

# **SEND SUB-COMMITTEE**

**Tuesday, 25 July 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 25 July 2023.

PRESENT: Mrs B Bruneau (Vice-Chair), Mr M Dendor, Mrs S Hudson, Mr H Rayner, Mr M Reidy, Mr Q Roper, Mr A Sandhu, Dr L Sullivan and Mr M Whiting.

VIRTUAL ATTENDEES: Mr R Lehmann.

ALSO PRESENT: Mr R Love (Cabinet Member for Education and Skills) and Ms B Hannon (Co-Chair Kent PACT).

IN ATTENDANCE: Ms S Hammond (Corporate Director for Children, Young People and Education), Ms A Farmer (Assistant Director/Principal Educational Psychologist), Ms A Gleave (SEND Interim Assistant Director for Operations), Ms E McQueen (Interim Assistant Director for SEND Quality Assurance) and Mr G Romagnuolo (Research Officer - Overview and Scrutiny).

## **1 Introduction/Webcast announcement**

The Vice-Chair welcomed everyone to the meeting. The Vice-Chair welcomed Mr Whiting and Ms Carter who had recently joined the Sub-Committee.

## **2 Apologies and Substitutes**

Apologies for absence were received from Mr Cole, Mrs Dean, Ms Ainslie-Malik, Christine McInnes and Craig Chapman. There were no substitutes.

## **3 Declarations of Interest by members in items on the agenda**

There were no declarations of interest.

## **4 Minutes of the meeting held on Tuesday, 6 June 2023**

RESOLVED that the minutes be approved as a correct record.

## **5 Improvement Notice and Accelerated Progress Plan (APP) Update**

- 1) Mr Love introduced the report.
- 2) Sarah Hammond explained that, following the submission of the Accelerated Progress Plan (APP) on 29 June 2023, there were further requests – predominantly from NHS England – to make further amendments to the APP. KCC officers had recently met DfE and NHS colleagues, and agreed the amendments, which were submitted at the end of last week. The Government had given an assurance that it would provide the final, approved version of Kent’s APP in the next few days. This would be shared with the Sub-Committee as soon as it was received.
- 3) A Member referred to a number of actions that were set out in KCC’s Representation to the DfE to be undertaken in April-May 2023 (p28-29 of the agenda pack). The Member asked whether the Sub-Committee would be given an updated report, or whether this information would be provided in the final, approved version of the APP.
  - a) Mr Love explained that some of the actions – such as *CYPE leadership changes ratified by County Council*, and the *new CYPE leadership model* – had been completed.
  - b) Sarah Hammond confirmed that many of those actions had been completed. She also referred to another set of actions (on p36) and confirmed that most of these had also been completed. She explained that those that had not yet been completed, and that would require further attention, would be included in the APP.
- 4) A Member asked for further details about NHS England’s amendments to the APP.
  - a) Sarah Hammond explained that, although she could not provide specific details until the APP was approved, there were concerns about timescales and waiting lists.
- 5) A Member referred to the 9 areas of significant weakness that had been highlighted by the DfE, including one about the concern of parents that the local area was not able to meet their children’s needs. The Member referred to an action that was planned to be completed in April 2023 – a *dedicated session on voice and lived experience at the Kent SEND Strategic Improvement and Assurance Board* (see agenda pack p24), and asked whether that action had been undertaken.
  - a) Sarah Hammond confirmed that this session had taken place.
- 6) In reply to a question about the most up-to-date *Written Statement of Actions, Measures and Indicators* Sara Hammond explained that, over the past 3-4 months, a new set of key indicators had been developed for the *Kent SEND*

*Strategic Improvement and Assurance Board*, which she would share with the Sub-Committee.

- 7) A Member referred to the document *Engagement in and Evaluation of Whole School Approaches to Nurture Inclusive Leadership*. There was a target of a minimum of 300 Kent primary and secondary mainstream schools engaging with the programme *Whole School Approaches to Nurture*. In Kent there were more than 500 schools, and the recent uptake of those engaging with Nurture UK had fallen. Was this a concern?
  - a) Sarah Hammond replied that the aim was for every school in Kent to be a nurturing place. However, seeking the accreditation from Nurture UK was a decision for schools themselves.
  - b) Alison Farmer said that, as of June 2023, 253 Kent schools had engaged with Nurture UK. She also mentioned that 149 Kent schools had taken up the Inclusion Leaders of Education initiative to become inclusive leader schools.
- 8) In answer to a question about concerns with staff recruitment and retention in KCC's SEND service, Elise McQueen said that, as a result of recent recruitment, appointments had been made to 35 posts. Of these, 22 would start in July 2023, 11 in August 2023, and 2 in September 2023.
- 9) A Member asked whether those staff had been recruited to increase the capacity of the SEND case work team to enable delivery of the Education, Health and Care (EHC) needs assessment and review system effectively, as this was a concern highlighted in the Improvement Notice.
  - a) Sarah Hammond replied that the CYPE Directorate was on track for all of the permanent establishment of the service to be in place by September 2023. She recognised that further staff would be required - in addition to the permanent, recruited staff - to address the EHCPs backlog. The Directorate had an in-principle agreement for employing an additional, group of staff on a temporary basis.
- 10) Responding to a question about who in the DfE was responsible for holding Kent schools to account for providing the right SEND support, Sarah Hammond explained that the Regional Department for Education Director was the senior officer accountable for the oversight of non-maintained schools. She explained that the Director and her team had given KCC their support, and a commitment that they would tackle those schools and academies that were not working closely with KCC in implementing the inclusion and improvement agenda. She also pointed out that inclusivity was part of the Ofsted inspection framework.
- 11) Ms Hannon said that local parents and carers of children and young people with SEND were still not seeing improvements in service provision. She explained that one of the expectations of the *Whole School Approaches to Nurture* programme,

which started in 2021, was that there would be a reduction in EHCPs, but this had not materialised. In fact, the number had grown.

a) Mr Love accepted that there had been an increase in EHCPs in Kent, and said that there were a variety of reasons for this.

- 12) A Member said that one item of information that the Sub-Committee had requested at its previous meeting - *Detailed information about the previous and current KCC workforce involved in the provision of SEND services* - had not yet been provided.
- 13) In reply to a question about which parts of Kent the 9 significant areas of weakness identified in the Inspection Revisit report referred to, Mr Love explained that the report referred to Kent as a whole. In Kent a number of parties were taking joint responsibility – namely KCC, relevant sections of the NHS and Education partners.
- 14) In response to a question about whether the action *Assessment tribunals, placement finding teams and case holding teams in place* (p43) was completed, Sarah Hammond said that this referred to the restructuring of the service to create new bespoke teams, and confirmed that the new structure was now in place. However, the recruitment of a permanent workforce for those teams was still underway and would be completed by September 2023.
- 15) In response to a question about the number of Kent children who were still waiting for a placement in September 2023, Alison Farmer said that, out of about 1,600 children with an EHC plan who were transferring to secondary school, and who were the vast majority, 37 were currently without a placement.
- 16) In reply to a question about whether the Authority relied on the SEND Code of Practice to decide which children should have an EHCP, Mr Love explained that the Code was statutory guidance and could not be ignored.
  - a) Sarah Hammond added that KCC was currently re-examining, with legal advice, the Authority's position concerning the interpretation of the Code and its compliance with it.
- 17) In reply to a question about the Authority's overall strategy for addressing problems in Kent's SEND provision, Sarah Hammond explained that this included encouraging parents and carers to see Kent mainstream schools as the places for their children to be best educated and cared for; the inclusion agenda was at the heart of this ambition. She said that the proportion of children with EHCPs who were in mainstream schools in Kent was lower than in statistical neighbours and the national average.
- 18) Members of the SEND Sub-Committee requested the following information from the CYPE Directorate:

- a) The approved version of the Accelerated Progress Plan (APP) as soon as it was available.
- b) The most recent Written Statement of Actions, Measures and Indicators of KCC's SEND service provision.
- c) Detailed information about the previous and current KCC workforce involved in the provision of SEND services.
- d) SEND services recruitment, retention and sufficiency capacity. At each meeting the Sub-Committee should be given a snapshot of the number of KCC staff who are involved in providing SEND services, and the number of vacancies.

19) The Vice-Chair thanked all those present for attending the meeting.

RESOLVED – To note the contents of the report.