

SEND SUB-COMMITTEE

Tuesday, 6th June, 2023

2.00 pm

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





AGENDA

SEND SUB-COMMITTEE

Tuesday, 6th June, 2023, at 2.00 pm
Council Chamber, Sessions House, County Hall,
Maidstone

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

Membership

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

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 (vacancy)

UNRESTRICTED ITEMS

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

- 1 Introduction/Webcasting Announcement
- 2 Apologies and Substitutes
- 3 Declarations of Interest by Members in items on the agenda
- 4 Minutes of the meeting held on 22 March 2023 (Pages 1 - 6)
- 5 Education, Health and Care Plans in Kent (Pages 7 - 24)
- 6 Future Meeting Dates

All the meetings will be held in the Council Chamber, Sessions House, Maidstone, Kent, ME14 1XQ.

Tuesday 25 July, 2pm
Thursday 28 September, 2pm
Tuesday 31 October, 2pm
Thursday 7 December, 2pm
Wednesday 7 February, 2pm
Thursday 21 March, 2pm

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

Friday, 26 May 2023

KENT COUNTY COUNCIL

SEND SUB-COMMITTEE

MINUTES of a meeting of the SEND Sub-Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 22 March 2023.

PRESENT: Mrs B Bruneau, Mr P Cole, Mrs T Dean, MBE, Mrs S Hudson, Rich Lehmann, Mr H Rayner, Mr A Sandhu, MBE, Dr L Sullivan and Mr S Webb

VIRTUAL ATTENDEES: Ms R Ainslie-Malik, Mr M Dendor and Mrs K Moses.

ALSO PRESENT: Mr R Love (Cabinet Member for Education and Skills), Mrs S Chandler (Cabinet Member for Integrated Children's Services) and Ms B Hannon (Co-Chair Kent PACT)

IN ATTENDANCE: Ms S Hammond (Corporate Director for Children, Young People and Education) and Ms C McInnes (Director for Education), Mr G Romagnuolo (Research Officer - Overview and Scrutiny) and Mr M Dentten (Democratic Services Officer).

UNRESTRICTED ITEMS

1. Apologies and Substitutes
(Item 2)

There were no apologies for absence.

2. Election of Chair
(Item 3)

Mr Rayner proposed and Mr Sandhu seconded that Mr Cole be elected Chairman of the SEND Sub-Committee. No other nominations were received.

RESOLVED that Mr Cole be duly elected Chairman of the SEND Sub-Committee.

3. Election of Vice-Chair
(Item 4)

Mr Webb proposed and Mr Rayner seconded that Mrs Bruneau be elected Vice-Chair of the SEND Sub-Committee. No other nominations were received.

RESOLVED that Mrs Bruneau be duly elected Vice-Chair of the SEND Sub-Committee.

4. Declarations of Interest by members in items on the agenda

(Item 5)

There were no declarations of interest.

5. Terms of Reference of the SEND Sub-Committee

(Item 6)

Mr Rayner proposed and Mr Webb seconded a motion “that the Sub-Committee recommend that Scrutiny Committee amend the Sub-Committee’s terms of reference to include ‘Report to the Governance and Audit Committee on governance matters in relation to KCC’s SEND Provision’.

RESOLVED that the Sub-Committee recommend that Scrutiny Committee amend the Sub-Committee’s terms of reference to include ‘Report to the Governance and Audit Committee on governance matters in relation to KCC’s SEND provision.’

6. SEND Transformation Progress Update

(Item 7)

Mrs Chandler clarified that while the report detailed a change in portfolio responsibilities, there was still some overlap with Early Years education and disabled children services which remained within the Integrated Children’s Services portfolio.

Sarah Hammond provided an update on the progress of SEND Transformation, including KCC’s work with the Department for Education (DfE) since the Inspection Revisit.

She explained that the report set out the new governance structure around the SEND transformation journey, including the work around the Safety Valve agreement. The report also included a summary of KCC’s current position with the DfE in relation to its Inspection Revisit outcome. The DfE had invited KCC representatives to meet the following Wednesday, (29 March 2023) to receive the final Ministerial feedback.

The report considered some of the current service transformation activities. These included:

- Sufficiency – ensuring sufficient high-quality places are available in early years and education provision including post-16 and up to the age of 25.
- Development of inclusion capacity in mainstream education settings.
- Access to specialist services.
- Improving statutory processes – This is concerned with statutory assessment, the completion and issuing of Education, Health and Care Plans (EHCPs), the annual review of those plans and supporting the transfer of children and young people between the different phases of their education.
- Developing systems – with an area as extensive and complex as SEND having robust arrangements that underpin a well-functioning system.
- Engagement and communication.

The report also discussed Programme and Project Management and how the Strategic Reset Programme provided an opportunity to bring collective support from across the whole Council and ensure a strong connection with Safety Valve.

Areas of focus and short-term improvement actions were also addressed in the report. Sarah Hammond explained that the CYPE Directorate welcomed views from Sub-Committee Members which could inform the content of future reports and supporting information. This could include a focus on the new statutory framework and on the expectations that the SEND system operates within, including the SEND Code of Practice, the Ofsted CQC SEND Inspection Framework and the SEND and Alternative Provision Review.

In reply to a Member's concern about the communication delays and quality of the reviews of EHCPs in Kent, Mr Love said that this issue was linked to the substantial increase in the number of pupils obtaining EHCPs; current staffing levels were insufficient to deal effectively with this increase.

Mr Love pointed out that this was an issue for the whole Kent area - not just for KCC – and that this trend was also reflected nationally. He acknowledged that there had been shortcomings, and explained that further structural changes needed to be made and that it was important to provide the right level of support. He pointed out that there was a difference between a student's gap in learning and a special educational need, and that it was important to make accurate assessments of young people's educational needs so that they could be given the right level of support. EHCPs were designed for those with the most complex needs.

In response to a number of questions about the recent difficulties with KCC's SEND Transport provision, Sarah Hammond said that KCC was partnering with Lincolnshire, which had a well-functioning SEND service. In May, a group of KCC representatives, including Mr Love, would meet with their equivalents in Lincolnshire to learn more about their approach.

She recognised that there had been a failure in the re-procurement and provision of SEND Transport for children in Kent about two years ago. She accepted that communication with pupils' families had been poor and that, although the staff had worked extraordinary hours trying to rectify the situation there were, unfortunately, still many young people with SEND who were left without school transport. However, the return to school that September, in terms of SEND transport, had gone very smoothly.

She welcomed a strong steer from the Sub-Committee about what it wished to explore in terms of SEND transport.

In answer to a question about where the 'gatekeepers' were, in terms of establishing eligibility for an EHCP, Sarah Hammond explained that, ultimately, it was the local authority's responsibility to do this. She reiterated the point made by Mr Love – that the purpose of an EHCP was to meet the combined, complex health, education and care needs of a young person in a single plan.

A Member asked a question about the high number of caseloads undertaken by KCC's case workers. Sarah Hammond said that this was a concern, and that the Authority was putting in place measures (both funding and a service restructure) to address it.

Asked to clarify KCC's Strategic Reset Programme, Sarah Hammond explained that this was the corporate oversight of all the activity relating to SEND. The Authority's most senior officers were firmly committed to SEND provision being one of their priorities.

Dr Sullivan referred to an open invitation to all Opposition Group Representatives (in the update report) to attend meetings of the new Kent SEND Strategic Improvement and Assurance Board, and wished it be recorded that she would not accept the invitation as she believed that discussions and decisions by this internal board should take place publicly in the interest of public accountability.

Mr Love clarified that decisions did not take place within the Kent SEND Strategic Improvement and Assurance Board – this was reflected by the Board’s terms of reference. The Board was designed to hold each partner organisation in the system into account for the various activities that each needed to undertake. Decisions were taken within the normal decision-making processes of the local authority and KCC’s partner organisations, for example the NHS.

Mr Love explained that the support given to young people with SEND was intended to enable them to make their own decisions and lead more independent lives.

A Member asked if there was a communication strategy in place. Sarah Hammond explained that there was and that it was multi-layered. It included routine information sharing, virtual communication, accessible information for parents, and how well enquiries were dealt with.

There was also a recently established enquiries hub in Kroner house – which is KCC’s single point of contact for Children’s Services - with staff trained to deal with enquiries and deliver difficult messages. The main priority for the hub was to make sure that parents were kept informed.

Christine McInnes explained that there was substantial support for mainstream schools to improve their inclusion, and that about 75% of them were engaged in some form of nationally accredited inclusion training.

In reply to questions about whether KCC had mechanisms in place to track the number of EHCPs in Kent, and about when all KCC’s EHCPs would be reviewed, Sara Hammond said that there was such a reporting system, and that it was expected that all of KCC’s EHCPs would be reviewed in the next 6-12 months.

A Member asked whether KCC had mechanisms in place to record and track EHCP applications and assessments. Sarah Hammond confirmed that such mechanisms were in place and that, from the last 6-8 months, they included an improvement in the quality of the data that was helping KCC to have a better insight.

Sarah Hammond confirmed that KCC expected to have reviewed all EHC plans in the next 6-12 months, although she explained that this was an ongoing process with new EHCPs being introduced every month.

A Member asked what the possible outcomes were from the DfE’s Inspection Revisit. Sarah Hammond replied that KCC had provided documentation to the DfE, and that the progress report gave a summary, but she was not able to share the full documentation until the outcome of the Revisit was known. This was expected shortly. She explained that the options were either that KCC would be issued with a formal Improvement Notice by the DfE, or that the DfE was satisfied that KCC’s new governance structure would bring about the required changes.

In response to a Member’s comment about KCC’s slow communications with parents over EHCPs, Sarah Hammond explained that this was due staff having to deal with very high workloads.

The Chairman said that it was frustrating for parents when communication was slow, and that it would be disappointing for them to receive a final EHCP that did not meet their expectations, especially if communication from KCC prior to the final decision had been unsatisfactory. The Chairman pointed out that, while the good work of KCC staff should be recognised, it was also important to identify the shortcomings and to address them.

A Member commented that there might be variations between local authorities in terms of specific local needs, and that research might be needed to determine, for example, whether the incidence of young people on the autistic spectrum in Kent was a higher than the national average.

Sarah Hammond welcomed the opportunity to bring data and research to the Sub-Committee. The evidence showed that in Essex, Oxfordshire, Buckinghamshire and Hertfordshire the number of EHCPs was much lower than in Kent. If there was a genetic component that explained the high incidence of particular conditions such as autism, this would be apparent across whole counties, but this was not the case.

In response to a question, Sarah Hammond said that the right question for a parent to ask was not about how to obtain an EHCP but what support their children needed in order to flourish at school. She explained that KCC was working with local schools to make it clearer to parents what support they could expect from the schools themselves without the need for an EHCP.

In reply to a question about KCC's current financial situation and the level of SEND provision and EHCPs in particular it could realistically offer, Mr Love said that the Authority could not afford to increase its provision of EHCPs. An important question was how best to meet the needs of pupils with special needs and where to draw the line between those that could be met within normal mainstream provision and those requiring an EHCP.

A Kent PACT representative explained that the reason why many parents and carers wanted to have an EHCP was that, in their experience, while mainstream schools could help young people with SEND to engage with the community, they were not able to support them adequately in terms of their education. The representative explained that Kent PACT had recently worked hard with KCC to increase engagement with the parents of young people with SEND, as it was important to understand that an EHCP did not necessarily capture the wider needs of such families.

In answer to a Member's question, Mr Love said that, since 2019, SEND inclusion was part of the Ofsted Inspection Framework, and that mainstream schools would not be likely to be awarded a 'Good' or 'Outstanding' grade if they did not satisfy the requirements for SEND inclusion.

Members of the Sub-Committee requested the following written information:

Terms of reference. The terms of reference of:

- The three Operational Groups that support KCC's new SEND Transformation Strategic Board (please see the SEND Transformation Progress Update in the agenda pack of the SEND Sub-Committee's inaugural meeting (Paragraph 3.2, p6).
- The Kent SEND Strategic Improvement and Assurance Board (Paragraph 3.5, p6).

- The SEND Transformation Programme (Paragraph 5.1, p9).

Education, Health and Care Plans (EHCPs). Data, backdated by 6 months, on:

- Number of EHCPs, broken down by Kent District and by each stage of the EHCP process.

Assurance reports.

- The assurance reports for the new governance arrangements (Paragraph 4.5, p8)

Inspection Revisit.

- The DfE's final decision on the Inspection Revisit outcome, and the full documentation that KCC had sent to the DfE prior to that outcome.

The Chairman thanked all for their contribution and advised that the date of the next meeting was Tuesday 6 June, 2pm, in the Council Chamber.

RESOLVED to comment on and note the report, and consider the key areas of focus for oversight and assurance.

END

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

To: Scrutiny SEND Sub-Committee - 06/06/2023
Subject: Education, Health and Care Plans in Kent

Classification: Unrestricted

Past Pathway of report: None

Future Pathway of report: None

Electoral Division: All

Summary: This report outlines the process around education, health, and care needs assessments which, depending on circumstances, may result in an Education, Health and Care Plan. It is focused on children of compulsory school age and includes a range of data which shows Kent's position in relation to comparator Local Authorities. An overview of the action being taken to improve the current position is included. All the development work is undertaken in partnership with Kent PACT (Kent's Parent Carer Forum), though there is no specific reference to this work in this report.

Recommendation(s):

The SEND Sub-Committee is asked to note the contents of the report.

1. Introduction

1.1 This report explains the key stages in the process followed when a child is perceived as experiencing significantly difficulty in learning whilst of compulsory school age through to either declining or issuing an Education, Health and Care Plan and placement. The report includes key data which shows Kent's position in relation to comparators. A great deal of improvement work is underway, and this is all documented in the Accelerated Progress Plan and Safety Valve. An update on improvement projects relevant to the EHCP process is included.

2. Education, Health and Care Plans in Kent

2.1 **Context** - Kent is one of the largest counties in England with a widely varying circumstances and populations. There are 24 special schools each with a

specific designation, many of which operate both their main building and satellite provision in other settings. A new special school is now under construction on the Isle of Sheppey due to open September 2024, with two more agreed in principle by the DfE.

- 2.2 12 mainstream schools have Specialist Resource Provision which provide additional expertise and support for pupils with specific needs who benefit from being taught in a mainstream setting. In line with other LAs, Kent does commission places from the independent sector to meet demand.
- 2.3 In May 2022 there were 18,422 children and young people in Kent with an EHCP and currently (May 2023) there are 19,124, an increase of 7% in one year. Kent is currently an outlier in relation to other Local Authorities for:
- The number of requests for assessment
 - The proportion of requests for assessment made by parents
 - Agreement to requests to assess
 - Assessments which result in the issuing of an Education, Health and Care Plan
 - Completion of Annual Reviews
 - The number and proportion of children and young people with an EHCP attending specialist provision, including the independent sector.
- 2.4 The SEND Code of Practice 2014 describes the statutory duties and expectations of the SEND system, including the following definition of special needs.

“A child of compulsory school age or a young person has a learning difficulty/disability if they:

- *Have a significantly greater difficulty in learning than the majority of others of the same age, or*
- *Have a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16.*

For children aged two or more, special educational provision is educational or training provision that is additional to or different from that made generally for other children or young people of the same age by mainstream schools, maintained nursery schools, mainstream post-16 institutions or by relevant early years providers. For a child under two years of age, special educational provision means educational provision of any kind.”

- 2.5 The term ‘significantly greater difficulty in learning than the majority of others’ is influenced by context. Ofsted, amongst others, have commented on the varying interpretations and practices between professionals, schools and local authorities in both the identification of SEN and the provision of services (Ofsted Research and Analysis Supporting SEN May 2021). This is an important consideration for the SEND system in Kent as the evidence suggests that both the understanding of and response to the phrase ‘significantly greater difficulty’ is significantly out of alignment with other LAs nationally. The lack of consistency and the difficulties this creates was acknowledged in the recent Government’s improvement plan for SEND and Alternative Provision (March

2023) which proposes introducing greater national standardisation in decision-making processes.

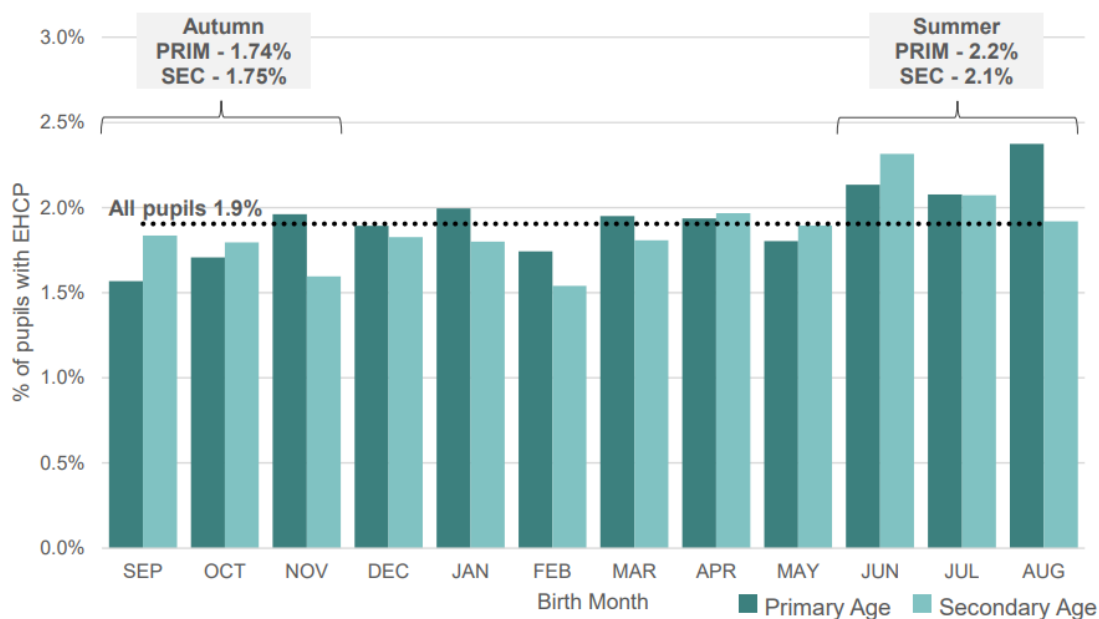
- 2.6 There is what is described as the ‘general presumption in law of mainstream education’ in the Children and Families Act 2014, in relation to decisions about where children and young people with SEN should be educated. This expectation of mainstream education provision is reflected in a variety of national documentation including the Ofsted inspection framework and the Teacher Standards. In Kent the approach and expectations are described in the Countywide Approach to Inclusive Education and the Mainstream Core Standards, both of which have been co-produced with education professionals and parents/carers. The approach is supported through a range of training opportunities available at no cost to schools. More than 76% of schools have participated in this training, together with a wide range of additional advice and guidance.
- 2.7 Mainstream schools which have effective inclusive practice are ‘inclusive by design’, that is every aspect of school life is considered at the planning stage, anticipating the range of needs in the pupil cohort, rather than reactively making adjustment when pupils arrive.
- 2.8 This quote from a Kent school Ofsted report illustrates many of the components that contribute to effective practice in inclusion.

“These curriculum areas are now ambitious, coherent and well sequenced. Leaders have also ensured that the curriculum is broken down into smaller steps so that teachers know precisely what pupils must learn and remember.

Teachers have strong subject knowledge. They have the training they need and are supported by enthusiastic subject leaders. Teachers adapt the curriculum and explain it clearly so that all pupils access the same learning, and most attain well. Leaders are further developing the way ongoing assessment is used. For example, they are refining the use of questioning, so teachers know immediately and precisely what pupils need to learn or recap. Leaders are also developing ways of revisiting previous learning. This is so that pupils more fully embed knowledge into their long-term memories and keep up with learning the curriculum.

Pupils with special educational needs and/or disabilities (SEND) are identified quickly. Teachers scaffold the curriculum so that pupils with SEND learn the same areas as their peers. Leaders carefully plan bespoke adaptations for them, so they attain well, thrive and enjoy school.”

- 2.9 **Supporting children to make progress** - There can be many reasons why a child is found to be struggling with their learning and/or development. For example, there is a clear co-relation between summer-born children and identification of SEND. The chart below shows the proportion of non-special school pupils with an EHCP by month of birth. The chart shows there is a significant difference when comparing the proportion of non-special school pupils with an EHCP born in the autumn months with the proportion born in the summer. Around 2.2% of pupils born in the summer months had an EHCP compared to around 1.75% of non-special school pupils born in the autumn.



2.10 The first step for any education setting that identifies a child with additional needs is to implement 'Plan Do Review', which is a process of goal-setting, targeted support and evaluation. The planning stage clarifies the expected progress would look like, what is to be achieved by the child and measurable steps for task completion. Planning includes addressing resourcing/costing and a timeframe with milestones.

2.11 The next phase is the "Do" or project delivery, using a range of strategies and/or interventions. Whilst the teacher will be reviewing throughout, the formal "Review" is the evaluation where a judgement is made about the progress of the child in relation to the original objectives. This uses both qualitative and quantitative feedback and analysis. This intelligence is used to refine the original plan and improve project going forward. The expectation is that the setting or school will undertake this cycle of Plan, Do, Review twice.

2.12 **The Needs Assessment Process** - For some children this intervention is sufficient and gets them back on track and for others the decision may be made to start a formal process and a request to assess is made. The decision to assess is informed by evidence that despite the education provider having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child or young person (as described above), the child has not made the expected progress. The information gathered in the Plan, Do, Review process is critical to decision-making about whether or not to assess.

2.13 In law, the request to assess can also be made by the parent /carer but in many cases referrals through this route mean there is insufficient evidence of interventions as described above. In Kent, a much higher proportion of requests for assessment are submitted by parents than in other LAs where the main referrers are professionals who support the request by submitting evidence. The table below shows the number of requests for assessment broken down by referring groups.

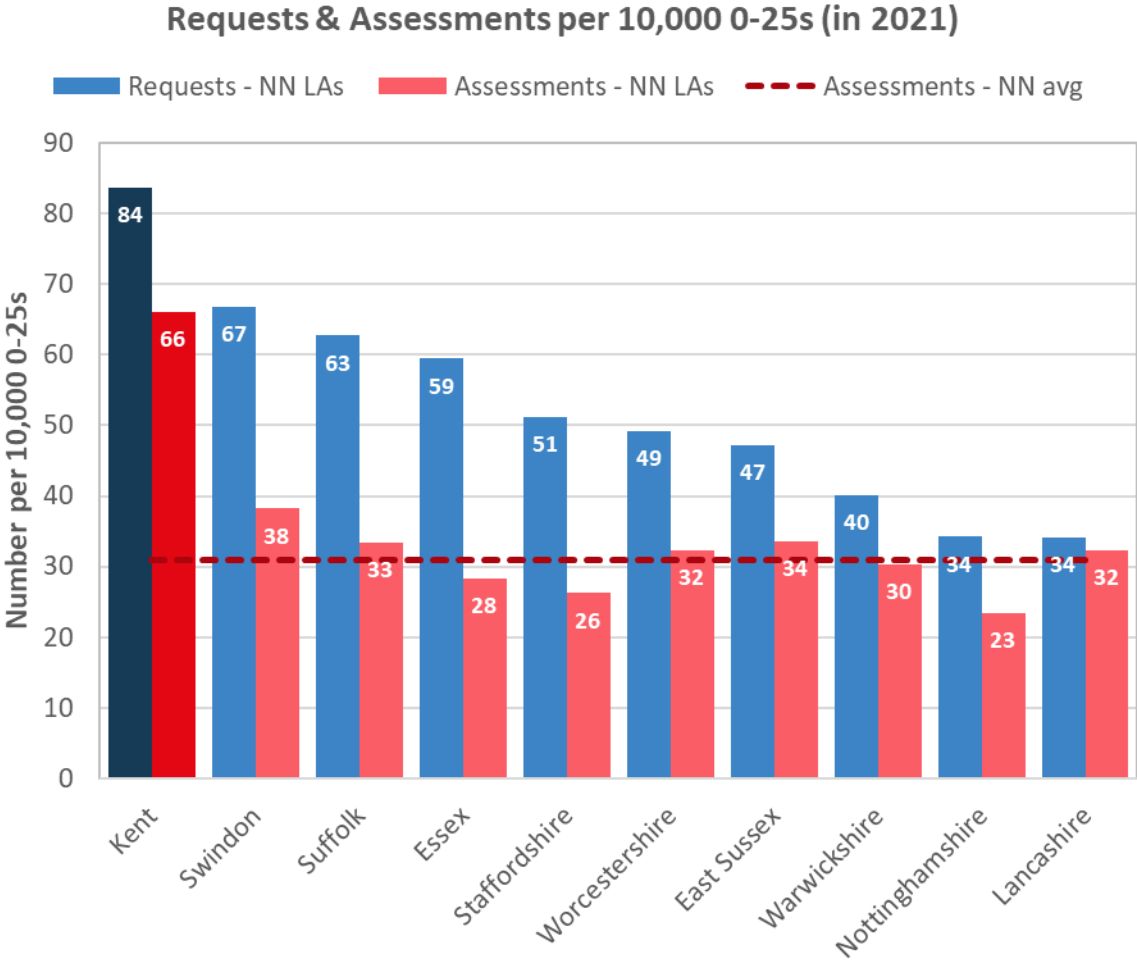
Requests and their decision to assess outcome

Referrer		Dec 2022	Jan 2023	Feb 2023	Mar 2023	Apr 2023
Parent/Guardian	#	168	158	128	186	151
	%	48.6%	42.6%	55.4%	48.3%	53.9%
Professional	#	2		1	3	4
	%	0.6%		0.4%	0.8%	1.4%
School	#	175	212	100	194	124
	%	50.6%	57.1%	43.3%	50.4%	44.3%
Young Person	#	1	1	2	2	1
	%	0.3%	0.3%	0.9%	0.5%	0.4%
Total	#	346	371	231	385	280
	%	100.0%	100.0%	100.0%	100.0%	100.0%

2.14 As can be seen from the chart below there is a significant additional demand for assessments at two points, ages 2-3 which can be attributed to concerns about school readiness as children prepare to start formal schooling. The second rise in demand is ages 9-10 when a child is in year 5 and 6 and is beginning the Phase Transfer process to secondary provision.

		# OF REQUESTS FOR EHC STATUTORY NEEDS ASSESSMENT											
		May 2022	Jun 2022	Jul 2022	Aug 2022	Sep 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Apr 2023
1													1
2		7	3	1			2	4	3	3	4	1	
3		28	19	18	6	33	65	91	91	64	67	68	29
4		32	25	16	8	13	25	44	32	47	59	78	25
5		16	15	22	4	9	9	14	13	16	10	19	7
6		29	13	21	7	17	20	19	9	13	23	23	15
7		22	20	18	6	15	18	14	15	15	17	17	14
8		26	29	24	6	19	24	26	11	22	15	28	14
9		39	41	37	7	17	27	33	20	29	36	42	20
10		42	39	38	17	45	45	36	37	27	23	45	20
11		12	24	17	12	15	14	18	11	16	21	37	11
12		20	26	26	10	19	15	30	19	21	24	29	17
13		27	27	21	6	20	17	22	10	23	17	20	12
14		9	21	24	4	15	17	22	7	16	17	20	13
15		23	14	11	5	10	14	16	9	15	14	21	8
16		5	7	5	8	5	3	8	3	11	7	8	1
17		4	4	2	1	3	4	1	2		3	1	1
18			1		3	1	1		1		1	2	2
19		1						1				1	
20				1			1			1	1		
21						2				1			
22									1				
23		1											
Total		343	328	302	110	258	321	399	294	340	359	460	210

2.15 This graph shows the comparative level of requests across a number of LAs as well as the number of requests agreed.



2.16 To undertake a needs assessment, the LA must gather advice from relevant professionals about the child’s education, health and care needs, desired outcomes and special education, health and care provision that may be required to meet those identified needs and achieve desired outcomes. Educational Psychologists (EP), Teachers of the Deaf and Qualified Teachers for children with Vision Impairment have statutory roles in providing advice for the LA’s EHC needs assessment. The following advice must also be sought:

- Appendix 1: Views of young person and parents
- Appendix 2: Education advice from the child’s school/education setting
- Appendix 3: If the child or young person is either vision or hearing impaired or both the education advice and information must be given by someone who is qualified to teach pupils with these impairments (Kent’s Specialist Teaching and Learning Service for Children with Sensory Impairment provides advice for the EHC needs assessment for children with hearing and/or vision impairment)
- Appendix 4: Medical advice and information from health professionals
- Appendix 5: Psychological advice and information from an Educational Psychologist who should normally be employed or commissioned by the Local Authority

- Appendix 6: Social Care Advice
- Appendix 7: Advice for YP from Year 9 onwards with information relating to the young person's preparation for adulthood.

2.17 Where the evidence submitted with the request to assess is clear, complete and compelling, the decision about whether or not to assess is made by single manager, with the advice of the caseworker who has gathered evidence. Where the case is unclear, or if the decision is likely to be NOT to assess, the decision goes to a specialist panel for discussion. The panel will have read all the papers in advance, and will consider the evidence before it in accordance with the legal basis for assessment. The evidence includes:

- The extent and quality of the school or setting's input to date
- Whether advice has been obtained from external professionals and implemented
- Considering whether the setting has allowed a cycle of reporting on the child's progress to embed, enabling a robust assessment of progress
- How the child or young person's presentation has also altered once strategies have been deployed.

2.18 Where the decision is not to assess, the LA's response will advise how adjustments can be made to support the child's needs without the need for an EHC plan. Kent Local Offer includes a wealth of information to support pupils in this way. Parents will be offered further meetings to discuss the decision making, in an effort to ensure that children receive appropriate support. The LA is also legally required to provide parents with advice on how to appeal to the decision via tribunal.

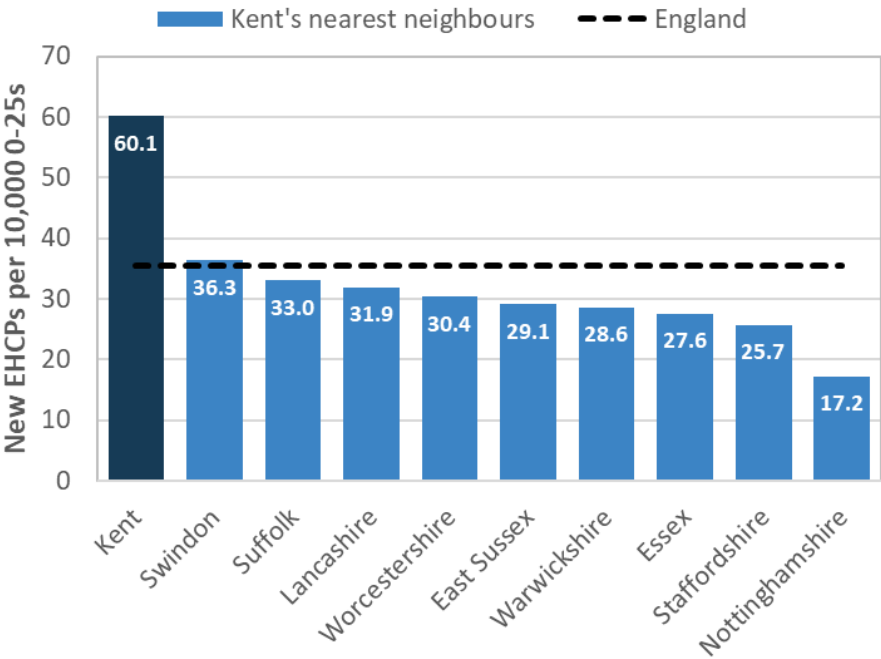
2.19 As the chart above shows, Kent had the highest rate of requests to assess amongst our 'nearest neighbour' LAs (this grouping is provided by the DfE) although there was considerable variation between them. The LAs that had high numbers of requests generally had a lower proportion that they decided to assess, resulting in similar rates of assessments per 10,000 in the cohort of 0-25s. In addition to a much higher rate of requests to assess, the conversion to actual assessments is also much higher and Kent assessed over twice the LA average. If Kent had the same rate of assessments as the average for our Nearest Neighbour LAs, we would have conducted 1,700 fewer assessments in 2021 - a 53% reduction

2.20 For children and young people where the decision is made to assess, the evidence gathered is then used to make a decision about whether or not an EHCP should be issued. Following the restructuring of SEN services in April 2023, dedicated teams are responsible for all assessment decisions supported from January 2023 by the introduction of assessment criteria. This ensures that all cases are considered in a consistent manner. In addition, a Scheme of Delegation has been developed to ensure cases are managed appropriately, either at officer level or progression to panel based decisions, where necessary. If a child is deemed not to need a plan, the assessment helps settings and professionals working with the child by identifying the support required and how its provided. This is recorded in a SEND Support Plan.

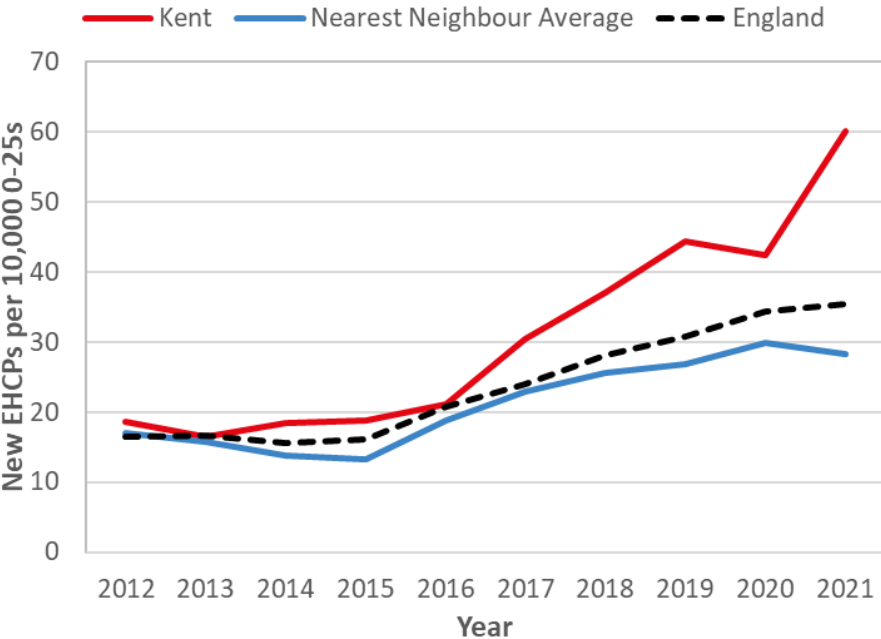
2.21 The LA has 20 weeks from the request to assess to complete the plan. An EHC plan is drafted using information from the needs assessment. The draft EHC plan is then sent to parents who have 15 days to respond with any changes, including asking for an alternative school or institution. The LA will formally consult with a local appropriate mainstream or specialist provision and the parent's preferred school.

2.22 In 2021 Kent issued over twice as many EHCPs per 10,000 0-25 year-olds as our nearest neighbours' averages. This is the result of a much faster increase, with Kent's rate tripling over the five years (186% increase) compared to a 50% increase among our nearest neighbours.

New EHCPs per 10,000 0-25s (in 2021)



New EHCPs per 10,000 0-25s - over time



2.23 Placement decisions are made by a newly introduced Placement Team, who are developing strong working relationships with local schools. Annual reviews are required to ensure that EHCPs remain relevant.

2.24 **The timeliness of assessment and issuing of EHCPs** - From the date that a request to Assess is submitted the LA has six weeks to make a decision about assessment and inform the parent/setting. Kent's current completion rate for decisions about assessment within this timescale is 78.6% overall, however there is significant variation between districts, with Dartford, Gravesend, Sevenoaks and Swale having the lowest rates which reflects challenges in staffing.

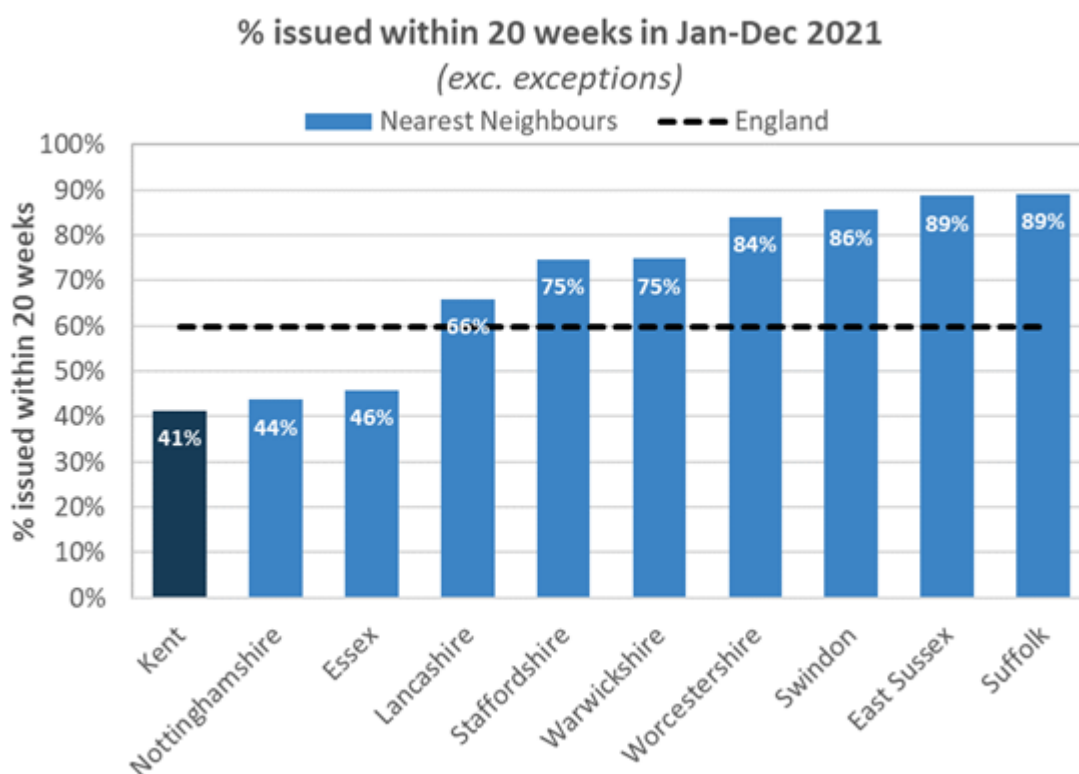
% of Decisions to assess made within 6 weeks

Home District	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Apr 2023
Dartford (N)	61.5%	64.3%	13.3%	44.4%	31.6%	44.4%
Gravesend (N)	73.7%	35.7%	25.0%	33.3%	22.7%	50.0%
Sevenoaks (N)	71.4%	56.3%	34.5%	20.0%	20.7%	66.7%
Swale (E)	91.8%	90.4%	83.3%	88.9%	84.3%	66.0%
Canterbury (E)	82.8%	85.4%	85.4%	94.1%	100.0%	95.5%
Thanet (E)	94.9%	95.2%	86.1%	96.4%	100.0%	93.8%
Ashford (S)	97.2%	100.0%	100.0%	100.0%	88.5%	85.2%
Dover (S)	100.0%	90.3%	90.0%	92.9%	76.0%	76.0%
Folkestone & Hythe (S)	94.4%	100.0%	92.3%	100.0%	85.3%	82.4%
Maidstone (W)	93.5%	100.0%	79.4%	79.2%	83.0%	81.6%
Tonbridge and Malling (W)	95.0%	87.5%	88.0%	87.5%	86.4%	76.7%
Tunbridge Wells (W)	84.2%	89.5%	81.8%	80.0%	82.4%	78.6%
Not Kent Address	75.0%				100.0%	72.7%
Total	88.2%	87.3%	72.0%	84.8%	73.5%	78.6%

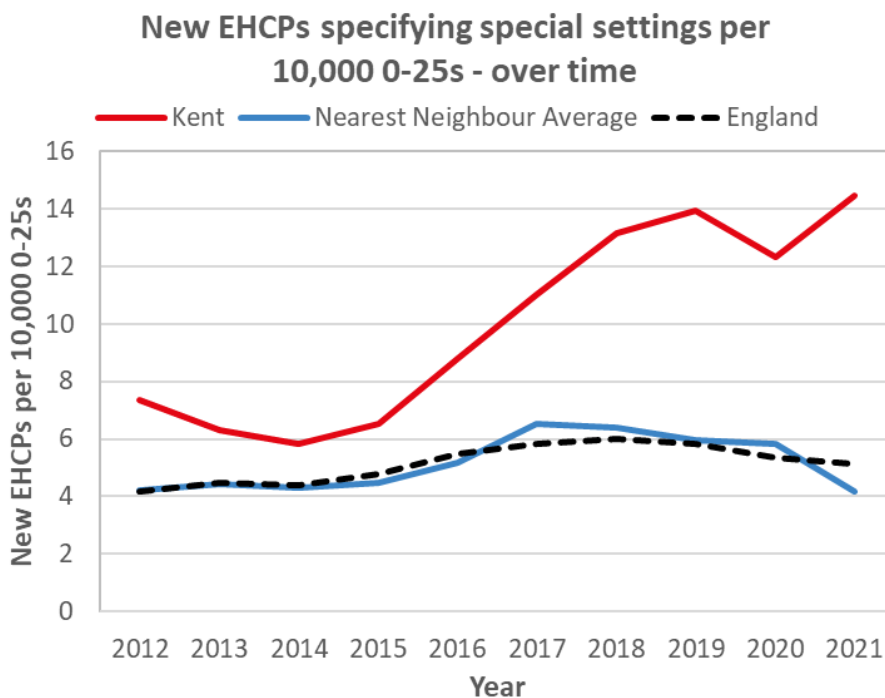
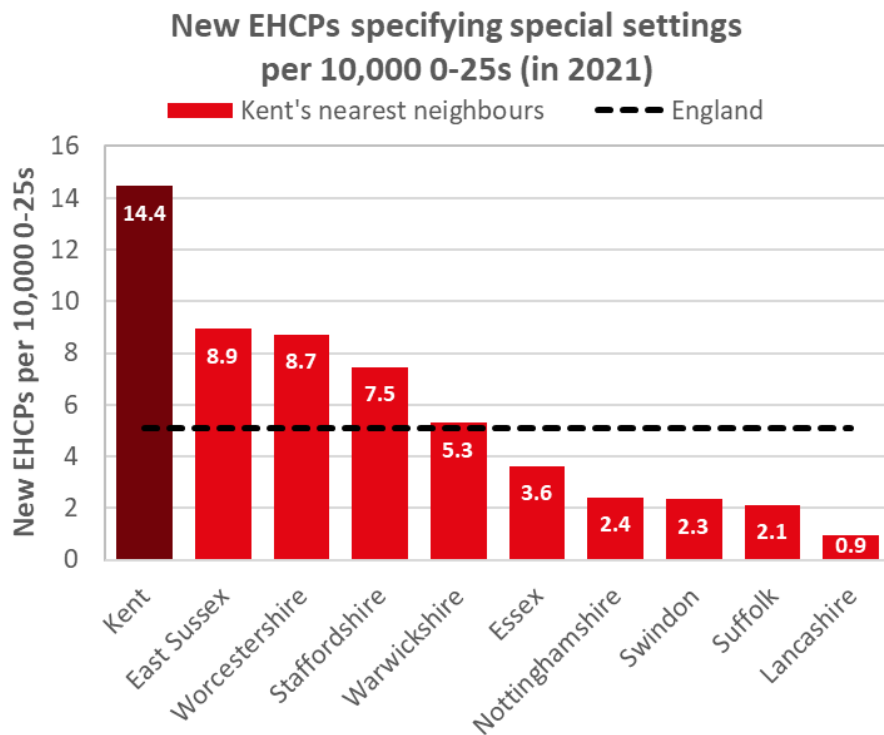
2.25 Where an LA reaches the decision to issue an EHCP, it should be completed within 20 weeks. Where a decision is made not to issue an EHCP, parents are provided the similar advice and support as outlined in the Decision to Assess phase. Historic data can be seen below and as of April 2023, 38.8% of EHC plans were completed within the statutory deadline.

Percentage of EHCPs Issued within 20 weeks

Year LA	2016	2017	2018	2019	2020	2021
Suffolk	28.5%	47.2%	25.1%	34.6%	81.1%	89.2%
East Sussex	57.8%	39.7%	66.7%	46.5%	91.4%	88.7%
Swindon	65.4%	93.3%	94.0%	29.5%	52.1%	85.6%
Worcestershire	41.5%	20.1%	12.6%	46.9%	97.1%	84.0%
Warwickshire	29.4%	29.2%	50.8%	88.5%	90.0%	74.9%
Staffordshire	75.6%	88.6%	68.0%	13.5%	33.1%	74.7%
Lancashire	75.3%	89.3%	83.0%	74.8%	74.8%	66.0%
England	58.6%	64.9%	60.1%	60.4%	58.0%	59.9%
South East	43.1%	52.8%	51.0%	47.4%	48.7%	49.3%
Essex	37.9%	73.6%	77.8%	74.2%	33.6%	45.9%
Nottinghamshire	90.6%	43.1%	93.3%	85.2%	98.0%	43.7%
Kent	85.8%	58.8%	28.9%	28.7%	31.6%	41.4%
West Northamptonshire						34.9%



2.26 **Education placements** - Kent is also different from other LAs with regard to the settings pupils are attending. As can be seen in the chart below, Kent has a higher proportion of children and young people being placed in specialist settings than comparator LAs, with an increase in use of special schools/settings of 40% between 2019 and 2022.



2.27 The current picture - The very high volume of cases and staffing challenges have resulted in a number of pressure points in the system. In May 2023 there were a total of 2,062 open EHC needs assessments, of those there are:

- 492 showing as request for assessment with no decision
- 852 agreed to assess but no draft EHCP yet been issued and
- 718 draft EHCPs issued but not finalised

Out of 19,078 young people who currently have an EHC Plan, there are 12,419 whose Annual Review is past the 12-month due date.

Managers are currently considering the best way to addressing the backlogs.

- 2.28 Kent has recently submitted an Accelerated Progress Plan to the DfE in response to the published Improvement Notice, a version of which will be published in due course. For the purposes of this report an outline of the key actions is included below.
- 2.29 **The structure of the SEND statutory services and staffing** - In March 2023 Full Council agreed to the proposal for the SEND division to cease to exist and for the leadership of the services to be through the Education Division. A new interim leadership structure has been put in place for the next year, so that the existing substantive AD for SEN/Principal Educational Psychologist has now been joined by an Interim AD SEN Quality Assurance (from January 2023), Interim AD SEN Operations and Interim AD SEN Processes and Fair Access (since March 2023).
- 2.30 On 15th April 2023, KCC went live with a new evidence-based structure for SEND services. This means that from the request for assessment which triggers the statutory process through to the issuing of an EHCP and the annual review process, a number of newly formed teams are involved. We are currently embedding both the new structure and changes to the processes and expect to see a positive impact in due course. KCC is committed to achieving full staffing of the SEND statutory services to enable significant improvements in both the quality of plans and meeting the statutory deadlines related to the assessment process, the completion and issuing of EHCPs and annual reviews.
- 2.31 When the Ofsted and CQC revisit took place in November 2022, there were 125 vacancies across the service, 104 of which were in case holding teams. By the end of April 2023 vacancies across case holding teams had reduced by 50% to 52.4 and KCC is committed to continuing on this trajectory aiming to fill all vacancies by October. The recruitment strategy has been refreshed to widen the potential pool of applicants for staff and this continues to be a priority area of work. Changes made include reviewing job descriptions, incorporating equivalent experience rather than a sole focus on qualifications, commitment to enabling staff to attend extensive bespoke training and extending the platforms we advertise through.

Current Vacancies

Team Managers	2
Assessment Officer	1
Placement Officer	1 (as of this week following resignation)
Casework Officer (Including Seniors)	32
Tribunals	2
Feedback Officer	1.4
Finance	3
Admin	1
Portage	3
Specialist Support	6
Total	52.4

2.32 **Staff Training** - Analysis, reviews and emerging quality assurance data (see below for further information) clearly showed the need for suitable training and induction for new staff as well as existing KCC staff.

The following training has been delivered to date:

- EHC needs assessment criteria refreshed in January 2023, changes embedded within the paperwork and decision-making processes and supported by training.
- Consultation and placement decision-making processes refreshed and a 'Placement Search App' which went live on 17th April for the team to record all their decisions around consultations, how the law has been applied for each case and what process was followed. This was supported by training and expert advice to the newly formed Placement team.
- Annual review form updated, designed to guide officers through the application of the SEND Code of Practice. This new form went live on 17th April and dissemination was supported by training.
- Annual review process training including decision making for complex cases such as cessation, amendments, and changes of placement provided to the AR backlog team, now being rolled out to the permanent case work team.

Training planned-

Type/title of training	SEND leadership	SEND Managers	SEND Staff	Other CYPE
Staff induction handbook	All	All	All	
SEND handbook	All	All	All	Education ICS Health
Standard operating procedures	All	All	All	
Roles and responsibilities	All	All	All	Education ICS Health
Effective performance management		All		
Vision, values and culture	All	All	All	Education ICS Health
EHCP quality assurance		Targeted according to role	Targeted according to role	
Complex cases		Targeted according to role	Targeted according to role	
Team specific training		Targeted according to role	Targeted according to role	
Training reflecting outcomes of QA process	As appropriate	As appropriate	As appropriate	As appropriate

Methodology – a variety of approaches are being used including

- Management oversight and training
- Online and face to face courses
- Establishment of SEND practice forums.
- Supervision/coaching
- Appreciative enquiry.

2.33 Oversight will be through reports to CYPE Management Team, to the Cabinet member and to the SEND Improvement and Assurance Board. In order to address SEND-system wide workforce issues and development, the SEND Improvement and Assurance Board structure has established a Workforce Development Task and Finish Group, jointly chaired by Health and Children's Services managers that will develop the evidence base to finesse and further develop the training programme.

2.34 **Quality Assurance** - In January 2023 a new interim post of SEN Assistant Director of Quality Assurance (QA) was created. The Assistant Director for QA is providing dedicated oversight and strategic direction for quality assurance initiatives within SEND. This allows for a more focused approach to monitoring and improving the quality of services provided to children and young people with SEND. A SEND Quality Assurance Framework has been established with clear expectations, processes, and standards for quality assurance in SEND, enabling consistent monitoring and evaluation of service delivery.

2.35 Part of the Quality Assurance delivery plan has seen the introduction of a peer audit and moderation cycle, which promotes a culture of continuous learning and improvement within SEND. This approach, underpinned by service user feedback, encourages staff to learn from one another, share best practices, and engage in critical reflection on their work, leading to improvements in the overall quality of service delivery.

2.36 A bespoke audit tool has been created aligned with the child's journey through the SEND system. This tool will create a platform from which managers will increase their knowledge in respect of consistent good practice. The findings from the tool will assist with measuring the timeliness and quality of practice at each stage of the process, enabling targeted interventions and improvements where needed. Analysing the data gathered identifies areas for professional development creating opportunities to deliver further training and workshops. This will ensure staff have the necessary skills and knowledge to deliver high-quality services, ultimately improving the experience and outcomes of children and young people with SEND.

2.37 The QA service plays a pivotal role in developing a Professional Development Framework, designed to provide all staff members with a clear understanding of the training offerings available and the means to access them. This framework ensures that staff members receive relevant training tailored to their specific areas of practice and service delivery, thereby promoting continuous improvement in the quality of their work and creating a continuing professional development log.

- 2.38 The QA service also oversees the development and implementation of Standing Operating Procedures (SOPs) for each service area, providing a consistent approach to service delivery and promoting a culture of accountability and transparency. SOPs benefit service areas by establishing standardised processes, improving efficiency, reducing errors, and promoting a shared understanding of expectations and responsibilities among staff members.
- 2.39 The QA service's focus on developing a robust Professional Development Framework, implementing SOPs, and monitoring performance, through auditing and service user feedback, contributes significantly to the consistency and quality of training and support provided to the workforce. These initiatives ensure a well-equipped and knowledgeable staff capable of delivering high-quality services to children, young people, and their families, ultimately driving positive outcomes for all involved in the SEND service.
- 2.40 **Process development and improvement** - The council's central Continuous Improvement team has conducted an extensive review of the EHC Needs Assessment and Annual Review processes, drawing on Lean Six Sigma techniques to understand the biggest factors causing delays in these processes. They have worked with the service to redesign and implement key improvements to these processes, with most changes implemented on 17th April 2023.
- 2.41 Recognising the need to improve both operations and processes, two new Interim ADs are in place who will lead on these critical aspects of the improvement journey.
- 2.42 There are some early indicators that these process improvements are having a positive impact, however there was a significant amount of work already in the system which takes time to feed through and the improvements come at the same time as significant changes to the staffing structure and many new officers being onboarded, so we expect the full impact to ramp up over the next 6 months.
- 2.43 **Accountability** - a detailed score card which includes Key Performance Indicators on the EHCP process and quarterly targets for improvement is being finalised and will be shared. The ability to meet the improvement expectations is related to staffing and will be influenced by our success in recruitment.

3 Financial Implications

N/A

4 Legal implications

N/A

5 Equalities implications

N/A

6 Other corporate implications

N/A

7 Governance

N/A

8 Alternatives considered

N/A

9 Conclusions

- 9.1 The data clearly shows that Kent is an outlier at every stage of the statutory EHCP process. However, this is not true of other data about Kent children and young people, where Kent data is broadly in line with national or nearest neighbour averages. This would suggest that at a system level, Kent's approach to planning to meet the range of needs in the child and young person's cohort and the view of 'significantly greater difficulty in learning' may differ from other areas. The resultant very high volume that can be seen at every stage in the process can only be addressed through a multiplicity of inter-related actions which are underway.
- 9.2 Developing the educational offer in mainstream schools and settings to improve inclusion in planning and delivery through the extensive support and development work which is underway and which 76% of schools have participated in is critically important. Equally important is work on developing a welcoming ethos in mainstream settings and schools where staff engage positively with parents and children consistently across all schools. This is supported by the funding of NurtureUK to work with at least 50% of Kent schools on gaining national accreditation.
- 9.3 A proportion of children need access to specialist services such as Speech and Language Therapy which is currently difficult to access and addressing this in mainstream setting will make a significant difference.
- 9.4 Service improvement is critical, but improving communication with professionals, parent/carers and children/young people is also a priority and a communication strategy is close to completion.
- 9.5 Finally, whilst it is right to focus on areas for improvement, and there are numerous improvements to make, it is important to remember that many children and young people with additional and special needs are achieving and thriving in the Kent education system. As part of the communication strategy we have started to collect stories from a range of stakeholders involved in the system and in the first of these three young men talk about their own experiences and views.

Charlie:

<https://vimeo.com/811345439/762c879045>

Aiden:

<https://vimeo.com/812732860/65705c5c52>

Reese:

<https://vimeo.com/812733260/7c9b4733db>

10 Recommendation(s)

Recommendation(s):

The SEND Sub-Committee is asked to note the contents of the report.

11. Background Documents

N/A

12. Contact details

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