

By: Anna Taylor, Scrutiny Research Officer

To: Scrutiny Committee, 29 January 2025

Subject: **Call-in of Decision 24/00097 – Special School Review – Phase 1**

Summary: This decision, taken on 3 January 2025, has been called-in to the Scrutiny Committee by Mrs Trudy Dean and Sir Paul Carter.

Background

1. The SEND Transformation Programme was discussed at the Children's, Young People and Education (CYPE) Cabinet Committee on 16 May 2024, including reference to activity that would result in a number of future decisions required to progress the proposed changes to the operations and arrangements for Special Education in Kent.
2. Decision 24/00097 - Special School Review Phase 1 was presented as a proposal to the CYPE Cabinet Committee on 21 November 2024, where it was endorsed. The decision was taken by the Cabinet Member on 3 January 2025.
3. Following the decision being taken, the call-in request was submitted by Mrs Trudy Dean and Sir Paul Carter, thus meeting the requirement for any call-in to be requested by two Members from different political groups.
4. The reasons of the call-in were duly assessed by Democratic Services, including a review of the reasons given by those Members calling in the decision and an investigation into whether any issues raised in the call-in were adequately addressed by the decision paperwork, committee reports, responses to written questions or committee debate. The results of this review were considered by the Democratic Services Manager and the call-in was determined to be valid under the call-in arrangements set out in the Constitution. Call-in reasons must be clear, correct and align to one or more of the following criteria under s17.67 of the Constitution:

Members can call-in a decision for one or more of the following reasons:
 - (a) The decision is not in line with the Council's Policy Framework,
 - (b) The decision is not in accordance with the Council's Budget,
 - (c) The decision was not taken in accordance with the principles of decision making set out in 8.5, and/or
 - (d) The decision was not taken in accordance with the arrangements set out in Section 12.
5. The full call-in request is set out in the attached document (a), submitted by Mrs Dean and Sir Paul Carter. This has been reviewed by Democratic Services and determined to represent a valid call-in. The key call-in points are as follows:

The core call-in request elements determined as valid are that the decision documentation does not outline relevant consideration by the decision-maker of the recommendations from the SEND Scrutiny Review report which was submitted to the Cabinet Member in December 2024. This relates to the requirement to provide sufficient information and evidence due consultation as part of formal decision-making, as per the Principles of Decision Making arrangements set out in 8.5 of the Constitution. In addition, the call-in highlights the limited scope of the consideration of alternative options.

The call-in also references comments made during both CYPE Cabinet Committee in November and Scrutiny Committee in December indicating that the Review output would be considered as part of the relevant decision-making. As it was also determined by the Scrutiny Committee that the Executive response to its SEND Review report should be provided at its 29 January 2025 meeting, these two elements give rise to a reasonable expectation that the relevant decisions would either explicitly explain how the Review had been considered and addressed within the decision-making and / or the decisions would not be taken until after Scrutiny had received the formal response.

Process

6. As set out in the call-in procedure, Democratic Services must consider all call-in requests against the criteria detailed in the constitution, which are themselves based on the legal requirements under the Local Government Act 2000 to have an appropriate mechanism to allow Executive decisions to be scrutinised. In determining the validity of any call-in, no judgement is made by Democratic Services as to whether the decision itself is flawed, inappropriate or invalid. Similarly, where some individual reasons submitted for an overall valid call-in are not assessed as valid, this does not mean they merit no consideration as part of any subsequent call-in meeting. Paragraph 5 of this report do not indicate endorsement or agreement with the challenges made in the call-in – this report only confirms that the points set out in the call-in are not all completely addressed through the available documentation and previous debate. It should be highlighted that the decision documentation is detailed, thorough and extensive on a range of the key considerations relating to the decisions. However, the call-in identified elements that merit further consideration or clarification. In accordance with the call-in arrangements, it is therefore for Members, via the Scrutiny Committee, to determine whether any reconsideration of the decision is necessary and appropriate.
7. The Cabinet Member and relevant Officers will be attending the Scrutiny Committee meeting to present their response to the call-in and to respond to questions.
8. The Scrutiny Committee should consider the reasons set out by the Members calling-in the decision, the documentation already available and the response from the Executive given at the meeting, giving due regard to the information made available during questioning and discussion on this item.

9. The decision papers remain available online but are republished in the agenda pack as appendices for ease of reference.
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Recommendation – Options for the Scrutiny Committee

The Scrutiny Committee may:

- a) make no comments
 - b) express comments but not require reconsideration of the decision
 - c) require implementation of the decision to be postponed pending reconsideration of the matter by the decision-maker in light of the Committee's comments; or
 - d) require implementation of the decision to be postponed pending review or scrutiny of the matter by the full Council.
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Attached documents

- a) Scrutiny call-in reasons submitted by Mrs Dean and Sir Paul Carter
- b) [24-00097 - Decision Report](#)
- c) [24-00097 - Record of Decision](#)
- d) [Appendix 1 Supporting Analytics](#)
- e) [Appendix 2 Consultation Analysis Report](#)
- f) [Appendix 3 Consultation Formal Response](#)
- g) [Appendix 4 EQIA](#)

Background documents

- a) [Agenda for Children's, Young People and Education Cabinet Committee on Thursday, 16th May, 2024, 2.00 pm](#)
- b) [Agenda for Children's, Young People and Education Cabinet Committee on Thursday, 21st November, 2024, 2.00 pm](#)

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