

**SEND SUB-COMMITTEE**

**Thursday, 21st March, 2024**

**2.00 pm**

**Council Chamber, Sessions House, County  
Hall, Maidstone**







## AGENDA

### SEND SUB-COMMITTEE

**Thursday, 21st March, 2024, at 2.00 pm**  
**Council Chamber, Sessions House, County Hall,**  
**Maidstone**

Ask for: **Gaetano Romagnuolo**  
Telephone: **03000 416624**

#### **Membership**

- Conservative (7): Mr P Cole (Chairman), Mrs B Bruneau (Vice-Chairman), Mr M Dendor, Mrs S Prendergast, Mr H Rayner, Mr A Sandhu, MBE and Mr M Whiting
- Labour (1): Dr L Sullivan
- Liberal Democrat (1): Mrs T Dean, MBE
- Green and Independent (1): Jenni Hawkins
- Church Representatives (3): John Constanti, Michael Reidy and Quentin Roper
- Parent Governor (2): Rebecca Ainslie-Malik and Holly Carter

#### **UNRESTRICTED ITEMS**

*(During these items the meeting is likely to be open to the public)*

- 1 Introduction/Webcasting Announcement
- 2 Apologies and Substitutes
- 3 Declarations of Interest by Members in Items on the Agenda
- 4 Minutes of the Meeting Held on 7 February 2024 (Pages 1 - 4)
- 5 SEND Sub-Committee - Annual Update Report (Pages 5 - 30)

#### **EXEMPT ITEMS**

*(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)*

Benjamin Watts  
General Counsel  
03000 416814

**Wednesday, 13 March 2024**

# **SEND SUB-COMMITTEE**

## **Minutes**

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

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

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

VIRTUAL ATTENDEES: Mr M Whiting.

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

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

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

The Chairman welcomed everyone to the meeting.

### **2 Apologies and Substitutes**

Apologies for absence were received from Mr M Whiting.

### **3 Declarations of Interest by Members in Items on the Agenda**

There were no Declarations of Interest.

### **4 Minutes of the Meeting Held on Tuesday 7 December 2023**

RESOLVED that the minutes be approved as a correct record.

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

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

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

9) A Member asked how KCC would manage the continuing growth of requests for EHCP assessments without constantly having to increase the number of staff dealing with them. Sarah Hammond agreed that the number of requests for assessment would continue to rise. However, there seemed to be a trend whereby those aged 19 and above were stepping down their EHCPs because they found that their rigidness was holding them back. She added that, for some young people, an EHCP should only be a temporary measure to facilitate a range of support measures until they would no longer need one. Many other local authorities were able to meet the needs of some children and young people with SEND without the need for an EHCP.

a) Craig Chapman added that, if EHCP demand continued to grow, pressure could be reduced by clearing the backlog; the staff currently involved in clearing the backlog could then be deployed to manage the increasing EHCP demand.

10) In answer to a question, Sarah Hammond said that she was pleased that KCC's Governance and Audit Committee had recognised the progress that had been made in the delivery of home to school transport in Kent.

11) In response to a question, Christine McInnes said that substantial efforts had been made to skill up staff so that they could have conversations with parents that gave them adequate information and satisfied them. She added that, while a new SEND provision infrastructure had been now built, it would be some time before its impact and benefits could be fully evidenced.

12) Ms Hamilton acknowledged that communication and engagement with parents needed to be improved but reiterated that progress took time.

13) In reply to a question, Alice Gleave said that there was now a dedicated SEND Post-16 case-holding team that had been set up to support post-16 young people with SEND during their transition to further education, employment and adulthood in general.

14) The Chairman asked whether KCC was confident that, when the next inspection took place in April 2024, the DfE would be satisfied with the progress that had been made with SEND provision in the county. Christine McInnes said that she was pleased that the DfE had recognised the progress that Kent had made. In terms of the actions in the Accelerated Progress Plan, she explained that these were not equally weighted. For the larger projects, such as the Localities project, it had been difficult to forecast realistic timescales. She said that there was a risk that the April deadline might lead to ending some APP actions before they had been completed and were showing results. Processes had been put in place

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

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

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

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

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

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



From: Gaetano Romagnuolo, Research Officer - Overview & Scrutiny  
To: **SEND Sub-Committee – 21 March 2024**  
Subject: SEND Sub-Committee – Annual Update Report  
Classification: **Unrestricted**

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## 1. Introduction

- a) The Scrutiny Committee, at its meeting on 25 January 2023, approved the establishment of the SEND Sub-Committee.
- b) The SEND Sub-Committee exercises the functions of KCC's Scrutiny Committee in relation to KCC's SEND provision. Its focus was to scrutinise and review matters in relation to SEND provision, recognising that there was existing duplication across multiple committees.
- c) This is the annual update report of the SEND Sub-Committee. It was produced in accordance with its terms of reference, which required the Sub-Committee to report to the main Scrutiny Committee on an annual basis. The report sets out an overview of the Sub-Committee's activities over the past year. It includes some commentary on the issues explored, and highlights some of the key points considered by the Sub-Committee.
- d) The SEND Sub-Committee held seven formal meetings, in which it gathered information and evidence from, and reviewed and scrutinised decisions and actions taken by, KCC's Executive. KCC's Cabinet Member for Education and Skills, and Directors of the Children, Young People and Education Directorate (CYPE), were required to provide information and reports to the Sub-Committee.
- e) Additional evidence was gathered from a number of visits and virtual meetings. These included:
  - **A visit to The Malling School, East Malling.** The Malling School's Specialist Resource Provision is a highly successful specialist mainstream unit. It supports students with speech, language and communication needs, Developmental Language Disorder and Autistic Spectrum Disorder.
  - **A virtual meeting with Hilary Macdonald.** Hilary was the Ofsted HMI Lead Inspector who carried out the SEND revisit in Kent in September 2022.
  - **A visit to the Turner Schools Trust.** This included one-to-one meetings with parents of pupils with SEND.
  - **A visit to the We Are Beams centre.** This involved meeting representatives of **Fathers Club Kent**, a support group for fathers of children with autism.
- f) The SEND Sub-Committee report is in **Appendix 1**.

## 2. Next Steps

- a) Once approved, the report will be submitted to the Scrutiny Committee.

### 3. Recommendation:

To **approve** the Annual Update Report of the SEND Sub-Committee.

## 4. Background Documents

None.

## 5. Contact details

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**Kent County Council**  
**SEND Scrutiny Sub-Committee**  
**Annual Update Report**

**March 2024**



# 1. Introduction and Scope

## 1.1. Introduction

- 1.1.1. Following the outcome of the Ofsted and Care Quality Commission Revisit in September 2022 (building on the initial Kent Local Area SEND inspection conducted in 2019), KCC Members considered the need to prioritise and streamline the consideration of key SEND issues from a Scrutiny and monitoring perspective. It was recognised that there was duplication of work across multiple committees and that it would be beneficial to focus the consideration in a clearly defined place. As a result, taking account recommendations from the Children, Young People and Education Cabinet Committee, KCC's Scrutiny Committee considered that it would be appropriate to establish a dedicated sub-committee to provide targeted overview and scrutiny of SEND provision in the county.
- 1.1.2. The Scrutiny Committee, at its meeting on 25 January 2023, resolved to approve and finalise the arrangements for the establishment of the SEND Sub-Committee, including determining its membership arrangements and the terms of reference.
- 1.1.3. The SEND Sub-Committee is a formal committee of Kent County Council. It exercises the functions of KCC's Scrutiny Committee in relation to KCC's SEND provision. The establishment of the Committee was intended to focus discussion, consideration and review of matters relating to SEND provision, recognising that there was existing duplication across multiple committees. There was also a requirement, determined by the Scrutiny Committee, that a dedicated forum be put in place to ensure that sufficient time and focus could be given to these key issues.
- 1.1.4. In practice, the focus of the SEND Sub-Committee was to scrutinise and explore issues linked to progress made against the Ofsted and CQC reports, in terms of the quality of KCC's SEND services and its management of associated risk. This sat alongside the general power it held to scrutinise any activity or functions of the Council operating in relation to SEND - in accordance with the Scrutiny regulations.
- 1.1.5. This is the annual update report of the SEND Sub-Committee. It was produced in accordance with its terms of reference, which required the Sub-Committee to report to the main Scrutiny Committee on an annual basis. The report sets out an overview of the Sub-Committee's activities over the past year. It includes some commentary on the issues explored, and highlights some of the key points considered by the Sub-Committee.

## **1.2. Committee Membership**

1.2.1. The membership of the SEND Sub-Committee consists of 10 KCC Members, 3 Church representatives, 2 Parent Governor representatives and a standing invitation for two representatives of the Kent Parents and Carers Together (PACT) organisation.

### **KCC Members**

Mr Perry Cole (Chairman)

Mrs Becki Bruneau (Vice-Chair)

Mrs Trudy Dean

Mr Mike Dendor

Ms Jenni Hawkins\*

Mrs Sarah Hudson\*\*

Mr Harry Rayner

Mr Avtar Sandhu

Dr Lauren Sullivan

Mr Mike Whiting\*\*\*

### **Church representatives**

Mr John Constanti

Mr Quentin Roper

Mr Michael Reidy

### **Parent Governor representatives**

Ms Rebecca Ainslie-Malik

Ms Holly Carter\*\*\*\*

### **Standing Invitation – Kent PACT representatives**

Ms Bernadette Hannon\*\*\*\*\*

Ms Colette Tanner\*\*\*\*\*

### 1.3. Terms of Reference

1.3.1. The terms of reference of the SEND Sub-Committee were as follows:

In line with Section 21 of the Local Government Act (2000), this Sub-Committee will exercise the following functions of the Council's Scrutiny Committee in relation to Kent County Council SEND provision:

1. Review or scrutinise decisions made, or other actions taken in connection with SEND provision at KCC.
2. Make reports or recommendations to the Executive, requiring them to consider and respond, indicating what (if any) action they propose to take, within 2 months, (in matters relating to SEND Provision KCC).
3. Require the Leader, Cabinet Members and Senior Managers to attend before it and answer questions. It is the duty of any Member or Officer to comply with such a requirement.
4. Invite other persons to attend meetings of the Committee to answer questions and gather evidence with their consent.
5. Report annually to the Scrutiny Committee.

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\*Ms Jenni Hawkins replaced Mr Rich Lehmann.

\*\*Mrs Shellina Prendergast replaced Mrs Sarah Hudson.

\*\*\*Mr Mike Whiting replaced Mr Simon Webb.

\*\*\*\* Ms Holly Carter replaced Ms Keji Moses.

\*\*\*\*\* Ms Bernadette Hannon and Ms Colette Tanner replaced Ms Alison White and Ms Vicky Evans.

## 1.4. Agenda Items and information considered, explored and scrutinised

1.4.1. The SEND Sub-Committee held seven formal meetings, in which it gathered information and evidence from, and reviewed and scrutinised decisions and actions taken by, KCC's Executive. KCC's Cabinet Member for Education and Skills, and Directors of the Children, Young People and Education Directorate (CYPE), were required to provide information and reports to the Sub-Committee.

1.4.2. The dates of these meetings, and the areas explored, are as follows:

- **Inaugural Meeting (Wednesday 22 March)**. An update on progress on SEND Transformation, including KCC's work with the DfE since the Inspection Revisit.
- **Meeting 2 (Tuesday 6 June 2023)**. This meeting focused on the process around education, health, and care needs assessments which may result in an EHCP. The meeting explored a range of data which showed Kent's position in relation to other local authorities, and an overview of the actions taken to improve the current position.
- **Meeting 3 (Tuesday 25 July 2023)**. In this meeting the Sub-Committee was provided with an update on the process, since the Improvement Notice issued in March 2023, to develop an Accelerated Progress Plan (APP) for the Kent local area system. The APP was required by the Department for Education to address all the areas of significant weakness outlined in the Ofsted/CQC Inspection Revisit, and set out actions by partner organisations across the system to improve the experience of children, young people and families with SEND.
- **Meeting 4 (Thursday 28 September 2023)**. In this meeting the Sub-Committee investigated the development and full content of the APP.
- **Meeting 5 (Tuesday 31 October 2023)**. Parents engagement and the voice of the child. This meeting covered the APP's Areas of Weakness 1 and 3, and the key actions taken by KCC to address them.
  - Area of Weakness 1: The widely held concern of parents that the local area is not able, or in some cases not willing, to meet their children's needs.
  - Area of Weakness 3: The limited role parents and carers have in reviewing and designing services for children and young people with SEND.

- **Meeting 6 (Thursday 7 December 2023).** In this meeting the Sub-Committee focused on SEN inclusion in schools and the work undertaken under the APP's Areas of Weakness 2 and 5.
  - Area of Weakness 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.
  - Area of Weakness 5: Poor standards achieved, and progress made, by too many children and young people with SEND.
- **Meeting 7 (Wednesday 7 February 2024).** Accelerated Progress Plan - DfE and NHS England Review. During November 2023, the DfE and NHS England undertook a review of the progress that the Kent area had made against the APP. In January 2024, they provided KCC with their feedback. In this meeting the Sub-Committee reviewed this feedback and the general progress made by KCC in improving its SEND provision.

1.4.3. Additional evidence was gathered from a number of visits and virtual meetings. These included:

- **A virtual meeting with CYPE Directors.** This meeting included a presentation and briefing about the SEND Statutory Framework.
- **A visit to The Malling School, East Malling.** The Malling School's Specialist Resource Provision is a highly successful specialist mainstream unit. It supports students with speech, language and communication needs, Developmental Language Disorder and Autistic Spectrum Disorder.
- **A virtual meeting with Hilary Macdonald.** Hilary was the Ofsted HMI Lead Inspector who carried out the SEND revisit in Kent in September 2022.
- **A visit to the Turner Schools Trust.** This included one-to-one meetings with parents of pupils with SEND.
- **A visit to the We Are Beams centre.** This involved meeting representatives of **Fathers Club Kent**, a support group for fathers of children with autism.
- Direct engagement with schools and parents conducted by individual Members, supporting questioning and debate at the formal meetings.



1.4.4. In order to gather evidence, the Sub-Committee asked for a range of information, including the following:

- Key documents that set out – both at strategic and operational level - how KCC intended to improve SEND provision in Kent.
- Key correspondence and literature from the DfE and CQC in relation to their inspections of SEND service provision in Kent.
- Information on the governance and strategic arrangements put in place to improve SEND provision in Kent.
- Structure charts and the specific activities of KCC teams and services involved in SEND provision.
- Data, key performance indicators and scorecards on a variety of SEND-related areas.
- Information on the SEND-related training that KCC delivered to local schools. Evidence of joint working between KCC, partner organisations and children and young people with SEND and their families.

1.4.5. The information that was supplied to the Sub-Committee included the following:

- Key reports, such as the SEND Area Accelerated Progress Plan (APP) report, the Kent SEND Strategy and the DfE's First Progress Review of Kent's APP.
- Information on the structure, governance and functions of the Kent SEND Strategic Improvement and Assurance Board.
- Information on the Kent SEND Partnership Delivery Group and the SEND Transformation Programme.
- The SEND Sufficiency Plan and structure charts and activities of KCC teams involved in SEND provision.
- Information on the SEND Statutory Framework.
- Information on Kent pupils' achievements, EHCPs and a variety of key indicators and scorecards (also included in the APP).
- Information on SEND-related training delivered to local schools by KCC.
- Information on a variety of initiatives, such as the RISE project, the Kent Co-Production Charter, the Balanced System approach, the Oracy project and the Kent Transition Charter.

# Key Findings

## 1.5. Introduction

1.5.1. During the past year, the SEND Sub-Committee explored a number of areas for improvement in Kent's provision of SEND. These are generally aligned with the 9 areas of weakness identified in the report of the Ofsted and CQC revisit to Kent in November 2022.

1.5.2. Following the revisit Kent was issued with an Improvement Notice which required it to prepare an Accelerated Progress Plan. The APP is a commitment by KCC to work together with partner organisations across the Kent Local Area to improve the lived experience of children and young people with SEND and their families.

1.5.3. The Executive has stated, generally and during SEND Sub-Committee meetings in particular, that the APP is supported by a strong political commitment to giving sufficient priority and resources to ensure the success of the Plan.

1.5.4. The Kent SEND Strategic Improvement and Assurance Board (SIAB) is tasked with overseeing and assuring the APP. The Kent SEND Partnership Delivery Group (PDG) is responsible for providing detailed oversight of the Plan's progress and impact. It also co-ordinates the tracking and planning of partnership actions.

1.5.5. The PDG is supported by five Task and Finish Groups:

- Data and Evidence Reporting
- Quality Assurance
- Communication and Engagement
- Professional Development
- Workforce and Culture.

1.5.6. The APP sets out the actions that KCC and partner organisations are taking to address the 9 areas of significant weakness, and the progress made against each of them.

1.5.7. The 9 areas of significant weakness identified by Ofsted and the CQC in their inspection were the following:

1. A widely held concern of parents that the local area is not able, or in some cases not willing, to meet their children's needs.
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.

3. That parents and carers have a limited role in reviewing and designing services for children and young people with SEND.
4. An inability of current joint commissioning arrangements to address known gaps and eliminate longstanding weaknesses in the services for children and young people with SEND.
5. Poor standards achieved, and progress made, by too many children and young people with SEND.
6. The inconsistent quality of the EHC process; a lack of up-to-date assessments and limited contributions from health and care professionals; and poor processes to check and review the quality of EHC plans.
7. Weak governance of SEND arrangements across the EHC system at strategic and operational level and an absence of robust action plans to address known weaknesses.
8. Unacceptable waiting times for children and young people to be seen by some health services, particularly CAMHS, tier two services, SALT, the wheelchair service, and ASD and ADHD assessment and review.
9. A lack of effective systems to review and improve outcomes for those children and young people whose progress to date has been limited by weaknesses in provision.

1.5.8. For each of these areas of weakness, the APP identifies:

- The sub-themes which address key parts of the findings in the Inspection Revisit letter on each area of weakness.
- The actions that KCC and partner organisations are taking to improve provision.
- The timescales for completing these actions.
- How the evidence of impact is collected.
- The Key Performance Indicators (KPIs) that have been used to measure the impact of the actions.

**1.6. Area of weakness 1: A widely held concern of parents that the local area is not able, or in some cases not willing, to meet their children's needs.**

- 1.6.1. One of the issues identified by the Sub-Committee was that parents' confidence in KCC's ability to meet their children's needs is low.
- 1.6.2. The Authority has taken a number of actions that are designed to address this problem. They include developing an integrated SEND communications and engagement strategy and reviewing communication channels to cascade SEND-related information, news and guidance.
- 1.6.3. Another action is the development of new working practices by SEND officers so that parents are kept better informed during education, health and care (EHC) processes. Letters that are sent to parents and carers have been redesigned. There are surgeries and workshops in place to support the strengthening of health professionals' input in EHCPs. There is also a plan for celebrating successes and good outcomes designed to build trust and confidence in parents and young people.
- 1.6.4. The task of the Countywide Approach to Inclusive Education (CATIE) survey is to collect parents' and young people's views to ensure that they are involved in decisions about SEND provision.
- 1.6.5. A related issue is that some parents see requests assessment as the only way in which their children's needs can be met. KCC is working to implement the communications plans to build trust and confidence in parents in the ability of local schools to support children and young people with SEND. In addition, the Authority is making sure that the advice given to parents regarding their EHC assessment requests is consistent.
- 1.6.6. In order to improve parents' ability to communicate with SEND officers, the SEND complaints handling has been centralised to ensure that complaints are dealt with in a timely way and the advice given is consistent.
- 1.6.7. Improved access to speech and language therapy and the educational psychology service is being addressed through, for example, the recruitment of Educational Psychologists and trainees.
- 1.6.8. KCC's Youth Participation service collated the views of young people in special schools to find out what helped them to learn.
- 1.6.9. A SEND Staff Bulletin is now circulated every two weeks. It details the work of the staff to improve KCC's performance in a number of aspects of SEND provision.

1.6.10. While – as recognised by the DfE its First Progress Review of Kent's APP - many of the actions within this area have been implemented, there are still some that require attention.

1.6.11. Requests for assessment, and the number of EHCP assessments, remain high. For instance, it was reported that the total number of EHC plans issued by East Sussex in 2022 was 518; in Kent it was 2,314. It was suggested that this is partly affected by factors such as the degree of SEND inclusion in Kent's mainstream schools.

1.6.12. Also, although communication plans to build trust have been put in place, some of them have not yet had a positive impact for children with SEND and their families. This is mainly because implementing these plans, and the extraction of the evidence of their impact, require time. Specific areas where further improvement and impact need to be demonstrated include:

- A more widespread improvement of parental confidence in Kent's SEND provision.
- The impact of the focus on SEN support in mainstream schools on parent's confidence in their ability to support children and young people with SEND.
- The impact of the SEND enquiries hub on parental engagement and on SEND complaints relating to communications from KCC.

**1.7. Area of weakness 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.**

- 1.7.1. A central issue identified by the Sub-Committee is that there is a wide variation in the quality of provision, and in commitment to inclusion, in schools across Kent.
- 1.7.2. A key initiative that is designed to promote a commitment to inclusion in Kent schools is the Mainstream Core Standards (MSC) training programme for teachers and governors. This programme sets out the provisions that the local area expects to be available in mainstream settings for children and young people with SEND. Feedback from the training has been overwhelmingly positive.
- 1.7.3. The Authority is also implementing the Autism Education Trust (AET) Training and Strategy. This includes training for 80 Specialist Teachers and Educational Psychologists so that they can ensure that schools are autism friendly and have an understanding of good autism practice.
- 1.7.4. The production and promotion of video interviews with teachers, pupils and parents, as case studies, is aimed at illustrating the benefits of inclusive practice to mainstream secondary schools.
- 1.7.5. A review of Special Schools is addressing the perception that there is an unfair allocation of specialist places. The scope of the review includes:
- Planning for sufficiency of special school places
  - Reviewing their designation and admission criteria
  - Reviewing the principles for the funding of special schools
  - Reviewing the role of special schools in supporting children and young people with SEND in mainstream schools.
- 1.7.6. The SEND Sufficiency Plan is being developed to ensure that there is sufficient mainstream and specialist provision where it is needed. The four key tasks of the Plan are to:
- Inform medium to longer term commissioning/decommissioning of places for children and young people with an EHCP.
  - Inform capital investment planning and future bids to the DfE's Wave programmes.
  - Inform high level discussions with providers about changes to current provision to meet future needs.
  - Support the delivery of the Safety Valve programme, to bring Kent in line with the patterns of provision in other local authorities.

1.7.7. Despite these initiatives there still appears to be a variable quality of provision and commitment to inclusion in Kent schools. The SEND Code of Practice states that for most children with SEND, there is a presumption that their education will be in a mainstream setting. KCC's aim is that most children and young people with an EHCP should also be able to access appropriate provision within a reasonable distance of their local areas.

1.7.8. It was reported to the Sub-Committee that, while most Kent mainstream schools had very good inclusion practices, there was still inconsistency in their degrees of inclusivity. The percentage of Kent pupils with an EHCP who are in a mainstream setting has increased slightly from 40.3% in March 2023 to 41% in January 2024. The latest data shows that there has been a substantial reduction recently in the number of requests for EHC statutory needs assessment - from 385 in January 2024 to 181 in February 2024. This may indicate that the core standards offer in local schools is becoming more embedded and more widely recognised, but it is too early to conclude that this is an established trend.

1.7.9. Inclusivity is a criterion used by Ofsted to assess schools' performance. However, while KCC can influence and incentivise schools' inclusion practices, it does not have the power to hold them to account.

1.7.10. Nonetheless, KCC can use its influence by doing further work on the following:

- Encouraging the participation of schools that have not yet taken up the inclusion training offer.
- Showing evidence of continuing progress in reducing the number of requests for EHC needs assessments, as the core standards offer in schools becomes more embedded.
- Providing a clear understanding of how the reduction of EHCPs will be achieved.
- Making an impact through the review of special school places.

**1.8. Area of weakness 3: That parents and carers have a limited role in reviewing and designing services for children and young people with SEND.**

1.8.1. The concern that there is limited representation and involvement of parents and young people in reviewing and designing SEND services has been addressed, for example, by their involvement in shaping the approach and priorities in the SEND Communications and Engagement strategy. This has included collecting feedback from them by focus groups led by a Children and Young People's (CYP) Participation Lead with the involvement of Kent PACT.

1.8.2. Under the RISE programme, funded by the DfE, the Council for Disabled Children was invited to refresh and strengthen the local Co-Production Charter. The Charter was created with the help of children and young people so that their voice would always be heard. Kent PACT was also involved in this initiative.

1.8.3. Parents were also involved in reviewing the impact of the SEND enquiries hub. This included using mystery shoppers with Kent PACT, and family feedback through a range of channels - including complaints, surveys, and audits - to improve practice.

1.8.4. While Kent PACT acts as a two-way conduit and strategic feedback loop between parents/carers and KCC, many parents are not aware of the organisation, and say that they have no involvement in reviewing or developing services. Kent PACT is actively increasing its engagement. However, it has been pointed out that parent/carer forums need more funding to be effective because parents are no longer able to commit a significant proportion of their time in these organisations for free.

1.8.5. While a number of initiatives have been taken to promote more parental involvement in the design of SEND services, comprehensive evidence of their full impact needs to be collated. This includes evidence of an improved perception among children and young people with SEND, and their parents and carers, of their involvement in developing and reviewing SEND services.



**1.9. Area of weakness 4: An inability of current joint commissioning arrangements to address known gaps and eliminate longstanding weaknesses in the services for children and young people with SEND.**

- 1.9.1. In order to strengthen joint commissioning arrangements, the Children and Young People Joint Commissioning Group was re-established and refreshed in March 2023. Draft specifications for the Speech and Language Therapy (SLT) service are already in place, and all service specifications and joint arrangements are planned to be completed within the next two years.
- 1.9.2. Some joint commissioning processes have been taking some time to develop. These include the preparation of a children and young people-specific strategy which is linked to the Integrated Care Strategy and describes KCC's long-term, system-wide vision for children and young people.
- 1.9.3. Agreement on a Data Improvement Delivery Plan is crucial to informing the development of this strategy. This will require the use of clear metrics that are accessible to professionals and families, and of qualitative and quantitative baseline health data.
- 1.9.4. The evidence has shown a strengthened governance approach and shared leadership across partner organisations, as well as more data to support decision-making. However, there is still progress to be made, particularly in demonstrating the impact of these shared decisions and initiatives on the lives of children and young people with SEND and their families.

## **1.10. Area of weakness 5: Poor standards achieved, and progress made, by too many children and young people with SEND.**

- 1.10.1. Many of the actions in this area have been implemented, with some positive impacts. The Sub-Committee heard that actions designed to lead improvement have included the EEFective Kent Project. This was a four-year partnership between KCC and the Education Endowment Foundation (EEF), ending in the summer of 2023. Both organisations contributed to joint funding of £600,000 to support the use of evidence-based approaches and interventions in Kent. The project aimed to support school improvement and the educational outcomes for children across the county. The partnership supported more than half the schools in Kent to use evidence-based practice in response to their school-specific issues.
- 1.10.2. Another initiative was the NurtureUK programme, a project commissioned by KCC to support inclusion in schools by creating and celebrating a whole-school nurturing approach.
- 1.10.3. During this three-year programme, KCC has been working with 300 mainstream primary and secondary schools to develop more inclusive policies and practices. The programme is tailored to each school; it celebrates what schools already do well and helps them to improve the areas that require support.
- 1.10.4. The alignment of Education and SEND within KCC has led to stronger collaboration across the system between early years, mainstream, special schools and further education, and health partners. Amongst other things, this has led to increasing levels of engagement at events for Headteachers, and to education leaders acting as Inclusion Champions to promote inclusive practices within schools.
- 1.10.5. In order to reduce the relatively high rates of absence of Kent children with an EHC plan, the Authority produced the 'Working Together to Improve School Attendance' guidance. This was cascaded through Headteacher briefings, Designated Safeguarding Lead briefings, KELSI updates and governor training with The Education People. The PRU, Inclusion and Attendance Service (PIAS) has been working with all schools (primary, secondary, special and Pupil Referral Units (PRUs)) to help them to implement the guidance.
- 1.10.6. A Review of Specialist Resource Provisions (SRP) was developed to improve the efficiency of the allocation of special resource provision places, although its progress has been slow.

- 1.10.7. The implementation of the Countywide Approach to Inclusive Education (CATIE), the delivery of the Inclusion Leadership programme and the development and promotion of a school resource directory, are all aimed at raising school leaders' awareness of the strong commitment to educating a higher proportion of children with SEND in mainstream schools.
- 1.10.8. There has been an early indication of improvement in the SEND attainment gap. In 2022 the GCSE Attainment 8 SEN Support Gap in Kent was 16.7, compared to 17.7 nationally. In 2023, the gap was 16.2 in Kent and 16.9 nationally.
- 1.10.9. Pupil absence remains an issue. In Autumn 2022 and Spring 2023 combined, pupils with an EHCP accounted for 14% of all absences in Kent, compared to 12.4% nationally. In the same period, the percentage of persistent absence by those with an EHCP in Kent was 40.3%, compared to 36.3% nationally.
- 1.10.10. While many interventions have been made and have led to some positive impacts, there are areas where additional impact should be evidenced. These include:
- The impact that School Inclusion Champions are having on the promotion of inclusive practices in schools.
  - The impact of the guidance, training and work with schools and PRUs to improve absence rates.
  - The extent to which CATIE is raising school leaders' awareness of the commitment to educating a higher proportion of children with SEND in mainstream schools, and how schools are using CATIE data to improve the outcomes for children and young people with SEND.

**1.11. Area of weakness 6: The inconsistent quality of the EHC process; a lack of up-to-date assessments and limited contributions from health and care professionals; and poor processes to check and review the quality of EHC plans.**

- 1.11.1. The inconsistent quality of the EHC process required particular attention. There was a need to produce more precise and coherent targets in newly produced EHC plans. A review of decision-making processes for education, health, and care needs assessments (EHCNAs) has helped to address this.
- 1.11.2. Using the Quality Assurance Audit and Moderation Cycle was also aimed at improving quality assurance and audit processes in order to reduce the percentage of new EHC plans that were judged to require improvement.
- 1.11.3. In order to improve their understanding of the quality of the annual EHCP reviews, casework staff were given training on this subject and a SEND handbook which included best practice information.
- 1.11.4. The Sub-Committee also heard that a dedicated team had been set up to deal with the historical backlog of EHCPs in Kent. In September 2023 there had been 1,080 cases in the assessment backlog. By January 2024 this figure had fallen to 397. The total number of outstanding cases fell from 2,192 in December 2023 to 2,066 in January 2024.
- 1.11.5. In September 2022 there were 12,180 annual reviews in the backlog; this has now been reduced to 8,310 and it is expected that it will be cleared by September 2025. The work of the team should also ensure that no new backlog will develop.
- 1.11.6. If EHCP demand continues to grow, the Sub-Committee was told that the staff currently involved in clearing the backlog could then be deployed to manage that increasing demand.
- 1.11.7. Although the Authority has made significant efforts to improve the timeliness and quality of EHC plans, the number issued remains relatively high. It was reported that the number of EHC plans issued by East Sussex in 2022 was 518; in Kent it was 2,314 in 2022 and 2,005 in 2023.

1.11.8. This was partly affected by factors such as Kent's large pupil population and the degree of SEND inclusion in its mainstream schools. It was pointed out that, if KCC's work to promote inclusion was effective, the number of EHCPs would be reduced.

1.11.9. The evidence suggests that there are mechanisms in place to improve the quality of the EHCP process. The increase in staff capacity is clearing the EHCP backlog and speeding up assessments. While the trajectory is positive, the full impact will need to be judged in the future. In particular:

- The impact of the dedicated backlog team in ensuring a consistent reduction in the historical EHCP backlog.
- The impact of the new quality assurance and moderation processes on EHCP assessments.
- Evidence of a general improvement in the quality of EHCPs.

**1.12. Area of weakness 7: Weak governance of SEND arrangements across the EHC system at strategic and operational level and an absence of robust action plans to address known weaknesses.**

- 1.12.1. The Sub-Committee received evidence that governance and strategic SEND arrangements have been strengthened. Governance boards such as the Strategic Improvement and Assurance Board (SIAB) and the Partnership Delivery Group (PDG) have been established. Their terms of reference, and those of various Task and Finish Groups aimed at improving SEND provision, have been prepared.
- 1.12.2. The representation of partner organisations in these governance arrangements has been improved, for example by the involvement of Kent PACT.
- 1.12.3. There has been joint working with partner organisations. Under the RISE programme, the Council for Disabled Children was invited to refresh and strengthen the local Co-Production Charter to ensure that the voice and needs of these children would always be heard. Kent PACT was also involved in this initiative.
- 1.12.4. A SEND newsletter is helping to improve communication and share information with parents, carers and young people.
- 1.12.5. The inclusion of SEND in the Integrated Care Strategy and the 5 Year Forward Plan is aimed at establishing a commonly understood and area-wide ambition for children and young people with SEND.
- 1.12.6. It will be important to ensure that these strengthened arrangements continue to drive a concerted improvement in all areas of SEND provision in the county.

**1.13. Area of weakness 8: Unacceptable waiting times for children and young people to be seen by some health services, particularly CAMHS, tier two services, SALT, the wheelchair service, and ASD and ADHD assessment and review.**

- 1.13.1. There have been a number of initiatives to improve the waiting times for children and young people on the Neurodevelopmental (ND) pathway.
- 1.13.2. A communications strategy, and an engagement plan for emotional wellbeing and mental health, have been developed and adopted by the Children's Programme Board. In addition, there has been a rapid improvement in communications through the coordination of 5 NHS providers for families waiting for neurodiverse diagnostic assessments.
- 1.13.3. A responsive prescribing and review model has been developed to improve the consistency of services for children and young people with ADHD. This has been accompanied by an increase in the number of completed ADHD diagnostic assessments, from 124 in October 2022 to 174 in December 2023. However, the number of children waiting for a diagnostic assessment rose from 3,012 in January 2023 to 3,570 in December 2023.
- 1.13.4. There has been a re-design of a needs-led, integrated Kent-wide Speech and Language Therapy service, which is contributing to a substantial reduction of waiting times for assessment. The total number of those waiting for an assessment fell from 1,081 in May 2023 to 562 in November 2023. The number of those waiting for an assessment for over 12 weeks fell from 533 to 139 in the same period.
- 1.13.5. It will be important, in the future, to explore whether the strategic and operational developments continue to have an impact on reducing waiting times for children accessing specialist health services.

**1.14. Area of weakness 9: A lack of effective systems to review and improve outcomes for those children and young people whose progress to date has been limited by weaknesses in provision.**

1.14.1. A number of initiatives have been developed to enable children and young people with SEND to catch up with their school education. The Education Programme was created to provide interim education for permanently excluded children and young people with an EHCP, pending their placement in a suitable educational establishment. Training and early intervention programmes were delivered to schools to address anxiety-based school avoidance.

1.14.2. However, the percentage of children with an EHCP who are educated in settings other than a school has not decreased; it was 2% in February 2023 and 2.3% in January 2024.

1.14.3. The Children and Young People's Outcomes Framework was created to improve the oversight and knowledge of outcomes for children and young people with SEND. Together with the production of a SEND vision, the review of this framework, as part of a SEND Strategy review, is aimed at establishing a commonly understood and agreed area-wide ambition to improve service provision for children and young people with SEND.

1.14.4. While actions have been taken to improve outcomes for those children and young people whose progress has been limited by weaknesses in provision, there is still insufficient evidence of their impact. The review of the Children and Young People's Outcomes Framework should help to demonstrate impacts and improve outcomes.



## 1.15. Conclusion

- 1.15.1. The evidence submitted to the SEND Sub-Committee shows that KCC has made progress across all areas of SEND provision. Governance arrangements have been strengthened and several initiatives and interventions have been implemented to address shortcomings.
- 1.15.2. The role that the Sub-Committee played in the ongoing improvement work can be welcomed as it added transparency and the local Member knowledge and constituent engagement, along with the core holding to account function of Scrutiny. Crucially, the work of the Sub-Committee meant that the process has been open to the public and was not limited to dialogue between KCC and the DfE. While the Executive is responsible for the relevant services, it was important that Members had the opportunity to explore the issues and seek public assurances on the progress being made.
- 1.15.3. The Sub-Committee is pleased that the DfE has recognised the progress that Kent has made in improving its provision of SEND services. The Sub-Committee notes that the journey toward improvement is underway but incomplete, requiring ongoing review and a long-term commitment to ensuring the best possible support for children with SEND and their families.
- 1.15.4. In that vein, the Sub-Committee must highlight that more still needs to be done, particularly in demonstrating the positive *impact* that the interventions are making on the lives of children and young people with SEND and their families. While it is understood that there will always be a lag between policy change or improvements and the benefits being realised on the ground, KCC must monitor this carefully and highlight all positive examples to provide reassurance to the public and confirm assurances given to Members and the DfE.
- 1.15.5. The Sub-Committee recognises that the focus of KCC's response has been on designing and implementing specific responses to the areas of weakness via the APP. With so much live activity taking place at pace, holding decision-makers to account is challenging as there is little short-term data that would indicate the efficacy or appropriateness of the relevant interventions or strategic policy choices. This means that KCC must ensure that an appropriate mechanism is in place to scrutinise SEND provision and hold the decision-makers to account as the work of embedding and reviewing the various interventions continues.
- 1.15.6. As part of the Sub-Committee's reviewing role, Members have already identified the following areas and questions that require further

exploration or clarification to ensure transparency, and to support appropriate policy choices as they become required:

- A clear understanding of how the number of EHCPs will decrease. How will this be achieved?
- What support is in place to help parents before they request an EHCP?
- Special schools' places. Will there be additional pressure on the current capacity of Kent's special schools?
- What is KCC doing to ensure a smooth transition between primary and secondary education phases? What kind of support are children with SEND and their families receiving during this transition?
- A clearer picture of how KCC's SEND pupil profile, accommodation and budget spend will change over time to meet the requirements of the DfE "Safety Valve". The Sub-Committee believe this would be useful information for parents to better understand KCC's future provision for children with SEND.

1.15.7. While further work is required, the Sub-Committee is pleased to produce this report which confirms that progress is being made against the APP, and that improvements are being put in place. Complacency cannot be tolerated in this vital space where so many people rely on crucial support from KCC and the NHS – therefore the Sub-Committee strongly supports a maintained focus on scrutinising SEND provision and holding decision-makers to account.