

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 Tuesday 25 July 2023.

PRESENT: Mrs B Bruneau (Vice-Chair), Mr M Dendor, Mrs S Hudson, Mr H Rayner, Mr M Reidy, Mr Q Roper, Mr A Sandhu, Dr L Sullivan and Mr M Whiting.

VIRTUAL ATTENDEES: Mr R Lehmann.

ALSO PRESENT: Mr R Love (Cabinet Member for Education and Skills) and Ms B Hannon (Co-Chair Kent PACT).

IN ATTENDANCE: Ms S Hammond (Corporate Director for Children, Young People and Education), Ms A Farmer (Assistant Director/Principal Educational Psychologist), Ms A Gleave (SEND Interim Assistant Director for Operations), Ms E McQueen (Interim Assistant Director for SEND Quality Assurance) and Mr G Romagnuolo (Research Officer - Overview and Scrutiny).

UNRESTRICTED ITEMS

12. Introduction/Webcasting Announcement
(Item 1)

13. Apologies and Substitutes
(Item 2)

Apologies for absence were received from Mr Cole, Mrs Dean, Ms Ainslie-Malik, Christine McInnes and Craig Chapman. There were no substitutes.

14. Declaration of Interest by Members in Items on the Agenda
(Item 3)

There were no declarations of interest.

15. Minutes of the Meeting Held on 6 June 2023
(Item 4)

RESOLVED that the minutes be approved as a correct record.

16. Improvement Notice and Accelerated Progress Plan (APP) Update
(Item 5)

- 1) Mr Love introduced the report.
- 2) Sarah Hammond explained that, following the submission of the Accelerated Progress Plan (APP) on 29 June 2023, there were further requests – predominantly from NHS England – to make further amendments to the APP. KCC officers recently met with DfE and NHS colleagues, and agreed on the amendments, which were submitted at the end of last week. The Government had given an assurance that in the next few days it would provide the final, approved version of Kent’s APP. This would be shared to the Sub-Committee as soon as it was received.
- 3) A Member asked clarification about the information that the Sub-Committee requested at its meeting on 6 June 2023.
 - a) Sarah Hammond explained that the information was expected to be provided as a written response to the Sub-Committee.
 - b) Gaetano Romagnuolo confirmed that the information was circulated to the Sub-Committee.
- 4) A Member referred to a number of actions that were mentioned in KCC’s Representation to the DfE to be undertaken in April-May 2023 (p28-29 of the agenda pack). The Member asked whether the Sub-Committee would be provided with an updated report, or whether this information would be provided in the final, approved version of the APP.
 - a) Mr Love explained that some of the actions – such as *CYPE leadership changes ratified by County Council*, and the *new CYPE leadership model* - were completed.
- 5) Sarah Hammond confirmed that many of those actions had been completed. She also referred another set of actions (on p36) and confirmed that most of these were also completed. She explained that the areas that were not completed yet and that would require further attention would be included in the APP.
- 6) A Member asked for further details about NHS England’s amendments to the APP.
 - a) Sarah Hammond explained that, although she could not provide specific details until the APP was approved, there were concerns around timescales and waiting lists.

- 7) A Member referred to the 9 areas of significant weakness that were highlighted by the DfE. In particular, about the first one – the concern of parents that the local area was not able to meet their children’s needs. The Member referred to an action that was planned to be completed in April 2023 – *dedicated session on voice and lived experience at the Kent SEND Strategic Improvement and Assurance Board* (see agenda pack p24) and asked for confirmation on whether the action had been undertaken.
- 8) Sarah Hammond confirmed that the dedicated session took place.
- 9) In reply to a question about the most up-to-date *Written Statement of Actions, Measures and Indicators*, Sara Hammond explained that over the past 3-4 months a new set of key indicators that had been developed for the *Kent SEND Strategic Improvement and Assurance Board*, and that she would share with the Sub-Committee.
- 10) A Member referred to the *document Engagement in and Evaluation of Whole School Approaches to Nurture Inclusive Leadership*. There was a target of a minimum of 300 Kent primary and secondary mainstream school to engage with the programme *Whole School Approaches to Nurture*, but in Kent there were over 500 schools, and the recent uptake of schools engaging with Nurture UK had dropped. Was this a concern?
- a) Sarah Hammond replied that the ambition was for every school in Kent to be a nurturing place. Aside from this ambition, seeking the accreditation from Nurture UK was a decision for the schools themselves.
- b) Alison Farmer clarified that, as of June 2023, 253 Kent schools had engaged with Nurture UK. She also mentioned that 149 Kent schools had taken up the Inclusion Leaders of Education initiative to become inclusive leader schools.
- c) In answer to a question about concerns with staff recruitment and retention of KCC’s SEND service, Elise McQueen said that, as a result of recent recruitment, 35 posts had been offered. Of these, 22 would start in July 2023, 11 would start in August 2023, and 2 in September 2023.
- 11) A Member asked whether this staff were recruited to increase the capacity of the SEND case work team to enable the effective delivery of the Education, Health and Care (EHC) needs assessment and review system, as this was a concern highlighted in the Improvement Notice.
- a) Sarah Hammond replied that the CYPE Directorate was on track for all the permanent establishment of the service to be recruited by September 2023. She recognised that further staff would be required - in addition to the permanent, recruited staff - to address the EHCPs backlog, and that the Directorate had an in-principle agreement for the employment of an additional, temporary group of staff.

- 12) In response to a question about who in the DfE was responsible for holding Kent schools into account for providing the right SEND support, Sarah Hammond explained that the Regional Department for Education Director was the senior officer accountable for the oversight of non-maintained schools. She explained that the Director and her team had given KCC their support and commitment that they would tackle those schools and academies that were not working closely with KCC towards the inclusion and improvement agenda. She also pointed out that inclusivity was part of the Ofsted inspection framework.
- 13) Ms Hannon pointed out that local parents and carers of children and young people with SEND were still not seeing improvements with service provision. She explained that one of the expectations of the *Whole School Approaches to Nurture* programme, which started in 2021, was that there would be a reduction in EHCPs, but this had not materialised. In fact, there had been an increase in EHCPs.
- 14) Mr Love recognised that there had been an increase in EHCPs in Kent, and explained that there were a variety of reasons for this.
- 15) A Member indicated that one item of information that the Sub-Committee requested at its previous meeting - Detailed information about the previous and current KCC workforce involved in the provision of SEND services - had not been provided yet.
- 16) In reply to a question about which parts of Kent the 9 significant areas of weakness identified in the Inspection Revisit report referred to, Mr Love explained that the report referred to Kent as a whole. He explained that in the Kent area there were a number of parties taking joint responsibility – namely KCC, relevant sections of the NHS and Education partners.
- 17) In response to a question on whether the *action Assessment tribunals, placement finding teams and case holding teams in place* (p43) was completed, Sarah Hammond clarified that this action referred to the restructure of the service to create these new bespoke teams, and confirmed that that structure was in place. She also clarified that, although the structure was in place, the process of recruiting a permanent workforce in those teams was still underway and would be completed by September 2023.
- 18) In response to a question about the number of Kent children who were still waiting for a placement in September 2023, Alison Farmer said that, out of about 1,600 children with an EHC plan who were transferring to secondary school and who were the vast majority, 37 were still without a placement.
- 19) In reply to a question about whether the Authority relied upon the SEND Code of Practice to decide which children obtained an EHCP, Mr Love explained

that the SEND Code of Practice was statutory guidance that could not be ignored.

- a) Sarah Hammond added that KCC was currently re-examining through legal advice the Authority's position with regard to the interpretation of the Code and its legal compliance.

20) In reply to a question about the Authority's overall strategy to address issues in relation to SEND provision in Kent, Sarah Hammond explained that this included for parents and carers to see Kent mainstream schools as being the place for their children to be best educated and cared for, and that the inclusion agenda was at the heart of this ambition. She explained that there were less children with EHCPs who were educated in mainstream schools in Kent, compared to statistical neighbours and the national average.

21) Members of the SEND Sub-Committee requested the following information from the CYPE Directorate:

- a) Provide the Sub-Committee with the approved version of the Accelerated Progress Plan (APP) as soon as this is available.
- b) The most recent Written Statement of Actions, Measures and Indicators of KCC's SEND service provision.
- c) Detailed information about the previous and current KCC workforce involved in the provision of SEND services.
- d) SEND services recruitment, retention and sufficiency capacity. At each meeting of the Sub-Committee, provide a snapshot of the number of KCC staff, and staff vacancies, who are involved in the provision of SEND services.

22) The Vice-Chair thanked all those present for attending the meeting.

RESOLVED – The SEND Sub-Committee noted the contents of the report.

17. Future Meeting Dates
(Item 6)