

From: Joel Cook – Democratic Services Manager
To: **Scrutiny Committee – 10 July 2024**
Subject: SEND Scrutiny
Classification: **Unrestricted**

Recommendation:

Scrutiny Committee is asked to:

AGREE to adopt the following as the approach to SEND Scrutiny by the main committee:

- Scrutiny Committee to receive, as part of its existing meeting schedule, quarterly overview reports on SEND provision, including performance information such as KPIs.
- Each quarterly report to include a service or issue specific section providing further information, allowing for more detailed scrutiny on key areas.
- Separate, informal information gathering sessions will be organised in consultation with the Chair and Spokespeople to secure input from parents, carers and other relevant stakeholders.
- Ad hoc SEND related item requests will be managed in the context of this agreed protocol, without prejudice to Members' statutory rights to require that items be considered by the Scrutiny Committee.

Introduction

- 1) On 24 April 2024, the Scrutiny Committee reviewed the SEND Sub-Committee's One Year On Review report. At this meeting the Scrutiny Committee was asked to determine whether future work around the scrutiny of SEND provision required the dedicated sub-committee function or if the sub-committee should be discontinued and the delegated powers to scrutinise SEND provision returned to the main committee.
- 2) Previously, the SEND Sub-Committee had resolved, at its meeting in March 2024 to recommend that the sub-committee be disbanded, on the basis that it had maintained oversight during the development and embedding of the Accelerated Progress Plan (APP) but that the specific scrutiny activity of the sub-committee was no longer required. The intended role of the SEND Sub-Committee was to maintain oversight of and provide constructive challenge to the Executive in terms of how it was responding to the Ofsted and CQC findings via the APP.

- 3) Since the April 2024 meeting of Scrutiny Committee, the Chairman has engaged with Officers from CYPE and Democratic Services to explore possible approaches for ongoing scrutiny on SEND provision in a meaningful, proportionate and sustainable manner. A key principle of this work has been to identify ways to embed and regularise the scrutiny of SEND within KCC's statutory Scrutiny function. There has historically been a pattern of important and necessary but reactive consideration of significant SEND issues when they have arisen. The desire now is to agree a more long-term, co-ordinated, overarching oversight approach to scrutiny consideration of SEND.
- 4) The Scrutiny Committee has an important role to play in scrutinising SEND provision, using the evidence and findings to develop meaningful recommendations to improve SEND provision when possible and to continue to hold the responsible persons to account for the performance and delivery of SEND provision.
- 5) The following proposal has been developed, in consultation with the Chairman of the Committee, to support the Committee in determining an approach that provides for a robust scrutiny focus on SEND on a deliverable scale by making best use of available Council resources.

Proposed approach

- 6) The Scrutiny Committee will receive a quarterly report from the Children, Young People and Education (CYPE) Directorate on SEND Provision and arrangements in Kent.
- 7) This will include relevant key performance indicators for the Committee to scrutinise and appropriate progress updates. In addition to the routine information, the quarterly report will also focus on and explore a particular issue or service area within the SEND space. Selection of this issue, in reasonable time to allow for required information to be collated and prepared, will be managed through the existing Scrutiny agenda planning process set out in the Constitution involving the Chairman, Vice-Chair and Group Spokespeople.
- 8) Consideration of the quarterly report would provide the Committee with the necessary opportunity to interrogate the data, seek clarity or assurances, challenge the strategic approach where relevant and raise concerns should they be identified.
- 9) The quarterly report approach would be without prejudice to the statutory rights of and constitutional arrangements for individual Members making specific scrutiny item Member requests. This means that where relevant SEND related items are requested through that process, these will be placed on appropriate Scrutiny agendas from time to time. These item requests can and should wherever possible, be built into the quarterly reporting timetable to help ensure aligned and efficient scrutiny consideration of the relevant matters.

- 10) In addition to the quarterly reporting, topic / issue specific deeper dives within the quarterly reports and any individual Member requests for items, there will also be the ability for Members to collect further information from stakeholders (parents and schools for example) outside of the normal Scrutiny Committee schedule, through flexible evidence gathering sessions and stakeholder engagement activity. This approach helps maintain the focus of the formal public sessions on the holding to account, critical friend and scrutiny challenge functions of the Committee.
- 11) The proposed approach will allow for a focused and targeted work programme that provides a strategic overview alongside reviewing aspects within the SEND Transformation Plan and wider provision arrangements, which will contribute to supporting and scrutinising the SEND function at KCC for pupils, parents and schools in Kent.
- 12) As set out in previous reports to this committee, the remit of undertaking standard pre-decision consideration of Executive Decisions remains with the Cabinet Committee. This does not preclude the potential for Scrutiny Committee to consider key issues relating to future decisions, particularly large-scale strategic shifts or policy updates.
- 13) The call-in process continues to apply to all non-urgent decisions and any Executive Decisions are viable for consideration as part of the normal Scrutiny agenda through the item request process outside of the call-in mechanic.

Conclusion:

- 14) The Scrutiny Committee and Members more generally across other meetings, have made it clear that there is a continued requirement for focused, transparent and public scrutiny activity in relation to SEND. The SEND Sub-Committee provided a short, time-limited immediate response to a specific concern. The work of the SEND Improvement Assurance Board, as has been discussed previously by the Committee, has demonstrated significant progress and positive development in the SEND arena within Kent. Areas warranting further review and scrutiny do remain but as the Accelerated Progress Plan and associated activity is well established, the ongoing work of Scrutiny may now shift toward ensuring ongoing public transparency, robust performance monitoring and constructive challenge alongside holding the Executive to account for its delivery of SEND service development, improvement and transformation. All this activity supports the Committee in identifying further opportunities for improvement and making relevant recommendations.
- 15) To support this objective, it is advisable to put in place a confirmed workplan and item schedule to ensure the Committee, the Executive and Directorate are clear on the expectations and planned approach to undertaking regular scrutiny activity across the extensive range of SEND related KCC business. Related item requests in relation to SEND can be incorporated within the suggested approach through sensible item scheduling and consideration of the most appropriate forums for scrutiny or information sharing.

Recommendation:

Scrutiny Committee is asked to:

AGREE to adopt the following as the approach to SEND Scrutiny by the main committee:

- Scrutiny Committee to receive, as part of its existing meeting schedule, quarterly overview reports on SEND provision, including performance information such as KPIs.
- Each quarterly report to include a service or issue specific section providing further information, allowing for more detailed scrutiny on key areas.
- Separate, informal information gathering sessions will be organised in consultation with the Chair and Spokespeople to secure input from parents, carers and other relevant stakeholders.
- Ad hoc SEND related item requests will be managed in the context of this agreed protocol, without prejudice to Members' statutory rights to require that items be considered by the Scrutiny Committee.

Background Documents

- Scrutiny Committee – 24 April 2024
[SEND Sub-Committee review](#)
[SEND Sub-Committee Annual Report](#)

Contact details

Anna Taylor
Scrutiny Research Officer
anna.taylor@kent.gov.uk
03000 416478