

# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

## DECISION TO BE TAKEN BY:

Sue Chandler, Cabinet Member for Integrated Children's Services

## DECISION NO:

To be allocated by Democratic Services

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

## Key decision: YES

*Key decision criteria. 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

Special Educational Needs Strategy 2021-2024 - Update

## Decision:

As Cabinet Member for Integrated Children's Services and in consultation with the Cabinet Member for Education and Skills, I agree to:

- 1) The addition of the following Statement of Ambition into the SEND Strategy:

To deliver a model of provision which supports greater inclusion of children and young people within mainstream schools in their local communities through the realignment of the SEN system in Kent and to aim for the proportion of children and young people supported in each provision type (mainstream and specialist provision) to reflect more closely both statistical neighbours and national averages.

- 2) Proposed updates are made to the SEND Strategy as set out in paragraphs 4.2, 4.3 and 4.4 of this report, to align with that ambition.

[SEND strategy - Kent County Council](#)

## Reason(s) for decision:

1.1 Kent's Strategy for Children and Young People with Special Educational Needs and Disabilities 2021-2024 (SEND strategy) was agreed by Sue Chandler, Cabinet Member for Integrated Children's Services on 19th March 2021. This is the framework supporting the Council's ambitious SEND reform agenda, aiming to improve outcomes for children and young people through increasing opportunities for local education as well as the provision of high quality, timely services, delivered at a sustainable cost to the Council and Direct Schools Grant. Following publication of the strategy, a range of additional guidance has been co-produced with stakeholders and is being implemented in schools, supported by an extensive professional development programme.

Nine months on, this report provides the rationale for a complementary 'Ambition Statement' which

elaborates on the operational implementation of the SEND strategy, explicitly supporting greater SEND inclusion in mainstream schools, together with making some consequential adjustments in three paragraphs of the strategy to ensure integrity and consistency of the document.

The rationale for the Ambition Statement is both educational and social; however, we also have a duty to consider the financial imperative for accelerating the changes to the local SEND system, which we believe the statement will aid.

## **2. Preferred option**

By making the adjustments to the SEND Strategy it will create greater clarity about the direction of travel for SEND services in Kent and would better align with the work that is already taking place with schools and others through the Countywide Approach to Inclusive Education and the Written Statement of Action. Special schools play an important role in the continuum of educational provision in Kent and for some pupils a place in a special school is, and always will be the right provision.

## **3. Consultation (if any)**

A consultation took place as part of the creation of the SEND Strategy and as this is an adjustment following the implementation of the strategy no further consultation process was necessary.

## **4. Equalities Assessment**

4.1 An EQIA already in place covering the SEND strategy which was completed less than one year ago. In our view, the proposed changes are relative and whilst we think it unlikely that they will materially affect the conclusion of that assessment, we will review it in the light of any changes.

## **5. Financial Implications**

5.1 Services to children and young people with Special Educational Needs are funded from three main sources:

- General Fund
- Capital Grant for development of SEN services
- Specific ring-fenced grant from the Department for Education (DfE)

5.2 The General Fund pays for statutory services including the EHCP processes, SEN transport and Educational Psychology. Over the past four years, the Council has had to invest nearly £20m (over 50% increase) to support growing demands for these services.

5.3 The Department for Education provides capital funding to support the development of SEN services, in addition to specific funding for the building of new special schools, such as Aspire and Snowfields Special Schools in Kent. The general capital funding has not been sufficient to meet the demand for new SEN services where between 2018/19 and 2021/22 that spend has been £26m against funding of £17.5m. Whilst Government has recently announced additional funding there are no further details available at this stage.

5.4 The Dedicated Schools Grant (DSG) is a ringfenced revenue grant to support school budgets and services. It is split into four main funding blocks each with a different purpose and specific rules attached, any under or overspend relating to this grant is held by the Local Authority in a specific reserve to be dealt with through future year spending plans:

- Schools Block
- High Needs Block
- Early Years Block
- Central Services Block.

5.5 The High Needs Block (HNB) of funding is intended to support the educational attainment of children and young people with special educational needs and disabilities (SEND) and pupils attending alternative education provision. The HNB funds payments to maintained schools and academies (both mainstream and special), independent schools, further education colleges, specialist independent providers and pupil referral units. Some of the HNB is also retained by KCC to support some SEND services (staffing/centrally commissioned services) and overheads.

5.6 In recent years, the overspend on the High Needs block has been growing at a faster rate than the increases in the grant. The overspend in 2021/22 is predicted to be £41m, which contrasts with previous years of £32m in 2020/21, £21m in 2019/20 and £6.7m in 2018/19, which will result in an accumulated deficit on the High Needs block at the end of 2021/22 of £102m. This deficit is currently held separately in KCC's final accounts in line with the statutory override that has been in operation since March 2020, whereby Local Authorities are required to ring-fence a DSG deficit and hold it separately within the Local Authority's accounts. This override is time-limited and is subject to review; therefore, if no extension is given, any remaining deficit will form part of the Local Authority's accounts from 2023-24.

5.7 In response to the growing financial pressures many Local Authorities are experiencing in meeting increasing demands for SEN services, the Department for Education (DfE) has, alongside providing extra funding, put in a requirement for affected Local Authorities to develop a deficit recovery plan. The DfE have also provided a commitment to work with Local Authorities to support financial recovery including the possibility of funding historic DSG deficits if a Local Authority can demonstrate it is not possible to pay this off over a reasonable timescale. However, this will only be considered when a Local Authority can demonstrate a reasonable set of actions which will enable the authority to operate within the annual DSG grant by setting out plans to change the pattern of provision where this is necessary, as well as to achieving greater efficiency in other ways. This paper will support the approach that will underpin Kent's Deficit Recovery Plan as we develop one moving forward.

## **6. Legal Implications**

The report will set out the current pressures and likely direction of travel in respect of our ability to fulfil our statutory responsibilities for young people with SEND and our ability to manage spend within budget. If we are unable to achieve a change of direction, we will be neither able to fulfil our statutory responsibilities or to manage services within the designated budget.

## **7. Data Protection implications**

DPIA was not required

## **Cabinet Committee recommendations and other consultation:**

This decision was considered at the meeting of the Children's, Young People and Education Cabinet Committee on 11 January 2022 and will be discussed at Cabinet on 27<sup>th</sup> January 2022. The Cabinet Member for Integrated Children's Services will take their recommendations into consideration before taking the final decision.

## **Any alternatives considered and rejected:**

8.1 The report attached to this document sets out the pressures as they currently exist within the SEND system, illustrating how these pressures will continue to increase without remedial action and setting them within the national context. Going forward, these pressures will be unsustainable for the Council and not in the best interests of children and young people with special educational needs.

8.2 The proposed adjustments to the wording within the SEND strategy will serve to underline our commitment to providing a more inclusive education service to pupils with SEND in Kent, better

reflect the work already taking place with schools and evidence that we have listened to the feedback that parents provided on the SEND strategy, namely that they wanted to see a more inclusive education offer for their children. It would also better align us with the national research which illustrates how many pupils with additional needs have better outcomes in mainstream schooling.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:** None

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signed

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date