

## KENT COUNTY COUNCIL

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### SEND SUB-COMMITTEE

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

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

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

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

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

### UNRESTRICTED ITEMS

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

There were no apologies for absence.

**2. Election of Chair**  
*(Item 3)*

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

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

**3. Election of Vice-Chair**  
*(Item 4)*

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

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

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

*(Item 5)*

There were no declarations of interest.

**5. Terms of Reference of the SEND Sub-Committee**

*(Item 6)*

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

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

**6. SEND Transformation Progress Update**

*(Item 7)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Terms of reference. The terms of reference of:

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

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

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

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

Assurance reports.

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

Inspection Revisit.

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

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

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

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