

SEND SUB-COMMITTEE

AGENDA

Tuesday, 6 June 2023, at 2.00 pm

MINUTES of a meeting of the SEND Sub-Committee held in the Council Chamber, Sessions House, County Hall, Maidstone, on Tuesday 6 June 2023.

PRESENT: Mr P Cole (Chairman), Mrs T Dean, Mr M Dendor, Mr R Lehmann, Mr H Rayner, Mr M Reidy, Mr A Sandhu and Dr L Sullivan.

VIRTUAL ATTENDEES: Mrs B Bruneau (Vice-Chair) and Mr Streatfeild joined virtually.

ALSO PRESENT: Mr R Love (Cabinet Member for Education and Skills).

IN ATTENDANCE: Ms S Hammond (Corporate Director for Children, Young People and Education), Ms C McInnes (Director for Education), Mr C Chapman (SEND Assistant Director/Head of Fair Access), Ms A Farmer (Assistant Director/Principal Educational Psychologist), Ms A Gleave (SEND Interim Assistant Director for Operations), Mr G Romagnuolo (Research Officer - Overview and Scrutiny) and Ms E Kennedy (Democratic Services Officer).

1 Introduction/Webcast announcement

The Chairman welcomed everyone to the meeting.

The Chairman read a statement on behalf of Mr Webb explaining the reasons for his resignation.

2 Apologies and Substitutes

Apologies for absence were received from Mrs Hudson. She was substituted by Mr Booth.

3 Declarations of Interest by members in items on the agenda

Mr Booth explained that he was the Chairman of KCC's Scrutiny Committee. He reassured the Sub-Committee that his substitution for Mrs Hudson would not conflict with that role.

4 Minutes of the meeting held on Wednesday, 22nd March 2023

RESOLVED that, subject to the inclusion of Mr Reidy in the attendance list, the minutes should be approved as a correct record.

5 Education, Health and Care Plans in Kent

- 1) Mr Love introduced the report and the guest KCC officers.
- 2) Christine McInnes clarified that the EHCP data (which had been requested by the Sub-Committee) was included in the main body of the report so it could be contextualised.
 - a) She explained that Kent was an outlier at every stage of the statutory EHCP process. However, this was not true of other data about Kent's children and young people, which was broadly in line with national or nearest neighbour averages. This would suggest that, at a system level, Kent's approach to planning to meet the range of children's needs, and its judgement about 'significantly greater difficulty in learning', may differ from other parts of the country. There was general acceptance that there was significant variation in the way this phrase was interpreted in different schools and local authorities. This had been recognised by the Government, who had signalled its intention to bring in greater national standardisation of the EHCP process. Further publications detailing the elements of this standardisation were expected in autumn 2023.
 - b) Critical to this was whether the parents of SEND children were confident that they could be educated effectively in mainstream settings. The report outlined the wealth of work that had been carried out in Kent to develop the capacity of mainstream schools to meet the needs of children and young people with SEND.
 - c) There were challenges with the recruitment of Speech and Language Therapists; this was a national issue.
 - d) There had been a significant restructuring of KCC's SEND service provision. This was completed in April 2023.
 - e) While the main purpose of the report was to highlight the areas of service provision that needed improving, it was important to acknowledge that there were many children and young people with SEND in Kent who were thriving and doing well in their school.
- 3) In response to a Member's question about the reasons for the spike in EHCP assessments for 2-3 year olds and 9-10 year olds, Christin McInnes explained that those were threshold ages for entry to different parts of the education system. There had been a significant increase in Early Years assessments post-Covid. Short-term interventions were being developed to address speech and language development, and social and emotional development, to compensate for this post-Covid impact. In terms of preparation for secondary school, it was not known whether there was a direct correlation with the Selective system, although this could be a factor.

- 4) In reply to a question seeking clarification on KCC's interpretation of the SEND Code of Practice, Christine McInnes said that she needed to take advice from the General Counsel before responding.
- 5) Responding to a question about the number of Kent schools that had signed up to the SEND protocol, Christine McInnes explained that there was a statutory requirement in Equalities Law to make reasonable adjustments in relation to disability. There was a legal requirement that schools should be inclusive and accessible; it was not for them to decide whether they should sign up to this protocol or not.
- 6) Mr Love explained that two weeks earlier he, and a group of KCC officers, had visited Lincolnshire County Council to examine in detail their effective approach to SEND provision. This was part of the evidence-gathering process that would inform how SEND service provision in Kent could be improved.
- 7) In answer to a question about the relatively high number of EHCP requests and assessments in Kent, Christine McInnes explained that the evidence suggested that, at every stage of the process, Kent seemed to have a more generous interpretation of the statutory requirements than other local authorities.
 - a) Sarah Hammond said that there was a belief amongst parents in Kent that the only way to meet the SEND needs of their children was through an EHCP. It was important to grow parents' confidence that their children's needs could be met through KCC's partnership with local Early Years establishments, schools and FE colleges.
- 8) In answer to a question about what part of Kent's staff training was obligatory and how it was monitored, Christine McInnes said that the training was currently obligatory. There were a number of training modules that all staff were expected to take, while other training was targeted, depending on the role. She confirmed that attendance at the training was monitored.
 - a) In terms of SEN training for mainstream schools, Kent's approach and expectations (as described in the Countywide Approach to Inclusive Education and the Mainstream Core Standards) were supported by a range of training opportunities that were available at no cost to schools. More than 76% of schools – including a number of academies - had participated in this training, and had been given a wide range of additional advice and guidance.
- 9) Craig Chapman outlined the changes that had been made to improve the provision of SEND transport in Kent. KCC's communication with the parents of children with SEND would start much sooner, including discussions about the provision of transport.

10) In reply to concerns about whether applicants for SEND statutory posts would be suitably trained and qualified, following KCC changing its recruitment strategy to widen the potential pool, Christine McInnes explained that the requirement for many jobs to have a degree had been expanded to include an equivalent and appropriate experience.

11) Asked how Safety Valve negotiations would affect the provision of SEND services in Kent, Christine McInnes explained that the key was to ensure that KCC had a properly functioning system. If the system was effective and functioned well, a number of the budget issues could be resolved.

a) Mr Love explained that the main aim of Safety Valve was to ensure that the High Needs block of the Dedicated Schools Grant was not in deficit.

12) In answer to a question about why parents asked for an EHCP, Mr Love said that there were many reasons. In many cases, an EHCP met the needs of the child; in others, assessments established that the needs of the child could be met without the need of an EHCP.

13) A Member asked what the main issues concerning EHCPs in Kent were. Christine McInnes listed the following:

- a) A more effective use of resources was needed to identify children with SEN, and intervene, earlier. This would also build parental confidence.
- b) Some mainstream schools had not been sufficiently challenged to meet national expectations to provide effective education to children and young people with SEND.
- c) There was evidence to suggest that the wider educational opportunities and life chances for some children who attended Special Schools would be better met if they were educated in mainstream settings.

14) The Chairman suggested that, in future, it would be useful for the Sub-Committee to be provided with a detailed scorecard which included Key Performance Indicators for the EHCP process, and quarterly targets for improvement, as discussed in the report.

15) Members of the SEND Sub-Committee requested the following written information:

- a) Clarification (and possible correction) of the data on EHCPs presented in paragraph 2.3 of the report.
- b) Detailed information about the previous and current KCC workforce involved in the provision of SEND services (see paragraph 2.31 of the report).
- c) Data on the number EHCP appeals, including how many were upheld by KCC, and how many were settled in tribunals.
- d) Information about the support services that are available in Kent to families of children with an EHCP, and to schools to help them support children with an EHCP.

- e) A breakdown of the sufficiency of educational establishments in each Kent district in terms of meeting the local demand of children with SEND.

16) The Chairman thanked all those present for attending the meeting.

RESOLVED – The SEND Sub-Committee noted the contents of the report.