

From: Sue Chandler, Cabinet Member for Integrated Children's Services
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To: Children's, Young People and Education Cabinet Committee – 11 January 2022

Subject: Special Educational Needs Strategy 2021-2024 - Update

Classification: Unrestricted

Future Pathway of report: The report will go to Cabinet on 27 January 2022.

Electoral Division: list the electoral division/s, and local Member/s affected:

Identify Members using this link:

<https://democracy.kent.gov.uk/mgMemberIndex.aspx?bcr=1>

Summary: Kent's Strategy for Children and Young People with Special Educational Needs and Disabilities 2021-2024 (SEND strategy) was agreed by Sue Chandler, Cabinet Member for Integrated Children's Services on 19th March 2021. This is the framework supporting the Council's ambitious SEND reform agenda, aiming to improve outcomes for children and young people through increasing opportunities for local education as well as the provision of high quality, timely services, delivered at a sustainable cost to the Council and Direct Schools Grant. Following publication of the strategy, a range of additional guidance has been co-produced with stakeholders and is being implemented in schools, supported by an extensive professional development programme.

Nine months on, this report provides the rationale for a complementary 'Ambition Statement' which elaborates on the operational implementation of the SEND strategy, explicitly supporting greater SEND inclusion in mainstream schools, together with making some consequential adjustments in three paragraphs of the strategy to ensure integrity and consistency of the document.

The rationale for the Ambition Statement is both educational and social; however, we also have a duty to consider the financial imperative for accelerating the changes to the local SEND system, which we believe the statement will aid. The report therefore summarises information on increases in demand and spend that have been seen nationally and highlights how those pressures in Kent have increased at an even greater rate. It highlights where Kent is different from other Local Authorities in relation to the lower proportion of children with SEND in mainstream schools and the higher proportion placed in special schools, including independent schools. The consequential impact on outcomes for children, significant financial pressures for the County and a growing deficit in the High Needs Block of the DSG are detailed. Without sustained remedial action, outcomes for children with SEND will not be improved in line with our ambitions, increases in demand and spend will not be halted, and the cost will be unsustainable

Recommendation(s):

That CYPE Cabinet Committee comments on and recommends to Cabinet:

- 1) The addition of the following Statement of Ambition into the SEND Strategy:

To deliver a model of provision which supports greater inclusion of children and young people within mainstream schools in their local communities through the realignment of the SEN system in Kent and to aim for the proportion of children and young people supported in each provision type (mainstream and specialist provision) to reflect more closely both statistical neighbours and national averages.

- 2) Proposed updates are made to the SEND Strategy as set out in paragraphs 4.2, 4.3 and 4.4 of this report, to align with that ambition.

1. Introduction

- 1.1 Since the 1970 Education (Handicapped Children) Act allowed for all disabled children to receive an education, there have been a number of international and national reforms which aim to increase participation for learners, creating systems that values all individuals equally, and promotes equity, compassion and respect. Whilst there is a very important role for special schools in the system, preparation for adult life for many pupils is best achieved through a mainstream education, where pupils are provided with high -quality educational opportunities in their local community, alongside friends and peers.
- 1.2 This paper sets out how the changes that were introduced in the 2014 Special Educational Needs and Disability (SEND) Code of Practice have altered the landscape nationally and locally for children with SEND, with some significant unintended consequences. Nationally there has been a large increase in demand for Educational Health and Care Plans (EHCPs) and greater numbers of children being supported in special and independent schools. In Kent this trend has grown even faster, and Kent has become somewhat of an outlier nationally in some key respects with the associated huge financial pressures, which in the medium term are unsustainable.
- 1.3 The Council's ambitions for pupils with SEND is articulated through the SEND strategy. Greater detail and exemplification is included in a number of documents, co-produced with key stakeholders including school leaders and parents, in use across the county. These include the Countywide Approach to Inclusive Education (CATIE), Kent's Inclusion Statement and the KCC Mainstream Schools Core Standards and implementation is supported by a professional development programme. In the light of the continuing pressures and our latest demand modelling over the coming four years this paper proposes that we better describe our intentions in respect of greater inclusion within Kent's mainstream schools and set out a clearer aspiration or target for those intentions. We propose this through making adjustments to the SEND strategy.

2. Background - Outcomes for children

Improving Educational outcomes for Children and Young people with SEND

- 2.1 Special schools play an important role in the continuum of educational provision in Kent. KCC acknowledges the crucial work they undertake with children and families, and we are committed to ensuring that continues, as for some pupils a special school is the most appropriate provision. However, our current focus is on developing the role of mainstream schools in the SEND education continuum.
- 2.2 Education is concerned with supporting social development and participation skills, as well as academic attainment, all of which contribute to preparing pupils for adulthood and taking their place as an active citizen in their community. Ideally, most pupils would attend a local school where they can form friendships, contribute to the school community and make use of local amenities, rather than spending significant amounts of time being transported to and from their school. In Kent, we have many mainstream schools that are successfully educating children with additional and special needs. We want to build on and extend this successful practice so that all children and young people have the same opportunities regardless of where they live.
- 2.3 The concept of a SEND inclusive mainstream school is underpinned by evidence that the educational experience and outcomes for many pupils with additional and special needs can be better in a mainstream school, and they are better prepared for adult life in society.
- 2.4 The starting point of a SEND inclusive school is concerned with what goes on in the school every day and is of benefit to all pupils. SEND inclusive schools are committed to the fulfilment of potential in all pupils, building a positive and supportive environment through promoting positive relationships, active engagement, and wellbeing. This approach is currently being supported through the implementation of 'Nurture Schools' across the county, which is of benefit to any pupil who is dealing with challenge in their lives, as well as those with SEND.
- 2.5 Secondly, they invest in developing good teaching, or 'quality first teaching' using a group of evidence-based teaching approaches which can be used flexibly in response to the needs of all pupils but is of particular benefit to pupils with SEND. Quality first teaching is then complemented with carefully selected small- group and one-to-one interventions. If more help is needed, the next step is to access specialist services which can be provided by the Specialist Teaching and Learning Service or a local special school. For many children and young people this will be sufficient support to ensure they make good progress in a mainstream school. This work is being supported by the Kent Leadership Inclusion Programme.
- 2.6 The third big professional development programme for all secondary schools is the Supported Employment programme. This bespoke programme is being rolled out to all secondary schools in Kent, providing training in collaboration with specialist agencies so that school staff are better equipped to develop student skills for the workplace as well as providing information on career pathways and local job opportunities.
- 2.7 This approach, which is embedded in the SEND strategy, has been further elaborated and exemplified in the Countywide Approach to Inclusive Education (CATIE), Kent's Inclusion Statement and the KCC Mainstream Schools Core

Standards, which are all being implemented in Kent schools currently. There has always been a professional development offer to support mainstream schools to become more SEND inclusive, but an intensive, evidence-based professional development programme, funded by retained school budgets, was launched in September 2021 and the three main strands are outlined above. The programmes draw on national and local effective practice and are building capacity across the system to enable consistent implementation in all mainstream schools and so greater opportunities for more pupils with SEND to successfully attend their local school. There has been a high level of interest and all the cohorts for the initial rounds of training are full which is very encouraging; however, it will take time to change the trajectory. The 'Ambition Statement' which clearly articulates the Council's position on this critical part of the SEND strategy and the important role of mainstream schools in the SEND educational provision continuum, reflecting practice nationally, will help in accelerating the progress being made in system reform.

Managing Demand Differently

- 2.8 There is widespread recognition that the current position (including projected scenarios) is unsustainable both in terms of the outcomes for many children with SEND and financially. It also goes directly against the wishes of parents of children with SEND (who were consulted on the SEND strategy), who expressed a strong desire for a more inclusive educational system.
- 2.9 There are a wide range of activities already in train to better manage this situation, linked to the Written Statement of Action, the SEND strategy, the Countywide Approach to Inclusive Education and the Kent Inclusion statement. The two primary areas of focus being reducing the increasing demand for EHCPs and working with mainstream schools to enable them to successfully support more complex children with SEND and to be more inclusive. Our aspiration in both of those areas is to get to a position where Kent's performance better reflects national and statistical averages.
- 2.10 All of Kent's services, either commissioned or funded for directly provided support in areas such as mainstream top up funding for individual schools, Specialist Teaching and Learning Service, SEN Provision Evaluation Officers amongst others, are under review to ensure they are fit for purpose and are set up to achieve the outcomes needed. New services are also being commissioned where there is clear evidence of gaps in support, with several key services due to be launched in January 2022 which have received good levels of interest from schools. These are funded through the High Needs Block of the DSG and budget transfers from primary and secondary school budgets.

Table 1 below sets out the full details of current and planned services to support inclusion in mainstream schools.

Table 1: Current and Planned Services to support inclusion in mainstream schools

Inclusion Related Services	
Mainstream Top-up funding for individual children with SEN	£30,500,000 per year
Specialist Teaching & Learning Service	£8,200,000 per year
Additional funding for schools with High incidence of SEN	£4,500,000 per year
SEN Provision Evaluation Officers	£1,800,000 per year
Specialist Resource Provision Outreach	Not separately identified (per year)
Whole School Nurture Approach	£1,200,000 over 3 years
Supported Employment in Schools	£1,000,000 over 3 years
Kent Inclusive Leadership Development Programme	£800,000 over 3 years
SEN Inclusion school-based Peer to Peer work	£900,000 over 3 years
'SEND & Learning Behaviours' programme (EEF)	£50,000 one-off
Other including pilots & training activities	£290,000 one-off
Embedding provision planning, transition support, locality-based hubs, capacity building & pilot activities in schools	TBC (up to £15,000,000)

- 2.11 This work is also an active part of the activities of the Education and SEND departments in their work with schools and school head teachers and linked in through the Countywide Approach to Inclusion in Education and the Written Statement of Action.
- 2.12 There is strong evidence emerging through data of the engagement of schools with these strategies, which is being collated with other relevant information, including feedback from parental surveys, to build a detailed picture of strengths and areas for development at a local level. This will enable officers to monitor and evaluate the impact of training and development work as well as to inform future priorities.
- 2.13 As part of the request for an EHCP assessment in Kent we will be ensuring that all EHCP requests have been discussed with educational settings prior to an application via a central mailbox. This will ensure that each child's needs are discussed, identified and the impact of the SEN support already in place is considered prior to a request for an assessment. It will also ensure that any requests that have been made will have had the appropriate SEN support identified, giving every opportunity for the educational setting to meet need without an EHCP application being made.

Drivers of Cost Pressures

- 2.14 As set out earlier in the report, the reforms introduced in 2014 created additional pressures across the country in relation to support for pupils with SEND. However, the scale of those pressures has affected Kent disproportionately to the extent that Kent is now an outlier compared to the national picture.

2.15 The specific drivers for those pressures in Kent since 2014 include:

- Rising numbers of EHCPs, which are far now greater than the national averages per 10,000 children
- Kent has proportionately less children identified as needing SEN support in schools than the national average
- There are proportionately less children with EHCPs in mainstream schools in Kent than national and statistical neighbour averages
- There are proportionately far more children placed in either special or independent schools or in Specialist Resourced Provision in Kent than the national and statistical neighbour averages.

2.16 Rising numbers of EHCPs

In 2016, Kent had 7,045 young people with an EHCP, equivalent to 22.2 plans per 1,000 of the 2-18yrs population, which was in line with the national average. This number has increased steadily since then, with 15,300 EHCPs in Kent by January 2021, with the rate more than doubling to 45.6 plans per 1,000 of the 2-18 years population. By comparison, the national rate is now 37.5 per 1,000 of the 2-18 population whilst our statistical neighbours' average rate is 33 per 1,000 of 2-18 population. If Kent had the same rate of EHCPs as national average, there would be 3,000 fewer EHCPs in the system.

2.17 Placement of children with SEND

The types of placements provided for children with SEND in Kent are different to those seen elsewhere in the country. There are proportionately fewer children with SEND in Kent placed in mainstream schools than is the case nationally (10.2 per 1,000 2-18-year-olds vs 12.7 per 1,000 nationally) than in both maintained & independent, Special Schools (195.42 per 1,000 2–18-year-olds vs 131.7 per 1,000 nationally).

2.18 This means that for every 1,000 children, approximately 5 more children in Kent go to either a special or independent provision than is the case nationally. This is equivalent to around 1,900 pupils, which is 33% of children currently placed in special or independent provision. Whilst Kent has had higher percentages of pupils with an EHCP in specialist provision for several years, the gap between the Kent rate and national rate has increased dramatically over the last five years.

2.19 If these figures are measured against the 2016 base, we see a 33% increase in special school places in Kent over the last five years compared to a national increase of 16% This is an increase from 3,628 in 2016 to 5,197 in January 2021.

2.20 The corollary of this position is that only 10.3% of pupils with an EHCP are in mainstream schools in Kent against a national average of 12.7%. If Kent were in line with the national figures, there would be 900 more children with an EHCP being educated in a mainstream setting with even more supported in their mainstream school at SEN support level (and not requiring an EHCP).

2.21 The situation in secondary schools is even more polarised and challenging with the majority of pupils with an EHCP in mainstream being educated in 70% of

Kent schools. In non-selective schools on average 2.0-2.5% of pupils have an EHCP compared to 0-0.5% of the pupil population in selective schooling.

Future modelling

- 2.22 Future projections based on the current trajectory of both the nature and cost of demand without further intervention, suggest that, if we do not change the way that the system for children with EHCPs functions, we will continue to see numbers of EHCPs increase to 23,726 by 2024/25, an increase of 55% in four years. This forecast is reflective of reality whereby our current number of EHCPs has grown from 15,300 in January 2021 to a current total of around 18,000 (as predicted by the model).
- 2.23 To meet the level of demand in 2024/25 we would also require:
- 700 additional places in Specialist Resource Provisions (SRPs). Based on an SRP offering up to 20 places each, this would equate up to 35 new SRPs at a total cost of £9-18m
 - 2,900 additional special school places in 18 new special schools, equivalent to a capital cost of approximately £360m
 - 1,100 additional independent schools' places or the equivalent to 5 more independent special schools at a capital cost of approximately £100m
- 2.24 If all else remained the same, this would move the in-year deficit to £130m with an overall accumulated deficit of approximately £495m by 2024/25.

3. Overview of Financial Pressures for SEND

- 3.1 Services to children and young people with Special Educational Needs are funded from three main sources:
- General Fund
 - Capital Grant for development of SEN services
 - Specific ring-fenced grant from the Department for Education (DfE)
- 3.2 The General Fund pays for statutory services including the EHCP processes, SEN transport and Educational Psychology. Over the past four years, the Council has had to invest nearly £20m (over 50% increase) to support growing demands for these services.
- 3.3 The Department for Education provides capital funding to support the development of SEN services, in addition to specific funding for the building of new special schools, such as Aspire and Snowfields Special Schools in Kent. The general capital funding has not been sufficient to meet the demand for new SEN services where between 2018/19 and 2021/22 that spend has been £26m against funding of £17.5m. Whilst Government has recently announced additional funding there are no further details available at this stage.
- 3.4 The Dedicated Schools Grant (DSG) is a ringfenced revenue grant to support school budgets and services. It is split into four main funding blocks each with a different purpose and specific rules attached, any under or overspend relating to this grant is held by the Local Authority in a specific reserve to be dealt with through future year spending plans:

- Schools Block
- High Needs Block
- Early Years Block
- Central Services Block.

3.5 The High Needs Block (HNB) of funding is intended to support the educational attainment of children and young people with special educational needs and disabilities (SEND) and pupils attending alternative education provision. The HNB funds payments to maintained schools and academies (both mainstream and special), independent schools, further education colleges, specialist independent providers and pupil referral units. Some of the HNB is also retained by KCC to support some SEND services (staffing/centrally commissioned services) and overheads.

3.6 In recent years, the overspend on the High Needs block has been growing at a faster rate than the increases in the grant. The overspend in 2021/22 is predicted to be £41m, which contrasts with previous years of £32m in 2020/21, £21m in 2019/20 and £6.7m in 2018/19, which will result in an accumulated deficit on the High Needs block at the end of 2021/22 of £102m. This deficit is currently held separately in KCC's final accounts in line with the statutory override that has been in operation since March 2020, whereby Local Authorities are required to ring-fence a DSG deficit and hold it separately within the Local Authority's accounts. This override is time-limited and is subject to review; therefore, if no extension is given, any remaining deficit will form part of the Local Authority's accounts from 2023-24.

3.7 In response to the growing financial pressures many Local Authorities are experiencing in meeting increasing demands for SEN services, the Department for Education (DfE) has, alongside providing extra funding, put in a requirement for affected Local Authorities to develop a deficit recovery plan. The DfE have also provided a commitment to work with Local Authorities to support financial recovery including the possibility of funding historic DSG deficits if a Local Authority can demonstrate it is not possible to pay this off over a reasonable timescale. However, this will only be considered when a Local Authority can demonstrate a reasonable set of actions which will enable the authority to operate within the annual DSG grant by setting out plans to change the pattern of provision where this is necessary, as well as to achieving greater efficiency in other ways. This paper will support the approach that will underpin Kent's Deficit Recovery Plan as we develop one moving forward.

4. **SEND Strategy**

4.1 The SEND strategy which was adopted in March 2021 is the key strategic document that sets the direction of travel for services for young people with SEND. It sets out the aspiration to 'support the inclusion of all children and young people in Kent' and aims to do this through 5 key priorities. The most relevant here are:

- *Priority 4. Improve education, care and health outcomes for children and young people with SEND*
- *Priority 5. Ensure children and young people with SEND are included in*

their community

- 4.2 We believe that it would be helpful if we were clearer and more explicit across the system about what these statements mean and, as such are proposing an adjustment to the wording that sits underneath those priorities as set out below. We are not proposing to alter the priorities. To this end, we propose the addition of the following Ambition Statement to the SEND Strategy.

*To deliver a model of provision which supports greater inclusion of children and young people within mainstream schools in their local communities through realigning the SEN system in Kent; and
To aim for the proportion of children and young people supported in each provision type (mainstream and specialist provision) to more closely reflect both statistical neighbours and national averages.*

- 4.3 Priority 4 has several points sitting underneath the priority statement which spell out how we aim to deliver that priority. We propose changing the second bullet point from:

- Launching a new County Approach to Inclusive Education, working with our schools, settings and colleges to ensure mainstream provision is more inclusive to SEND children and young people
To:
- Using the County Approach to Inclusive Education, working with our schools, settings and colleges to deliver a model of provision which supports greater inclusion, and a higher proportion of children and young people with SEND within mainstream schools in their local area.

- 4.4 Priority 5 has several points setting out how we aim to deliver that priority. The first bullet point is proposed to be changed from:

- Supporting children and young people with SEND in the community where they live. Through attending local schools and colleges, children and young people will build links and social networks in their local community
To:
- Supporting more children and young people with SEND in the community where they live, by aiming for the proportion of children and young people supported in each provision type (mainstream, specialist) to return to national and statistical neighbours' averages within 5 years. By attending local schools and colleges, children and young people will build links and social networks in their local community

- 4.5 We believe that making the adjustments as set out above would create greater clarity about the direction of travel for SEND services in Kent and would better align with the work that is already taking place with schools and others through the Countywide Approach to Inclusive Education and the Written Statement of Action. Special schools play an important role in the continuum of educational provision in Kent and for some pupils a place in a special school is, and always will be the right provision. However, our current focus is on developing the role of mainstream schools in the SEND education continuum so that more pupils can attend a local school where they can form friendships, contribute to the school community and make use of local amenities, rather than spending

significant amounts of time being transported to and from their school.

- 4.6 The concept of SEND inclusive mainstream schooling is underpinned by evidence that the educational experience and outcomes for many pupils with additional and special needs can be better in a mainstream school and they are better prepared for adult life in society. We believe that these adjustments to the strategy would provide helpful clarification of that position and our direction of travel.
- 4.7 The inclusion of a target so that the type of provision utilised in Kent better aligns with national averages is important as it is the cornerstone of a more inclusive system for children with SEND as well as a critical component of our work to balance spending on the High Needs budget. We need to ensure we are striving to achieve the “right provision, at the right time” where possible within the context of a finite resource.
- 4.8 Taken overall the proposals will support an approach across Kent that aims to bring services closer in line with how they are delivered nationally and in statistical neighbours, that begins to address the huge financial deficit that we are facing and finally, will form the cornerstone of a Deficit Recovery Plan that will provide confidence to the DfE that we are able to manage services within an agreed budget.

5. Legal Implications

- 5.1 The paper sets out the current pressures and likely direction of travel in respect of our ability to fulfil our statutory responsibilities for young people with SEND and our ability to manage spend within budget. If we are unable to achieve a change of direction, we will be neither able to fulfil our statutory responsibilities nor to manage services within the designated budget.

6. Equalities Implications

- 6.1 An EQIA is already in place covering the SEND strategy which was completed less than one year ago. The proposed changes are relatively minor and whilst we think it unlikely that they will materially affect the conclusion of that assessment, we will review it in the light of any changes.

7. Conclusions

- 7.1 This paper has set out the pressures as they currently exist within the SEND system, illustrating how these pressures will continue to increase without remedial action and setting them within the national context. Going forward, these pressures will be unsustainable for the Council and not in the best interests of children and young people with special educational needs.
- 7.2 The proposed adjustments to the wording within the SEND strategy will serve to underline our commitment to providing a more inclusive education service to pupils with SEND in Kent, better reflect the work already taking place with schools and evidence that we have listened to the feedback that parents provided on the SEND strategy, namely that they wanted to see a more

inclusive education offer for their children. It would also better align us with the national research which illustrates how many pupils with additional needs have better outcomes in mainstream schooling.

- 7.3 Delivering a pattern of educational provision that better aligns to national averages and moves us away from being an outlier will strengthen our position with DfE and Ofsted when they re-visit Kent to look at progress against the Written Statement of Action
- 7.4 Finally, this increased clarity will also put us in a better position to address the ongoing in-year budget deficit on the High Needs Block as well as the accumulated deficit. If the DfE is to assist us with this deficit, then the Recovery Plan will have to provide assurance that we can, at the very least, manage spend on an annual basis within budget.

8. Recommendation(s)

That Children's Young People and Education Cabinet Committee comments on and recommends to Cabinet :

- a) The addition of the following statement of Ambition into the SEND Strategy.

Deliver a model of provision which supports greater inclusion of children and young people within mainstream schools in their local communities through realigning the SEN system in Kent, and to aim for the proportion of children and young people supported in each provision type (mainstream and specialist provision) to more closely reflect both statistical neighbours and national averages.

- b) proposed updates to the SEND strategy as set out in paragraphs 4.2, 4.3 and 4.4 of this report, to align with that ambition

9. Background Documents

SEND Strategy 2021-24

[SEND strategy - Kent County Council](#)

SEND Strategy 2021-24 EqIA

<https://letstalk.kent.gov.uk/kent-s-strategy-for-children-and-young-people-with-special-educational-needs-and-disabilities-2021-2024>

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