

**From: Rory Love, Cabinet Member for Education and Skills**  
**Sarah Hammond, Corporate Director of Children, Young People and Education**

**To: Children's, Young People and Education Cabinet Committee – 16.05.2024**

**Subject: Proposals for the Review of Special Schools**

Non-Key decision

**Past Pathway of report:** SEND Transformation Strategic Board (19.03.2024)

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**Summary:** The following report provides a synopsis of the special schools' review including the key findings and future proposals.

**Recommendation(s):**

The Children's, Young People and Education Cabinet Committee is asked to consider and endorse the proposed future pathway pertaining to the review and associated proposals for public consultation.

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**1. Introduction**

1.1 This report is the third of four reports within the series of 'Kent SEND transformation projects. The report provides an overview of the Special Schools' Review and includes key findings and future proposals.

1.2 Between January 2023 – February 2024 Local Authority officers reviewed Kent's state-funded special school provision. The purpose of the review was:

- To inform planning of special school places over the medium-long-term for children with Special Educational Needs and Disabilities (SEND) for whom the Local Authority maintains an Education, Health, and Care Plan (EHCP) and decides to place in a special school.
- To inform the designation and admission criteria for special schools so that there is clarity about the special educational needs and disabilities (SEND) of children and young people for whom the Local Authority has planned special school provision and equity of access for children and young people with severe and complex SEND.
- To inform the principles of funding to ensure a financially sustainable approach to funding state-funding special schools, with funding matched to the level of adaptation and resources needed to provide suitable education for the children placed by the Local Authority.
- Identify opportunities for strategic system change to improve SEND provision, enhance educational outcomes, and promote inclusivity for children and young people with complex and severe needs in their local communities.

- Propose options for the future that foster collaboration towards building a more equitable and effective educational landscape for all children in Kent.
- 1.3 This report relates to the state-funded special school provision in Kent. All information and data included related to the period of the review from January 2022 to March 2024. Any reference to special schools throughout the remainder of the report relates to state-funded special schools unless stated otherwise. It should also be noted that private special schools are referred to as independent schools by the DfE.
  - 1.4 State-funded special school places are commissioned by the Local Authority and funded from Kent's Dedicated Schools Grant, High Needs Block.
  - 1.5 The Local Authority is the admission authority for state-funded special schools.
  - 1.6 The context in which the Special School Review has been carried out is one of financial and reputational challenge. Kent has an over-reliance on special school provision, both state-funded and private, in comparison with statistical neighbours and England (DfE 2023).
  - 1.7 The Local Area (Local Authority, NHS, and schools/settings) have been inspected and found to have weaknesses. Key issues identified were lack of parental confidence in the provision for children and young people with SEND and poor outcomes for these children and young people.
  - 1.8 The Local Authority has a history of developing state-funded special schools over time and subsequently has expanded and extended state-funded special school provision both within those school sites and in mainstream schools through the provision of satellites. This has been in response to levels of demand and, at times, has been approached in an ad hoc way for children with specific need types in specific locations.
  - 1.9 There has not been a comprehensive review of special school provision, place planning or funding since the introduction of the Children and Families Act in 2014.
  - 1.10 The Local Authority has a duty to make placements for children for whom an EHCP is maintained, having due regard to parental preference, and ensuring the provision of suitable education that is an efficient use of resources (Children & Families Act, 2014: Section 3). Suitable education is provided through teaching and learning that is matched to children's needs and supports them in preparing for adulthood. The provision of education in a special school is an efficient use of resources and suitable for children and young people with severe and complex needs who need an adapted curriculum that is different from that which can be provided in a mainstream school with ordinarily available resources, described in Kent, as mainstream core standards.
  - 1.11 In the context set out above the review of special school provision has established understanding of the status quo and identified a number of issues that have contributed to the challenges that the SEND system in Kent, as a whole, faces. Priorities for development to address issues are proposed with the intention of seeking views about the approach to implementation, through public

consultation. The Proposals are aligned with Kent’s whole system change for children and young people with SEND, as set out in the overarching Cabinet report introduction.

1.12 The scope of the review of Kent’s state-funded special schools has been focused on the areas of accountability that relate to the Local Authority’s statutory responsibilities to provide sufficiency of educational places, suitable education for children and young people for whom an Education, Health and Care Plan (EHCP) is maintained and the duty to make placements that are an efficient use of resources. As such the findings and proposals for change focus on:

- Sufficiency of state-funded special school places
- Designation and admission criteria
- Principles for the special school funding model
- The role of special schools supporting the inclusion of children and young people with (SEND).

1.13 The purpose of this report is to inform the Children’s, Young People and Education Cabinet Committee of the proposals that have been identified following the conclusion of the review and to set out proposed next steps.

## 2. The review and findings

### Current special school provision:

2.1 There are 24 state-funded special schools in Kent, four special schools are split across two sites; one of which provides special school provision in two different areas figures below reflect the academic year 2022/23.

Area of Kent	Number of special schools	Number of places
North	5	1063
South	5	1199
East	8	1678
West	7	2029
<b>Total</b>	<b>24</b>	

2.2 In recent years, the Council has responded to opportunities for DfE capital investment in new free special schools to address population growth and basic need and has been successful in securing agreement for the following:

- East Kent, Isle of Sheppey: A new free special school for young people 11-16 years with social, emotional, mental health (SEMH) needs, providing 120 places (opening during the academic year 2024/25).
- East Kent, Whitstable: A new free special school for children and young people 4-19 years with Profound, Severe, Complex needs (PSCN), providing 120 places (opening September 2026).
- North Kent, Swanley: A new free school for children and young people aged 4-19 years with PSCN, providing 250 places (opening September 2026).

- 2.3 The designation of a special school is based on the primary special educational need of children that the school has been commissioned to provide education for. Currently:
- Profound, Severe, Complex Needs (3 schools in East; 2 in South; 3 in West and 2 in North)
  - Social, Emotional & Mental Health (2 school in East; 3 in South; 1 in West; 1 in North)
  - Communication & Interaction (2 schools in East; 3 in West and 1 in North (N.B. Broomhill Bank has a site in North and West and is listed twice))
  - Communication & Interaction and Learning (1 school in East)
  - Physical Disabilities (1 school in North)
- 2.4 Twenty-three special schools have been judged Good or Outstanding by Ofsted, one school Requires Improvement.
- 2.5 Kent has published a SEND Sufficiency Plan alongside the wider sufficiency plan for mainstream school places, by way of meeting duties to plan for education places for all children and young people. The SEND sufficiency plan<sup>1</sup> was published in January 2024 and sets out the Local Authority's planned approach to the provision of places for children and young people with SEND, including special school places (Key decision no: 23/00107).
- 2.6 The principle underpinning the plan and the Local Authority's financial planning is that the number of special school places will, over time, align with national expectations of special school provision and placement for children for whom the Local Authority maintains an EHC Plan, by geographical area (North, South, East and West), to support the placement of children with an EHC Plan and severe and complex needs in a school that can provide suitable education in or near their local community.
- 2.7 Forecast figures for special school places (state-funded and private) assume a reduction over time in the percentage of the child population for whom an EHCP is maintained and gradual associated changes to the provision of special school places. The Council's sufficiency plan for the provision of special school places will be reviewed and updated on a regular basis, taking account of changes in population.

### The review

- 2.8 The Special School Review was carried out by Local Authority Officers with input from external consultants. The review was carried out in three stages referred to as Exploration, Analysis and Shaping the Future. During the Exploration and Analysis stages the special school review was informed and shaped by a stakeholder reference group. The 'Shaping the Future' phase was informed by four workshops to which all special school head teachers and representative mainstream head teachers were invited. Young people's views were gathered through focus groups. The chronology of engagement is included in appendix one and the timetable of engagement and consultation activities can be found in appendix two.

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<sup>1</sup> [https://www.kent.gov.uk/\\_\\_data/assets/pdf\\_file/0019/162802/SEND-Sufficiency-Plan.pdf](https://www.kent.gov.uk/__data/assets/pdf_file/0019/162802/SEND-Sufficiency-Plan.pdf)

## Key findings and Issues:

- 2.9 Kent should meet duties to plan sufficiency of school places, including for children with SEND, by commissioning special school places, setting out the designation and admission criteria so that there is a coherent continuum with equitable access to provision for children and young people for whom an Education, Health and Care Plan is maintained and who have severe and complex learning needs, such that an adapted curriculum is needed and teaching and learning cannot be provided in an inclusive mainstream school.
- 2.10 Kent has an over-reliance on placement of children with SEND in the special school sector. State-funded special schools are at capacity and consequently placements have been made in private schools. This is not an efficient use of resources, is not financially sustainable and prevents the Local Authority from planning effectively to provide special educational needs provision for those with the most complex and severe SEND in state-funded special schools.
- In 2023/24 in Kent 17.7 children per 1000 aged 2-18 years were placed in a state-funded special school, compared to an England average of 12.5.
  - In 2023/24 in Kent 5.2 per 1000 children aged 2-18 years were placed in a private special school, compared with the England average of 2.8.
  - High Needs Funding spend on state-funded special school places has increased year on year by a percentage that is greater than the increase in High Needs Funding please refer to appendix three. E.g. from 2018/19 to 2023/24 Kent's spend on state-funded special school places increased by 75% and on private sector placements over the same period by just over 116%. Please refer to appendix three showing the overview of change in Kent County Council SEND Spend.
  - The High Needs overspend in 2023/24 is forecast to be around £45m; In March 2023, the cumulative deficit was approximately £140 million (excluding any safety valve contributions from the Department of Education or the Council).
- 2.11 The Local Authority must place children with an EHC Plan in a mainstream school unless to do so would be incompatible with the wishes of the child's parents or the young person or the provision of the efficient use of resources (Children and Families Act 2014, Section 33). Mainstream schools and the Local Authority are expected to be ambitious for children and young people with SEND (SEND Code of Practice 2015). In Kent the over-reliance on special schools has led to placement of some children in a special school, whose attainment is similar to or above that of other children in mainstream schools. This custom and practice in Local Authority decision-making has affected the perception of parents and schools that special school places are planned to meet the needs of children who, in other Local Authorities would be provided with education and a pathway to adulthood in a mainstream setting.
- 2.12 All mainstream schools can predictably expect to provide education for children with children and young people with SEND, who have low attainment, may have Social Emotional and Mental Health (SEMH), speech, language communication

and language needs and/or Autism Spectrum Disorder (ASD) and/or a combination of these needs.

2.13 To meet duties to provide sufficiency of special school places and provide education that is both suitable and an efficient use of resources the Local Authority needs to make decisions that are consistent and ensure proactive forward-looking planning of special school placement for those children and young people whose SEND are severe and complex such that an adapted curriculum needs to be provided.

- Some stakeholders did not feel there were enough special school places.
- The majority expressed a view that some children and young people currently attending special schools could and should be better supported in a mainstream state-funded school.
- Current admission criteria for Kent special schools are such that some schools admit children who are achieving within the range expected for their age (i.e. within two years of their chronological age at secondary transfer) and preclude children with challenging behaviours attending. Some special schools have admission criteria for children with a diagnosis of autism and attainment within the expected range.
- Currently, the designation and admission criteria of some special schools prevent consistent placement planning for those with the most severe and complex SEND, and this combined with a historic reactive rather than proactive place planning approach has resulted in children with complex and severe SEND without a special school place and/or over-reliance on the private sector.
- The Local Authority needs to plan special school places and set admission criteria, working with special schools to enable school leaders to plan for the children and young people's education provision and independence in adulthood. In the recent past special school admission criteria in Kent have been published by Kent special schools.

2.14 The combined effect of issues relating to the lack of medium to long-term planning for placement of children and young people with severe and complex SEND due to historic practice and processes; the capacity of special schools and restrictive admission criteria for some schools has led to:

- Some Kent children travelling out of area and/or long distances within the county because the closest appropriate special school could not admit a child(ren) due to issues related to capacity or admission criteria.
- High home to school transport costs due to the distance travelled by children and young people attending special schools that are at a distance from their home.

2.15 There is not a consistent understanding of the provision made by special schools for children with severe and complex SEND and there are inconsistencies in the provision that special schools provide. This affects the capacity of LA officers to confidently communicate with parents and carers about the provision that has been planned for young people with SEND and/or to make decisions about the provision of effective education that is an efficient use of resource.

- Parents and carers of children and young people with SEND have said that they do not always know what provision is available for their children.
- Special school headteachers have told the Local Authority that officers are not always informed regarding the available resources and / or approach to teaching and learning that are applied in special schools.
- Local Authority officers have said that some special schools with the same designation and admission criteria sometimes provide inconsistent responses to consultations regarding the provision of suitable education.
- Some special schools provide bespoke education for those with the most complex needs, while others request a change of placements for students.

2.16 There have been no substantive changes to the special school funding system since it was reviewed in 2010. Special schools funding rates are based on the different SEN need types of the children attending the school and will also vary depending on the size of the school. There is an increase in requests from Special Schools for exceptional pupil need funding where the current need type of the child does not reflect the level of support required, and subsequently the rate paid to the school. This in part is due to the significant delay in children receiving the appropriate diagnosis from Health services to provide the suitable evidence to update the primary need type through the SEN annual review process. Growing financial pressure within special schools has also been highlighted with most schools forecasting overspends and a handful of maintained special schools also reporting an overall deficit as part of their three-year budget planning (additional support has been provided to these schools to support future financial sustainability and recovery).

### The continuum of special educational needs provision – proposals for special schools

2.17 The Local Authority provides a continuum of support for children with SEND in:

- Mainstream schools through the provision set out in the mainstream core standards, which includes assessment of a child's special educational needs, planning and meeting the child's needs through provision that can be provided from within a school's resources for children identified as having SEN Support needs, and for some children with an EHCP.
- Specialist Resource Provision (SRP) in a mainstream school with access to specialist teaching and an adapted curriculum which includes education alongside mainstream peers. Children placed in an SRP will have an EHC Plan maintained by the Local Authority.
- Special schools for children who have an EHC Plan and severe and complex special educational needs. The findings of the review have informed proposals for change.

## **3. Proposals for the future**

3.1 Proposals address the issues identified through the review of state-funded special schools in relation to:

- Sufficiency of state-funded special school places
- Designation and admission criteria
- Principles for the special school funding model
- The role of special schools supporting the inclusion of children and young people with (SEND).

3.2 It is the intention of the Local Authority to undertake a public consultation in relation to proposals set out in this paper and plans for implementation.

#### Sufficiency of state-funded special school places

3.3 This has been addressed through the publication of the SEND Sufficiency Plan 2023-27 (Key decision no: 23/00107) and will not be part of a public consultation.

#### Special School Designations and Admission Criteria (Appendix 4)

3.4 To fulfil its duty in planning sufficiency of provision for children with SEND, making efficient use of High Needs Funding, the Local Authority has responsibility for determining the children for whom education provision will be provided in special schools, and as such determining the designation and the admission criteria of its state-funded special schools. To address this issue and ensure that as far as possible there is local state-funded special school provision for children with severe and complex special educational needs within the area of Kent that they live it is proposed that special schools in Kent have one of three designations. These would be:

- Designation: Complex Learning Needs – Profound, Severe, Complex Needs:
  - Admission criteria: learners have a range of needs including profound, multiple learning difficulties, severe learning difficulties, autism spectrum condition, communication disorders and social, emotional mental Health.
- Designation: Social, Emotional, Mental Health Needs:
  - Admission criteria: All pupils have social, emotional, and mental health difficulties with associated challenging behaviour, many have had adverse childhood experiences and/or have additional needs, including autistic spectrum condition, speech, language and communication difficulties, ADHD.
- Designation: Neurodiverse with Learning Difficulties:
  - Admission criteria: All pupils have complex special educational needs, they are neurodiverse and may have a diagnosis of autism, ADHD, or other conditions. The pupils have severe social communication difficulties, learning difficulties and may have social, emotional mental health needs associated with neurodiversity, including severe social anxiety.

- 3.5 Proposed changes to designation and admission criteria would apply to the new intake of children and young people with an EHC Plan from 2026/27. Children already attending the special schools affected by the proposed changes would remain on roll, please refer to appendix four.
- 3.6 This proposal and an associated implementation plan will form part of the public consultation. Specifically, we will seek to understand the impact if the proposal was implemented.

#### Residential Special School Places

- 3.7 It is proposed that residential special school places are planned for children and young people who have an assessed care and/or health need and an assessed special educational need.

#### Special School Capital Programme.

- 3.8 Kent has historically invested in special school buildings; as the demand for special education places has grown over time, space and facility constraints have increased. Capacity and suitability surveys of Kent's state-funded special school buildings carried out in 2021-22 indicated some special schools were providing education in buildings that were over-capacity in terms of the number of students or had aspects of the building that were unsuitable.
- 3.9 Young people have informed us that in order to learn, they need to feel physically safe in their school environment. Some young people recounted instances in which school personnel attempted to move them but were unable to do so themselves or required the assistance of others due to the nature of the building. Some headteachers have identified the accessibility of buildings and/or the limitations of special school buildings as obstacles to the admission of some students and/or the maintenance of special school placements.
- 3.10 The existing capital programme for High Needs includes works relating to the development of new places in special schools, along with increasing the capacity of SEN provision in mainstream schools, in line with the SEN sufficiency plan. It is proposed the programme will be updated, in line with the resources available, to include capital works needed to ensure on-going suitability of buildings in some Kent special schools.

#### Principles for the special school funding model

- 3.11 The following principles are proposed for Kent's future special school funding:
- Supports sustainability and financial planning over the medium to long-term. In anticipation of changes to the national Dedicated School Grant, High Needs Block funding regulations and the introduction of a tariff system, the Local Authority proposes adopting a tariff model of funding for the specialist continuum of high needs funding for children placed in Specialist Resource Provisions and special schools. This is in line with national direction of travel.

- Special school funding is graduated according to the level of resourcing and the extent to which adaptation of the curriculum is integral to provision of suitable education.
- The approach adopted leads to the proportionate and equitable distribution of resources.
- The funding model supports special schools and mainstream schools or FE colleges working together to plan young people's pathway from special to mainstream with a specific focus on post 16 transfer and planning for young people to transition into FE college or specialist post 16 institutions, with the aim of enabling young people to develop skills for independence in adulthood.

3.12 The principles for special school funding will be developed with stakeholder representatives from special schools across each of the four areas of Kent and from schools with different designations. The outcomes of stakeholder engagement and the future funding model will be subject to Schools Forum consultation. This will include feedback from the special school review including benchmarking, therapies, staffing structures and consequent funding decisions.

3.13 The development of a tariff model is expected to align across the continuum of provision to ensure continuity and correlation of funding and resources available to children educated in either a mainstream or special school.

#### The role of special schools supporting the inclusion of children and young people with (SEND)

3.14 Kent is developing a shared understanding of how a continuum of provision across mainstream, SRP and special schools can be delivered. This will inform the development of Local Authority processes, greater collective responsibility for allocation of resources, and placements.

3.15 The proposal that special schools play a role in supporting children with SEND in mainstream schools through the provision of expertise and the opportunity of outreach and in-reach will form part of the public consultation.

## **4. Financial Implications**

4.1 The Council is responsible for both the setting and payment of the Special Schools budgets. Funding for special schools is provided by the Department of Education through the High Needs Block of Dedicated Schools Grant. In 2023-24, Kent spent approximately £152m on special school places. This is the largest expense in the High Needs block, accounting for just over 40% of total spend. This includes approximately £9m on exceptional pupil need (additional funding requests outside the standard funding rates).

4.2 Standard funding rates for special school places (non-residential) range from £11,650 to £30,450 per place, or a minimum of £10,000 per place if the commissioned place remains unfilled. This excludes exceptional pupil need supplementary payments, any additional grants from department of education such as pupil premium or additional Teachers pay and pension grants.

- 4.3 The High Needs Capital Programme totals £61m as agreed in the County Council Budget for 2024-25. This is funded from the Department of Education specific grant. Further funding of £27m has been recently announced and plans for its use are currently being reviewed and will need to consider future recommendations and outcomes of this review.
- 4.4 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:
- 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.
  - Ensure there is sufficient and consistent capacity across the county to support children with severe and complex needs in their local area where possible.
  - 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<sup>2</sup>.
- 4.2 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.

## **5. Legal implications**

- 5.1 Legal advice for the Special School Review will be sought from Legal Services in the autumn term and endorsement of future proposals by Cabinet committee 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.
- 5.2 Article 7 and 24 of the UN Convention of the Rights of Persons with Disabilities: The UK Government is committed to inclusive education of disabled children and young people and the progressive removal of barriers to learning and participation in mainstream education.
- 5.3 The Children and Families Act 2014, Section 3: The general presumption in law of mainstream education in relation to decisions about where children and young people (CYP) with SEND should be educated, and the Equality Act 2010 provides protection from discrimination for disabled people.
- 5.4 SEND Regulations 2014: All Local authorities have a duty to place a child with an EHC Plan in a parent's preferred school unless this would affect the effective education of others or is incompatible with the efficient use of resources.

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<sup>2</sup> page 2 and 3 DfE Dedicated Schools Grant 'Safety Valve' Agreement: Kent

- 5.5 The SEND Code of Practice 2014: Ensuring that SEND provision has regard to the views, wishes and feelings of the child or young person and their carers/parents.

## **6. Equalities implications**

- 6.1 The Review of Special Schools was set up as a project under the Council's wider SEND Transformation Programme. An Equality Impact Assessment (EQIA) has been completed for the programme which concluded there is no potential for discrimination and all appropriate measures have been taken to advance equality and foster good relations between the protected groups. Please refer to Appendix five.

## **7. Risk and Other Factors**

- 7.1 Kent was issued an Improvement Notice<sup>3</sup> following the two Ofsted Visits in 2019, which identified 9 areas of significant weaknesses, and 2022, which determined that no significant progress had been made in addressing any of the areas of weakness previously identified. Following the issue of the improvement Kent was required to develop a rapid improvement plan, called an Accelerated Progress Plan<sup>4</sup> (APP) which was agreed with the DfE and published in August 2023. The Review of Special Schools will contribute towards area 2 (A variable quality of provision and commitment to inclusion in schools, and the lack of willingness of some schools to accommodate children and young people with SEND). Failure to adopt the recommendations of the Review of Special Schools will also impact on the Local Area's responsibility to deliver the required improvements under the APP and Safety Valve as outlined earlier.
- 7.2 Kent entered into a Safety Valve agreement<sup>5</sup> with the DfE in May 2023. Under this agreement Kent is required to reach an in-year balance on their DSG by the end of the financial year 2027-28 and sustain this in each subsequent year thereafter. The need to ensure that there is sufficient capacity across the county with severe and complex needs in their local area, where possible is specifically referenced in this agreement. In addition to the need to review the 'specialist continuum to ensure only the most severe and complex needs are supported in special schools' is also cited. The Review of Special Schools is contributing towards reviewing the specialist continuum alongside the Review of Specialist Resource Provisions (SRPs) and the other interdependent review that were referenced earlier in this report.
- 7.3 The Review of Special Schools is supportive of the strategic objectives of Framing Kent's Future<sup>6</sup>, specifically Priority 4 New Models of Care and Support. The Review of Special Schools aims to enable children and young people with special educational needs and disabilities (SEND) to access an education in a setting that is appropriate for their needs. This includes bringing together mainstream and special schools to support and learn from one another and to enhance inclusion across the county. This will enable, where appropriate, more

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<sup>3</sup> [SEND Improvement notice to Kent County Council \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1144443/SEND-Improvement-notice-to-Kent-County-Council.pdf)

<sup>4</sup> [Kent Local Area - Accelerated Progress Plan](#)

<sup>5</sup> [Dedicated Schools Grant 'Safety Valve' Agreement: Kent 2022-2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1144443/Dedicated-Schools-Grant-Safety-Valve-Agreement-Kent-2022-2023.pdf)

<sup>6</sup> [Framing Kent's Future - Our Council Strategy 2022-2026](#)

mainstream schools to meet the needs of children and young people with SEND, increasing the choice and proximity of school places, as well as ensuring that special school places can be accessed, as locally as possible, to children and young people with the most severe and complex needs.

- 7.4 Securing Kent's Future<sup>7</sup> prioritises objective 4 within Framing Kent's Future, New Models of Care and Support (see point 6.3). The Review of Special Schools will also enable the Local Authority to ensure that the Best Value duty is being applied and Kent is able to secure value for money in relation to the educational provision that children and young people with an EHC Plan access. As a Local Authority, under the Children and Families Act 2014<sup>8</sup>, must comply with the parent/carer or young person's request unless attendance at the preferred school would not meet their special educational needs, or would be incompatible with the efficient education of others or the efficient use of resources. The efficient use of resources that is referenced under the Children and Families Act regarding placement of children and young people with an EHC Plan ensures that as a Local Authority the Best Value duty can be applied while ensuring a suitable education is provided to children and young people with an EHC Plan.

## **8. Governance**

- 8.1 It is the intention of the service to undertake a period of Public Consultation in relation to the proposals generated by the special school review. The Special School Review will then return to present the findings from the consultation alongside a full set of proposals to Children Young People and Education Cabinet Committee.
- 8.2 Christine McInnes - Director of Education and Special Educational Needs will inherit the main delegations via the Officer Scheme of Delegation.

## **9. Alternatives considered**

- 9.1 The decision was taken to undertake the Review of Special Schools under the wider SEND Transformation Programme as given the current circumstances in Kent including Kent's high DSG deficit and the commitment made to the DfE under Kent' Safety Valve agreement and the Accelerated Progress Plan<sup>9</sup> the option of 'do nothing' and not carrying out the review would not be viable. It is important to note that while carrying out the Review of Special Schools the hard work and commitment of Kent's Special Schools is valued and recognised by the Local Authority. This is also recognised by Ofsted who have rated Kent's Special Schools as either good or outstanding.

## **10. Conclusion**

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<sup>7</sup> [Appendix 1 - Securing Kents Future - Cabinet report.pdf](#)

<sup>8</sup> [Children and Families Act 2014 - Explanatory Notes \(legislation.gov.uk\)](#)

<sup>9</sup> [Kent Local Area - Accelerated Progress Plan](#)

10.1 The special school review was completed during the period January 2022-March 2024 and identifies a range of issues that relate to the effectiveness of planning of special school places for children with an EHC Plan and who have severe and complex SEND. The unintended consequence of admission criteria that result in children who are attaining within the range expected for their age being placed in some special schools and the over-reliance on the private special school sector, in particular.

10.2 A number of changes are proposed, including changes to the designation and admission criteria of some schools; the introduction of principles of funding that reflect the extent to which the curriculum is adapted and a school-to-school outreach model of special school support for children with SEND in mainstream schools.

10.3 It is intended that a full Public Consultation is undertaken in order to seek views on the proposals and plans for implementation.

10.4 Proposals include:

- Changes to the designation and admission criteria of some special schools to enable the Local Authority to provide a continuum of provision in mainstream schools, specialist resource bases and special schools for children with special educational needs for whom an EHC Plan is maintained.
- Introduction of a tariff model of funding the continuum of provision for children with an EHC Plan placed in SRPS and special schools, in line with the national direction of travel.
- The role of special schools in supporting children with SEND in mainstream schools should be developed in a way that is aligned with the development of locality resources and building on existing good practice in some, more developed Local Inclusion Forum Teams.

10.5 The next report in this series of four is the Specialist Resource Provision Review and it will outline the status of SRP review and proposed future path for the review.

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

The Children's, Young People and Education Cabinet Committee is asked to consider and endorse the proposed future pathway pertaining to the review and associated proposals for public consultation.

## **12. Background Documents**

UN Convention of the Rights of Persons with Disabilities [enable convention cover \(un.org\)](https://www.un.org/)

SEND Code of Practice - <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

SEND and AP Improvement Plan -

<https://www.gov.uk/government/publications/send-and-alternative-provision-improvement-plan>

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)

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>

Framing Kent' Future - <https://www.kent.gov.uk/about-the-council/strategies-and-policies/framing-kents-future>

Securing Kent's Future – [Appendix 1 - Securing Kents Future - Cabinet report.pdf](#)

Children and Families Act (2014) - <https://www.legislation.gov.uk/ukpga/2014/6>

### 13. Contact details

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### 14. Appendices

Appendix one: Special School Review Timeline

Appendix two: Special School Review Engagement and Consultation Schedule

Appendix three: Overview of change in Kent County Council SEND Spend

Appendix four: Review of Special Schools Designation and Admissions: Current and future

Appendix five: SEND Transformation Programme Equality Impact Assessment

## **Appendix One: Special School Review Timeline**

<b>Activity</b>	<b>Date</b>
Establishment of Special School Review Stakeholder Reference Group	January 2023
Desk-based research – Kent Special Schools	January 2023 – April 2023
Initial meeting of Special School Review Stakeholder Reference Group (Meeting 1)	February 2023
Pupil Voice – Engagement with pupils attending Kent’s Special Schools	February 2023 – October 2023
Provision Overview Survey with Kent’s Special Schools	March 2023 – April 2023
Kent Special School Headteacher Focus Groups – 4 Area meetings & 1 meeting with SEMH Schools	April 2023
Kent Special School Chair of Governors County Meeting	May 2023
Gap Analysis – Current provision & future need	May 2023 – June 2023
1-1 meetings with Kent’s Special School Headteachers	June 2023 – July 2023
Desk-based research & Benchmarking – Other Local Authorities	June 2023 – August 2023
Wider Stakeholder Focus Groups (NHS & Parents & Carers)	July 2023 – September 2023
Focus Groups with KCC SEN Officers & Managers	July 2023 – September 2023
1-1 meetings with mainstream school Headteachers	September 2023
Follow up 1-1s with Kent Special School Headteachers & School Visits	September 2023 – October 2023
Final meeting of Special School Review Stakeholder Reference Group & presentation of draft recommendations (Meeting 7)	November 2023
Special School Review Recommendation Workshop 1: Supporting Inclusion	December 2023
Special School Review Recommendation Workshop 2: Admissions Criteria, Designation & Curriculum Pathways	January 2024
Special School Review Recommendation Workshop 3: Finance	January 2024
Special School Review Recommendation Workshop 4a: Residential	February 2024
MS Forms survey for draft recommendations	February 2024
Special School Review Recommendation Workshop 4b: Residential follow up	February 2024
Special School Review Recommendation Workshop 4c: Residential follow up	March 2024

Activity	Date
Final proposal of review	March 2024
Presentation of proposal internally for approval	March 2024
Finance task and finish group creation	March 2024
Finance task and finish group workshop series	March - April 2024
Presentation of final proposal to key stakeholders	May 2024
Presentation of proposals to CYPE Cabinet Committee	May 2024

## Appendix two: Special School Review Engagement and Consultation Schedule

Date	Activity	Format	Audience	Agenda
24.02.2023	Meeting 1 of Stakeholder Reference Group	Face-to-Face	KCC staff; KsENT representation; Kent Parents and Carers Together representation; Mainstream & Special School representation; FE representation	<ul style="list-style-type: none"> <li>• Terms of Reference</li> <li>• Aims &amp; expected of outcomes of the Special School Review</li> <li>• Curriculum Pathways Survey – Question Development</li> <li>• Current Context</li> </ul>
24.03.2023	Meeting 2 of Stakeholder Reference Group	Face-to-Face	KCC staff; KsENT representation; Kent Parents and Carers Together representation; Mainstream & Special School representation; Alternative Provision & PRU representation; FE Representative representation; NHS representation	<ul style="list-style-type: none"> <li>• Review of updated Terms of Reference</li> <li>• Meeting schedule</li> <li>• Special School Progress Update               <ul style="list-style-type: none"> <li>○ Special School survey and questions</li> <li>○ Consultant Recruitment Update</li> </ul> </li> <li>• High Needs Funding Session               <ul style="list-style-type: none"> <li>○ DfE Indicators &amp; Formula</li> <li>○ Comparison to other Local Authorities</li> </ul> </li> <li>• Next Steps</li> </ul>
26.04.2023	Meeting 3 of Stakeholder Reference Group	Face-to-Face	KCC staff; FE representation Mainstream & Special School representation;	<ul style="list-style-type: none"> <li>• Special Schools progress update               <ul style="list-style-type: none"> <li>○ Consultant recruitment update</li> </ul> </li> </ul>

			Kent Parents and Carers Together representation; NHS representation	<ul style="list-style-type: none"> <li>○ Initial forecast</li> <li>● Private placements</li> <li>● Initial findings from Special School survey</li> <li>● Stakeholder engagement plan</li> <li>● Risk register</li> <li>● Next steps</li> </ul>
23.05.2023	Meeting 4 of Stakeholder Reference Group	Face-to-Face	KCC staff; KsENT representation; Alternative Provision & PRU representation; Mainstream & Special School representation	<ul style="list-style-type: none"> <li>● Special School progress update <ul style="list-style-type: none"> <li>○ Contingency plan</li> <li>○ Residential placement subgroup update</li> </ul> </li> <li>● Risks</li> <li>● Pupil Voice Engagement Outcomes</li> <li>● Actions from previous meetings</li> <li>● Next steps</li> </ul>
21.06.2023	Meeting 5 of Stakeholder Reference Group	Face-to-Face	KCC staff; External Consultants; Kent Parents and Carers Together representation; Alternative Provision & PRU representation; Mainstream & Special School representation; NHS representation;	<ul style="list-style-type: none"> <li>● Special School progress update <ul style="list-style-type: none"> <li>○ Introduction of consultants – role and action plan</li> <li>○ Residential sub-group</li> </ul> </li> <li>● Risks</li> <li>● Dataset mapping</li> <li>● Travel distance to KCC Special Schools</li> <li>● Pulpil voice summary reporting including next steps</li> </ul>
12.07.2023	Meeting 6 of Stakeholder Reference Group	Face-to-Face	KCC staff; Alternative Provision & PRU	<ul style="list-style-type: none"> <li>● Special school progress update</li> <li>● Review of terms of reference</li> </ul>

			representation; NHS representation; Mainstream & Special School representation; External Consultants	<ul style="list-style-type: none"> <li>○ Membership</li> <li>● Risks</li> <li>● Special school tribunal data</li> <li>● Travel distances to KCC special schools</li> </ul>
12.07.2023 & 13.07.2023	Focus groups with parents/carers of children and young people attending special schools	Virtual	KCC staff; Alternative Provision & PRU representation; NHS representation; Mainstream & Special School representation	<ul style="list-style-type: none"> <li>● Views on the current family of special schools in Kent County Council</li> <li>● Future priorities for these schools</li> <li>● Journey of SEND pupils throughout Kent schools, including admissions</li> <li>● Therapy and health-themed support when pupils are at a special school</li> </ul>
20.09.2023	Meeting 7 of Stakeholder Reference Group	Face-to-Face	Cancelled	Cancelled
09.11.2023	Meeting 8 of Stakeholder Reference Group	Face-to-Face	KCC staff; Mainstream & Special School representation; FE representation; Kent Parents and Carers Together representation; Alternative Provision & PRU representation; NHS representation	<ul style="list-style-type: none"> <li>● Review of terms of reference</li> <li>● Membership</li> <li>● Sufficiency plan update</li> <li>● Special school review progress update</li> <li>● Presentation of draft recommendations</li> </ul>
06.12.2023	Special School Review Recommendation Workshop 1: Supporting Inclusion	Face-to-Face	KCC staff; FE representation;	<ul style="list-style-type: none"> <li>● Locality Model for SEN Inclusion Overview</li> <li>● Supporting Inclusion</li> </ul>

			Mainstream & Special School representation	<ul style="list-style-type: none"> <li>○ The Current Offer</li> <li>○ Good practice from other LAs</li> <li>○ Current in reach &amp; outreach offer to mainstream schools</li> <li>● Options Development <ul style="list-style-type: none"> <li>○ All options for considerations</li> <li>○ Strengths and weaknesses</li> </ul> </li> </ul>
17.01.2024	Special School Review Recommendation Workshop 2: Admissions Criteria, Designation & Curriculum Pathways	Face-to-Face	External Consultants; KCC staff; Mainstream & Special School representation; Alternative Provision & PRU representation; NHS representation; KsENT representation; FE representation	<ul style="list-style-type: none"> <li>● Purpose</li> <li>● Objective of the session</li> <li>● Educational trends</li> <li>● Review of Designations <ul style="list-style-type: none"> <li>○ Discussion of designation changes</li> </ul> </li> <li>● Admission criteria <ul style="list-style-type: none"> <li>○ Discussion on future of admission criteria</li> </ul> </li> <li>● Curriculum <ul style="list-style-type: none"> <li>○ Discussion on how curriculum impacts designation and admissions</li> </ul> </li> </ul>
30.01.2024	Special School Review Recommendation Workshop 3: Finance	Face-to-Face	KCC staff; Mainstream & Special School representation; FE representation; Alternative Provision & PRU representation;	<ul style="list-style-type: none"> <li>● Interdependencies, Safety Valve, Spending</li> <li>● Options for funding models</li> <li>● Table exercise <ul style="list-style-type: none"> <li>○ Benefits &amp; disadvantages</li> </ul> </li> </ul>

			External Consultants; KsENT representation	<ul style="list-style-type: none"> <li>○ Intended consequences of draft funding model</li> <li>● Table exercise feedback <ul style="list-style-type: none"> <li>○ Benefits &amp; disadvantages</li> <li>○ Intended consequences of draft funding model</li> </ul> </li> <li>● Discussion: funding rates and considerations</li> <li>● Next steps</li> </ul>
05.02.2024	Special School Review Recommendation Workshop 4a: Residential	Virtual	KCC staff; Special School representation	<ul style="list-style-type: none"> <li>● Scope of Special School Review</li> <li>● Current Offer</li> <li>● Data deep dive</li> <li>● Data Summary</li> <li>● Discussion</li> <li>● Next steps</li> </ul>
26.02.2024	Special School Review Recommendation Workshop 4b: Residential follow up	Virtual	KCC Staff; Special school representation	<ul style="list-style-type: none"> <li>● Actions set updated</li> </ul>
06.03.2024	Special School Review Recommendation Workshop 4c: Residential follow up	Virtual	KCC Staff; Special school representation	<ul style="list-style-type: none"> <li>● Actions set updated</li> </ul>

**Appendix three: Overview of change in Kent County Council SEND Spend**

	18-19 £'ms	19-20 £'ms	20-21 £'ms	21-22 £'ms	22-23 £'ms	23-24 (Forecast Dec) £'ms	% Change last 5 years
High Needs Grant Income	201	204	223	249	282	311	55%
School Transfer	4	9	9	10	10	12	
Total Income	205	213	231	259	292	323	
Maintained Special School	87	97	106	123	137	152	75%
Private School	36	40	49	60	67	77	120%
Mainstream Individual Support & SRP* **	31	38	46	54	61	66	114%
Post 16 institutions***	16	16	17	19	20	24	49%
Other SEN Support Services	42	43	46	43	45	47	13%
Total Spend	212	234	264	299	329	368	74%
In-year Deficit	-7	-21	-32	-40	-38	-45	

Please note all figures are prior to safety valve contributions from the Department of Education and the Council

**Appendix four: Special School Review Designation and Admission Criteria: Current and Future**

**North**

<b>Current Schools</b>				
<b>School</b>	<b>Current Designation</b>	<b>Proposed Designation</b>	<b>Admission Criteria Change – Yes/No</b>	<b>Commissioned Places 24/25</b>
Milestone Academy 4-19 yrs	Profound, Severe, Complex Needs (PSCN)	PSCN	No	363
Ifield School 4-19 yrs	PSCN	PSCN	No	266
Rowhill School 5-16 yrs	Social, Emotional, Mental Health (SEMH)	SEMH	No	150
Valence (day & residential) 4-19 yrs	Physical Disabilities	PSCN	Yes	115
<b>New School</b>				
Swanley Free Special School 5-9 yrs	PSCN		Planned opening: September 2026	250

**East**

<b>Current Schools</b>				
<b>School</b>	<b>Current Designation</b>	<b>Proposed Designation</b>	<b>Admission Criteria Change – Yes/No</b>	<b>Commissioned Places 24/25</b>
Meadowfield School 5-19yrs	Profound, Severe Complex Needs (PSCN)	PSCN	No	389
Aspire 5-11yrs	Communication & Interaction (C & I)	Neurodiversity & Learning Needs	Yes	174
Foreland Fields School 3-19yrs	PSCN	PSCN	No	244
Laleham Gap School 11-19yrs	C & I	Neurodiversity & Learning Needs	Yes	207
The Orchard School 7-16yrs	Social, Emotional, Mental Health (SEMH)	SEMH	No	100
St Anthony's School 5-16yrs	SEMH	SEMH	No	98
St Nicholas School 4-19yrs	PSCN	PSCN	No	340
Stone Bay School (incl residential) 5-19yrs	C & I with Learning	PSCN	Yes	103
<b>New Schools</b>				
Whitstable Free Special School 5-19 Yrs	PSCN	Planned opening: September 2026	120	
Special Academy 11-16 yrs	SEMH	Planned opening: during academic year 2024/25	120	

**South**

<b>Current Schools</b>				
<b>School</b>	<b>Current Designation</b>	<b>Proposed Designation</b>	<b>Admission Criteria Change – Yes/No</b>	<b>Commissioned Places 24/25</b>
The Beacon 5-19yrs	Profound, Severe Complex Needs (PSCN)	PSCN	No	408
Elms School 5-16yrs	Social, Emotional, Mental Health (SEMH)	SEMH	No	152
Goldwyn 11-16yrs	SEMH	SEMH	Yes	195
The Wyvern School 5-19yrs	PSCN	PSCN	No	352
Portal House School 11-16yrs	SEMH	SEMH	Yes	80
Whitfield Aspen 1 and 2 5-18yrs	Specialist Resource Provision for CYP with PSCN		No	165

**West**

<b>Current Schools</b>				
<b>School</b>	<b>Current Designation</b>	<b>Proposed Designation</b>	<b>Admission Criteria Change – Yes/No</b>	<b>Commissioned Places 24/25</b>
Bower Grove School 5-16yrs	Social, Emotional, Mental Health (SEMH)	SEMH	No	225
Five Acre Wood School 4-19yrs	Profound, Severe, Complex Needs (PSCN)	PSCN	No	838
Nexus School 4-19yrs	PSCN	PSCN	No	295
Oakley School 5-19 yrs	PSCN	PSCN	No	212
Snowfields Academy 11-19yrs	Communication & Interaction (C & I)	Neurodiversity & Learning Needs	Yes	324
Broomhill Bank School 11-19yrs	C & I	Neurodiversity & Learning Needs	Yes	393
Grange Park School 10-16yrs	C & I	Neurodiversity & Learning Needs	Yes	211

## Appendix five: Equality Impact Assessment

EQIA Submission Draft Working Template



Information required for the EQIA Submissions App

### EQIA Submission Draft Working Template

If required, this template is for use prior to completing your EQIA Submission in the EQIA App.

You can use it to understand what information is needed beforehand to complete an EQIA submission online, and also as a way to collaborate with others who may be involved with the EQIA.

Note: You can upload this into the App when complete if it contains more detailed information than the App asks for, and you wish to retain this detail.

### Section A

#### 1. Name of Activity (EQIA Title):

Special Educational Needs and Disability (SEND) Transformation Programme

#### 2. Directorate

Children, Young People & Education (CYPE)

#### 3. Responsible Service/Division

Corporate Directors Office (CDO)

### Accountability and Responsibility

#### 4. Officer completing EQIA

Note: This should be the name of the officer who will be submitting the EQIA onto the App.

Sian Dellaway

#### 5. Head of Service

Note: This should be the Head of Service who will be approving your submitted EQIA.

Christine McInnes

#### 6. Director of Service

Note: This should be the name of your responsible director.

Sarah Hammond

### The type of Activity you are undertaking

#### 7. What type of activity are you undertaking?

**Service Change** – *operational changes in the way we deliver the service to people.*

Answer Yes/No

**Yes**

**Service Redesign** – *restructure, new operating model, or changes to ways of working.* Answer Yes/No

**No**

**Project/Programme** – *includes limited delivery of change activity, including partnership projects, external funding projects and capital projects.* Answer Yes/No

**Yes**

**Commissioning/Procurement** – means commissioning activity which requires commercial judgement. Answer Yes/No

No

**Strategy /Policy** – includes review, refresh or creating a new document. Answer Yes/No

No

**Other** – Please add details of any other activity type here.

**8. Aims and Objectives and Equality Recommendations** – Note: You will be asked to give a brief description of the aims and objectives of your activity in this section of the App, along with the Equality recommendations. You may use this section to also add any context you feel may be required.

The SEND service in Kent is currently facing and will continue to face an unprecedented growth rate in the demand for EHC Plans. There are currently 19,582\* children and young people with an EHC Plan in Kent, the current forecast predicts that this will rise to 26,077 by 2026. This growth in demand is impacting on the ability of the service to meet statutory duties and timescales. While the increase in demand for SEND services is reflected nationally, Kent is an outlier compared to national averages:

- A pupil in Kent is 20% more likely, on average, to have an EHC Plan than in the rest of England.
- A child or young person with SEND in Kent is more likely to attend a special school than elsewhere in England, including other areas that are statistically similar.
- A pupil in Kent is more than twice as likely to be in a private school than a pupil elsewhere in England.

As a result of these pressures there is a significant level of dissatisfaction of Kent's SEND services amongst parents and carers. Over the last three years complaints data has shown that SEND services receive a higher proportion and volume of complaints compared to the rest of the CYPE directorate and that these have consistently increased:

- In 2019/2020 the total number of SEND complaints was 265
- In 2020/2021 the total number of SEND complaints was 251
- In 2021/2022 the total number of SEND complaints was 423
- In 2022/2023 the total number of SEND complaints was 503

It is important to note that while the number of complaints in relation to SEND services has increased, the proportion of complaints is relatively low:

- In 2020/2021 there were approximately 16,000 open cases within the SEND service of which complaints were made in relation to 1% of these cases

- In 2021/2022 there were approximately 18,000 open cases within the SEND service of which complaints were made in relation to 2% of these cases

Within the last three years there have been two inspections of the Special Educational Needs and Disabilities (SEND) services in Kent carried out by Ofsted and the Care Quality Commission (CQC). The first of the two inspections took place in 2019 and identified several areas of significant weakness which was published in the form of a letter on Ofsted's website in March 2019. The letter identified nine areas of significant weaknesses and a Written Statement of Action (WSOA) was put into place to address these. The second inspection took place in September 2022 and was carried out by Ofsted and CQC to assess whether the local area had made progress in addressing the significant weaknesses identified in the 2019 letter. The revisit concluded that no sufficient progress had been made towards any of the identified significant weaknesses and highlighted that parent and carer confidence was at an all-time low.

In addition to the high demand and growth rate of EHCPs, there has also been a significant increase in spend on the High Needs Funding (HNF) block over the last five years which has resulted in a cumulative deficit. In Kent, the cumulative deficit on the HNF block is forecasted to reach 660 million by the financial year 2027/2028, if left unmitigated. The Department for Education (DfE) has announced its Safety Valve Programme which is for those authorities with the highest dedicated school fund deficits, Kent is one of these authorities. The Safety Valve Programme, whilst not compulsory, involves the DfE providing funding to partly extinguish the cumulative debt arising from existing and forecast overspends on HNF. The programme requires councils to review their local high needs systems so that it is on more sustainable footing and better placed to respond to pupil needs which requires ensuring that in-year spend is in line within year grant funding within a five-year period.

Kent was invited to take part in this programme and were formally accepted onto the programme by the DfE in March 2023 when [Kent's Safety Valve Agreement](#) was published. Within this agreement Kent has agreed to:

- Implement a countywide approach to 'Inclusive Education' to build capacity in mainstream schools to support children and young people with SEND, thus increasing the proportion of children and young people in mainstream education and reducing dependence on specialist provision.
- Introduce a robust SEN offer for early years following a review which explores alternatives to special school admission before Key Stage 2, SEN service Redesign and the implementation of Countywide Approaches to Inclusive Education (CATIE) to support a consistent mainstream offer which includes leadership development programmes, peer review and core training offer.
- Review the system of EHC Plan assessments and annual reviews to ensure robustness, transparency, and consistency, through the use of consistent criteria and practice frameworks.
- Implement models of reintegration of children and young people from private special schools to mainstream where needs have been met.
- Develop a robust Post-16 offer across the county with clear pathways to independence for children and young people with SEN, through increased Post-16 opportunities for preparing for adulthood.

- Develop the Transition Charter to increase parental confidence in Kent's provision. This involves working with schools to enable them to articulate the provision pathways for parents clearly and provide support to both parents and children and young people at key transition points.
- Ensure there is a sufficient and consistent capacity across the county to support children and young people with severe and complex needs in their local area where possible. This includes the recruitment of temporary posts to support sufficiency planning, reviewing the use of Specialist Resource Provision (SRP) and the specialist continuum to ensure only the most severe and complex needs are supported in special schools.
- 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.
- Continue working closely with NHS Kent and Medway to ensure a common understanding of SEND needs, including the drivers behind increases in need, ensuring clarity of clinical assessment and subsequent funding associated.

The SEND Transformation Programme was established in 2022 with the overarching aim to make rapid and significant improvements to SEND Services and to address the increasing and unsustainable HNF deficit. The SEND Transformation Programme will achieve this by bringing together a number of existing projects, and establishing new projects, that will contribute to the aims set out in the Safety Valve Programme Agreement over a five-year period, these are listed above and in [Kent's Agreement with the DfE](#). The SEND Transformation Programme has identified the following overarching aims that will drive the required improvements to the SEND service and to achieve the savings required under the Safety Valve Programme:

- To align the number of EHC Plans issued to children and young people in Kent with national averages.
- To improve the experience for children, young people, and their parents/carers.
- To ensure annual reviews are carried out within 12 months.
- To ensure all children and young people with EHC Plans in Kent are placed in the most suitable local setting to meet their needs by increasing inclusion across mainstream settings and ensuring children and young people with the most with the most complex needs being able to access appropriate specialist provision.

Following completion of the review and analysis of the data it has been determined that there is no potential for discrimination and all appropriate measures have been taken to advance equality and foster good relations between the protected groups.

\*Extracted from SEND Synergy Performance Report extracted on 27.10.2023.

## Section B – Evidence

*Note: For questions 9, 10 & 11 at least one of these must be a 'Yes'. You can continue working on the EQIA in the App, but you will not be able to submit it for approval without this information.*

**9. Do you have data related to the protected groups of the people impacted by this activity? Answer: Yes/No**

Yes
<b>10. Is it possible to get the data in a timely and cost-effective way? Answer: Yes/No</b>
Yes
<b>11. Is there national evidence/data that you can use? Answer: Yes/No</b>
Yes <ul style="list-style-type: none"> <li>• <a href="#">Academic Year 21/22 Special Educational Needs in England</a></li> <li>• <a href="#">Academic Year 22/23 Special Educational Needs in England</a></li> </ul>
<b>12. Have you consulted with Stakeholders?</b> Answer: Yes/No Stakeholders are those who have a stake or interest in your project which could be residents, service users, staff, members, statutory and other organisations, VCSE partners etc.
Yes
<b>13. Who have you involved, consulted, and engaged with?</b> Please give details in the box provided. This may be details of those you have already involved, consulted, and engaged with or who you intend to do so with in the future. If the answer to question 12 is 'No', please explain why.
<p>A Communication Strategy in relation to SEND has been approved and is to be adopted by the local area. The strategy outlines who we will engage with and how, stakeholders include KCC staff, education settings (early years providers, mainstream schools, and special schools), mainstream and specialist further education providers, parents, carers, children, young people, and health.</p> <p>The Communication Strategy will be delivered through a number of underlying communication and engagement plans, however, while these are still being developed and put into place a range of engagement activities have already taken place with key stakeholders across the programme. These are outlined below and include activities that have taken place to date and how the programme envisages engagement over the course of the programme longer term.</p> <p><b>Staff</b></p> <p>A significant amount of engagement has been carried out with staff ahead of the SEND Transformation Programme being developed, this was specifically in relation to the development of the new operating model for SEND services and the future staffing structure. Prior to the formal consultation there were staff focus groups held to hear from staff directly so their views, experiences and ideas could inform the initial proposals that were developed, these were held in March 2022.</p> <p>The formal staff consultation was held with all staff across the SEND service from Thursday 26<sup>th</sup> May 2022 through to Friday, 1<sup>st</sup> July 2022. The purpose of the consultation was to share the initial proposal for the new Operating Model, the future structure of the service, the roles required to deliver the new operating model and the rationale for the proposed changes. During the consultation period engagement events were held in each area of the county where senior managers presented the</p>

proposals to staff and invited them to have an open discussion and feedback on the proposal, this feedback was considered and used to inform what the final version of the new operating model would look like. Alongside these events staff were also able to share their feedback and views on the proposals and were also able to share their own alternative proposals for consideration. Following the closure of the formal consultation the final version of the new operating model was shared with all SEND staff on Monday, 18<sup>th</sup> July 2022.

Since the initial formal staff consultation new and centralised means of communicating and engaging with SEND staff have been put into place this has included setting up a dedicated SEND Service MS Teams site which all staff have been added to and regular service updates are shared here. This platform has largely been used to shared information about changes that are to come into place through the activity of the Transformation Programme and operational service updates. Alongside the MS Teams site, senior managers within the SEND service are holding regular briefings for all SEND staff to keep them updated on current activities and what this will mean for them. A monthly bulletin has been established for SEND staff which aims to share key updates and important news.

Across the programme there will also be opportunities for SEND staff to become actively involved in projects, this type of activity will be planned at individual project level and will include, as examples, representation at project working/reference groups, workshops and focus groups. This will ensure that staff will be able share their voice, knowledge, and experience in shaping projects across the programme and having their voices heard and views taken into account about changes that will directly impact upon them. A specific staff group the programme will be targeting is staff with lived experience of SEND, this will enable the programme to capture and ensure that the voice of parents and carers are incorporated alongside the operational views and experiences of staff without lived experience.

The programme will also be looking to keep all staff across the Children, Young People and Education (CYPE) Directorate updated through the weekly CYPE staff bulletin, the CYPE Connection, which shares important news and updates for all CYPE staff. The programme will also look to include staff from across the CYPE directorate in project working/reference groups where appropriate, especially where more integrated working is integral to achieving the best outcomes.

### **Mainstream Schools & Headteachers (including SENCo's)**

The SEND Transformation Programme and the projects that are within this will look to make use of the existing well-established communication channels with mainstream schools and headteachers. This includes the Kelsi Bulletin, a weekly update to all Kent schools from the Director for Education and SEND which summarises key information that is relevant to schools, this has included updates in relation to SEND and the changes that need to be made. Regular Headteacher briefings are held on a termly basis and the projects within the programme can use these events to share project specific detail and engage with Headteachers as and when appropriate. It will be important to make use of these existing channels now and in the future as schools are a key stakeholder within the programme. The programme recognises that these stakeholders will have limited time and capacity and we need to be mindful of how and when the programme and the projects within it communicate and engage with this group to ensure it is streamlined, purposeful and

avoids overburdening and stretching this group with many additional requests and meetings.

The projects within the programme recognise that there are specific activities that will require direct input and engagement with mainstream headteachers and schools, especially to ensure the outcomes are shared and there is buy in to ensure successful delivery. This will be achieved by projects setting up their own individual working/reference groups that will include representation from Headteachers and other key staff within schools, in these instances membership will be carefully sought to achieve maximum representation. There are several projects within the programme that have established groups with Headteacher representation that are currently underway and in place to inform and develop projects.

The key driver for Safety Valve and the wider SEND Transformation Programme is to generate cost-avoidance and to address the increasing and unsustainable HNF deficit. Schools and their engagement are crucial in achieving this and therefore the programme has been and will continue to engage with Kent's School Funding Forum and High Needs Funding Subgroup. These two groups each meet 4 times a year. The High Needs Funding Subgroup has been identified as a way to engage with schools at an individual project level to engage with schools so they are able to input into projects so their insight, views and experience can influence and inform proposals and future changes.

To engage specifically with SENCo's the programme recognises the need to utilise existing forums as much as possible, to date various project leads attended Kent's SENCO and Inclusion Leaders Conference. Promoting and strengthening inclusion within mainstream settings is another key component to the success of the Transformation Programme and this event provided the opportunity to reach a specific group and to engage them in the work that is currently underway across the programme. This group are key to engage with as they closely work with and support children and young people in mainstream settings with SEND to enable them to be included. Kent has established SENCO Forums which are attended by a range of KCC staff working on projects across the programme and will be in a position to not only update on projects that impact on the wider inclusion agenda but to also gather invaluable insights and feedback to help shape and steer projects so the outcomes of these have the best chance to be successful.

Going forwards across the programme where there are recommendations made that will result in significant changes that impact on schools there may be need to formally consult ahead of these coming into place. Where this is required, individual projects will ensure that correct procedures are followed to deliver the consultation and ensure that schools have maximum opportunity to respond to any future proposals so their views can be reflected in any changes that are required to deliver the savings required.

### **Special Schools & Special School Headteachers**

Alongside the mainstream schools and headteachers we are also engaging and involving special schools and their headteachers across the programme, as like mainstream their buy in and engagement to the programme is key to achieving the savings required and to create a more equitable system for children and young people with SEND. The programme recognises the time pressures that are faced within the education sector and has been engaging with this group via existing established forums such as the Kent Special Educational Needs Trust (KSENT)

Strategic Forum which is held on a termly basis. In addition to KSENT Meetings from September 2022 Kent, as the Local Authority, has established regular meetings with all of Kents state-funded special school headteachers.

Representatives from Kent's special schools also attend the School Funding Forum and the High Needs Funding Subgroup alongside mainstream schools and headteachers, each group takes place four times a year. Therefore, as outlined earlier we will use these existing forums to have focussed discussions in relation to finance and the action needed to address the increasing and unsustainable HNF deficit.

There are several projects, and likely to be future projects, which come under the programme that will require specific input from special school staff and/or headteachers. In these instances, individual projects will consider if it is appropriate to establish additional groups such as working, reference or task and finish groups that include representation from this group to ensure the outcomes are shared and there is buy in to ensure successful delivery. Alongside the formal engagement there will also be informal engagement with special schools, this will include visits to individual special schools, specific engagement events and focus groups.

Going forwards across the programme where there are recommendations made that will result in significant changes that impact on special schools there may be need to formally consult ahead of these coming into place. Where this is required, individual projects will ensure that correct procedures are followed to deliver the consultation and ensure that schools have maximum opportunity to respond to any future proposals so their views can be reflected in the formation of any final changes that are required to deliver the savings required.

### **Mainstream Further Education Colleges**

Similarly, to mainstream schools and special schools the Transformation Programme has been engaging and including mainstream FE colleges largely through ensuring they are represented and a part of relevant individual project working/reference groups, examples within the programme include the Recommendation Improvement Groups (RIGs) established under Pathways for All. A Further Education College Conference was also held on Tuesday, 10<sup>th</sup> January 2023 to engage and include FE Colleges in the work of the programme. The conference shared the vision for the future in relation to SEND and what the challenges may be between the local authority and FE colleges. Following this discussion a solution focussed approach was taken and there was further exploration as to how work could be taken forward with more conferences planned for the future.

There has also been informal engagement with mainstream FE colleges and providers in various forms which has and continues to include visits and meetings to find out more about the current landscape and the challenges that are faced by this sector to identify opportunities and alignment to the programme. Currently and moving forwards the Director for Education and SEND is attending the FE High Needs Strategic Workstream.

It is anticipated that where individual projects identify a need in the future for engagement with FE colleges/providers they will consider and likely seek to engage them within working/reference groups as appropriate.

## **Parents & Carers**

Engaging and including parents and carers in the Transformation programme is of high importance, while the programme is aiming to address the growing financial deficit it is also seeking to ensure that the changes made improve the experience of parents and carers, especially as Ofsted found, during their September 2022 inspection, that 'Parental confidence in the local area's ability to meet their children's needs is at an all-time low'.

To ensure that the voices of Kent's parents and carers are reflected in the programme, and the projects within it, Kent's recognised parent-carer forum (Kent PACT) will be one of the ways in which the voice of parents and carers will be captured. This will and has included Kent PACT collecting views of their members, an example of this is the survey that Kent PACT developed and shared with their members to find out about the expectations parents and carers would have of the SEND Enquiries Hub to help inform its development.

Within the programme a review has been carried out of the Collaboration Agreement for Kent's recognised parent-carer forum to ensure that it is fit for purpose and will enable the programme to capture the voices of parents and carers, as part of this an engagement framework is being developed. The engagement framework will act as a practical guide about how and when to engage with parents and carers this will include the recognised parent-carer forum, staff with lived experience and wider groups/forums for parents and carers of children and young people with SEND. As part of the framework a new aspect is identifying and working with staff with lived experience, to date engaging with staff with lived experience has contributed towards a number of commissioning projects including sharing the draft SEND handbook with them for feedback and when amending letters for parents and carers to ensure that the tone and language used is appropriate.

## **Children & Young People**

The programme has established a link with the i-Thrive participation team who work closely with young people to capture their voices and experiences. This team engages with all young people, including those with SEND, to date work has been undertaken by this team to capture the experiences of neurodivergent and autistic young people by collecting voice recordings from young people about their experiences within schools, what support they have received and what else could have helped or added to this support. Workers within this team have started to go out to mainstream schools and working with young people who access a specialist resource provision (SRP) or other types of safe spaces. The focus of these visits has been on bullying and what more can be done to help and support pupils with SEND as this was fed back as a key issue.

The team have also established a Young Autistic Experts Panel, which meets on a virtual and ad hoc basis, giving young people the opportunity to join sessions they are particularly interested in. The i-Thrive Participation Team have identified this being a particular forum that could be used by the programme to engage with neurodivergent and autistic young people in the form of focus groups as an example. The team are also part of the Youth Voice and Engagement Network which brings professionals who engage with and capture the voices of children and young people across various sectors (e.g. voluntary, district councils) so they can share what they are hearing from young people and means voices are being heard and shared on a more broader scale. There is a SEND specific item on the agenda at this quarterly

meeting which focuses on different themes each time to ensure the voices from children and young people are being heard at this scale.

The Youth Participation Coordinator for i-Thrive is a member of one of the programmes operational groups which means there is a direct feedback loop into the programme to enable the programme to have an understanding of what is important to children and young people, their experiences, and ideas. All of the projects in the programme are able to work with i-Thrive to gather views and engage with children and young people with SEND.

### Health

The programme has and will communicate and engage with health colleagues formally via the Integrated Care Board (ICB). Projects within the programme will, and have to date, included health colleagues within project specific working/reference groups as well as focus groups to ensure views are collected and feed into change activities. There has also been active engagement and joint working in relation to therapies which has involved, and will continue to involve, close direct work between local authority and health commissioners.

#### 14. Has there been a previous equality analysis (EQIA) in the last 3 years?

Answer: Yes/No

No

#### 15. Do you have evidence/data that can help you understand the potential impact of your activity?

Answer: Yes/No

Yes

#### Uploading Evidence/Data/related information into the App

Note: At this point, you will be asked to upload the evidence/ data and related information that you feel should sit alongside the EQIA that can help understand the potential impact of your activity. Please ensure that you have this information to upload as the Equality analysis cannot be sent for approval without this.

- SEN Synergy Performance Report
- SEN Synergy EQIA PowerBI Report

### Section C – Impact

#### 16. Who may be impacted by the activity? Select all that apply.

Service users/clients - Answer: Yes/No

Yes

Residents/Communities/Citizens - Answer: Yes/No

Yes

Staff/Volunteers - Answer: Yes/No

Yes

#### 17. Are there any positive impacts for all or any of the protected groups as a result of the activity that you are doing? Answer: Yes/No

Yes

#### 18. Please give details of Positive Impacts

##### Age:

The SEND Transformation Programme will span all age groups within the 0 – 25 range. Over a 12-month period (June 2022 – May 2023) the largest proportion of

EHC Plans were issued to children aged 4 in Kent (on average representing 16.36% of new EHC Plans issued). Due to the longevity of the programme younger children who are issued with EHC Plans are likely to experience a more improved and consistent service as time goes on as more of the improvements made by the projects within the programme become embedded.

While EHC Plans are issued at a young age in Kent, when taking account for all EHC Plan holders data demonstrates that the most EHC Plans are held (overall) by children and young people who are aged 12. This is a significant age as children and young people will have gone through a key transition from the primary to secondary phase of their education. In terms of attainment, it is crucial that children and young people receive the right support that will support them to thrive, especially at this key transition point. National data demonstrates that while the attainment gap between children with SEN and without SEN in Kent is broadly in line with national data, the attainment gap between children with an EHC Plan and those without SEN is slightly worse in Kent compared to national averages. However, the gap between children receiving SEN support and those without SEN is better in Kent when compared to national averages. Therefore, for children at this age, and indeed any age, if plans are reviewed and a greater proportion of children can access SEN Support as opposed to an EHC Plan, where appropriate, their outcomes and attainment are likely to improve longer term.

While the majority of EHC Plans are held by children who are aged 12, there may be some important benefits for older EHC Plan holders especially at post-16. There are two key transitions at post-16 for EHC Plan holders these are the transition from year 11 (secondary school) to year 12 and from year 13 to 14 where a young person continues in education beyond the age of 18. Currently, from age 17 through to 25 the majority of young people who hold an EHC Plan are educated in Further Education Colleges (44.74%) followed by specialist post-16 institutions (16.57%) and maintained special schools (10.53%). While the majority of post-16 EHC Plan holders are educated in Further Education colleges this is then followed by specialist placements.

A review of post-16 specialist placements was carried out and the findings demonstrated that for a significant proportion of young people in specialist post-16 placements these may not be the right placement for the level of support they need<sup>1</sup>. The review found that 58% of young people were not in the right provision for their year 12 transition and that they should have either have been in a mainstream placement or no longer have an EHC Plan, this increased to 65% at the year 14 transition.

The programme will benefit the older cohort of young people with an EHC Plan (ages 17-25) as it will be focussed on improving the decision making in relation to placements so young people will be in the most suitable placement to meet their needs by increasing, where appropriate, the proportions who are in a mainstream post-16 placement (FE Colleges).

The programme will benefit young people who hold EHC Plans by making mainstream post-16 provision/placements, where appropriate, more accessible via more robust pathways so that all young people with an EHC Plan are educated in the most appropriate placement for their needs and to provide them with maximum opportunities to achieve the best outcomes.

**Disability:**

The scope of the SEND Transformation Programme covers the full breadth of the SEND service, the cohort of children and young people who are known to this service will all have a special education need and/or disability and will benefit from the programme and the improvements to the experience. In Kent, the most prevalent need types are<sup>2</sup>:

- Autism Spectrum Disorder (ASD) primary need for 8.2K children and young people.
- Social Emotional Mental Health (SEMH) primary need for 3.9K children and young people.
- Speech Language and Communication Needs (SLCN) primary need for 3.3K children and young people.

The waiting times for diagnosis in relation to these needs is large:

- ASD: The waiting time for an autism spectrum disorder assessment is now between 36 to 42 months<sup>3</sup>
- SLCN: A national report from NHS Confederation in 2022<sup>4</sup> reported that within the community children and young people's services one of the most significant waits is for speech and language therapy. Nationally the wait list for NHS speech and language therapy for children and young people was 65,600 and is also where there has been the biggest increase in wait lists.

These are extensive waiting times which children, young people and their families find frustrating and find it difficult to access support while a diagnosis is being made. While the programme is unlikely to change this as it is a national issue. The programme will bring some additional benefits to children and young people with these needs as there are several projects across the programme that seek to increase the understanding and awareness of these needs and to make support that is available without a diagnosis more accessible and visible to children, young people, and their families.

One example, in relation to Autism, is the development of the Autism Education Trust Training and Strategy for Kent which is now being delivered. The training and strategy are expected to promote greater inclusion in early years, mainstream and post-16 settings and to raise the awareness and understanding of autism across a range of stakeholders. The strategy is now in place and the training for professionals is now being rolled out and autistic children and young people should overtime, as this become embedded, experience an increase in being included within education settings in a way that makes them feel welcome, supported and that their needs are understood by the adults around them at school.

There is also a number of projects which are focussing on improving the offer of support for children and young people with SLCN and their families through the adoption of the Balanced System® across a range of partners including schools and health so there is a consistency in approach. The Balanced System® aims to introduce and establish a seamless universal, targeted and specialist offer for speech, language, and communication. The introduction of a universal offer will mean that families can access support regardless of whether the children or young person has a confirmed diagnosis and, in some instances, will ensure that support and intervention are able to take place at an earlier stage as there will be less

barriers to accessing the universal offer in the first instance. The types of support available at the universal tier include 'Talking Walk Ins' (drop-in sessions for parents/carers of preschool children for SLCN support). There is a key role for schools in the introduction and embedding of the Balanced System® as they will be invited to enter an accreditation scheme which will enable them to adopt a whole school system of SLCN provision to enable children and young people's needs to be met with and without an EHC Plan based on higher level SLCN outcomes. This will also give greater confidence to parents and carers of the quality and availability of SLCN support in a school or setting.

SEMH, unlike ASD and SLCN, is not a formal diagnosis and as such pupils who are identified as SEMH will have a wide range of needs which overlap with both ASD and SLCN, which have long waiting lists/times. Therefore, SEMH pupils will also benefit to a certain extent from the programme due to the introduction of training and strategies for ASD and SLCN which are outlined above. In Kent, the majority of SEMH pupils attend a mainstream academy, however when you look across ages the number of pupils with SEMH as a primary need attending a special school (maintained and private) significantly increases from age 11 to 12, secondary transition. At age 11, there are 133 pupils attending a mainstream academy/maintained school, 52 attend a mainstream special school, 28 attend a private special school and six attend a non-maintained special school. At age 12, the number of pupils with SEMH as primary need attending a maintained special school (88) and private special school (47) significantly increases while the numbers attending a mainstream academy/maintained school remains relatively stable (134) or a non-maintained special school (5). Other examples of initiatives which the programme is seeking to embed across mainstream primary and secondary schools includes the Whole School Nurture service. This service aims to develop inclusive policies and practices within schools with a focus on mental health and wellbeing. This may be of particular benefit for SEMH pupils and take up within secondary schools particularly may improve the pathways for SEMH pupils and support more pupils with these needs to be included in their local mainstream school communities.

**Sex:**

In Kent, the majority of requests for EHC needs assessments were received for boys (64.67%), on average over a 12-month period, compared to girls (35.32%). Equally following assessment, the same pattern is apparent in terms of EHC Plans issued, of all plans issued over the same 12-month period, 66.7% were issued to boys and 33.32% were issued to girls. Furthermore, when reviewing the proportion of EHC Plans held by gender, the majority of EHC Plans are held by boys (72.05%) compared to girls (27.95%). This is in line with national data which shows that 72.8% of EHC Plans held nationally are by boys and 27.2% of EHC Plans are held by girls.

Arguably, as significantly more boys hold an EHC Plan, this will mean that male children and young people will be more likely to benefit from the programme and its impact on inclusion, SEND service improvements, consistent decision making and processes.

**Race:**

Over the last 12 months the largest proportion of EHC Needs Assessment Requests are for children and young people who are white (81.42%), while the fewest requests are received for black children and young people (1.55%). Similar patterns in data can be seen regarding those who hold an EHC Plan, the majority of EHC plans are

held by children and young people from a white ethnic background (72.98%) followed by mixed race (2.54%); black (2.14%), Asian (2.02%) and unknown/other (20.43%). The majority of plans being held by children and young people from a white background is in line with national proportions, nationally 72.38% EHC plans are held by children and young people from a white background, however, nationally the proportions of children and young people who hold EHC Plans from backgrounds other than white are larger: Asian (9.96%); Black (6.9%); Mixed Race (6.76%)<sup>5</sup>.

There is a high proportion of EHC Plan holders in Kent whose racial background is unknown or listed as 'any other ethnic background' which may to an extent be part of the reasons that there are much smaller proportions of children and young people with EHC plans from other than white backgrounds. The SEND Transformation Programme is working towards improving processes with the SEND service that will contribute towards and ensure that decisions that are made, particularly in relation to EHC Plans, are made more consistently ensuring EHC Plans are only issued when required. Therefore, over time the consistent decision making the programme is working towards establishing and implementing may have a positive impact resulting in the proportions of children and young people from racial backgrounds, other than white, in Kent who hold an EHC Plan become more in line with those seen nationally with the gap between these proportions reducing.

#### **Carers Responsibilities:**

All projects that are part of the SEND Transformation Programme will contribute to different aims and objectives but have all been set up with the intention of improving the experiences of those who need to access support from the SEND service. A key focus of the programme to enable improvements to the overall experience is on communication. Following the September 2022 reinspection poor communication from the service was consistently reported by parents/carers: "parents repeatedly told inspectors about their experiences, particularly of poor communication. Examples were evidenced where parents and school staff had attempted to call SEN officers forty or fifty times with no response. The same lack of response was reported for email communication<sup>6</sup>".

The programme aims to change this and make vast improvements, especially for parents/carers of children with SEND, firstly through improving communication by implementing new initiatives like the SEND Enquiries Hub to ensure that when parents/carers need to contact the SEND service that a response is given. Furthermore, to ensure that the programme does reflect and account for needs of parents/carers that opportunities for engagement and co-production are built into projects at an early stage. Therefore, by making these changes under the programme parents/carers should have a better experience and be positively impacted by the programme when engaging and communicating with the SEND service going forwards.

#### **Negative Impacts and Mitigating Actions**

The questions in this section help to think through positive and negative impacts for people affected by your activity. Please use the Evidence you have referred to in Section B and explain the data as part of your answer.

#### **19. Negative Impacts and Mitigating actions for Age**

a. **Are there negative impacts for Age? Answer: Yes/No**

*(If yes, please also complete sections b, c, and d).*

Yes

**b. Details of Negative Impacts for Age**

Over the last 12 months the majority of requests for an EHC Needs Assessment are typically for children aged 3-4 years (24.94%) and aged 10 years (10.42%), following an assessment the age when the majority of children are first issued with an EHC Plan is 3 (13.89%), 4 (11.05%) and 10 (10.42%). Projects within the programme may result in fewer EHC Plans being issued particularly to children and young people whose needs can be met in a mainstream setting by accessing SEN support, this may impact children at these ages disproportionately as these are the ages when the majority are initially requested and subsequently issued.

At the key transition point from primary to secondary education (age 12) there is currently an increase in the number of children with EHC Plans who go onto to specialist placements, and a decrease in those accessing a mainstream placement compared to children who are aged 11. In terms of mainstream settings (LA maintained schools and academies) there are 266 fewer children with EHC Plans accessing this type of provision. On the other hand, the number accessing a specialist placement at age 12 compared to aged 11 increases:

- Increase of 171 children at age 12 accessing a maintained special school than those aged 11.
- Increase of 70 children at age 12 are accessing a private school that those aged 11.
- Decrease of 232 children at ages 12 accessing a mainstream placement than those aged 11.

The programme aims to decrease the number of children and young people who are placed in inappropriate private placements, therefore, at this age children may be disproportionately impacted by the programme as this will be a key transitional phase where the SEND service will, via the phase transfer process, look to ensure more children who can be appropriately supported in a mainstream setting are placed in this type of setting. This should mean that in time more children at this age will be placed in a mainstream setting, creating capacity in state funded special schools for children with the most complex needs and reducing the current reliance, that there is in Kent, on private placements.

While reviews have demonstrated that a significant proportion of young people at post-16 who are in specialist placements could have had their needs better met in a mainstream setting or without an EHC Plan. In the future the programme aims to see an increase in the number of young people accessing their post-16 education via a mainstream FE college, however, this means that at age 17 young people may experience significant changes and greater adaptation to a new setting than at other ages if they have received the majority of their education in specialist settings. Data currently shows that at this age a higher number of young people are placed in a specialist post-16 institution and the numbers gradually decline after this age.

**c. Mitigating Actions for Age**

1. To ensure that all decisions that are made in relation to the EHC Needs Assessment, subsequent issuing of an EHC Plan and placements are made consistently in line with decision making protocols and the law.

2. To introduce a robust and well organised procedure for phase transfer, ensuring that all decisions made regarding placements are made consistently and lawfully.

**d. Responsible Officer for Mitigating Actions - Age**

Interim Assistant Director SEND Processes/Head of Fair Access

**20. Negative Impacts and Mitigating actions for Disability**

**a. Are there negative impacts for Disability? Answer: Yes/No**  
*(If yes, please also complete sections b, c, and d).*

Yes

**b. Details of Negative Impacts for Disability**

The programme will only effect children and young people with SEND. Over time as a direct impact of the programme the number of children and young people who will have their needs met through an EHC Plan will decrease and the proportions who are accessing mainstream provision with SEN support will increase. In the first instance this may feel like a negative impact for children and young people with SEND and their parents/carers. However, over time by increasing inclusivity across mainstream settings and providing earlier intervention and support will mean that, even without an EHC Plan, children and young people with SEND will be able to thrive and be well supported in the most appropriate setting.

**c. Mitigating Actions for Disability**

1. To ensure that all decisions that are made in relation to the EHC Needs Assessment, subsequent issuing of an EHC Plan and placements are made consistently in line with decision making protocols and the law.
2. To ensure that all settings are utilising SEN support appropriately and at an early stage and that they know what is available and how to access.
3. To ensure that annual reviews are held within the statutory timescale of 12 month and that the appropriate and legal decisions are taken as to whether amend, cease, or maintain an EHC Plan (including where decisions are taken to change a placement)
4. To ensure that the County Approach to Inclusive Education (CATIE) strategy is successfully implemented and embedded to maximise inclusivity across the mainstream sector, ensuring that these settings are provided with the opportunities, tools, and training to enable this.

**d. Responsible Officer for Mitigating Actions - Disability**

Education Officer, Mainstream Inclusion

**21. Negative Impacts and Mitigating actions for Sex**

**a. Are there negative impacts for Sex? Answer: Yes/No**  
*(If yes, please also complete sections b, c, and d).*

Yes

**b. Details of Negative Impacts for Sex**

There is a consistent pattern across Kent that the proportion of requests for an EHC needs assessment are made for boys (64.67%) compared to girls (35.32%) since

June 2022 through to May 2023. These proportions continue to be reflected in the proportions of girls and boys who are issued with an EHC Plan (66.70 % of boys and 33.32% of girls) and for the overall picture for all children and young people in Kent who have an EHC Plan, 72.05% are male and 27.95% are female (not just those who have received an EHC Plan from June 2022 – May 2023). These figures are in line with national data that shows that SEND is more prevalent in boys than girls, 72.4% of EHC Plan holders nationally are boys, and there is a greater proportion of boys who are also accessing SEN support (62.8%). Within Kent as there are a greater number of plans issued to boys compared to girls, while this is in line with national trends, there may be a bigger increase in the number of boys (compared to girls) who following the EHC Needs Assessment are not issued with an EHC Plan and directed to other appropriate forms of support (e.g. SEN Support).

**c. Mitigating Actions for Sex**

To ensure that all decisions that are made in relation to the EHC Needs Assessment, subsequent issuing of an EHC Plan and placements are made consistently in line with decision making protocols and the law.

**d. Responsible Officer for Mitigating Actions - Sex**

Interim Assistant Director for SEND Operations

**22. Negative Impacts and Mitigating actions for Gender identity/transgender**

**a. Are there negative impacts for Gender identity/transgender?**

*Answer: Yes/No*

*(If yes, please also complete sections b, c, and d).*

No

**b. Details of Negative Impacts for Gender identity/transgender**

N/A

**c. Mitigating actions for Gender identity/transgender**

N/A

**d. Responsible Officer for Mitigating Actions - Gender identity/transgender**

N/A

**23. Negative Impacts and Mitigating actions for Race**

**a. Are there negative impacts for Race? Answer: Yes/No**

*(If yes, please also complete sections b, c, and d).*

Yes

**b. Details of Negative Impacts for Race**

The majority of requests for an EHC Plan, and subsequently those that are issued, are predominantly for children and young people of a white ethnic background (81.42% of requests and 72.98% of active EHC Plans). This is reflective of national trends which show the majority of EHC Plans are held by children and young people from a white ethnic background (72.98%). Therefore, as this group accounts for the majority of requests and subsequent plans issued, this group may disproportionately (compared to other ethnic groups) begin to see a decline in the number of requests for assessment being agreed and subsequent plans issued.

<b>c. Mitigating Actions for Race</b>
To ensure that all decisions that are made in relation to the EHC Needs Assessment, subsequent issuing of an EHC Plan and placements are made consistently in line with decision making protocols and the law.
<b>d. Responsible Officer for Mitigating Actions – Race</b>
Interim Assistant Director for SEND Operations
<b>24. Negative Impacts and Mitigating actions for Religion and belief</b>
<b>a. Are there negative impacts for Religion and Belief? Answer: Yes/No</b> <i>(If yes, please also complete sections b, c, and d).</i>
No
<b>b. Details of Negative Impacts for Religion and belief</b>
N/A
<b>c. Mitigating Actions for Religion and belief</b>
N/A
<b>d. Responsible Officer for Mitigating Actions - Religion and belief</b>
N/A
<b>25. Negative Impacts and Mitigating actions for Sexual Orientation</b>
<b>a. Are there negative impacts for sexual orientation. Answer: Yes/No</b> <i>(If yes, please also complete sections b, c, and d).</i>
No
<b>b. Details of Negative Impacts for Sexual Orientation</b>
N/A
<b>c. Mitigating Actions for Sexual Orientation</b>
N/A
<b>d. Responsible Officer for Mitigating Actions - Sexual Orientation</b>
N/A
<b>26. Negative Impacts and Mitigating actions for Pregnancy and Maternity</b>
<b>a. Are there negative impacts for Pregnancy and Maternity? Answer: Yes/No</b> <i>(If yes, please also complete sections b, c, and d).</i>
No
<b>b. Details of Negative Impacts for Pregnancy and Maternity</b>
N/A
<b>c. Mitigating Actions for Pregnancy and Maternity</b>
N/A

<b>d. Responsible Officer for Mitigating Actions - Pregnancy and Maternity</b>
N/A
<b>27. Negative Impacts and Mitigating actions for marriage and civil partnerships</b>
<b>a. Are there negative impacts for Marriage and Civil Partnerships?</b> <i>Answer: Yes/No</i> <i>(If yes, please also complete sections b, c, and d).</i>
No
<b>b. Details of Negative Impacts for Marriage and Civil Partnerships</b>
N/A
<b>c. Mitigating Actions for Marriage and Civil Partnerships</b>
N/A
<b>d. Responsible Officer for Mitigating Actions - Marriage and Civil Partnerships</b>
N/A
<b>28. Negative Impacts and Mitigating actions for Carer's responsibilities</b>
<b>a. Are there negative impacts for Carer's responsibilities?</b> <i>Answer: Yes/No</i> <i>(If yes, please also complete sections b, c, and d).</i>
Yes
<b>b. Details of Negative Impacts for Carer's Responsibilities</b>
<p>The SEND Transformation Programme will lead to a significant number of changes to the operational as well as strategic delivery of the SEND Service. As with all change there can be a decline in service performance as changes come into effect which could mean that initially the experience of parents and carers who interact with the SEND service may be negative in the short term as change takes effect.</p> <p>Parents/carers may also feel that their children may not be getting adequate support and may not agree with the decisions the local authority makes in terms of the EHC Needs Assessment, any decisions taken to not issue an EHC Plan and regarding placements. Projects within the programme may result in fewer EHC Plans being issued particularly to children and young people whose needs can be met in a mainstream setting by accessing SEN support. This could result in an increase in challenge and appeals from parents and carers and subsequently tribunals, which has a negative impact on parents and cares as it takes time away from their families and increases stress and uncertainty when going through the EHC process.</p>
<b>c. Mitigating Actions for Carer's responsibilities</b>
<ol style="list-style-type: none"> <li>To ensure that all decisions that are made in relation to the EHC Needs Assessment, subsequent issuing of an EHC Plan and placements are made consistently in line with decision making protocols and the law.</li> </ol>

2. The SEND Communication Strategy is to be implemented to ensure that our communication with parents and carers improves and is transparent so that parents and carers understand the decisions taken, the situation that Kent faces and are aware of alternative support (including how to access this).

3. To ensure, via the SEND Communication Strategy, that all professionals across the local area are communicating and giving consistent information to parents and carers so that their experience improves and is consistent.

4. To ensure that any changes brought in under the programme are implemented effectively and are closely monitored to ensure that are successfully embedded with any issues or challenges being identified early and rectified. This includes providing SEND staff with the correct training, support, and tools to do their job well.

5. Ensure that there is ongoing engagement with parents and carers throughout the lifetime of the programme so their views and experiences can shape and inform changes that are made under the SEND Transformation Programme.

6. The SEND Enquiries Hub is to act as a first port of call for parent and carers to get answers to the questions they have in a timely way and will ensure that enquiries are resolved as soon as possible.

**d. Responsible Officer for Mitigating Actions - Carer's Responsibilities**

SEND Strategic Development Manager