

From: Rory Love, Cabinet Member for Education and Skills
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To: Scrutiny Committee, 29th January 2025

Subject: Executive Response to Scrutiny Report: SEND Transformation December 2024.

Classification: Unrestricted

Summary: During the autumn of 2024 Scrutiny Committee undertook a review of SEND and published their recommendations in a report discussed at Committee in December 2024. This report provides a response to the Scrutiny Report and recommendations.

Recommendation(s):

The committee is asked to note the report.

1. Background

- 1.1 Following the September 2024 meeting of the Scrutiny Committee, Members undertook an evidence-gathering exercise to gain views about and experience of SEN provision and arrangements in Kent. A range of stakeholder groups were involved including:
- School and trust leaders
 - FE leaders
 - Serving Ofsted inspectors
 - Parents and carers
 - KCC officers.

- 1.2 A great deal of work was undertaken and there was very good attendance at all the sessions by Members who took every opportunity to ask challenging questions. The conclusions of the evidence gathering were published in a report which was considered at December's Scrutiny Committee. This report is the response to the recommendations made and provides an outline description of existing work and planned further developments. It can be seen that many of the recommendations were either already underway or have subsequently been initiated with a view to implementation from as early as this year. The Scrutiny Committee is therefore thanked for its constructive engagement in adding value to the SEND improvement journey.

2. Response to the recommendations

2.1 Recommendation 1: Transparent communication between all stakeholders, with KCC supporting and facilitating the engagement as the Local Education Authority (with responsibility to secure appropriate education arrangements) must be a core requirement for the Council and should be well evidenced.

KCC uses a wide range of communication channels.

With professional stakeholders:

- Kent County Council website
- KELSI bulletin and website
- Termly updates to KALE and KSENT executive
- Termly briefing for Special School Headteachers
- Termly Headteacher Briefings
- KCC SEND Information Hub
- Termly Early Years, Primary and Secondary SENCO briefings
- Letters as appropriate
- Social media

With parents, carers, and young people:

- Kent County Council website
- KCC SEND Information Hub
- Letters
- Social media
- SEND parent bulletin
- SEND Information, Advice and Guidance Roadshows.

2.2 By August 2025 there will be an identified area on the KELSI website where a running log of key correspondence with stakeholders including schools and parents/carers on SEND-related issues (this will not include copies of letters about individual children or young people) will be stored and can be accessed. Work on improving communications will continue supported by a cross-organisational Communication and Engagement advisory group which is part of the governance structure. Work on improving communications will continue, informed by the regular surveys undertaken with stakeholders.

2.3 **Set out KCC's roles and responsibilities to improve confidence, clarity, and accountability to the service.** KCC's statutory roles and responsibilities are included in:

- [The Commissioning Plan for Education Provision Commissioning Plan for Education Provision in Kent 2024 to 2028 \(PDF, 6.3 MB\)](#)

- KCC SEND sufficiency plan
https://www.kent.gov.uk/_data/assets/pdf_file/0019/162802/SEND-Sufficiency-Plan.pdf
- Supporting children who are unable to attend school because of medical/health needs Policy Autumn 2024
<https://democracy.kent.gov.uk/documents/s127104/2400084%20Educational%20Health%20Needs%20Policy.pdf>
- Kent PRU and Attendance Service Statutory Intervention Checklist September 2024
https://www.kelsi.org.uk/_data/assets/pdf_file/0008/155762/Checklist-for-Statutory-Attendance-Intervention.pdf
- Home to school transport guidance
https://www.kent.gov.uk/_data/assets/pdf_file/0019/19009/Home-to-school-transport-guidance-booklet.pdf
- Schools Funding Forum information <https://www.kelsi.org.uk/school-finance/funding-and-procurement/schools-funding-forum-sff/schools-funding-forum-meetings>
- Annual review of Education Health and Care Plans
<https://www.kelsi.org.uk/special-education-needs/special-educational-needs/education,-health-and-care/annual-reviews>

2.4 The following documents also include references to statutory roles and responsibilities and will be published during Spring 2025:

- Education Accessibility Strategy 2024-27 and School Access Initiative Policy and Procedure
- SEND Strategy 2025-28
- Draft strategy for the Future of Education in Kent 2025-2030.

Further clarification on roles and responsibilities will continue to be developed and a single log of statutory duties will be drafted and made available on the KELSI website by August 2025

2.5 Set out KCC's view of what the roles and responsibilities of other involved parties across the SEND arena and education sector are to help provide clarity on reasonable expectations and requirements.

In order to ensure accuracy, the SEND roles and responsibilities used are described in the DfE's Statutory Guidance The SEND code of practice: 0 to 25 years published on 1st September 2014
<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25> and Ofsted and CQC Area SEND Inspections: Framework and handbook April 2024
<https://www.gov.uk/government/publications/area-send-framework-and-handbook/area-send-inspections-framework-and-handbook>.

As the Government published new guidance and requirements, these will be used to inform delivery and disseminated more widely.

2.6 Provide clear evidence of genuine co-production in relation to plans and proposals.

Evidence of the commitment to openness and transparency can be seen by both the number of reports and the contents of them. Any change which impacts on two or more wards is subject to a full decision-making process which includes significant stakeholder engagement over a period of time, a formal consultation document which has to meet KCC's standards related to accessibility and reading age assessment as well as an Equalities Impact Assessment. The analysis of the consultation responses is undertaken by an independent company, and this is included in full in the report. The report includes a full business case and makes recommendations, where appropriate other reports are brought to Committee for the purposes of updating on development work.

2.7 SEND-related reports debated at CYPE Cabinet Committee during 2024 include:

- January 2024 - Early Years Review; Specialist Resource Provision Contracts & Service Level Agreements; SEND Sufficiency Plan; Proposed Expansion of Snowfields Academy; Specialist Resource Provision at Folkestone Academy
- March 2024 - Special Educational Needs - Therapy Contracts; Local Government Social Care Ombudsman; KCC's Contribution to the Children and Young People's Mental Health Service (CYPMHS)
- May 2024 - Specialist Nursery Intervention Service Level Agreement Extension; Kent SEND Transformation Projects; The Locality Model for Special Educational Needs Inclusion; Proposals for the Review of Special Schools; Specialist Resource Provision Review Update; Proposal to add four classrooms at Whitfield Aspen Primary School (Richmond Way site)
- July 2024 - Special Education Needs transformation and the role of the Specialist Teaching and Learning Service; Increase of a Designated Number of Nexus Foundation Special School; Implementation of Standardised School Led Home to School Transport Offer for all Home to School Transport; Direct Payment Support Services for Children and Young People; Early Years Review: Implementation of a revised model of Early Years Education in Kent.
- September 2024 - Education Health Needs Policy
- November 2024 - Special School Review Report; Kent Commissioning Plan Update

2.8 In addition to reporting to CYPE cabinet Committee the following reports were prepared for Scrutiny Sub Committee:

- March 2023 - SEND transformation progress update
<https://democracy.kent.gov.uk/documents/g9287/Public%20reports%20pack%20022nd-Mar-2023%2014.00%20SEND%20Sub-Committee.pdf?T=10>
- June 2023 - Education, Health, and Care Plans in Kent
<https://democracy.kent.gov.uk/documents/g9330/Public%20reports%20pack%20006th-Jun-2023%2014.00%20SEND%20Sub-Committee.pdf?T=10>
- July 2023 - Improvement Notice and Accelerated Progress Plan (APP) Update
<https://democracy.kent.gov.uk/documents/g9365/Public%20reports%20pack%20025th-Jul-2023%2014.00%20SEND%20Sub-Committee.pdf?T=10>
- September 2023 - Kent Local Area Accelerated Progress Plan; Report by the Local Government and Social Care Ombudsman
<https://democracy.kent.gov.uk/documents/g9366/Public%20reports%20pack%20028th-Sep-2023%2014.00%20SEND%20Sub-Committee.pdf?T=10>
- October 2023 - Parents Engagement and the Voice of the Child
<https://democracy.kent.gov.uk/documents/g9367/Public%20reports%20pack%20031st-Oct-2023%2014.00%20SEND%20Sub-Committee.pdf?T=10>
- December 2023 - SEN Inclusion in Schools
<https://democracy.kent.gov.uk/documents/g9368/Public%20reports%20pack%20007th-Dec-2023%2014.00%20SEND%20Sub-Committee.pdf?T=10>
- February 2024 - Accelerated Progress Plan - DfE and NHS England Review
<https://democracy.kent.gov.uk/documents/g9369/Public%20reports%20pack%20007th-Feb-2024%2014.00%20SEND%20Sub-Committee.pdf?T=10>
- March 2024 - SEND Sub-Committee - Annual Update
<https://democracy.kent.gov.uk/documents/g9370/Public%20reports%20pack%20021st-Mar-2024%2014.00%20SEND%20Sub-Committee.pdf?T=10>

2.9 The following reports were presented at full Scrutiny Committee:

- September 2024 - SEND Transformation Update
- December 2024 - SEND Quarterly Report

In addition to the formal reporting information is made available through the KELSI bulletin and other communication channels outlined above.

2.10 With regard to parents and carers, the DfE provided consultancy support from the Council for Disabled Children through the RISE project to develop a greater understanding for stakeholders about the terminology used in relation to engagement, consultation, and co-production. A template for the refreshed co-production charter was agreed and is now being used, together with a collaboration agreement with Kent PACT which was signed off in October 2023.

2.11 KCC consults publicly on changes and proposals and that information is published on Let's Talk Kent. Clear and parent-friendly information is published using insight gathered from parents' views – for example, KCC produced a parent-friendly Frequently Asked Questions document to support the next stage in the Special Schools Review after carefully considering the feedback received during the consultation that took place last summer. The document clarified areas of parental concern, following a misunderstanding of the proposals that emerged during the consultation. KCC also share with parents the outcomes of the many different levels of engagement (including co-production activities) in the parent newsletter – Appendices A and B include a compilation of the Your Voice Counts and You Said We Did sections of the newsletter from the past year.

2.12 Establish clear communication channels and maintain clear and detailed accessible records of communications to ensure accountability and transparency.

The main communication channels for parents are the SEND parent newsletter and social media channels (KCC's main Facebook, X, and Instagram, as well Kent Family Hubs Facebook page, with LinkedIn used more for professionals). The website is also a vital channel and, from there, where the links to KCC's social media channels can be found and residents can sign up for the newsletter . the main channels of communication are outlined above. Evidence of every engagement activity together with FAQ documents are available on the KELSI website.

2.13 Every maintained school and academy is required to publish an SEN information report on their website which is updated annually. The information required is set out in the Special Educational Needs and Disability Regulations 2014 and must include information about:

- the kinds of SEN that are provided for
- policies for identifying children and young people with SEN and assessing their needs, including the name and contact details of the SENCO (mainstream schools)
- arrangements for consulting parents of children with SEN and involving them in their child's education
- arrangements for consulting young people with SEN and involving them in their education
- arrangements for assessing and reviewing children and young people's progress towards outcomes. This should include the opportunities available to work with parents and young people as part of this assessment and review

- arrangements for supporting children and young people in moving between phases of education and in preparing for adulthood. As young people prepare for adulthood outcomes should reflect their ambitions, which could include higher education, employment, independent living, and participation in society the approach to teaching children and young people with SEN
- how adaptations are made to the curriculum and the learning environment of children and young people with SEN
- the expertise and training of staff to support children and young people with SEN, including how specialist expertise will be secured
- evaluating the effectiveness of the provision made for children and young people with SEN
- how children and young people with SEN are enabled to engage in activities available with children and young people in the school who do not have SEN
- support for improving emotional and social development. This should include extra pastoral support arrangements for listening to the views of children and young people with SEN and measures to prevent bullying
- how the school involves other bodies, including health and social care bodies, local authority support services and voluntary sector organisations, in meeting children and young people's SEN and supporting their families
- arrangements for handling complaints from parents of children with SEN about the provision made at the school.

2.14 According to the SEND Code of Practice, schools should ensure that the information is easily accessible by young people and parents and is set out in clear, straightforward language. It should include information on the school's SEN policy and named contacts within the school for situations where young people or parents have concerns. It should also give details of the school's contribution to the Local Offer and must include information on where the local authority's Local Offer is published.

2.15 KCC has been working with Kent education leaders to develop a user- friendly format for this school reporting requirement which will be rolled out later this year. By schools adopting a consistent approach to this requirement, it will help parents and carers to make a more informed judgement about how schools are meeting their statutory requirements and the support available for their child.

2.16 Articulate policies and proposals in clear terms, recognising the concerns and perspectives of key stakeholders.

KCC will continue with this work. The SEND Communications and Engagement Strategy sets out the principles for the way KCC will communicate and engage with parents and young people that will resonate with them. This includes KCC's commitment to explaining information in plain English and using the formats and channels that people tell us are most effective for them.

2.17 Recent examples include the communications to support the next stage of the Special Schools Review in November 2024 ([parent newsletter](#) and [FAQs](#)), development of the PINS FAQ document Appendix C with input from Kent PACT and articles explaining work by KCC, Health, schools and settings to implement the Balanced System® - KCC published the [first article to introduce the new approach to Speech, Language and Communications Needs](#) in July 2024, and followed up with [another article from the viewpoint of an early years setting](#) about the impact of the Balanced System® in December 2024.

2.18 Seek co-operation arrangements with partners to better support transition phases such as moving from primary to secondary or preparing for adulthood.

2.19 Transition is supported through The Countywide Approach to Inclusive Education (CATIE) Transition Charter which outlines roles and responsibilities of key partners and transition toolkits which can be seen here: <https://www.kelsi.org.uk/special-education-needs/inclusion/transition/transition-framework>. Annual district-level meetings now take place between December and January with primary and secondary school leaders attending, to discuss appropriate placement of individual pupils transitioning from year 6 to year 7 in the next academic year. A Transition Working Group which includes school and FE representation works on a cycle of continuous improvement.

3. Recommendation 2: Review the Council's Communication Processes with parents – with a view to efficiently tracking all communications and decisions, reducing the need for repeated explanations and lost information.

3.1 Communication with parents and carers throughout the process from submission of a Request to Assess to Issuing of an EHCP is under regular review, with new draft content reviewed and commented on by parents and carers before being finalised. The introduction of a new digital Annual review form means parents and carers now have more time to engage with the Annual Review process.

3.2 Clear and consistent communication to rebuild trust and keep all stakeholders informed and involved. Ensure there is a clear understanding by parents of SEND children about how they will be contacted.

Whilst this section focuses on the work of the LA, the work on developing a new school SEN reporting format outlined above will significantly assist in making improvement in this area of communications. A review of Synergy which is currently underway is the next update parent/carer communications during the assessment process. Feedback is provided to parents and carers through the 'You said, we did' section of the SEND parent bulletin. Regular surveys to parents and carers inform the development work – the most recent has indicated there is more work to do in keeping parents regularly informed and these findings are being fed into the review.

3.3 The Corporate Communications and Engagement Service are continuing to support Education with clearer communications with parents, most recently reviewing and improving letters sent to parents about their application for a Personal Transport Budget. Further work is also underway to improve awareness and take-up. Work is also about to start on a project to review and improve a series of email templates sent out by the SEN team to parents to make sure messaging is clear and consistent.

3.4 KCC and Kent PACT have organised focus groups to work with parents in producing easy-to-follow documents. These co-designed resources cover critical areas:

- **Roles and Responsibilities:** Outlining the distinct roles of families, schools, and council services within SEND processes.
- **Needs Assessment Process:** Clarifying the stages involved in determining whether a child qualifies for additional support, with visual aids to improve understanding.
- **Annual Reviews and Pre-EHCP Support:** Providing detailed steps on preparing for annual reviews and understanding the support available before an EHCP is issued.

3.5 More effective tracking of the processing of support and engagement with SEND children is required.

Kent County Council has a legal duty to provide all children and young people in Kent an opportunity to have their say. The work undertaken to integrate children and young people's voice into service planning by both KCC and the ICB and associated organisations is underpinned by the United Nations Convention on the Rights of the Child (UNCRC) 1989, in particular Article 12 that states: "*Every Child or young person has the right to express his or her views on all matters that affect them, and their views should be given due weight in accordance with their age and maturity.*" As well as The Children's Act 1989. A detailed description of the Kent approach to young people's voice was included in the Quarterly Report to Scrutiny Committee December 2024.

3.6 Continue to promote channels for receiving feedback from pupils, parents, and staff to continuously improve SEND services.

KCC will continue to undertake the work with children, young people, parents, and carers described Quarterly Report to Scrutiny Committee December 2024. With regard to staff, the now well-established Quality Assurance and professional development cycle as well as the programme of cultural development provides a range of mechanisms for staff to contribute to the continued improvement of SEND services.

3.7 A 'Your Voice Counts' section will continue to be included in the termly parent newsletter to promote the different ways parents and young people have to share their views. This includes promoting the engagement groups targeted at young

people. We also have a section called You Said We Did, designed to share the insight we have gathered after analysing the results of surveys, consultations or other feedback provided to us.

4. **Recommendation 3: Continue proactive engagement with Health Partners around the development of SEN processes in Kent. Greater partnership working with NHS healthcare, mental health, and children's trust**
- 4.1 The well-established governance structure provided by the independently chaired SEND Improvement and Assurance Board, with senior-level membership from all key stakeholders including health has helped to further strengthen professional relationships, as well as collaborative working and commissioning. As the SIAB was established to drive implementation of the Accelerated Progress Plan, the governance structure is now developing to provide governance not just for continued improvement of the system but also to prepare for the next Area Inspection. A new SEND Partnership Board with supporting infrastructure is being put in place which will continue to be independently chaired.
- 4.2 The new SEND strategy has been developed as a unified strategy for the SEND system and so will be implemented by health colleagues. It underpins improved working practice between the key stakeholders that is also supported by workforce training across organisational boundaries. Examples of joint working include The Balance System for Speech, Language and Communication Needs <https://www.kelsi.org.uk/special-education-needs/special-educational-needs/the-balanced-system-in-kent-for-speech-language-and-communications-needs-slcn> and the Partnerships for Inclusion of Neurodiversity in Schools (PINS) <https://news.kent.gov.uk/articles/pilot-project-aims-to-create-more-inclusive-school-experiences-for-neurodivergent-children>
- 4.3 The Communities of Schools (formerly known as the Localities) are co-terminus with the Primary Care Networks and can be seen here <https://www.kelsi.org.uk/special-education-needs/inclusion/communities-of-schools> . Primary care networks include groups of general practices working together, and in partnership with community, mental health, social care, pharmacy, hospital, and voluntary services in their local area, to offer more personalised, coordinated health and social care to the people living in their area. This structure is part of the long-term vision to improve the joint commissioning of community services, SEN therapies services, Physiotherapy, Occupational Therapy and Speech and Language Therapy. The first stage of the joint recommissioning of services with NHS will begin in September and October 2025.
- 4.4 **Include Social, Emotional and Mental Health (SEMH) considerations in future proposals and plans.**

The wider range of support which is on offer related to SEMH in schools is described in the Scrutiny Report of December 2024. KCC will continue to provide

and shape services in response to needs in collaboration with health colleagues and school leaders.

4.5 SEMH demand and impact – investigate the causes and how can KCC address this.

There are national concerns and debate about SEMH. A summary of the information and support available published by DfE can be seen here: <https://educationhub.blog.gov.uk/2023/10/how-were-helping-look-after-the-mental-health-of-children-and-young-people/>. In 2023, a new guidance document 'SEMH Toolkit for Mainstream Settings: Working Together to Support Pupils with SEMH in a Mainstream School and Classroom Setting' was disseminated with training, a copy is included as Appendix D. This document draws on the most recent research, requirements and guidance and reflects effective practice in Kent schools as it was developed in collaboration with schools. The most recently developed guidance by schools including special schools is currently in draft and will be published later this year.

5. Recommendation 4: Review and update the EHCP development and management process: Provide clarity on each person's role in EHCP development in plain English to ensure parents, schools and children can understand – improve design and accessibility of forms.

5.1 KCC currently have in development a leaflet outlining the roles and responsibilities of different professionals during the EHC needs assessment process and about Annual Reviews. The draft leaflets were shown to parents and further work is now underway to use their feedback in developing the final versions. These will be circulated by 1st April 2025.

5.2 Ensure EHCPs are co-designed and co-delivered with parents.

The 2014 Code of Practice requires professionals to have regard for the child or young person's views, wishes and feelings within Section A of the EHCP and this has been a particular focus since May 2023. Auditing showed children and young people's voice could not be evidenced strongly enough in Section A and that the "golden thread" of their views and aspirations was not apparent throughout the EHC plan. Changes were made to have an EHC plan that fully reflects their views and therefore has impact on their lived experience, and this has been supported by training across the workforce. There is still more to be done on improving and hearing the CYPs voice, and work continues on strengthening this important area of activity. An example is the work on diversifying the tools available to capture children and young people's voice.

5.3 With regard to parents and carers, following the Inspection in 2022, work has been underway to improve EHCPs and this work has been undertaken in collaboration with parents and carers, supported by PACT. This work has been reported on previously and EHCPs and parental engagement in the process will continue.

5.4 Clarify the management processing of EHCPs – e.g. how and by whom can they be edited?

The EHC plan is a statutory document and is maintained by the Local Authority. As such, the EHC plan may only be amended (the term used in the Children and Families Act and SEND Regulations rather than edited) by an authorised Officer of the Local Authority. An authorised officer is a SEND assessment officer or casework officer and their managers. The EHC plan must also be signed by an LA authorised officer. No other person may amend the EHC plan. Professionals and parents may make requests for amendments at a review meeting.

5.5 When an Officer amends an EHC plan (usually through the review process or when significant new information has come to light) the officer must prepare a draft of the proposed amendments which is then sent to the parents or young person for them to make any further requests for any amendments to the draft. The Local Authority must decide whether to accept those requests and once again only the LA can make that decision. Once the Officer has made the decision, usually with consultation and advice from their manager, the decision is final, and an amended final EHC plan is issued. Parents and young people may appeal the decision by submitting an appeal to SENDIST.

5.6 Encourage, as far as possible, health partners to be involved in EHCP reviews – so as to ensure that the health needs of the child or young person are being met effectively.

This work is underway and is monitored through the Quality Assurance auditing process.

5.7 Aspirations and outcomes within an EHCP are vitally important – better demonstrate how this is kept at the forefront of discussions to ensure reviews are centred on this and support is adjusted if outcomes are not improved.

Evidence has been provided previously of the involvement of children and young people in SEND- related development work including in EHCPs and Annual Reviews. This work will continue.

5.8 Conduct and publish the findings of a review into the causes of high EHCP numbers in Kent.

Historic data shows that Kent data was broadly in line with national averages until 2018, when increases both in issuing of EHCPs and expenditure started exceeding national averages. The gap between Kent and national averages (as well as statistical neighbours) in Key performance Indicators accelerated until work began on the Safety Valve and Accelerated Performance Plan. All decision-making thresholds were reviewed in late 2023 a change which is gradually bringing Kent more into line with national averages. Managers have prioritised using staff capacity to improve the system.

6 Recommendation 5: Review or clarify the management of High Needs Funding for children moving schools or transitioning from primary to secondary.

6.1 KCC has undertaken a review of SEND funding and a consultation to make changes to funding, partly to improve clarity on the use of funding. The report and recommendations were debated at CYPE Cabinet Committee on 16/01/2025 and can be seen here:

<https://democracy.kent.gov.uk/documents/b25190/Supplementary%20Agenda%20No.1%2016th-Jan-2025%2010.00%20Childrens%20Young%20People%20and%20Education%20Cabinet%20Commi.pdf?T=9>

6.2 Work with DfE as appropriate to allow more discretion in allocation of High Needs Funding.

The LA will raise this with DfE as part of any review that DfE may instigate into SEND funding.

6.3 Explore how funding can be provided for groups of students rather than individuals with EHCPs.

This is a recommendation in the report above, that Communities of Schools have pooled budgets that can be used to meet the needs of groups of pupils without the need for an EHCP.

7 Recommendation 6: Conduct thorough financial modelling and planning to ensure proposed changes are viable and sustainable without leading to increased costs or reduced quality of education.

7.1 Financial modelling is under regular review. The level of detail is limited by the DfE funding announcements. All the changes that have been made through the Accelerated Progress Plan and Safety Valve are related to building a more financially sustainable system over time.

7.2 Recognising that within the CATIE the focus for 2024/25 is to develop a Community of Schools funding stream which will allow the re-distribution of resources to provide additional intervention and support with engagement and integration into mainstream schools and this will impact on the financial arrangements. However, there is scope to consider the following areas of review: Detailed, sharable, financial model to be available to all stakeholders.

This informed the consultation referenced above and is included in the CYPE Cabinet Committee report.

7.3 Clear explanations of Council financial assessment processes to be provided in a public way to support wider understanding of the approach.

Agreed, and has formed part of the most recent consultation. In addition, Schools Funding Forum papers are published here [1. Schools Funding Forum Meetings - Google Drive](#). The SFF has a responsibility for making decisions on school related financial matters and for advising the LA of its view on other matters including the use of High Needs Funding. The SFF has a High Needs Funding subgroup which provides in-depth scrutiny of key issues making recommendations to officers and to the SFF.

7.4 Review long term funding plans to provide assurance on capacity and required resourcing to meet demand over a 5-to-10-year period. This will not be possible unless DfE provides a multi-year settlement for the Dedicated Schools Grant. There are indications that there will be a multi-year DSG settlement for 2026-27, potentially for three years. That would be the maximum financial planning horizon the Authority could reasonably work with.

7.5 Historic financial pressures to be reviewed and investigated to identify causes of cost increases and to determine any policy choices that have contributed to these.

These have been outlined above.

7.6 Engage with other Local Authorities to identify similar financial pressure patterns and explore possible solutions / options to address.

KCC is involved in this work through national organisations including the Local Government Association and the County Council's Network. In addition, review of SEN has included a comparison to approaches taken by other local authorities, seeking best practices, including those identified by the DfE as managing to close to or within their high needs block allocation.

7.7 Explain and confirm how financial sustainability, outcomes for children and practical deliverability are balanced or weighted as part of proposal development and decision-making.

The LA has a statutory duty to set a balanced budget and must make policy choices about how to address any overspend. As a number of LAs have overspent their High Needs Funding a national statutory override has been put in place until 2026, so that the overspend does not appear on the budget. Every decision that is made in SEND must contribute to the longer-term financial sustainability of the system, to take any other action is financially and socially reckless. Whilst decisions could have been made to cut all non-statutory services and reduce statutory services to a minimum and thus balance the budget effectively and quickly, it was agreed a longer-term approach of measured changes would be more effective in achieving both a financial sustainability and reduce the impact on schools and families of change. Our improving data in SEND, in attendance, suspensions and permanent exclusions suggest that the approach is effective.

8 Recommendation 7: Review guidelines and criteria for mainstream/special school placement decisions. Right setting for every child – clear and transparent designation for placements.

8.1 These criteria are under regular review and KCC has been working with education leaders over the last year to develop clearer guidance on expected level of need for each type of special educational need that each kind of education provision can be expected to effectively meet. This school-led development process reflects current practices in Kent schools and will be published later this academic year.

8.2 However recently some mainstream schools, sometimes working within a cluster of peers, have developed additional provision for young people with very complex needs within the mainstream setting. Pupils and parents are reporting satisfaction with the provision.

8.3 Clarify the process for naming school choices for SEN children.

In a similar way to the mainstream process, parents, and carers of children with an EHCP are not offered an opportunity to choose or name a choice of a school place. Rather, parents are given an opportunity to request consideration for a particular school. The LA must then identify whether it is suitable for the age, ability, aptitude or SEN of the child or young person and that attendance there would not be incompatible with the efficient education of others, or the efficient use of resources. To help answer these questions, the LA will consult with the named school.

8.4 The LA also has the opportunity to consult with alternative schools, if this is different to the parent's preferred school. However, if a parent names what is known as a "non-section 41 school", LAs are not required to consult, but may still choose to do so. Section 41 of the Children & Families Act 2014 is a list of schools and colleges that have been approved by the Secretary of State for Education as having special educational needs (SEN) expertise.

8.5 Parents are asked to name their preferred school at different times, dependent on what process they are involved in. Where a child has been identified as requiring a new EHCP, parents are usually asked to name their preferred school at some point in the 12–16-week window, around the time that the draft EHCP is completed or nearing completion. For children and young people transitioning to new schools as they age take part in the Phase Transfer process. KCC will request a parent's preference at the start of this process, which is usually around September for Reception, Junior and Secondary pupils and November for Post 16 learners.

8.6 Review appeals process to ensure it is appropriate and equitable for SEND children.

Following the changes in decision making which were implemented in January 2024 appeals have been carefully monitored. A plan has been developed to review the appeals process and to make further improvements.

8.7 Enabling the sharing of resources and best practice within localities to support SEN children.

This is part of the rationale for introducing the Communities of Schools and information is included above.

8.8 Work with Ofsted to suggest that inspection ratings take greater note of inclusion factors, and that further work should be done to explore which issues or challenges create perverse incentives that undermine inclusion, particularly in relation to SEND provision.

KCC officers meet regularly with Ofsted representatives to discuss key issues. Following the Ofsted Big Listen which took place last year, we are discussing how we can continue to work closely with Ofsted on supporting the development of inclusive schools.

8.9 Recognising that DfE statistics in relation to permanent exclusions in special schools demonstrate that Kent remains well below the national and southeast regional rates the process should be reviewed to assure Members that measures are in place to prevent exclusions being the result of children being in an inappropriate setting.

The successful work with Kent schools to improve attendance and reduce suspensions and permanent exclusions will continue. This will be reported on regularly and will include analysis showing the proportion of children and young people who have an EHCP.

8.10 Work with DfE, where appropriate, to explore how school attendance is monitored and enforced in relation to children with complex needs.

8.11 KCC is part of the national Attendance Alliance which is the DfE programme to implement effective attendance strategies including for children and young people with complex needs. The DfE programme does not include the independent sector, but this is monitored as part of KCC's commissioning and quality assurance of placements in the independent sector.

9 Recommendation 8. Conduct a strategic review of the use of independent special schools and develop plans to reduce reliance on them.

9.1 Independent special schools form an important part of the education provision in Kent and KCC is implementing a variety of approaches to develop more strategic use of this sector, better value for money and improvements in quality. An independently chaired steering group has been established which has developed a strategic plan with the intention to improve:

- Commissioning through further developing and rollout of the existing Dynamic Purchasing System
- data quality through more rigorous quality assurance
- efficiency through strengthening financial processes.

9.2 As the planned changes to the special school sector start to embed, they will contribute to reduced demand for independent school places. These changes include the implementation of the conclusions from the Special Schools Review and the creation of further maintained special school places.

9.3 Conduct a best value investigation to explain the increase in use of private special schools by local authorities, which has raised concerns about the cost and impact on inclusive education practices.

LA have no control over the opening of new independent specialist provision, which is decided by the DfE. Under current legislation, unlike the state sector which has to demonstrate there is data demonstrating a need for places, the independent sector can open provision if it can demonstrate how it meets regulatory requirements.

9.4 There are no controls over the profits that can be made, and the effective marketing by the independent sector leaves LAs in a challenging position when trying effectively manage appropriate use of this sector. KCC continue in discussions with DfE about the need for a change in the legislation if the national issue of the disproportionate proportion of the HNF which is spent on the independent sector is to be effectively addressed.

9.5 Building on the existing practice of visiting independent schools, in December 2023 KCC introduced a pilot where the team visiting schools was temporarily expanded to trial a new more thorough methodology. There are now 146 schools in total which are monitored. They are all RAG rated, using the following criteria:

- attendance
- Ofsted judgements
- other intelligence including changes in leadership, safeguarding, pupil placement breakdown, DfE notices etc, parent concerns and information from other LAs.

9.6 Schools where there are no concerns and or very low numbers of pupils (some have just one pupil placed) are visited once in a three-year cycle, but schools with higher numbers are visited at least once every academic year by an Inclusion Advisor. The 22 schools on the DPS (those that have the higher numbers of students placed) also have a Teams meeting termly (alongside case officers where possible). Surgeries to discuss cohort or individual student issues have been available since September 2024 which have been very well received by the schools.

9.7 Children's Services Commissioning now hold quarterly briefing and engagement meetings where we provide training and updates on key issues, they also undertake visits and meetings when there are questions or interest in joining the DPS.

9.8 **Whilst it is accepted that independent special schools provide necessary support for some students there remain questions over their role in the broader context of inclusive education. Use research and national comparisons to demonstrate whether the money spent on independent special schools could be better spent on developing inclusive practices within mainstream schools and supporting special schools provide a broader scale of support for a range of levels and types of need.**

This would need to have some specially commissioned support to complete. We are, of course, already investing money "on developing inclusive practices within mainstream schools."

10 **Recommendation 9: Review the principle of, and evidence for, the assertion that providing a Specialist Resource Provision (SRP), or form of SRP, in every school would maximise inclusion.**

10.1 Following extensive work undertaken with Kent education leaders during 2022-23, two reports regarding SRPs were debated at CYPE Cabinet Committee, the first in January 2024 and the second in May 2024. These reports document the detailed review that was carried out, the development of a new consistent contracting process, as well as the rationale and planning for new SRPs.

10.2 On January 16th, 2024, The Cabinet Member for Education and Skills endorsed the new contracts and service level agreements (SLA) with mainstream primary and secondary schools to run SRPs until 31st August 2026, in order to ensure the provision of a consistent and equitable offer to children and young people attending SRPs across the county and to improve the transparency of the use of High Needs Funding. The new contracts and SLAs have been adopted across the county, except by one MAT and advice is being taken about the implications of this for the continued commissioning of these services.

10.3 A reporting framework has been agreed with the providers which will over time help to strengthen financial transparency and evidence of impact of the additional support provided through the SRP.

10.4 There will be overall growth in the number of SRPs to address gaps in provision identified through considering the data which shows a need predominantly in the secondary phase. The May report stated "The decision to establish any new provision in Kent (including SRPs) in the future must be strategic, data driven (particularly by the SEND Sufficiency Plan) and led by the Local Authority. At any point when the need to establish any new provision is identified the Local Authority will consult directly with the relevant area and/or district with clear parameters of what is required. A District Decision Protocol should be developed to underpin this process." There is no intention of having an

SRP in every school. Apart from a robust evidence base of need, an SRP requires appropriate physical space, a leadership team with the capacity and capability to provide a level of specialist provision and staff who are appropriately trained.

10.5 KCC will continue to keep SRPs under review and make changes in provision informed by demographic data, in line with other education provision commissioning.

10.6 Test the theoretical arguments that by being part of mainstream classes, students in SRPs can interact with their peers promoting social skills and inclusivity and that SRPs support not just academic growth but also the emotional and social development of students with SEN. Build a substantive business case on the suitability and effectiveness of SRPs within the Kent Commissioning Plan and work with schools to coproduce any resulting updated guidance.

The reporting framework that has been put in place as part of the new contractual requirements will provide evidence of the value added for pupils attending an SRP and this data will be used in future commissioning. Working with Corporate Communications, officers will make a film feature on a Kent school, with short interviews with parents, students, and teachers. This will be available for the academic year 2025-26.

11 Recommendation 10: Promote the role of Inclusion Champions in supporting schools and driving inclusive practices (particularly in special schools). Seek to increase the number of Inclusion Champions and promote them across the sector.

11.1 There is an annual open recruitment cycle for Inclusion Champions which is publicised to all Kent maintained schools and academies. In addition, officers do approach individuals whose practice reflects robust evidence of effective inclusive practice. Inclusion Champions lead development work with their peers in schools to ensure that all new processes and systems are school friendly and appropriate. KCC will continue to promote the important role of Inclusion Champions as part of the support and challenge available to Kent schools.

11.2 Encourage and support peer mentoring and support programmes to foster an inclusive school culture.

KCC will continue to promote this approach through its commissioning of The Education People, programmes like Inclusive Leaders of Education peer review training, discussions with the KALE and KSENT Executive and through headteacher briefings.

11.3 Clarify the benefits of Inclusion Champions (e.g. promoting inclusive practices, raising awareness, supporting students, collaborating with staff, and creating a safe environment).

KCC will ensure that the work of the Inclusion Champions is given a higher profile through our work on communications and engagement. A series of articles on the work of the Inclusion Champions will be drafted for the newsletter and social media.

11.4 Confirm and clarify how Inclusion Champions relate to the Council's inclusion policies and how the Council supports this work.

Inclusion Champions were recruited to support KCC implement improvements in SEN inclusion. Since establishing the team, these professionals have been leading changes and developing materials for schools and for the LA to better meet statutory requirements and pupil needs.

11.5 Encourage Inclusion Champions to investigate processes which centre on improved outcomes for children with SEND in Mainstream settings.

KCC will continue to work collaboratively with Inclusion Champions to develop the evidence base for the best and most effective practice and to disseminate this with support.

12 Financial Implications

12.1 SEN services are funded from a combination of Council resources (for staffing & transport) and High Needs Block of Dedicated Schools from the Department of education (for SEN early years/school/post 16 services).

12.2 The Council has invested and prioritised funding for SEN to support statutory duties in respect of both the SEN service and Transport including, the latest Medium Term Financial Plan (2024-27). The latest financial monitoring is suggesting improvements and rigour throughout the SEN system are having a positive effect financially on transport budget, in comparison to historic trends.

12.3 However, as the Scrutiny Review of SEN has highlighted there are still significant challenges and work required to achieve the same outcomes in respect of the High Needs Spending related to education placements and support services. Previous reports to Scrutiny and other member committees set out the main areas of spending increase, with an increasing reliance on specialist school places rather than mainstream education, resulting in Kent becoming a significant outlier in the placement of children with SEN, and if those levels of expenditure continued completely unmitigated, the financial projections indicated a potential deficit of almost £700 million by 2027-28.

12.4 Even after the consideration of actions already planned, many of which build on the activity outlined in the Accelerated Progress Plan (as reported on in September 2024), and set out in this Scrutiny review, there is still expected to be a considerable deficit of c£220m. By entering the Safety Valve agreement, KCC has secured additional funding of £140m over five years to help cover this deficit (along with KCC agreeing an additional contribution of over £82m) to avoid the prospect of dramatic and drastic cuts to SEN services in schools to recover this

outstanding debt. Whilst the new Government is currently reviewing the future of the Safety Valve programme, SEN policies and funding, KCC still needs to take action to develop a more financially sustainable system within the funding that is made available from the DfE and demonstrating greater levels of budgetary control. Whilst the additional funding announced for High Needs in 2025-26 is welcome this will not be sufficient to resolve the current underlying in year overspend of £50m. The range of actions being taken to address this have been reported on previously (reported listed above) and will continue to be addressed in future reports..

12.5 Positive improvements in both the assessment and annual review process is now enabling the Council to have a better understanding of the overall demand for SEN in the county to enable more robust future financial planning and targeted actions. These plans will also reflect the expected outcomes of the recent reviews and decisions on the development of Communities of schools, special schools review, SRP review and early years review.

13 Recommendation(s)

Recommendation(s):

The committee is asked to note the contents of the report.

14 Background Documents

a. **Appendices:**

- i. Appendix A – Your voice counts
- ii. Appendix B – You said we did report
- iii. Appendix C – PINS information sheet
- iv. Appendix D - SEMH Toolkit for Mainstream Settings
- v. Appendix E – SEND Communication report

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