

## EXECUTIVE DECISION

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 – 21 November 2023**

Subject: **This report provides the Committee with the opportunity to comment on the first Kent Special Education Needs Sufficiency Plan and to note consultation responses prior to final approval by Cabinet.**

Title and Decision

Number : **Kent SEND Sufficiency Plan 2023 - 23/00107**

Key decision:

- *It involves expenditure or savings of more than £1m*
- *New Strategy or Policy outside of the Policy Framework*

Classification: **Unrestricted**

**Past Pathway of report: N/A**

**Future Pathway of report: Cabinet 25th January 2024**

**Electoral Division: All**

**Summary:** This report provides the Committee with the opportunity to comment on the Special Education Needs Sufficiency Plan prior to final consideration and approval by Cabinet.

### **Recommendation(s):**

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Education and Skills on the Special Education Needs Sufficiency Plan, prior to the final version being considered and approved by Cabinet on 25th January 2024.

## **1. Introduction**

1.1 This is the first time that KCC has produced a Sufficiency Plan for Special Education Needs (SEN) Provision. Most Local Authorities now produce an

analysis and plan that sits under their SEND Strategy and feeds into their Education Commissioning Plan and capital strategy for education provision.

- 1.2 Kent's Commissioning Plan for Education Provision has included a section on Special Education Needs Provision; however, this has always been a high-level summary based on limited analysis and forecasting.
- 1.3 As part of the new requirements for SCAP23 (School Capacity Survey) the DfE has requested that Local Authorities provide data on the capacity of their special schools, SEN units and resourced provisions as well as forecasts of demand for various forms of specialist provision. This is the first time that capacity of specialist schools and provisions has had to be included.
- 1.4 From 2023 to 2025 the Department for Education is running a Net Capacity programme to provide accurate and up-to-date information on pupil capacity for every government-funded secondary school and special school in England. This is the first time special schools will have been included in the programme and have an agreed net capacity. The capacity included in KCC's first Sufficiency Plan is based on a combination of reports commissioned by KCC and current roll numbers in schools. We know that a number of Kent special schools will have pupil numbers considerably over what is likely to be their net capacity.
- 1.5 The purpose of this Sufficiency Plan is to inform and support KCC in its development of strategic place planning for SEND educational provision in the medium to long term. The Sufficiency Plan will sit under the Commissioning Plan for Education Provision in Kent to inform strategic educational place planning. There are 4 key aims for the Kent SEND Sufficiency Plan:
  - Inform medium to longer term commissioning/decommissioning of places for children and young people with an Education, Health and Care Plan
  - Inform capital investment planning and future bids to DfE Wave programmes.
  - Inform high level discussions with providers around required changes to current provision to meet future needs.
  - Support the delivery of the Safety Valve programme, to bring Kent in line with other local authorities' patterns of provision.

## **2. Provision and current position**

- 2.1 To meet the needs of children with SEND, a range of education provision is available in Kent, within both mainstream and special schools, to provide the best education to support individual pupil needs. Kent has 24 Special schools, including two new schools opened in recent years, and will have a 25<sup>th</sup> Special school for secondary age young people with SEMH opening on the Isle of Sheppey in September 2024.
- 2.2 Kent has 74 Specialist Resource Provisions (SRPs) provided by 65 mainstream primary and secondary schools with some limited post-16 places. Resource provisions are places that are reserved at a mainstream school for pupils with specific types of Special Educational Needs (SEN), who are included within the mainstream school and activities, but require a base and/or some specialist

facilities around the school. These SRPs provide 740 primary places and 690 secondary places across different designations.

- 2.3 Kent is the largest local authority by population with 246,585 pupils. It has a statistically significant number of pupils with an Educational Health Care Plan (EHCP). The number of EHCPs in January 2023 was 18,930. The percentage of Kent school age children (5 to 19 years) with an Education, Health and Care Plan (EHCP) was between 2.9% and 3.1% of the cohort between 2015 to 2017. This had increased to 3.8% by January 2020 and to 5.2% of the school age population by January 2023. In England in 2023 the percentage of pupils with an EHCP was 4.3%. This includes all state-funded nursery, primary, secondary and special schools, non-maintained special schools, pupil referral units and independent schools. EHCPs in Kent have risen above national levels consistently since their introduction in 2014.
- 2.4 In 2022, 41.1% of pupils with an EHCP attended a special school compared to 34.8% nationally. For those with an EHCP in Kent, primary aged children are more likely to attend mainstream provision than secondary. There are high numbers of children and young people attending non-maintained and independent educational provisions, adding financial pressure and unsustainable costs.
- 2.5 In order to reduce the high numbers of children attending non-maintained and independent provision and meet the growing population, as well as manage the population bulge as it now moves through secondary education and onto post-16, we will need to commission additional maintained special school places, whilst ensuring that these places go to those children and young people with the most complex needs; increase the number of secondary school SRPs particularly to address obvious geographical gaps, and to ensure pathways from mainstream primary into mainstream secondary for children who require the additional support that an SRP can provide; and work with all post-16 providers to ensure that young people with EHCPs have pathways into higher education, work and independence.

### **3. Commissioning Intentions**

- 3.1 Commissioning recommendations for this first plan are limited by the need for the Special School, Specialist Resource Provision and Early Years reviews to complete. The outcomes and recommendations from these reviews will be key to informing future commissioning decisions. Commissioning recommendations from the SEND Sufficiency Plan will be reflected in Kent's Commissioning Plan for Education Provision 2024 to 2028 and are set out in the tables below.
- 3.2 For post-16, actions are underway to meet demand regarding place planning, with engagement from all FE groups as part of multiple projects around access for students to mainstream settings. The phases of implementation of the SEND Sufficiency Plan will be influenced by the medium and longer-term commissioning decisions that result from the data presented.
- 3.3 Planned Additional Specialist Provision Across Kent Specialist Schools

Provision	Proposed opening date	Need Type	District	Potential Number of places	Total Planned Places added by year				
					2024-2025	2025-2026	2026-2027	2027-2028	Between 2028-31
Special School (all through) - Whitstable	2026	PSCN/ ASD/ SEMH	Canterbury	120	0	0	48	28	44
Special School (All through) - Swanley	2026	PSCN	Sevenoaks	250	0	0	114	66	70
Isle of Sheppey (Secondary)	2024	SEMH with ASD	Swale	120	40	40	40		
Expansion of Special school for SEMH with ASD to include Primary provision or a primary satellite.	2026	SEMH with ASD	Swale	40	0	0	10	10	20
1 x secondary Satellite of PSCN School	2024	PSCN	Swale	20	10	10			
Special School Satellite – Isle of Sheppey	2025	ASD	Swale	60	12	12	12	12	12
Satellite of a PSCN School	2025	PSCN	Tonbridge and Malling	50	0	50	0	0	
Satellite of a PSCN School	2025	PSCN	Tunbridge Wells	50	0	50	0	0	
<b>Total Special School places</b>				<b>710</b>	<b>62</b>	<b>162</b>	<b>224</b>	<b>116</b>	<b>146</b>

### 3.4 Planned Additional Specialist Resource Provisions

Provision	Proposed opening date	Need Type	District	Potential Number of places	Total Planned Places added by year				
					2024-2025	2025-2026	2026-2027	2027-2028	Between 2028-31
Cullum Centre	2024	ASD	Canterbury	9	3	6			
Alkerden (Primary)	2025	ASD	Dartford	15	4	4	4	3	
Alkerden (Secondary)	2025	ASD	Dartford	25	5	5	5	5	5
Expansion of Aspen SRP at Christchurch Academy	2025	PSCN	Dover	30	6	6	6	6	6
Folkestone Academy	2025	ASD	Folkestone & Hythe	30	6	6	6	6	6
Secondary SRP	2025	ASD	Thanet	25		5	5	5	10
<b>Total SRP places</b>				<b>134</b>	<b>24</b>	<b>32</b>	<b>26</b>	<b>25</b>	<b>27</b>

## 4. Consultation

4.1 A summary of responses is available in Appendix 1.

- 4.2 The consultation was distributed to all schools, FE Colleges, Specialist Post-16 Institution (SPI) contacts, Kent PACT, Directorate and Divisional senior managers, Health contacts, Cabinet Member for Education and Skills, CYPE cabinet Committee, SIAB and SEND Scrutiny committee members.

## **5. Financial Implications**

- 5.1 Following consultation and approval, the SEND Sufficiency Plan 2023 will feed into capital plans through KCC's Commissioning Plan for Education Provision in Kent 2024 – 2028 as all commissioning intentions set out within the Sufficiency Plan are reflected with the current draft Commissioning Plan.
- 5.2 The forecasts and commissioning intentions support the delivery of KCC's Safety Valve Agreement with the Department for Education <https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/education-policies/send-strategies-and-policies/safety-valve-agreement>
- 5.3 Each individual project will be subject to consultation and Cabinet Member decision.

## **6. Legal implications**

- 6.1 The County Council has a statutory duty under section 14 of the Education Act 1996, to ensure there is a sufficiency of school places available to meet the needs of all children and young people living within our authority. This includes the need to secure provision for children with special educational needs and disabilities (SEND). In addition, section 315 of the Education Act 1996 requires that arrangements for children with SEND be kept under review.
- 6.2 The provision of sufficient school places is a statutory duty and contributes to the Strategic Business Plan Priorities to ensure that "Children and Young People in Kent get the best start in life".

## **7. Equalities implications**

- 7.1 The Equality Impact Assessment considers whether the principles, analysis and commissioning intentions contained within the Sufficiency Plan may have an impact (either positive or negative) on any protected groups and if so what action, if any, should be taken to mitigate the negative impacts. Separate, more detailed equalities impact assessments will be completed as individual project consultations come forward to consider the impacts on any protected group arising from that individual education proposal. An Equality Impact Assessment has been produced for this plan and the assessment did not identify any negative impacts.

## **8. Other corporate implications**

- 8.1 None identified.

## **9. Governance**

9.1 Once a key decision is made, Kent County Council's Constitution (Section 10, Executive Scheme of Officer Delegation), provides a clear and appropriate link between this decision and the actions required to implement it.

## 10. Conclusions

10.1 This first SEND Sufficiency Plan is a first step towards establishment of an annual cycle of forecasting for SEND provision linked to the delivery of Kent Safety Valve Agreement with the DfE and feeding into the Commissioning Plan for Education provision in Kent.

10.2 The Plan will provide analysis and an evidence base to inform longer-term capital planning for SEND provision.

## 11. Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Education and Skills on the Special Education Needs Sufficiency Plan, prior to the final version being considered and approved by Cabinet on 25th January 2024.

## 12. Background Documents

12.1 Consultation documents Appendix 1

12.2 Kent Strategy for SEND 2021-2024  
<https://www.kent.gov.uk/education-and-children/special-educational-needs/send-strategy/strategy-for-children-with-special-educational-needs-and-disabilities>

12.3 Kent Commissioning Plan for Education Provision  
[www.kent.gov.uk/educationprovision](http://www.kent.gov.uk/educationprovision)

12.4 Framing Kent's Future Our Councils Strategy 2022-2026  
[\*\*Framing Kent's Future - Kent County Council\*\*](#)

## 13. Contact details

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