

## KENT COUNTY COUNCIL

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### SEND SUB-COMMITTEE

MINUTES of a meeting of the SEND Sub-Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 28 September 2023.

PRESENT: Mr P Cole (Chairman), Mrs B Bruneau (Vice-Chairman), Mrs T Dean, MBE, Mr A Sandhu, MBE, Dr L Sullivan, Mr A Booth and Mrs S Prendergast.

PRESENT VIRTUALLY: Ms R Ainslie-Malik.

ALSO PRESENT: Mr R Love (Cabinet Member for Education and Skills) and Ms B Hannon (Co-Chair Kent PACT), Mrs A Brooker (Kent PACT) and Mr D Ross.

IN ATTENDANCE: Ms S Hammond (Corporate Director for Children, Young People and Education), Ms C McInnes (Director of Education), Ms A Farmer (Assistant Director/Principal Educational Psychologist), Ms A Gleave (SEND Interim Assistant Director for Operations), Mr C Chapman (SEND Assistant Director/Head of Fair Access), Mr J Cook (Democratic Services Manager) and Mr G Romagnuolo (Research Officer - Overview and Scrutiny).

### UNRESTRICTED ITEMS

**18. Apologies and Substitutes**  
*(Item 2)*

Apologies for absence were received from Mr Dendor, Mrs Hudson, Mr Lehmann, Mr Rayner, Mr Reidy, Mr Roper Mr Whiting and Ms Ainslie-Malik. Mr Booth substituted for Mr Dendor. Mrs Prendergast substituted for Mr Whiting.

**19. Declarations of Interest by Members in Items on the Agenda**  
*(Item 3)*

Mr Booth explained that he was the Chairman of KCC's Scrutiny Committee. He reassured the Sub-Committee that his substitution for Mr Dendor would not conflict with that role.

**20. Minutes of the meeting held on 25 July 2023**  
*(Item 4)*

RESOLVED that the minutes be approved as a correct record.

**21. Kent Local Area Accelerated Progress Plan**  
(Item 5)

- 1) Mr Love introduced the report. He explained that the Accelerated Progress Plan included a very detailed set of steps that had been agreed for KCC to take in order to address areas of weakness that had been identified by Ofsted and the CQC in 2022. One crucial aspect was the need to change to a customer-centred culture that focused culture that was focused on continuous improvement.
- 2) In answer to a question, Christine McInnes explained that the CYPE Directorate had commissioned a former National Schools Adjudicator to undertake a thorough review of the tribunal process to address its recommendations. The Directorate had produced a robust action plan Progress would be reviewed at the end of 2023 and would be reported back to the SEND Sub-Committee.
- 3) Asked whether the tribunal process would be led by lawyers rather than CYPE Directorate officers, Christine McInnes explained that, given the volume of cases, the cost of using lawyers for each one would be prohibitive.
- 4) In reply to a question, Craig Chapman said that there were 157 children with a final EHCP who were currently still seeking a school placement.
- 5) In response to a question about whether mainstream schools in Kent were equipped to educate children and young people with special needs, she explained that the issue was la ack of consistent practice. She accepted and apologised that, in some cases, this provision was not working for some children with SEND and their families, but this was not the case across the board.
  - a) Craig Chapman accepted that the backlog was unacceptable and said that a dedicated team was established to address it. There were multiple conversations with schools that were unwilling, or unable, to offer places.
  - b) Mr Love explained that, as a result of the work carried out by KCC this year alone, every home to school transport application for children with SEND that had been received within the timescales had been processed before the start of the school term. This was an example of the progress that had been made.
- 6) A Member asked why some Kent schools refused to educate more children with SEND, Craig Chapman said that schools used criteria within the Code of Practice to determine whether they were able to provide the support that these children required.
  - a) Alice Gleave explained that KCC had a team of advisers whose role was to support and advise schools on how they could best meet the needs of children and young people with SEND.

- b) Mr Love said that most Kent mainstream schools had very good inclusion practices. Nonetheless, inclusion was now part of the Ofsted inspection framework, and this provided a degree of leverage on schools with poorer practice.
- 7) In reply to a question about the reasons for the rising numbers of children educated at home, Cristine McInnes explained that Covid was a key factor. The medical view was that the best education setting for most children with low and medium levels of anxiety was at school, where they were occupied and with their friends.
- 8) In response to a question, Christine McInnes explained that there was a statutory requirement for mainstream schools to make reasonable adjustments for children with SEND. However, the phrase 'reasonable adjustments' was open to different interpretations, with some schools only being prepared to make very limited adjustments. In terms of what KCC could do, much of its work was about influence because the Authority did not have the power to require more inclusiveness, particularly in the case of academies – although there were a number of very inclusive academies in the county.
- 9) In reply to a question Christine McInnes explained that KCC had recently been working on the establishment of a SEND sufficiency plan to monitor projections of the number of children with SEND. The intention is to integrate the data from this plan into the Kent Commissioning Plan.
- a) Mr Love said that the number of those with an EHCP plan in Kent was higher than the national average.
- 10) In answer to a question, Sarah Hammond said over 80% of Kent's secondary schools were now stand-alone academies. KCC could only influence, not control, their decisions.
- 11) A number of questions were asked about the Accelerated Progress Plan document.
- 12) **Action 1B: Requests for assessment are 20% higher than the England average** (p17). A Member asked what progress had been made. Alice Gleave replied that the Directorate had developed a strategy to improve communications with families and providers about Early Years school settings and post-16 provision.
- 13) **Action 1C1: Centralise agreed SEND complaints capacity to improve processes and ensure complaints are dealt with in a timely, consistent way, ensuring advice is consistent when supporting parents** (p18). Alice Gleave said that the Directorate had set up a backlog team to look at historical complaints and to respond to parents.

- 14) **Action 1C2: Soft launch of SEND enquiries hub to provide a consistent point of contact for parents, carers, and families** (p19). In reply to a question about the effectiveness of the hub, Craig Chapman explained that it was recording the number of calls from parents, and the number of those that had been resolved. Also, a number of improvements had been made to ensure that information was more readily available.
- a) Ms Hannon added that the enquiries hub itself had improved significantly and was now working well. However, it did not work in isolation, and KCC's Contact Centre was not yet working as well.
- 15) **Action 1D: Lack of access to and availability of services such as speech and language therapy and the educational psychology service** (p20). A Member asked how speech and language support was accessed. Alice Gleave explained that there was a national and local shortage of Speech and Language Therapists. A specialist manager had been recruited to address this problem. In addition, the Directorate was establishing a list of qualified providers who had been quality assured through their Commissioning Team, and were currently reviewing their process for sourcing qualified therapists. Finally, the Directorate was liaising with the University of Kent which runs degree programmes on speech and language therapy, to place their students in Kent schools and Early Years settings. This arrangement would be in place for the next academic year.
- 16) **Action 2D2: Develop and review the transition charter** (p29). Craig Chapman said that the Transition Charter had been developed in partnership with representatives from all education settings. It was about the activities that should take place in schools to make sure that the needs of students are identified. The intention of this strategy is to give schools guidance on how they can identify the needs of students from young people themselves.
- 17) **Action 2D4: To plan to collect meaningful student voice from young people and have infrastructure in place to respond and improve appropriately** (p30). A Member asked how students would know if their voices had made an impact. Alice Gleave explained that there were plans for students' views to be collected. This information was also shared with students' forums, such as the Kent Youth County Council.
- 18) **Action 2E2: Transparency through information sharing with district groups of schools to support partnership work to improve inclusion of children with SEN in state-funded schools** (p31). Alison Farmer confirmed that every district had a Local Inclusion Forum Executive. Development into Local Inclusion Partnerships was planned by the end of the current academic year (2023-24). These forums are chaired by headteachers, and attended by other educational leaders.
- 19) **Action 3A2: Involve parents and young people in shaping the approach and priorities in the SEND communications and engagement strategy** (p32). In answer to a question about how the Authority could be confident that parents and young people were happy with the strategy, Christine McInnes

said that research had been carried out by another Council service. Its findings would be reported back to the Sub-Committee at a later stage.

- 20) **Action 5A2: Deliver Nurtureuk contract** (p41). Replying to whether NurtureUK was making a positive impact, Christine McInnes said that its approach was evidence-based. Schools would carry out an evaluation and provide evidence.
- 21) **Action 6D2: Develop a SEND handbook** (p51). Craig Chapman explained that the SEND Handbook was an internal document; the stakeholders were other services within KCC. An equivalent parent-focused document was planned for the future.
- 22) **Action 6F2: Expand Designated Key Worker Programme for young people 18 to 25** (p53). Sarah Hammond explained that this was an NHS-funded programme for staff working in KCC.
- 23) **Action 6F3: Supported Internships: SEND young people and their parents in Kent see paid work as a tangible pathway through the Promotion of Supported internship uptake across Kent** (p54). A Member asked if, in addition to the four existing forums, there were others that were planned to be delivered. Alice Gleave said that there was a 3-year delivery plan, and that KCC was very keen to develop supported internships.
- 24) **Action 6H: Only approximately half of annual review meetings happen on time** (p56). Craig Chapman explained that work was taking place to ensure that forthcoming annual reviews would be carried out in a more consistent and effective way. There was work underway to add an additional 50% capacity to the team that processed annual reviews to ensure that they dealt with the backlog more effectively.
- 25) **Action 6J2: Parents and carers to co-design/co-produce a simple feedback form which works for them on the EHCP process** (p57). Ms Hannon confirmed that Kent PACT were involved and that the process was on track.
- 26) **Action 8A: Waiting times for children and young people on the Neurodevelopmental (ND) pathway have not improved** (p65). A Member asked what support was offered to children and young people, while waiting for Neurodevelopmental pathways to improve. Alison Farmer said that there was a pilot project to address the waiting times. Its most successful element was a scheme that mirrored a version of Portsmouth City Council's toolkit, where an NHS practitioner works with the school and the family. The pilot showed a reduced need for assessment. The next stage was to evolve a model that could be rolled out across the county. This work had been led by the NHS.
- 27) **Action 9A3: Implement work to address anxiety-based school avoidance** (p73). Alison Farmer said that the most effective way of addressing anxiety-

based school avoidance was through partnership work between parents and schools.

28) A Member asked for reassurance that the Accelerated Progress Plan would effectively address the areas of significant weakness that had been identified in the 2019 Ofsted and CQC inspection.

a) Sarah Hammond replied that the APP had been developed so that there was a level of confidence in the DfE that the Improvement Notice it had served on KCC was matched by the actions that KCC set out in the Plan. The APP had been sanctioned by the DfE, which would ultimately decide whether to lift the Notice or not.

b) Mr Love added that that all the partners involved in the APP believed that it laid the foundations to meet the standards set out by the Minister for Children, Families and Wellbeing, and the standards that KCC wanted to deliver for children and young people across Kent.

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

## **22. Report by the Local Government and Social Care Ombudsman** *(Item 6)*

29) The report outlined the actions the Council had taken, and proposed to take, in response to the Report by the Local Government and Social Care Ombudsman (LGSCO) Investigation into a complaint about Kent County Council.

30) The Ombudsman had stated that KCC should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members, and that evidence that this happened would be required by the 5th October 2023. In view of this timescale, the SEND Sub-Committee was deemed the most appropriate forum.

31) Mr Love explained that this report referred to a complaint that had been made to the Ombudsman before the Ofsted and CQC Revisit in September 2022. He said that the Authority would continue to make every effort to improve its SEND provision and to minimise complaints.

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