

From: Joel Cook – Democratic Services Manager
To: **SEND Sub-Committee – 24 April 2024**
Subject: SEND Sub-Committee – One Year On Review
Classification: **Unrestricted**

Recommendation:

Scrutiny Committee is asked to:

NOTE the report and key points highlighted within the SEND Sub-Committee Annual Report (Appendix 1); and

DETERMINE whether the SEND Sub-Committee should continue its activity or be disbanded.

Introduction

- 1) The Scrutiny Committee, at its meeting on 25 January 2023, approved the establishment of the SEND Sub-Committee, which then commenced operations in March 2023.
- 2) The SEND Sub-Committee exercises the functions of KCC's Scrutiny Committee in relation to KCC's SEND provision. Its focus was to scrutinise and review matters in relation to SEND provision, recognising that there was existing duplication across multiple committees and that specific challenges related to SEND provision, highlighted within the 2022 Ofsted and CQC findings, supported KCC taking a proactive and focused approach to scrutinising this key issue.
- 3) The establishment of a subject specific sub-committee of Scrutiny to offer strategic challenge, exercising full Scrutiny powers including the hold to account function, was a new approach for the Council's Scrutiny operations. While Select Committees or Short Focused Inquiries undertook evidence gathering and hearing sessions to support the development of detailed recommendations on a range of topics, the agreed purpose of the Sub-Committee was distinct from this – the main Scrutiny Committee resolved to delegate its full authority and function to hold the Executive to account on matters related to SEND provision. The intended approach was to maintain oversight of and provide constructive challenge to the Executive in terms of how it was responding to the Ofsted and CQC findings via the Accelerated Progress Plan (APP).
- 4) When it determined that the sub-committee be established, the main Scrutiny Committee planned in a one year on review of the arrangement. This recognised that the new approach was developed to respond to a specific issue relating to SEND provision in Kent. The review was planned to allow Scrutiny Committee to consider whether the sub-committee should be maintained or if a return to normal business was appropriate. This report sets out the background and context to inform that decision.

Sub-Committee activity

- 5) The appended SEND Sub-Committee Annual Report sets out an overview of the work of the sub-committee and is supplied for consideration by the Scrutiny Committee. It was produced in accordance with its terms of reference, to support the required annual review by the main Scrutiny Committee. The report includes some commentary on the issues explored, and highlights some of the key points considered by the Sub-Committee.
- 6) The SEND Sub-Committee held seven formal meetings, in which it gathered information and evidence from, and reviewed and scrutinised decisions and actions taken by, KCC's Executive. KCC's Cabinet Member for Education and Skills and Directors of the Children, Young People and Education Directorate (CYPE), were required to provide information and reports to the Sub-Committee.
- 7) Additional evidence was gathered from a number of visits and virtual meetings. These included:
 - **A visit to The Malling School, East Malling.** The Malling School's Specialist Resource Provision is a highly successful specialist mainstream unit. It supports students with speech, language and communication needs, Developmental Language Disorder and Autistic Spectrum Disorder.
 - **A virtual meeting with Hilary Macdonald.** Hilary was the Ofsted HMI Lead Inspector who carried out the SEND revisit in Kent in September 2022.
 - **A visit to the Turner Schools Trust.** This included one-to-one meetings with parents of pupils with SEND.
 - **A visit to the We Are Beams centre.** This involved meeting representatives of **Fathers Club Kent**, a support group for fathers of children with autism.
- 8) The SEND Sub-Committee's Annual Update Report is in **Appendix 1**.
- 9) The Scrutiny Committee should be mindful that the sub-committee resolved, at its meeting in March 2024, to recommend that the sub-committee be disbanded, on the basis it had maintained oversight during the development and embedding of the APP but that the specific scrutiny activity of the sub-committee was no longer required.
- 10) In its conclusion, the Annual Report highlights a number of areas and issues within the SEND arena that merit further review and investigation.

Next Steps

- 11) The most appropriate route or approach for exploring any outstanding matters is not specified within the Annual Report and this should be considered by the Scrutiny Committee as part of any decision-making regarding future arrangements. It is for the Scrutiny Committee to determine whether future work in this area requires the dedicated sub-committee function or if the sub-committee has now completed its intended purpose to support an immediate quick-time review and oversight approach to a live issue. If the Committee is

of the latter view, the sub-committee may be discontinued and the delegated powers to scrutinise SEND provision returned to the main Committee.

- 12) In considering the appropriate approach, the Committee may consider that the sub-committee provides a focused space to explore and monitor the key issues relating to KCC SEND provision, ensuring more regular public accountability via Member scrutiny of the Executive on this particular topic. A shift back to utilising the main Committee supports a prioritisation based approach whereby updates and reviews can be timetabled within the normal business of the Scrutiny Committee along with flexibility to consider any urgent issues as they arise.
- 13) For completeness, it should be highlighted that the approach to consideration of the future changes, service development or savings / spending proposals related to SEND would continue unchanged; in that pre decision-consideration rests with the Cabinet Committee, with Scrutiny Committee (or Scrutiny Sub-Committee) activity expected to take place after the decisions have been taken. Such post-decision scrutiny may take the form of call-in consideration or general reviews or consideration of actions taken by the Executive, as per normal Scrutiny powers.
- 14) The Scrutiny Committee is invited to consider role of the sub-committee, taking into account the recommendation of the sub-committee itself and the Annual Report.

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Background Documents

None.

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