

DECISION REPORT

From: Rory Love, Cabinet Member for Education and Skills
Sarah Hammond, Corporate Director of Children, Young People and Education

To: Cabinet 25 January 2024

Subject: Kent Special Education Needs Sufficiency Plan 2024-2028

Decision no: 23/00107

Key Decision: It involves expenditure or savings of maximum £1m – including if over several phases

New Strategy or Policy outside of the Policy Framework

Classification: Unrestricted

Past Pathway of report: CYPE Cabinet Committee 21 November 2023

Future Pathway of report: Cabinet Decision

Electoral Division: All

Is the decision eligible for call-in? Yes

Summary: This report provides the Cabinet with the Special Education Needs Sufficiency Plan 2024-2028 for approval.

Recommendation(s):

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

1. Introduction

- 1.1 Kent County Council (KCC), as the Local Authority (LA), has a statutory duty to ensure sufficient school places are available. The County Council's Commissioning Plan for Education Provision in Kent (KCP) is a five-year rolling plan which is updated annually. It sets out KCC's future plans as Strategic Commissioner of Education Provision across all types and phases of education in Kent.
- 1.2 This is the first time that KCC has produced a Sufficiency Plan for Special Education Needs (SEN) Provision. Most Local Authorities now produce an analysis and plan that sits under their SEND Strategy and feeds into their Education Commissioning Plan and capital strategy for education provision.
- 1.3 Kent'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.
- 1.4 As part of the new requirements for SCAP23 (School Capacity Survey) the DfE has requested that Local Authorities provide data on the capacity of their special

schools, SEN units and resourced provisions as well as forecasts for the number of Kent resident children with an EHCP county-wide. This is the first time that capacity of specialist schools and provisions has had to be included.

- 1.5 From 2023 to 2025 the Department for Education is running a Net Capacity programme to provide accurate and up-to-date information on pupil capacity for every government-funded secondary school and special school in England. This is the first time special schools will have been included in the programme and have an agreed net capacity. The capacity included in KCC's first SEND Sufficiency Plan is based on a combination of reports commissioned by KCC and current roll numbers in schools. We know that a number of Kent special schools will have pupil numbers considerably over what is likely to be their net capacity.
- 1.6 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.

2. Key Considerations

- 2.1 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.'
- 2.2 The SEND Sufficiency Plan also helps to meet the targets set out within KCC's Safety Valve Programme, providing detailed analysis and additional maintained special school capacity that will support a reduction in placements within the higher-cost independent and non-maintained special school sector.
- 2.3 The SEND Sufficiency Plan also supports KCC's SEND Strategy 2021-2024. The aim of the SEND strategy is to improve the educational, health and emotional wellbeing outcomes for all of Kent's children and young people with special educational needs and those who are disabled.

3. Background

- 3.1 To meet the individual needs of children with SEND, a range of education provision is available in Kent, within both mainstream and special schools. Kent has 24 Special schools, including two new schools opened in recent years, and will have a 25th special school for secondary age young people with SEMH opening on the Isle of Sheppey in September 2024.

- 3.2 Kent has 74 Specialist Resource Provisions (SRPs) provided by 65 mainstream primary and secondary schools with some limited post-16 places. SRPs are places that are reserved at a mainstream school for pupils with specific types of Special Educational Needs (SEN), who are included within the mainstream school and activities, but require a base and/or some specialist facilities around the school. These SRPs were commissioned in 2023/24 for 740 primary places and 690 secondary places across different designations.
- 3.3 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. The percentage of Kent school age children (5 to 19 years) with an Education, Health and Care Plan (EHCP) was 3.8% in January 2020 and had increased to 5.2% by January 2023. In England in 2023 the percentage of pupils with an EHCP was 4.3%. EHCPs in Kent have risen above national levels consistently since their introduction in 2014.
- 3.4 In 2022, 41.1% of pupils with an EHCP attended a special school compared to 34.8% nationally. For those with an EHCP in Kent, primary aged children are more likely to attend mainstream provision than secondary. There are high numbers of children and young people attending non-maintained and independent educational provisions, adding financial pressure and unsustainable costs.
- 3.5 In order to reduce the high numbers of children attending non-maintained and independent provision and meet the growing population, as well as manage the population bulge as it now moves through secondary education and onto post-16, we will need to:
- a) commission additional maintained special school places, whilst ensuring that these places go to those children and young people with the most complex needs,
 - b) increase the number of secondary school SRPs particularly to address obvious geographical gaps, and to ensure pathways from mainstream primary into mainstream secondary for children who require the additional support that an SRP can provide, and
 - c) work with all post-16 providers to ensure that young people with EHCPs have pathways into post-16 education, work and independence.
- 3.6 Commissioning recommendations for this first SEND Sufficiency 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. Commissioning recommendations from the SEND Sufficiency Plan will be reflected in Kent's Commissioning Plan for Education Provision 2024 to 2028 and are set out in the tables below.
- 3.7 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.

3.8 Agreed and planned additional specialist provision across Kent Specialist Schools

Provision	Proposed opening date	Need Type	District	Potential Number of places	Total Planned Places added by year				
					2024-2025	2025-2026	2026-2027	2027-2028	Between 2028-31
Special School (all through) - Whitstable	2026	PSCN/ ASD/ SEMH	Canterbury	120	0	0	48	28	44
Special School (All through) - Swanley	2026	PSCN	Sevenoaks	250	0	0	114	66	70
Isle of Sheppey (Secondary)	2024	SEMH with ASD	Swale	120	40	40	40	0	0
Expansion of Special school for SEMH with ASD to include Primary provision or a primary satellite.	2026	SEMH with ASD	Swale	40	0	0	10	10	20
1 x secondary Satellite of PSCN School	2024	PSCN	Swale	20	10	10	0	0	0
Special School Satellite – Isle of Sheppey	2024	ASD	Swale	60	12	12	12	12	12
Satellite of a PSCN School	2025	PSCN	Tonbridge and Malling	50	0	50	0	0	0
Satellite of a PSCN School	2026	PSCN	Tunbridge Wells	50	0	0	50	0	0
Total Special School places				710	62	112	274	116	146

3.9 Agreed and planned additional Specialist Resource Provisions

Provision	Proposed opening date	Need Type	District	Potential Number of places	Total Planned Places added by year				
					2024-2025	2025-2026	2026-2027	2027-2028	Between 2028-31
Cullum Centre	2024	ASD	Canterbury	9	3	6	0	0	0
Alkerden (Primary)	2026	ASD	Dartford	15	0	0	4	4	7
Alkerden (Secondary)	2026	ASD	Dartford	25	0	0	5	5	15
Expansion of Aspen SRP at Christchurch Academy	2024	PSCN	Dover	30	6	6	6	6	6
Folkestone Academy	2024	ASD	Folkestone & Hythe	30	6	6	6	6	6
Secondary SRP	2025	ASD	Thanet	30	0	5	5	5	15
Total SRP places				139	15	23	26	26	49

3.10 The SEND Sufficiency Plan makes a series of pre-16 and post-16 recommendations around system improvements to make future iterations more robust. The recommendations include actions to consult on further investment for secondary SRPs and a review of current recording practices of post-16 placements. The recommendations will support the delivery of high quality education provision for children and young people with an EHCP.

3.11 A stakeholder consultation took place from Friday 6th October to Tuesday 14 November 2023 and was distributed to all schools, FE Colleges, Specialist Post-16 Institutions (SPIs) contacts, Kent PACT, Directorate and Divisional senior managers, Health contacts, Cabinet Member for Education and Skills, CYPE Cabinet Committee, SIAB and SEND Scrutiny committee members. A detailed summary of responses is available in Appendix 1.

3.12 The following table gives an evaluation of the consultation outcomes and the key sentiments from the respondents. A total of 49 replies were received and mostly mainstream schools were represented (86%).

Question	Responses
The aims of the SEND Sufficiency Plan are clear	54% of stakeholders agreed or strongly agreed. 38% disagreed or strongly disagreed.
Please add your comments on whether you think that the SEND Sufficiency Plan does start to meet those aims.	9 responses requested further detail as to how schools would manage the challenges, 6 responses mentioned funding cuts or increased expenses, 7 responses mentioned themes around EHCPs or children with SEN, including huge numbers of EHCPs, whether mainstream schools could cater for complex needs and why families felt that an EHCP was the only option,

<p>The SEND Sufficiency Plan shows how the population of CYP with an EHCP is forecast to change in the future. Will this impact on your own planning for the future?</p>	<p>81% of stakeholders agreed or strongly agreed. 2% disagree or strongly disagree</p>
<p>Please add your comments on how you think the change in pupil population profile will impact on your own planning for the future.</p>	<p>The response comments did not specifically address the changes outlined in the EHCP Forecast 2023, of give details of the solutions from their provisions. Some responses were requests for additional funding or specialist provision from the local authority to meet the needs of pupils with more complex needs.</p>
<p>Kent needs to address the geographical gaps in pathways for CYP who can access their education in a mainstream school with the support of an SRP.</p>	<p>91% of stakeholders agreed or strongly agreed. 2% disagreed or strongly disagreed.</p>
<p>Please add any comments you have relating to specific geographical gaps from your perspective.</p>	<p>12 responses did not answer the question to name specific geographical gaps. 8 responses mentioned a specific district or area of Kent.</p>
<p>Addressing the gaps in secondary phase and post-16 SRPs is a priority.</p>	<p>65% of stakeholders agreed or strongly agreed. 0% disagree or strongly disagree</p>
<p>Do you have any comments relating to the Pre-16 and General Recommendations detailed in section 5.</p>	<p>Some responses did not comment on the 10 recommendations. 3 responses mentioned future planning. 4 respondents appeared to mis-read pre-16 as post-16.</p>
<p>Do you have any comments relating to the Post-16 Recommendations to improve SEND Sufficiency, detailed in section 5.</p>	<p>6 respondents advised they did not wish to make further comments, with a few giving reasoning that they were from the primary sector. There were requests for information to support forward planning.</p>
<p>Do you have any comments relating to the Commissioning Recommendations: Planned Additional Specialist Provision Across Kent Special Schools, detailed in section 5.</p>	<p>No responses were specific to the information included in the table in section 5. 3 responses mentioned location, 2 responses commented on the pressure for more provision.</p>
<p>Do you have any comments relating to Commissioning Recommendations: Planned Additional Specialist Resource Provisions, detailed in section.</p>	<p>1 comment noting a gap. 4 responses with unrelated themes.</p>
<p>Do you have any comments relating to Further Education Commissioning 2023-24 detailed in section 5.</p>	<p>As with previous post-16 aimed questions, some respondents noted they did not wish to contribute to this question. The following views included the need for additional provision in areas of highest need, concerns around the insufficiency of FE course offers and</p>

	the needs of EHCP learners and the inconsistent but good transition practice.
Do you have any comments relating to the Summary of Commissioning Recommendations for Post-16, detailed in section 5.	Several responses noted in-depth logistical challenges not specifically related to post-16 commissioning. Some responses raised the need for closer links to support transition and to ensure proportional provision.
Do you have any additional comments relating to the Next Steps of the SEND Sufficiency Plan, detailed in section 7.	The comments did not specifically respond to the Next Steps. 3 responses mentioned time scales.
Additional comments	Comments were across a wide range. 3 responses mentioned funding.

4. Options considered and dismissed, and associated risk

- 4.1 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.
- 4.2 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.
- 4.3 The commissioning options set out within this SEND Sufficiency Plan are included in the Kent Commissioning Plan for Education 2024 – 2028 (KCP) and are subject to scrutiny and decision-making as part of the approval process for the KCP.

5. Financial Implications

- 5.1 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 with the current draft Commissioning Plan.
- 5.2 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>
- 5.3 Each individual project will be subject to consultation and Cabinet Member decision.

6. Legal implications

- 6.1 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.

- 6.2 The provision of sufficient school places is a statutory duty and contributes to the Strategic Business Plan Priorities to ensure that “Children and Young People in Kent get the best start in life”.

7. Equalities implications

- 7.1 An Equality Impact Assessment has been produced for this Sufficiency Plan and the assessment did not identify any negative impact. It considered whether the principles, analysis and commissioning intentions contained within the SEND Sufficiency Plan may impact (either positive or negative) on any protected groups and if so what action, if any, should be taken to mitigate the negative impacts.

- 7.2 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.

8. Data Protection Implications

- 8.1 *None identified.*

9. Other corporate implications

- 9.1 *None identified.*

10. How the proposed decision supports Framing Kent’s Future 2022-2026

- 10.1 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.’

11. How the proposed decision supports Securing Kent’s Future

- 11.1 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.

12. Governance

- 12.1 Once a key decision is made, Kent County Council’s Constitution (Section 10, Executive Scheme of Officer Delegation), provides a clear and appropriate link between this decision and the actions required to implement it.

13. Conclusions

- 13.1 This 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 whilst feeding into the Commissioning Plan for Education provision in Kent.

13.2 The SEND Sufficiency Plan will provide analysis and an evidence base to inform longer-term capital planning for SEND provision.

14. Recommendation(s):

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

15. Background Document

15.1 Kent Strategy for SEND 2021-2024 <https://www.kent.gov.uk/education-and-children/special-educational-needs/send-strategy/strategy-for-children-with-special-educational-needs-and-disabilities>

15.2 Kent Commissioning Plan for Education Provision
www.kent.gov.uk/educationprovision

15.3 Framing Kent's Future Our Councils Strategy 2022-2026
[Framing Kent's Future - Kent County Council](#)

16. Contact details

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