

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

To: Children's and Young People's Cabinet Committee – 16 May 23

Subject: 23/00039 Countywide Approach to Inclusive Education

Key decision – *It affects more than 2 Electoral Divisions*

Classification: Unrestricted

Past Pathway of report: DMT 29 March 2023 and 25 January 2023

Future Pathway of report: Published as a KCC Strategy

Electoral Division: All Electoral Divisions

Summary: This report sets out our request that the Countywide Approach to Inclusive Education is endorsed as a Kent Strategy for the period 2023-2028. It includes details of what has informed the development of this particular approach, the four core priorities within the document, and why we are seeking to make it a strategy.

Recommendation(s): The Cabinet Committee is asked to consider and endorse the proposed decision to agree the 'Countywide Approach to Inclusive Education' be made a strategy for Kent for 2023-28, attached as appendix 3.

1. Introduction

1.1 In 2021 the Kent Strategy for Children and Young People with Special Educational Needs and/or Disabilities 2021-24¹ was approved and published. Within that strategy, under a priority to 'improve education, care and health outcomes for children and young people with SEND²', a pledge was made to launch a new county approach to inclusive education.

1.2 The Countywide Approach to Inclusive Education (CATIE) document was first published on KELS I in April 2021, establishing the commitment in Kent to improve inclusion across all phases and settings by means of four core priorities.

¹ [Kent SEND Strategy 2021-24](#)

² Special Educational Needs and/or Disabilities

- 1.3 Standards and expectations for inclusive education in Kent were agreed following intensive collaboration with schools, settings, parent/carers, young people, and other key stakeholders. The CATIE was informed by the SEND Code of Practice³, the Kent Strategy for Children and Young People with Special Educational Needs and/or Disabilities 2021-24, research published in the Local Government Association report 'Developing and sustaining an effective local SEND system'⁴, as well a local collaboration.
- 1.4 Following reforms within the council to improve our SEND response, including significant structural changes, SEND will be aligned within our Education Directorate, requiring a new strategy to be formalised. The Kent Strategy for Children and Young People with Special Educational Needs and/or Disabilities 2021-24 is being improved and incorporated into a new Council wide Education Strategy. The CATIE is substantially informing and supporting the newly designed Education Strategy.
- 1.5 The recently published SEND and AP Improvement plan⁵ supports much of the thinking in our CATIE document and reinforced our plans for system improvements. We will align with national processes as they develop but need to act now and not wait for these reforms to be finalised first.
- 1.6 CATIE was established as the approach Kent and its partners would take over the next 5 years without formally being agreed as a strategy. This paper seeks the decision to take the document forward as Kent County Council's agreed Strategy for Inclusive Education 2023-28.

2. Priorities

2.1 The four priorities within CATIE set out how we plan to approach inclusion and have been co-produced within Kent communities for Kent communities. The measures set out in the document are far reaching, aspirational, and require system-wide change to secure improvements.

2.2 The four key priorities of CATIE are:

<p>Priority One: Supporting a school led system to deliver the highest quality core inclusive education</p>
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<p>This priority focuses on building capacity within settings through a tripartite model which brings together the development of a core training offer, leadership development programmes, and peer-to-peer review structures across the county.</p>

³ [SEND Code of Practice 2015](#)

⁴ [LGA Report](#)

⁵ [SEND and AP Improvement Plan March 2023](#)

<p>Priority Two: Providing additional intervention and support with engagement and integration</p>
<p>This priority focuses on exploring the best ways to facilitate access to additional inclusion support for children and young people with SEND. This includes locality structures and forums, as well as opportunities to strengthen local resources and pilot opportunities.</p>
<p>Priority Three: Inclusive Education is part of a broader, holistic, and joined-up offer of support</p>
<p>This will involve working in partnership with a range of agencies as part of the implementation of the wider SEND strategy to ensure that education support for inclusion is linked to the broader system of services and support available to children, young people, and families in Kent.</p>
<p>Priority Four: Ensuring smooth transition between education phases</p>
<p>This priority aims to develop collaborative approaches between settings to achieve successful and sustained transitions for CYP at key phases and times of transition in their lives.</p>

- 2.3 The priorities have been shaped by the current and future context Kent faces, and by the ideas and feedback received from our partners, stakeholders and residents. Each priority includes specific commitments and supporting objectives, and will focus our efforts as a council, and collectively with our partners, to meet those challenges and improve outcomes in mainstream settings for children and young people with SEND.
- 2.4 Improving inclusive practice in our schools through high quality teaching and a challenging, wide-ranging curriculum will help children and young people with SEND feel they belong, are respected, valued, and supported to make progress, achieving their ambitions and aspirations.
- 2.5 Moving to a locality-based model of working is one of the founding principles of CATIE and seeks to redefine the Council's relationship with Kent schools by developing a more partnership-based SEND system, allowing head teachers and schools more influence over identifying and utilising local resources more effectively.
- 2.6 With a focus on resources and moving towards local decision-making and accountability in Priority 2 we need to make fundamental changes to the way we deliver funding from the High Needs Block to schools. By improving accountability, transparency and enabling a more effective use of resources we aim to build a system that works for all, the authority, our settings, our families, and our children and young people.

- 2.7 A priority to adopt a holistic approach, working collaboratively across all partners, to support all children and young people with SEND, to improve progress and outcomes not only in education but in all aspects of their lives. This will see the introduction of central 'resource directories' for different geographical areas and an increase in co-production and co-delivery.
- 2.8 Transitions between the phases of education are being reviewed as a priority within CATIE, improving a system that has suffered innumerable issues historically and causing distrust and anxiety for parents and carers of children and young people with SEND.
- 2.9 The CATIE is included in our Dedicated Schools Grant 'Safety Valve' Agreement⁶ with the DfE which covers the financial years from 2022-23 to 2027-28. The agreement states the authority will 'implement a countywide approach to 'Inclusion Education', to further build capacity in mainstream schools to support children and young people with Special Educational Needs and Disabilities (SEND), thus increasing the proportion of children successfully supported in mainstream education and reducing dependence on specialist provision'. The CATIE being used to 'support [a] consistent mainstream offer, including leadership development programmes, peer review and core training offer', and to 'reviewing the use of Specialist Resource Provision (SRP) and reviewing the specialist continuum to ensure only the most severe and complex needs are supported in special schools' are among some of the activities supported by CATIE that will impact our Safety Valve agreement.
- 2.10 The recent publication of the Special Educational Needs and Disabilities and Alternative Provision Improvement Plan, Right Support, Right Place, Right Time⁷ in March 23 aligns to many of the values we are already proposing through CATIE. The plan socialises intentions to 'introduce local SEND and alternative provision partnerships...with local inclusion plans' (in CATIE as Priority 2), intentions to 'publish guidance to support effective transitions between all stages of education, and into employment' (CATIE Priority 4), 'publish a local and national inclusion dashboard (CATIE Priority 1 has already developed a Kent District dashboard). By agreeing the CATIE as our strategy for inclusive education we will be ahead of the curve and in a secure place to implement many of the improvement plan intentions in advance, or certainly in similar timescales to those set out by the HM Government's document.

3. Financial Implications

- 3.1 The principles of the CATIE document and the proposal to make the CATIE Kent's strategy for Inclusive Education CATIE has been included as part of the approach to delivering Kent County Council's Dedicated Schools Grant (DSG) 'Safety Valve' Agreement with the DfE. It has been approved as part of the DSG management plan to 'Implement a countywide approach to 'Inclusion Education', to further build capacity in mainstream schools to support children and young people with Special Educational Needs and Disabilities (SEND), thus increasing the proportion of children successfully supported in mainstream education and reducing dependence on specialist provision'. The agreement is

⁶ [DSG Safety Valve Agreement](#)

⁷ [SEND and AP Improvement Plan March 2023](#)

subject to review and 'insufficient progress being made towards the authority reaching and sustaining an in-year balance on its DSG account as set out in the plan' could result in a breach of the agreement.

4. Legal implications

- 4.1 Legally our duties remain the same if CATIE is a strategy for Kent or not. Section 19 of the Children and Families Act 2014 sets out the principles underpinning the legislation and the guidance in [the SEND] Code of Practice⁸. 'When considering an appeal from a parent or young person the First-tier Tribunal (Special Educational Needs and Disability) ('the Tribunal') must have regard to this Code of Practice'. Local Authorities '**must** consult children with SEN or disabilities, and their parents and young people with SEN or disabilities when reviewing local SEN and social care provision'⁹.
- 4.2 'As part of its commitments under articles 7 and 24 of the United Nations Convention on the Rights of Persons with Disabilities, the UK Government is committed to inclusive education of disabled children and young people and the progressive removal of barriers to learning and participation in mainstream education. The Children and Families Act 2014 secures the general presumption in law of mainstream education in relation to decisions about where children and young people with SEN should be educated and the Equality Act 2010 provides protection from discrimination for disabled people'¹⁰
- 4.3 'The School Admissions Code of Practice requires children and young people with SEN to be treated fairly. Admissions authorities:
- Must consider applications from parents of children who have SEN but do not have an EHC plan on the basis of the school's published admissions criteria as part of normal admissions procedures.
 - Must not refuse to admit a child who has SEN but does not have an EHC plan because they do not feel able to cater for those needs.
 - Must not refuse to admit a child on the grounds that they do not have an EHC plan'¹¹.

5. Equalities implications

- 5.1 In progress

6. Risk and Other Factors

- 6.1 If the CATIE is not agreed as a strategy some elements of its priorities may drift and fail. Changes to High Needs Funding and locality-based resources require Cabinet approval and commitment as they cover all electoral divisions and involve funds in excess of £1 million. Making changes to SEND transition processes could be impacted if not covered by strategic policy. If CATIE is agreed as the strategic approach of the council for inclusive education, we can be brave and decisive in our improvement activities.

⁸ [SEND Code of Practice 2015](#)

⁹ Pg 20 SEND Code of Practice 2015

¹⁰ Pg 25 SEND Code of Practice 2015

¹¹ Pg 26 SEND Code of Practice 2015

- 6.2 If delay and uncertainty occur it will impact negatively on outcomes for children and young people with SEND instead of starting out positively on our journey to improved inclusivity in Kent. CATIE has a set of outcomes that are interlinked by the projects within its priorities and all efforts contribute to these collectively. If any require reviewing as a result of CATIE not being adopted as a strategy this may impact on our ability to see these outcomes achieved.
- 6.3 If CATIE is not approved as a strategy its links to the DfE Safety Valve agreement could be impacted. The CATIE is included in our Dedicated Schools Grant (DSG) 'Safety Valve' Agreement with the DfE. It has been approved as part of the DSG management plan to 'Implement a countywide approach to 'Inclusion Education', to further build capacity in mainstream schools to support children and young people with Special Educational Needs and Disabilities (SEND)
- 6.4 SEND is undergoing significant change within their transformational programme and CATIE directly links to strands of work within this. Already identified by the SEND service, and acknowledged in the SEND Strategy¹, the authority needs to improve the way it works with parents, carers, children, and young people. CATIE has been developed in collaboration with these stakeholders and formed from their thoughts and opinions, there is a potential reputational risk if members do not see and agree the positives the document is striving for. Adopting CATIE as the strategy for inclusive education 2023-2028 would demonstrate our collective commitment to the priorities it sets out.

7. Governance

- 7.1 Sarah Hammond would inherit the main delegations from this piece of work. Decisions and exceptions would be taken through the CYPE DMT¹². One area currently identified to require a future Cabinet key decision is proposed changes to High Needs Funding allocations. All other decisions will first be brought to the CATIE Monitoring and Evaluation meeting and escalated via agreed governance processes through to CYPE DMT as required.

8. Alternatives considered

- 8.1 If this decision isn't taken, the priorities of CATIE could still be taken forward but would not hold the same gravitas if resistance to change is encountered. The references made to CATIE in the DfE/Kent DSG Safety Valve agreement require this decision to be made.
- 8.2 The changes set out in CATIE are widespread and will have a profound impact on multiple existing processes, our key partners, and stakeholders. If CATIE is approved as our strategic approach to inclusive education we can demonstrate, through strong leadership and the backing of our members, these system-wide changes will lead to improvements for our children and young people with SEND.

¹² Children, Young People and Education Divisional Management Team

9. Conclusions

- 9.1 In conclusion we request Cabinet reviews the information included in this report, along with the CATIE document and in-line with national publications, such as the Special Educational Needs and Disabilities and Alternative Provision Improvement Plan, Right Support, Right Place, Right Time¹³ and agree our request that the Countywide Approach to Inclusive Education 2023-2028 becomes our inclusive education strategy.
- 9.2 CATIE defines outcomes for children, young people, and families, for schools/educational settings which in turn will lead us to achieve whole system-level outcomes. Making CATIE a strategy will demonstrate our commitment to achieving these outcomes.

10. Recommendation(s):

- 10.1 The Children and Young People's Cabinet Committee is asked to consider and endorse the proposed decision to agree the 'Countywide Approach to Inclusive Education' be made a strategy for Kent for 2023-28, attached as Appendix 3.

11. Background Documents

- 11.1 Attached to this report:

Appendix 1 – PROD 23/00039

Appendix 2 – Equalities impact assessment

Appendix 3 – “A Countywide approach to inclusive education 2023-2028”

- 11.2 Links to documents referenced are included as footnotes throughout the report and available here:

[Kent SEND Strategy 2021-24](#)

[SEND Code of Practice 2015](#)

[LGA Report](#)

[SEND and AP Improvement Plan March 2023](#)

[DSG Safety Valve Agreement](#)

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¹³ [SEND and AP Improvement Plan March 2023](#)