change would provide a digital record of each request submitted, improve completion rates within statutory timescales and help to ensure that schools were fully involved in the process.

(2) Mrs Chandler explained that, with regards to Reconnect, 62 Holiday Activity Fund provisions had been delivered offering 3139 places to children and young people. Additional e-vouchers were also provided for those requested via Social Workers and Early Help Workers for those children who were not in receipt of Free School Meals. Early indications were that 47 provisions were showing 80% or more take up and positive feedback had been received on the Reconnect and Holiday Activity Fund. In terms of the locality grants, Round 2 was successfully operated and Round 3 which sought to deliver activity for summer 2022 was launched on 5th January.

(3) The Christmas Campaign for Care Leavers raised £23,000, providing over 2,000 Care Leavers in Kent with a gift at Christmas, Mrs Chandler thanked all those who donated.

*Mrs Prendergast – Cabinet Member for Education and Skills*

(4) Mrs Prendergast informed members that the Secretary of State for Education, Nadhim Zahawi, had written an open letter to education and childcare leaders on the return to education settings in 2022. In his letter, he acknowledged the huge commitment from all in the sector in continuing to care for and provide high quality education, care and pastoral support for children and young people. He emphasised the need to keep children and young people attending settings and school, and the importance of face-to-face teaching, except in exceptional circumstances. The related guidance by the DfE supported this. In light of the Omicron variant surge, the government was temporarily recommending that face coverings be worn in classrooms and teaching spaces for all students in Year 7 and above. The advice was short term only – until 26<sup>th</sup> January – to support both pupils and teachers during this time and builds on the proportionate guidance that recommends face coverings for all adults in communal areas of all settings.

(5) Mrs Prendergast also explained that the rules around self-isolation had changed and in addition, for a temporary period from the start of January, Ofsted would not ask schools, colleges or early years leaders who were also Ofsted Inspectors to undertake inspections – leaving them to focus entirely on their leadership responsibilities at this critical time.

(6) In relation to vaccinations, NHS England had asked that all eligible students be offered a second dose of the vaccine before the February half term. At the same time, the NHS has also stated that no other programmes could be put at risk through the delivery of the covid vaccines, and the School Immunisation Service was also rolling out a parallel Human Papillomavirus Vaccination programme.

(7) Mrs Prendergast also referred to the winter planning in place for education settings. The guidance issued by the Department for Education was that “*Schools should, wherever possible, stay open in severe weather. They play a key role in their communities and by staying open help both the pupils and parents*”.

(8) Mrs Prendergast thanked all staff in schools, colleges and early years settings for everything they did to provide children and young people with a high-quality education and offering them care and support in some very challenging circumstances.

*Mr Brazier – Cabinet Member for Highways and Transport*

(9) Mr Brazier explained that the Council’s Winter Plan was proceeding successfully, there had been several instances of gritting already and efforts would be intensified over the next couple of weeks with the cold weather. Meetings had been held with Southern Water regarding sink holes which, when they appeared in the highway, could cause road closures and inconvenience. Discussions were being had about ways in which potential sink holes could be detected before they caused a problem, the necessary technology did exist to detect potential sink holes but it was currently prohibitively expensive. KCC enjoyed a close relationship with Southern

Water which resulted in a quick response to sink holes. KCC had been approached by Southern Water about their project named the Storm Overflow Task Force. There would be a seminar outlining the problems of flooding in Kent, how it concerned the council and its Members. Given the heavy rainfall in recent years there had been problems with sewage adding to the problems caused by flooding. Southern Water were undertaking pathfinder trials in Swalecliffe, Margate and Deal involving new infrastructure separating sewage from the highways drainage infrastructure. The loss of natural drainage had caused problems and smartwater harvesting was being used with an intention to reduce storm water overflows by 80% before 2030 in the selected areas which would be of great benefit to Kent Highways and there would be further discussion about the cost of this work and its funding.

Mr Murphy – Cabinet Member for Economic Development

(10) Mr Murphy updated members on the Dover Port Health Authority; this had attracted just under £12million investment from central government and was due to generate 200 employees, 100 of which had already been recruited, the majority of which were local people. To put this into perspective 900,000 consignments were expected through the port of Dover with checks being done at Dover. Discussions had been had with Transport to ensure that this didn't lead to blockages.

(11) A meeting had been held with Aylesham District Council Workshop Trust who were interested in building 28 commercial units on the Aylesham site with the assistance of a grant from the Kent and Medway Business Fund.

(12) In relation to Kent's partnership organisations, Mr Murphy explained that Visit Kent was running a marketing campaign to make people aware of the grants available to the hospitality industry. With regards to area development in Dungeness joint meetings had been held to investigate the potential for the Dungeness site being used for new Rolls Royce's new reactors.

(13) With regards to phase three of the Broadband roll out across Kent this had been instructed and work was being done to ensure that broadband was reaching those who needed it.

*Mr Mike Hill – Cabinet Member for Community and Regulatory Services*

(14) Mr Hill updated members on the John Downton Young People's Arts Awards in Kent which had been held as a virtual event on 9 December 2021. There was a large attendance from young people, parents and teachers with 342 entries from 31 schools of an extremely high standard. The winners would be exhibited at the Turner Contemporary gallery.

*Mr Sweetland – Cabinet Member for Communications, Engagement, People and Partnerships*

(15) Mr Sweetland stated that a lot of work was still focussing on the pandemic, helping people to stay safe and protect themselves and friends and family. In line with Government recommendations KCC was asking staff who can to work from home and managers were being asked to review risk assessments for their teams. Although absence rates were rising service provision had not had to be radically reduced. Service users and residents would be alerted via kent.gov should the

situation change. KCC was supporting the Government and the NHS around the critical need for vaccination and the booster jab.

(16) In addition to protecting key workers and promoting vaccination, information had been made available about road safety, mental health, recycling, scams and fostering. This successful campaign had reached around 500,000 people. Mr Sweetland offered his thanks to KCC staff and wished them a very happy new year.

*Mr Oakford – Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services*

(17) Mr Oakford confirmed that the draft budget had been published for 2022/23 and the financial plan for the next three years. Producing a draft balanced budget had been far more challenging than previous years and Mr Oakford thanked the finance team for the huge work needed to develop the budget. He also recognised and thanked the Corporate Management Team for recognising the challenges and for working together to produce a draft budget we can all be proud of.

*Mrs Bell – Cabinet Member for Adult Social Care and Public Health*

(18) Mrs Bell explained that positive Covid cases had continued to rise and were around double the highest point seen in January 2021. Recent sequencing results suggested that Omicron accounted for 99% of cases at the moment. People aged 20-45 had the highest case rates although this was expected to change with schools returning. Cases in those aged 65+ had shown the largest increases and had almost doubled in the last week. Cases among care home residents had also increased. Hospital admissions had increased to around 30 per day. Booster doses saw a rise in the lead up to Christmas but uptake had been slow since then. At 3<sup>rd</sup> January 58.3% of those aged 12 and above have had a booster dose which was higher than the national average. The supply of home Lateral Flow Tests (LFTs) was improving, confirmatory PCR tests were being temporarily suspended and were no longer needed after a positive LFT. In addition it was now possible to end self-isolation after 7 days after two negative LFTs taken 24 hours apart.

(19) There were a number of public health campaigns underway, these included the national Better Health Smoke Free campaign which was encouraging adult smokers to quit for their own health as well as reducing the chances of their children becoming smokers. Details of the campaign were available on [kent.gov.uk/smokefree](http://kent.gov.uk/smokefree). An alcohol awareness campaign was launched last November and would be launched again for Dry January, again information was available on KCC's website. Kent Healthy Weight Support campaign was supported by One You Kent to help people lose weight and get active.

(20) The Leader congratulated Barbara Cooper MBE on her recognition in the Queen's New Years Honours for services to transport and the Covid-19 response. Mr Hill also added his congratulations to Darren Smart (Libraries, Registrars and Archives) on being awarded a BEM for services to public libraries. Congratulations were offered to all Kent residents who were honoured in the New Year.



### **3. Provisional Local Government Finance Settlement 2022-23**

*(Item 4)*

(1) Mr Oakford confirmed that the provisional Local Government Settlement was received on 16 December 2021 containing £4.2million more than the mid range of expectations. A three-year settlement was expected but it was, in reality, a one-year settlement.

(2) Dave Shipton introduced the report and explained that the provisional settlement was close to the upper range of expectations reported to Cabinet after the Spending Review in October, the final settlement was expected late January/early February. The provisional settlement included the additional £1.6billion for local government. Of the £1.6billion, £700million had been allocated to authorities according to the formula for social care, the vast majority being allocated by the existing Social Care Support Grant although it was noted that this formula was out of date. Mr Shipton gave further details of the grant allocations for individual authorities from Department for Levelling-up, Housing and Communities. Mr Shipton explained that the Government was still looking at options to support local authorities through transitional protection as part of reforms to local government funding over the coming years. The one-off Services Grant provided in the Local Government Finance Settlement would be excluded from potential transitional protections. Mr Shipton confirmed that in order to balance the budget the Council was having to find £38million of spending reduction and income.

(3) The Leader queried whether, given KCC was already looking at a situation where there was an increase in overall grant for 2022/23 and then flat after that, alongside the implications of the one-year settlement and the review of fair funding, how would this look in years two and three? There were questions for authorities like KCC relating to the Government Grant for years two and three. Mr Shipton explained that the Council was working on a prudent assumption regarding the grant for years two and three.

RESOLVED that Cabinet note the settlement and impact on the Council's budget and agree that the response is prepared in consultation with the Leader/Deputy Leader and Cabinet member for Finance and Traded Services.

### **4. Commissioning Plan for Education Provision in Kent 2022-2026**

*(Item 5)*

(1) Mrs Prendergast introduced the Commissioning Plan for Education Provision in Kent. This was the latest edition of the 5 year rolling plan for Kent as a strategic commissioner of education. The Plan built on the positive achievements of previous years to fulfil the Council's statutory responsibilities and non-statutory commitments to facilitate parental choice. This was not easy with the demand for specialist places increasing.

(2) Mrs Prendergast explained that she had met with all 12 district leaders and colleagues to present the plan which was generally very well received and all colleagues praised the good working relationship with KCC officers. The Commissioning Plan had previously been endorsed by Children's Young People and Education Cabinet Committee in November 2021.

(3) Mr Abrahams explained that the Commissioning Plan was produced every year and was largely built on a forecast for the number of children who would need a school place. The year's forecast showed a continuation of the trends observed over the past few years with a decrease in births in the county since 2012 mirroring the national picture. In the short to medium term the plans for additional provision were in response to localised pressures and the increase in demand for secondary school places. The longer term was forecasting a change in an upwards direction with an increase in the numbers of young people in Kent, in the main due to housing growth in recent years and projected in the future.

(4) The Leader commented on the underlying demographic pressure which would peak over the next few years and then the balance tipping towards housing pressures, the links with developer contributions and any future systems to secure levels of funding from developers.

(5) In response to a question about provision for special educational needs Mr Abrahams confirmed that the Commissioning Plan outlined a forecast for the number of children and young people expected to have an EHCP in the future given past trends. These numbers were a significant increase, the short term plan included commissioning additional provision to meet the expected need with anticipated changes in the need for provision in the longer term linking to the SEND strategy and the inclusion of children within mainstream settings; this was being monitored alongside inclusion work.

(6) Mrs Chandler commented that the Commissioning Plan contained capacity in mainstream schools for pupils with SEND. It was important to address the numbers forecast and the need for additional SEND places. It was also important to ensure that, where appropriate, children could benefit from education within a mainstream school, whilst bearing in mind that there would always be children for whom mainstream wasn't appropriate. There was work going on in this area to ensure the education provision for those children was the best that could be provided with an emphasis on early identification and early support. Mrs Chandler also emphasised the commitment to small schools which were a significant part of communities in rural areas, KCC had a continued commitment to support these small schools with the challenges they were facing.

(7) Mr Murphy emphasised the point that S106 contributions would become more and more difficult, but this was being looked at carefully.

(8) The Leader thanked Mr Abrahams and Mrs Prendergast for the high-quality Plan submitted to Cabinet and for attending the meeting.

RESOLVED that Cabinet agree the Commissioning Plan for Education Provision in Kent 2022-26.

From: Roger Gough, Leader  
Peter Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services  
Zena Cooke, Corporate Director of Finance

To: Cabinet 27<sup>th</sup> January 2022

Subject: **Capital Programme 2022-32, Revenue Budget 2022-23 and Medium Term Financial Plan 2022-25**

Classification: **Unrestricted**

**Summary:** The draft budget proposals were published on 5<sup>th</sup> January 2022 to support the scrutiny and democratic process through Cabinet Committees, Cabinet and culminating in the annual County Council budget setting meeting on 10<sup>th</sup> February. The publication included a comprehensive report to support the draft budget. An updated final draft report for County Council will be published on 2<sup>nd</sup> February 2022. This final draft will include number of additional appendices to support the final County Council decisions such as Capital Strategy including Prudential Indicators, Minimum Revenue Provision (MRP) statement, and Treasury Management Strategy.

The draft budget includes a proposed 1.998% council tax increase for 2022-23 i.e. up to the maximum without exceeding the 2% referendum limit. The draft budget also includes a further 0.996% council tax increase proposed through the Social Care Levy i.e. the maximum permitted, taking the total social care levy to 11.9% of the County Council share of council tax. The final decision on these council tax increases will be taken at the County Council meeting. The estimated council tax base has increased by 2.63% compared to 2021-22.

The draft revenue budget shows a net proposed budget of £1,178.5m, an increase of £46m (4.1%) on the approved budget for 2021-22. The proposed budget includes spending growth of £83.6m, savings and income of £37.9m and a small net £0.3m increase in reserves, within the overall net £46m increase. This is funded by a combination of grant announcements in the 2022-23 provisional local government settlement (including removal of one-off grants from 2021-22), proposed council tax increases and estimated retained business rate growth.

The draft budget includes ten-year capital programme of £1,793m.

**Recommendations:**

- a) Cabinet is asked to consider any proposed amendments from Cabinet Committees.
- b) Cabinet is asked to endorse the draft budget to be presented to County Council on 10<sup>th</sup> February for final decisions.

Cabinet Members are asked to be able to refer to the 2021-22 draft budget report published on 5<sup>th</sup> January 2022 for this meeting.

Cabinet Members are reminded that Section 106 of the Local Government Finance Act 1992 applies to any meeting where consideration is given to a matter relating to, or which might affect, the calculation of council tax.

Any Member of a Local Authority who is liable to pay council tax, and who has any unpaid council tax amount overdue for at least two months, even if there is an arrangement to pay off the arrears, must declare the fact that he/she is in arrears and must not cast their vote on anything related to KCC's Budget or council tax.

## **Background Documents**

- 1 KCC's Budget webpage  
<https://www.kent.gov.uk/about-the-council/finance-and-budget>
- 2 Original 2021-22 Budget approved by County Council on 11<sup>th</sup> February 2021  
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=113&MId=8460&Ver=4>
- 3 KCC Budget Consultation launched 28<sup>th</sup> July 2021  
<https://letstalk.kent.gov.uk/budget-consultation-2022-23>
- 4 KCC report on 2021 Budget Consultation  
[Documents | Budget Consultation 2022-23 | Let's talk Kent](#)
- 5 Provisional Local Government Finance Settlement 16<sup>th</sup> December 2021  
<https://www.gov.uk/government/collections/provisional-local-government-finance-settlement-england-2022-to-2023>

## **Contact details**

### Report Author

- Dave Shipton (Head of Finance Policy, Planning and Strategy)
- 03000 419418
- [dave.shipton@kent.gov.uk](mailto:dave.shipton@kent.gov.uk)

### Relevant Corporate Director:

- Zena Cooke
- 03000 416854
- [zena.cooke@kent.gov.uk](mailto:zena.cooke@kent.gov.uk)

**From:** Sue Chandler, Cabinet Member for Integrated Children’s Services  
 Shellina Prendergast, Cabinet Member for Education and Skills  
 Matt Dunkley CBE, Corporate Director of Children, Young People and Education

**To:** Cabinet – 27 January 2022

**Subject:** Special Educational Needs Strategy 2021-2024 - Update

**Classification:** Unrestricted

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

**Past Pathway of report:** Children’s and Young People Cabinet Committee –11<sup>th</sup> January 2022.

**Electoral Division:** list the electoral division/s, and local Member/s affected:

*Identify Members using this link:*

<https://democracy.kent.gov.uk/mgMemberIndex.aspx?bcr=1>

**Summary:** Kent’s Strategy for Children and Young People with Special Educational Needs and Disabilities 2021-2024 (SEND strategy) was agreed by Sue Chandler, Cabinet Member for Integrated Children’s Services on 19<sup>th</sup> March 2021. This is the framework supporting the Council’s ambitious SEND reform agenda, aiming to improve outcomes for children and young people through increasing opportunities for local education as well as the provision of high quality, timely services, delivered at a sustainable cost to the Council and Direct Schools Grant. Following publication of the strategy, a range of additional guidance has been co-produced with stakeholders and is being implemented in schools, supported by an extensive professional development programme.

Nine months on, this report provides the rationale for a complementary ‘Ambition Statement’ which elaborates on the operational implementation of the SEND strategy, explicitly supporting greater SEND inclusion in mainstream schools, together with making some consequential adjustments in three paragraphs of the strategy to ensure integrity and consistency of the document.

The rationale for the Ambition Statement is both educational and social; however, we also have a duty to consider the financial imperative for accelerating the changes to the local SEND system, which we believe the statement will aid. The report therefore summarises information on increases in demand and spend that have been seen nationally and highlights how those pressures in Kent have increased at an even greater rate. It highlights where Kent is different from other Local Authorities in relation to the lower proportion of children with SEND in mainstream schools and the higher proportion placed in special schools, including independent schools. The consequential impact on outcomes for children, significant financial pressures for the County and a growing deficit in the High Needs Block of the DSG are detailed. Without sustained remedial action, outcomes for children with SEND will not be

improved in line with our ambitions, increases in demand and spend will not be halted, and the cost will be unsustainable

Recommendation(s):

That Cabinet comments on and recommends to the Cabinet Member for Integrated Children's Services:

- 1) The addition of the following Statement of Ambition into the SEND Strategy:

*To deliver a model of provision which supports greater inclusion of children and young people within mainstream schools in their local communities through the realignment of the SEN system in Kent and to aim for the proportion of children and young people supported in each provision type (mainstream and specialist provision) to reflect more closely both statistical neighbours and national averages.*

- 2) Proposed updates are made to the SEND Strategy as set out in paragraphs 4.2, 4.3 and 4.4 of this report, to align with that ambition.

## 1. Introduction

- 1.1 Since the 1970 Education (Handicapped Children) Act allowed for all disabled children to receive an education, there have been a number of international and national reforms which aim to increase participation for learners, creating systems that values all individuals equally, and promotes equity, compassion and respect. Whilst there is a very important role for special schools in the system, preparation for adult life for many pupils is best achieved through a mainstream education, where pupils are provided with high -quality educational opportunities in their local community, alongside friends and peers.
- 1.2 This paper sets out how the changes that were introduced in the 2014 Special Educational Needs and Disability (SEND) Code of Practice have altered the landscape nationally and locally for children with SEND, with some significant unintended consequences. Nationally there has been a large increase in demand for Educational Health and Care Plans (EHCPs) and greater numbers of children being supported in special and independent schools. In Kent this trend has grown even faster, and Kent has become somewhat of an outlier nationally in some key respects with the associated huge financial pressures, which in the medium term are unsustainable.
- 1.3 The Council's ambitions for pupils with SEND is articulated through the SEND strategy. Greater detail and exemplification is included in a number of documents, co-produced with key stakeholders including school leaders and parents, in use across the county. These include the Countywide Approach to Inclusive Education (CATIE), Kent's Inclusion Statement and the KCC Mainstream Schools Core Standards and implementation is supported by a professional development programme. In the light of the continuing pressures and our latest demand modelling over the coming four years this paper proposes

that we better describe our intentions in respect of greater inclusion within Kent's mainstream schools and set out a clearer aspiration or target for those intentions. We propose this through making adjustments to the SEND strategy.

## **2. Background - Outcomes for children**

### Improving Educational outcomes for Children and Young people with SEND

- 2.1 Special schools play an important role in the continuum of educational provision in Kent. KCC acknowledges the crucial work they undertake with children and families, and we are committed to ensuring that continues, as for some pupils a special school is the most appropriate provision. However, our current focus is on developing the role of mainstream schools in the SEND education continuum.
- 2.2 Education is concerned with supporting social development and participation skills, as well as academic attainment, all of which contribute to preparing pupils for adulthood and taking their place as an active citizen in their community. Ideally, most pupils would attend a local school where they can form friendships, contribute to the school community and make use of local amenities, rather than spending significant amounts of time being transported to and from their school. In Kent, we have many mainstream schools that are successfully educating children with additional and special needs. We want to build on and extend this successful practice so that all children and young people have the same opportunities regardless of where they live.
- 2.3 The concept of a SEND inclusive mainstream school is underpinned by evidence that the educational experience and outcomes for many pupils with additional and special needs can be better in a mainstream school, and they are better prepared for adult life in society.
- 2.4 The starting point of a SEND inclusive school is concerned with what goes on in the school every day and is of benefit to all pupils. SEND inclusive schools are committed to the fulfilment of potential in all pupils, building a positive and supportive environment through promoting positive relationships, active engagement, and wellbeing. This approach is currently being supported through the implementation of 'Nurture Schools' across the county, which is of benefit to any pupil who is dealing with challenge in their lives, as well as those with SEND.
- 2.5 Secondly, they invest in developing good teaching, or 'quality first teaching' using a group of evidence-based teaching approaches which can be used flexibly in response to the needs of all pupils but is of particular benefit to pupils with SEND. Quality first teaching is then complemented with carefully selected small-group and one-to-one interventions. If more help is needed, the next step is to access specialist services which can be provided by the Specialist Teaching and Learning Service or a local special school. For many children and young people this will be sufficient support to ensure they make good progress in a mainstream school. This work is being supported by the Kent Leadership Inclusion Programme.
- 2.6 The third big professional development programme for all secondary schools is the Supported Employment programme. This bespoke programme is being rolled out to all secondary schools in Kent, providing training in collaboration with specialist agencies so that school staff are better equipped to develop student

skills for the workplace as well as providing information on career pathways and local job opportunities.

- 2.7 This approach, which is embedded in the SEND strategy, has been further elaborated and exemplified in the Countywide Approach to Inclusive Education (CATIE), Kent's Inclusion Statement and the KCC Mainstream Schools Core Standards, which are all being implemented in Kent schools currently. There has always been a professional development offer to support mainstream schools to become more SEND inclusive, but an intensive, evidence-based professional development programme, funded by retained school budgets, was launched in September 2021 and the three main strands are outlined above. The programmes draw on national and local effective practice and are building capacity across the system to enable consistent implementation in all mainstream schools and so greater opportunities for more pupils with SEND to successfully attend their local school. There has been a high level of interest and all the cohorts for the initial rounds of training are full which is very encouraging; however, it will take time to change the trajectory. The 'Ambition Statement' which clearly articulates the Council's position on this critical part of the SEND strategy and the important role of mainstream schools in the SEND educational provision continuum, reflecting practice nationally, will help in accelerating the progress being made in system reform.

#### Managing Demand Differently

- 2.8 There is widespread recognition that the current position (including projected scenarios) is unsustainable both in terms of the outcomes for many children with SEND and financially. It also goes directly against the wishes of parents of children with SEND (who were consulted on the SEND strategy), who expressed a strong desire for a more inclusive educational system.
- 2.9 There are a wide range of activities already in train to better manage this situation, linked to the Written Statement of Action, the SEND strategy, the Countywide Approach to Inclusive Education and the Kent Inclusion statement. The two primary areas of focus being reducing the increasing demand for EHCPs and working with mainstream schools to enable them to successfully support more complex children with SEND and to be more inclusive. Our aspiration in both of those areas is to get to a position where Kent's performance better reflects national and statistical averages.
- 2.10 All of Kent's services, either commissioned or funded for directly provided support in areas such as mainstream top up funding for individual schools, Specialist Teaching and Learning Service, SEN Provision Evaluation Officers amongst others, are under review to ensure they are fit for purpose and are set up to achieve the outcomes needed. New services are also being commissioned where there is clear evidence of gaps in support, with several key services due to be launched in January 2022 which have received good levels of interest from schools. These are funded through the High Needs Block of the DSG and budget transfers from primary and secondary school budgets.

Table 1 below sets out the full details of current and planned services to support inclusion in mainstream schools.



Table 1: Current and Planned Services to support inclusion in mainstream schools

<b>Inclusion Related Services</b>	
Mainstream Top-up funding for individual children with SEN	£30,500,000 per year
Specialist Teaching & Learning Service	£8,200,000 per year
Additional funding for schools with High incidence of SEN	£4,500,000 per year
SEN Provision Evaluation Officers	£1,800,000 per year
Specialist Resource Provision Outreach	Not separately identified (per year)
Whole School Nurture Approach	£1,200,000 over 3 years
Supported Employment in Schools	£1,000,000 over 3 years
Kent Inclusive Leadership Development Programme	£800,000 over 3 years
SEN Inclusion school-based Peer to Peer work	£900,000 over 3 years
'SEND & Learning Behaviours' programme (EEF)	£50,000 one-off
Other including pilots & training activities	£290,000 one-off
Embedding provision planning, transition support, locality-based hubs, capacity building & pilot activities in schools	TBC (up to £15,000,000)

- 2.11 This work is also an active part of the activities of the Education and SEND departments in their work with schools and school head teachers and linked in through the Countywide Approach to Inclusion in Education and the Written Statement of Action.
- 2.12 There is strong evidence emerging through data of the engagement of schools with these strategies, which is being collated with other relevant information, including feedback from parental surveys, to build a detailed picture of strengths and areas for development at a local level. This will enable officers to monitor and evaluate the impact of training and development work as well as to inform future priorities.
- 2.13 As part of the request for an EHCP assessment in Kent we will be ensuring that all EHCP requests have been discussed with educational settings prior to an application via a central mailbox. This will ensure that each child's needs are discussed, identified and the impact of the SEN support already in place is considered prior to a request for an assessment. It will also ensure that any requests that have been made will have had the appropriate SEN support

identified, giving every opportunity for the educational setting to meet need without an EHCP application being made.

### Drivers of Cost Pressures

2.14 As set out earlier in the report, the reforms introduced in 2014 created additional pressures across the country in relation to support for pupils with SEND. However, the scale of those pressures has affected Kent disproportionately to the extent that Kent is now an outlier compared to the national picture.

2.15 The specific drivers for those pressures in Kent since 2014 include:

- Rising numbers of EHCPs, which are far now greater than the national averages per 10,000 children
- Kent has proportionately less children identified as needing SEN support in schools than the national average
- There are proportionately less children with EHCPs in mainstream schools in Kent than national and statistical neighbour averages
- There are proportionately far more children placed in either special or independent schools or in Specialist Resourced Provision in Kent than the national and statistical neighbour averages.

2.16 Rising numbers of EHCPs

In 2016, Kent had 7,045 young people with an EHCP, equivalent to 22.2 plans per 1,000 of the 2-18yrs population, which was in line with the national average. This number has increased steadily since then, with 15,300 EHCPs in Kent by January 2021, with the rate more than doubling to 45.6 plans per 1,000 of the 2-18 years population. By comparison, the national rate is now 37.5 per 1,000 of the 2-18 population whilst our statistical neighbours' average rate is 33 per 1,000 of 2-18 population. If Kent had the same rate of EHCPs as national average, there would be 3,000 fewer EHCPs in the system.

2.17 Placement of children with SEND

The types of placements provided for children with SEND in Kent are different to those seen elsewhere in the country. There are proportionately fewer children with SEND in Kent placed in mainstream schools than is the case nationally (10.2 per 1,000 2-18-year-olds vs 12.7 per 1,000 nationally) than in both maintained & independent, Special Schools (195.42 per 1,000 2–18-year-olds vs 131.7 per 1,000 nationally).

2.18 This means that for every 1,000 children, approximately 5 more children in Kent go to either a special or independent provision than is the case nationally. This is equivalent to around 1,900 pupils, which is 33% of children currently placed in special or independent provision. Whilst Kent has had higher percentages of pupils with an EHCP in specialist provision for several years, the gap between the Kent rate and national rate has increased dramatically over the last five years.

2.19 If these figures are measured against the 2016 base, we see a 33% increase in special school places in Kent over the last five years compared to a national increase of 16%. This is an increase from 3,628 in 2016 to 5,197 in January 2021.

- 2.20 The corollary of this position is that only 10.3% of pupils with an EHCP are in mainstream schools in Kent against a national average of 12.7%. If Kent were in line with the national figures, there would be 900 more children with an EHCP being educated in a mainstream setting with even more supported in their mainstream school at SEN support level (and not requiring an EHCP).
- 2.21 The situation in secondary schools is even more polarised and challenging with the majority of pupils with an EHCP in mainstream being educated in 70% of Kent schools. In non-selective schools on average 2.0-2.5% of pupils have an EHCP compared to 0-0.5% of the pupil population in selective schooling.

#### Future modelling

- 2.22 Future projections based on the current trajectory of both the nature and cost of demand without further intervention, suggest that, if we do not change the way that the system for children with EHCPs functions, we will continue to see numbers of EHCPs increase to 23,726 by 2024/25, an increase of 55% in four years. This forecast is reflective of reality whereby our current number of EHCPs has grown from 15,300 in January 2021 to a current total of around 18,000 (as predicted by the model).
- 2.23 To meet the level of demand in 2024/25 we would also require:
- 700 additional places in Specialist Resource Provisions (SRPs). Based on an SRP offering up to 20 places each, this would equate up to 35 new SRPs at a total cost of £9-18m
  - 2,900 additional special school places in 18 new special schools, equivalent to a capital cost of approximately £360m
  - 1,100 additional independent schools' places or the equivalent to 5 more independent special schools at a capital cost of approximately £100m
- 2.24 If all else remained the same, this would move the in-year deficit to £130m with an overall accumulated deficit of approximately £495m by 2024/25.

### **3. Overview of Financial Pressures for SEND**

- 3.1 Services to children and young people with Special Educational Needs are funded from three main sources:
- General Fund
  - Capital Grant for development of SEN services
  - Specific ring-fenced grant from the Department for Education (DfE)
- 3.2 The General Fund pays for statutory services including the EHCP processes, SEN transport and Educational Psychology. Over the past four years, the Council has had to invest nearly £20m (over 50% increase) to support growing demands for these services.
- 3.3 The Department for Education provides capital funding to support the development of SEN services, in addition to specific funding for the building of new special schools, such as Aspire and Snowfields Special Schools in Kent. The general capital funding has not been sufficient to meet the demand for new SEN services where between 2018/19 and 2021/22 that spend has been £26m

against funding of £17.5m. Whilst Government has recently announced additional funding there are no further details available at this stage.

- 3.4 The Dedicated Schools Grant (DSG) is a ringfenced revenue grant to support school budgets and services. It is split into four main funding blocks each with a different purpose and specific rules attached, any under or overspend relating to this grant is held by the Local Authority in a specific reserve to be dealt with through future year spending plans:
- Schools Block
  - High Needs Block
  - Early Years Block
  - Central Services Block.
- 3.5 The High Needs Block (HNB) of funding is intended to support the educational attainment of children and young people with special educational needs and disabilities (SEND) and pupils attending alternative education provision. The HNB funds payments to maintained schools and academies (both mainstream and special), independent schools, further education colleges, specialist independent providers and pupil referral units. Some of the HNB is also retained by KCC to support some SEND services (staffing/centrally commissioned services) and overheads.
- 3.6 In recent years, the overspend on the High Needs block has been growing at a faster rate than the increases in the grant. The overspend in 2021/22 is predicted to be £41m, which contrasts with previous years of £32m in 2020/21, £21m in 2019/20 and £6.7m in 2018/19, which will result in an accumulated deficit on the High Needs block at the end of 2021/22 of £102m. This deficit is currently held separately in KCC's final accounts in line with the statutory override that has been in operation since March 2020, whereby Local Authorities are required to ring-fence a DSG deficit and hold it separately within the Local Authority's accounts. This override is time-limited and is subject to review; therefore, if no extension is given, any remaining deficit will form part of the Local Authority's accounts from 2023-24.
- 3.7 In response to the growing financial pressures many Local Authorities are experiencing in meeting increasing demands for SEN services, the Department for Education (DfE) has, alongside providing extra funding, put in a requirement for affected Local Authorities to develop a deficit recovery plan. The DfE have also provided a commitment to work with Local Authorities to support financial recovery including the possibility of funding historic DSG deficits if a Local Authority can demonstrate it is not possible to pay this off over a reasonable timescale. However, this will only be considered when a Local Authority can demonstrate a reasonable set of actions which will enable the authority to operate within the annual DSG grant by setting out plans to change the pattern of provision where this is necessary, as well as to achieving greater efficiency in other ways. This paper will support the approach that will underpin Kent's Deficit Recovery Plan as we develop one moving forward.

#### 4. **SEND Strategy**

- 4.1 The SEND strategy which was adopted in March 2021 is the key strategic

document that sets the direction of travel for services for young people with SEND. It sets out the aspiration to ‘support the inclusion of all children and young people in Kent’ and aims to do this through 5 key priorities. The most relevant here are:

- *Priority 4. Improve education, care and health outcomes for children and young people with SEND*
- *Priority 5. Ensure children and young people with SEND are included in their community*

4.2 We believe that it would be helpful if we were clearer and more explicit across the system about what these statements mean and, as such are proposing an adjustment to the wording that sits underneath those priorities as set out below. We are not proposing to alter the priorities. To this end, we propose the addition of the following Ambition Statement to the SEND Strategy.

*To deliver a model of provision which supports greater inclusion of children and young people within mainstream schools in their local communities through realigning the SEN system in Kent; and  
To aim for the proportion of children and young people supported in each provision type (mainstream and specialist provision) to more closely reflect both statistical neighbours and national averages.*

4.3 Priority 4 has several points sitting underneath the priority statement which spell out how we aim to deliver that priority. We propose changing the second bullet point from:

- Launching a new County Approach to Inclusive Education, working with our schools, settings and colleges to ensure mainstream provision is more inclusive to SEND children and young people  
*To:*
- Using the County Approach to Inclusive Education, working with our schools, settings and colleges to deliver a model of provision which supports greater inclusion, and a higher proportion of children and young people with SEND within mainstream schools in their local area.

4.4 Priority 5 has several points setting out how we aim to deliver that priority. The first bullet point is proposed to be changed from:

- Supporting children and young people with SEND in the community where they live. Through attending local schools and colleges, children and young people will build links and social networks in their local community  
*To:*
- Supporting more children and young people with SEND in the community where they live, by aiming for the proportion of children and young people supported in each provision type (mainstream, specialist) to return to national and statistical neighbours’ averages within 5 years. By attending local schools and colleges, children and young people will build links and social networks in their local community

4.5 We believe that making the adjustments as set out above would create greater

clarity about the direction of travel for SEND services in Kent and would better align with the work that is already taking place with schools and others through the Countywide Approach to Inclusive Education and the Written Statement of Action. Special schools play an important role in the continuum of educational provision in Kent and for some pupils a place in a special school is, and always will be the right provision. However, our current focus is on developing the role of mainstream schools in the SEND education continuum so that more pupils can attend a local school where they can form friendships, contribute to the school community and make use of local amenities, rather than spending significant amounts of time being transported to and from their school.

- 4.6 The concept of SEND inclusive mainstream schooling is underpinned by evidence that the educational experience and outcomes for many pupils with additional and special needs can be better in a mainstream school and they are better prepared for adult life in society. We believe that these adjustments to the strategy would provide helpful clarification of that position and our direction of travel.
- 4.7 The inclusion of a target so that the type of provision utilised in Kent better aligns with national averages is important as it is the cornerstone of a more inclusive system for children with SEND as well as a critical component of our work to balance spending on the High Needs budget. We need to ensure we are striving to achieve the “right provision, at the right time” where possible within the context of a finite resource.
- 4.8 Taken overall the proposals will support an approach across Kent that aims to bring services closer in line with how they are delivered nationally and in statistical neighbours, that begins to address the huge financial deficit that we are facing and finally, will form the cornerstone of a Deficit Recovery Plan that will provide confidence to the DfE that we are able to manage services within an agreed budget.

## **5. Legal Implications**

- 5.1 The paper sets out the current pressures and likely direction of travel in respect of our ability to fulfil our statutory responsibilities for young people with SEND and our ability to manage spend within budget. If we are unable to achieve a change of direction, we will be neither able to fulfil our statutory responsibilities nor to manage services within the designated budget.

## **6. Equalities Implications**

- 6.1 An EQIA is already in place covering the SEND strategy which was completed less than one year ago. The proposed changes are relative and whilst we think it unlikely that they will materially affect the conclusion of that assessment, we will review it in the light of any changes.

## **7. Conclusions**

- 7.1 This paper has set out the pressures as they currently exist within the SEND system, illustrating how these pressures will continue to increase without

remedial action and setting them within the national context. Going forward, these pressures will be unsustainable for the Council and not in the best interests of children and young people with special educational needs.

- 7.2 The proposed adjustments to the wording within the SEND strategy will serve to underline our commitment to providing a more inclusive education service to pupils with SEND in Kent, better reflect the work already taking place with schools and evidence that we have listened to the feedback that parents provided on the SEND strategy, namely that they wanted to see a more inclusive education offer for their children. It would also better align us with the national research which illustrates how many pupils with additional needs have better outcomes in mainstream schooling.
- 7.3 Delivering a pattern of educational provision that better aligns to national averages and moves us away from being an outlier will strengthen our position with DfE and Ofsted when they re-visit Kent to look at progress against the Written Statement of Action
- 7.4 Finally, this increased clarity will also put us in a better position to address the ongoing in-year budget deficit on the High Needs Block as well as the accumulated deficit. If the DfE is to assist us with this deficit, then the Recovery Plan will have to provide assurance that we can, at the very least, manage spend on an annual basis within budget.

## 8. Recommendation(s)

### **That Cabinet comments on and recommends to the Cabinet member for Integrated Children's Services**

- a) The addition of the following statement of Ambition into the SEND Strategy.

*Deliver a model of provision which supports greater inclusion of children and young people within mainstream schools in their local communities through realigning the SEN system in Kent, and to aim for the proportion of children and young people supported in each provision type (mainstream and specialist provision) to more closely reflect both statistical neighbours and national averages.*

- b) proposed updates to the SEND strategy as set out in paragraphs 4.2, 4.3 and 4.4 of this report, to align with that ambition

## 9. Background Documents

SEND Strategy 2021-24

[SEND strategy - Kent County Council](#)

SEND Strategy 2021-24 EqIA

<https://letstalk.kent.gov.uk/kent-s-strategy-for-children-and-young-people-with-special-educational-needs-and-disabilities-2021-2024>

## 10. Contact details

**Report Authors:**

Mark Walker  
Director for Special  
Educational Needs and  
Disabilities, Disabled Children  
and Young People  
03000 415534  
[Mark.walker@kent.gov.uk](mailto:Mark.walker@kent.gov.uk)

Christine McInnes  
Director for Education  
03000418913  
[christine.McInnes@kent.gov.uk](mailto:christine.McInnes@kent.gov.uk)

**Relevant Director:**

Matt Dunkley  
Corporate Director  
Children, Young People and Education

Email address  
[Matt.dunkley@kent.gov.uk](mailto:Matt.dunkley@kent.gov.uk)



# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

## DECISION TO BE TAKEN BY:

Sue Chandler, Cabinet Member for Integrated Children's Services

## DECISION NO:

To be allocated by Democratic Services

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

## Key decision: YES

*Key decision criteria. The decision will:*

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

## Subject Matter / Title of Decision

Special Educational Needs Strategy 2021-2024 - Update

## Decision:

As Cabinet Member for Integrated Children's Services and in consultation with the Cabinet Member for Education and Skills, I agree to:

- 1) The addition of the following Statement of Ambition into the SEND Strategy:

To deliver a model of provision which supports greater inclusion of children and young people within mainstream schools in their local communities through the realignment of the SEN system in Kent and to aim for the proportion of children and young people supported in each provision type (mainstream and specialist provision) to reflect more closely both statistical neighbours and national averages.

- 2) Proposed updates are made to the SEND Strategy as set out in paragraphs 4.2, 4.3 and 4.4 of this report, to align with that ambition.

[SEND strategy - Kent County Council](#)

## Reason(s) for decision:

1.1 Kent's Strategy for Children and Young People with Special Educational Needs and Disabilities 2021-2024 (SEND strategy) was agreed by Sue Chandler, Cabinet Member for Integrated Children's Services on 19th March 2021. This is the framework supporting the Council's ambitious SEND reform agenda, aiming to improve outcomes for children and young people through increasing opportunities for local education as well as the provision of high quality, timely services, delivered at a sustainable cost to the Council and Direct Schools Grant. Following publication of the strategy, a range of additional guidance has been co-produced with stakeholders and is being implemented in schools, supported by an extensive professional development programme.

Nine months on, this report provides the rationale for a complementary 'Ambition Statement' which

elaborates on the operational implementation of the SEND strategy, explicitly supporting greater SEND inclusion in mainstream schools, together with making some consequential adjustments in three paragraphs of the strategy to ensure integrity and consistency of the document.

The rationale for the Ambition Statement is both educational and social; however, we also have a duty to consider the financial imperative for accelerating the changes to the local SEND system, which we believe the statement will aid.

## **2. Preferred option**

By making the adjustments to the SEND Strategy it will create greater clarity about the direction of travel for SEND services in Kent and would better align with the work that is already taking place with schools and others through the Countywide Approach to Inclusive Education and the Written Statement of Action. Special schools play an important role in the continuum of educational provision in Kent and for some pupils a place in a special school is, and always will be the right provision.

## **3. Consultation (if any)**

A consultation took place as part of the creation of the SEND Strategy and as this is an adjustment following the implementation of the strategy no further consultation process was necessary.

## **4. Equalities Assessment**

4.1 An EQIA already in place covering the SEND strategy which was completed less than one year ago. In our view, the proposed changes are relative and whilst we think it unlikely that they will materially affect the conclusion of that assessment, we will review it in the light of any changes.

## **5. Financial Implications**

5.1 Services to children and young people with Special Educational Needs are funded from three main sources:

- General Fund
- Capital Grant for development of SEN services
- Specific ring-fenced grant from the Department for Education (DfE)

5.2 The General Fund pays for statutory services including the EHCP processes, SEN transport and Educational Psychology. Over the past four years, the Council has had to invest nearly £20m (over 50% increase) to support growing demands for these services.

5.3 The Department for Education provides capital funding to support the development of SEN services, in addition to specific funding for the building of new special schools, such as Aspire and Snowfields Special Schools in Kent. The general capital funding has not been sufficient to meet the demand for new SEN services where between 2018/19 and 2021/22 that spend has been £26m against funding of £17.5m. Whilst Government has recently announced additional funding there are no further details available at this stage.

5.4 The Dedicated Schools Grant (DSG) is a ringfenced revenue grant to support school budgets and services. It is split into four main funding blocks each with a different purpose and specific rules attached, any under or overspend relating to this grant is held by the Local Authority in a specific reserve to be dealt with through future year spending plans:

- Schools Block
- High Needs Block
- Early Years Block
- Central Services Block.

5.5 The High Needs Block (HNB) of funding is intended to support the educational attainment of children and young people with special educational needs and disabilities (SEND) and pupils attending alternative education provision. The HNB funds payments to maintained schools and academies (both mainstream and special), independent schools, further education colleges, specialist independent providers and pupil referral units. Some of the HNB is also retained by KCC to support some SEND services (staffing/centrally commissioned services) and overheads.

5.6 In recent years, the overspend on the High Needs block has been growing at a faster rate than the increases in the grant. The overspend in 2021/22 is predicted to be £41m, which contrasts with previous years of £32m in 2020/21, £21m in 2019/20 and £6.7m in 2018/19, which will result in an accumulated deficit on the High Needs block at the end of 2021/22 of £102m. This deficit is currently held separately in KCC's final accounts in line with the statutory override that has been in operation since March 2020, whereby Local Authorities are required to ring-fence a DSG deficit and hold it separately within the Local Authority's accounts. This override is time-limited and is subject to review; therefore, if no extension is given, any remaining deficit will form part of the Local Authority's accounts from 2023-24.

5.7 In response to the growing financial pressures many Local Authorities are experiencing in meeting increasing demands for SEN services, the Department for Education (DfE) has, alongside providing extra funding, put in a requirement for affected Local Authorities to develop a deficit recovery plan. The DfE have also provided a commitment to work with Local Authorities to support financial recovery including the possibility of funding historic DSG deficits if a Local Authority can demonstrate it is not possible to pay this off over a reasonable timescale. However, this will only be considered when a Local Authority can demonstrate a reasonable set of actions which will enable the authority to operate within the annual DSG grant by setting out plans to change the pattern of provision where this is necessary, as well as to achieving greater efficiency in other ways. This paper will support the approach that will underpin Kent's Deficit Recovery Plan as we develop one moving forward.

## **6. Legal Implications**

The report will set out the current pressures and likely direction of travel in respect of our ability to fulfil our statutory responsibilities for young people with SEND and our ability to manage spend within budget. If we are unable to achieve a change of direction, we will be neither able to fulfil our statutory responsibilities or to manage services within the designated budget.

## **7. Data Protection implications**

DPIA was not required

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

This decision was considered at the meeting of the Children's, Young People and Education Cabinet Committee on 11 January 2022 and will be discussed at Cabinet on 27<sup>th</sup> January 2022. The Cabinet Member for Integrated Children's Services will take their recommendations into consideration before taking the final decision.

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

8.1 The report attached to this document sets out the pressures as they currently exist within the SEND system, illustrating how these pressures will continue to increase without remedial action and setting them within the national context. Going forward, these pressures will be unsustainable for the Council and not in the best interests of children and young people with special educational needs.

8.2 The proposed adjustments to the wording within the SEND strategy will serve to underline our commitment to providing a more inclusive education service to pupils with SEND in Kent, better

reflect the work already taking place with schools and evidence that we have listened to the feedback that parents provided on the SEND strategy, namely that they wanted to see a more inclusive education offer for their children. It would also better align us with the national research which illustrates how many pupils with additional needs have better outcomes in mainstream schooling.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:** None

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signed

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date