

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Cabinet

DECISION NO:

23/00107

For publication [Do not include information which is exempt from publication under schedule 12a of the Local Government Act 1972]

Key decision: YES

The decision will:

- a) *result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000); or*
- b) *be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions – which will include those decisions that involve:*
 - *the adoption or significant amendment of major strategies or frameworks.*
 - *significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether county-wide or in a particular locality.*

Subject Matter / Title of Decision

Kent Special Education Needs Sufficiency Plan 2024-2028

Decision:

Cabinet is asked to agree the Special Educational Needs Sufficiency Plan 2024-2028.

Reason(s) for decision:

Kent County Council (KCC), as the Local Authority (LA), has a statutory duty to ensure sufficient school places are available. KCC's Commissioning Plan for Education Provision has included a section on Special Education Needs Provision; however, this has always been a high-level summary based on limited analysis and forecasting. This is the first time that KCC has produced a Sufficiency Plan for Special Education Needs (SEN) Provision.

Kent is the largest local authority by population with 246,585 pupils. It has a statistically significant number of pupils with an Educational Health Care Plan (EHCP). The number of EHCPs in January 2023 was 18,930. In 2023, the percentage of Kent school age children (5 to 19 years) with an Education, Health and Care Plan (EHCP) was 5.2% compared to England with 4.3%. In 2022, 41.1% of pupils in Kent with an EHCP attended a special school compared to 34.8% of pupils nationally.

To meet the individual needs of children with SEND, a range of education provision is available in Kent, within both mainstream and special schools. The purpose of this SEND Sufficiency Plan is to inform and support KCC in its development of strategic place planning for SEND educational provision in the medium to long term. The SEND Sufficiency Plan will sit under the Commissioning Plan for Education Provision in Kent to inform strategic educational place planning. There are 4 key aims for the Kent SEND Sufficiency Plan:

- Inform medium to longer term commissioning/decommissioning of places for children and young people with an Education, Health and Care Plan.

- Inform capital investment planning and future bids to DfE Wave programmes.
- Inform high level discussions with providers around required changes to current provision to meet future needs.
- Support the delivery of the Safety Valve programme, to bring Kent in line with other local authorities' patterns of provision.

Following consultation on the plan, it needs formal adoption by the County Council to enable its implementation. The consultation feedback, whilst limited, indicated the Plan was a step forward and something which can be built upon.

Commissioning recommendations for this first Plan are limited by the need for the Special School, Specialist Resource Provision and Early Years reviews to complete. The outcomes and recommendations from these reviews will be key to informing future commissioning decisions and the next iteration of the Plan. The initial commissioning recommendations from the Plan are reflected in Kent's Commissioning Plan for Education Provision 2024 to 2028.

For post-16, actions are underway to meet demand regarding place planning, with engagement from all FE groups as part of multiple projects around access for students to mainstream settings. The phases of implementation of the SEND Sufficiency Plan will be influenced by the medium and longer-term commissioning decisions that result from the data presented.

How the proposed decision supports Framing Kent's Future 2022-2026

The SEND Sufficiency Plan will help to support Framing Kent's Future – Our Council Strategy (2022-2026) Priority 1 - Levelling up. 'To maintain KCC's strategic role in supporting schools in Kent to deliver accessible, high quality education provision for all families.'

How the proposed decision supports Securing Kent's Future

The proposal will support Supporting Kent's Future Objective 2 – it seeks to plan future provision to better meet the needs of children and young people closer to their homes, in high quality state funded provision, thereby delivering better service more efficiently.

Financial Implications

Following consultation and approval, the SEND Sufficiency Plan will feed into capital plans through KCC's Commissioning Plan for Education Provision in Kent 2024 – 2028 as all commissioning intentions set out within the Sufficiency Plan are reflected within this.

The forecasts and commissioning intentions support the delivery of KCC's Safety Valve Agreement with the Department for Education <https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/education-policies/send-strategies-and-policies/safety-valve-agreement>

Legal implications

The County Council has a statutory duty under section 14 of the Education Act 1996, to ensure there is a sufficiency of school places available to meet the needs of all children and young people living within our authority. This includes the need to secure provision for children with special educational needs and disabilities (SEND). In addition, section 315 of the Education Act 1996 requires that arrangements for children with SEND be kept under review.

Equalities implications

An Equality Impact Assessment has been produced for this Sufficiency Plan and the assessment did not identify any negative impact.

Separate more detailed equalities impact assessments will be completed as individual project consultations come forward to consider the impacts on any protected group arising from that individual education proposal.

Other Alternatives Considered and risks if decision isn't taken.

The analysis set out within the SEND Sufficiency Plan based on forecasts linked to population data and aligned with the Safety Valve targets is designed to inform commissioning options for the future. The risks associated with the forecasting and the commissioning are linked to other areas of action that lie outside the Sufficiency Plan remit, for example work to reduce the rate of growth in Education Health and Care Plans.

Cabinet Committee recommendations and other consultation:

The Children's and Young People Cabinet Committee consider the decision on 21 November 2023 and endorsed the recommendation for Cabinet to approve the Plan.

Any alternatives considered and rejected:

- 1.1 The option of not having a SEND Sufficiency Plan has been the Authority's previous position. Its SEND commissioning has lacked the rigour and consistency seen in the mainstream space, via the Commissioning Plan for Education Provision in Kent. This first SEND Sufficiency Plan is a first step towards establishment of an annual cycle of forecasting for SEND provision linked to the delivery of Kent Safety Valve Agreement with the DfE and feeding into the Commissioning Plan for Education provision in Kent.
- 1.2 The Plan will provide analysis and an evidence base to inform longer-term capital planning for SEND provision.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

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signed

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date