

# **SEND SUB-COMMITTEE**

## **Minutes**

**Wednesday, 7 February 2024, at 2.00 pm**

MINUTES of a meeting of the SEND Sub-Committee held in the Council Chamber, Sessions House, County Hall, Maidstone, on Wednesday 7 February 2024.

PRESENT: Mr P Cole (Chairman), Mrs B Bruneau (Vice-Chair), Mr M Dendor, Ms J Hawkins, Mrs S Hudson, Mr H Rayner, Mr M Reidy, Mr A Sandhu and Dr L Sullivan.

VIRTUAL ATTENDEES: Mr M Whiting.

ALSO PRESENT: Ms S Hamilton (Deputy Cabinet Member for Education and Skills).

IN ATTENDANCE: Ms S Hammond (Corporate Director for Children, Young People and Education), Ms C McInnes (Director of Education), Mr C Chapman (SEND Assistant Director/Head of Fair Access), Ms A Gleave (SEND Interim Assistant Director for Operations), Ms M Fleming (SEND Transformation Lead) and Mr G Romagnuolo (Research Officer - Overview and Scrutiny).

### **1 Introduction/Webcast Announcement**

The Chairman welcomed everyone to the meeting.

### **2 Apologies and Substitutes**

Apologies for absence were received from Mr M Whiting.

### **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 7 December 2023**

RESOLVED that the minutes be approved as a correct record.

## 5 Accelerated Progress Plan – DfE and NHS England Review

- 1) Christine McInnes introduced the report. The Kent SEND system was first inspected in 2019 9 areas of weakness were identified. A revisit, which took place in September 2022, judged that insufficient progress had been made in addressing the weaknesses. An Improvement Notice was issued by the then Minister in March 2023, and required the development of an Accelerated Progress Plan. The DfE approved the final APP, which included 116 actions, in July 2023 and this was published in September alongside a parent, child and young person-friendly version. The first review of progress against the actions took place on 15<sup>th</sup> November 2023 and was published in January 2024. KCC is now preparing for the next review, which will take place in April 2024.
- 2) Christine McInnes explained that what KCC submitted in November 2023 was a snapshot of the situation at the time. The evidence that KCC submitted was very substantial.
- 3) A Member asked about the current EHCPs' assessment and annual review backlogs. Craig Chapman said that, in September 2023, there had been 1,080 cases in the assessment backlog. In January 2024, this figure had decreased to 397. The total number of outstanding cases had decreased from 2,192 in December 2023 to 2,066 in January 2024. In September 2022 there had been 12,180 annual reviews in the backlog; this had now been reduced to 8,310.
- 4) In answer to a question about the proportion of EHCP requests from both parents and schools, Craig Chapman said that, in January 2024, 38.2% of the requests came from parents while 56% came from schools.
- 5) In answer to a question about whether it was still the case that a Local Inclusion Forum Team (LIFT) had to be involved in order for schools to receive an EHCP, Alice Gleave said that this was not the case.
- 6) In answer to a question about whether KCC would be able to clear the backlog of annual reviews waiting over 12 months by September 2025, Craig Chapman confirmed that this was still the expectation.
- 7) Asked whether KCC's recruitment capacity to deal with SEND provision was still an issue, Craig Chapman said that the new workforce structure, which had become operational in April 2023, was robust. Capacity was no longer an issue, as the DfE recognised in its last inspection.
  - a) Christine McInnes added that there was virtually no churning and that staff retention was now very stable.
- 8) A Member asked about the plans that had been made to improve the inclusion training offered to schools. Christine McInnes replied that inclusion training on mainstream core standards for school governors and staff was ongoing. A 3-year licence had been purchased to deliver Autism Education Trust's training. KCC

was in the process of contacting schools that had not yet attended the training to find out what support would be beneficial to them. In terms of academies, these ranged from those that worked very closely with KCC to others that were less inclusive.

- 9) A Member asked how KCC would manage the continuing growth of requests for EHCP assessments without constantly having to increase the number of staff dealing with them. Sarah Hammond agreed that the number of requests for assessment would continue to rise. However, there seemed to be a trend whereby those aged 19 and above were stepping down their EHCPs because they found that their rigidity was holding them back. She added that, for some young people, an EHCP should only be a temporary measure to facilitate a range of support measures until they would no longer need one. Many other local authorities were able to meet the needs of some children and young people with SEND without the need for an EHCP.
  - a) Craig Chapman added that, if EHCP demand continued to grow, pressure could be reduced by clearing the backlog; the staff currently involved in clearing the backlog could then be deployed to manage the increasing EHCP demand.
- 10) In answer to a question, Sarah Hammond said that she was pleased that KCC's Governance and Audit Committee had recognised the progress that had been made in the delivery of home to school transport in Kent.
- 11) In response to a question, Christine McInnes said that substantial efforts had been made to skill up staff so that they could have conversations with parents that gave them adequate information and satisfied them. She added that, while a new SEND provision infrastructure had been now built, it would be some time before its impact and benefits could be fully evidenced.
- 12) Ms Hamilton acknowledged that communication and engagement with parents needed to be improved but reiterated that progress took time.
- 13) In reply to a question, Alice Gleave said that there was now a dedicated SEND Post-16 case-holding team that had been set up to support post-16 young people with SEND during their transition to further education, employment and adulthood in general.
- 14) The Chairman asked whether KCC was confident that, when the next inspection took place in April 2024, the DfE would be satisfied with the progress that had been made with SEND provision in the county. Christine McInnes said that she was pleased that the DfE had recognised the progress that Kent had made. In terms of the actions in the Accelerated Progress Plan, she explained that these were not equally weighted. For the larger projects, such as the Localities project, it had been difficult to forecast realistic timescales. She said that there was a risk that the April deadline might lead to ending some APP actions before they had been completed and were showing results. Processes had been put in place

whereby officers had to provide the evidence of impact which would be assessed by an independent panel before it was submitted to the DfE for inspection.

15) The Chairman asked at what point the DfE would step away from its close inspection of SEND provision in Kent. Sarah Hammond replied that the DfE would step away from monitoring the Improvement Notice. However, although the DfE might formally stop monitoring SEND provision in the Kent Local Area, it would do so in the knowledge and expectation that, after April 2024, Ofsted would become the inspection body.

16) Mr Rayner moved, and Mr Dendor seconded, a motion that “the SEND Sub-Committee **noted** the report and **recommended** to the Scrutiny Committee that the SEND Sub-Committee shall now cease, and the responsibilities that it took on be now returned to places holding those responsibilities hitherto.”

17) Members voted on the motion, which was carried by a majority decision.

RESOLVED – the SEND Sub-Committee **noted** the report and **recommended** to the Scrutiny Committee that the SEND Sub-Committee shall now cease, and the responsibilities that it took on be now returned to places holding those responsibilities hither to.

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