

From: **Rory Love, Cabinet Member for Education and Skills**

**Sarah Hammond, Corporate Director of Children, Young People and Education**

**Christine McInnes, Director of Education and SEN**

To: **Children Young People and Education Cabinet Committee**  
**16 May 2024**

Subject: **Kent SEND transformation projects:**  
The Locality Model for Special Educational Needs Inclusion, Special School Review and Specialist Resource Provision Review

Classification: **Unrestricted**

Past Pathway of report: **CYPE DMT 27 March 2024**

Future Pathway of report: None

**Summary:** The aim of this report is to set out:

- The background pressures facing KCC and why the Council must respond
- Why the 3 initiatives of Locality Model for SEN, Special School Review and review of Specialist Resource Provision support system-wide change
- Next steps

**Recommendation(s):**

The CYPE Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member Education and Skills on the proposed decision to progress the following 3 items and their recommendations:

- The Locality Model for Special Educational Needs Inclusion
- Special School Review, and
- Specialist Resource Provision Review

**Editor's Note: This report is the first one in a suite of four reports to CYPE Cabinet 16 May 2024 and should be read in conjunction with these:**

- The Locality Model for Special Educational Needs Inclusion
- Special School Review
- Specialist Resource Provision Review Update

**1. Introduction**

1.1 This report, '**Kent SEND transformation projects**', will set out how the preceding collective months of work on the Kent SEN system is coming together to implement cohesive system-wide change. This report, and the 3 following items (The Locality Model for Special Educational Needs Inclusion, Special School Review and Specialist Resource Provision Review), will set out a proposed transformation of the entire spectrum of SEN support, which are designed collectively, to improve outcomes for Kent's most vulnerable children. This will include:

- A Locality Model for inclusion, that supports and encourages an increase in mainstream participation for those children where it is appropriate to do so,
- Use of a common language and continuum of need that all provisions in Kent work within,
- The Special School Review, seeking to evaluate the provision of state-funded special school places and ensuring an efficient use of resources for children with EHC plans,
- Ensuring Kent can provide places for those children and young people with severe and complex special educational needs,
- The Specialist Resource Provision (SRP) Review, which endeavours to evaluate the viability of existing SRPs, propose changes where necessary to ensure primary and secondary school SRP provision aligns, and establish clear decision -making protocols for the identification and implementation of new provision.

1.2 In May 2023, at Kent County Council’s (KCC) Children Young People and Education (CYPE) Cabinet Committee, the Countywide Approach to Inclusive Education (CATIE)<sup>1</sup> was set out as KCC’s strategy for 2023-28. CATIE’s Priority Two is to “Provide additional intervention and support with engagement and integration”, which aims to develop community working and implement structures that will support children and young people with Special Educational Needs and Disabilities (SEND) in Kent. The Locality Model has been developed to address these needs.

1.3 The Local Authority began a comprehensive evaluation of state-funded special schools across the County in December 2022, which is ongoing. Led by Local Authority Officers in collaboration with key stakeholders across Education and Health, the review aims to ensure that KCC meet legislative duties effectively whilst ensuring children and young people with SEND access education in the most suitable educational setting.

1.4 Since June 2023, KCC has undertaken a review of the Specialist Resource Provision across the county encompassing both Primary and Secondary settings. Phase one reviewed, updated and issued Contract and Service Level Agreements between September 2023 to December 2023. Subsequently a new monitoring and governance process was developed to evaluate the performance of existing SRPs. The next phase involves conducting a district level assessment of the SRP primary to secondary pathway to ensure equitable provision for all children and young people throughout the county

1.5 How the initiatives support the requirements set out in ‘**Framing Kent’s Future**’ and ‘**Securing Kent’s Future**’ are detailed in the following 3 papers.

1.6 The aim of this report is therefore to set out:

- The background pressures facing KCC and why the Council must respond
- Why the 3 initiatives support system-wide change and each other
- Next steps

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<sup>1</sup> Link provided at 10.1

## 2. Report detail

### Background pressures

- 2.1 Under the Children and Families Act 2014 councils in England must support children, young people, and families, with SEND. Ofsted and the Care Quality Commission jointly inspect how well this is done in each area. In 2019, the joint inspection identified nine areas of weakness in the Kent area's effectiveness in implementing disability and SEN reforms. One of these nine areas found Kent has 'a variable quality of provision and commitment to inclusion in schools, and a lack of willingness of some schools to accommodate children and young people with SEND'. KCC was issued with an Improvement Notice on 31 March 2023, as a re-visit in 2022 had assessed that the local area had failed to make sufficient progress against all nine areas of weakness. This required KCC to produce an Accelerated Progress Plan (APP) to deliver appropriate and sustainable improvement<sup>2</sup>.
- 2.2 In 2022, as part of KCC's work to address some of the inspection's areas of weakness, an independent review of funding for children and young people with SEN in Kent mainstream schools was undertaken<sup>3</sup>. The review formed part of KCC's work to improve the lived experience for children and young people with SEN, and that of their parents, carers, and families. The review found KCC has the highest High Needs Block (HNB) grant funding provided by the government, of all the shire counties (£734 per resident, compared to an average of £614), with spend exceeding annual budget allocations. As a result, KCC has built up a significant overspend which is unsustainable. Despite this higher-than-average allocation, KCC has seen little impact on improved school experience and outcomes, or parental satisfaction. Even with the increasing amount of funding spent on supporting pupils with high needs, demand for specialist provision and places has continued to grow. This suggests the current system is not working as well as it could to get the best outcomes for pupils.
- 2.3 Financial pressures are an important consideration for KCC, and for Kent residents. KCC, like many other councils in the country, has found the costs of delivering services to support children with SEN has grown faster than increases in the HNB. This has resulted in KCC incurring an annual overspend of up to £50 million (15%), of which around £10m has been funded by primary & secondary school contributions, and the remainder of the balance accumulating in a total deficit of £140 million by March 2023. To address the overspend in the HNB in 2022 KCC entered into a Safety Valve agreement with the Department for Education (DfE)<sup>4</sup>. The agreement means the DfE is making a £140 million contribution towards the accumulating deficit, alongside a further £82 million contribution from KCC itself, to balance the high needs budget by 2027-28. This avoids the need to otherwise impose £140 million of spending reductions in council services for SEN.
- 2.4 Recognising change is needed nationally, not just in Kent, the government published the SEND and Alternative Provision (AP) Improvement Plan in March

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<sup>2</sup> Link for further information at 10.2

<sup>3</sup> Available on request

<sup>4</sup> Link at 10.3

2023<sup>5</sup>. This communicated a vision for new local SEND partnerships that will create evidence-based Local Inclusion Plans, which ‘set out how the needs of children and young people in the local area will be met in line with National Standards’ . The government’s SEND and AP Improvement Plan is a step towards a more effective, and sustainable high needs system, that works for children, young people, and their families, but implementing this nationally will take time, Kent’s position (following the Ofsted visits and due to the financial challenge) means KCC must act now.

#### System-wide change

- 2.5 The Locality Model creates structures for SEN support and services to be accessed and delivered in a new way, which makes better use of local education and SEN expertise. The Locality Model requires KCC, schools, the NHS, and other SEN service providers to work together more effectively, in geographically based Clusters, to secure improvements. Full details on the Locality Model can be found in the adjoined report ‘The Locality Model for SEN Inclusion’.
- 2.6 The Special School Review proposes a clear and straightforward criteria for children considered appropriate for special school provision. This initiative aims to align with the criteria observed in comparable Local Authorities and facilitate the provision of a tailored curriculum in a specialised educational setting for children and young people with an EHC plan and severe and complex needs. Additionally, in collaboration with the SRP review, both strive to improve and standardise the curriculum and provision across mainstream and SRP settings, allowing all children to access suitable education tailored to their needs within their local community setting where possible.

#### Next Steps

- 2.7 The next steps are:
- Agree the Kent SEN continuum (to include all settings i.e. mainstream schools, specialist resource provision, alternative provision and special schools)
  - Complete financial modelling for allocation of cluster budgets across the county
  - Agree a tariff system that supports the Kent SEN continuum and financial sustainability
  - Implement system-wide change for SEN in Kent, aligning the Special School Review, Specialist Resource Provision and Locality Model initiatives.

### **3. Financial Implications**

- 3.1 The services covered in both this report and accompanying reports are all expected to be fully funded from the High Needs Block of the Dedicated Schools Grant provided by Department of Education (totalling over £310m annually). Further information is provided in section 2.3 of this report and the outcome of these reviews are expected to support the Council to return to a financially sustainable position in the longer term.

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<sup>5</sup> Link at 10.4

- 3.2 Kent's Safety Valve agreement with the DfE states:  
"The authority agrees to implement the DSG management plan that it has set out. This includes action to:
- 3.1. Implement a countywide approach to 'Inclusive Education', to further build capacity in mainstream schools to support children and young people with Special Educational Needs and Disabilities (SEND), thus increasing the proportion of children successfully supported in mainstream education and reducing dependence on specialist provision
  - 3.7. Ensure there is sufficient and consistent capacity across the county to support children with severe and complex needs in their local area where possible
  - 3.8. Develop a school/area-led approach to commissioning of SEN support services (Locality Based Resources), to better respond to the needs of children and young people with SEND"
- (page 2 and 3 DfE Dedicated Schools Grant 'Safety Valve' Agreement: Kent)*
- 3.3 Kent must implement a sustainable approach to High Needs Funding to meet the DfE Safety Valve agreement and to ensure financial sustainability in this area moving forwards.

#### **4. Legal implications**

##### Locality Model

- 4.1 Legal advice on the Locality Model consultation was sought from Legal Services and the comments and suggestions from Bevan Brittan were incorporated into the final consultation documents. Local Authorities must follow government guidance on the Children and Families Act (2014)<sup>6</sup>, the distribution of their High Needs Funding Block<sup>7</sup> and work under the SEND Code of Practice 2015<sup>8</sup>, these guidance documents were used in the development of the Locality Model.

##### Special School Review

- 4.2 Legal advice for the Special School Review will be sought from Legal Services in the autumn term and endorsement of future proposals by cabinet in addition to the completion of a public consultation. Any individual proposals will follow the statutory processes set out within the DfE documents: Making significant changes to an academy: January 2024 (applies from April 2024) and Making significant changes ('prescribed alterations') to maintained schools, both include the requirement to consult on proposals.

##### Specialist Resource Provision

- 4.3 Legal advice for the SRP Review will be pursued from Legal Services following the review, endorsement of proposed recommendations, and further evaluation of SRP provision at District level through planned engagement with key stakeholders. Any individual proposals will follow the statutory processes set out within the DfE documents: Making significant changes to an academy: January 2024 (applies from April 2024) and Making significant changes ('prescribed alterations') to maintained schools, both include the requirement to consult on proposals.

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<sup>6</sup> Link at 10.5

<sup>7</sup> Link at 10.6

<sup>8</sup> Link at 10.7

## **5. Equalities implications**

- 5.1 Equalities Impact Assessments (EqIA) are attached individually to the 3 relevant reports that follow this paper.

## **6. Risk and Other Factors**

- 6.1 It was a risk that the various initiatives progressing within SEN could have a detrimental impact leading to unnecessary confusion in the system. However, urgency for improvement dictated the need for all initiatives to progress. Work was ongoing to ensure these interdependencies were individually recognised and supported, but now by aligning and presenting the Locality Model, the Special School Review and Specialist Resource Provision projects we can more clearly illustrate the system-wide view of our SEN proposals. By co-ordinating the work that is underway to develop local clusters, thresholds (that will inform expectations of the different types of educational settings in Kent in a continuum of service delivery for the education system, and the types of settings, with a focus on improved outcomes for children and young people with SEN), and special school recommendations, we can cohesively improve education inclusion in Kent.

## **7. Governance**

- 7.1 Christine McInnes - Director of Education and Special Educational Needs will inherit the main delegations via the Officer Scheme of Delegation.

## **8. Conclusions**

- 8.1 In conclusion, this report outlines the collective efforts of three initiatives within the Kent SEN system to drive cohesive system-wide change. Through implementation of the Locality Model for Special Educational Needs Inclusion, the Special School Review, and the Specialist Resource Provision Review, a transformative approach to SEN support is proposed. These initiatives aim to address the challenges identified in previous inspections and reviews, ensuring that children and young people with SEND receive appropriate education and support. By aligning these projects and coordinating efforts, Kent is poised to enhance educational inclusion and meet legislative duties effectively, ultimately improving outcomes for vulnerable children across the county.

- 8.2 The next report in this series of four is The Locality Model for Special Educational Needs Inclusion.

## **9. Recommendation(s):**

- 9.1 **Cabinet Committee** - The CYPE Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member Education and Skills on the proposed decision to progress the following 3 items and their recommendations:

- The Locality Model for Special Educational Needs Inclusion
- Special School Review and
- Specialist Resource Provision Review

## **10. Background Documents**

- 10.1 CATIE Strategy 2023-28 - <https://www.kelsi.org.uk/special-education-needs/inclusion/countywide-approach-to-inclusive-education>
- 10.2 SEND Ofsted and CQC inspection information - <https://www.kent.gov.uk/education-and-children/special-educational-needs/listening-to-your-voice-and-taking-action/ofsted-and-cqc>
- 10.3 DfE and Kent Safety Valve Agreement - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1143013/Kent\\_Safety\\_Valve\\_Agreement\\_2022\\_2023.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1143013/Kent_Safety_Valve_Agreement_2022_2023.pdf)
- 10.4 SEND and AP Improvement Plan - <https://www.gov.uk/government/publications/send-and-alternative-provision-improvement-plan>
- 10.5 Children and Families Act (2014) - <https://www.legislation.gov.uk/ukpga/2014/6>
- 10.6 HNF 2023 to 2024 Operational Guidance - <https://www.gov.uk/government/publications/high-needs-funding-arrangements-2023-to-2024/high-needs-funding-2023-to-2024-operational-guide>
- 10.7 SEND Code of Practice - <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

## 11. Contact details

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