

# KENT COUNTY COUNCIL – RECORD OF DECISION

## DECISION TO BE TAKEN BY:

Rory Love,

Cabinet Member for Education and Skills

## DECISION NO:

23/00039

**For publication** [Do not include information which is exempt from publication under schedule 12a of the Local Government Act 1972]

### Key decision: YES

*Key decision criteria. The decision will:*

- be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions – which will include those decisions that involve:
- the adoption or significant amendment of major strategies or frameworks;
- significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality.

### Subject Matter / Title of Decision

**Countywide Approach to Inclusive Education**

### Decision:

As Cabinet Member for Education and Skills, I agree to: 'Countywide Approach to Inclusive Education' strategy for Kent for 2023-28.

### Reason(s) for decision:

#### Background

In 2021 the Kent Strategy for Children and Young People with Special Educational Needs and/or Disabilities 2021-24 was approved and published. Within that strategy, under a priority to 'improve education, care and health outcomes for children and young people with SEND', a pledge was made to launch a new county approach to inclusive education.

The proposed strategy aims to put in place the actions required to develop and support an inclusive education system in partnership with key stakeholders in Kent. By creating and implementing improved frameworks for service delivery in the LA and schools will enable those settings to operate as inclusively as possible and to improve educational, social and emotional outcomes for children and young people with SEND across the county.

#### Financial Implications

The principles of the CATIE document and the proposal to make the CATIE Kent's strategy for Inclusive Education CATIE has been included as part of the approach to delivering Kent County Council's Dedicated Schools Grant (DSG) 'Safety Valve' Agreement with the DfE. It has been approved as part of the DSG management plan to 'Implement a countywide approach to 'Inclusion 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'. The agreement is subject to review and 'insufficient progress being made towards the authority reaching and sustaining an in-year balance on its DSG account as set out in the plan' could result in a breach of the agreement.

## Legal Implications

Legally our duties remain the same if CATIE is a strategy for Kent or not. Section 19 of the Children and Families Act 2014 sets out the principles underpinning the legislation and the guidance in [the SEND] Code of Practice. 'When considering an appeal from a parent or young person the First-tier Tribunal (Special Educational Needs and Disability) ('the Tribunal') must have regard to this Code of Practice'. Local Authorities 'must consult children with SEN or disabilities, and their parents and young people with SEN or disabilities when reviewing local SEN and social care provision'.

'As part of its commitments under articles 7 and 24 of the United Nations 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. The Children and Families Act 2014 secures the general presumption in law of mainstream education in relation to decisions about where children and young people with SEN should be educated and the Equality Act 2010 provides protection from discrimination for disabled people'

'The School Admissions Code of Practice requires children and young people with SEN to be treated fairly. Admissions authorities:

- must consider applications from parents of children who have SEN but do not have an EHC plan on the basis of the school's published admissions criteria as part of normal admissions procedures
- must not refuse to admit a child who has SEN but does not have an EHC plan because they do not feel able to cater for those needs
- must not refuse to admit a child on the grounds that they do not have an EHC plan'.

## Equalities implications

A EqIA is in progress and will be available when taking the decision.

## Governance implications

The corporate Director of Children, Young People and Education would inherit the main delegations from this piece of work. Decisions and exceptions would be taken through the CYPE DMT. One area currently identified to require a future Cabinet key decision is proposed changes to High Needs Funding allocations. All other decisions will first be brought to the CATIE Monitoring and Evaluation meeting and escalated via agreed governance processes through to CYPE DMT as required. Other Alternatives Considered and risks if decision isn't taken.

## **Cabinet Committee recommendations and other consultation:**

The Children's and Young People Cabinet Committee will consider the decision on 16 May 2023.

## **Any alternatives considered and rejected:**

The changes set out in CATIE are widespread and will have a profound impact on multiple existing processes, our key partners, and stakeholders. If CATIE is approved as our strategic approach to inclusive education we can demonstrate, through strong leadership and the backing of our members, these system-wide changes will lead to improvements for our children and young people with SEND.

## **Any interest declared when the decision was taken and any dispensation granted by the Proper Officer: None**



5 June 2023

signed

date