

SCRUTINY COMMITTEE

Wednesday, 1st April, 2026

10.00 am

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



UNRESTRICTED ITEMS

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

A - Committee Business

- A1 Apologies and Substitutes
- A2 Declarations of Interests by Members in items on the Agenda for this Meeting
- A3 Minutes of the meeting held on 22 January 2026 (Pages 1 - 14)

B - Any items called-in

C - Any items placed on the agenda by any Member of the Council for discussion

- C1 What would a Sustainable SEND System Cost? (Pages 15 - 36)
- C2 Winter Service - Update Report (Pages 37 - 48)
- C3 Fly-Tipping (Pages 49 - 58)

D - To Note

- D1 Work Programme (Pages 59 - 62)

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
Deputy Chief Executive
03000 416814

Tuesday, 24 March 2026

KENT COUNTY COUNCIL

SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 22 January 2026.

PRESENT: Mr R G Streatfeild, MBE (Chair), Mr A Brady (Vice-Chair), Mr C Burwash (Substitute for Mr J Defriend), Mr W Chapman, Mr J Eustace, Mr A J Hook, Mr M A J Hood, Mrs S Hudson, Mr T Mole, Mr T L Shonk, Dr G Sturley, Mr P Thomas, Mr D Truder and Mr M Reidy

ALSO PRESENT: Mr B Collins, Mr S Dixon, Mrs B Fordham, Mr P King, Miss D Morton, Mr P Osborne, Mrs C Palmer, Ms C Russell, Mr P Webb and Mr D Wimble

IN ATTENDANCE: Mrs A Beer (Chief Executive), Miss M Bundy (Democratic Services Officer), Mr C Chapman (Assistant Director - Fair Access and (Interim) SEN Processes), Ms S Dann (Interim Assistant Director of Quality Assurance), Ms A Gleave (Interim Assistant Director for SEND Operations), Mrs S Hammond (Corporate Director Adult Social Care and Health), Mr A Jeffery (Head of Resilience & Emergency Planning), Mr S Jones (Corporate Director of Growth, Environment and Transport), Ms C McInnes (Corporate Director Children, Young People and Education), Mr D Shipton (Head of Finance Policy, Planning and Strategy), Mr M Smyth (Director of Environment and Waste), Mrs R Spore (Director of Infrastructure), Mrs A Taylor (Assistant Democratic Services Manager (Scrutiny)) and Mr B Watts (Deputy Chief Executive)

UNRESTRICTED ITEMS**28. Apologies and Substitutes**

(Item A1)

Apologies were received from Ms Ainslie- Malik and Mr Defriend, for whom Mr Burwash was substituting.

29. Declarations of Interests by Members in items on the Agenda for this Meeting

(Item A2)

1. The Chairman declared, in relation to item C1, that his wife was a Director of Education in a secondary special educational needs provision, that his two children had gone through the system, and that he was previously a trustee of an independent special school.
2. Mr Alister Brady declared in reference to item C1 that his partner was the director of the Tizard Centre, a group that specialised in autism and learning difficulties.

30. Minutes of the meeting held on 25 November 2025

(Item A3)

RESOLVED that the minutes of the meeting held 25 November 2025 were a correct record and they be signed by the Chairman.

31. SEND Scrutiny - Education Health and Care Plans (deferred from 25 November 2025)

(Item C1)

1. The item was introduced by Beverley Fordham, Cabinet Member for Education and Skills, who outlined the report's focus on why Kent was an outlier nationally in relation to higher numbers of Education, Health and Care Plans (EHCPs). She highlighted limitations in available data, the lack of standardised targets or comparable datasets and the wider national increase in EHCPs as potential constraints of the report's analysis and summarised their approach in relation to national research.
2. Mrs Christine McInnes, Interim Corporate Director of Children, Young People and Education, emphasised the significance of Appendix 2 of the report that addressed national challenges with the identification and use of Special Educational Needs and Disabilities (SEND) data. She also outlined updates within the SEND sector in relation to wider ongoing policy changes.
3. In response to questions and comments from Members, discussion covered the following:
 - a) Further research to identify the relevant factors and gaps regarding numbers of EHCPs would require additional resourcing and could face challenges in drawing firm conclusions and improving service delivery due to the breadth of existing evidence.
 - b) Craig Chapman, Assistant Director - Fair Access and (Interim) SEN Processes, acknowledged that the paper reflected a long-standing history of work on SEND and assured the Committee of the depth of knowledge and focussed activity taking place to deliver significantly improved service delivery compared to previous years. He highlighted that the challenges discussed arose from wider educational and demographic factors beyond the local authority SEND service and that the paper aimed to explain why, despite these national issues Kent's local context has resulted in different outcomes. He emphasised that while these historic factors continued to be monitored, the priority was addressing current need and meeting statutory duties.
 - c) Mrs McInnes outlined recent practice in Kent regarding neurodiversity, including the purchase of an Autism Education Trust licence. She explained that Kent had brought together the "This is Me" programme and the Department for Education (DfE)- funded Promoting Inclusion of Neurodiversity in Schools (PINS) initiative. This enabled a combined approach that targeted organisations including staff training and also supported early identification and prevention within families. She added that this included specific work with young girls, which could be shared upon request.
 - d) Alice Gleave, Assistant Director for SEN Statutory Service, recognised the national challenge of identifying autism within young girls due to "masking" that potentially presented more subtly than outwardly dysregulated behaviour. She

also confirmed a renewed systemic focus on recognising “masking” behaviours in girls, reflected in a significant increase in the number receiving a diagnosis.

- e) Mr Chapman explained that EHCP data on neighbouring Local Authorities (LAs) in the paper were included as part of a routine comparative analysis for the Committee to consider. However, he established that due to a range of unknown factors, it would be difficult to determine whether any correlation existed between the number of grammar schools and the number of EHCPs across these authorities.
- f) The Specialist Teaching and Learning Service provided a statutory service supporting children and young people with visual impairment, hearing impairment, and physical disabilities. Mrs McInnes explained that a non-statutory service, delivered through 12 specialist schools, had recently been brought inhouse in order to ensure a consistent service was offered across Kent.
- g) Mr Chapman acknowledged the growing national discussion regarding the consumption of ultra- processed foods and the potential links with increased numbers of EHCPs. However, as the availability of food products in Kent did not significantly differ from other areas, this was unlikely to be the cause of a localised increase in EHCPs.
- h) Kent continued to have a higher number of out-of- county school placements, partly due to previous regulations financially incentivising other LAs to place children in Kent without contributing to the associated costs. Following significant lobbying from KCC, DfE guidance had changed and this would be reflected in the Council’s savings proposals. Mr Chapman stressed Kent could not control numbers of pupils from other LAs placed in its schools, and while it affected available capacity, the report related specifically to Kent pupils and decisions made for them.
- i) There was ongoing national research into the relationship between socio-economic factors and numbers of EHCPs, with families in lower socio-economic groups being less likely to obtain an EHCP, whilst potentially being more likely to have special needs requirements. It was stressed that rising EHCP numbers was complex, with needs varying widely and national definitions remaining unclear. Mr Chapman also confirmed that the data was focussed on children that had a postcode in Kent.
- j) Mrs McInnes explained that the reference to “gap narrowing” in the report related to a change in Kent’s trajectory for agreeing and issuing EHCPs. Whilst numbers continued to increase, the rate of growth had slowed since 2022 compared with the steep rise between 2018 and 2022, reflecting changes in SEND management and the assessment processes. These changes included reviewing the thresholds for ECHP decision- making, intensive staff training, a consistent, graduated approach and referring complex cases to a newly introduced panel process. The financial impact of these changes were minimal, as they had been delivered primarily through existing staff and part- time secondee leaders.

- k) The term “toxic environmental influences” in the report referred to factors such as emissions, pesticides, and screen time, for which research on a national level was taking place.
- l) Mrs McInnes explained that various parenting practices had been identified as a contributing factor for higher demand for EHCPs. She referenced the age at which children are weaned, due to the effect on oral muscle development which could affect speech, language and eating skills. It was also highlighted that an increasing number of children were starting school wearing nappies. Public Health had worked with health visitors and family hubs to develop comprehensive parenting support through family hubs, training sessions, support groups and online resources.
- m) A Member raised the concern that the reporting could imply financial incentives were driving some parents to seek an EHCP, referencing the lack of evidence for this in Kent and the citation in the report to a newspaper article. Mrs McInnes clarified that the purpose of the report was to present the data and to highlight that Kent’s position differed significantly from national trends. Therefore, she advised that including certain information was relevant in order to raise important considerations for the Committee. Mr Chapman explained that the inclusion of the article was to provide context within a broad, impartial discussion about potential pressures on the system, not in order to express an opinion.
- n) Mrs McInnes explained that Kent had historically taken a different approach towards SEND, with a focus on placing children with special educational needs into special schools rather than mainstream schools and this was reflected in the data and KCC’s current position. She also highlighted that mainstream schools had been on a journey to become more inclusive, in line with longstanding statutory requirements and that Ofsted had improved their inspection of SEND inclusion.
- o) Mrs McInnes confirmed that Kent had the highest proportion of selective schools in the country, with approximately a third of its secondary schools being selective schools. Despite extensive work with selective schools, as children with SEND were less likely to access selective schooling, non-selective schools had taken a disproportionately high number of pupils with EHCPs.
- p) Mrs Gleave outlined the structure and processes of the panel system, including how information and reports were compiled, how panels interrogated that information, the code in which they were bound by and how the panel determined whether to assess and issue an EHCP in order to support a child’s progress. Improvements were focussed on strengthening the quality of decision- making and ensuring a clearer understanding of the professional reports. Extensive training had also been provided to officers and social workers to assist in their understanding of the information required in reports to support effective decisions. Mrs Gleave asserted that Kent’s panels may not necessarily act differently to other LA’s, but their judgement was dependent on the levels of training and expertise. They were also monitored by the DfE in relation to decision- making, timelines and quality assurance with other LAs.

- q) Mrs Fordham explained that as the system transitioned away from the assumption that children with special educational needs were best placed predominantly in special schools, mainstream schools were in the process of addressing ongoing issues and ensuring that these children's needs could be met in mainstream settings. The Committee was assured that there would be further reporting concerning this topic.
 - r) It was highlighted that Covid-19 had disproportionately affected children from lower socio- economic backgrounds, who had missed early socialisation opportunities and were now demonstrating related developmental impacts in schools. SEND services were working closely with Children's services and family hubs to provide targeted training, outreach and support. Furthermore, the uptake of government- funded childcare was being monitored with relevant action being taken in areas of low participation. The Committee was also reminded of both the relevant Short- Focussed Inquiry (SFI) and other early- years initiatives operating, including free SEND training through Dingley's Promise and the Balance speech and language programme.
 - s) In response to a Member's concerns about whether funding arrangements for primary schools might contribute to increased EHCP requests, Mrs McInnes agreed to provide supplemental information in a future report and emphasised that solutions involved not only additional funding but broader use of existing resources. She stressed that some of these challenges were mitigated through collaborative working within communities of schools, enabling shared use of resources. Furthermore, schools also had access, at no cost, to multi- agency Professional Resource Groups, including educational psychologists and speech and language therapists.
4. Following the questions, the Chairman welcomed comments and views from the Committee about the report. These included:
- a) A Member observed that the reasons for Kent's higher numbers of EHCPs remained unclear with several possible contributing factors but no certainty on their relative impact. The Member acknowledged the resource constraints, but suggested further research and potential collaboration with other LAs to jointly fund future work could provide meaningful insight and support long- term improvements.
 - b) A Member commented on the wide range of factors that contributed to children's additional needs, including early years development, parental support, environmental influences such as overstimulation and increased screen usage, and the ongoing social impact of Covid- 19. They emphasised the importance of supporting parents as well as children, exploring preventative approaches and strengthening the role of family hubs in engaging families and providing scalable early support, encouraging Members to visit their local hubs.
 - c) Concerns were raised regarding securing investment for SEND, considering funding cutbacks from Central Government.
 - d) A Member stressed the need for a light- touch and timely approach to current pressures, raising concerns about delays in progressing EHCP cases. The

Member supported detailed investigations for future scrutiny yet highlighted that some evidence may take years to develop and therefore suggested involving knowledgeable experts to help accelerate work.

- e) A Member challenged the premise that increased EHCP numbers in Kent were linked to financial incentives for parents and encouraged the Committee to provide clarification on their views on such matters. Instead, the Member suggested that previous decisions to under- invest in mainstream provision, alongside investment in special schools may have contributed to parents of children with complex needs feeling inadequately supported and subsequently believing that they required an EHCP or other specialist provision. The Member welcomed the renewed focus on inclusion and investment in mainstream settings and supported reviewing the pace of change to ensure that children's needs are appropriately met.
 - f) A Member reflected on the Council's previous focus on special schools, acknowledging that some mainstream schools had struggled to provide a suitable environment for pupils that had the capacity to have their needs met in a mainstream setting. The Member requested data showing numbers of pupils with EHCPs across different secondary settings, including grammar schools.
 - g) A Member highlighted the deterrents for parents with children with complex needs to send their children to special schools. They also suggested that families experiencing significant financial pressures may be more inclined to explore alternative routes for support, including through the EHCP process.
 - h) It was argued that current funding restrictions limited the ability to provide a full range of educational pathways, making it harder to match provision to pupil need. They suggested that the scale of demand, combined with insufficient grant funding to expand or develop schools early enough was contributing to Kent's position as an outlier.
 - i) A Member concluded by arguing that obtaining an EHCP was not necessarily the sole route to receiving support within a mainstream school setting.
5. The Chairman called on the Cabinet Member to provide comments and clarifications on the Member's points of debates:
- a) Mrs Fordham stressed that EHCPs should be viewed within the wider SEND system and that support should be focussed on understanding and meeting a child's needs at every stage of development. She stressed that budget pressures required a gradual shift of funding away from high- cost independent placements towards early intervention and strengthened mainstream provision.
6. The Chairman summarised the discussion, beginning by recognising that KCC remained under an improvement notice, which reinforced the need to deliver effective SEND support whilst also understanding the causes behind current challenges. He also reflected on parental experiences of seeking support, acknowledging the ongoing work and further progress requires to ensure needs were met. The Chairman also highlighted the importance of understanding the

relationship between social deprivation, SEND and access to EHCPs, including the potential barriers that families may face in securing support. Finally, he referenced that there was no national findings of fraud relating to Personal Independent Payment (PIP) or Disability Living Allowance (DLA), emphasising the importance to rely on clear evidence rather than anecdotal reporting. The Chairman proposed to note the report and this was agreed by the Committee.

7. RESOLVED that the Scrutiny Committee note the report.

32. Short Focused Inquiry - Water Quality and Supply *(Item D1)*

Ms Claudine Russell was present for this item.

1. The report was introduced by Rebecca Spore, Director of Infrastructure, who outlined the establishment of the Short- Focussed Inquiry (SFI) on Water Supply and Quality. She also advised that the scope be broadened beyond Southeast (SE) Water to cover the whole of Kent, ensuring that the SFI covered all water-related incidents that had recently taken place. Mrs Spore also highlighted the ongoing work by other organisations in respect of the water quality/ outages in Kent which would need to be considered as part of the SFI. This included the Kent & Medway Resilience Forum (KMRF), Ofwat and the Drinking Water Inspectorate (DWI) as well as additional funding which had been secured in the Growth, Environment and Transport (GET) directorate to support work regarding water resources.
2. In response the report, the Chairman welcomed comments and views from the Committee which covered the following:
 - a) A Member argued since the full Council meeting, it had become clear the water supply issues extended beyond the expected scope of the SFI, with many communities served by SE Water experiencing water outages. They also recognised the serious challenges about sustainability of water supplies and the reliability of SE Water and other providers. It was also stressed that the SFI should address how water companies work with the KMRF and local councils due to existing water outage protocols failing to activate during recent incidents.
 - b) Ms Claudine Russell requested that the SFI consider the specific needs of livestock farmers due to many being left without water, dedicated support or reporting routes from providers. It was also suggested that the SFI examine differing impacts on urban and rural communities, including access to emergency water stations and reliable transport links. She further highlighted concerns about communication during outages, including clarity of responsibilities and timeliness of information. Committee Members expressed support for these proposals being incorporated into the SFI.
 - c) A Member requested the SFI examine the security and long- term resilience of the water supply, citing underlying issues that had gone unresolved. The Member also stressed ongoing concerns about emergency water provision during outages.

- d) In response to a question surrounding governance, it was confirmed that the Scrutiny Committee held the responsibility of establishing and setting the scope for the SFI, rather than Full Council.
 - e) It was confirmed that the SFI would exist separately to the Kent Flood Risk and Water Management Committee and that the intention of the SFI was to establish the role Kent could play in ensuring water supply to residents.
3. The Chairman proposed the Scrutiny Committee agree:
- a. To establish a Short- Focussed Inquiry into the Failure in Water Supply in Tunbridge Wells and surrounding areas and subsequent supply interruptions in early January 2026.
 - b. To delegate to Officers, in conjunction with members of the SFI group, the arrangement of the Inquiry as outlined in the report.
4. The Chairman further proposed the Committee take into consideration the advice provided by Mrs Spore and Ms Russell in relation to setting of the parameters of the SFI and acknowledge that the SFI would report back to the Scrutiny Committee in May 2026. This was agreed by the Scrutiny Committee.
5. RESOLVED that the Scrutiny Committee agree:
- a. To establish a Short- Focussed Inquiry into the Failure in Water Supply in Tunbridge Wells and surrounding areas and subsequent supply interruptions in early January 2026.
 - b. To delegate to Officers, in conjunction with members of the SFI group, the arrangement of the Inquiry as outlined in the report.
 - c. To take into consideration the advice provided by Mrs Spore and Ms Russell in relation to setting the parameters of the SFI and acknowledge that the SFI would report back to the Scrutiny Committee in May 2026.

33. Draft Revenue Budget 2026-27, Medium Term Financial Plan (MTFP) 2026-29, Draft Capital Programme 2026-2036, and draft Treasury Management Strategy
(Item D2)

- 1. The item was introduced by Brian Collins, Deputy Leader, who thanked the relevant officers for their time and work in the production of the Draft Revenue Budget and Medium-Term Financial Plan (MTFP).
- 2. Further to comments and questions from Members, discussion covered the following:
 - a) Mr Collins assured the Committee that the MTFP demonstrated the savings/income necessary to balance the later years of the plan assuming no further council tax increases.

- b) Dave Shipton, Head of Finance, Policy, Planning and Strategy, clarified that the £250k saving listed for the library estate review formed part of the long-standing community assets programme, with any savings only arising from temporary closures pending a revised library strategy. A Member proposed the recommendation that the wording relating to the review of the library estate be amended to clarify its reference to temporary closures only. It was agreed that it would be considered outside of the Committee and brought back if necessary.
- c) Paul King, Cabinet Member for Environment, Coastal Regeneration and Special Projects, clarified that a proposed £130k saving from removing blue badge parking concessions at country parks had already been achieved without removing the concessions. Accessibility remained a priority, including through initiatives such as Changing Spaces.
- d) In response a query on the £333k change for the Crisis and Resilience Fund, Mr Shipton explained it was a technical adjustment to reflect the reduced spending capacity following the external funding allocation in the provisional settlement, with a full reconciliation to be provided outside of the meeting.
- e) A concern was raised about the flat cash settlement for the Homelessness, Rough Sleeping and Domestic Abuse Grant, with regards to it representing a real-terms reduction due to inflation. Mr Collins confirmed that this was a draft budget, and that the issue would be considered before the final proposal. Mr Shipton further added that the grant was subject to the multi- year government settlement with no uplift over the period.
- f) Mr Collins confirmed that following extensive debate and consultation, the administration had been able to reduce the planned Council tax increase by 20%, contrary to previous years' practice. He also established that the main areas of financial risk continued to be Adult Social Care (ASC) and Children's Services, although the recent Quarter 3 report indicated the position in ASC was gradually improving.
- g) In response to concerns about significant medium- term budget shortfalls and the achievability of several savings proposals, Mr Collins explained that the medium- term forecasts were subject to adjustment and that focus was on the upcoming financial year. Mr Shipton confirmed that the MTFP had not always been balanced and highlighted that previous plans had assumed the maximum Council tax increase. He further clarified that the Section 25 report would outline the most significant short and medium- term risks within the budget and MTFP, allowing for a transparent assessment of such risks to take place.
- h) Regarding questions on speculative savings proposals, Mr Collins emphasised the ambitious nature of the savings plans and that they were still in draft stage. Mr Shipton also explained that District Councils needed to submit their final tax base estimates, including assumed collection rates, by 31 January 2026, followed by statutory returns to Central Government once Council tax was set. A full breakdown of tax base assumptions would be available in March or April, with interim information provided earlier through statutory returns.

- i) Mr Collins confirmed that work to assess compound risks arising from multiple risks occurring simultaneously had been ongoing and would be addressed before the budget was presented at Full Council. He also assured the Committee that the fresh perspective of a new administration instilled confidence that the financial pressures in the ASC sector could be reduced.
- j) Regarding the Safety Valve Agreement, Mr Shipton explained that there was a statutory override preventing the accumulated High Needs Block deficit from affecting the Council's General Fund that was in place until March 2028 but could be removed by Central Government at any time. He also acknowledged that its removal without any additional government support posed a significant medium- term risk to KCC's future financial sustainability.
- k) In response to concerns about the risks of freezing residential and nursing care fee uplifts, Mr Collins acknowledged the risks during ongoing negotiations but stated that the approach formed part of the administration's wider strategy to deliver efficiencies while maintaining ASC duties. Sarah Hammond, Interim Corporate Director of Adult Social Care and Health, explained that around one- third of the Kent care market was funded by KCC, with the remainder funded by the NHS or other authorities and that recent above- inflation increases had already been applied in previous years. She also highlighted that the joint brokerage team had transferred back to KCC on 1 December 2025, improving joint decision- making with the NHS and enabling better value placements, with further discussions with NHS colleagues ongoing.
- l) Mr Collins confirmed that the late Fair Funding Settlement had made financial forecasting more challenging and placed additional pressure on officers.
- m) Christine McInnes, Interim Corporate Director of Children, Young People and Education, confirmed that a small number of children with highly complex needs were in very high- cost external placements, and that new in- county provision was being developed to bring up to 4 children back in Kent by September 2026, which would reduce costs and improve oversight. She also explained that savings in Children's Services would be achieved with joint work with Adult Services on health contributions and modernising manual processes, including automating parts of the SEND assessment processes and payments to early years providers.
- n) Mr Collins stated that projected savings across all Directorates would be closely monitored and highlighted a £670k annual net reduction in interest costs achieved through early debt repayment.
- o) Mr Shipton detailed that £16 million had been identified as no longer required following an annual review of reserves, with £7 million originally set aside for social care charging reforms that was no longer proceeding and £9 million for major projects which was now funded through the Strategic Reset Programme.
- p) Mr Collins stated that capital receipts were being used to support the current year's overspend and that further use of capital receipts may be considered if prudent as the year progressed. Mr Shipton explained that £8 million of capital receipts were already assumed to be used in the 2025-26 budget and a further

£7 million would be used to support the current year's overspend, totalling £15 million. An additional £9 million was planned for use in 2026-27 and any further information on the available capital receipts in the pipeline would need to be provided by Infrastructure.

- q) Mr Shipton explained that the £5.8 million reduction in capital spending reflected the removal of the digital autopsy and public mortuary project, as the software required for the scheme had been found to be unsuitable and the project could not proceed. It was also indicated that the £500k reversal relating to temporary spending to mobilise new contracts for Household Waste Recycling Centres (HWRC), carried no identified risk or impact anticipated from removing the spend.
- r) Diane Morton, Cabinet Member for Adult Social Care and Public Health, outlined that mediation with the NHS regarding Section 117 aftercare funding had progressed with an in- principal agreement for a 50/50 funding split pending Integrated Care Board (ICB) confirmation.
- s) Mr Shipton advised that the £37.7 million figure in the report represented the total forecasted spend over a 10- year period required for the modernisation of assets under the Council's policy of keeping buildings warm, safe and dry. Mr Shipton stressed to the Committee that due to funding limitations, some non-priority buildings that do not meet those standards may be subject to temporary closure.
- t) It was advised that Council taxbase data provided by District Councils would have figures confirmed in March. Mr Collins elaborated that KCC's forecasts for these figures relied on well- established estimations by the Finance department. Further information could be provided outside of Committee. Mr Collins also explained that progress against the financial plans were monitored through the quarterly reports, which provided early indicators of whether the Council was on target.
- u) Mr Shipton highlighted that the 2026-29 plans had been prepared on the basis that the Council would continue in its current form, as no firm decisions on Local Government Reorganisation (LGR) had been made. Mr Shipton advised that no specific reserve had been set aside at this stage, as implementation costs would depend on the model that was chosen, each with different payback periods and therefore this would be established once a model was confirmed. Any pre-implementation costs incurred by the Council would have to be funded by borrowing from long-term reserves which would have to be paid back from LGR savings over the payback period. Mr Collins further confirmed that no allowances or reserves had been made in the 2025/26 budget for potential LGR implementation costs.
- v) In response to a query on the £8 million referenced in the budget regarding Oracle cost, Mr Shipton clarified it was only part of the total, funded through capital receipt flexibility in order to avoid drawing from the IT reserve for one year and creating a one- off saving. The overall annual cost of approximately £20-30 million had been largely already covered by the existing IT reserve.

- w) Regarding the use of capital receipts, Mr Collins assured the Committee that plans would be included in next year's budget to replenish relevant reserves and that ongoing property disposals, undertaken in line with Section 123 duties, were continuing to generate capital receipts.
 - x) Simon Jones, Corporate Director for Growth, Environment and Transport, advised that the winter maintenance budget would remain at the current level, with funding incorporated within the wider highways maintenance contract. Any inflationary impacts would be reflected through the updated contract rates already accounted for within the budget. Mr Jones confirmed that wider asset management approach, covering both revenue and capital, could be provided to Members outside of Committee. Mr Shipton added that the papers published showed the planned year-on-year changes in revenue spending, not the full-service budgets, which would be produced as part of the final draft budget.
 - y) A Member referenced the multi- year settlement and asked what level of Government funding would have been required to enable a 0% Council tax increase, as well as breakdowns for the current year and next 2 years. Mr Collins stated the figures were not available but could be provided outside of the meeting.
 - z) A Member raised concerns about the reliance on property disposals to balance the budget, the long-term impact on services, and the number of assets remaining for future sale. In response, Mr Collins reiterated that the Council had a statutory duty under Section 123 of the Local Government Act to dispose of any property no longer required for use, following an assessment by the relevant service and local members. Mr Collins also acknowledged Member's concerns about underfunding in building maintenance leading to increased disposals and an overreliance on capital receipts and assured Members property and maintenance matters were kept under regular review with Infrastructure colleagues.
 - aa) Miss Morton outlined how the Council maintained a strong relationship with healthcare service providers, meeting regularly with the Kent Integrated Care Alliance (KICA), and confirmed that the charging policy remained under consultation, with ongoing engagement and a further meeting scheduled shortly. It was posed that once these negotiations concluded that the results be brought back in time for the final budget or to the Adult Social Care & Public Health Cabinet Committee.
 - bb) Mr Shipton advised that demand and cost pressures had been rising faster than available funding since 2021/22, increasing financial risks. He stated that without sufficient funding to meet statutory duties, these pressures would grow and create increasing challenges.
3. Ben Watts, Deputy Chief Executive, stressed the importance of Members fully understanding the budget- setting process and encouraged Councillors to attend available finance training sessions and make use of Member resources. Mr Watts explained that additional information would be published in the coming weeks and Members were also encouraged to seek support from Democratic Services or Finance where needed.

4. The Chairman proposed the Scrutiny Committee note the administration's draft capital and revenue budget proposals and outlined the Committee's requests for further information on the following: risk and compound risk, the total number of properties available, budgeting for LGR, capital receipts in year, greater clarity on the Oracle programme, Highways Asset Winter Repair Maintenance as part of the entire Highways Asset Maintenance budget and what the Central Government grant would have needed to be to enable a 0% Council Tax increase. This was agreed by the Committee.
5. RESOLVED that the Committee note the administration's draft revenue budget proposals and request further information on the following: risk and compound risk, the total number of properties available, budgeting for LGR, capital receipts in year, greater clarity on the oracle programme, Highways Asset Winter Repair Maintenance as part of the entire Highways Asset Maintenance budget and what the Central Government grant would have needed to be to enable a 0% Council Tax increase.

34. Work Programme
(Item E1)

RESOLVED to note the Work Programme.

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From: Beverley Fordham, Cabinet Member for Education and Skills
 To: Scrutiny Committee, 1 April 2026
 Subject: What would a Sustainable SEND System Cost?
 Classification: Unrestricted

Summary: This report discusses the concept of a sustainable SEND system, the recently published white paper and SEND consultation and outlines some of the work being undertaken in the Kent education sector to build capacity and sustainability.

Recommendation(s):

The committee is asked to note the report.

1. Introduction, context and high-level financial update

1.1 The SEND system was reformed following the implementation of the Children and Families 2014 Act, supported by the Code of Practice and a range of other policy and statutory guidance. There is a broad continuum of views about the best way to implement this legislation and so the question of what would a sustainable SEND system cost is in many ways dependent on the approach to managing the system and the agreed level of financial investment. Financial sustainability is one of the drivers for the government's intended reforms of the SEND system as outlined in the recent white paper Every Child Achieving and Thriving and the SEND consultation so it is timely to consider this issue to help shape the future system.

1.2 The current funding for SEND comes through a variety of routes

Mainstream School Funding (Department of Education)

- The primary and secondary schools are expected to pay for and support children with SEND from their core school budget – the Code of Practice includes a 'mainstream school presumption' which means the expectation is mainstream schools should be educating children and young people with a range of special needs in their day to day practice and this position is supported through a range of other documentation including the Standards for the Teaching Profession (teachers are expected to 'adapt teaching to meet the needs of all pupils including those with special educational needs, high ability, English as an additional language or disabilities...').
- The core school budget is also intended to fund early support for SEN in mainstream (also known as Element 2 or Notional SEN budget) – primary & secondary schools are expected to fund from their school budget at least the first £6,000 of additional costs for children and young people that are identified as requiring a higher level of support (this could include small group or individual help, or special equipment) . This funding may be linked to the child having an Education, Health and Care Plan.
- Where costs exceed £6,000, the schools can seek further funding from the Local Authority (known as Element 3 funding) – this is intended for children with complex, long term needs that cannot be met by the school's existing budget. In other parts of the Country, this is typically allocated through an EHCP and a banding system which

is currently being reviewed in Kent. This source of funding is fully paid from the High Needs Funding Block (see below).

- Primary & Secondary Schools will also receive extra grants, such as pupil premium, to support both individual and groups of children, this will include children with SEN.

1.3 Local Authority Contribution (Council Tax)

The Council is responsible for the costs of staffing all aspects of the statutory processes (SEND workforce and Educational Psychologists) as well as Home to School transport from the Council's General Fund.

1.4 Dedicated Schools Grant (DSG, from the Department of Education)

The Council receives the DSG annually, which funds a range of school & early years services, including the High Needs Funding Block (HNFB). The HNFB is ring fenced for direct SEND related use. The HNFB is used to pay for all special school and alternative provision placements, additional funding for mainstream schools (see above), Post 16 settings & early years, along with some central LA SEN functions for education providers. LAs also have the option of transferring some of the mainstream school budget to "top up" the HNFB. Kent has agreed an annual top slice with the support from schools, School Funding Forum and the Secretary of State. This funding is used to enhance the County's SEN support offer in mainstream schools. The LA also use some of the Early Years Block (another part of the DSG) to fund SEN services specifically for children supported by early years providers.

1.5 In 2025-26, the combination of the mainstream's notional SEN budget, the HNFB and the contribution from KCC totalled circa £720m, excluding funding by health. This includes an in-year overspend of £70m on the HNFB. The Kent SEND system has been spending more than the total grant received since 2018. Annual overspends since 2018 have resulted in Kent having a total SEN accumulated debt (excluding any additional DfE and LA contributions) of approximately £296.5m by March 2026.

1.6 This only relates to KCC spend – the Integrated Care Board budget and spending through other parts of the health system is not included in these sums, it is in addition.

1.7 Local Authorities have a statutory duty to set a balanced budget and the government has assisted councils, such as KCC, who have incurred overspends on their HNB to apply a 'statutory override' which means the accumulated SEND related overspend has not been included in council budgets (although it is included in the Council's overall cashflow), but this facility is expected to come to an end in April 2028. KCC was informed about national changes to the approach to SEND deficits on 9th February 2026 when the government announced a new High Needs Stability grant which will make a financial contribution of 90% of eligible Dedicated Schools Grant (DSG) deficits up to the end of 2025-26 as a first phase of funding reforms. LAs are expected to plan to meet the cost of the residual deficit (equivalent to the remaining 10%) from their own reserves by 2028-29, including setting aside appropriate reserves in the next 2 years. The future SEN funding reforms, including the High Needs Stability grant, will be replacing the Safety Valve programme, the previous Department of Education programme to support local authorities with the largest overspends to provide additional funding and achieve future financial sustainability, of which Kent had been a part since 2023.

1.8 Whilst the use of the High Needs Stability Grant is a very welcome development, it's release to the LA is dependent on the production of an SEN reform plan which will be assessed by the DfE, in addition, future funding arrangements for 2026-27 onwards have not been confirmed. This reinforces the need for proper consideration of national context when discussing what a sustainable system might look like.

- 1.9 In Kent, if the current SEND decision-making trajectory does not change significantly, the annual overspend will continue and could increase to around £110m in 2026-27, and then £126m in 2027-28. This position has been exacerbated by the Government freezing High Needs Funding allocations at 2025-26 levels.
- 1.10 The annual overspend is well documented and is reported within the Cabinet Finance Monitoring Report ([section 1h](#)). National Benchmarking data continues to show Kent as an outlier in terms of a higher proportion of children in both special and independent schools compared to other Councils, and a smaller proportion of children with SEND in mainstream schools. In addition, the overspend results from a combination of continual higher demand for additional SEN support and higher cost per child from continual demand for more specialist provision. Higher placements costs, driven by inflation and greater demand by schools for additional funding, along with delays in DfE lead special school builds and larger numbers of other local authorities now refusing to fund the cost of their looked after children (where they had done so in the past), are all contributing to higher spend.
- 1.11 Kent is not unique, across the country and LAs are under huge pressures to spend more on SEND than the allocated funding from the Department of Education, with national data (based on March 2025) indicating 123 out of 153 LAs had an accumulated deficits with an indicative total of around £4 billion, and is expected to grow further in 2026. Despite this increase in spending there has been no appreciable improvement in pupil outcomes. Despite this being a critical factor with regard to benefits to pupils and their families as well as an important value for money consideration the public debate has become very focused on the role of the LA, sometimes with limited recognition of the statutory framework that LAs are required to work within. For example, in recent Parliamentary debates KCC has been accused of 'losing its moral compass' and cynically 'gaming the Tribunal system' when in fact KCC officers are discharging statutory SEND duties including meeting the legal requirement that parents/carers are informed of their right to Tribunal if they do not agree with the decisions made. Whilst the Kent SEND system still has improvements to be made, this lamentably low level of public discourse, misinformation and personal attacks on public servants is extremely unhelpful and reinforces an incorrect interpretation that families and public services are in unnecessary conflict with each other.
- 1.12 The role of the Local Authority is to apply the legislation which essentially provides a threshold based decision-making framework for the allocation of resources for children and young people with additional and special needs and disabilities. Some children are born with clear complex needs including for example physical disabilities and it is appropriate that they and their families are supported from birth or early childhood. For the majority of children however, additional needs may emerge as their growth and development does not meet child development expectations when they are within early years settings or in the school system.
- 1.13 There is very little agreement on the application of the current legislation, with a wide continuum of views. At one end of the continuum, there are some who believe there should be no thresholds at all and that a perception of additional need should be enough to access additional resource and/or funding through an Education, Health and Care Plan. To illustrate the implications of taking this approach this report includes some high-level financial modelling of the impact of responding to demand without applying any thresholds or decision-making processes, below. Generally however, the focus of discussion is around a number of critical questions over which there is no agreement including

- what is a reasonable expectation that mainstream education settings should be providing as part of their day-to-day practice
- evidence that such expectations have actually been implemented by the school and whether the child is making progress with such interventions
- what is the evidence of a child needing different or more support in a mainstream setting
- when and how the decision is made that the child should be in specialist provision or other alternative education provision
- which children should be attending the most expensive specialist provision.

1.14 To conclude this section, there is little agreement about how the current statutory expectations related to mainstream schools should be applied or how the LA applies the legislation in relation to SEND across the system. In addition, there is another important question about whether or not there should be a funding ceiling or should the budget SEND be entirely needs driven. In view of this lack of agreement, it is difficult to answer the question, what would a sustainable funding system cost because essentially it depends on the view of the person asking the question.

1.15 Following the 2022 inspection, KCC has focused on improving the quality of decision making and making use of expertise in the sector, as well as being increasingly open and transparent and working towards meeting the statutory duty to deliver services within budget. Whilst the SEND transformation in Kent has met the DfE Safety Valve requirements as evidenced by the release of funds following the submission of regular reports, the last feedback letter of 30th January 2026 made it clear that going forward the DfE will be taking a more rigorous approach to financial sustainability

“ Kent has made notable progress in implementing Safety Valve workstreams and promoting inclusion through the Communities of Schools model. However, the scale of the financial challenge remains significant, with forecasts showing a substantial and growing deficit. It is critical that the authority accelerates cost-containment measures rigorously prioritises projects that deliver the greatest impact.

“ Continued focus on partnership working and readiness for SEND reforms is essential but this must be matched by decisive action to address financial sustainability. Without stronger intervention and tighter controls, the current trajectory risks undermining both the Safety Valve agreement and the wider reform agenda.”

1.15 There was a similar message in the DfE’s evidence to the School Teachers Review Body which annually recommends salary levels -

“ The department expects that most schools will need to implement plans to realise and sustain better value from existing spend in addition to the funding being provided through the Core Schools’ Budget to deliver the pay awards. As it is the collective responsibility of government and the entire school system to secure the best value for money, the department is urging every school, trust and local authority – underpinned by departmental support to tackle the systemic issues that drive costs and prevent schools getting the best value for money – to take proactive steps now to identify and implement opportunities that maximise value form the school budget, ensuring we make best use of every pound to the benefit of children.”

1.16 The government is seeking to address concerns about the functioning and quality of the SEND system as well as financial sustainability through a reform programme as expressed in a new White Paper and SEND consultation. Appendix A outlines high level

announcements about what seems to be additional funding, though this is difficult to judge currently as there is no detail available.

1.17 This report provides an overview of the government’s intentions with reference to the Kent landscape.

1.18 In view of this context, this report will assume agreement that we need to deliver within budget so the answer to the question: what does a sustainable SEND system cost? the response will be - whatever the budget that is set nationally by the government plus a reasonable and proportionate contribution from the council’s own budget for the SEND workforce and associated transport. It assumes the Council does not want to contribute further ongoing funding from its own funds over and above what is it statutorily responsible for. This means acknowledging the distinction between making “cuts” and ceasing the practice of spending beyond available resources. The Council is currently reviewing its plans and associated costs in light of the recently announced national SEN reforms.

1.19 Therefore the remainder of this paper is focused on explaining how key aspects of the KCC SEND system currently works as well as a brief overview of the contents of the White Paper and SEND and KCC’s readiness to implement key aspects of the new policy, in lieu of the Kent wide SEN reform plan, for the next 3 years, being developed with partners, costed, and agreed by the Department of Education.

2 SEND-related decision-making in KCC

This section sets out how the SEN related decision making system works in Kent from the initial assessment of a request for an EHCP, whether an EHCP should be issued and, the how the mediation and tribunals system work. Along with our current placement pattern for children with an EHCP and the financial impact of changing our decision-making to meet all requests.

2.1 Application of the current statutory framework for an Education Health and Care Plan
The Local Offer sets out how to request an Assessment for an Education, Health and Care Plan and the request can be made by the parent, the young person (16–25), or a person acting on behalf of a school/college. LAs can also act on their own initiative when a child/YP is brought to their attention. The legal test to secure an assessment is whether the child/YP has or may have SEN and it may be necessary for special educational provision to be made via an EHC plan. (Children and Families Act 2014, s.36(8)). Within the first 6 weeks the LA will check to see if the child/young person meets the criteria for assessment. During this consideration period, the LA will consult the parent/YP, and notify relevant education, health and social care counterparts that a request is being considered. The LA will also ask for a form to be completed with parental views about your child's needs, including what is working and what isn't as well as hopes and aspirations.

2.2 Following consideration the LA will make a decision whether to proceed to a needs assessment. If the LA refuses to assess, it must inform the parent/YP of the right to mediation and to appeal to the First-tier Tribunal (SEND). The LA signposts parents to IASK, the Independent Advisory Service for Kent that will provide independent advice.

2.3 Percentage of Decisions to Assess

Feb 25	Mar 25	Apr 25	May 25	Jun 25	Jul 25	Aug 25	Sept 25	Oct 25	Nov 25	Dec 25	Jan 26	Feb 26
43.3	46.4	53.6	52.7	51.2	50	47.2	51.5	40.5	43.2	53.9	51.2	55.4
%	%	%	%	%	%	%	%	%	%	%	%	%

2.4 When the decision has been made to assess the LA seeks advice and information covering needs, provision required, and outcomes from at least the following (SEND Regs 2014, reg.6): Parent/Young Person, Education, Medical/health professional; Educational psychology; Social care; any other person the LA thinks appropriate; any person the parent/YP reasonably requests (e.g., SALT, OT, CAMHS).

2.5 By the end of Week 16 (counted from the original request date), the LA must decide whether it is necessary to issue an EHC plan and notify the parent/YP of that decision. If the decision is made to issue a plan, the LA proceeds to draft the plan and issues a draft to the parent/YP, allowing 15 days for representations and for the parent/YP to request a school/college. The entire cycle from request to final plan should be completed within 20 weeks, however there can be exceptions to this, usually in more complex circumstances.

2.6 Percentage of Decisions to Issue

Feb 25	Ma 25	Apr 25	Ma 25	Jun 25	Jul 25	Au 25	Se 25	Oct 25	No 25	De 25	Jan 26	Fe 26
72.	85.	80.	83.	79.	84 %	79.	77.	76.	74.	76.	77.	81.
												%

2.7 If the decision is made that the issuance of an EHC plan is not necessary, parents are informed of this decision and also informed that the school can contact an SEN Inclusion Advisor to arrange an SEN Support Planning meeting. Parents are also signposted to the Local Offer and IASK. Support can also be provided from the Kent Resilience Hub.

2.8 Refusal to provide an EHCP or to agree to place a child in a specialist provision is not analogous with stating that the child has no need. As it is highly unlikely that any application would be made in the absence of clear need, this creates an unavoidable scenario of disappointment and frustration in the event that official assessments identify that additional stages of support are not appropriate. Councils have a legal duty to advise parents at any stage of the assessment or annual review processes that if they are unhappy with decisions that have been made, they can initially be reconsidered through mediation, or where necessary, through Tribunal. This means that through the lifetime of assessment and annual reviews, there are potentially hundreds of opportunities for appeal against council decisions. There is also no limit on the number of appeals that can be lodged for a single pupil. Sole focus on the volume of appeals is therefore an inaccurate way of assessing a council’s delivery of this statutory function.

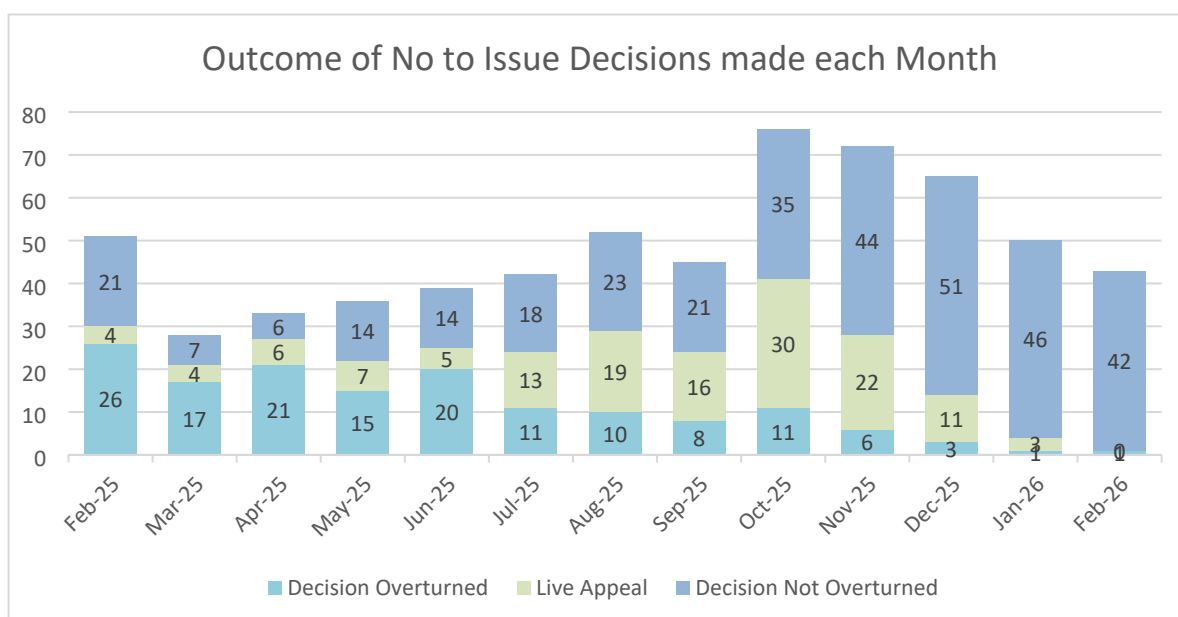
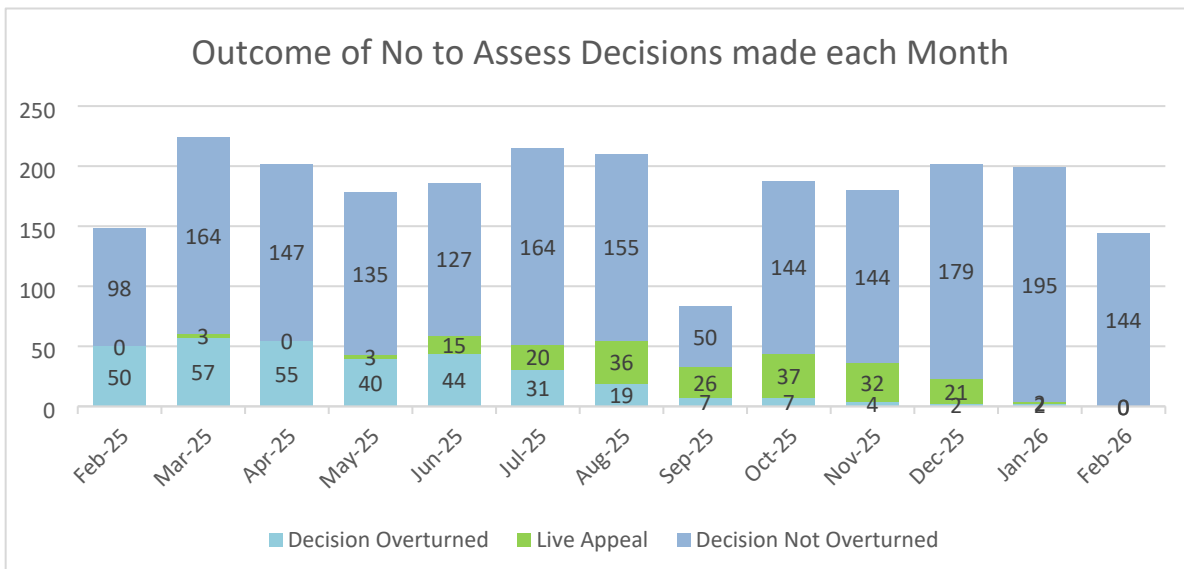
2.9 Percentage of plans completed within 20 weeks

***Above national average completion rate**

Feb 25	Mar 25	Apr 25	May 25	Jun 25	Jul 25	Aug 25	Sept 25	Oct 25	Nov 25	Dec 25	Jan 26	Feb 26
89.9 %	81.7 %	85.3 %	60.2 %	53.9 %	51.9 %	41.5 %	44.3 %	50.6 %	49.0 %	33.3 %	31.6 %	77.8 %

2.10 KCC currently has a rolling average of 58% completion of EHCPs within the 20 week period, however this includes a lower than average completion rate over four months which was a consequence of specialist staff capacity. This has been addressed and we are expecting completion rates to continue at the February level going forward. By the end of February, there were 15 cases which were over 20 weeks, of 117 plans completed.

- 2.11 A key question is what confidence can there be in the decision-making process? A complete review and refresh to ensure consistency was undertaken in late 2023/early 2024. The new process was then observed and assessed through an external peer review and input from Inclusion Champions (KCC's team of serving education leaders who also undertake consultancy work for the LA to support improvements in SEND) to strengthen further. KCC SEND has a Quality Assurance team which regularly undertakes audits on the SEND system and EHCPs, the findings of which feed into multi agency audits (which include parents). Alongside this senior leaders undertake regular dip sampling. Findings from audits, complaints, the Local Government and Social Care Ombudsman cases and from senior leaders dip sampling are used to shape staff training and a Top Tips document which is issued weekly.
- 2.12 There is also a rigorous Quality Assurance process in place assessing the quality of EHCPs which includes DfE regularly considering a sample of plans and feedback through all the QA routes is routinely very positive.
- 2.13 There is a right to appeal at each stage and the table below shows the outcome where the decision to assess has been no. Where the decision is over-turned, it does not mean the original decision was wrong – it is often a consequence of further information being provided. The Tribunal system is also not currently required to consider the same information as Councils and can and does make a decision with the sole focus being on the individual about whom the appeal has been made with no consideration of wider implications. For example, where a school has submitted evidence that another child plus their equipment in an already over-crowded classroom would create a health and safety risk in the event of a fire, this evidence has been disregarded by the Tribunal in its decision. When KCC provides evidence that a child's needs could be met in an state funded and lower cost special school, with the same specialism as the independent school parents want, in the majority of cases the Tribunal will find in favour of the parent.
- 2.14 The SEN Reforms include proposals that Tribunal decisions will have to consider the resources available to Councils and their current financial circumstances before deciding on the individual offer for each child. This requirement is inherent in any internal Council decision as we must ensure both value for money and that one child does not benefit to the detriment of another. There are no similar requirements on current Tribunal decisions, and it is of interest that based on all new placements in 2024-25, 29% of placements in the independent sector are the outcome of Tribunal decisions.
- 2.15 The number of appeals is much lower for the most recent months as they are still in the process of being submitted within timescale of four months. The second table shows the outcome when the Request to assess has been agreed, then a decision is made not to Issue an EHCP.



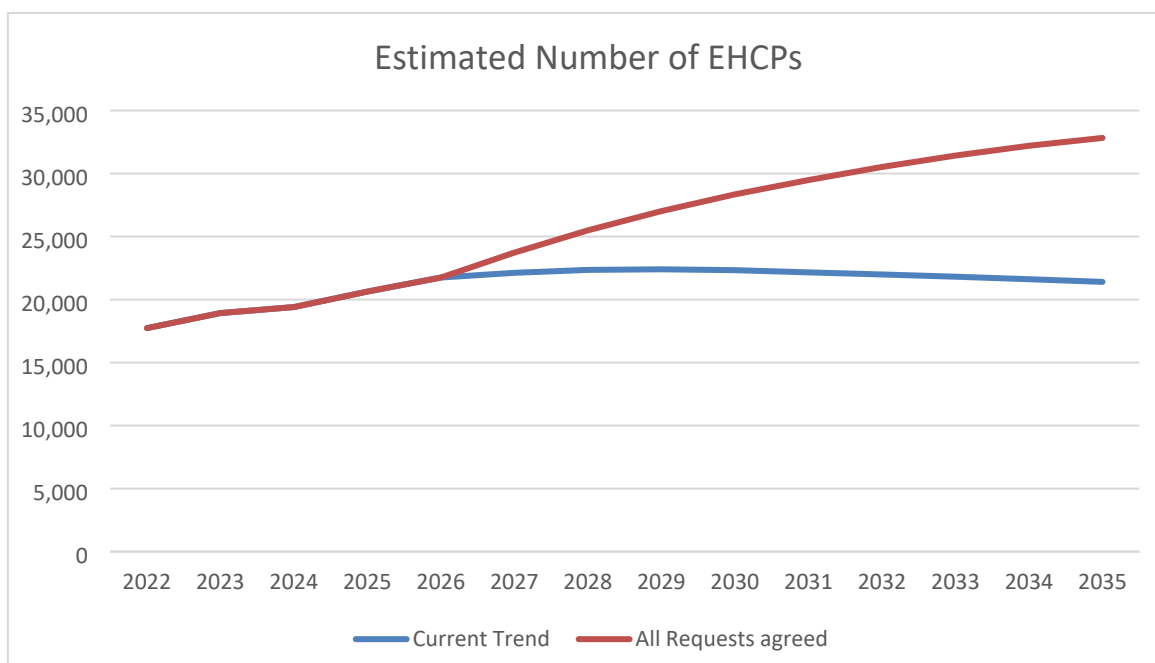
2.16 The report discussing why Kent may be an outlier in regards to SEN, which was considered during Scrutiny Committee 22 January 2026 ([Scrutiny Report Final - January 2026.pdf](#)), examines how Kent’s decision making has deviated considerably from the South East and national trends in recent years, with higher levels of agreement for EHCPs and specialist placements. This paper provides useful additional context which informs Kent’s current levels of demand and should be considered alongside this report, rather than replicating similar points here.

2.17 Identifying appropriate school places for pupils

The Code of Practice includes a mainstream school presumption. Over time special schools have become more popular and as well as Kent being an outlier in the proportion of children and young people with an EHCP, we are also an outlier in the proportion attending special schools, both state funded and independent. Whilst there is a stronger preference amongst a cohort of parents for a special school place, this does not necessarily result in better outcomes for pupils. Ofsted recently published a report presenting findings from an analysis of GCSE outcomes for pupils with Education, Health and Care Plans (EHCPs), comparing those educated in mainstream schools with those in special schools (so comparative pupils) over thirteen academic years from 2011/12 through 2023/24, using data from the National Pupil Database.

2.18 After controlling for prior attainment, type of special educational need, and demographic characteristics, pupils with EHCPs in mainstream schools achieve on average 0.56 grades higher across their combined English and Maths GCSEs than comparable pupils in special schools. This comparison is based on the 94,927 pupils with EHCPs who took GCSEs between 2011/12 and 2023/24 — representing approximately 22% of all pupils with EHCPs. This is caveated that the report identifies an association, not a causal effect, however given the cost differential between the two types of school, this needs further analysis. These themes are identified in the current School’s White Paper and SEND Reforms consultation and so will likely benefit from ongoing national debate and analysis. The full report can be seen here [GCSE outcomes for pupils with EHCPs: mainstream versus special school settings](#)

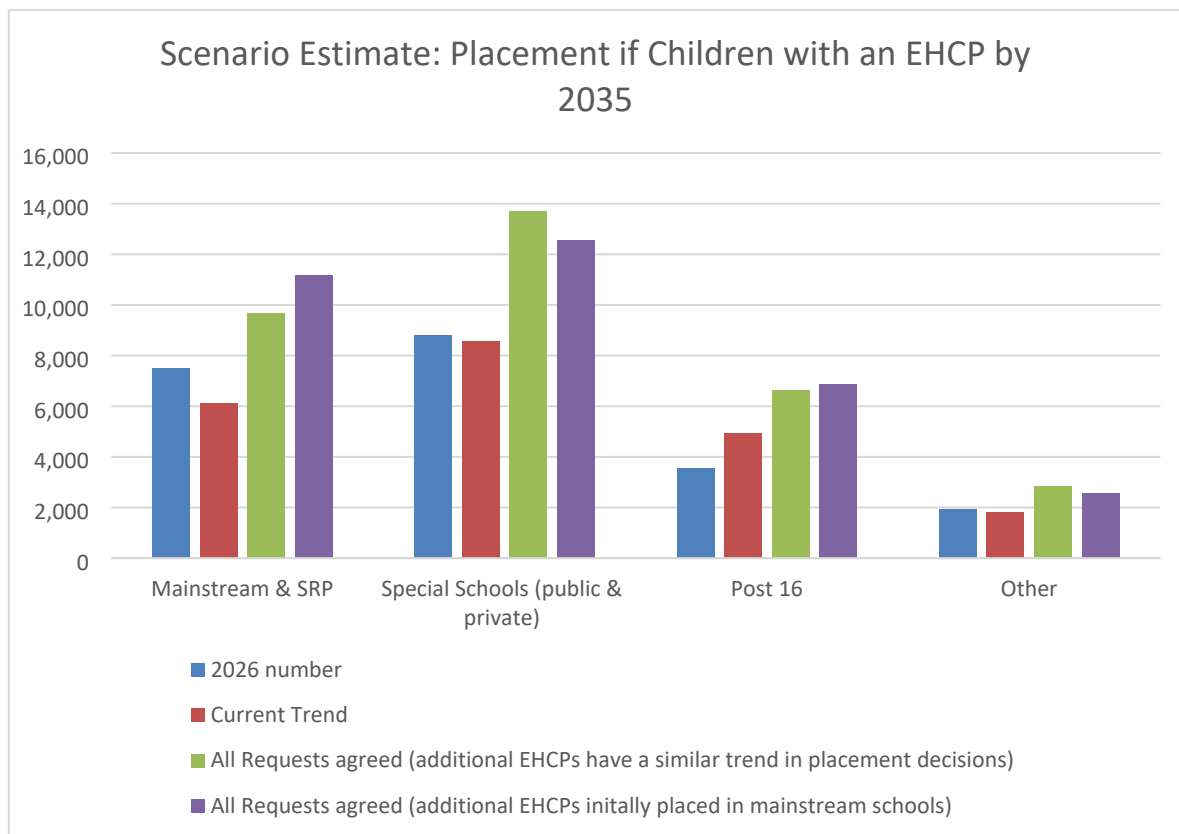
2.19 Clarifying the impact of not applying thresholds In addition to meeting it’s broader duties, application of the statutory framework through decision making processes is critical to the financial position of KCC. Below, we have modelled two different scenarios to estimate demand for SEN services currently funded by the High Needs Block to demonstrate both the demand and the possible cost of delivering a SEN service in response to all requests, which in turn would need to be fully funded by Government in order to be financially sustainable. This model assumes all requests for an ECHP would be agreed leading to around 33,000 EHCPs by 2035 as opposed to our current decision-making approach (see above) which would result in around 21,400 over the same period (around the same number as 2026). The 2026-27 staffing budget for the SEN and Educational psychology service is £18 million, this would have to increase by around 50% (£9 million) to manage the full assessment process and maintenance the resulting EHCPs. These forecasts include the impact of population changes and assume request rates remain steady during this period (no assumption has been made in requests increasing further).



2.20 The cost of educating children with EHCPs is funded from school budgets (if placed in a mainstream setting i.e. primary & secondary school, FE college) and the High Needs Block (to fund top up cost in mainstream or special school/other places in both the public & private sector). Further modelling has been undertaken to estimate the education cost of support 33,000 EHCPs, based on whether all additional EHCPs are placed in mainstream settings or if they are placed in similar proportions to the current trends of placements for new EHCPs. Children are then aged through each year, with any subsequent placement

changes based on current trends (an adjustment has also been made to reflect parental preference at year 6 to 7 phase transfer). The reality is if all requests for an EHCP were agreed it is likely placement changes are likely to fall between these two extremes.

2.21 The Graph below presents the placement profile by 2035 compared to current trends.



2.22 The forecast change in the distribution of children across education between now (2026) and the 2035 shows the estimated impact of current decision-making (outlined above in sections 2.1-2.15) and changes in population growth over this period. This forecast indicates the current pattern of children in specialist placements would continue, therefore the overspends would continue and would increase further with inflation (unless Government choose to increase funding). Therefore, under current funding arrangements, KCC needs to implement further actions to reduce these ongoing costs, the extent we will be able and expected to do so will be informed by the outcome of SEN reform plan.

2.23 The graph above also indicates that if all requests were agreed by 2035, the Council would need to source around 12,500 to 13,700 special school places. We currently commission 8,800 from state-funded special schools (6,700) and independent schools (2,100). These are our highest cost education placements. and would cost an additional £150m to £275m a year depending on the extent to which places would have to be sourced in the independent sector rather than state-funded special schools. Additional state-funded special school places would also come at a capital cost, whilst the Council has been successful in securing Government funding for three new special schools/alternative provision, this only equates to 450 places, and whilst there are plans for further expansions (294 places), this is the context our current special schools are at or over capacity. A new average-sized special school costs in the region of at least £25-30m. If we changed our current decision-making to meet the needs of all requests this could take total revenue spending on SEN up to around £1 billion a year in Kent (when school, administration and transport costs are included). In addition, to significant capital

investment (assuming sufficient sites could be sourced).

2.24 The Government have set out their position that continuing to increase specialist provision in the way that is depicted above, is not financially sustainable, or should be necessary, to improve the outcomes for all children, if the wider SEN system can be reformed focused on quality inclusive mainstream education across our early years, schools and post 26 sector as set out in section 3.

3 The School White Paper – Every Child Achieving and Thriving and associated correspondence

3.1 The White Paper together with a SEND consultation were published on 23rd February 2026. Every Child Achieving and Thriving is part of the government's wider Children's Opportunity Mission, that focuses on

- Best Start in Life
- Every Child achieving and thriving
- Skills for opportunity and growth
- Family Security.

3.2 The policy aims to improve outcomes for all children by addressing key issues of attainment, disadvantage, Special Educational Needs and Disability (SEND) and attendance. The White Paper's proposals include

- Halving the disadvantage gap particularly supporting children from low-income backgrounds to achieve higher grades at GCSE
- Increasing school attendance
- Boosting teacher recruitment and retention, particularly incentivising headteachers to work in high-needs areas
- Enhancing the national curriculum
- Providing enrichment entitlement where schools will be required to provide access to civic engagement, arts and culture, nature and outdoor activities, sport and wider life skills.
- Providing enrichment entitlement: A new enrichment entitlement requiring schools to provide access to civic engagement, arts and culture, nature and outdoor activities, sport, and wider life skills.

3.3 With regard specifically to SEND, the reforms are built around five principles:

- 1. Early: support as soon as needs are identified
- 2. Local: learning close to home, alongside peers, rather than travelling long distances
- 3. Fair: settings resourced to meet commonly occurring needs and clear legal rights and national standards to secure support for children who need it
- 4. Effective: evidence-based approaches that work
- 5. Shared: education, health/care and family support working together.

3.4 Early years is a critical time and it is welcome that Best Start in Life is integral to these reforms and officers are currently considering how best to achieve better integration of developments across Children's Services. A key focus is on supporting mainstream early years settings, schools and colleges to be more inclusive through capital investment for adaptation of buildings, training for staff and improved access to specialists such as educational psychologists and therapists (referred to as Experts at Hand in the White Paper and SEND consultation paper).

3.5 Every mainstream setting will be expected to deliver a strong universal offer – high-quality, inclusive teaching for all children which draws from a clear evidence base, with pupils able

to access to three flexible layers of support – Targeted, Targeted Plus and Specialist – on top of the universal offer as and when needed. Alongside this, there is an intention that every secondary school and the same number of primary schools will have an inclusion base to provide targeted interventions. Schools will be expected to work in partnerships or groups and make a contribution to pooled budgets. With regard to special schools and alternative provision, the expectation is they will continue to provide high quality education for children with the most complex needs, while also acting as outreach hubs to support mainstream settings.

3.6 It is intended that all children and young people with SEND will have an Individual Support Plan. Those with complex needs will retain an EHCPs, however this will be associated with support over and above what can routinely be provided by mainstream settings. Currently, the legislation and guidance allows for a great deal of local autonomy and this lack of national consistency will be addressed through new National Inclusion Standards and increased clarity about what good looks like through guidance. Specialist Provision Packages for the cohort of children with an EHCP will be agreed nationally and EHCPs will be digital and standardised. For children and young people with an existing EHCP, transition to the new system will begin from 2030, once the new inclusive mainstream system has been fully built.

3.7 The DfE has declared a welcomed intention to cap independent school costs. Accountability will continue to be through Ofsted (and for Local Areas Care Quality Commission) will inspect all settings on how well they support children with SEND including whether the right support is in place and high expectations are being met.

3.8 KCC and the key SEND reforms
 Though the government at the time of the last inspection in 2022 was developing policy on SEND, given the very poor state of services in KCC the decision was taken to press ahead with changes informed by horizon scanning and taking advice from DfE and NHS England representatives working with KCC. As it has taken four years for draft national policy to be published, and Kent has improved services significantly during this time, pushing ahead was the right decision. There was a risk that the KCC SEND transformation programme could have been out of alignment with national policy, but actually the work that has been done aligns well with the contents of the White Paper, the SEND consultation and other documentation.

3.9 This table includes a summary of KCC work in relation to the key developments

Achieving and Thriving WP and SEND consultation	KCC action
Capital investment to adapt mainstream buildings	Accessibility Strategy 2025 to 2028 School Access Initiative Sensory/environmental audit tool
Strong universal offer of teaching and learning in mainstream settings	A wide range of support which started in 2020 <u>Training</u> <ul style="list-style-type: none"> • Individual Early Years, Primary and Secondary SENCO briefings • Nuture UK accredited training • Inclusive leadership • Autism Education Trust

	<ul style="list-style-type: none"> • PINS (Promoting Inclusion of Neurodiversity in Schools) • This is me • Headteacher Briefings • IThrive • Dingley's Promise (Early years specific) • Portage/SENI (Early Years specific) <p><u>Guidance documents</u></p> <ul style="list-style-type: none"> • A Countywide Approach to Inclusive Education (CATIE) • Special educational needs mainstream core standards • Mainstream Core Standards guide for parents • SEND Reflection Tool - KELSI • The Special Educational Needs and Disabilities Reflection Tool • Kent Continuum of Need and Provision - KELSI and case studies • Kents-approach-to-literacy-development-difficulties-inc.-dyslexia.pdf • What 'good' looks like for SLCN in Kent - KELSI • A variety of documentation on the KELSI website and through the weekly Headteacher briefing <p><u>Specialist staff</u></p> <ul style="list-style-type: none"> • Inclusion Adviser team • Inclusion Champions team • Specialist Teaching and Learning Service • School Improvement Team
National Inclusion Standards	<p>For links to these documents please see above</p> <ul style="list-style-type: none"> • CATIE • Mainstream Core Standards • SEND Continuum of needs and provision
Experts at Hand	<ul style="list-style-type: none"> • Professional Resource Group - KELSI • Inclusion Champions team • Family Hub • Early Help • Health visiting • Designated Social Care Officer
Inclusion bases	<p>Specialist Resource Base programme expansion CYPE Cabinet Committee 18/11/2025 (Public Pack)Agenda Document for Children's, Young People and Education Cabinet Committee, 18/11/2025 10:00</p>
Special schools meeting the needs of children with the most complex needs	<p>Special school review CYPE Cabinet Committee November 2024 (Public Pack)Supplement - Items 6, 10 and 12 Agenda Supplement for Children's, Young People and Education Cabinet Committee, 21/11/2024 14:00</p>
Special schools	<p>Some outreach is already underway. LA officers are working with groups of special schools by type to agree a countywide offer to</p>

providing outreach	contribute to the Professional Resource Group
Schools working in local partnerships	Communities of schools - KELSI
Funding arrangements and Pooled school budgets	Communities of Schools Financial Information - KELSI Proposed development of revised funding model for mainstream and special schools using standard descriptors to confirm funding arrangements.
Capping costs of independent schools	Improvements to commissioning of independent special schools Commissioning and Procurement of a new framework contract for Independent and Non-Maintained Special Schools

4. Work being undertaken to improve SEND system quality and financial sustainability in Kent

4.1 The White Paper and SEND consultation reflects a shift away from a system that maintains almost a total focus on individual children, to a strengthened consideration of context, particularly the educational institution which the child or young person attends. The ambition in the White Paper and SEND consultation is to develop inclusion capacity in the mainstream sector. This reflects the approach that has been taken by KCC to improve system quality, educational experience and financial sustainability, alongside improvements to statutory process. KCC has had a long -term focus on developing organisational (school/setting) capacity particularly in the mainstream sector. In January's Scrutiny Committee Report ([Scrutiny Report Final - January 2026.pdf](#)), there was a detailed description of the system-wide work on developing capacity on neurodiversity in schools. This section provides an overview of work on SEND inclusion plus three specific areas where the capacity-building approach has been taken – Early Years, Speech and Language Therapy and Communities of Schools.

4.2 The Countywide Approach to Inclusive Education underpins the work in mainstream settings to develop their practice, together with the Mainstream Core Standards. Following extensive engagement and co-construction with the Kent education sector, a final version was published in 2022 and this will be reviewed in 2028. Whilst the CATIE pre-dates the White Paper by four years, the approach is completely in line with the government's aspirations to develop more SEND inclusive practice in mainstream schools. The CATIE has four priorities, again reflected in the White Paper-

- Develop a school led system
- Access to additional support and intervention
- A holistic approach to wider services
- A focus on transitions.

4.3 Countywide phase specific (Early years, Primary and Secondary) forums for Special Educational Needs Coordinators (SENCO) were established in 2022. These provide opportunities to share good practice, receive updates from a range of practitioners and for SENCOs to share their concerns and training needs. There is on-going evaluation to monitor changes and trends across the two phases, materials can be seen here [Countywide SENCO forums year 2025/2026 - KELSI](#)

4.4 In the absence of any national guidance, KCC commissioned Dr Alison Edkins, Director of SEND for the Valley Invicta Trust and member of the Inclusion Champion team to develop a SEND Continuum of Need and Provision. This guidance, which was developed, 'By schools, for Schools' between 2023 – 2025 is currently still in draft form so that it could be amended when government policy was published and has put KCC and Kent schools that have been following the guidance in an excellent position to progress with the national reforms as supporting training (again developed by Kent education leaders) is now being rolled out. Wider services are now starting to use the guidance to evaluate and further develop their offer to schools. and further training has been developed by school leaders to support other leaders in how to develop their offer. The document and supporting case studies drawn from Kent schools can be seen here [Kent Continuum of Need and Provision - KELS](#)

4.5 **Early Years reform** : Following a period of review and consultation, a revised model of support for early years settings in Kent was fully implemented in September 2025. This focuses on embedding inclusive practice across early years settings, earlier intervention due to streamlined processes and referral pathways and increasing the capacity of the workforce to engaging directly with children and settings by reducing bureaucracy.

4.6 The model implemented changes to the previous way that support was provided, including:

- Universal support moving to a link practitioner model rather than a self-referral process. As a result, every group setting and childminder in the county has access to support from a designated universal practitioner.
- Implementing support at a targeted level of intervention, where previously there was no targeted support.
- Implementing a model of specialist support that is based on an outreach model.

4.7 Between September and December 2025, 368 out of 728 (51%) group settings in Kent received a face to face visit from their Early Years Quality Advisor (universal support) and 511 (71%) a virtual visit. Support based on the needs of child is allocated to settings through a Professional Resources Group. The focus is on enabling settings and childminders to develop the skills and confidence to support vulnerable children, especially those with SEND, in their mainstream setting. This is done through a coaching and modelling approach.

4.8 As of term 3 2025-2026 academic year, a total of 351 requests for support have been made to PRG from group settings. Of these, 47 requests were for cohorts of children and 304 requests for support for individual children, resulting in a total of 495 children being referred to the PRG. 73.7% children referred are in -1 year group, and 79.4% have communication and interaction as their identified need type. Of these, 54.6% children are offered support via SIPS workers at a targeted level of support and 38.5% specialist support via the Early Years Outreach Intervention Service.

4.9 A post intervention questionnaire has been developed to understand the impact of support provided and inform a continuous improvement cycle. Between Term 1 and 3, 184 responses have been received with:

- 86% respondents agreed that they feel supported in applying the guidance and strategies demonstrated;
- 89% agreed that they feel confident in applying the guidance and strategies demonstrated;
- 86% were satisfied that support was accessed in a timely manner;
- 85% agreed that the support provided them with additional skills and knowledge to support the child or children;

- 83% agreed that the support received has increased their confidence to support the children or children;
- 74% ranked the support received as very effective;
- 25% rated progress made as 'very good' and 36% rating progress as 'good';
- 43% agreed that some of the progress made was a result of the intervention, 39% that most of the progress made was a result of the intervention and 7% that all of the progress made was a result of the intervention.

4.10 Qualitative feedback has been positive in relation to the revised model and the support being provided. There remain areas for improvement and concerns from settings about how interventions and new strategies can be implemented when child to adult ratios in the setting are high and how support can be accessed to enable EHCP and funding applications.

4.11 Another key strand of the review was to implement a coordinated, free at the point of access training offer for settings. Consequently a core and enhanced training offer has been identified and is accessible via KELSI. This offer aims to ensure that settings are able to access quality, affordable and accessible training programmes relevant to supporting children with SEND.

4.12 The Balanced System® for Speech, Language and Communication Needs (SLCN) In 2022 Speech and Language Therapy (SaLT) waiting lists for assessment and interventions were very long, up to 2 and half years, and a lack of support for children and families while waiting. Practitioners had large caseloads, with children remaining on caseloads for many years.

4.13 SaLT services were delivered by three different providers who all worked separately and differently. This resulted in inequitable access across Kent – in some areas children had to meet specific service criteria or have an EHCP to receive intervention from the SaLT Service. The service providers and commissioners recognised the need to work differently and committed to implement the Balanced System® which is a framework for delivery based on core delivery principles of

- Easy access
- Developing targeted offer and
- Place-based service delivery (so families do not have to travel to appointments).

The model develops capacity through SaLTs providing training, guidance and support of the workforce and parents/carers, building a stronger universal and targeted offer which is accredited with the SaLT direct delivery being more focused on specialist provision. Following a pilot with 21 schools in Kent the approach has been rolled out across Kent. Since launching in 2022, 31 Kent schools and early years settings have been accredited and a further 29 are working towards accreditation, including 11 schools who started in September 2025 as part of Kent's PINS project. A Celebration Event last summer highlighted the impact of accredited schools and settings and enabled us to map and share strong SLCN practice. This information is now available to all schools though What good looks like for SLCN in Kent, along with a support pack to help them strengthen provision for minimally speaking pupils which can be seen here [What 'good' looks like for SLCN in Kent - KELSI](#)

4.14 Work has been undertaken to align commissioning of SaLT services. The new NHS Community Services contract and KCC contract for speech and language therapy are both using a Balanced System service specification. Kent Community Health Foundation Trust (KCHFT) was awarded both contracts and began delivery late in 2025. This has involved TUPE of staff from East Kent Hospital ~~University~~ Foundation Trust (EKHUFT) to KCHFT,

a significant undertaking, but in the medium to longer term there is confidence this will lead to improved equity of service. For time being, Medway Community Health Care (MCH) continue to deliver services in Swale under KCHFT as lead provider. The inequity due to a difference in providers is being addressed.

4.15 Whole system agreed approaches are vital in supporting this type of transformation and strong collaborations including education providers (schools, settings, and council-run services), Family Hubs and Health Visiting have taken an agreed approach. Specific SLCN partnership groups have been established for both Early Years and School Aged children bringing professionals together from across the system to review and develop the offer for Speech, Language and Communication Needs (SLCN).

4.16 There has been system-wide investment in improving parental engagement and co-production. For example, the SLCN Parent Engagement group has enabled families to shape the offer in Kent, including provision of support for pupils who do not attend school. Where specialist support is needed, children and families with the professional co-create meaningful functional goals to enable measurement of progress.

4.17 Previously there were long waiting lists for support and so improving access to SaLT support was vital. There has been a focus on increasing access through a variety of routes through the roll out of the Balanced System-

- Higher levels of competence and confidence in the wider workforce means that there is better access to the right support for SLCN – for example Health Visitors and Early Years Practitioners access core online interactive training ‘The Prime Importance of Communication & Language’ – (following training, 93% of practitioners reported they were confident or very confident to support children’s communication). There is bespoke support for school staff for example through Coaching Cycles for specific interventions and approaches
- Early identification of needs improved through Early Language Identification Measure (ELIM) screening delivered by Health Visiting service and priority access
- Partnership working established with Family Hubs – including through development and delivery of Talking Walk-ins (Talking Walk-in Service | Kent Community Health NHS Foundation Trust) and targeted interventions (The Communication Tree and Little Talkers). A SLCN volunteer role has been developed to support within these sessions
- By being ‘place based’, we have built stronger relationships with nurseries and schools, including those who were historically hard to engage. Our offer is more consistent, fair and needs-led
- Influence reaching further into other services such as occupational therapy and physiotherapy who are keen to adopt the Balanced System® principles after witnessing the outcomes for CYP. Integrated therapy teams are more knowledgeable about where and how to access support for children and young people with SLCN. Within education, KCC have adopted link practitioner model for other support services.

4.18 The impact measures include –

- As of 1st February 2026, 44 children had been waiting longer than 12 weeks for initial contact with the SaLT service compared with 407 in May 2023 (NB. This excludes 87 children in Swale who have not yet launched these service changes)
- As of December 2025, 68% of schools had met with a link therapist and had a development plan in place
- The number of children on specialist caseloads has more than halved (5161 in May 2023 vs 2377 in January 2026 excluding Swale), reflecting a shift towards more focused, time-limited intervention. Children now receive active support when needed, and are not held on caseloads indefinitely thanks to a stronger universal and targeted

offer.

4.19 Work continues through

- Developing an equitable offer: Building on the improvements that have already been made countywide to provide an equitable service, the key next step is transformation of the SaLT service within the part of Swale covered by MCH including an offer of pre-school drop ins ('Talking Walk-ins') and link therapists for every school in this remaining patch of Kent
- Strengthen the universal offer including public campaigns to support parents in their role as primary communication partners and promoting oracy education in schools
- Building on previous parent engagement work to look at how the voices of children and families shape service delivery – with support from a Canterbury Christchurch University researcher
- Improvements to the offer of support for children and young people with SLCN (or possible SLCN) who do not attend school (for reasons such as electively home educated or awaiting an educational placement). This is being taken forward by a cross-service working group
- Working within new Professional Resource Groups for both early years and schools to develop more joined up and effective support for early years settings and schools. Ongoing development of link therapist support to every school with SaLT service mobilising workforce capacity to ensure more school-based working
- Work to develop strong quality assurance processes for key SLCN Provisions in Kent, to ensure quality is maintained or improved, with fidelity to the Balanced System® framework and principles
- Health Visiting service to launch ELIM in Ashford in April 2026 (last district to roll out, delay due to staffing/recruitment challenges).

4.20 **The Communities of Schools** refers to 53 geographic-based groups of schools, co-terminus with Primary Care Networks, that all mainstream schools in Kent are members of. Grouping schools in this way enables them to work in collaboration to share good practice and resources (for example sensory rooms or specialist staff) as well as to access specialist staff including health services easily through the supporting Professional Resource Groups. The principles of the Communities of Schools were agreed by schools in April 2023 and the focus is on supporting schools to meet needs locally, prioritising greatest need and not individual schools and ensuring equitable access to support. Each community has an independent Chair and a Community SEND budget. Consistency is addressed through five Community Chairs meetings annually and through Countywide Fora.

4.21 This organisational change is expected to enhance educational outcomes for pupils, particularly those with additional and special needs and deliver better value for money. The system went 'live' in September 2025 after three years of preparation, engagement and consultation. A moderation exercise took place in December 2025 to explore how schools are using the system and this intelligence is being used to refine and develop the model further.

4.22 The feedback highlighted where improvements need to be made to the operating guidance and communication channels which are being reviewed by the Communities steering group and changes and improvements disseminated through the Community Chairs meetings as well as the Countywide Fora.

4.23 The White Paper makes reference to all schools being expected to engage in local infrastructures to share good practice and develop strategy to meet local needs, as well as pooling some elements of budget, so it can be seen that again Kent is already delivering on government policy.

5. Conclusions

- 5.1 With the publication of the white paper and accompanying SEN Reform consultation, the Government is setting out its vision on what a “Sustainable SEN System” looks like, focusing on upfront and future funding to support mainstream schools whilst recognising it will take 10 years to fully secure the wider benefits. In terms of what this will cost? The Government’s view is that this can be achieved by investing over £7 billion nationally in the next 3 years along with a further £3.7 billion capital.
- 5.2 It continues to remain unclear, how much funding Government will make available to cover historic commitments, whilst this national transformation is implemented, leaving a question mark over whether Kent’s current SEN system will be financially sustainable over the next few years and so the SEND deficit will continue to be a significant financial risk to the Council until this is resolved. What is clear is a SEN system with no checks or balances is not sustainable unless the Government is willing to invest significantly more (for KCC this would equate to double our current funding allocation). In the meantime, KCC is a good position to implement the new reforms, much of which will build on the work already underway.

6. Recommendation(s)

Recommendation(s):

The committee is asked to note the contents of the report.

7. Contact Details

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8. Appendices

Appendix A : **Special Education Needs (SEN) Deficit Announcement 09/02/2026**

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Appendix A - Special Education Needs (SEN) Deficit Announcement 09/02/2026

- A new High Needs Stability grant covering 90% of eligible Dedicated Schools Grant (DSG) deficits up to the end of 2025-26 will be provided as a first phase of funding reforms. This grant will be paid in Autumn 2026.
- Funding will be dependent on the LA submitting an agreed local SEN reform plan. The DfE is expecting local area partnerships to develop these plans.
- In calculating the High Needs Stability grant, Safety Valve payments committed/paid up to March 2026 from both from the DfE and Council will be excluded. This means all local authorities will be treated equally and SV authorities (such as Kent) will not be disadvantaged contributions LAs may have already made to the debt.
- Kent's total SEN accumulated debt (excluding DfE and LA contributions) is estimated to be £296.5m as at March 2026.
- The High Needs Stability grant will equate to approximately £267m (before applying any reductions arising from DfE safety valve contributions already received by March 2026). This will leave a residual historic accumulated DSG deficit of around £30m for debts up to March 2026. The exact amount will be dependent on 2025-26 DSG outturn.
- The Government have confirmed the statutory override will end in April 2028 and that LAs will need to plan to be able to meet the cost of the residual deficit from their own reserves in 2028-29 including setting aside appropriate reserves in preceding years.
- KCC funded contributions towards the safety valve were expected to total up to £82m by March 2028, of which £61.1m has been provided from budgets up to March 2026 i.e. already incurred. It is expected the Council will need to fund the residual deficit of around £30m from these £61.1m contributions, leaving a balance of around £31m. It is expected, this balance along with future MTFP provisions should be held in a specific earmarked reserve until the Government have confirmed future SEN funding arrangements up to March 2028. This reserve would be available if there are further local authority contributions required towards the deficit incurred after April 2026.
- There are no further details, on future funding arrangements for 2026-27 and 2027-28, apart from the Government have committed to take "appropriate and proportionate approach, though it will not be unlimited". At this time, 2026-27 high needs funding continues to be frozen at 2025-26 levels with no uplift for demand or inflation. It is suggested further information will be included in the White Paper expected in the coming weeks.
- The Government continues to state that from 2028-29 Central Government will meet future SEND costs and LAs should not have to plan to meet these costs from General Fund. It is unclear on the future role of LAs from this point.

Appendix Proposed government investment in the SEND white paper reforms

Funding stream	Primary funding holder	Secondary/Partner role	Implications for Local Authority SEND teams
Inclusive mainstream funding (£1.6bn)	Mainstream schools and post 16 settings	LA oversight and Inclusion strategy	Requires LA inclusion strategy alignment and monitoring of impact on EHCP demand
Experts at Hand Service (£1.8bn)	Regional/local specialist workforce arrangements	Health partners, LA SEND services	Requires commissioning coordination and integration into the graduated response
LA Transformation Funding (£200m)	LAs	DfE Oversight	Directly supports service design digital reform and workforce transition
Best Start Family Hubs SEND outreach (£200m)	Family Hubs/Early Help partnerships	Health Visitors, early years settings	Requires LA early years SEND integration and prevention strategy
Teacher SEND workforce Workforce investment (£200m)	National programme delivered to schools	LA advisory/inclusion teams	Impacts mainstream readiness: LA must align training with local inclusion standards
Specialist Places Capital (£3.7bn)	Capital programme via LAs and Trusts	Schools MATs	Requires strategic place planning and sufficiency strategy alignment
High Needs Core Funding Uplift (£3.5bn increase in 28-29)	LAs? (DSG High Needs Block?)	Schools and providers	Sustains statutory delivery and transition costs during reform

From: Peter Osborne, Cabinet Member for Highways and Transport
 Simon Jones, Corporate Director Growth, Environment and Transport
 Andrew Loosemore, Interim Director of Highways and Transport

To: Scrutiny Committee – 1 April 2026

Subject: Winter Service – Update Report

Classification: Unrestricted

Electoral Division: All Districts.

Summary: This report updates the committee on the progress of our Winter Service up to the end of January 2026 and looks at pressures experienced during the most recent winter period and lessons learned. It also considers adequacy of resources and capacity. Clarity on the definition and responsibilities around street cleansing and pothole maintenance as well as future planning and long-term resilience.

Recommendation:

The Committee is asked to note the details of this report and actions being taken regarding our ongoing winter service and highway repairs.

1. Introduction

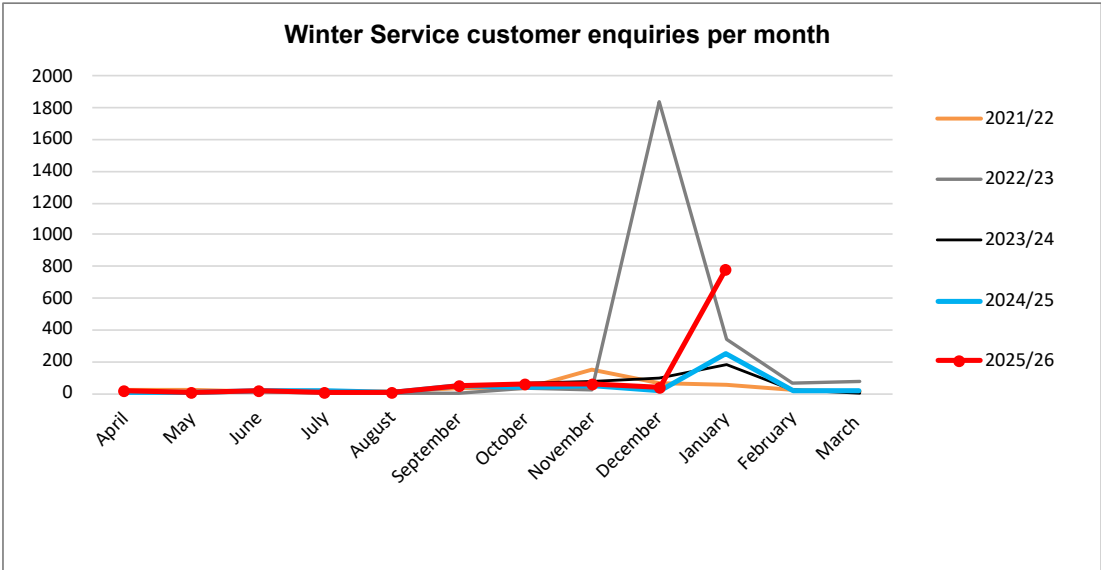
- 1.1 A report detailing the Winter Service Policy was presented to GETCC on 9th September 2025.
- 1.2 The winter service started on the 17th of October 2025 and runs through to 17th April 2026.
- 1.3 This report is an update on our winter service, which covers not only the normal winter hazards, but also the demands on our service for other weather events such as high winds and rain. In addition, it includes pressures experienced during the most recent winter period and lessons learned. Adequacy of resources and capacity. Clarity on the definition and responsibilities around street cleansing and pothole maintenance and future planning and long-term service resilience.
- 1.4 During the period 17th October 2025 to 31st January 2026 we have had five named storm events covering wind and rain with additional enquiries being received across the highways' teams.

2. Background

- 2.1 Kent County Council's winter service starts on Friday 17 October 2025 and runs until Friday 17 April 2026. This means we are closely monitoring weather and road conditions to be ready to deploy our winter service resources at anytime during this period.
- 2.2 **October** was a warmer but wet month, with **Storm Amy** arriving on the 3rd before rain eased in the second week as high pressure moved in with persistent cloud. There was further rain across the rest of the month, particularly after the 22nd, as heavy rain and strong winds were present across the south coast. Temperatures were 0.7°C above average for October and rainfall was barely below average at 99% of the long-term average. This was the 3rd dullest October on record for the UK with only 69% of the average sunshine hours across the month.
- 2.3 **November** started with a warm note with temperatures above average by as much as 7°C across the 4th and 5th of the month. The first two weeks were also wet with bands of rain across the country, with the 14th seeing exceptional heavy rain due to **Storm Claudia**. Temperatures dropped following this but returned toward average at the end of the month, which was mild but still wet. Overall temperatures were 0.7°C above average for November with a much wetter-than-average 131% average rainfall across the UK.
- 2.4 **December** was wet and warm as low pressure brought unsettled conditions across the country. The 8th and 9th saw heavy rainfall as **Storm Bram** arrived, along with some strong winds. These unsettled conditions continued through the month until the 24th when high pressure arrived with further strong winds and some freezing temperatures and frost. Conditions remained clear, sunny and cool for the remainder of the final week. The majority of the rainfall occurred in the first half of the month before turning drier, this resulted in a 14% above average rainfall across the country. Overall temperatures were 1.6°C above average for December, along with 108% long-term average sunshine hours.
- 2.5 **January** The month started cold with frost, fog, even ice and snow in parts, across the county. **Storm Goretti** reached the UK on the 8th and 9th bringing in very strong winds and poor weather. After the storm, wet and unsettled weather continued throughout the middle of the month. The final week saw two further storms Ingrid (24th), closely followed by **Chandra** (26th & 27th) brought heavy rain and strong winds before closing out the month. Overall, the temperature across the country was 0.5°C below average for January, along with an average amount of sunshine hours for the month. Finally, there was 117% long-term average rainfall for the UK, with the regional variation provisionally setting the South & South-East at 188% average rainfall (159mm).
- 2.6 **February** – Weather data not available at time of writing report.

3. Winter Service

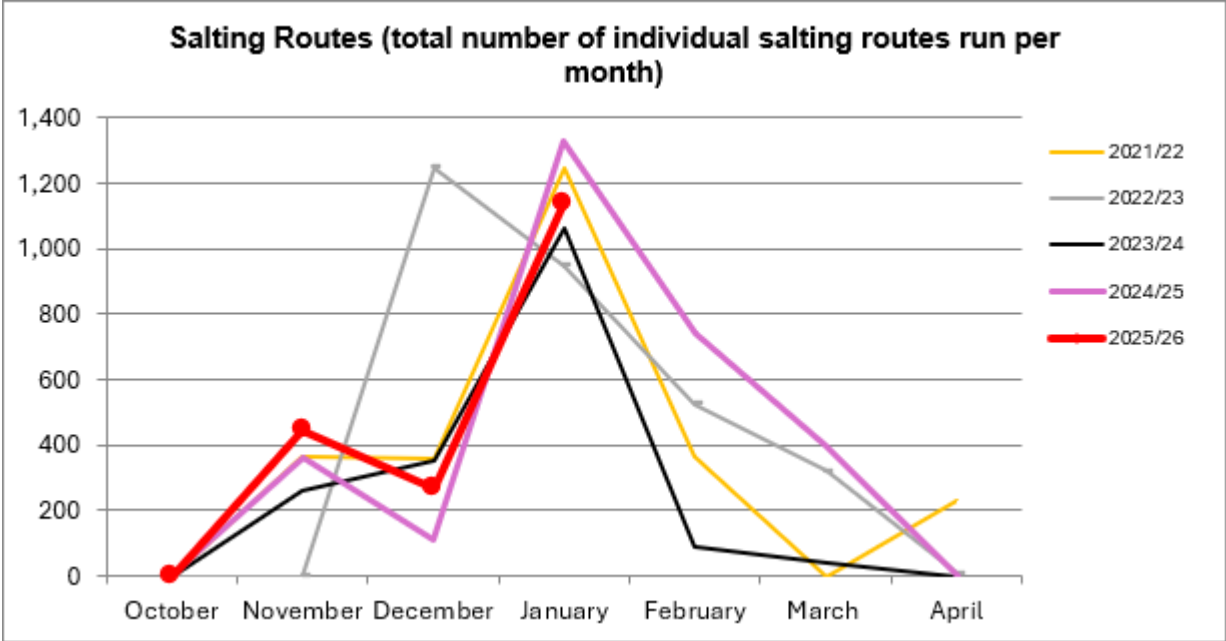
3.1 The data provided below demonstrates our current general winter service enquiries:



- 3.2 Our annual winter service budget is **£4.3** million this does not budget for emergencies or other exceptional weather such as prolonged snow / ice events.
- 3.3 If icy conditions or snow is expected, we salt about a third (30% - 2586 km) of the county's total carriageway (road) network which includes the A and B roads, major strategic, other strategic and locally important roads – these are termed Primary Routes.
- 3.4 Salting routes are published online at www.kent.gov.uk/highways, throughout the winter service.
- 3.5 This service is time sensitive. The salt must be laid before ice forms or snow falls to be effective. Operational instructions are issued based on the days' forecast received from Metdesk, our contracted weather forecast service.
- 3.6 A series of infographics have been prepared which gives information about the winter service in an engaging manner. These feature in a range of media, including social media. Updating when crews are going out, giving details of where we are operating, and the expected road hazards.
- 3.7 In addition to the 60 salting vehicles which are on standby, we have more than 100 farmers around the county with snow ploughs, that can be fitted to their tractors. Under a formal agreement, they clear pre-determined rural routes, when there is more than 50mm of snow on the ground.
- 3.8 In addition to our normal highways out of hours service, we have four dedicated Winter Duty Officers (WDO), monitoring and actioning salting instructions throughout the winter period. Each WDO is on call for a week at a time on a rota basis.

4. Monitoring

- 4.1 Winter data is produced monthly highlighting the volume of salting shouts and the action taken by the winter duty officers.
- 4.2 Since the start of the season (17th October 2025 – 31st January 2026) we have had 40 salting shouts covering 1855 individual salting runs, using 8,390 t of rock salt.



- 4.3 Salting Routes: November saw a slight increase in salting runs when compared to the same period over the last 4 years. December and January were on par with previous demand over the past 4 years, with a total of **1141** salting runs in January 2026.
- 4.4 Operation Performance Measure 17 (OPM17) across the season so far, for Salting runs completed within the specified timeframe **98.36%**.
- 4.5 At the start of the winter service season we hold 23,000 tonnes of salt in stock in depots around the county. National guidance to local authorities suggests a resilience benchmark of 12 days/48 runs i.e. the authority would be able to continuously salt its winter network during its core winter period for 12 days. This equates to 16,800 tonnes therefore the level of salt in stock ensures that this number of runs can be carried out. Each of our depots has received an additional **200 tonnes** of salt. This is to ensure we meet our minimum resilient stock levels for the remainder of the season and are ready for any further winter events.
- 4.6 Salt is supplied by Cleveland Potash Limited, Boulby Mine, Loftus Saltburn by the Sea, Cleveland. The salt supply is managed and purchased by the Highways Term Maintenance Contractor, and this will continue under the new contract from 1st May 2026.
- 4.7 We continue to monitor requests for additional roads to be added to our primary salting routes and assess their suitability in line with the Winter Service Policy

- 4.8 In most cases, it is not possible to add additional sections of road to our existing primary salting routes, without removing something from a route. Our routes have been designed to capacity, either in length of network covered or available time to complete the salting operation. The Highways Act 1980 S.41(1A) states that we must do what is reasonably practicable to ensure that safe passage along a highway is not endangered by snow or ice. Our policy approach and network length receiving treatment balanced against available resources meets this requirement.
- 4.9 At the end of the season we will review all of our routes, to ensure that any changes to the network are considered and altered, as deemed necessary in-line with our Winter Service Policy.
- 4.10 Where we are unable to include extra sections of network on our primary routes or snow routes and we have identified at certain times it may benefit the community as a whole if treated, then these may be considered for inclusion in the Highway District plans for local action, should the need arises during an event. These will be subject to the primary routes and snow routes being clear along with the available resources.

(Note: Highway District Plans are agreements we have with District and Borough Councils to provide resources for local snow clearance and gritting during extreme conditions and particularly when they are unable to provide their services due to conditions)

- 4.11 A common request we receive is the road is a bus route, so it should be treated. Unfortunately, it is not possible to treat every route a bus takes, we do however cover many routes, as they form part of the primary routes or snow routes.
- 4.12 The allocated budget for winter service for 2025/26 is £4,364,600
The budget is broken down as follows:

Winter Service	Budget	Forecast Spend to 31/03/26
PRE-SALTING GRITTING OPERATION	1,676,100	1,689,789
PLANT & EQUIPMENT	2,481,400	2,387,033
MAINTENANCE OF FARMERS PLOUGHS	50,000	2,262
WEATHER FORECASTING	21,300	24,086
ICE PREDICTION	37,300	77,473
MAINTAIN SALT BINS AND JUMBO SALT BAGS FOR BOTH PARISH AND UNPARISHED AREAS	83,200	25,710
SUPPLY OF SALT TO DISTRICTS	10,300	9,247
PUBLICITY CAMPAIGN	5,000	0
TOTAL	£4,364,600	£4,215,600

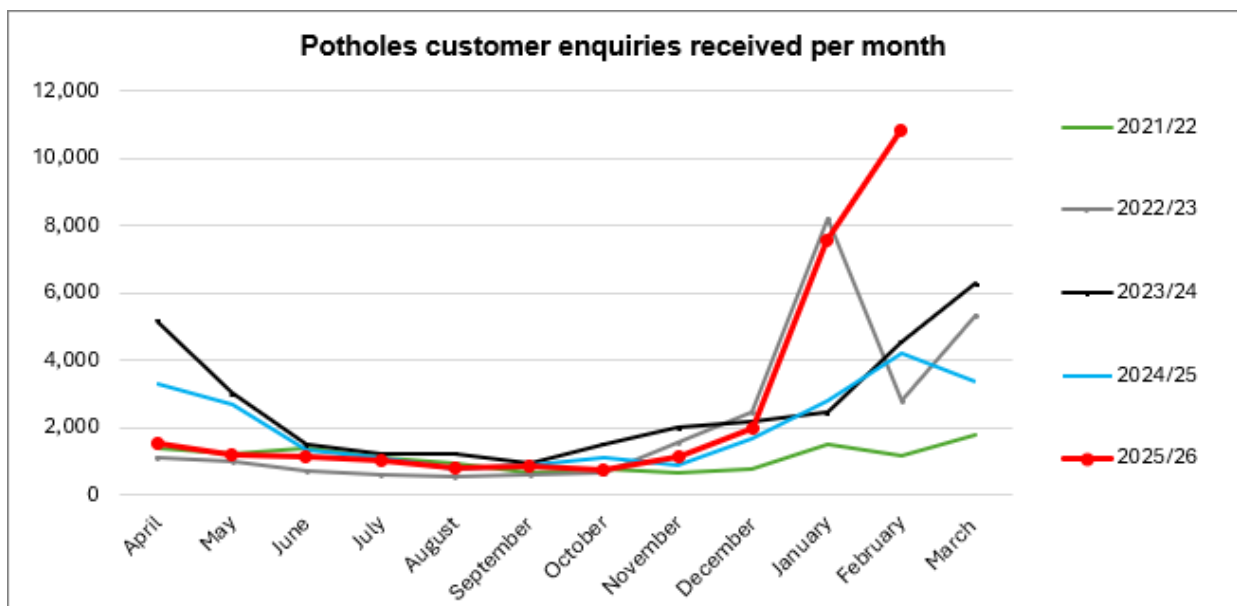
- 4.13 Following the end of the 2025/26 winter season (post April), we will produce a final end of season report, with lessons learnt and the next steps for the 2026/27 winter season. A previous decision has been taken to allocate any in year Winter Service underspends to the Highways Soft Landscaping Service for the following financial year to address exceptional seasonal growth.

Winter Service improvements

- 4.14 Currently, we are in the mobilisation period with Ringway for the new HTMC, starting on the 1 May 2026. As part of the HTMC, we will have a new gritting fleet with full telematics and reporting facilities.
- 4.15 Once we embed the new provider after year one, we will be looking to further optimise our salting routes for greater efficiency and route utilisation.
- 4.16 Increasing the number of directly employed operatives within the HTMC contract to increase resilience for Winter Service delivery.
- 4.17 Ensure one Supervisor on duty in each highway depot during instructed pre-salting operations.
- 4.18 Maintain separate winter and emergency service resources, no operative on both standby in the same week.
- 4.19 Provide full monitoring and routing service via telematics, including auto-salting, GPS tracking, and compliance auditing.
- 4.20 Opportunity to share real-time data from ACP telematics, compliance monitoring, and in-cab technology with KCC to support innovation and improvement.

5. Winter weather and impact on the network

- 5.1 Kent has experienced very poor weather conditions so far this winter season, including an ice emergency in January along with intermittent freeze-thaw weather cycles in the weeks that followed. Additionally there has been persistent rainfall since the start of the winter season which has seen an overall average of 199% increase in rainfall for the South East. The persistent wet weather we have been experiencing is the worst we have seen for a number of years, leading to a significant increase in potholes enquiries from the public. Please see below graph.

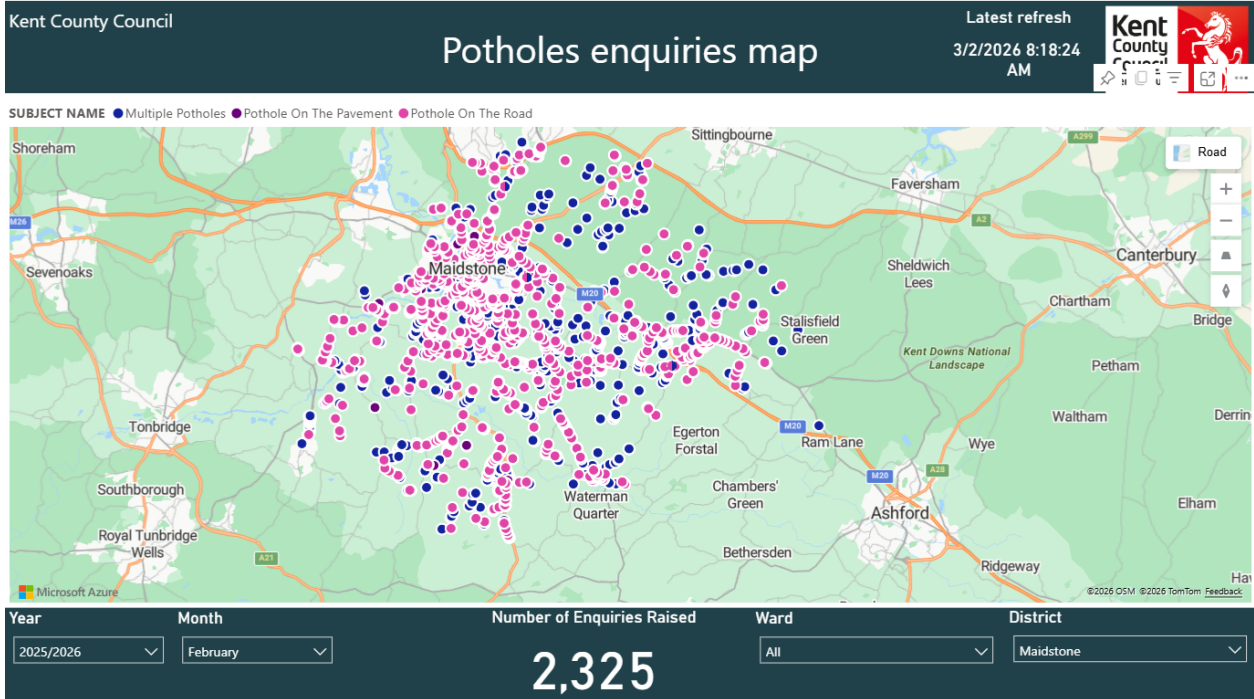


- 5.2 **October Potholes: 744**, a decrease of ~16% demand across the month. Trends suggest that demand peaks around the Winter months.
- 5.3 **November Potholes: 1162**, an increase in demand of ~56% placing this year around the average point when reviewing across the previous 5 years. All previous December months have seen an increase in demand
- 5.4 **December Potholes: 2013**, an increase in demand of ~73% across December, potentially due to the ease-of-use of the improved reporting tool currently live for pothole enquiries only. Excluding anomalies, the average increase across the previous January months over 5 years suggests a further increase
- 5.5 **January Potholes: 7557**, an increase of 275% following consistently poor and damaging weather. A similar anomaly was seen in January 22/23 financial year.
- 5.6 **February Potholes 10861**, an unprecedented number of incoming enquiries for this service, rising ~44% higher than the significant increase of the month prior. This is the largest number of incoming enquiries ever received for a service within a single month on record. The data shows the peak of enquiries were received across the first week of February.
- 5.7 These prolonged weather events have put additional demands and pressure on our operational teams both in and out of hours. This level of enquiries received about network condition has also impacted the team both financially and in terms of team capacity to deal with this unprecedented service demand to keep the highway safe. Unfortunately, these events are starting to become more common and as such we will need to review operating methods and standards both internally and with our new term maintenance contractor Ringway to ensure the service remains fit for the future.
- 5.8 Currently, KCC's Highway Stewards and Highway Safety Inspectors are required to actively respond to address the backlog of pothole reports received, prioritising their repair using a risk-based approach.
- 5.9 In order to address the prevailing backlog additional resources have been secured from our current Term Maintenance Contractor, their supply chain sub-contractors and other highways framework contractors. Our highway operational teams also undertake minor repairs utilising permanent cold lay material when it is safe and practical to do so. Under normal operating conditions we have a permanent first-time repair approach. However, in times of extreme demand a temporary repair will be necessary to remove a highway danger, returning at a later time to undertake a permanent repair. Our focus is to remove the safety hazard and keep the highway safe for all road users until we can attend to complete a permanent repair.
- 5.10 Sometimes temporary repairs fail quicker than expected, but by their nature they are short term fixes and changing prevailing conditions can accelerate their dilapidation.. When undertaking permanent repairs, we don't just "fill" potholes, but wherever possible cut out the area to create a wider patch or incorporate in to a larger scheme that will last.

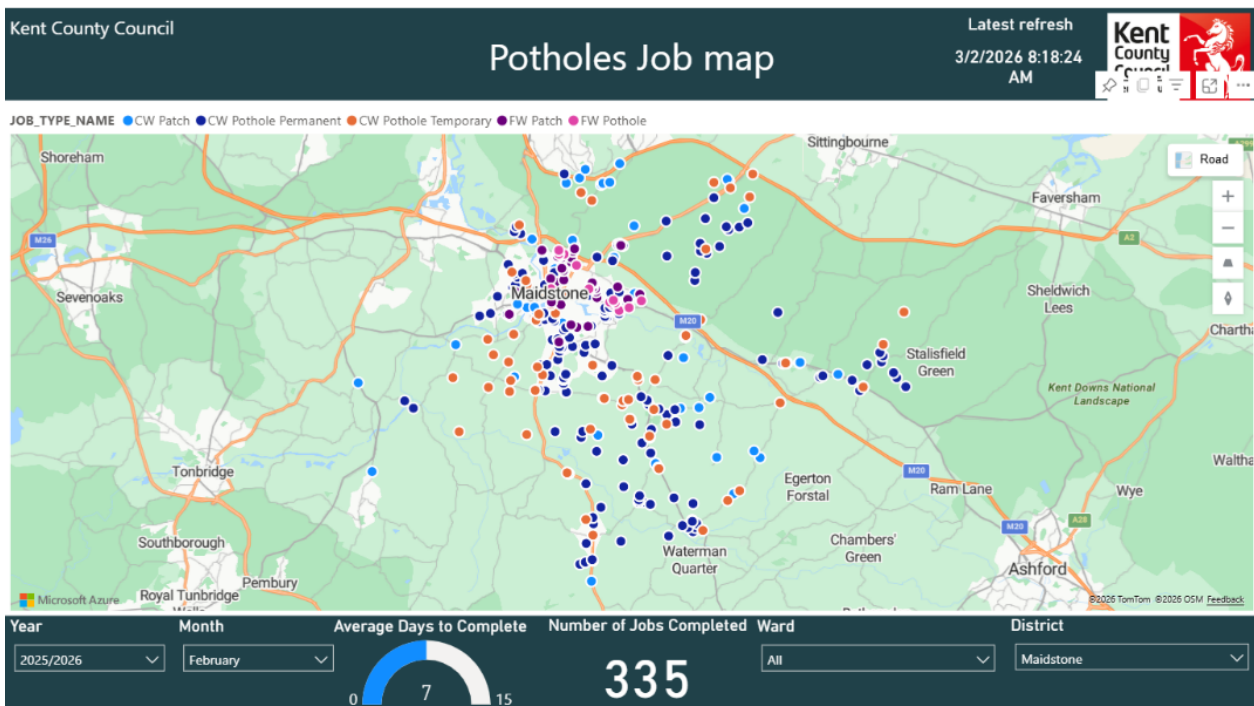
- 5.11 Roads deteriorate and fail for a number of reasons. These include heavy use (mainly by HGVs), oxidation of the bitumen caused by UV light from the sun, historic inadequate design and construction particularly on rural roads material choice, underlying geology, standing water, water ingress, and insufficient planned maintenance due to available budget.
- 5.12 Not all visible highway damage can be accurately described as potholes, but it's a term that most people understand and use to describe damage to the highway road surface.



- 5.13 Potholes (Surface defects) are caused by many factors which include the age of road / footway surface, traffic usage, underlying geology, road construction, previous openings in the highway, extremes of temperature, water ingress into the fabric of the surface, which can all contribute to weakening the road surface, causing weakness which can result in failures. However, the volume of them can be significantly reduced with a medium to long-term consistent investment approach as set out in the Highway Asset Management Plan.
- 5.14 We focus resources on repairing the highest priority surface defects. Routine non dangerous 28-day enquiries will be attended after the more serious and dangerous defects have been repaired. It is important to note that during periods where high volumes of surface defects have been recorded following damage caused by winter weather conditions it can take the service some considerable time to return to normal operating standards.
- 5.15 The prevailing winter weather conditions have had the effect of accelerating the end-of-life failure of structurally unsound or weaker roads. It is worth observing that well-maintained and new road surfaces are able to withstand winter weather and this illustrates why it is important to proactively invest before roads reach this stage of their life.
- 5.16 As part of our ongoing approach to improve service delivery we are developing data tools such as the Pothole enquiries map (example below Maidstone for February 2026) to show our data in a more visual way.
- 5.17 This type of information can be used to help identify areas for improvement or more extensive works, especially when combining with other service areas such as drainage.



Jobs completed Map (with average days to complete)



Service Improvements

- 5.18 With the new HTMC we have been able to consider lessons learnt over the years to make improvements to the service:
- 5.19 This will include dedicated emergency crews, to avoid disrupting the programmed works.
- 5.20 The use of hot boxes to keep patching material at an optimal temperature, and ready for use. It also reduces the number of daily vehicle movements collecting material from the asphalt plant saving on time, allowing crew to be more productive in delivering works. It also allows for improved resilience and material supply should additional work be required to repair a defect (i.e. if more defects have formed or the existing defect has worsened since raising the job)
- 5.21 Dedicated hub to monitor live data, to deploy the closest work crew.
- 5.22 During the winter months Ringway will be looking to use Viafix, a permanent cold lay material, which provides a reliable solution for cold and wet conditions. As we have often seen failures with hot material during inclement and colder weather conditions.
- 6.0 **Street Cleansing** – this is not a Kent County Council function and as such comes under the remit of each District / Borough Council – we are therefore unable to comment further on this matter. However we do liaise with District and Borough Council colleagues to co-ordinate work activities around street cleansing where it is possible.

7. Financial Implications

- 7.1 Exceptionally adverse weather conditions and the consequent service demands is not included within our core operational revenue budgets. This is managed in year through close monitoring of all highways budgets and can be subject to reserves bid to fund these activities.

8. Legal implications

- 8.1 KCC has a duty under the Highways Act 1980 to maintain the highway network and associated highway assets.

9. Equalities implications

- 9.1 Not applicable, as this report is for information and has no effect on policy or service standards.

10. Background Documents

- 10.1 Link to KCC web site for Winter Service <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/winter-service>

10.2 Link to KCC winter Service Policy <https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/roads-paths-and-transport-policies/highways-winter-service-policy>

11. Recommendation:

The Committee is asked to note the details of this report and actions being taken regarding our ongoing winter service and highway repairs

12. Contact details

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From: Paul King, Cabinet Member for Environment, Coastal Regeneration & Special Projects

To: Scrutiny Committee – 1st April 2026

Subject: Fly-Tipping

Summary:

This report provides an overview of fly-tipping in Kent, outlining the respective roles of district councils as Waste Collection Authorities (WCAs) and Kent County Council as both the Waste Disposal Authority (WDA) and Highways Authority. It highlights the scale and nature of fly-tipping across the county, the differentiation in responsibilities between agencies and the operational challenges this creates. While serious and organised waste crime is acknowledged as a growing national threat, the focus of the report remains on low level fly-tipping, the area where KCC and the WCAs have the greatest operational influence.

The report concludes by presenting two strategic opportunities to strengthen Kent's approach: lobbying for stronger national penalties and reforms recommended in the House of Lords waste-crime enquiry and exploring the development of a single countywide reporting, monitoring and triage system.

Recommendation(s):

The Committee is asked to note and make comment on the content of this paper and the opportunities presented within it.

1. Introduction

Fly-tipping and serious organised waste crime are distinct forms of illegal waste activity, differing significantly in scale, intent and the agencies responsible for tackling them. While both cause environmental harm and create financial burdens for public bodies and landowners, they sit at opposite ends of the waste-crime spectrum. This paper focuses specifically on fly-tipping, as it is the area in which district councils and Kent County Council (KCC), as the Waste Disposal Authority, have both statutory responsibilities and operational influence. In contrast, serious organised waste crime involves complex criminal networks operating at a scale far beyond local-authority powers and requires a coordinated, intelligence-led partnership response at a regional and sometimes national level.

1.1 What is fly-tipping?

Fly-tipping is the illegal dumping of waste on land that does not have a licence to accept it. This can include anything from bags of household rubbish to large quantities of construction materials, old furniture, tyres, electrical items or even hazardous waste. It is a criminal offence often carried out by individuals, small businesses or rogue traders seeking to avoid disposal costs. District councils have the primary duty to investigate and clear fly-tipped waste on public land, with KCC responsible for processing material delivered to its sites by the district councils.

1.2 What is serious organised waste crime?

Serious organised waste crime involves organised criminal groups engaging in illegal activities such as waste misdescription, illegal dumping at scale, tax evasion and unlicensed waste operations, conducted for substantial financial gain and often causing severe environmental and community harm. This is not the same as fly-tipping and is not the subject of this paper.

The Kent Police and Crime Commissioner has warned that industrial-scale waste dumping has become “the new county lines”, with organised groups using tipper lorries and cross-county operations to deposit thousands of tonnes of waste at a time. Sites such as Hoads Wood near Ashford, where 30,000 tonnes of waste have been illegally deposited, demonstrate the scale and complexity and the financial implications of this criminality. Remediation can run into millions of pounds and these large-scale criminal operations exceed the remit of district councils and sit outside KCC’s statutory waste-disposal function.

Because of its scale and complexity tackling serious organised waste crime requires a coordinated, intelligence-driven approach involving the Environment Agency, Kent Police, regional waste-crime units, neighbouring Police and Crime Commissioners and national policy interventions led by Defra. KCC continues to work with Defra and the Environment Agency to strengthen joint working and improve co-ordination in this area.

As the waste planning authority, KCC also sets the planning policy framework for waste management across the county and determines planning applications for facilities such as recycling centres, transfer stations, treatment plants and disposal sites. Through this role, the Council ensures that waste infrastructure is delivered sustainably, meets environmental and community standards, and supports Kent’s long-term waste and circular-economy ambitions. While important in the wider strategic context, these responsibilities also fall outside the focus of this paper.

For these reasons, this report concentrates exclusively on fly-tipping - where KCC can most effectively influence prevention, disposal and partnership outcomes. Serious organised waste crime, while an area in which KCC works closely with other agencies, is primarily the responsibility of specialist enforcement bodies and therefore sits outside the scope of this paper.

2. Roles and responsibilities for fly-tipped waste

2.1 Waste collection authorities

In Kent, Waste Collection Authorities (WCAs) are the 12 district, borough and city councils and they act as the Principal Litter Authorities for the collection of fly-tipped waste in the county.

Their responsibility covers the removal of waste less than 20m³ (or 20 tonnes) from “relevant land”, defined as land that meets all of the following criteria:

- Open to the air on at least one side
- Under the direct control of the WCA
- Publicly accessible, either freely or by payment.

This includes public spaces such as parks, beaches above the high-water mark, public footpaths and communal areas. WCAs are responsible for investigating fly-tipping incidents on relevant land and pursuing perpetrators wherever possible.

If a fly-tip exceeds 20m³ or 20 tonnes the responsibility for joint investigation normally passes from the WCA to the Environment Agency because it is treated as potentially serious organised waste crime. The aim of this joint approach is to identify the offenders and force them to clean up the waste or to pay the costs for clean-up activity.

2.2 Waste disposal authorities

Kent County Council operates as the Waste Disposal Authority (WDA) and, in accordance with the Environmental Protection Act (EPA) 1990, has the statutory duty to dispose of and treat household waste, provide disposal infrastructure that includes places for residents to deposit household waste, such as Household Waste Recycling Centres, and to develop and implement waste-management plans for Kent. KCC currently operates a network of 19 HWRCs providing facilities for re-use, recycling and safe disposal for a range of materials delivered by Kent residents.

WDAs are responsible for the disposal of fly-tipped waste collected by WCAs, provided:

- The waste was removed from “relevant land”; and
- The WCA has been unable to identify and pursue the responsible party.

WDAs are not legally permitted to accept or fund disposal of waste collected from:

- Private land
- Unadopted or unmanaged land
- Highways or verges for which the Strategic Highway Authority (National Highways) is responsible.

This boundary ensures that public funds for disposal are used only where statutory duties apply.

2.3 Highways

WCAs / Principal Litter authorities are legally required under Section 89 of the Environmental Protection Act 1990 to keep highways “so far as practicable, clean and clear of litter and refuse”. This includes responsibility for all non-motorway network highways:

- Collecting and disposing of fly-tipped waste on the highways
- Managing waste in highway lay-bys and verges where the land is registered to highways
- Ensuring safe and timely removal to prevent risks to road users.

KCCs does not have a duty to collect flytipped waste from highways or public rights of way. Its responsibilities fall into two separate and more limited roles:

- Safety management when fly-tipped waste obstructs the highway/public right of way or endangers users

- Waste disposal once the WCA has collected and delivered the waste to KCC sites.

Motorways fall under the strategic highway network and therefore responsibility for collecting and disposing of fly-tipped waste on the strategic network falls to National Highways (formerly Highways England), not local councils.

[Litter on motorways and major A-roads - National Highways](#)

2.4 Private and unadopted land

Responsibility for removing fly-tipped waste on private or unadopted land rests solely with the landowner. While local authorities and the Environment Agency may investigate incidents and issue legal notices requiring cleanup, there is no statutory duty on councils to clear waste from private land, nor to pay for its disposal.

Landowners must arrange lawful removal and disposal through registered waste carriers

3. The scale of the problem in Kent

3.1 Number of reported fly-tips per year by WCA

Sum of Total Incidents	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Ashford	946	1124	940	800	856	1249	1465	1538	1988	1514	1177	1249	1454
Canterbury	1664	2027	1461	1299	1035	1044	1197	1533	2111	2198	2750	3105	3012
Dartford	1304	1728	1825	1961	1609	2366	2446	2700	3474	3082	1995	1517	1694
Dover	903	1010	1416	1125	1100	1077	948	942	1514	1087	985	951	942
Folkestone and Hythe							955	1360	1779	2706	1666	1644	2200
Shepway	1008	958	1380	1082	1178	746							
Gravesham	1438	1733	1986	2258	2249	2122	2240	2278	2307	2192	2148	2384	2574
Maidstone	942	1274	886	796	973	1041	1634	2402	2952	3418	2391	2854	2817
Sevenoaks	355	544	729	883	930	852	732	778	1079	707	801	892	1249
Swale	1925	2632	2858	2966	3243	2610	2789	2633	3294	2482	2129	2207	2654
Thanet	904	1299	1730	1617	1776	1940	1918	2066	2611	1794	2535	2174	2578
Tonbridge and Malling	416	498	494	505	648	507	585	581	1017	827	833	943	1039
Tunbridge Wells	280	307	391	696	704	819	0	659	926	857	721	750	631
Grand Total	12085	15134	16096	15988	16301	16373	16909	19470	25052	22864	20131	20670	22844

Fly-tipping incidents that are reported to WCAs continue to place significant pressure on collection services, with KCC funding the disposal of collected material. Incidents on private land are not always reported to WCAs, which means that we do not have complete data on the level of fly-tipping across the county.

While incident levels remain high, there is significant disparity in the classification and reporting of fly-tips with anything from an item being left outside of a bring bank to large commercial dumps being recorded as a fly tipping incident.

3.2 Number of fly-tips in 2024/25 by WCA by land type

WCA Name	Total Incidents	Highway Incidents	Footpath / Bridleway Incidents	Back Alleyway Incidents	Railway Incidents	Council Land Incidents	Agricultural Incidents	Private / Residential Incidents	Commercial / Industrial Incidents	Watercourse / Bank Incidents	Other (unidentified) Incidents
Ashford	1,454	729	16	15	1	688	1	0	0	1	3
Canterbury	3,012	2,970	0	0	0	0	0	0	0	0	42
Dartford	1,694	836	31	230	0	207	138	230	20	2	0
Dover	942	618	50	27	0	168	20	35	10	4	10
Folkestone and Hythe	2,200	0	0	0	0	0	0	0	0	0	2,200
Gravesham	2,574	862	571	453	0	561	39	81	7	0	0
Maidstone	2,817	1,731	380	13	9	0	48	587	19	9	21
Sevenoaks	1,249	569	194	10	0	221	8	204	3	1	39
Swale	2,654	1,631	149	536	0	275	6	13	2	40	2
Thanet	2,578	1,308	51	262	1	262	31	362	75	0	226
Tonbridge and Malling	1,039	437	226	30	0	195	36	23	19	4	69
Tunbridge Wells	631	275	289	6	0	35	5	8	0	8	5
Totals	22,844	11,966	1,957	1,582	11	2,612	332	1,543	155	69	2,617

The concentration of incidents on highways, council-controlled land and public spaces highlights the areas where WCAs prioritise clearance.

3.3 Number of fly-tips managed by KCC Highways per year 22/23 – 25/26

Commit Period	2022/23	2023/24	2024/25	2025/26
APR	1	23	46	24
MAY		15	25	28
JUN	1	8	28	27
JUL	2	15	33	11
AUG	1	27	29	26
SEP	15	32	23	24
OCT	17	31	30	29
NOV	13	19	37	14
DEC	8	26	15	30
JAN	28	35	23	38
FEB	18	37	32	42
MAR	20	31	44	
Grand Total	124	299	365	293

3.4 Tonnage of fly-tipped waste disposed of by KCC at HWRs

Waste Type	24/25 KCC Tonnes
Fly Tipping	2458.37
Fly Tipping - Tyres	15.63
Fly Tipping - Asbestos	27.20
Fly Tipping - Gas Bottles	2.06
Grand Total	2503.26

KCC, acting in its statutory role as Waste Disposal Authority, processed 2,503 tonnes of fly-tipped material in 2024/25. The overwhelming majority was mixed fly-tipping

(2,458 tonnes), with small but significant specialist streams such as asbestos (27 tonnes), tyres (16 tonnes) and gas bottles (2 tonnes) that require stricter handling and compliant disposal routes.

3.5 Estimated cost to KCC for disposal of fly-tipped waste at HWRCs

Disposal gate fees (the price a waste site charges per load or per tonne for accepting and processing waste that is brought to the facility) alone for this material totalled c£345k in 2024/25. This figure does not include the cost of haulage, staffing or site overheads and so the true end-to-end cost to KCC will be higher once logistics and operational time are included.

3.6 Enforcement outcomes by WCA 24/25

A Name	Warning Letter Actions	Statutory Notice Actions	Fixed Penalty Notices issued specifically for fly-tipping	Fixed Penalty Notices issued for Household Duty of Care	Littering Fixed Penalty Notices issued in conjunction with fly-tipping	All Other Fixed Penalty Notices issued	Duty of Care Inspection Actions	Stop and Search Actions	Vehicles seized	Formal Caution Actions	Prosecution Actions	Total
Ashford	20	10	2	3	1	8	17	0	0	22	0	244
Canterbury	83	5	5	9	5	8	7	0	0	0	1	513
Dartford	34	0	47	0	69	8	0	0	0	0	0	412
Dover	0	1	0	0	0	0	6	0	0	0	0	494
Folkestone and Gravesham	0	0	30	5	5	126	10	0	0	0	1	177
Maidstone	159	8	37	19	25	2	6	17	0	0	8	1441
Sevenoaks	27	11	22	4	17	2	55	64	2	0	0	329
Swale	30	4	15	0	0	3	205	0	0	0	4	459
Swale	3	0	12	4	0	0	1	10	0	7	0	311
Thanet	0	142	15	9	1	2	825	0	0	0	0	1273
Tonbridge and Malling	0	0	0	0	0	0	0	0	0	0	0	1039
Tunbridge Wells	8	5	0	1	0	10	94	53	1	0	1	450
Grand totals	364	186	185	54	123	169	1226	144	3	29	15	2498

Enforcement activity varies considerably between districts and while stronger enforcement can deter opportunistic dumping, low and inconsistent outcomes – including poor results through the courts where penalties can fall below the fixed penalty notices that can be issued by the WCA and therefore do not act as a deterrent - contribute to sustained disposal volumes entering the KCC system.

4. Past policy decisions and implications to fly tipping

4.1 Commercial-type vehicle restriction policy and limits to DIY-type waste

In 2012, a policy was introduced to restrict the use of commercial-type vehicles using the HWRCs, and to place limits of DIY-type waste, namely soil, rubble, hardcore, plasterboard and tyres. The policy was designed to improve compliance and reduce misuse of HWRCs by commercial operators. Following the introduction of these policies, overall waste volumes managed at the HWRCs was approximately 45,000 tonnes less (24%) for the subsequent year and a saving of £2.3m was achieved.

4.2 HWRC Enforcement Policy 2019

In December 2019, KCC implemented the HWRC Enforcement Policy to strengthen its approach to tackling unlawful behaviours at Household Waste Recycling Centres, which included the disposal of commercial waste at sites that were provided and intended solely for household waste disposal. The decision formalised enforcement processes and sought to deter trade waste abuse through clearer procedures, warnings and potential investigation and prosecution approaches. The enforcement

policy supports a number of operational policies, including the commercial-type vehicle restriction policy that have been introduced, reviewed and amended over many years.

4.3 Charging for DIY-type waste

In 2019, a further Member decision introduced charges for disposal of soil, rubble, hardcore and plasterboard at the HWRCs. Although originating from domestic properties, these materials were classified as non-household waste, making them subject to limits and charges. In late 2023, Government legislation was amended, prompting a policy change that allows residents to dispose of DIY waste free of charge, subject to restrictions on visit frequency and volume being disposed of before charges apply. The original charging policy of 2019 resulted in an 87% reduction in tonnage of these materials within the first year (approximately 28,000t). Currently, we manage 9,000 tonnes annually, which increased as a result of the change in Government policy in 2023 permitting the free limits.

Concerns were raised through earlier consultations on all HWRC policies described in 4.1 and 4.3 that restrictions or charges at the HWRCs might increase flytipping. However, evidence referenced prior to the policy decisions indicated that comparable authorities did not record increases beyond national trends and there is no Kent-specific dataset confirming any rise attributable to these measures.

4.4 HWRC booking system

KCC originally introduced the HWRC booking system during the Covid-19 pandemic to manage reduced site capacity, maintain social distancing, and ensure fair access. The system has since been retained as it has significantly improved operational efficiency, eliminated queuing, and enabled unlimited access through same-day and advance booking options. Residents can book instantly when slots are available, amend or cancel bookings, and now have the option of creating an account to store vehicle and address details for faster repeat use.

Public pulse surveys and a full consultation in 2021 demonstrated strong resident support for retaining the system. Customer satisfaction data consistently shows high approval: 96% of users were satisfied with their HWRC visit, 96% found the booking system easy to use, and 97% secured a suitable booking date, with 74% booking on the same day.

The booking system has also strengthened KCC's ability to communicate with users, allowing rapid updates during emergency closures, maintenance works or other service interruptions, reducing inconvenience and improving customer experience whilst also delivering over £1.4m in cost savings.

Importantly, there is no evidence that the booking requirement has increased fly-tipping. A Defra-commissioned national study found no link between booking systems and fly-tipping rates.

Overall, while the various policies clarified expectations and strengthened KCC's ability to act against commercial misuse of HWRCs, there is no evidence of direct impact on fly-tipping rates and despite an initial spike in 20/21 (after the introduction of charging) they reduced back to 19/20 levels the following year and have remained

relatively stable ever since. KCC notes that law-abiding residents would not be expected to resort to criminal behaviour as a result of needing to book a visit to their HWRC.

5. Challenges and opportunities for improvement

5.1 Strengthening penalties and national policy through targeted lobbying

A recent House of Lords Environment and Climate Change Committee enquiry into waste crime (which included fly-tipping and serious organised waste crime) highlighted significant shortcomings in the national enforcement framework, particularly the inadequacy of current penalties, the limited prioritisation of all waste crime by enforcement agencies, and the need for a root-and-branch review of the system. The enquiry found that penalties for waste crime, including fly-tipping, are too low to act as an effective deterrent and do not reflect the scale of financial gain associated with illegal dumping. It also called for clearer national targets, improved coordination between agencies, clearer reporting routes for the public and reform of police and Environment Agency resourcing to address serious organised waste crime more effectively.

These findings align with the experience in Kent. KCC therefore has an opportunity to play a meaningful role in lobbying government for stronger penalties, clearer statutory responsibilities and enhanced national coordination, drawing on Kent's two-tier structure as a case study in the challenges faced by local authorities. KCC could support national reforms by providing evidence gathered through the Waste Management Service and calling for legislative changes, enabling more effective fixed-penalty regimes, improved confiscation powers and strengthened obligations on producers, carriers and waste operators.

5.2 Establishing a single countywide reporting, monitoring and response system

The current system for reporting and managing fly-tipping in Kent is fragmented across multiple agencies, with WCAs, KCC Highways, National Highways, the Environment Agency and Kent Police each receiving reports through separate channels. As highlighted in the report, this leads to public confusion, duplicate reporting, inconsistent data capture, delayed responses, and a lack of shared intelligence across districts. A single, countywide reporting platform, supported by a unified triage and response process, would significantly improve consistency, reduce fly-tipping blind spots and provide clearer performance data across all areas.

Such a system could enable:

- Standardised thresholds for investigation and evidence collection
- Joint dashboards and analytics to identify hotspots and repeat offenders
- Streamlined escalation pathways for hazardous or large-scale waste
- Improved coordination between WCAs and KCC as the WDA, helping resource matching during peak periods.

However, this opportunity comes with important resourcing considerations. Developing and maintaining a shared digital platform would require upfront investment, ongoing operational support and dedicated staff capacity within both

WCAs and KCC. Differences in district-level enforcement staffing, existing IT systems and procedural approaches may also create transition challenges that require a phased implementation model. Nonetheless, this could create long-term operational efficiencies and improved outcomes for residents.

6 Financial implications

There are no financial implications of this paper as it is provided as a briefing only. However, any further work on opportunities presented would likely require additional financial investment.

7. Legal implications

There are no legal implications of this paper as it is provided as a briefing only. However, any further work on opportunities presented would take into account any specific legal implications and may require additional governance oversight.

8. Equalities implications

There are no equalities implications of this paper as it is provided as a briefing only.

9. Other corporate implications

There are no other corporate implications of this paper as it is provided as a briefing only. However, any further work on opportunities presented would take into account any specific legal implications and may require additional governance oversight.

10. Governance

This paper is a briefing paper only.

11. Conclusions

Fly-tipping continues to place a significant environmental, financial and operational burden on Kent’s public services its landowners and its communities. While statutory responsibilities are clearly defined in national legislation, the practical delivery of fly-tipping clearance, investigation and enforcement within them is fragmented, with district councils, county councils, the Environment Agency and other agencies each holding different elements of responsibility.

As recommended by the House of Lords enquiry, reducing waste crime will require a more joined up national framework, stronger penalties, clearer reporting routes and significantly more resources invested into the system.

12. Recommendation(s):
The Scrutiny Committee is asked to note and make comment on the content of this paper and the opportunities presented in it.

13. Contact details

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By: Anna Taylor, Assistant Democratic Services Manager (Scrutiny)

To: Scrutiny Committee

Subject: Work Programme

Summary: This report gives details of the proposed work programme for the Scrutiny Committee and gives members some.

1. Introduction

- a) Any Member of the Council is entitled to give notice that they wish an item relevant to the functions of the Committee (which is not an excluded matter) to be included on the agenda for the next available meeting. On receipt of such a request the item will be included for discussion at the next available agenda setting meeting.
- b) The definition of an excluded matter referenced above is:
 - a. Any matter relating to a planning or licensing decision,
 - b. Any matter relating to a person in respect of which that person has a right of recourse to a review of right of appeal conferred by or under any enactment,
 - c. Any matter which is vexatious, discriminatory or not reasonable to be included in the agenda or discussion at a meeting of the Scrutiny Committee.
- c) The Scrutiny Committee has the ability to 'call-in' decisions made by the Cabinet or individual Cabinet Members. Any two Members from more than one Political Group may give notice within five clear working days from the publication of a decision taken of their wish to call-in the decision.

2. Recommendation

The Scrutiny Committee is asked to consider and note the report.

Contact Details

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Work Programme - Scrutiny Committee March 2026

Items identified for upcoming meetings

Date requested	Item
September 2025	VAT & Business Rates on private school fees
December 2025	Family Hubs. Issue details - 23/00092 - Kent Family Hub Model - Implementation Agenda for Scrutiny Committee on Tuesday, 19th December, 2023, 10.00 am
January 2026	Winter flu pressures – vaccine roll out. (following ASC&PH Cabinet Committee report in July/Sept)

Work Programme

13 May 2026	
Item	Item background
Short Focused Inquiry – Final Report	For approval by the Scrutiny Committee before submission to the Executive
Briefing on SEND at KCC (provisional)	Following requests for information around SEND a briefing to be held with the Scrutiny Committee, on a scheduled date to understand all the related historical and current issues.

18 June 2026	
Item	Item background
One year on	Leader Report one year on.
Budget Monitoring year end	

1 July 2026	
Item	Item background
Scrutiny Committee meeting as Crime and Disorder Committee	Statutory requirement

Provisional Future Items

November 2026 – Kent Flood Risk Management Committee Annual Report

January 2027 – Final Draft Budget & Budget Monitoring half yearly

June 2027 – Budget Monitoring year end

July 2027 – Scrutiny Committee meeting as Crime and Disorder Committee

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