

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

To: SEND Scrutiny Sub Committee – 7th February 2024

Subject: Accelerated Progress Plan - DfE and NHS England Review

Classification: Unrestricted

Past Pathway of report: None

Future Pathway of report: None

Summary: During November 2023 the DfE and NHS England undertook a review of the progress the Kent area had made against the Accelerated Progress Plan. The feedback letter was sent to the Corporate Director of Children’s Services KCC and Chief Delivery Officer Kent and Medway Integrated Care Board during January 2024. The letter is included as Appendix B to this covering report.

Recommendation(s):

The SEND Sub-Committee is asked to **note** the report.

1. Introduction

1.1 When the Kent area was inspected in 2019, the provision for SEND was judged to have weaknesses in nine areas. A revisit took place during September 2022 which judged insufficient progress had been made in addressing the weaknesses. An externally chaired SEND Improvement and Assurance Board was established to support the improvement journey, and within KCC a SEND Scrutiny Sub-Committee was set up. An Improvement Notice was issued by the then Minister in March 2023 requiring the development of an Accelerated Progress Plan. The DfE approved the final APP, which included 116 actions, in July 2023 and this was published in September alongside a parent and children and young person-friendly version.

1.2 The first review of progress against the actions took place on the 15th November 2023. Prior to the DfE and NHSE panel meeting, an extensive level of evidence was submitted for each Area of Weakness (AOW). An overview of the evidence related to each of the nine Areas of Weakness which was submitted as part of the evidence base can be seen in Appendix A. On the day, officers and the Cabinet

Member for Education and Skills responded to questions from the panel, and the views of PACT, a small group of parent/carers and school representatives were also sought. Following the assessment day, further evidence was requested by the panel members. All of this evidence was considered to inform the judgements made in the feedback letter which can be seen in full as Appendix B SEND-6-month-review-feedback-letter-DfE-8-January-2024

1.3 The letter also provides helpful pointers for the next review, which will take place at the end of April 2024 and preparation is well underway to provide a robust evidence base of the further progress that is being made.

2. The feedback letter

2.1 The letter acknowledged the collective determination to make sustainable improvements and their judgement of the evidence provided is that Kent is making progress in all areas of the APP. During the re-visit in September 2022, there had been over one hundred staff vacancies in the SEND statutory services and stabilising the workforce as well as establishing a high-quality professional development programme were an early priority. The review team recognised that this requirement had been fully met. The team also evidenced stronger governance and strategic oversight in place.

2.2 Progress in improving access to wheelchairs, reducing waiting times for speech and language therapy and the stronger relationship with schools were commented on.

2.3 Whilst progress has been made in all nine areas identified for improvement, the review conducted highlighted that the pace of the improvements must be maintained.

2.4 The focus now is on preparing for the next review and an overview of some of the key activities are outlined below. A detailed plan is being developed for each AOW.

3. Planning for the April 2024 Review

Staffing

3.1 Staff from the Strategic Reset Programme made an invaluable contribution to developing and drafting the APP as well as managing and coordinating the evidence base for the review. An Education and SEND Transformation Team have now been recruited to support this work and they are taking the lead on preparing the evidence for the next review, as well as the preparation for the forthcoming SEND Area inspection. These are experienced officers and despite being in post a short time have made significant progress with the work.

Completion of activities

- 3.2 The provision of high quality, robust evidence of progress and impact is critical to the improvement journey and officers have been working with a former Ofsted HMI and colleagues who have undergone inspection under the new framework to develop and refine the evidence being gathered.
- 3.3 The majority of activities in the APP will need to be completed by the next review so a formal governance process has been established to consider the evidence of progress and impact and to decide if it is sufficiently robust that the focused activity/line in the APP can be marked as completed. The SEND Transformation Team are meeting individually with the AOW leads to identify which will be completed by the time we need to submit the evidence and which may need additional support or cannot be completed by the deadline of the 29th of March 2024 as the project timeline exceeds when the next review is planned. To date, 17 actions have been submitted for consideration as complete, with a further ten currently progressing through the process. Using this process, officers are confident that at least 70% of the 116 activities in the APP will be robustly evidenced as completed by the next review.

Education, Health and Care Plans

- 3.4 Both improving the completion rate within timescale and the quality of plans are critical issues and there are a range of activities underway to achieve these outcomes as well as to address the significant backlog which has built up. KCC now has the appropriate staffing in place and this was a significant step forward in addressing concerns relating to assessment, development and issuing of EHCPs. The development of a detailed plan which is requested in the letter is underway and will be available late March.
- 3.5 There is continuing work to understand the drivers for the current demand for EHCPs and an example can be seen in Appendix C EHCPS – Parental Views on Assessment and this type of work has informed our approach to strengthening communications and support pre-request for Assessment. The presentation of this and other data to SENCOs to inform their ways of working to better understand and support them in talking with parents and carers can be seen in Appendix D. This presentation will be used in the SENCO network meetings taking place during February 2024.
- 3.6 Regular independent reviews take place to judge the quality of decision-making at each stage of the process and most recently (December 2023) the Inclusion Champions have undertaken an evaluation exercise of all the decision making and their recommendations will be implemented over the coming weeks.
- 3.7 The quality of EHCPs is routinely sampled, analysed and reported on through the Quality Assurance process and the findings are then looped back to inform training and performance management. As suggested in the letter the sample size will be expanded to give a more informed, richer picture and accelerate improvement.

Parental and young people's engagement

- 3.8 There is a wealth of activity currently being undertaken on engagement and this needs to be developed to be more systematic and considered strategically to influence decision-making. CYP/family voice has now been incorporated into SIAB to further evidence our commitment to ensuring it forms a core part the primary focus as per DfE review letter. Mapping of family/parent groups created or attended by KCC and NHS teams is nearing completion so AOW leads know where to go to involve parents/carers in service designs, seeking feedback and other forms of engagement.
- 3.9 Staff are advising on the most effective ways of gathering and collating supporting evidence from children, young people and their parents and carers. Feeding back how this intelligence has influence change and if not, why not is important to build confidence in the system so effective mechanisms to ensure parents/carers, young people, staff and the education sector providers have this communication are being developed.
- 3.10 Parental confidence is an important indicator and the Communications and Engagement Task and Finish group are considering the means by which this data can be collected including through schools.
- 3.11 To ensure that the impact of the extensive work on communications is captured, there will be termly reports on the impact of communication activities.

4 Financial Implications

4.1 Special Education Needs Services are funded from either:

- the Dedicated Schools Grant (DSG) - a specific grant from the Department of Education to fund special educational need placement and support services (total budget for 23-24 is £317m) or;
- Council Funding - for the statutory responsibilities relating to the strategic oversight, assessment and review Education Health and Care Plans (total budget for 23-24 is £29m). In additional to SEN transport services (budget for 23-24 is £60m).

4.2 In 2023-24, the council is forecasting a £40m overspend on its DSG allocation, where the cost of SEN services is greater than the grant funding received. The Council has been experiencing a growing overspend on its DSG since 2018-19, resulting in an accumulated deficit on its DSG of £135m by March 2023. In response, to this the council entered the DfE's Safety Valve Programme in March 2023, for those Councils with the highest deficits to support the development of a sustainable plan for recovery; including annual funding from the DfE, totalling £140m by 2027-28, along with a commitment from this council to contribute a further £82m, to help pay off the historic deficit. The funding from the DfE is contingent on the Council demonstrating and delivering a credible plan to achieve an in-year breakeven position on its DSG. The majority of the actions to achieve a balanced in-year position are reflected throughout the APP, where improvements to the SEN system and outcomes for children are expected to result in an improved financial outcome.

4.3 In 2024-25, the council is also proposing to invest a further £2m in SEN statutory services to support ongoing recovery.

5 Legal implications

5.1 An Improvement Notice was issued to Kent County Council (“the Council”) on 31 March 2023 following an assessment that the local area has failed to make sufficient progress against nine areas of weakness in its special educational needs and disability (“SEND”) service provision, as set out in the Ofsted and Care Quality Commission (“CQC”) SEND Revisit report, published on 9 November 2022. This Improvement Notice requires the Council to aim for the majority of the actions included in the Improvement Plan to be delivered by the end of April 2024 (i.e. within 18 months of the Ofsted and CQC revisit) or sooner, where appropriate. Should the Council be unwilling or unable to comply with this Improvement Notice or should the Secretary of State not be satisfied with the Council’s progress at any stage, she may choose to invoke her statutory powers of intervention (s497A Education Act 1996) to direct the Council to take any further actions deemed necessary to secure the improvements required in SEND services.

6 Conclusions

We welcome the feedback which both acknowledges the progress made and helps to guide the preparation for the next assessment. This report provides an overview of some of the key activities which are taking place to prepare for the next review to provide some assurance.

7 Recommendation(s)

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The SEND Sub-Committee is asked to **note** the report.

8 Background Documents

Appendix A: APP overview pack

Appendix B: SEND 6-month review feedback letter-DfE (8 January 2024)

Appendix C: Parental views on EHCPs

Appendix D: SENCo Forum Presentation Jan 24 (Quality Assurance & Practice Development)

9 Contact details

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