

SEND SUB-COMMITTEE

Wednesday, 22nd March, 2023

2.00 pm

**Council Chamber, Sessions House, County
Hall, Maidstone**





AGENDA

SEND SUB-COMMITTEE

Wednesday, 22nd March, 2023, at 2.00 pm
Council Chamber, Sessions House, County Hall,
Maidstone

Ask for: **Gaetano Romagnuolo**
Telephone: **03000 416624**

Membership

Conservative (7): Mrs B Bruneau, Mr P Cole, Mr M Dendor, Mrs S Hudson,
Mr H Rayner, Mr A Sandhu, MBE and Mr S Webb

Labour (1): Dr L Sullivan

Liberal Democrat (1): Mrs T Dean, MBE

Green and
Independent (1): Rich Lehmann

Church
Representatives (3): John Constanti, Michael Reidy and Quentin Roper

Parent Governor (2): Rebecca Ainslie-Malik and Keji Moses

UNRESTRICTED ITEMS

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

- 1 Introduction/Webcast announcement
- 2 Apologies and Substitutes
- 3 Election of Chair
- 4 Election of Vice-Chair
- 5 Declarations of Interest by members in items on the agenda
- 6 Terms of Reference of the SEND Sub-Committee (Pages 1 - 2)
- 7 SEND Transformation Progress Update (Pages 3 - 14)

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

Tuesday, 14 March 2023

Scrutiny Committee - SEND Sub-Committee

TERMS OF REFERENCE

In line with Section 21 of the Local Government Act (2000) this Sub-Committee will exercise the following functions of the Council's Scrutiny Committee in relation to Kent County Council SEND provision.

1. Review or scrutinise decisions made, or other actions taken in connection with KCC SEND Provision.
2. Make reports or recommendations to the Executive, requiring them to consider and respond, indicating what (if any) action they propose to take, within 2 months (in matters relating to SEND Provision KCC).
3. Require the Leader, Cabinet Members and Senior Managers to attend before it and answer questions. It is the duty of any Member or Officer to comply with such a requirement.
4. Invite other persons to attend meetings of the Committee to answer questions and gather evidence with their consent.
5. Report annually to the Scrutiny Committee.

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From: **Rory Love, Cabinet Member for Education and Skills**
Sue Chandler, Cabinet Member for Integrated Children's Services
Sarah Hammond, Corporate Director of Children, Young People and Education

To: **Scrutiny SEND Sub-Committee - 22 March 2023**

Subject: **SEND Transformation Progress Update**

Classification: **Unrestricted**

Past Pathway of report: N/A

Future Pathway of report: N/A

Electoral Division: All

Summary: The Scrutiny Committee, at its meeting on 7 December 2022, resolved to establish the SEND Scrutiny Sub-Committee to consider KCC's SEND provision. For its initial meeting the Cabinet Member for Education and Skills in conjunction with the Corporate Director for Children, Young People and Education have agreed to share an update on progress on SEND Transformation, including our work with the Department for Education (DfE) since the Inspection Revisit. This report outlines the latest progress on SEND transformation, provides an opportunity to discuss with the Sub-Committee the areas of focus and highlights short term actions for improvement.

Recommendation(s):

The SEND Scrutiny Sub-Committee is asked to Comment and Note the report, and Consider the key areas of focus for oversight and assurance.

1. Background

- 1.1 In 2019, Ofsted and CQC carried out an inspection of Special Education Needs and Disability (SEND) services in the Kent Local Area, identifying nine areas of significant weakness. KCC put in place an Improvement Board and Written Statement of Action Improvement Plan in response to the inspection findings.
- 1.2 The Inspection Revisit was undertaken in September 2022. The Kent Local Area SEND Services Ofsted and CQC Revisit Report was published on 9th November 2022, which highlighted that Kent had failed to make sufficient progress in any of the nine areas of significant weakness.
- 1.3 KCC fully accepted and agreed with the Inspection conclusions and positively engaged with the Department for Education to demonstrate our absolute

strength of commitment to improvement and intention to prioritise the necessary actions as a critical priority for the Council.

- 1.4 KCC has an unequivocal commitment to a focus to improve the lived experience for children and young people with SEND, and their families and carers. We have already demonstrated our full commitment to this in the services we provide for vulnerable and at-risk children in Kent's Children's Services, and this was highlighted in Kent's Outstanding Ofsted judgement in May 2022. We want to develop the same clear shared vision for children and young people with SEND and their families within the Kent Local Area and extend opportunities for participation and meaningful engagement to improve service quality.
- 1.5 Following the Inspection Revisit, the Leader swiftly changed the Cabinet Member Portfolio and relevant Portfolio Holder to ensure there was a dedicated focus on SEND, which is held by Cllr Rory Love, Cabinet Member for Education and Skills, to bring extensive local and national government experience and facilitate improvement and transformation learning with other local authorities through his role as a Member Peer at the Local Government Association.
- 1.6 In terms of management action, the Chief Executive and Corporate Director immediately strengthened our strategic leadership capacity and capability and undertook an urgent review of SEND leadership to drive the necessary improvement at pace. A new leadership model was endorsed by Personnel Committee on 24th January, with formal ratification by the County Council expected on 23rd March, to go live in April 2023.
- 1.7 The Children, Young People and Education (CYPE) Directors are actively driving improvements in service delivery, practice and culture within their services and taking personal responsibility for the oversight of SEND Transformation projects (*Section 5*). To complement the changes in practice, HR/OD are undertaking a Culture Change review, to transform the culture and workforce necessary for sustainable improvement. This is complemented by action on workforce development, recruitment and retention issues.
- 1.8 The SEND Transformation Programme within KCC's Strategic Reset Programme (SRP) is making the decisive actions for swift and sustainable improvement, supported by robust leadership and governance. This is building on the projects underway to achieve the Council's Safety Valve commitments for financial sustainability, and the wider strategic improvements necessary across the whole SEND local area system.
- 1.9 On 12th January 2023, a letter from Claire Coutinho MP, Minister for Children, Families and Wellbeing, provided an opportunity for written representation from the local authority on the progress made on improvement across the Kent local area system to inform the DfE's final decision on the Inspection Revisit outcome. A draft Improvement Notice was shared with KCC and key partners, including NHS and Kent MPs, which made clear the priority areas for improvement, which formed the foundation for the representation (*Section 2*).
- 1.10 KCC's response to the Minister for Children, Families and Wellbeing was submitted on 8th February 2023 from the Leader and Chief Executive. The final

decision from DfE will be based on the ongoing engagement and evidence provided to our DfE Improvement Advisers since the Inspection Revisit, in addition to the written representation.

- 1.11 The outcome is expected shortly and once the decision is made, the next steps will be shared with the SEND Scrutiny Sub-Committee. This will shape the approach for our ongoing improvement journey and we are fully committed to continuing to work with our national, regional and local partners, including DfE, NHS England and the Local Government Association, who are providing independent improvement expertise through the South East Sector Led Improvement Programme (SESLIP).
- 1.12 Whilst the response from DfE is still awaited, KCC is pushing forward progress on the actions which we committed to in the representation, as part of the SEND Transformation programme. This is being taken forward in partnership across the whole system, with a collective commitment to improvement in new partnership governance arrangements (*Section 3*).

2. The Representation

- 2.1 The written representation to the Minister clearly outlined KCC's acceptance of the Inspection Revisit findings across the 9 areas of significant weakness and the recognition of the rapid improvement needed in other core areas such as leadership, governance, communications and impact of actions.
- 2.2 Whilst this was a local authority representation, it was important to reflect the context for improvement across both KCC and the system as a whole, to demonstrate the collective strength of commitment to system leadership from all our partners.
- 2.3 Within KCC, the representation reflected contributions from across the Council, including Children, Young People and Education's Directorate Management Team from a service perspective, Adult Social Care Transition, Quality Assurance, Management Information Unit, Finance, Corporate Assurance and Risk, HR/OD, Marketing and Resident Experience, Strategic Commissioning and the SEND Transformation programme management team, reflecting the projects being led by the SEND service.
- 2.4 Key partners contributed examples of improvement and accelerated progress activities which were reflected in the representation, including health partners in the Kent and Medway Integrated Care Board, Kent Parents and Carers Together (Kent PACT) and Kent Special Educational Needs Trust.
- 2.5 The representation is structured in three parts. It included a recognition of the areas for urgent improvement, progress by KCC and partners from the Inspection Revisit in September 2022 to February 2023 when the representation was submitted, actions we would take in the next 6 weeks, and 3-18 months, accountable owners and leads for actions and Key Performance Measures/Impact Measures where appropriate.

- 2.6 The representation was approved by the Leader, Cabinet Member and Chief Executive. The representation approach has been discussed with the new Kent SEND Strategic Improvement and Assurance Board and will be shared with partners and the SEND Scrutiny Sub-Committee following the DfE decision. It provides a strategic overview of all the areas for improvement and will be used as a foundation for further detailed planning.

3. Governance

- 3.1 The Inspection Revisit highlighted the urgent need to strengthen SEND governance arrangements. The former Improvement Board was abolished as it was recognised this was not fit for purpose to drive the pace and scale of improvement required. In October 2022, KCC updated new internal governance arrangements, including establishing a new SEND Transformation Strategic Board, chaired by the Corporate Director.
- 3.2 This is supported by three Operational Groups which are jointly chaired by the service Directors and corporate leads from Finance, Strategic Commissioning and Marketing and Resident Experience. Terms of Reference, membership, reporting requirements and clear Key Performance Measures have been developed for each group, alongside working with Corporate Assurance and Risk to strengthen risk management.
- 3.3 There is also oversight of progress through KCC's Strategic Reset Programme Board, with the Corporate Management Team providing collective oversight, with the escalation route directly to the Chief Executive. Further detail on the programme and project management is provided in *Section 5*.
- 3.4 This provides a robust governance grip within KCC from a management perspective, with a commitment to provide updates to inform oversight and assurance from Elected Members through KCC's formal governance arrangements, including County Council, Cabinet, CYPE Cabinet Committee, Governance and Audit Committee, Scrutiny Committee and the SEND Scrutiny Sub-Committee.
- 3.5 New partnership governance arrangements have also been put in place to strengthen oversight and assurance of partnership actions across the system, with a new Kent SEND Strategic Improvement and Assurance Board. An initial meeting was held with partners on 18th January, with full board meetings now underway including 22nd February and 15th March, attended by Cllr Rory Love, Cllr Sue Chandler and an open invitation to Opposition Group Representatives.
- 3.6 This is being supported by new Terms of Reference, refreshed membership to promote inclusion of key partners (for example wider representation from the education sector including early years, mainstream, specialist and further education), and the participation of children and young people, families and carers.
- 3.7 The Kent SEND Strategic Improvement and Assurance Board is already taking action to refresh education strategies working with our education partners, map participation and engagement opportunities with children and young people, share quality assurance approaches and identify partnership/system wide risks.

The primary focus will be on the 9 areas of significant weakness, but the aspiration of the Board is to look towards our longer term vision for rapid progress across a broader range of strategic improvement areas across the system.

- 3.8 The Kent SEND Strategic Improvement and Assurance Board will be supported by a more detailed Partnership Delivery Group, which is being established in March. Initial discussions on role, purpose and approach have taken place on 13th March and it is anticipated that this group will track detailed progress and impact across partnerships improvement activities. The Partnership Delivery Group will provide assurance up to the Kent SEND Strategic Improvement and Assurance Board and provided an update on progress on 15th March.
- 3.9 Assurance reports for the new governance arrangements will be developed and there is a commitment to transparency to share this with Elected Members.
- 3.10 We recognise that a key area for improvement is increasing parental confidence and the quality of experience for children, young people, families and carers. A key foundation needs to be improving our engagement and communication, with a new SEND Communications and Engagement Strategy prepared, supported by detailed action plans, which are being taken forward with partners.
- 3.11 A core area of focus is improving practice and demonstrating impact through better quality data. The new governance arrangements are being actively supported by professional expertise from Quality Assurance, Management Information Unit and Analytics, to ensure that we can not only track progress on activity, but crucially evidence our impact (*Section 5*).

4. Service Transformation

- 4.1 There is a wide range of projects and workstreams to support transformation which can be broadly grouped under the following headings, with the detail of the projects contributing to each is included as appendix A.
- 4.2 Sufficiency – ensuring sufficient high quality places are available in early years and education provision including post 16 and up to the age of 25. Kent has a well-established cycle of planning for education places which is described in the annual Kent Commissioning Plan. Building on this existing effective practice, a small team has been appointed to lead work on developing a rich evidence base and planning tool to develop a plan for the different types of special needs, supported by research to understand the current provision, covering educational phases, variety of provisions, legislation, localities, and gap analysis. This will clarify at a statistical level where we would expect children and young people to attend educational provision and ensuring the places are appropriately commissioned in the early years sector, mainstream schools, Specialist Resource Provision, Satellites, Special Schools, Further Education and Alternative Provision sectors or from the independent sector. In the post 16 sector, this work is aligned to the post 16 reform programme, Pathways for All and at a more operational level the 'Pathways to Independence project which is developing options for young people with SEND Post-16.
- 4.3 Development of inclusion capacity in mainstream education settings The extensive work underway with education partners to firstly embed evidence-

based best practice in education which benefits all children and young people, then to develop consistent SEND inclusion practice in early years and mainstream schools, work which is critical to our priority to ensure more children and young people can access appropriate education in their local community. Over this academic year, a clear defined expectation of all schools will be developed in consultation with the sector and implementation will be supported by education leaders, including those who are soon to complete their 18 month professional development programme on Inclusive Leadership. The impact of the work will be monitored and evaluated through the new dashboard.

- 4.4 Access to specialist services – A common concern for those children and young people is enabling access to services such as Speech and Language, Physiotherapy, Occupational Therapy etc. Addressing these gaps is critical and a range of approaches are being developed.
- 4.5 Improving statutory processes – This area is concerned with statutory assessment, the completion and issuing of Education, Health and Care Plans, the annual review of plans and supporting the transfer of children and young people between the different phases of education. A priority area of focus is the Education, Health, and Care Plan (EHCP) process. We have increased resources to tackle our backlog of Annual Reviews and there are four specific EHCP projects underway (three of which specifically relate to the EHC Needs Assessment process), with a robust evaluation approach led by KCC's Continuous Improvement Team in the Analytics function to measure progress and impact. This is complemented by a focus on EHCP quality in Quality Assurance and rigorous performance monitoring. We are working with the Designated Clinical Officer in Health on quality assurance of the health input to EHCPs, training and staff development to support best practice. There are also specific Communications and Engagement improvements underway to improve parental confidence in the process. e.g. HR/OD team have started a cultural audit to understand the prevailing culture/leadership style within SEND. A tailored exit interview pilot has commenced across the CYPE directorate to understand current themes to inform future priorities. We have launched Skills for Growth (for all staff grades) to build key transferrable skills and started to define the leadership competencies required to deliver improvement. This has been supported by two Reverse Mentoring programmes. Phase transfer for year 6 to 7 (primary to secondary) has recently moved to be led by the Admissions team in Fair Access so that SEND admissions can benefit from the robust systems already in place for mainstream schools.
- 4.6 Developing systems – with an area as extensive and complex as SEND having robust systems underpin a well functioning system. This is a key area of development, as is training staff to consistently and accurately enter data so that best use can be made of the systems. The rapid development of the SEND Enquiries Hub is responding to rising demand in complaints and feedback from parents and carers. Recruitment and training is underway ready to go live by April 2023, to deliver rapid improvements to the quality and experience of service delivery for families. This will make handovers between the Contact Centre, Complaints and Enquiries Hub as seamless as possible and ensure we deal with both complaints and enquiries appropriately. A strengths-based approach which supports the work of both the Enquiries Hub and practice development will be aligned to the SEND Quality Assurance Framework.

4.7 Engagement and communication – We have set out specific inclusion actions within our SEND Communications and Engagement Strategy, including targeted communications founded on a robust academic evidence base for inclusion and key benefits for children, young people, and partners of supporting them within an inclusive environment and why this is good from the child and young person’s perspective. This evidence is being used to expand the information, advice, and guidance on our website with more interesting and engaging ways to connect with people on the opportunities of inclusion. We are committed to expanding our participation and engagement with a broader range of children, young people, children and families, working with experts in the Council for Disabled Children, Kent Parents and Carers Together (Kent PACT) and building on the successful participation approach used in our Corporate Parenting role with Children in Care. Children’s Commissioning have worked with Health to develop a Framework for Lived Experience and Lived Experience Leads to deliver tailored engagement activities. We are focusing on longer-term aspirations for young people in their adult life through Pathways for Life and undertaking a review of participation in SEND transition at different age stages.

5. Programme and Project Management

5.1 SEND Transformation has been recognised by Cabinet and the Strategic Reset Programme (SRP) as the most critical programme in the Council. There has been a firm commitment to improve the rigour and discipline of programme and project management arrangements, to provide greater assurance that we can deliver the urgent improvements needed.

5.2 The Strategic Reset Programme provides an opportunity to bring the collective support from across the whole Council, for example named advocates in each service area to unlock barriers and accelerate progress of actions, and ensure a strong connection with Safety Valve, Family Hubs (SEND is one of the priority areas within the Family Hubs Delivery Plan) and Adults Sustainability and Integration. The Strategic Reset Programme Board is also providing direction on prioritisation, resources, meaningful measures and benefits realisation.

5.3 The SEND Transformation programme has made rapid progress to identify and track progress against a range of projects, including those which directly support the Safety Valve objectives. Since the Inspection Revisit, over 50 projects have been identified, with robust monthly reporting processes now in place, with clear milestones, risks/issues and KPI’s at project level. This grip on reporting detail is made transparent and available in one place for everyone involved in the projects, with the Directors responsible for the Operational Groups providing oversight of project delivery on a fortnightly basis.

5.4 Internal performance monitoring is achieved through a range of Power BI dashboards which are refreshed daily. This is supported by historical trend analysis, contextual data and clear KPI’s at project, programme and partnership level. There are three layers of dashboards:

- Performance - these have been expanded post-Inspection Revisit, and to ensure projects have metrics to show their impact towards Safety Valve objectives.

- Operational - these support SEND teams and managers to prioritise and manage their workload and timescales on a daily basis.
 - Data Quality - these support SEND teams and managers to ensure the data being recorded is accurate and timely, so the child's story is up-to-date and informs our work and communication with families.
- 5.5 Performance improvements are being supported by system changes, such as enhancements to the Synergy system to increase consistency and accuracy of reporting and allow for better monitoring of Education Health and Care Plan outcomes for children and young people.
- 5.6 A new Quality Assurance framework is being developed, working closely with SEND Assistant Directors for Quality Assurance and Social Work Lead to create a new child-focused audit and improvement cycle for SEND. This is aligned to the national Inspection framework and Code of Practice. This will embed a clear continuous improvement cycle with learning that is shared with staff at all levels, evidencing quality of work and practice. Work is also underway to create shared quality assurance approaches with partners.
- 5.7 A project prioritisation process has been undertaken, with a strategic assessment of projects against Safety Valve objectives and improvement priorities, underpinned by robust financial analysis. This is now being used to group KCC projects which contribute towards common themes, outcomes and KPI's, to ensure there is a shared understanding of the improvement needed and a collective goal to work towards. The next step will be programme planning and mapping partnership activity, to inform system-wide improvement.
- 5.8 It is important that the accountability for project delivery sits within the service, with projects led by subject matter experts in services, supported by strategic programme and project management support. This approach is also providing opportunities to align with projects being undertaken in SEND Transport and Adults' Transition services. Corporate expertise is embedded in both the Strategic Board and Operational Groups to ensure that we take a whole council approach.

6. Areas of Focus and Short-Term Improvement Actions

- 6.1 The first SEND Scrutiny Sub-Committee provides the opportunity to identify the future areas of focus for oversight and assurance of SEND provision. We welcome the views from Sub-Committee Members to inform the focus and content of future reports and supporting information. For the first meeting the focus will be on outlining the statutory framework and expectations that the SEND system operates within including the
- SEND Code of Practice
 - The Ofsted CQC SEND Inspection Framework
 - The SEND and Alternative Provision Review

An overview of key data will also be provided to help the sub-committee identify KPIs it would want to review regularly.

6.2 We recognise the scale and pace of the improvement required. Whilst a significant amount of activity is underway to respond to this, we are committed to having clear short-term actions and milestones to demonstrate progress.

6.3 By the next meeting of the SEND Scrutiny Sub-Committee, actions include:

- Drafting of the SEND sufficiency strategy
- Establishment of the Enquiries Hub
- Completion of comms materials
- Establishment of SEND Assurance Delivery Group.

7. Recommendation(s)

Recommendation(s):

The SEND Scrutiny Sub-Committee is asked to Comment and Note the report, and Consider the key areas of focus for oversight and assurance.

10. Background Documents

10.1 None

11. Contact details

Relevant Director:
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APPENDIX A

KEY PROJECTS CONTRIBUTING TO SEND IMPROVEMENT

SUFFICIENCY – ENSURING SUFFICIENT HIGH QUALITY PLACES IN EY AND EDUCATION PROVISION INCLUDING POST 16

- Sufficiency Plan Development (SEN Sufficiency Plan)
- EY review
- Review of SRPs
- Review of special schools admissions criteria and funding bands
- 16-19 review implementation (Pathways for All) developing sub-L3 local provision
- Preparing for adulthood – pathways to independence sufficiency plan
- High-cost placements and provision planning
- NMISS dynamic purchasing system (DPS)
- Internal tuition
- External tuition
- Hospital schools

DEVELOPMENT OF INCLUSION CAPACITY IN MAINSTREAM SETTINGS

- Year R pilots
- Effective Kent evidence based practice
- Review of County Approaches to Inclusive Education (CATIE)
- CATIE dashboard
- Mainstream core standards training for teaching and governors
- AET Autism Training and strategy
- Inclusion Leadership contract
- Nurture UK contract
- Supported employment contract
- SEMH guidance and mapping/THRIVE
- School resource directory
- Locality based resources (& LIFT Executive TOR review)

ACCESS TO SPECIALIST SERVICES

- Review of SLTS and LIFT
- SLCN transformation / The Balanced System commissioning framework
- Review of therapy services
- SEN therapies qualified provider list (QPL)

IMPROVING STATUTORY PROCESSES

- SEND redesign and implementation
- SEND handbook
- EHCPs

- EHCPs – options to increase capacity in writing, reviewing, amending or ceasing
- Timescales and workload of EHCNAs
- Customer experience within EHCNAs
- Annual Reviews
- Prioritisation of annual review backlog
- Prioritisation of annual review 16-19 INMISS transition cases
- Phase transfer/transition
- Transition working group and establishment of charter

DEVELOPING SYSTEMS

- Management Information and systems change workstream
- Decision making process for Education, Health and Care Needs Assessments
- Process improvements for annual reviews
- Audit and moderation
- Set up of the Enquiries Hub
- Joint funded placement review

ENGAGEMENT AND COMMUNICATION

- Communication and engagement strategy
- Countywide approach to inclusive education (CATIE) survey linked to family engagement
- Mainstream core standards for parents and family engagement award
- Kent PACT and engagement framework
- Development of the Local Offer and updating of Kelsi